

**CITY OF SIMI VALLEY
IMPARTIAL ANALYSIS BY CITY ATTORNEY*
MEASURE "N"**

BACKGROUND:

In 2004, Simi Valley voters approved Measure C, the Managed Growth Plan (the "2004 Plan"), which regulates population growth by limiting the issuance of residential building permits. The 2004 Plan succeeded two similar measures, adopted in 1996 and 1986, to control growth to protect air quality to help the City maintain its share of required regional housing needs. The 2004 Plan provided that the City Council adopt a Residential Building Permit Allocation system. The 2004 Plan expires on December 31, 2012. If the voters do not adopt Measure N, the 2004 Plan will expire, and State law, the City's General Plan, and City Council actions will determine limits upon the City's growth.

THIS PROPOSAL:

This Measure will continue the Managed Growth Plan of 292 allocations per year, as revised, until December 31, 2022.

The Managed Growth Plan provides incentives for senior affordable projects. Article 34 of the California Constitution requires voter approval for certain low-income projects. Like the 2004 Plan, the Managed Growth Plan includes Article 34 voter approval for senior affordable (very low and low-income) projects comprised of no more than 100 units.

The Managed Growth Plan provides that it shall not be repealed or amended except by a vote of the people, except under a specified procedure. This procedure includes review by the Neighborhood Councils, consideration and recommendation by the Planning Commission at a duly noticed public hearing, another public hearing at a special City Council meeting, and approval by at least a 4/5 vote of the City Council unless the amendment is in response to mandatory regional housing needs.

A yes vote on Measure N will result in a modified Managed Growth Plan in the City that would stay in effect until December 31, 2022.

A no vote on Measure N rejects the Managed Growth Plan, and the previously voter-adopted managed growth in the City would expire on December 31, 2012.

*Section 9280 of the California Elections Code requires the city attorney to prepare an impartial analysis for each city measure appearing on the ballot.

ARGUMENT IN FAVOR OF MEASURE "N"

Although previous growth control ordinances have been effective in our City in order to curtail rapid growth, your City Council still believes that the rate of growth continues to be an issue that needs to be controlled to ensure our quality of life. While big development is not as prevalent as it once was, we still need to be vigilant to ensure that any future development follows clear guidelines so that our community can continue to thrive. We ask that you ratify this ordinance by Voting Yes on Measure N.

Vote Yes on Measure N - MAINTAIN OUR LIFESTYLE AND OUR COMMUNITY

Measure N continues to provide strong controls to ensure that the residential development in the City does not add to traffic congestion, and worsen air quality for our residents.

Measure N continues to provide a slow, even growth for the next 10 years in a manner that will protect our current infrastructure while meeting the needs of new development. This law will continue to ensure slower, thoughtful growth for the future.

Vote Yes on Measure N – IT'S A GOOD LAW

Measure N is a sound legal document prepared by the City Attorney's Office. It is precisely written to control the rate of residential growth so as to avoid adverse impacts on traffic and air quality.

The undersigned authors of the primary argument in favor of Ballot Measure N at the consolidated municipal election for the City of Simi Valley to be held on November 6, 2012 hereby state that such argument is true and correct to the best of their knowledge and belief.

s/Robert O. Huber
Mayor

s/Barbra Williamson
Mayor Pro Tem

s/Glen T. Becerra
City Council Member

s/Steven T. Sojka
City Council Member

s/Mike Judge
City Council Member

NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED

FULL TEXT OF MEASURE "N"

MANAGED-GROWTH PLAN

THE PEOPLE OF THE CITY OF SIMI VALLEY DO ORDAIN AS FOLLOWS:

SECTION 1 - ORIGINATION. The People of the City of Simi Valley adopted a MANAGED-GROWTH PLAN on November 2, 2004, in response to their collective concern about the rate of growth and quality of development in their City at that time and, today, maintain continued concern about these issues. While the citizens recognize the need for new jobs, improved shopping facilities, and housing opportunities for all residents of the community, including young adults, families, and senior citizens, they also recognize the need to augment the existing General Plan policies and City ordinances that regulate residential development. Therefore, in order to continue to protect their unique, hill-surrounded environment; enhance their quality of life; promote public health, safety, or welfare; and provide for the general well being of the community, the People deem it necessary to re-adopt a MANAGED-GROWTH PLAN, hereinafter referred to as the "Plan." On a quarterly basis, this Plan will manage the rate, distribution, quality, and type of residential development. The purpose of the Plan will be to reduce air pollution, which would be generated by development, to a level that would be below that which would occur in the absence of the Plan.

SECTION 2 - FINDINGS AND DECLARATIONS. The People of the City of Simi Valley find and declare:

- a. That maintenance of clean and healthful air is essential to the health, safety, and welfare of the community;
- b. That in order to ensure clean and healthful air, the 1990 Federal Clean Air Act Amendments established the attainment of certain federal ozone standards; and
- c. That in order to attain those federal ozone standards, the City of Simi Valley will restrict population growth and limit it to a maximum of 292 equivalent dwelling units per year, as defined in Section 3.

SECTION 3 - PERMIT LIMITATIONS. To reasonably implement a MANAGED - GROWTH PLAN, population restriction may be achieved through restrictions on the issuance of building permits for new dwelling units. For this purpose, the term "equivalent dwelling unit" (EDU) shall be utilized and, upon the adoption hereof, shall be defined as any combination of single-family, multi-family, and senior citizen units resulting in an average of 3.157 persons per unit. Dwelling unit occupancy shall be based upon the following:

- a. An occupied single-family (attached or detached) dwelling unit is equivalent to 3.157 residents, and 1.0 single-family unit is equivalent to 1.0 EDU;
- b. An occupied multi-family unit is equivalent to 2.2 residents, and 1.4 multi-family units are equivalent to 1.0 EDU; and
- c. Any dwelling unit intended for and occupied by senior citizens is equivalent to 1.7 residents, and 1.9 such dwelling units are equivalent to 1.0 EDU.

The definitions for single-family, multi-family, and senior citizen unit shall be identified in the RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM hereinafter referred to as the "Allocation System," when adopted in accordance with Section 3 hereof. These ratios shall be binding on the City until the release of 2020 U.S. Census figures, at which time the City Council, following a duly-noticed public hearing, may adjust these ratios per demographic data then available, provided that no adjustment shall result in more than a ten (10) percent increase or decrease in any of the above dwelling unit occupancy figures. The EDU permit maximum shall be used to provide the method to predetermine, measure, and control population growth through the issuance of building permits.

SECTION 4 - LOCAL HOUSING NEEDS. For the sole purpose of complying with the California Constitution, approval of this Measure shall include Article 34 approval of all senior affordable (very low- and low-income) projects comprised of no more than one hundred (100) units per project to be developed in the City of Simi Valley. However, all senior affordable projects shall not reserve more than 50 percent of the units for low-income seniors. The remainder must consist of very low-income units.

SECTION 5 - APPLICABILITY. The provisions of this Plan shall apply to all residential planned developments, tentative tracts, and vesting tentative tracts, except those projects covered by Development Agreements that were entered upon prior to the adoption of this Plan. Upon termination of any of these Agreements, any unallocated permits related thereto shall be made available Citywide and shall be added to the Allocation System accordingly.

SECTION 6 - PERMIT DISTRIBUTION. Within one hundred eighty (180) days after the effective date of this Plan, the City Council shall adopt, after a duly noticed public hearing, an allocation system, to implement the requirements of this Plan. If an allocation system has not been approved within the one hundred eighty (180) days following the effective date of this Plan, no further building permits shall be issued until an allocation system is approved and in effect, unless the City Council authorizes continued utilization of the allocation system previously established for the City's prior managed growth plan, Measure C adopted in 2004. If necessary, the City Council shall, by an urgency ordinance, establish a moratorium on building permit issuance in order to implement the foregoing provision.

SECTION 7 - SUCCESSION. If adopted, the MANAGED-GROWTH PLAN, MEASURE N, shall succeed and replace the MANAGED-GROWTH PLAN, MEASURE C, upon the expiration thereof on December 31, 2012. All allocation grants allocated to residential projects under the MANAGED-GROWTH PLAN, MEASURE C, shall maintain the same development rights under the MANAGED-GROWTH PLAN, MEASURE N. All projects residing in any queue of the Allocation System at the time of plan succession shall retain their position in the Allocation System.

SECTION 8 - REVIEW OF PLAN. The City shall review this MANAGED-GROWTH PLAN in the first calendar quarter of each calendar year to evaluate the progress of the Allocation System. The number of grants awarded for this MANAGED-GROWTH PLAN shall be re-evaluated in concert with the latest revisions of the General Plan, if any, and the results of the 2020 United States Decennial Census.

SECTION 9 - DURATION. The duration of this MANAGED-GROWTH PLAN shall be from January 1, 2013 through December 31, 2022.

SECTION 10 - SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Plan is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such decision shall not affect the validity of the remaining portions hereof. The People of Simi Valley hereby declare that they would have adopted this Plan, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one of the sections, subsections, sentences, clauses, or phrases hereof may be declared invalid or unconstitutional.

SECTION 11 - GENERAL PLAN CONSISTENCY. To the extent that this ballot measure may be inconsistent with the General Plan, or is alleged to be inconsistent with the General Plan, it is the intention of the People of the City of Simi Valley by the adoption hereof to amend the General Plan by the provisions hereof so as to avoid any inconsistency therewith.

SECTION 12 - AMENDMENTS. THIS PLAN SHALL NOT BE REPEALED OR AMENDED EXCEPT BY A VOTE OF THE PEOPLE OF THE CITY OF SIMI VALLEY OR BY THE FOLLOWING PROCEDURE.

- a. Prior to Planning Commission consideration thereof, any proposed amendment shall be submitted to each Neighborhood Council for review, comments, and recommendations;
- b. The proposed amendment shall be considered by the Planning Commission at a duly noticed public hearing, following which the proposal, the Neighborhood Councils' recommendations, and the Commission's recommendations thereon shall be forwarded to the City Council;
- c. Not less than 30 days following the action of the Planning Commission, the City Council shall hold a duly-noticed public hearing on the proposal; and
- d. Subsequent to compliance with the foregoing procedure, the City Council may amend this ordinance by not less than a 4/5 affirmative vote, or by a simple majority vote only if the amendment is in response to the City not being able to meet the Regional Housing Needs Assessment (RHNA) projections.

SECTION 13 - READOPTION. A successor Managed Growth Plan shall only be placed on the ballot in 2022, if the City Council so determines by a least a four-fifths (4/5) vote during a noticed public hearing.