



# AGENDA REPORT

Meeting Date

10/12/2021

**Prepared By:** Elaine Lister, Director of Community Development  
**Budgetary Review By:** Cheryl Dyas, Director of Administrative Services / City Treasurer  
**Submitted By:** Dennis Wilberg, City Manager

## Agenda Title

General Plan Amendment GPA2021-35 / Development Code Amendment DCA2021-19 / Zone Change ZC2021-25 - City-initiated petitions, collectively referred to as the Proposed Amendments, related to the City's state mandated Housing Element update to address the state's 6th housing cycle covering the 2021-2029 Planning Period: 1) GPA2021-35 is proposed to amend the City's General Plan Land Use Element and Land Use Policy Map to accommodate residential development as it pertains to 11 sites identified in the City's draft General Plan Housing Element update, and to comprehensively update the Housing Element; 2) DCA2021-19 is proposed to amend the City's Development Code to establish and define new high density zoning districts RPD\_50 and RPD\_80 (Residential Planned Development) including related land uses and development standards, and to address new state legislation related to accessory dwelling units, density bonus provisions, agricultural employee housing, low-barrier navigation centers, and transitional and supportive housing; and 3) ZC2021-25 is proposed to modify the City's Zoning Map as it pertains to the 11 sites.

## Recommended Action

(1) Adopt Resolution 21-XX Approving General Plan Amendment GPA2021-35 and Adopting the CEQA Addendum Document Prepared for the Project; (2) adopt Urgency Ordinance 21-XX Pursuant to Government Code Section 36937(b) and Including the Facts Supporting the Urgency Declaration, Approving Development Code Amendment DCA2021-19, (i) Amending Title 9 of the Mission Viejo Municipal Code to Establish and Define New High-Density Zoning Districts RPD-50 and RPD-80 (Residential Planned Development) Including Related Land Uses and Development Standards, and (ii) Addressing State Regulations Related to Accessory Dwelling Units, Density Bonus Provisions, Agriculture Employee Housing, Low-Barrier Navigation Centers, and Transitional and Supportive Housing, All Pursuant to the Requirements of the State Department of Housing and Community Development's Interpretation of State Law"; and (3) Adopt Urgency Ordinance 21-XX Pursuant to Government Code Section 36937(b) and Including the Facts Supporting the Urgency Declaration, Approving Zone Change ZC2021-25, to Modify the City's Zoning Map as it Pertains to 11 Sites for Residential Development in Connection with the Amendment of the City's General Plan Housing Element, All Pursuant to the Requirements of the State Department of Housing and Community Development's Interpretation of State Law".

## Executive Summary

### Background

State law requires Housing Elements be revised not less than once every eight years, coinciding with the 8-year housing cycles established in state housing law. On January 15, 2019, the City hired housing consultant John Douglas, with JHD Planning, LLC, to assist the City during the 6th housing cycle process for the 2021-2029 Planning Period.

On March 22, 2021, the SCAG adopted the region's final Regional Housing Need Assessment (RHNA), with Mission Viejo allocated a total of 2,217 dwelling units, including 1,075 lower-income units. On March 31, 2021, the City Council and the Planning and Transportation Commission conducted a joint public workshop with opportunity for the public to view the meeting on-line and provide real-time comments via telephone.

On May 24, 2021, the Planning and Transportation Commission held a noticed public meeting at which time the Commission received public testimony and provided comments to staff. On June 8, 2021, the City Council held a noticed public meeting at which time the Council received public testimony, provided comments to staff, and continued the item. On June 20, 2021, the City Council held a second public meeting and directed staff to submit the revised draft Housing Element update to the State Department of Housing and Community Development (HCD). The draft Housing Element has been available for review since May 2021 at City Hall and on the City's website at: <https://cityofmissionviejo.org/departments/community-development/planning/housing>. Staff submitted the revised draft Housing Element to HCD on July 8, 2021, and in response received a 12-page "findings" review letter from HCD dated September 7, 2021 (Attachment 4).

### September 27, 2021 Planning & Transportation Commission Meeting

On September 27, 2021, the Planning and Transportation Commission held a noticed public hearing at which time the Commission received public testimony and unanimously recommended the City Council approve the Proposed Amendments. The revised draft Housing Element update recommended by the Commission responds to HCD's letter dated September 7, 2021 identifying revisions necessary to comply with State Housing Element Law. The Commission's action includes a recommendation to rezone 11 sites to

accommodate Mission Viejo's RHNA of 2,217 units. The September 27, 2021 noticed public hearing was specially scheduled to allow time to forward the draft update to City Council on October 12, 2021. The State's statutory deadline for Housing Element adoption and rezoning is October 15, 2021. After this due date the City's housing sites become "By-Right," meaning potentially over-the-counter review of housing projects with exemption from local development standards and the public hearing process.

Seven speakers provided testimony during the Agenda item: three were in favor, two were in opposition, and two were undecided. In its deliberation, the Commission unanimously disagreed with public speaker requests to include the Village Center (Stein Mart) property in the housing sites inventory, and to adopt a 15% affordable housing inclusionary ordinance. In addition, the Commission was most anxious to preserve local control over the development process and avoid "By-Right" development. The Commission meeting minutes are provided as Attachment 7 to this agenda report.

### **Analysis**

Below is a summary of the Proposed Amendments currently before the City Council. More details are provided in the September 27, 2021, Planning and Transportation Commission staff report, included as Attachment 6 to this agenda report.

### **Housing Element Update**

The following is a brief summary of the key Housing Element issues and how those issues are addressed in the draft Housing Element (Exhibit J of Attachment 1).

*Housing Element Content.* The Housing Element describes City policies and programs to address the housing needs of current and future Mission Viejo residents. The draft Housing Element includes the following sections:

- An introductory overview of the Housing Element and public participation (Section 1)
- Analysis of the City's demographic and housing characteristics and trends (Section 2)
- Evaluation of resources and opportunities available to address housing needs (Section 3)
- Analysis of potential governmental and non-governmental constraints to meeting the City's housing needs (Section 4)
- Housing Element goals and policies (Section 5)
- The Housing Plan for the 2021-2029 planning period (Section 6)
- Review of the City's accomplishments during the previous planning period (Appendix A)
- An inventory of sites that could accommodate the City's new housing needs (Appendix B)

The most significant issues to be addressed in the Housing Element are: 1) how City plans and regulations will accommodate housing for persons with special needs in compliance with State law; and 2) how the City will accommodate its share of regional housing needs assigned through the Regional Housing Needs Assessment (RHNA) process.

*Housing for Persons with Special Needs.* State law establishes specific requirements related to City regulation of housing for persons with special needs, including the homeless and persons with disabilities. Section 4.1 of the Housing Element (Governmental Constraints) contains an analysis of City plans and regulations for a variety of housing types. The analysis concludes that while current City regulations are consistent with most laws regarding special needs housing, some recent bills adopted by the State Legislature require that the City's Municipal Code be amended to maintain consistency with State law, including provisions related to agriculture employee housing, low-barrier navigation centers, transitional and supportive housing, affordable housing density bonus, and accessory dwelling units, all as contemplated in the proposed DCA2021-19 (Exhibit A of Attachment 2).

*RHNA / Housing Sites Inventory.* The RHNA allocation identifies the amount of additional housing the state anticipates will be needed to have enough housing, at all price levels, during the 8-year planning period (2021-2029). The RHNA is a planning requirement based upon anticipated housing need, not a construction quota or mandate. The City's current sites inventory does not provide sufficient capacity to fully accommodate the City's new RHNA of 2,217 units; therefore, rezoning is necessary to create additional capacity. A housing sites inventory, and detailed site analysis, are included as Appendix B to the draft Housing Element (Exhibit J of Attachment 1). For convenience, a sites inventory summary is also provided as Attachment 5 to this agenda report.

The draft housing sites inventory includes 12 sites that, as proposed, would accommodate the City's new total RHNA obligation of 2,217 dwelling units, including 1,075 lower income units. In fact, the draft housing sites inventory would accommodate a surplus of dwelling units above the City's RHNA obligation, presenting a total planning number of 2,670 dwelling units accommodated, including 1,278 affordable units. The yield of dwelling units for each site is dependent on density, proposed at density ranges of up to 30, 50 and 80 dwelling units per acre, and whether residential zoning is provided through rezoning or as an overlay.

The housing sites inventory also includes production of Accessory Dwelling Units (ADU), now allowed by-right in all residential zones, with 35 ADUs anticipated during the 2021-2029 Planning Period. ADUs can qualify as production of affordable housing units, with credit toward achieving the City's RHNA obligation, if rents are maintained at affordable household limits. For this reason, City staff will monitor and track ADU rent rates within the City and strongly encourage ADUs be made available to lower and moderate-income households.

Based on comments in HCD's review letter (Attachment 4), the City has revised the draft housing sites inventory (Attachment 5) from

what was previously considered by the City Council, prior to submittal to HCD. Anticipated densities and unit yield for some sites have been modified and an additional site, Vista Del Lago Apartments, has been included.

**Land Use Element Amendment**

Of the 12 sites included in the draft housing sites inventory (Attachment 5), 11 sites require a land use and zone change to accommodate residential development at densities sufficient to provide affordable housing. As detailed in the draft resolution (Attachment 1), sites are proposed with residential densities of up to 30, 50, or 80 dwelling units per acre (du/ac). Accordingly, two new residential land use designations are proposed: Residential 50, to accommodate residential projects with a density range of 30.01 to 50 du/ac; and Residential 80, to accommodate residential projects with a density range of 30.01 to 80 du/ac.

**Development Code / Zone Map Amendment**

A zone change is proposed for each of the 11 subject sites to reflect the proposed General Plan designations. Accordingly, two new zoning districts are proposed: RPD\_50 and RPD\_80, with related land use and development standards, as detailed in Exhibit A of Attachment 2 to this agenda report. Zone changes are proposed as either a rezone, with the zoning of the site changing to residential, or as an overlay with residential zoning added to the existing zoning of the site. Each of the proposed Zone Map changes are described in Attachment 3 of this agenda report. The proposed Development Code Amendment also includes provisions for special housing needs, consistent with and as required by state law, including agriculture employee housing, low-barrier navigation centers, transitional and supportive housing, affordable housing density bonus, and accessory dwelling units.

**Public Outreach**

On March 31, 2021, the City Council and the Planning and Transportation Commission conducted a joint public workshop to initiate the Housing Element update process. Public notice was provided for the online workshop, with opportunity for the public to view the meeting on-line and provide real-time comments via telephone. The City also held a meeting with the Mission Viejo Planning Partnership, which includes local interested parties, residents, and the Kennedy Commission. Comments from the public, the City Council, and the Planning and Transportation Commission, were considered during preparation of the City’s draft Housing Element.

The Planning and Transportation Commission considered the draft Housing Element at a noticed public meeting on May 24, 2021, and a noticed public hearing on September 27, 2021. The City Council considered the draft Housing Element at noticed public meetings on June 8 and June 20, 2021. Opportunities for public testimony were provided at both the Commission and Council meetings. Prior to the public meetings, the City notified all site inventory property owners as well as all homeowner’s associations and senior communities in the City. Outreach was also conducted with the City’s Chamber of Commerce.

**Public Notice**

Notice of separate Planning and Transportation Commission and City Council public hearings was placed in the *Saddleback Valley News* and *Orange County Register* newspapers on September 16, 2021, and posted as required by state and local law. Notice was also sent to all neighboring municipalities, as well as to the County of Orange, and all applicable utility companies and other government agencies. Notice was furnished to interested parties and non-profit organizations. The public notice and housing element were available for review at City Hall and on the City’s website: <https://cityofmissionviejo.org/departments/community-development/planning/housing>. A link to the draft Housing Element was also placed in the City’s online news page and e-newsletter, with distribution to over 30,000 subscribers.

**Recommendation / Next Steps**

I recommend that the City Council approve the Proposed Amendments and direct staff to submit the revised draft Housing Element update, with response to HCD comments, to HCD for certification prior to October 15, 2021, the statutory deadline.

**Fiscal Impact:**

**Amount Requested:** \$n/a  
**Sufficient Budgeted Funds Available?:** (If no, see attached fiscal analysis)  
**Prog/Fund #: Category: Pers. Optg. Cap. -or- CIP#: Fund#:**

**Previous Relevant Council Actions for This Item**

n/a

**Attachments**

- 1) Draft Resolution 21-XX approving GPA2021-35, including Exhibits:
  - A. Land Use Element Amendment
  - B. through I. Land Use Policy Map Exhibits
  - J. Housing Element Update
- 2) Draft Urgency Ordinance 21-XX adopting DCA2021-19, including Exhibit A: Development Code Text Amendments.
- 3) Draft Urgency Ordinance 21-XX adopting XC2021-25, including Exhibits A through I: Zoning District Map Exhibits
- 4) HCD “Findings” Review Letter dated September 7, 2021, and staff response matrix.

- 5) Draft Housing Sites Inventory, Summary
- 6) September 27, 2021 Planning and Transportation Commission Staff Report
- 7) September 27, 2021 Planning and Transportation Commission Meeting Minutes
- 8) Recent Correspondence.
- 9) Project Addendum

## RESOLUTION 2021-XX

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO ADOPTING GENERAL PLAN AMENDMENT GPA 2021-35 AMENDING THE CITY'S GENERAL PLAN LAND USE ELEMENT TO ESTABLISH AND DEFINE NEW HIGH-DENSITY LAND USE DESIGNATIONS RESIDENTIAL 50 AND RESIDENTIAL 80 AND RE-DESIGNATE 11 SITES FOR RESIDENTIAL AND MIXED-USE DEVELOPMENT, AND COMPREHENSIVELY AMENDING THE CITY'S GENERAL PLAN HOUSING ELEMENT IN COMPLIANCE WITH STATE LAW FOR THE 2021-2029 PLANNING PERIOD**

WHEREAS, Section 65300 of the California Government Code (“Government Code”) requires that each city in California adopt a comprehensive General Plan for the long-term physical development of the city; and

WHEREAS, Government Code Section 65302(c) mandates that said General Plan include a Housing Element to adequately plan for the city’s existing and projected housing needs, including its share of the regional housing need; and

WHEREAS, Government Code Section 65583 further requires that the adopted Housing Element for each city identify adequate sites for housing and contain an inventory of land suitable for residential development – including vacant sites and sites having potential for redevelopment with residential land uses, including affordable housing units; and

WHEREAS, the General Plan of the City of Mission Viejo (“City”), originally adopted in 1998, included a Housing Element as required by Government Code Section 65302(c); and

WHEREAS, the City adopted the current Housing Element on July 20, 2013 (General Plan Amendment GPA2011-29) covering the City’s housing needs for the 2013-2021 reporting period; and

WHEREAS, the California Department of Housing and Community Development (“HCD”) conditionally certified the City’s 2013-2021 Housing Element in August 10, 2013; and

WHEREAS, the City now desires to amend the City’s Land Use Element to establish and define high-density Residential 50 and Residential 80 land use designations and modify land use designations as it pertains to 11 sites for residential and mixed-use development; and amend the City’s Housing Element as required by state law to address the 2021-2029 Planning Period; and

WHEREAS, on March 31, 2021, a noticed online public workshop was conducted to discuss with the public and both the Planning and Transportation Commission and City Council of the City of Mission Viejo the purpose and legal requirements regarding the City’s General Plan Housing Element update for the 2021-2029 Planning Period, and to receive initial public input prior to preparation of the draft Housing Element document; and

WHEREAS, on May 24, 2021, the Planning and Transportation Commission held a noticed public meeting at which the Commission considered the draft General Plan Housing Element Update, received public testimony, and provided comments to staff; and

WHEREAS, on June 8, 2021, the City Council of the City of Mission Viejo held a noticed public meeting at which the Council considered the draft General Plan Housing Element Update, received public testimony, provided comments to staff, and directed staff to submit the draft Housing Element update to HCD; and

WHEREAS, on July 8, 2021, the City of Mission Viejo draft General Plan Housing Element Update was submitted to HCD for review and comment; and

WHEREAS, the City received a ‘findings’ letter dated September 7, 2021, from HCD regarding HCD review of the City’s draft Housing Element Update; and

WHEREAS, notices of separate public hearings, one with the Planning and Transportation Commission and one with the City Council, for GPA2021-35 were published in the *Saddleback Valley News* and *Orange County Register* on September 16, 2021, and sent to affected property owners (of property listed in the Housing Element Housing Site Inventory), all of the City’s homeowner’s associations, neighboring public agencies, housing advocacy groups, and other parties of interest, and was posted as required by state and local law; and

WHEREAS, the Planning and Transportation Commission conducted a duly noticed public hearing to consider the Proposed Amendments on September 27, 2021, at which time interested persons had an opportunity to testify either in support or in opposition; and

WHEREAS, the Planning and Transportation Commission adopted Resolution 2021-1450 recommending City Council approval of General Plan Amendment GPA2021-35; and

WHEREAS, the City Council conducted a duly noticed public hearing on October 12, 2021 at which time interested parties had an opportunity to testify either in support of, or in opposition to, the proposal, and at which time the City Council considered the findings review letter provided by HCD.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MISSION VIEJO DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1 – RECITALS**

That the above recitals are true and correct and are hereby incorporated by this reference and made a part of this resolution.

**SECTION 2 – FINDINGS**

That the City Council hereby finds as follows:

1. That the Proposed Amendments are internally consistent with the General Plan.
2. That the Proposed Amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

3. That the Proposed Amendments would maintain the appropriate balance of land uses within the City.
4. That the subject parcel(s) are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for residential development.
5. That underutilization of commercial uses on rezoned sites generate significant financial investment incentives for residential or mixed-use development, or conversion of existing nonresidential space to new housing.
6. That due to very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development.
7. That sites accommodating approximately 53% of the overall housing capacity (RHNA) on the rezoned sites currently have an assessed improvements-to-land (I/L) value ratio of less than 1.0. Previous research by the University of California, Berkeley to identify potential infill development opportunities in California utilized an I/L ratio of less than 1.0 for commercial and multi-family residential properties as an indicator of economic underutilization. The authors of that study noted that this methodology "...has a strong theoretical and empirical basis: urban parcels for which improvement values are less than land values are widely considered to be economically underutilized. Indeed, many, if not most, market-rate infill housing projects are currently built on refill sites."
8. That property owners and developers have indicated interest in housing development on rezoned sites, indicating market potential for redevelopment.
9. That rezoned sites include properties with vacancies or deferred maintenance, indicating underutilization and redevelopment potential.

### **SECTION 3 – ENVIRONMENTAL REVIEW**

That the City Council hereby adopts the Addendum to the certified 2013 General Plan Program Environmental Impact Report, and all mitigation measures identified therein.

### **SECTION 4 – APPROVAL OF AMENDMENTS**

The City Council hereby: 1) Adopts General Plan Amendment GPA 2021-35 amending the City's General Plan Land Use Element to establish and define new high-density land use designations Residential 50 and Residential 80, and re-designate 11 sites for residential and mixed-use development, and comprehensively amending the City's General Plan Housing Element for the 2021-2029 Planning Period. The proposed Land Use Element text amendments are attached hereto as Exhibit A (affected pages) and the Land Use Policy map amendments are attached hereto as Exhibits B through I, and the proposed Housing Element amendment is attached hereto as Exhibit J, and are all incorporated herein by reference, and 2) Authorizes the City Manager to approve clerical or technical revisions to the adopted Housing Element as may be necessary to obtain a finding of substantial compliance from the State Department of Housing and Community Development.

**PASSED, APPROVED AND ADOPTED** this 12<sup>th</sup> day of October.

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Trish Kelley, Mayor

I hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Mission Viejo at a regularly scheduled meeting thereof, held on the 12<sup>th</sup> day of October, 2021, by the following vote of the Council:

AYES:  
NOES:  
ABSENT:

ATTEST:

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Kimberly Schmitt  
City Clerk



**EXHIBIT "A"**  
**AMENDED LAND USE ELEMENT**  
**(Affected Pages)**  
**(INSERT)**

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## LAND USE PLAN

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The Land Use Element describes the location and extent of future development in the City and identifies standards for that development. The geographic locations of specific uses are presented on the Land Use Policy Map which is a part of this Element. The Element focuses on specific characteristics of the City:

- 1) The relatively few number of undeveloped parcels of land left within the City;
- 2) Existing development within the City, most of which is relatively recent, will increasingly require maintenance and preservation; and
- 3) Revitalization or redevelopment of existing properties within the city where rehabilitation is necessary or conversion to other uses is desired for economic or social purposes.

### LAND USE POLICY CONSIDERATIONS

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A wide range of natural and man-made environmental factors are considered in the formulation of land use policy. Areas of special environmental significance, potential safety hazards, limitations of existing infrastructure, and the nature and characteristics of existing development all have influence on land use policy.

#### Land Use Constraints and Resources

The Public Safety Element identifies areas of Mission Viejo subject to such environmental constraints as flooding, landsliding, and seismic conditions. In turn, the Conservation / Open Space element identifies areas containing important ecological or natural resources. The Circulation and Noise Elements describe roadway / transportation system capacities and areas of the City impacted by noises levels. These constraints, consisting of both natural and man-made factors will continue to influence long-range land use planning and are discussed in detail in the Master Environmental Assessment for the General Plan.

### LAND USE DESIGNATIONS

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Land use designations are necessary to provide indications of the type and nature of development that is allowed in a given location. While terms like “residential,” “commercial” and “industrial” are generally understood, State general plan law requires a clear and concise description of the land use categories shown on the land use policy map.

The Mission Viejo Land Use Element provides for ~~17-23~~ land use categories or designations. ~~Four~~ Six of these designations are established ~~for~~ residential development, ranging from low-density single-family to high-density multiple-family development for all economic segments of the community. Four commercial designations, one office, one industrial and a community facility category are included. Additionally, a special intensive overlay designation is provided to allow the most intensive development in the City for the commercial / office / community facility core in the Crown Valley Parkway / I-5 area illustrated. Generally, the borders of the Commercial Intensive Overlay Area include the Southern California Edison Easement (which crosses Crown Valley Parkway) to the north, Marguerite Parkway to the south, Medical Center Road to the east, and Interstate 5 to the west. ~~Three~~ Seven categories of mixed use are established to offer ~~some~~ vital flexibility in providing complimentary commercial, office, business park, residential, and community facility uses onsite, as a way to make development more economically feasible. Six of the seven mixed-use designations include a residential component. Parkland and open space areas are combined under the recreation / open space designation. Major transportation facilities are included in a single transportation corridor category.

### Land Use Intensity / Density

State general plan law requires that the Land Use Element indicate the maximum intensities / densities permitted within the City, and the land use designations contained in this element and shown on the land use policy map are described in this way. Table LU-2 lists each of the land use designations for the City and provides a corresponding standard for maximum intensity / density of development on that parcel. Maximum allowable development on individual parcels of land is to be governed by these standards. The table also included the expected overall levels of development within each land use category on a City-wide basis. These expected overall levels of development represent an anticipated intensity / density and are, therefore, less than the maximum allowed. For various reasons, not every parcel in the City has in the past, nor will it in the future, develop to the maximum allowed.

A number of terms are used to define the land use designations or categories described in this element. The term “intensity” refers to the degree of development measured in terms of building characteristics such as height, bulk, floor area ratio and / or percent of lot coverage. Intensity is most often used to describe nonresidential development levels, but in a broader sense, is used to express overall levels of all development types within a planning area. The overall intensity of development within the City of Mission Viejo is low, although certain commercial areas, like those along Crown Valley Parkway are of medium intensity.

For most nonresidential development categories (commercial, industrial, office, business park, community facility, and recreation facilities), the measure of intensity known as “floor area ratio” (FAR) provides the most convenient method of describing development levels. Simply stated, the floor area ratio is the relationship of total gross floor area of all buildings on a lot to the total land area of that lot expressed as a ratio. For example, a 21,780 square foot building on a 43, 560 square foot lot (one acre) yields a FAR of .50:1 as illustrated in Figure LU-2. The FAR describes use intensity on a lot and not the actual building height, bulk or coverage. As Figure LU-1 shows, the .50:1 FAR can yield a building of one story in height covering one half of the lot area, or a taller

building which covers less of the lot and provides for more open space around the building.

**TABLE LU-2  
DEVELOPMENT INTENSITY / DENSITY STANDARDS**

<b>LAND USE DESIGNATION</b>	<b>MAXIMUM DEVELOPMENT INTENSITY / DENSITY (a)</b>	<b>ANTICIPATED INTENSITY / DENSITY (b)</b>
<b>RESIDENTIAL</b>	<b>DWELLING UNITS / ACRE</b>	<b>DWELLING UNITS / ACRE</b>
Residential 3.5 (R 3.5)	0.0-3.5 du / ac	3.14 du / ac
Residential 6.5 (R 6.5)	3.5 <del>1</del> -6.5 du / ac	5.65 du / ac
Residential 14 (R 14)	6.5 <del>1</del> -14.0 du / ac	14.0 du / ac
Residential 30 (R 30)	14.0 <del>1</del> <del>0</del> -30.0 du / ac	22.0 du / ac
<u>Residential 50 (R 50)</u>	<u>30.01-50.0 du / ac</u>	<u>40.0 du / ac</u>
<u>Residential 80 (R 80)</u>	<u>30.01-80.0 du / ac</u>	<u>55.0 du / ac</u>
<b>COMMERCIAL</b>	<b>FLOOR AREA RATIO</b>	<b>FLOOR AREA RATIO</b>
Com'l Neighborhood (CN)	.75:1	.25:1
Com'l Community (CN)	1.0:1	.25:1
Com'l Highway (CH)	1.5:1	.30:1
Com'l Regional (CR)	1.5:1	.30:1
Com'l Intensive Overlay (CI)	1.7:1	.50:1 (CI-CH, CI-CR, CI-CF) .70:1 (CI-OP)
<b>OFFICE</b>		
Office / Professional (OP)	1.5:1	.50:1
<b>INDUSTRIAL</b>		
Business Park (BP)	1.0:1	.45:1
<b>MIXED-USE</b>		
CN / CF / R 14	1.0:1 / 14.0 du / ac	.25:1 / 14.0 du / ac
CH / OP	1.5:1	.50:1
OP / R 30 / BP	1.5:1 / 30.0 du / ac	.50:1 / 28.0 du / ac
<u>CH / R 30</u>	<u>1.5:1 / 30.0 du / ac</u>	
<u>CH / R 50</u>	<u>1.5:1 / 50.0 du / ac</u>	
<u>CR / R 80</u>	<u>1.5:1 / 80.0 du / ac</u>	
<u>BP / R 30</u>	<u>1.0:1 / 30.0 du / ac</u>	
<b>OTHER</b>	<b>FLOOR AREA RATIO</b>	<b>FLOOR AREA RATIO</b>
Community Facility (CF)	1.0:1	.25:1
Recreation / Open Space (R/OS)	.50:1	.20:1
Transportation Corridor (TC)	.50:1	----

## Residential Designations

**Residential 3.5:** This residential land use designation provides for the development of low density detached and attached single family dwellings. This designation permits the construction of as many as 3.5 single family dwelling units per gross acre of land. Other uses, such as churches, schools, and childcare facilities, which are determined to be compatible with and oriented toward serving the needs of low density detached single family dwellings, are also allowed.

**Residential 6.5:** This residential land use designation provides for the development of low to medium density detached and attached single family dwellings (duplexes, condominiums, and townhomes). The Residential 6.5 designation allows the construction of as many as 6.5 detached or attached single family dwelling units per gross acre of land. Other uses, such as churches, schools, childcare facilities, which are determined to be compatible with and oriented towards serving the needs of low to medium density detached and attached single family dwellings, are also allowed.

**Residential 14:** This residential land use designation provides for the development of ~~medium and higher density~~ detached and attached single family dwellings, as well as multi-family dwellings (apartments). This designation permits the construction of as many as 14 ~~single family or multi-family~~ dwelling units per gross acre of land. Other uses, such as churches, schools, and childcare facilities, which are determined to be compatible with and oriented toward serving the needs of medium and higher density detached and attached single-family dwellings and multi-family dwellings, are also allowed.

**Residential 30:** ~~This residential land use designation provides for the development of the highest density single family attached and medium and high-density multi-family dwelling units are provided for by this land use designation.~~ This designation allows as many as 30 ~~single family attached or multi family~~ dwelling units per gross acre of land. Other uses, such as churches, schools, congregational care and childcare facilities, which are determined to be compatible with and oriented toward serving the needs of higher density single family attached and multi-family dwelling units, are also allowed.

**Residential 50:** ~~This residential land use designation provides for the development of high-density multi-family dwelling units. This designation allows as many as 50 dwelling units per gross acre of land. Other uses, such as churches, schools, congregational care and childcare facilities, which are determined to be compatible with and oriented toward serving the needs of higher density single family attached and multi-family dwelling units, are also allowed.~~

**Residential 80:** ~~The highest density single family attached and multi-family dwelling units are provided for by this land use designation. This designation allows as many as 80 dwelling units per gross acre of land. Other uses, such as churches, schools, congregational care and childcare facilities, which are determined to be compatible with and oriented toward serving the needs of higher density single family attached and multi-family dwelling units, are also allowed.~~

**Commercial Neighborhood / Community Facility / Residential 14:** This designation includes three land used designations described elsewhere as single categories of use. This mixed-use designation allows any one of the three categories of use to exist individually on a site, or a combination of any two of the three categories may exist on a site or as a single project to accommodate complementary uses. All uses described for each single land use designation category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development for this category is a floor area ratio of 1.0:1 and a maximum residential density of 14 dwelling units per gross acre of land.

**Commercial Highway / Office Professional:** This mixed-use designation includes both the Commercial Highway and Office Professional categories, and allows either category to exist individually on a site, or allows both categories to be combined on the same site or as a single project. All uses described for each single land use description category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development is a floor area ratio of 1.5:1.

**Office Professional / Residential 30 /Business Park:** This mixed-use designation includes the Office Professional and Residential 30 and Business Park categories, and allows either category to exist individually on a site, or allows any one of those categories to exist individually on a site, or to be combined with either or both of the other categories on the same site or as a single project. All uses described for each single land use designation category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development is a floor area ratio of 1.5:1 for Office Professional, and 1.0:1 for Business Park, and the maximum residential density is 30 dwelling units per gross acre of land.

**Commercial Highway / Residential 30:** This designation includes two land use designations described elsewhere as single categories of use. This mixed-use designation allows either of the two categories of use to exist individually on a site, or a combination of the two categories may exist on a site, including as a single project to accommodate complementary uses. All uses described for each single land use designation category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development for this category is a floor area ratio of 1.5:1 and a maximum residential density of 30 dwelling units per gross acre of land.

**Commercial Highway / Residential 50:** This designation includes two land use designations described elsewhere as single categories of use. This mixed-use designation allows either of the two categories of use to exist individually on a site, or a combination of the two categories may exist on a site, including as a single project to accommodate complementary uses. All uses described for each single land use designation category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development for this category is a floor area ratio of 1.5:1 and a maximum residential density of 50 dwelling units per gross acre of land.

**Commercial Regional / Residential 80:** This designation includes two land use designations described elsewhere as single categories of use. This mixed-use designation allows either of the two categories of use to exist individually on a site, or a combination of the two categories may exist on a site, including as a single project to accommodate complementary uses. All uses described for each single land use designation category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development for this category is a floor area ratio of 1.5:1 and a maximum residential density of 80 dwelling units per gross acre of land.

**Business Park / Residential 30:** This designation includes two land use designations described elsewhere as single categories of use. This mixed-use designation allows either of the two categories of use to exist individually on a site, or a combination of the two categories may exist on a site, including as a single project to accommodate complementary uses. All uses described for each single land use designation category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development for this category is a floor area ratio of 1.0:1 and a maximum residential density of 30 dwelling units per gross acre of land.

**Other Designations**

**Community Facility:** The Community Facility designation includes a wide range of public, quasi-public, and private uses, such as school sites, churches, childcare centers, government administrative offices and facilities, public utilities, libraries, museums, art galleries, community theaters, hospitals, and cultural and recreational activities. Included in this category are Saddleback Community College and other institutions of higher learning. A weekend outdoor marketplace in the parking lot is a permissible use under the Community Facility designation for Saddleback College, provided that the use is a secondary use sanctioned by the Board of Trustees and does not conflict with or replace educational activities provided, further, that it does not result in a shortage of parking and that it does not create a nuisance for nearby residential and commercial uses. Community facility uses are distributed throughout the City and have a maximum floor area ratio of 1.0:1.

In addition to the Community Facility designation, community facility uses are allowed under a number of other land use designations. The other designations are identified in the table below, but the precise locations for specific community facility uses will be identified through zoning.

<b>Land Use Designations</b>	<b>Community Facility Uses</b>
<u>Residential</u>	
Residential 3.5	X
Residential 6.5	X
Residential 14	X
Residential 30	X
<u>Residential 50</u>	<u>X</u>
<u>Residential 80</u>	<u>X</u>

Office

Office / Professional X

Mixed Use

CN / CF / R14 X

CH / OP X

OP / R30 / BP X

CH / R30 X

CH / R50 X

CR / R80 X

BP / R30 X

**Recreation / Open Space:** The Recreation / Open Space designation includes both public and private recreational uses necessary to meet the active and passive recreational needs of City residents. Active recreation activities include golf courses / driving ranges, equestrian centers, community recreational facilities, public parklands, and indoor and outdoor sports / athletic facilities. Passive recreation uses include museums, galleries, nature preserves, outdoor theater, designated open space and similar uses. These activities should be widely distributed throughout the city and have a maximum floor area ratio of .50:1.

Community Facilities as defined in this Land Use Element are included within this definition of Recreation / Open Space as applied to the recreation centers listed below:

- Felipe Recreation Center
- Marguerite Recreation Center
- Montanoso Recreation Center
- Sierra Recreation Center

Distinctions between the active recreation / open spaces and passive recreation / open spaces, including wilderness areas will be made in the Development Code and the Zoning Map.

**Transportation Corridor:** The Transportation Corridor designation applies to land within the Interstate 5 Freeway, the Foothill Transportation Corridor, and the Southern California Regional Rail Authority (SCRRA) railway corridors. Lands within these corridors are reserved for transportation purposes as their primary use. Secondary uses such as open space linkages and landscaped areas, public and private parking areas, and other transportation-related activities and facilities are allowed. The maximum floor area ratio for development is .50:1.

**DISTRIBUTION OF LAND USES**

The statistical distribution of planned land uses citywide is described in Table LU-3. This table identifies each land use designation, its associated land acreage, and the total land acreage for all planned land uses in the City. The table also provides estimates of the total number of residential dwelling units planned and the resulting population. For nonresidential land uses, such as



**TABLE LU-3  
ANTICIPATED LAND USE AND POPULATION IN THE CITY**

<b>LAND USE DESIGNATION</b>	<b>Gross Acres (f.n. a)</b>	<b>Dwelling Units</b>	<b>Population (f.n. b)</b>	<b>Square Footage (000's) (Cf.n. c)</b>
<b>Residential</b>				
- Residential 3.5	2,245	8,027	22,476	
- Residential 6.5	3,895	18,137	50,784	
- Residential 14	648	4,516	12,644	
- Residential 30	<del>211</del> <u>230.765</u>	<del>3,910</del> <u>6,919</u>	<del>10,948</del> <u>19,373</u>	
- Residential 50	<u>20.9</u>	<u>1,045</u>	<u>2,926</u>	
- Residential 80	<u>0</u>			
<b>Commercial</b>				
- Commercial Neighborhood	<del>67</del> <u>52.7</u>			583.70
- Commercial Community	<del>135</del> <u>130.45</u>			1,176.12
- Commercial Highway	<del>145</del> <u>132.8</u>			1,651.8
- Commercial Regional	-			-
<b>Commercial Intensive Overlay</b>				
- Community Facility	28			487.87
- Commercial Highway	5			87.12
- Commercial Regional	<del>74</del> <u>59.2</u>			1,289.38
- Office/Professional	47			1,151.17
<b>Office</b>				
- Office/Professional	91	319	893	1,585.58
<b>Industrial</b>				
- Business Park	<del>249</del> <u>242.96</u>			4,061.54
<b>Mixed-Use</b>				
- Com. Neighborhood/ Community Facility/Res. 14	5	(f.n. d)		43.55
- Commercial Highway/Office Professional	9(f.n. e)			156.82
- Office/Res. 30/Business Park	41			438.71
- Commercial Highway / Res. 30	<u>7.8</u>			
- Commercial Highway / Res. 50	<u>6.9</u>			
- Commercial Regional / Res. 80	<u>14.6</u>			
- Business Park / Res. 30	<u>9.438</u>			
<b>Other</b>				
- Community Facility	735			6,401.38
- Recreation/Open Space	<del>2,019</del> <u>1,992.436</u>			5,110.12
- Transportation Corridor	997			-
<b>Total</b>	11,646	<del>34,909</del> <u>38,963</u>	<del>97,745</del> <u>109,096</u>	24,224.86

Notes:

- (a) For purposes of establishing net acreage by category, the gross acreage for residential land uses should be reduced by 25% and nonresidential uses by 20% because Mission Viejo's topography is not flat and has considerable slope area.
- (b) Population is based on State Department of Finance estimate of 2.8 persons per household.
- (c) Square footage for nonresidential categories is based on average FAR for uses represented.

- (d) No Residential development calculated because the only site with this designation is presently developed as commercial neighborhood.
- (e) Also lies within Commercial Intensive Overlay.

**EXHIBIT “B” THROUGH “I”**  
**AMENDED LAND USE POLICY MAP EXHIBITS**  
**(INSERTS)**



# CITY OF MISSION VIEJO

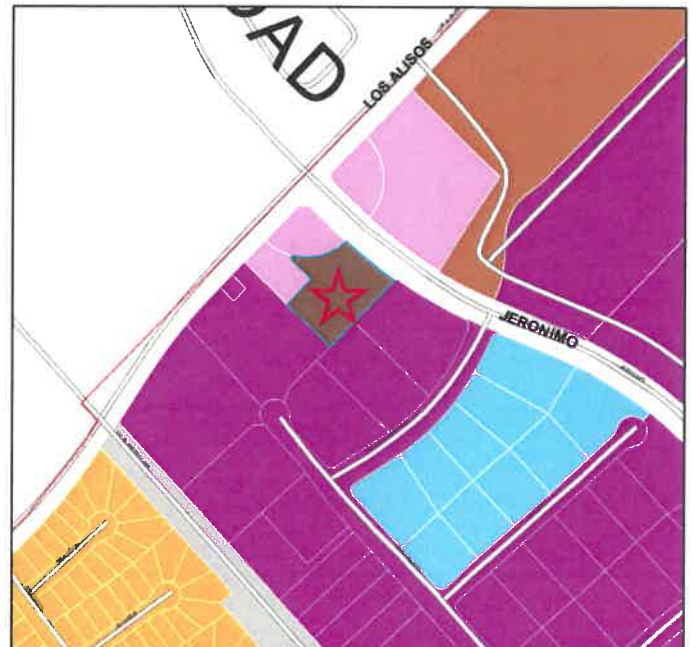
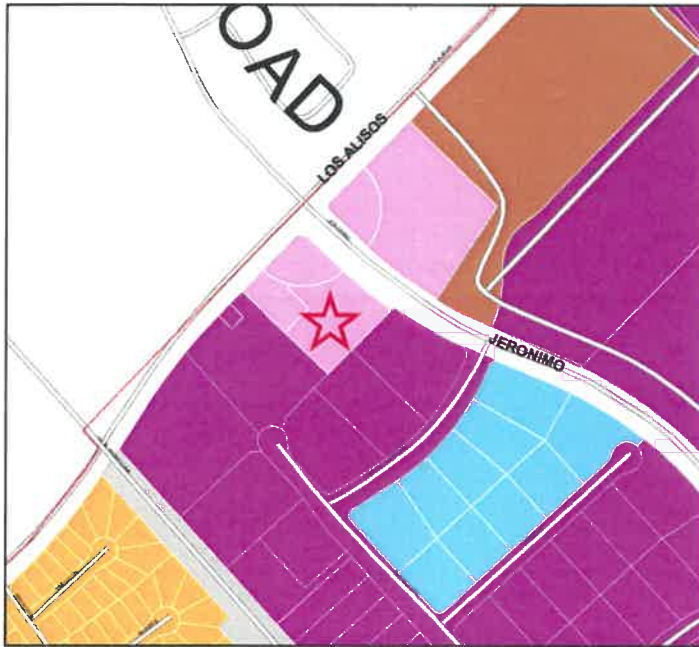
## Housing Element

### PROPOSED LAND USE POLICY MAP CHANGE

#### Site 1 - Silverado Plaza

**CURRENT**

**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
- Residential 80 (30.1-80.0 du/ac)
- Commercial Neighborhood
- Commercial Community
- Commercial Highway
- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
- Transportation Corridor

**MIXED USE**

- Commercial Highway/Office Professional (CIOA)
- Commercial Neighborhood/Community Facility/Residential 14
- Office Professional/Residential 30/Business Park
- Commercial Highway/Residential 30
- Commercial Highway/Residential 50
- Commercial Regional/Residential 80
- Business Park/Residential 30

**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT B**



# CITY OF MISSION VIEJO

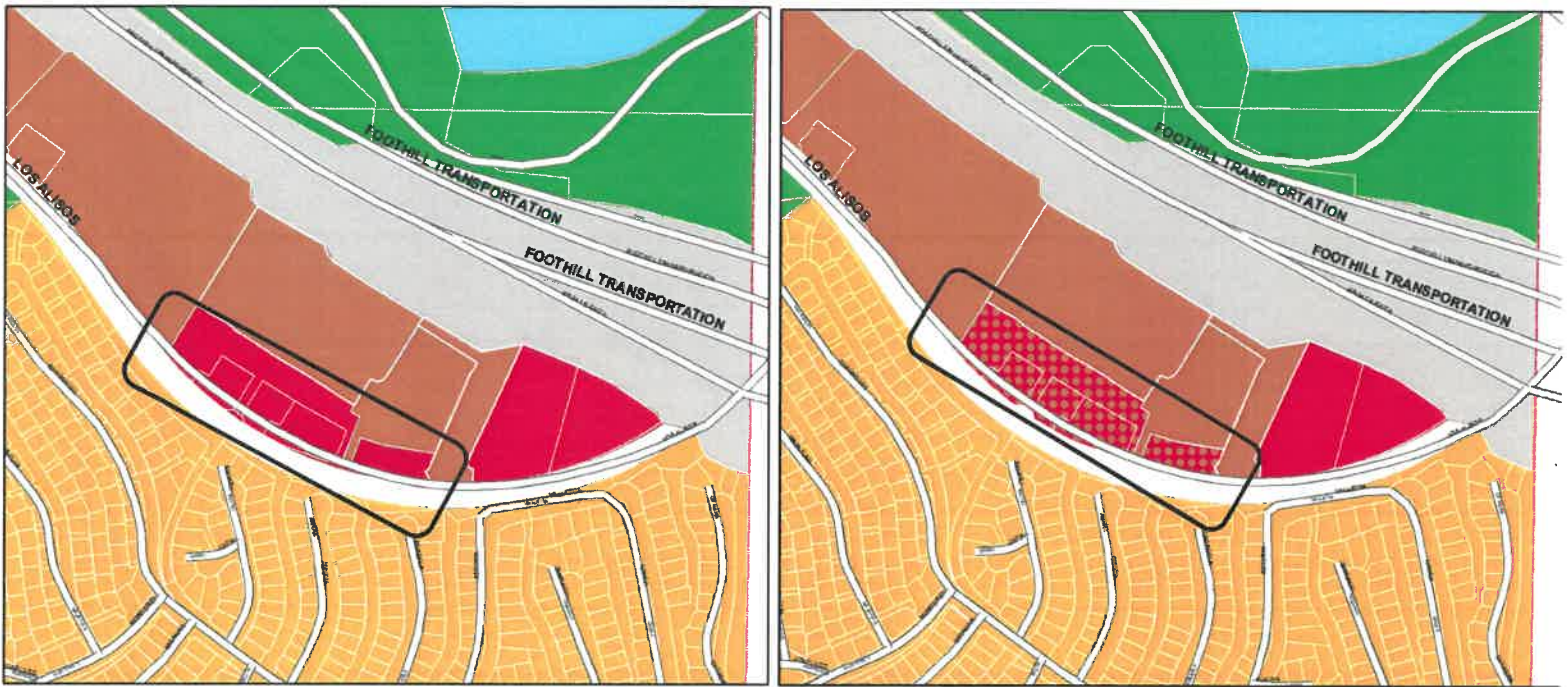
## Housing Element

### PROPOSED LAND USE POLICY MAP CHANGE

#### Site 2 - Mission Foothill

**CURRENT**

**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
- Residential 80 (30.1-80.0 du/ac)
- Commercial Neighborhood
- Commercial Community
- Commercial Highway
- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
- Transportation Corridor

**MIXED USE**

- Commercial Highway/Office Professional (CIOA)
- Commercial Neighborhood/Community Facility/Residential 14
- Office Professional/Residential 30/Business Park
- Commercial Highway/Residential 30
- Commercial Highway/Residential 50
- Commercial Regional/Residential 80
- Business Park/Residential 30

**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT C**



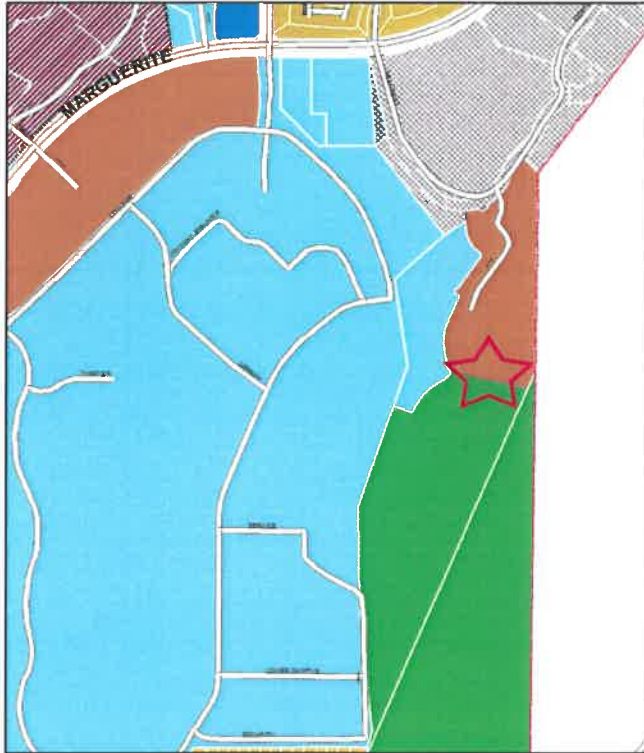
# CITY OF MISSION VIEJO

## Housing Element

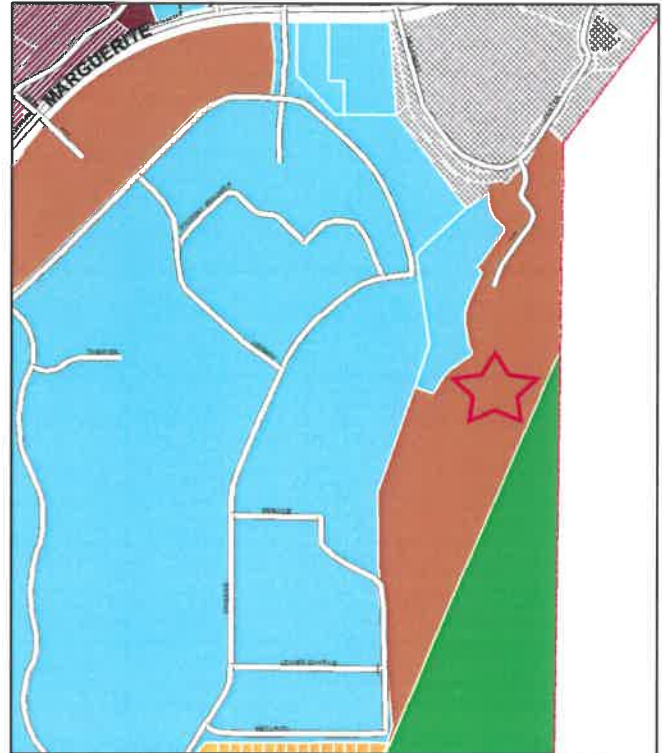
### PROPOSED LAND USE POLICY MAP CHANGE

#### Site 3 – City Owned – Center Drive & Hillcrest Street

**CURRENT**



**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
- Residential 80 (30.1-80.0 du/ac)
- Commercial Neighborhood
- Commercial Community
- Commercial Highway
- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
- Transportation Corridor

**MIXED USE**

- Commercial Highway/Office Professional (CIOA)
- Commercial Neighborhood/Community Facility/Residential 14
- Office Professional/Residential 30/Business Park
- Commercial Highway/Residential 30
- Commercial Highway/Residential 50
- Commercial Regional/Residential 80
- Business Park/Residential 30

**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT D**



# CITY OF MISSION VIEJO

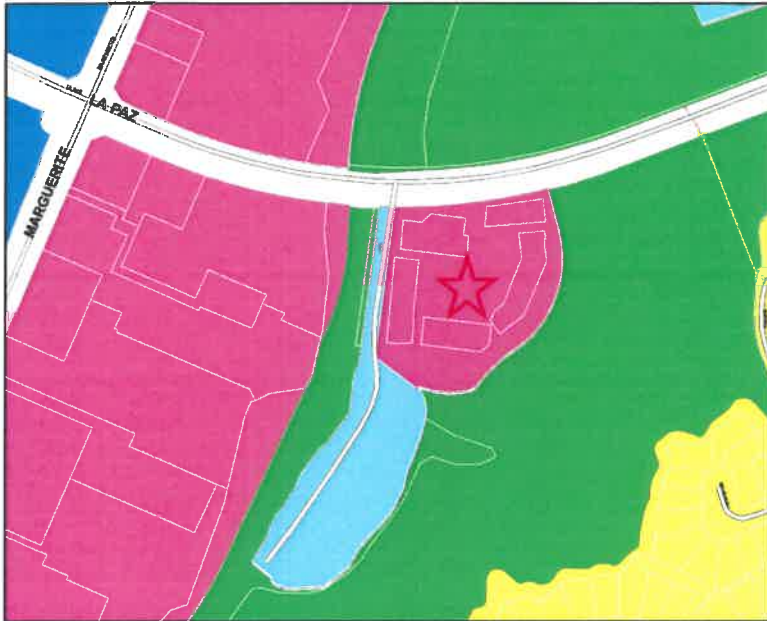
## Housing Element

### PROPOSED LAND USE POLICY MAP CHANGE

#### Site 5 – Commerce Center

**CURRENT**

**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
- Residential 80 (30.1-80.0 du/ac)
- Commercial Neighborhood
- Commercial Community
- Commercial Highway
- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
- Transportation Corridor

**MIXED USE**

- Commercial Highway/Office Professional (CIOA)
- Commercial Neighborhood/Community Facility/Residential 14
- Office Professional/Residential 30/Business Park
- Commercial Highway/Residential 30
- Commercial Highway/Residential 50
- Commercial Regional/Residential 80
- Business Park/Residential 30

**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT E**



# CITY OF MISSION VIEJO

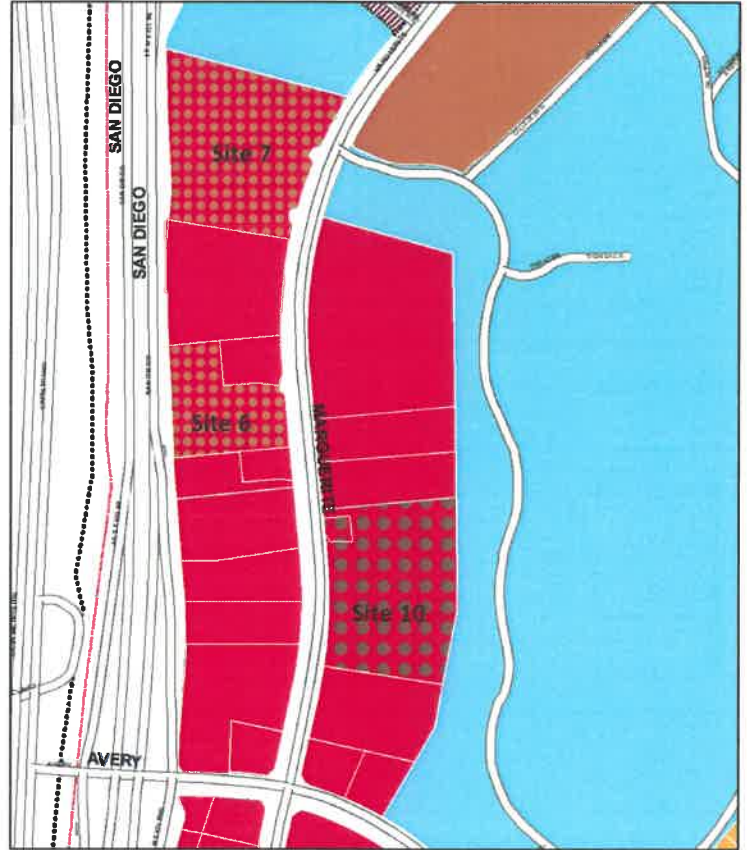
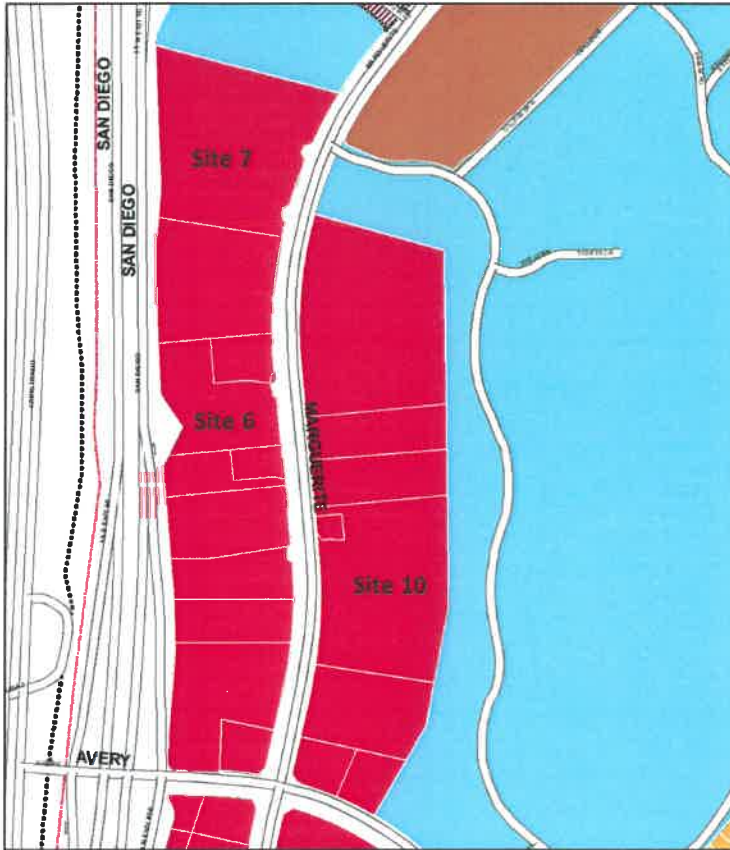
## Housing Element

### PROPOSED LAND USE POLICY MAP CHANGE

**Site 6 – Mission Viejo Town Center / Site 7 - College Center / Site 10 – Burlington**

**CURRENT**

**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
- Residential 80 (30.1-80.0 du/ac)
- Commercial Neighborhood
- Commercial Community
- Commercial Highway
- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
- Transportation Corridor

**MIXED USE**

- Commercial Highway/Office Professional (CIOA)
- Commercial Neighborhood/Community Facility/Residential 14
- Office Professional/Residential 30/Business Park
- Commercial Highway/Residential 30
- Commercial Highway/Residential 50
- Commercial Regional/Residential 80
- Business Park/Residential 30

**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT F**





# CITY OF MISSION VIEJO

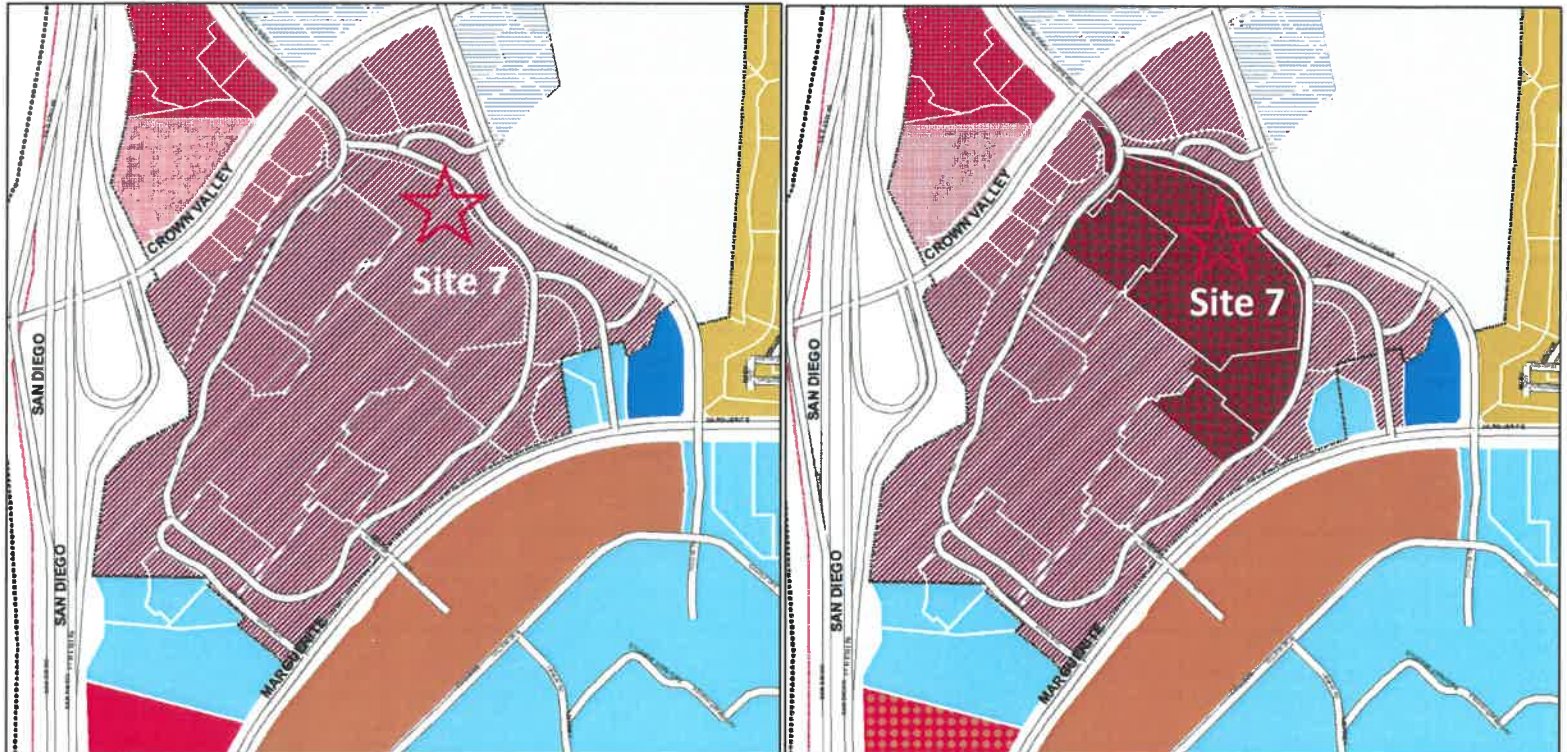
## Housing Element

### PROPOSED LAND USE POLICY MAP CHANGE

#### Site 8 - Macy's & The Shops

**CURRENT**

**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
- Residential 80 (30.1-80.0 du/ac)
- Commercial Neighborhood
- Commercial Community
- Commercial Highway
- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
- Transportation Corridor

**MIXED USE**

- Commercial Highway/Office Professional (CIOA)
- Commercial Neighborhood/Community Facility/Residential 14
- Office Professional/Residential 30/Business Park
- Commercial Highway/Residential 30
- Commercial Highway/Residential 50
- Commercial Regional/Residential 80
- Business Park/Residential 30

**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT G**



# CITY OF MISSION VIEJO

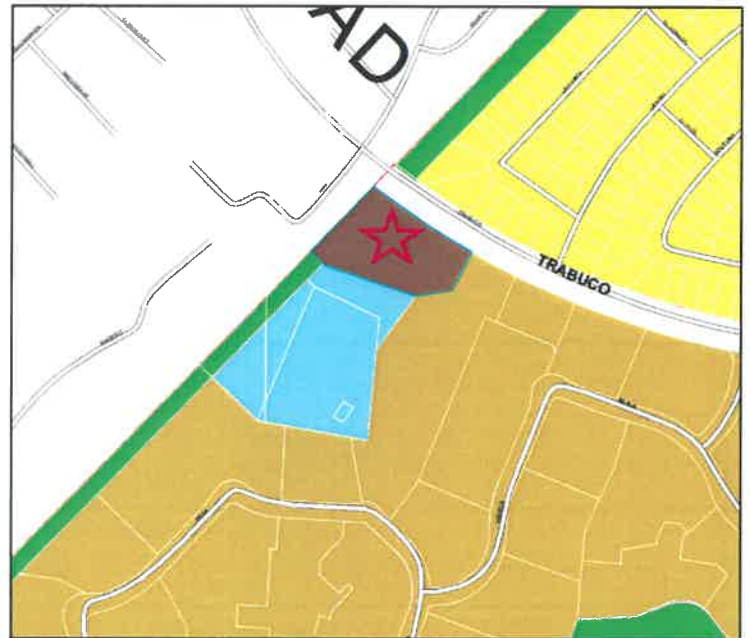
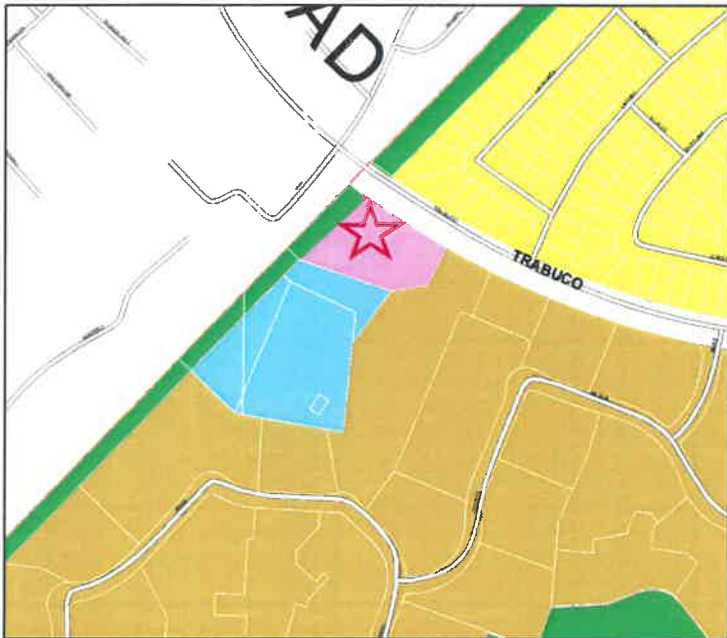
## Housing Element

### PROPOSED LAND USE POLICY MAP CHANGE

#### Site 9 – Grace Church Parking Lot

**CURRENT**

**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
- Residential 80 (30.1-80.0 du/ac)
- Commercial Neighborhood
- Commercial Community
- Commercial Highway
- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
- Transportation Corridor

**MIXED USE**

- Commercial Highway/Office Professional (CIOA)
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- Commercial Regional/Residential 80
- Business Park/Residential 30

**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT H**



# CITY OF MISSION VIEJO

## Housing Element

### PROPOSED LAND USE POLICY MAP CHANGE

#### Site 11 - Vista Del Largo Apartments

**CURRENT**

**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
- Residential 80 (30.1-80.0 du/ac)
- Commercial Neighborhood
- Commercial Community
- Commercial Highway
- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
- Transportation Corridor

**MIXED USE**

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**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT I**



# CITY OF MISSION VIEJO

## Housing Element

### PROPOSED LAND USE POLICY MAP CHANGE

#### Site 12 – Saddleback Business Center

**CURRENT**

**PROPOSED**



**LEGEND**

**LANDUSE 2021**

- Residential 3.5 (0.0-3.5 du/ac)
- Residential 6.5 (3.51-6.5 du/ac)
- Residential 14 (6.51-14.0 du/ac)
- Residential 30 (14.1-30.0 du/ac)
- Residential 50 (30.1-50.0 du/ac)
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- Commercial Community
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- Commercial Regional
- Office Professional
- Business Park
- Recreation/Open Space
- Community Facility
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- Office Professional/Residential 30/Business Park
- Commercial Highway/Residential 30
- Commercial Highway/Residential 50
- Commercial Regional/Residential 80
- Business Park/Residential 30

**COMMERCIAL INTENSIVE OVERLAY AREA**

- Commercial Intensive Height Overlay Boundary
- Office Professional (CIOA)
- Community Facility (CIOA)
- Commercial Highway/Office Professional (CIOA)
- Commercial Highway (CIOA)
- Commercial Regional (CIOA)

**EXHIBIT J**

**EXHIBIT "J"**  
**AMENDED HOUSING ELEMENT**  
**(Entirety)**  
**(INSERT)**

---

# HOUSING ELEMENT

CITY OF MISSION VIEJO

REVISED DRAFT  
JUNE-SEPTEMBER 2021

EXHIBIT J



## Contents

1. Introduction to the Housing Element.....	1
1.1 Purpose of the Housing Element .....	1
1.2 Scope and Content of the Element.....	1
1.3 Citizen Participation .....	4
2. Housing Needs Assessment.....	5
2.1 Population Characteristics .....	5
2.2 Household Characteristics .....	6
2.3 Employment .....	10
2.4 Housing Stock Characteristics.....	11
2.5 Special Needs .....	15
2.6 Assisted Housing at Risk of Conversion .....	21
2.7 Future Housing Needs .....	22
3. Resources and Opportunities .....	25
3.1 Land Resources.....	25
3.2 Financial and Administrative Resources .....	26
3.3 Energy Conservation Opportunities .....	27
4. Housing Constraints .....	29
4.1 Governmental Constraints .....	29
4.2 Non-Governmental Constraints .....	41
5. Housing Element Goals and Policies.....	53
5.1 Housing Opportunities.....	53
5.2 Maintenance and Preservation.....	53
5.3 Housing Services .....	54
5.4 Environmental Sensitivity .....	54
5.5 Fair Housing .....	55
5.6 Preservation of At-Risk Housing Units .....	55
5.7 Related Goals and Policies .....	58
6. Housing Plan.....	59

## Appendices

- A Evaluation of the Prior Housing Element
- B Residential Land Inventory
- C Public Participation Summary



## List of Tables

Table H-1 State Housing Element Requirements .....	2
Table H-2 Population Trends, 2000-2020 Mission Viejo vs. SCAG Region .....	5
Table H-3 Age Distribution – Mission Viejo.....	6
Table H-4 Household Size by Tenure – Mission Viejo .....	7
Table H-5 Housing Tenure – Mission Viejo vs. SCAG Region .....	7
Table H-6 Housing Tenure by Age – Mission Viejo .....	8
Table H-7 Overcrowding – Mission Viejo vs. SCAG Region.....	8
Table H-8 Extremely-Low-Income Households by Race, Ethnicity and Tenure – Mission Viejo.....	9
Table H-9 Overpayment by Income Category – Mission Viejo .....	9
Table H-10 Employment by Industry – Mission Viejo.....	10
Table H-11 Employment by Occupation – Mission Viejo.....	11
Table H-12 Housing by Type – Mission Viejo vs. SCAG Region .....	11
Table H-13 Housing Vacancy – Mission Viejo vs. SCAG Region .....	12
Table H-14 Age of Housing Stock – Mission Viejo vs. SCAG Region .....	12
Table H-16 Income Categories and Affordable Housing Costs – Orange County .....	13
Table H-17 Median Sales Prices for Existing Homes 2000 - 2018 – Mission Viejo vs. SCAG Region .....	14
Table H-18 Mortgage Costs by Income Category – Mission Viejo.....	14
Table H-19 Percentage of Income Spent on Rent – Mission Viejo .....	15
Table H-20 Disabilities by Type – Mission Viejo .....	16
Table H-21 Disabilities by Type for Seniors 65+ – Mission Viejo .....	16
Table H-22 Developmental Disabilities – Mission Viejo .....	17
Table H-23 Elderly Households by Income and Tenure – Mission Viejo .....	19
Table H-24 Female Headed Households – Mission Viejo.....	19
Table H-25 Female Headed Households by Poverty Status – Mission Viejo.....	20
Table H-26 Agricultural Employment Status – Mission Viejo.....	21
Table H-27 Assisted Housing Developments – Mission Viejo .....	22
Table H-28 2021-2029 Regional Housing Needs - Mission Viejo .....	23
Table H-29 Land Inventory Summary – City of Mission Viejo .....	25
Table H-30 Residential Land Use Categories – Mission Viejo General Plan.....	30
Table H-31 Residential Development Standards.....	31
Table H-32 Permitted Residential Development by Zoning District.....	32
Table H-33 Residential Parking Requirements.....	37
Table H-34 Planning and Development Fees .....	4140
Table H-35 Housing Policies and Related Programs.....	5650
Table H-36 Housing Policies by Element.....	5852
Table H-37 Quantified Objectives (2021-2029) – City of Mission Viejo .....	7063
Table H-38 Housing Program Summary .....	7164

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# 1. Introduction to the Housing Element

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In ~~1965~~1963, the area known today as the City of Mission Viejo was ranch land, consisting of rolling hills and grazing cattle. ~~After two years of master-planning, A year later the~~ ground was broken for the first homes in this newly approved planned community in county unincorporated territory. In 1988, the Mission Viejo planned community was incorporated. The City of Mission Viejo is now almost completely built out, with a balanced provision of housing and jobs. The California Department of Finance estimated that the total number of dwelling units in the City was 34,959 with a population of 94,267 as of January 1, 2020.

Unlike the other elements of the General Plan, State law explicitly requires that the Housing Element be updated on an 8-year cycle linked to the Regional Transportation Plan (*California Government Code* §65588). This Housing Element covers the 2021-2029 planning period. The goals and policies of this Housing Element carry forward much from the previous element, with refinements and new programs where necessary to address changed circumstances and new State laws. The housing development strategy and housing programs reflect the City's experience gained from previous efforts in the improvement, preservation, and development of affordable housing. Nonetheless, the City's built-out status, in accordance with the master plan prepared by the Mission Viejo Company, continues to affect the City's ability to accommodate the housing needs of all economic segments of the community.

## 1.1 Purpose of the Housing Element

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The Land Use Element is concerned with housing in a spatial context, while the Housing Element identifies housing policies and programs aimed at meeting the identified housing needs of the City's current and anticipated future population. This Housing Element builds upon goals and policies that are primarily concerned with where new housing is to be located and at what density it will be constructed. Other concerns of the Housing Element include the identification of strategies and programs that focus on 1) housing affordability, 2) rehabilitation of substandard housing, 3) meeting the demand for new housing, 4) the conservation of the current housing stock, 5) providing equal opportunity to residents, and 6) preserving affordable units. This Housing Element addresses and complies with requirements that have been established by the State Legislature.

The State Legislature continues to declare that a severe shortage of affordable housing exists, especially for persons and families of low and moderate income. The Housing Element is the primary document in which a city identifies the measures taken to encourage the development of affordable housing. This document and its review by the California Department of Housing and Community Development (HCD) are the primary means by which the State influences local governments to be responsive to the affordable housing shortage.

## 1.2 Scope and Content of the Element

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The Housing Element summarizes the City's existing and projected housing conditions and needs, providing the basis for policies and programs to address those needs. Specific housing programs that will implement the goals and policies are identified in the section entitled Housing Plan (Chapter 6) that follows the Goals and Policies.

The California Legislature recognizes the important role of local general plans, and housing elements in particular, in implementing statewide housing goals, which call for the provision of decent and ~~sound~~

safe housing for all persons. In addition, the importance of continuing efforts toward providing housing that is affordable to all income groups is stressed. The major concerns of the Legislature with regard to the preparation of housing elements are included in the *California Government Code*, which states:

- Local governments should recognize their responsibility in contributing to the attainment of the State’s housing goals;
- Cities and counties should prepare and implement housing elements coordinated with State and Federal efforts in achieving the State's housing goal;
- Each local jurisdiction should participate in determining the necessary efforts required to attain the State’s housing goals;
- Each local government should cooperate with other local governments in addressing regional housing needs.

Table H-1 summarizes State Housing Element requirements and identifies the applicable sections of the Mission Viejo Housing Element where these requirements are addressed.

**Table H-1  
State Housing Element Requirements**

Required Housing Element Component	Reference
<b>A. Housing Needs Assessment and Inventory of Resources and Constraints</b>	<b>Govt. Code §65583(a)</b>
1. Analysis of population and employment trends in Mission Viejo in relation to regional trends.	Chapter 2 Housing Needs Assessment – Population Characteristics & Employment
2. Documentation of projections and quantification of Mission Viejo's existing and projected housing needs for all income levels.	Chapter 2 Housing Needs Assessment
3. Analysis and documentation of Mission Viejo’s housing characteristics including the following:	
a. level of housing cost compared to ability to pay;	Chapter 2 Housing Needs Assessment – Housing Stock Characteristics
b. overcrowding; and	Chapter 2 Housing Needs Assessment – Household Characteristics
c. housing stock condition.	Chapter 2 Housing Needs Assessment – Housing Stock Characteristics
4. An inventory of land suitable for residential development including vacant sites and sites having redevelopment potential and an analysis of the relationship of zoning, public facilities and services to these sites.	Chapter 3 Resources and Opportunities – Land Resources; Appendix B – Residential Land Inventory
5. Analysis of existing and potential governmental constraints upon the maintenance, improvement, or development of housing for all income levels.	Chapter 4 Housing Constraints – Governmental Constraints
6. Analysis of existing and potential non-governmental and market constraints upon maintenance, improvement, or development of housing for all income levels.	Chapter 4 Housing Constraints – Non-Governmental Constraints
7. Analysis of special housing needs: developmentally disabled, elderly, large families, female-headed households, and homeless.	Housing Needs Assessment –Special Needs
8. Analysis of opportunities for energy conservation with respect to residential development.	Chapter 3 Resources and Opportunities – Energy Conservation Opportunities

Required Housing Element Component	Reference
<p>9. Analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years including:</p> <ul style="list-style-type: none"> <li>a. list each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period;</li> <li>b. cost analysis for replacement housing;</li> <li>c. identify public and private non-profit corporations which have legal and managerial capacity to acquire and manage these housing developments; and</li> <li>d. identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments.</li> </ul>	<p>Chapter 2 Housing Needs Assessment – Assisted Housing at Risk of Conversion</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>
<p><b>B. Goals and Policies</b></p>	<p><b>Govt. Code §65583(b)</b></p>
<ul style="list-style-type: none"> <li>1. Identification of Mission Viejo’s community goals relative to maintenance, improvement, and development of housing.</li> <li>2. Quantified objectives and policies relative to the maintenance, improvement, and development of housing in Mission Viejo.</li> </ul>	<p>Chapter 5 Housing Element Goals and Policies</p> <p>Chapter 6 Housing Plan</p>
<p><b>C. Implementation Program</b></p>	<p><b>Govt. Code §65583(c)</b></p>
<p>An implementation program should do the following:</p> <ul style="list-style-type: none"> <li>1. Identify adequate sites which will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels;</li> <li>2. Program to assist in the development of adequate housing to meet the needs of low- and moderate-income households;</li> <li>3. Identify and, when appropriate and possible, remove governmental constraints to the maintenance, improvement, and development of housing in Mission Viejo;</li> <li>4. Conserve and improve the condition of the existing housing stock in Mission Viejo;</li> <li>5. Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin or color;</li> <li>6. Preserve for lower income households the assisted housing developments identified as being at-risk; and</li> <li>7. Identify the agencies and official responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.</li> </ul>	<p>Chapter 6 Housing Plan</p> <p>Chapter 6 Housing Plan</p> <p>Chapter 6 Housing Plan</p> <p>Chapter 6 Housing Plan</p> <p>Chapter 6 Housing Plan</p> <p>Chapter 6 Housing Plan</p> <p>Chapter 6 Housing Plan</p>

Appendix A of this Housing Element contains an evaluation of the 2013-2021 Housing Element goals, policies, programs and quantified objectives compared with the actual results.

### 1.3 Citizen Participation

This document builds on and reflects the direct and indirect public participation rendered in the formulation of Mission Viejo's first General Plan in 1990, including the housing goals and policies. As part of the 1990 General Plan program, the public had the opportunity to participate at 19 General Plan Advisory Committee meetings, to answer a Community Attitude Survey (sent to 5,000 residents), to participate at a Saturday open house workshop, and to view the draft documents at City Hall and the library.

In 2007 the City amended the General Plan, the Housing Element, and the Zoning Code to identify and designate additional sites for high-density multi-family housing. The 2007 update included extensive public participation, including a joint workshop of the City Council and the Planning and Transportation Commission and four subsequent public hearings conducted by the Planning and Transportation Commission and the City Council.

As part of the 2021 update of the City's Housing Element, citizens and interested organizations were provided a variety of opportunities to participate in the process.

(Please refer to Appendix C for additional information regarding the public outreach process for the 2021-2029 Housing Element update.)

An introduction to the Housing Element update was provided at a noticed public workshop and joint study session of the City Council and the Planning and Transportation Commission held on March 31, 2021. In May 2021 the preliminary draft Housing Element was published for public review and on May 24, 2021 the Planning and Transportation Commission conducted a hearing-public meeting to review the draft Housing Element and receive public comments. The City Council held two public hearings meetings on June 8 and June 22, 2021 to review the draft Housing Element and receive public comments. Outreach also Notice was sent to all homeowner associations in the City including the City's two senior communities, Palmia and Casta Del Sol, as well as the Chamber of Commerce and the Mission Viejo Planning Partnership.

Major issues raised during these hearings included the need for affordable housing and options for accommodating the City's assigned share of regional housing needs (see Appendix C).

Notices of all public hearings-meetings were published in the *Saddleback Valley News* and posted at City Hall, the Mission Viejo Library, the Norman P. Murray Community and Senior Center, and the California Employment Development Department (located at 23456 Madero, Suite 150, Mission Viejo). In addition, non-profit groups, churches, community groups, and public service groups active in the community received notices for the Housing Element public hearings. The Draft Housing Element was posted to the City's dedicated webpage on May 17, 2021 and has been continuously available since then. Copies of the public hearing draft of the Housing Element were also distributed to interested agencies and individuals; copies were available for review and for purchase at City Hall. A copy of the draft Housing Element was made available at the Mission Viejo Library and on the City website.

On September 27, 2021, The Planning and Transportation Commission conducted a noticed public hearing to consider the revised draft Housing Element update and related zone change proposals, unanimously recommending City Council approval of the proposed amendments. On October 12, 2021, the City Council held a noticed public hearing and approved the proposed amendments. At both public hearings members of the public were invited to provide testimony.

## 2. Housing Needs Assessment

Mission Viejo lies in southern Orange County, approximately midway between Los Angeles and San Diego. The city is economically diverse and provides a range of employment, lifestyle, and housing opportunities. Much of Mission Viejo’s growth took place in the 1970s and 1980s prior to its incorporation in 1988. Rapid growth continued between 1990 and 2000. Since incorporation, Mission Viejo has grown from a population of approximately 72,800 to about 94,267 residents in 2020. Mission Viejo is approximately 17.4 square miles in area and is bounded by Lake Forest to the northwest, Rancho Santa Margarita to the north and east, Laguna Hills and Laguna Niguel to the west, San Juan Capistrano to the south, and unincorporated Orange County to the east.

This chapter examines general population and household characteristics and trends, such as age, employment, household composition and size, household income, and special needs. Characteristics of the existing housing stock (e.g., number of units and type, tenure, age and condition, costs) are also addressed. Finally, the City’s projected housing growth needs based on the 2021-2029 Regional Housing Needs Assessment (RHNA) are examined.

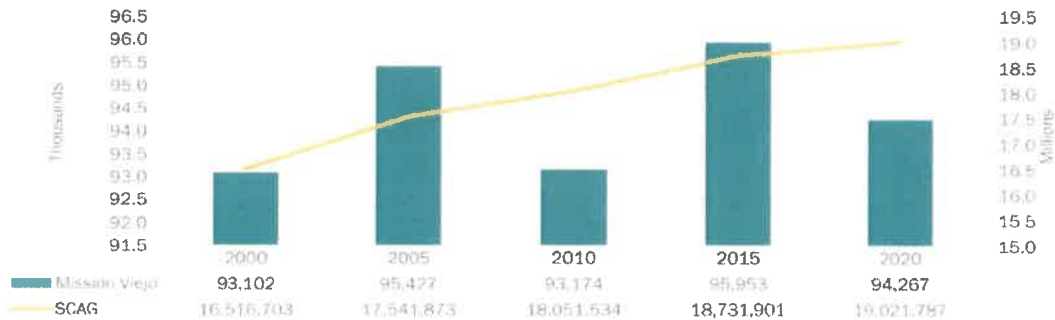
The Housing Needs Assessment utilizes recent data from the U.S. Census Bureau, California Department of Finance (DOF), California Employment Development Department (EDD), Southern California Association of Governments (SCAG) and other relevant sources. Supplemental data was obtained through field surveys. In addition, the City’s Consolidated Plan provides useful information for this update of the Housing Element.

### 2.1 Population Characteristics

#### 1. Population Growth Trends

Mission Viejo was incorporated in 1988 with a population of 72,820. From 1990 to 2000 the city experienced robust growth of approximately 30% to a population of 93,102. In 1992 the City annexed the 662-acre Community Service Area 12, known as the Aegean Hills neighborhood, with approximately 6,600 residents. From 2000 to 2020 the city experienced modest growth of approximately 1% to an estimated population of 94,267 (see Table H-2).

**Table H-2  
Population Trends, 2000-2020  
Mission Viejo vs. SCAG Region**

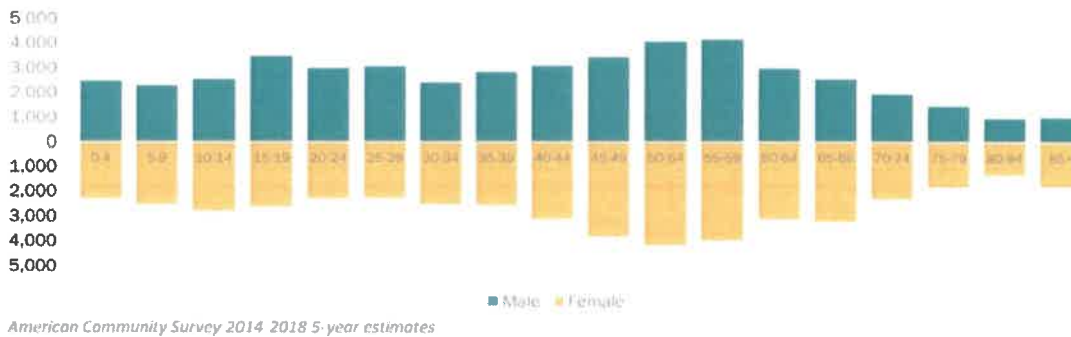


CA DOF E-5 Population and Housing Unit Estimates

## 2. Age

Housing needs are influenced by the age characteristics of the population. Different age groups require different accommodations based on lifestyle, family type, income level, and housing preference. Table H-3 shows recent Census estimates of the city’s population by age group and gender. This table shows that the largest age groups in Mission Viejo are 50-54 and 55-59. The population of Mission Viejo is approximately 49.5% male and 50.5% female. The share of the population of Mission Viejo that is under 18 years of age is 19.7%, which is lower than the regional share of 23.4%. Mission Viejo's seniors (65 and above) make up 19.1% of the population, which is higher than the regional share of 13%.

**Table H-3  
Age Distribution –  
Mission Viejo**



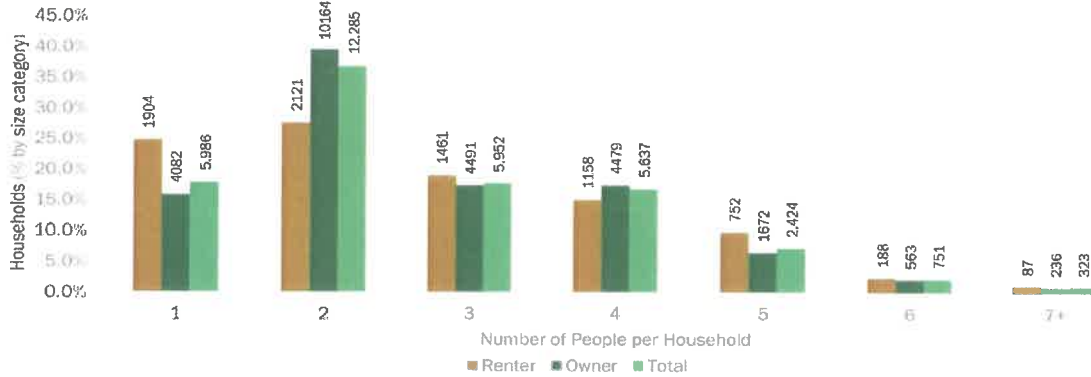
## 2.2 Household Characteristics

### 1. Household Size and Tenure

Household characteristics are important indicators of the type and size of housing needed in a city. The Census defines a “household” as all persons occupying a housing unit, which may include single persons living alone, families related through marriage or blood, or unrelated persons sharing a single unit. Persons in group quarters such as dormitories, retirement or convalescent homes, or other group living situations are included in population totals, but are not considered households.

Table H-4 provides recent Census estimates of household size and tenure (owner vs. renter) in Mission Viejo. The most commonly occurring household size is of two people (36.8%) and the second-most commonly occurring household is of one person (17.9%). Mission Viejo has a lower share of single-person households than the SCAG region overall (17.9% vs. 23.4%) and a lower share of 7+ person households than the SCAG region overall (1% vs. 3.1%).

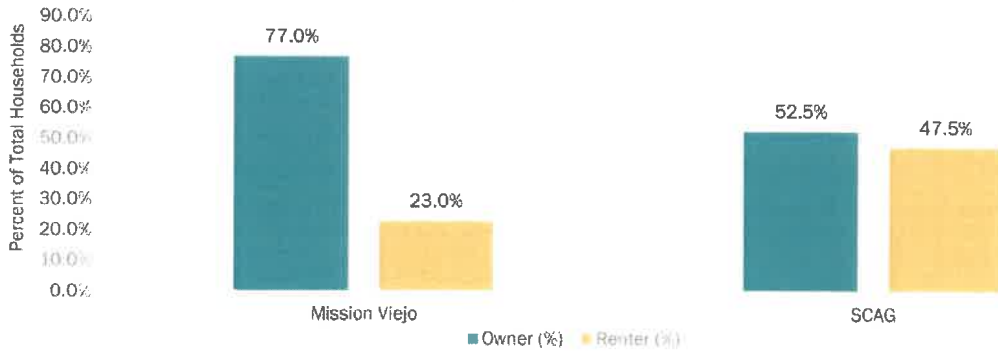
**Table H-4  
Household Size by Tenure –  
Mission Viejo**



American Community Survey 2014-2018 5-year estimates.

Housing tenure is an important indicator of the housing market. Communities need an adequate supply of units available both for rent and for sale to accommodate a range of households with varying income, family size and composition, and lifestyle. Table H-5 provides recent estimates of owner-occupied and renter-occupied units in the city compared to the region as a whole. Of Mission Viejo's total housing units, approximately 77% are owner-occupied and 23% are renter-occupied. The share of renters in Mission Viejo is lower than in the SCAG region overall.

**Table H-5  
Housing Tenure –  
Mission Viejo vs. SCAG Region**

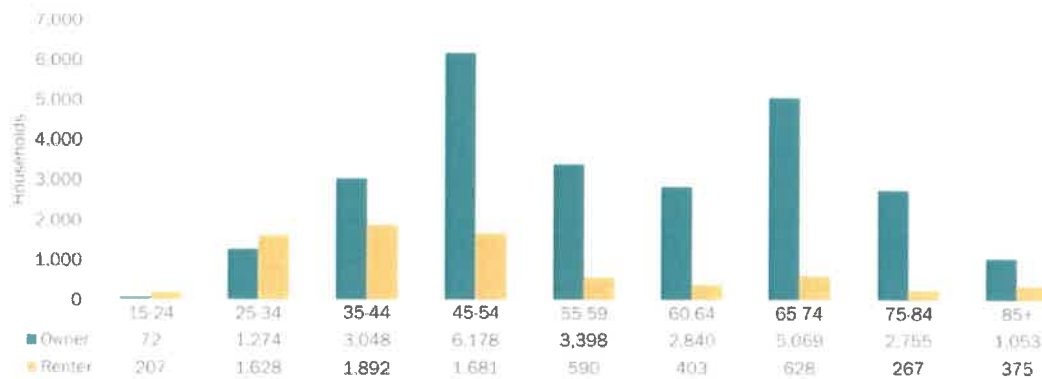


American Community Survey 2014-2018 5-year estimates.



Housing tenure typically varies based on the age of the householder. In Mission Viejo, the only age groups where renters outnumber owners are 15-24 and 25-34 (Table H-6).

**Table H-6  
Housing Tenure by Age –  
Mission Viejo**

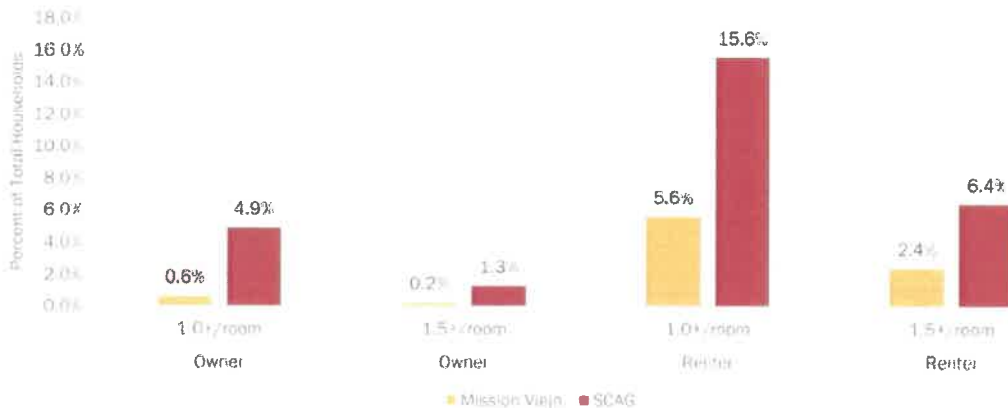


American Community Survey 2014-2018 5-year estimates.

## 2. Overcrowding

Overcrowding is often closely related to household income and the cost of housing. The U.S. Census Bureau considers a household to be overcrowded when there is more than one person per room, excluding bathrooms and kitchens, with severe overcrowding when there are more than 1.5 occupants per room. Table H-7 summarizes recent Census estimates of overcrowding for City of Mission Viejo and the SCAG region as a whole.

**Table H-7  
Overcrowding –  
Mission Viejo vs. SCAG Region**



American Community Survey 2014-2018 5-year estimates.

This table shows that overcrowding was more prevalent among renters than for owner-occupied units. Approximately 8% of the city’s renter-occupied households were overcrowded compared to only 1% of owner-occupants.

### 3. Household Income and Overpayment

Household income is a primary factor affecting housing needs in a community. *Extremely-low-income* refers to households with incomes no more than 30% of the county median. HUD data provides a breakdown of extremely-low-income households by race and ethnicity. The race/ethnicity with the highest share of extremely-low-income households in Mission Viejo is Hispanic (13.5% compared to 8.5% of total population). (Table H-8).

**Table H-8**  
**Extremely-Low-Income Households by Race, Ethnicity and Tenure –**  
**Mission Viejo**

	Total Households	Households below 30% HAMFI	Share below 30% HAMFI
White, non-Hispanic	25,265	1,990	7.9%
Black, non-Hispanic	389	19	4.9%
Asian and other, non-Hispanic	3,990	290	7.3%
Hispanic	4,099	554	13.5%
<b>TOTAL</b>	<b>33,743</b>	<b>2,853</b>	<b>8.5%</b>
Renter-occupied	7,725	1,080	14.0%
Owner-occupied	26,010	1,780	6.8%
<b>TOTAL</b>	<b>33,735</b>	<b>2,860</b>	<b>8.5%</b>

HUD CHAS, 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.

According to State housing policy, overpaying occurs when housing costs exceed 30% of gross household income. Table H-9 displays recent HUD estimates for overpayment by income category. According to HUD data, the incidence of overpayment was substantially higher for households in the extremely-low-income and very-low-income categories.

**Table H-9**  
**Overpayment by Income Category –**  
**Mission Viejo**

Income	Households by Share of Income Spent on Housing Cost:		
	< 30%	30-50%	> 50%
< 30% HAMFI	325	279	2,045
30-50% HAMFI	899	765	1,555
50-80% HAMFI	1,565	1,955	940
80-100% HAMFI	1,625	1,735	180
> 100% HAMFI	17,125	2,370	160
<b>Total Households</b>	<b>21,539</b>	<b>7,104</b>	<b>4,880</b>

HUD CHAS, 2012-2016.

HAMFI refers to Housing Urban Development Area Median Family Income.

Although homeowners enjoy income and property tax deductions and other benefits that help to compensate for high housing costs, lower-income homeowners may need to defer maintenance or repairs due to limited funds, which can lead to deterioration. For lower-income renters, severe cost burden can require families to double up resulting in overcrowding and related problems. The federal Section 8 Housing Choice Voucher program is one of the largest sources of assistance for lower-income renters. Unfortunately, funding levels for this program do not match the level of need, and long waiting lists are the norm. Programs to facilitate the production of new affordable rental units can help to alleviate overpayment (see Chapter 5 for a discussion of City programs to encourage and facilitate the development of additional housing for lower-income residents).

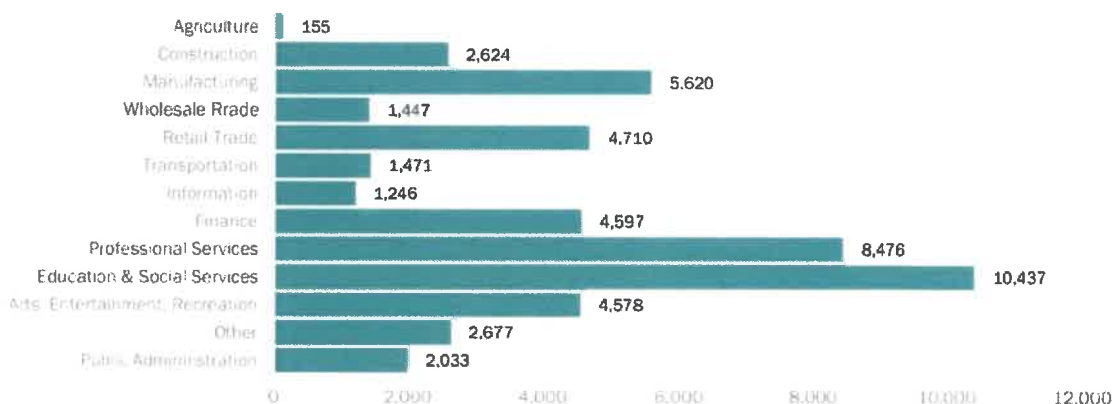
## 2.3 Employment

Employment is an important factor affecting housing needs within a community. The jobs available in each employment sector and the wages for these jobs affect the type and size of housing residents can afford.

### 1. Current Employment

Current employment and projected job growth have a significant influence on housing needs during this planning period. Table H-10 shows that Mission Viejo has 50,071 workers living within its borders who work across 13 major industrial sectors. The most prevalent industry is Education & Social Services with 10,437 employees (20.8% of total) and the second most prevalent industry is Professional Services with 8,476 employees (16.9% of total).

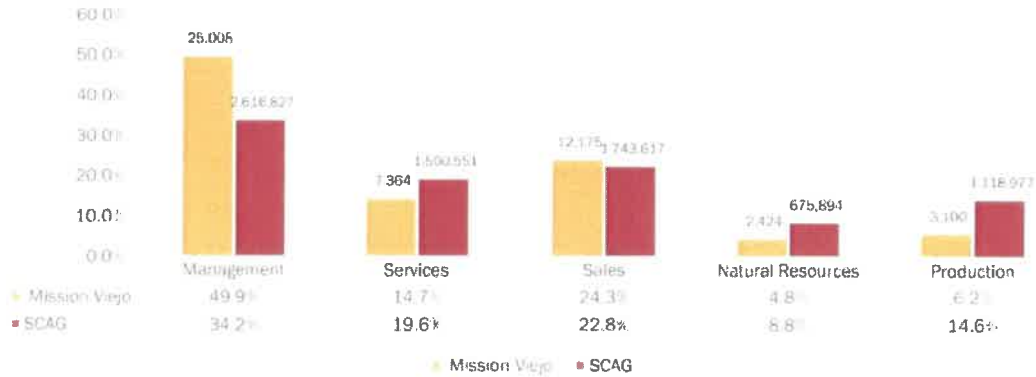
**Table H-10**  
**Employment by Industry –**  
**Mission Viejo**



*American Community Survey 2014-2018 5-year estimates using groupings of 2-digit NAICS codes.*

In addition to understanding the industries in which the residents of Mission Viejo work, it is also possible to analyze the types of jobs they hold. The most prevalent occupational category in Mission Viejo is Management, in which 25,008 (49.9% of total) employees work. The second-most prevalent type of work is in Sales, which employs 12,175 (24.3% of total) in Mission Viejo (Table H-11).

**Table H-11  
Employment by Occupation –  
Mission Viejo**



American Community Survey 2014-2018 5 year estimates using groupings of SOC codes

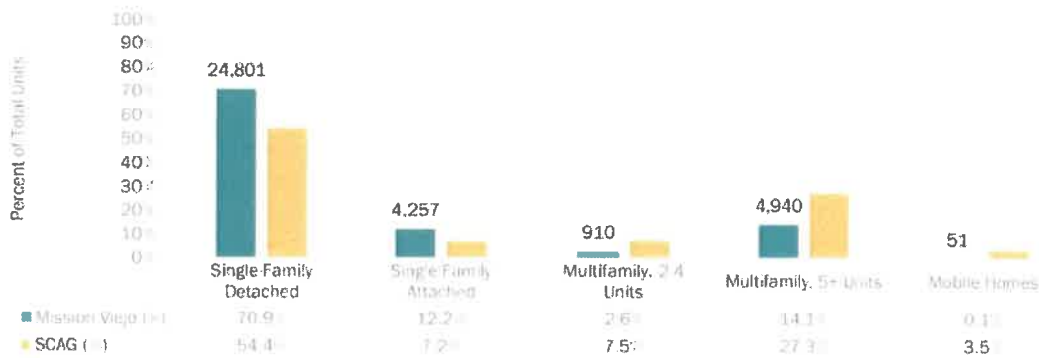
## 2.4 Housing Stock Characteristics

This section presents an evaluation of the characteristics of the community’s housing stock and helps in identifying and prioritizing needs. The factors evaluated include the type of housing units, vacancy, age and condition, housing costs, affordability, and assisted affordable units at-risk of loss due to conversion to market-rate. A housing unit is defined as a house, apartment, mobile home, or group of rooms, occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters.

### 1. Housing Type and Vacancy

About 71% of housing units in Mission Viejo are single-family detached homes as compared to about 54% in the SCAG region as a whole (Table H-12). The average household size (as expressed by the population to housing unit ratio) is 2.78.

**Table H-12  
Housing by Type –  
Mission Viejo vs. SCAG Region**

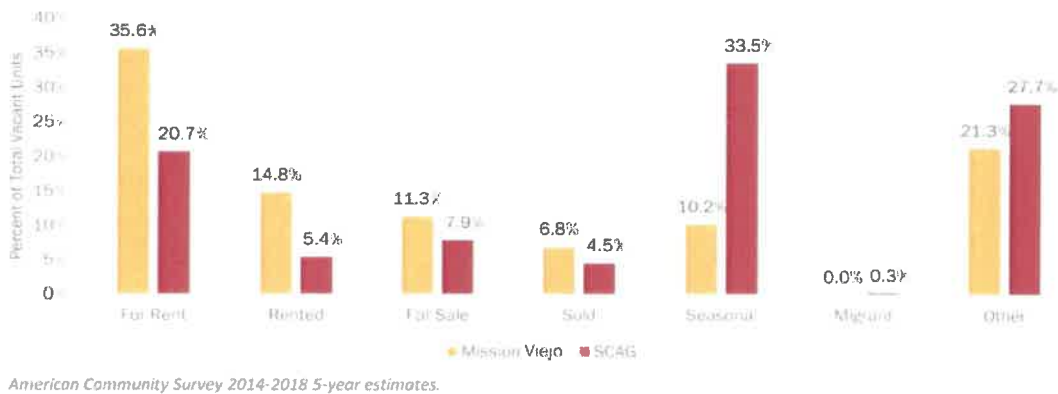


CA DOF E-5 Population and Housing Unit Estimates

The largest category of vacant housing units in Mission Viejo is units for rent (Table H-13). The total

vacancy rate was reported to be 4%.

**Table H-13  
Housing Vacancy –  
Mission Viejo vs. SCAG Region**

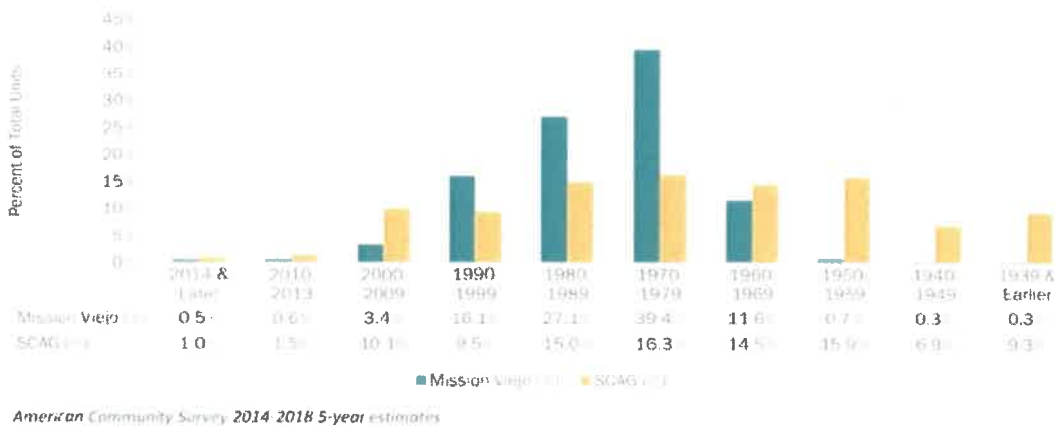


## 2. Housing Age and Conditions

Housing age is often an important indicator of housing condition. Housing units built prior to 1978, before stringent limits on the amount of lead in paint were imposed, may have interior or exterior building components coated with lead-based paint. Housing units built before 1970 are the most likely to need rehabilitation and to have lead-based paint in deteriorated condition. Lead-based paint becomes hazardous to children under age six and to pregnant women when it peels off walls or is pulverized by windows and doors opening and closing.

Table H-14 shows the age distribution of the housing stock in Mission Viejo compared to the region as a whole.

**Table H-14  
Age of Housing Stock –  
Mission Viejo vs. SCAG Region**



Large-scale development in Mission Viejo began in the 1960s; therefore, relatively few housing units are more than 50 years old. Only about 12% of housing units were constructed prior to 1970. The largest portion of the city’s housing units were built during the 1970s and are now more than 30 years old. According to City Building and Code Enforcement staff, it is estimated that approximately 1% to 2% of the housing stock (340-680 units) are in need of some type of repair or rehabilitation.

The goal of the City’s Code Enforcement program is to address housing concerns before they become serious problems, and staff responds to daily calls from citizens regarding code violations and informs eligible parties of available programs to assist in correcting problems. The proactive Code Enforcement program has helped to reduce structural deterioration by identifying problems and directing residents to available resources to assist with improvements.

### 3. Housing Cost

#### a. Housing Affordability Criteria

State law establishes five income categories for purposes of housing programs based on the area (i.e., county) median income (“AMI”): extremely-low (30% or less of AMI), very-low (31-50% of AMI), low (51-80% of AMI), moderate (81-120% of AMI) and above moderate (over 120% of AMI). Housing affordability is based on the relationship between household income and housing expenses. According to HUD and the California Department of Housing and Community Development, housing is considered “affordable” if the monthly payment is no more than 30% of a household’s gross income. In some areas (such as Orange County), these income limits may be increased to adjust for high housing costs.

Table H-16 shows affordable rent levels and estimated affordable purchase prices for housing in Mission Viejo (and Orange County)<sup>1</sup> by income category. Based on state-adopted standards for a 4-person family, the maximum affordable monthly rent for extremely-low-income households is \$961, while the maximum affordable rent for very-low-income households is \$1,601. The maximum affordable rent for low-income households is \$2,562, while the maximum for moderate-income households is \$3,090.

**Table H-16  
Income Categories and Affordable Housing Costs –  
Orange County**

Income Category	Maximum Income	Affordable Rent	Affordable Price (est.)
Extremely Low	\$38,450	\$961	*
Very Low	\$64,050	\$1,601	*
Low	\$102,450	\$2,562	*
Moderate	\$123,600	\$3,090	\$500,000
Above moderate	Over \$123,600	Over \$3,090	Over \$500,000

Assumptions:

- Based on a family of 4 and 2020/21 State income limits
  - 30% of gross income for rent or principal, interest, taxes & insurance
  - 5% down payment, 3.75% interest, 1.25% taxes & insurance, \$350 HOA dues
  - \*For-sale affordable housing is typically at the moderate income level
- Source: Cal. HCD; JHD Planning LLC

Maximum purchase prices are more difficult to determine due to variations in such factors as mortgage interest rates and qualifying procedures, down payments, special tax assessments, homeowner association fees, and property insurance rates. With this caveat, the maximum home purchase price by income category shown in Table H-16 are estimates based on typical conditions. Affordable purchase

<sup>1</sup> Affordable rent and purchase prices are based on county median income.

prices have only been estimated for moderate- and above-moderate-income households since most deed-restricted affordable for-sale units are provided at the moderate income level.

**b. For-Sale Housing**

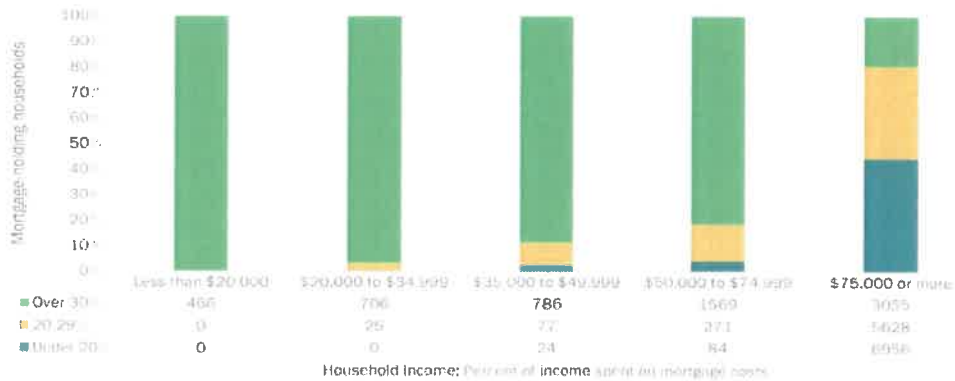
Median sales prices for existing homes in Mission Viejo compared to the SCAG region during the period 2000-2018 are shown in Table H-17. This chart shows that prices in Mission Viejo were consistently higher than the regional average throughout this period. Based on the estimated affordable purchase prices shown in Table H-16, very few for-sale homes are affordable to lower-income homebuyers.

**Table H-17  
Median Sales Prices for Existing Homes 2000 - 2018 –  
Mission Viejo vs. SCAG Region**



Mortgage-holding households in Mission Viejo can be broken down by income and the percentage of income spent on mortgage costs (Table H-18). As one might expect, the general trend is that lower-income households spend a higher share of income on housing costs, while high-income households may spend a lower share of income on housing. The income category most prevalent amongst Mission Viejo mortgage-holding households is \$75,000 or more while the most prevalent share of income spent on mortgage costs is under 20%.

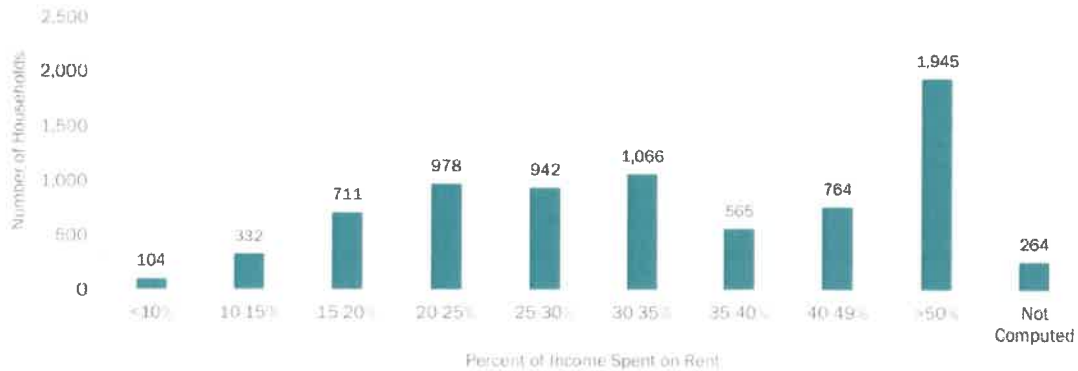
**Table H-18  
Mortgage Costs by Income Category –  
Mission Viejo**



**c. Rental Housing**

According to a recent online survey<sup>2</sup> rentals in Mission Viejo range from \$2,035 and up for apartments and \$3,000 or more for single-family houses. Recent Census estimates showed that about 57% of renters spend 30% or more of gross income on housing, compared to 55% in the SCAG region as a whole. Additionally, 25% of Mission Viejo renters spend 50% or more of gross income on housing compared to 29% in the SCAG region. (Table H-9).

**Table H-19  
Percentage of Income Spent on Rent –  
Mission Viejo**



When market rents are compared to the amount lower-income households can afford to pay (Table H-16), it is clear that very-low- and extremely-low-income households have a difficult time finding housing without overpaying. The gap between current average rent and affordable rent for 4-person families at the very-low-income level is about \$400 per month, while the gap at the extremely-low-income level is \$881 per month. However, at the low-income and moderate-income levels, households are much more likely to find affordable rentals.

**2.5 Special Needs**

Certain groups have greater difficulty in finding decent, affordable housing due to special circumstances. Such circumstances may be related to one’s employment and income, family characteristics, disability, or other conditions. As a result, some Mission Viejo residents may experience a higher prevalence of overpayment, overcrowding, or other housing problems.

State Housing Element law defines “special needs” groups to include persons with disabilities (including developmental disabilities), the elderly, large households, female-headed households with children, homeless people, and farm workers. This section contains a discussion of the housing needs facing each of these groups.

**1. Persons with Disabilities**

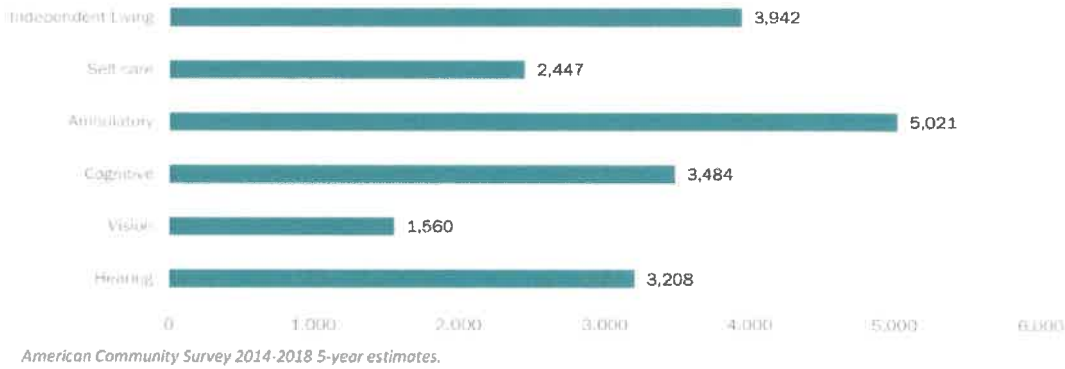
Persons with disabilities face a variety of housing challenges. Recent Census estimates reported that ambulatory and independent living disabilities were the most common types of disabilities among all Mission Viejo residents (Table H-20) and also among those aged 65 and over (Table H-21). It should be noted that some persons may have more than one type of disability. Housing opportunities for those with

<sup>2</sup> [www.Zillow.com](http://www.Zillow.com), 2021

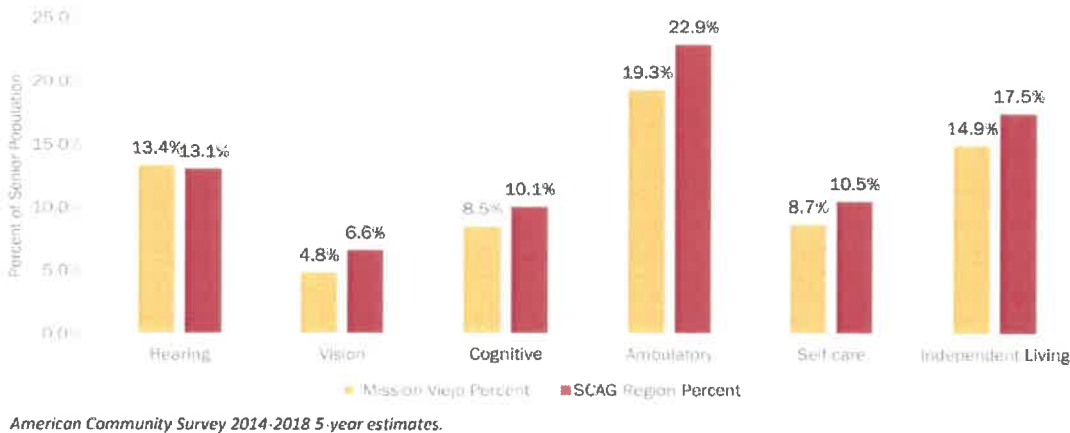


disabilities can be maximized through housing assistance programs and providing universal design features such as widened doorways, ramps, lowered countertops, single-level units and ground floor units.

**Table H-20  
Disabilities by Type –  
Mission Viejo**



**Table H-21  
Disabilities by Type for Seniors 65+ –  
Mission Viejo**



**Developmental Disabilities**

As defined by federal law, “developmental disability” means a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;

- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self-sufficiency;
- Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The U.S. Census Bureau does not record developmental disabilities. According to the U.S. Administration on Developmental Disabilities, an accepted estimate of the percentage of the population that can be defined as developmentally disabled is 1.5%. California Department of Developmental Services (DDS) statistics for Mission Viejo are shown in Table H-22.

Many persons with developmental disabilities can live and work independently within a conventional housing environment. More severely affected individuals require a group living environment where supervision is provided while some may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person’s living situation as a child to an appropriate level of independence as an adult.

**Table H-22  
Developmental Disabilities –  
Mission Viejo**

		Mission Viejo
<b>By Residence:</b>	Home of Parent/Family/Guardian	468
	Independent/Supported Living	69
	Community Care Facility	56
	Intermediate Care Facility	107
	Foster/Family Home	18
	Other	0
<b>By Age:</b>	0 - 17 Years	718
	18+ Years	272
<b>TOTAL</b>		<b>1708</b>

*CA DDS consumer count by CA ZIP, age group and residence type for the end of June 2019.  
Data available in 161/197 SCAG jurisdictions.*

DDS provides community-based services to persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Regional Center of Orange County (RCOC) is one of 21 regional centers in California that provides point of entry to services for people with developmental disabilities. The RCOC is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

Any resident of Orange County who has a developmental disability that originated before age 18 is eligible for services. Services are offered to people with developmental disabilities based on Individual Program Plans and may include: Adult day programs; advocacy; assessment/consultation; behavior management programs; diagnosis and evaluation; independent living services; infant development programs; information and referrals; mobility training; prenatal diagnosis; residential care; respite care;

physical and occupational therapy; transportation; consumer, family vendor training; and vocational training. RCOOC also coordinates the State-mandated Early Start program, which provides services for children under age three who have or are at substantial risk of having a developmental disability.

The mission of the **Dayle McIntosh Center** is to advance the empowerment, equality, integration and full participation of people with disabilities in the community. The Center is not a residential program, but instead promotes the full integration of disabled persons into the community. Dayle McIntosh Center is a consumer-driven organization serving all disabilities. Its staff and board are composed of over 50% of people with disabilities. Its two offices service over 500,000 people in Orange County and surrounding areas with disabilities. The Center's South County branch is located in Laguna Hills, immediately adjacent to Mission Viejo.

**Vocational Visions** ([www.vocationalvisions.org](http://www.vocationalvisions.org)), a non-profit organization located in Mission Viejo, has provided services to local residents with developmental disabilities in partnership with the Saddleback Valley Unified School District since 1974 when the program began with 30 clients and staff of five. This organization currently has over 500 clients and a staff of almost 200 people.

Vocational Visions has helped thousands of men and women with disabilities obtain employment, further education and reach both professional and personal goals. Effective treatment increases the level of functioning for many of these clients, thus maximizing their quality of life vocationally, economically and socially. Services are provided to qualifying persons at no charge.

Vocational Visions is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) and is the only facility-based program in south Orange County. It offers eight comprehensive programs including:

- Day Training Activity Program
- Health Related Services Program
- Emeritus Program
- Adult Development Program
- Work Activity Program
- Vocational Rehabilitation Work Activity Program
- Supported Employment
- South County Clubhouse

In addition to these resources, the City responds to the needs of the developmentally disabled population through programs that facilitate new affordable housing development, preservation of existing low- and moderate-income housing, and equal housing opportunity.

## 2. Elderly

Federal housing data define a household type as 'elderly family' if it consists of two persons with either or both age 62 or over. Of Mission Viejo's 10,515 such households, 13.1% earn less than 30% of the surrounding area income compared to 24.2% in the SCAG region, and 31.2% earn less than 50% of the surrounding area income compared to 30.9% in the SCAG region (Table H-23). Elderly homeowners may be physically unable to maintain their home or cope with living alone. The housing needs of this group can be addressed through smaller units, accessory dwelling units, shared living facilities (such as board and care homes), congregate housing and housing assistance programs. In addition, homes occupied by "empty-nester" seniors represent a significant supply of potential move-up housing for younger families if suitable alternative living arrangements can be found for these seniors.

**Table H-23  
Elderly Households by Income and Tenure –  
Mission Viejo**

Income category, relative to surrounding area:	Owner	Renter	Total	Percent of Total Elderly Households:
< 30% HAMFI	1,030	350	1,380	13.1%
30-50% HAMFI	1,325	575	1,900	18.1%
50-80% HAMFI	1,440	320	1,760	16.7%
80-100% HAMFI	930	100	1,030	9.8%
> 100% HAMFI	4,145	300	4,445	42.3%
<b>TOTAL</b>	<b>8,870</b>	<b>1,645</b>	<b>10,515</b>	

*HUD CHAS, 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.*

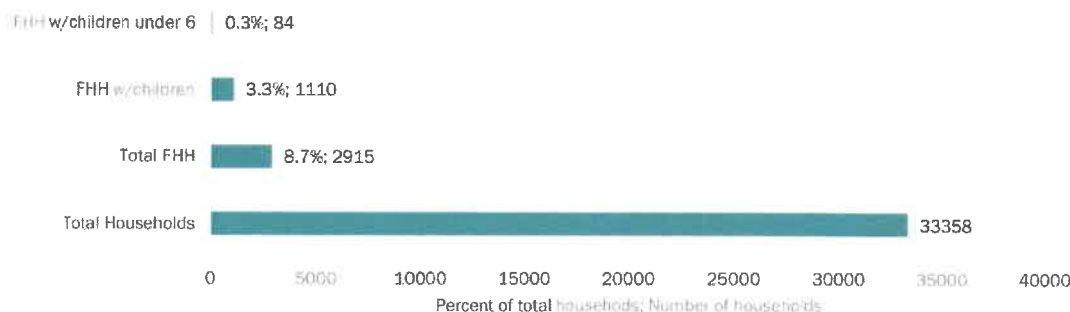
### 3. Large Households

Household size is an indicator of need for large units. Large households are defined as those with five or more members. As shown previously in Table H-4, the Census Bureau reported that approximately 53% of owner households and 62% of renter households in Mission Viejo have only one or two members. About 10% of owner households and about 9% of renter households had five or more members. This distribution indicates that the need for large units with four or more bedrooms is expected to be significantly less than for smaller units.

### 4. Female-Headed Households

The Census Bureau estimated that 8.7% of households in Mission Viejo are female-headed (compared to 14.3% in the SCAG region), 3.3% are female-headed and with children (compared to 6.6% in the SCAG region), and 0.3% are female-headed and with children under 6 (compared to 1.0% in the SCAG region) (Table H-24). While female-headed households represent a relatively small portion of all households, they may have difficulty finding affordable housing due to difficulties juggling employment and childcare responsibilities. Many of the assistance programs described in Chapter 6 will help to address the needs of this group.

**Table H-24  
Female Headed Households –  
Mission Viejo**

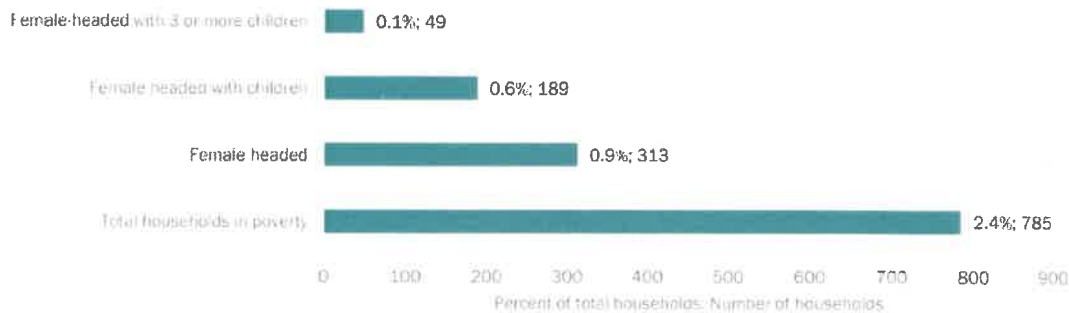


*American Community Survey 2014-2018 5-year estimates.*

Recent Census estimates reported 2.4% of Mission Viejo's households are experiencing poverty,

compared to 7.9% of households in the SCAG region. Poverty thresholds, as defined by the ACS, vary by household type. In 2018, a single individual under 65 was considered in poverty with an income below \$13,064/year while the threshold for a family consisting of 2 adults and 2 children was \$25,465 per year. Just under 1% of all female-headed households in Mission Viejo were reported to be below the poverty line (Table H-25).

**Table H-25  
Female Headed Households by Poverty Status –  
Mission Viejo**



American Community Survey 2014-2018 5-year estimates.

### 5. Farm Workers

Farm workers are traditionally defined as persons whose primary income is from seasonal agricultural work. Historically Orange County’s economy was linked to agriculture. While there are still active farming areas on the Irvine Ranch and some other areas, shifts in the local economy to technology, production and service-oriented sectors have significantly curtailed agricultural activities within the county. Today, Orange County is a mostly developed urban/suburban region with a strong local economy that is not tied to an agricultural base.

Recent Census estimates reported that there were about 74 jobs in Mission Viejo in farming, fishing and forestry occupations (Table H-26). The nearest major agricultural areas to Mission Viejo are the Irvine Ranch, approximately 5 miles to the northwest, and Rancho Mission Viejo to the southeast. Since there are no agricultural operations within Mission Viejo, the need for permanent farmworker housing is of less concern than in other areas where large-scale agricultural operations exist. The needs of agricultural workers who are permanent residents are addressed through a variety of affordable housing programs that serve the needs of all lower-income persons and are not restricted only to farmworkers.

**Table H-26  
Agricultural Employment Status –  
Mission Viejo**

*Farmworkers by Occupation:*

Mission Viejo	Percent of total Mission Viejo workers:	SCAG Total	
74	0.15%	57,741	Total jobs: Farming, fishing, and forestry occupations
62	0.18%	31,521	Full-time, year-round jobs: Farming, fishing, and forestry occupations

*Employment in the Agricultural Industry:*

Mission Viejo	Percent of total Mission Viejo workers:	SCAG Total	
146	0.29%	73,778	Total in agriculture, forestry, fishing, and hunting
124	0.36%	44,979	Full-time, year-round in agriculture, forestry, fishing, and hunting

*American Community Survey 2014-2018 5-year estimates using groupings of NAICS and SOC codes.*

## 6. Homeless Persons

Throughout the country, homelessness is a serious problem. Factors contributing to homelessness include: the general lack of emergency shelters, transitional housing, and housing affordable to lower-income persons; an increasing number of persons whose incomes fall below the poverty level; reductions in public assistance for the poor; and the de-institutionalization of the mentally ill.

The County of Orange undertakes a biannual “Point-in-Time” survey of the homeless population as part of its application for homeless assistance grant funds to HUD. The most recent Point-in-Time data from the survey conducted in January 2019 estimated that there were approximately 6,860 homeless persons at the time of the survey, of which 2,899 were sheltered and 3,961 were unsheltered<sup>3</sup>. In Mission Viejo, the survey identified 22 unsheltered and 9 sheltered homeless persons.

A discussion of City regulations related to emergency shelters and other types of facilities that serve the homeless population is provided in Chapter 4.

### 2.6 Assisted Housing at Risk of Conversion

This section identifies all residential projects in the city that are under an affordability restriction, along with those housing projects that are at risk of losing their low-income affordability restrictions within the 10-year period 2021-2031. This information is also used in establishing quantified objectives for units that can be conserved during this planning period. The inventory of assisted units includes all units that have been assisted under any federal, state, local and/or other program.

State law requires local governments to analyze the potential of housing developments with affordability assistance to convert to market rate housing. There are currently 4 projects with affordable units in

3 County of Orange, 2019 Point in Time Final Report, July 30, 2019 (<http://ochmis.org/wp-content/uploads/2019/08/2019-PIT-FINAL-REPORT-7.30.2019.pdf>)

Mission Viejo (Table H-27). During the next 10 years, none of these units will be eligible to convert from low-income housing uses due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

**Table H-27  
Assisted Housing Developments –  
Mission Viejo**

Project Name	Type of Public Assistance	Total Units	Affordable Units	Household Type	Expiration Date
Avalon	Mortgage Revenue Bonds	166	34 VL	Families	2037
Heritage Villas	LIHTC	143	58 VL 83 Low	Families	2070
Arroyo Vista	LIHTC, CalHFA	156	16 VL 60 Low	Families	2049
Sycamore Lane	Section 8	208	42 Low		Permanent

Source: City of Mission Viejo Community Development Dept., 2021

## 2.7 Future Housing Needs

### 1. Overview of the Regional Housing Needs Assessment

The Regional Housing Needs Assessment (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing during the period from July 2021 to October 2029. Communities then determine how they will address this need through the process of updating the Housing Element of their General Plans.

The current RHNA was adopted by the Southern California Association of Governments (SCAG) in March 2021. The future need for new housing was determined by the forecasted growth in households in a community as well as existing needs due to overpayment and overcrowding. The housing need was adjusted to maintain a desirable level of vacancy to promote housing choice and mobility and to account for units expected to be lost due to demolition, natural disaster, or conversion to non-housing uses. Total housing need was then distributed among four income categories on the basis of the current household income distribution.

After the total housing need was determined for the SCAG region, RHNA allocations to individual jurisdictions were developed by SCAG based on factors established in State law. The distribution of housing need by income category for each jurisdiction was adjusted to avoid an over-concentration of lower-income households in any community.

### 2. 2021-2029 Mission Viejo Housing Needs

The total additional housing need for the City of Mission Viejo during the 2021-2029 planning period is 2,217 units. This total is distributed by income category as shown in Table H-28.

**Table H-28  
2021-2029 Regional Housing Needs - Mission Viejo**

Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
337	337	401	397	745	2,217

Source: SCAG 2021

It should be noted that the extremely-low-income category is included within the very-low-income category in the adopted RHNA. As provided in Assembly Bill (AB) 2634 of 2006, jurisdictions may determine their extremely-low-income need as one-half the need in the very-low category. A discussion of how the City will accommodate this need is provided in the land inventory section of Chapter 3.



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### 3. Resources and Opportunities

A variety of resources are available for the development, rehabilitation, and preservation of housing in the City of Mission Viejo. This section provides an overview of the land resources and adequate sites necessary to address the City’s regional housing needs allocation for the 2021-2029 RHNA projection period, as adopted by the Southern California Association of Governments on March 4, 2021 (see Table H-29). This section also describes the financial and administrative resources available to support the provision of affordable housing, as well as opportunities for energy conservation, which can lower utility costs and increase housing affordability.

#### 3.1 Land Resources

Section 65583(a)(3) of the *Government Code* requires Housing Elements to contain an “inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.” A detailed inventory of residential development sites is provided in Appendix B. The results of this analysis are summarized in Table H-29 below. The table shows that the City’s land inventory for potential residential development is sufficient to accommodate the RHNA in all income categories for this projection period.

**Table H-29  
Land Inventory Summary –  
City of Mission Viejo**

	Income Category			
	Very Low	Low	Moderate	Above Moderate
Vacant sites	299	178	177	330
Underutilized sites	406	245	242	450
Potential ADUs	8	12	9	1
Total	713	435	428	781
RHNA (2021-2029)	674	401	397	745
Adequate sites?	Yes	Yes	Yes	Yes

Source: City of Mission Viejo Community Development Dept., 2021

A discussion of public facilities and infrastructure needed to serve future development is contained in Section 4.2.3, Non-Governmental Constraints. There are currently no known service limitations that would preclude the level of development described in the RHNA, although developers will be required to pay fees or construct public improvements prior to or concurrent with development. Additionally, while some of the RHNA sites have environmental constraints such as steep slopes or geotechnical issues, the level of development described in the RHNA reflects anticipated development potential given feasible methods for addressing those issues. Development of properties identified in the City’s Land Inventory shall comply with all State-mandated RHNA requirements.

## **3.2 Financial and Administrative Resources**

### **1. State and Federal Resources**

#### **Community Development Block Grant Program (CDBG)**

Federal funding for housing programs is available through the Department of Housing and Urban Development (HUD). The City's use of federal funds is described in the 2020-2024 Consolidated Plan. As an Entitlement City, Mission Viejo participates in the Community Development Block Grant (CDBG) program. CDBG funds are used by the City to fund its Housing Rehabilitation Program (see *Local Resources*).

CDBG funds may also be used to provide public services (including labor, supplies and material), provided that the public service meets a national objective of the CDBG program. The amount of CDBG funds obligated within a program year to support public service activities cannot exceed 15% of the City's total allocation. Several organizations operating service programs have been supported with City CDBG funds. These programs include childcare services, senior-housing services, legal services, disabled services, homeless prevention services, and support services to abused and neglected children. Unfortunately, the amount of CDBG funding has declined in recent years, and future grants are dependent on the federal budgeting process.

In 2016 the City Council amended the CDBG Annual Action Plan to allocate \$820,000 to support the purchase of existing housing for transitional affordable housing. In 2017, the City entered into an agreement with Families Forward, a nonprofit public benefit corporation assisting families in need, to support the acquisition and long-term operation of two condominium dwelling units for tenancy and occupancy by qualified very-low-income households who are ready to move from transitional housing into more permanent housing. In 2020 the City entered into a second agreement with Families Forward, providing \$524,690 in CDBG funds to supplement the purchase of two additional condominium units for occupancy by very-low-income households.

The City does not currently participate in other HUD programs such as HOME, Emergency Shelter Grant (ESG) or Housing Opportunities for Persons with AIDS (HOPWA).

#### **Section 8 Rental Assistance**

The City of Mission Viejo contracts with the Orange County Housing Authority, which administers the Section 8 Voucher Program. The Housing Assistance Payments Program assists low-income, elderly and disabled households by paying the difference between 30% of an eligible household's income and the actual cost of renting a unit. The City facilitates use of the Section 8 program within its jurisdiction by encouraging apartment owners to list available rental units with the County Housing Authority for potential occupancy by tenants receiving Section 8 certificates.

#### **Low-Income Housing Tax Credit Program**

The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 to provide an alternate method of funding low-and moderate-income housing. Each state receives a tax credit, based upon population, toward funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Limitations on projects funded under the Tax Credit programs include minimum requirements that a certain percentage of units remain rent-restricted, based upon median income, for a term of 15 years.

## 2. Local Resources

### Mission Viejo Community Development Agency Set-Aside Funds

The Mission Viejo Community Development Agency (CDA) Project Area was adopted in 1992. On February 1, 2012 all redevelopment agencies were dissolved by the State Legislature pursuant to Assembly Bill (AB) 1x26, and the City became the “Successor Agency” to the CDA. In 2011 the City established the Mission Viejo Housing Authority (MVHA) to be the Housing Successor to the CDA. All housing assets, including encumbered funds in the former CDA’s Low and Moderate Income Housing Fund, were transferred to the MVHA. At this time, the future disposition of low/mod set-aside funds is uncertain.

### Mission Viejo Housing Rehabilitation Program

The Mission Viejo Housing Rehabilitation Program has provided technical and financial assistance since 2000 to qualifying low-income households who are owner/occupants of single-family residential properties in the City of Mission Viejo. The program is currently funded with the Community Development Agency Housing Set-aside Fund and CDBG funds. The program’s objectives are to correct nonconforming uses, remedy code violations, and generally repair and improve deteriorating properties in an effort to provide decent housing and a suitable living environment for persons and families of low and moderate income. Examples of eligible repairs include repairs to heating, plumbing and driveways; new roofs; exterior painting; window and door replacement; and correction of code violations that pose a threat to public safety. Financial assistance is provided in the form of a grant or deferred payment loan. Single-family rehabilitation grants in amounts up to \$5,000 are available to qualifying property owners to correct existing local and/or state code violations and finance eligible exterior improvements to residential properties. The City offers deferred payment loans to eligible property owners in amounts up to \$25,000 with combined loan and grants not to exceed \$30,000. In 2020, the City processed 6 loans or grants totaling \$106,000.

### Residential Mortgage Revenue Bonds

The City has authorized participation in two County-administered Residential Mortgage Revenue Bond Program to increase the supply of affordable housing in the County - the Multi-Family Housing Revenue Bond Program and the Single-Family Residential Mortgage Revenue Bond Program. Under these programs, tax-exempt bonds are issued to provide funds for construction and mortgage loans to encourage developers to provide both rental and for-sale housing affordable to lower-income families and individuals.

## 3.3 Energy Conservation Opportunities

As residential energy costs rise, the subsequent increasing utility costs reduce the affordability of housing. Although the City is fully developed, new infill development and rehabilitation activities are occurring, allowing the City to directly affect energy use within its jurisdiction.

The City has many opportunities to directly affect energy use and conservation. In addition to required compliance with the Building Code and Title 24 of the California Energy Code and California Green Building Standards Code relating to energy conservation, the City sets forth goals and policies which encourage the conservation of non-renewable resources in concert with the use of alternative energy sources to increase energy self-sufficiency. In a large part, energy savings and utility bill reductions can be realized through the following energy design standards:

- **Glazing** – Glazing on south facing exterior walls allows for winter sunrays to warm the structure. Avoidance of this technique on the west side of the unit prevents afternoon sunrays from overheating the unit.
- **Landscaping** – Strategically placed vegetation reduces the amount of direct sunlight on the windows. The incorporation of deciduous trees in the landscaping plans along the southern area of units reduces summer sunrays, while allowing penetration of winter sunrays to warm the units.
- **Building Design** – The implementation of roof overhangs above windows shield the structure from direct solar rays.
- **Cooling/Heating Systems** – The use of attic ventilation systems reduces attic temperatures during the summer months. Solar heating systems for swimming pool facilities save on energy costs. Natural gas is conserved with the use of flow restrictors on all hot water faucets and showerheads.
- **Weatherizing Techniques** – Weatherization techniques such as insulation, caulking, and weather stripping can reduce energy use for air-conditioning up to 55% and for heating as much as 40%. Weatherization measures seal a dwelling unit to guard against heat gain in the summer and prevent heat loss in the winter.
- **Efficient Use of Appliances** – Each household contains different mixture of appliances. Regardless of the mix of appliances present, appliances can be used in ways that increase their energy efficiency. Unnecessary appliances can be eliminated; proper maintenance and use of stove, oven, clothes dryer, clothes washer, dishwasher, and refrigerator can also reduce energy consumption. New appliance purchases can be made on the basis of efficiency ratings.

In 2008, the City Council adopted a fee waiver for the installation of solar and other energy-saving equipment now available to new homeowners and senior residents in the City. Details regarding this program are also found on the City's website<sup>4</sup>. The fee waiver program applies to all building permits for solar photovoltaic, solar thermal systems, tankless water heaters, windows and/or doors containing glass, high-efficiency heating, ventilation and air conditioning (HVAC) systems. Expedited plan review and same-day inspection also accompany the fee waiver program. In addition, in 2008, the City adopted a Solar Energy Education Program to complement its existing Green Building Program. The City also actively promotes and markets energy conservation and education in the community.

The City will also continue to actively pursue grant and funding opportunities associated with federal and state Energy Efficiency and Conservation Block Grant programs.

In 2012 the City established the *Improve Don't Move* program, which provided fee waivers for home improvements, including energy-saving modifications, and in 2014, the Council approved a water conservation fee waiver program to encourage the installation of water-saving improvements.

<sup>4</sup> <https://cityofmissionviejo.org/sites/default/files/EEFW%20program%20handout%20rev%20208-2019.docx>

## 4. Housing Constraints

This section of the Housing Element provides an analysis of existing and potential constraints upon the maintenance, improvement, or development of housing for all income levels. Governmental and nongovernmental constraints are considered in the analysis. This analysis will help focus the goals, policies and programs in the most efficient and effective manner. As noted in previous Housing Elements, Mission Viejo was developed as a planned community under a development agreement that limited the City's ability to modify development standards covered under the agreement. The development agreement expired in 2001 and the City has full control over land use and zoning. The legacy of the of master plan is still significant, however, as the City was built-out in accordance with the original vision established by the Mission Viejo Company.

### 4.1 Governmental Constraints

The intent of local government regulations is to protect public health and safety and ensure a decent quality of life for the residents. However, such regulations may add to the cost of housing. State law requires that the Housing Element address and, where appropriate and legally possible, demonstrate local efforts to remove governmental constraints to the maintenance, improvement and development of housing for all income levels and for special housing needs. Potential governmental constraints identified by State housing law include land use controls, fees and other exactions required of developers, site improvements, building codes and their enforcement, and local processing and permit procedures.

#### 1. Land Use Plans and Regulations

##### a. General Plan

Each city and county in California must prepare a comprehensive, long-term General Plan to guide its future. The land use element of the General Plan establishes the basic land uses and density of development within the various areas of the city. Under State law, the General Plan elements must be internally consistent, and the City's zoning must be consistent with the General Plan. Thus, the land use plan must provide suitable locations and densities to implement the policies of the Housing Element.

The Mission Viejo General Plan Land Use Element provides for ~~four-six~~ residential land use designations, as shown in Table H-30. Two new residential land use designations were established in 2021: Residential 50, to accommodate residential projects with a density range of 30.01 to 50 du/ac; and Residential 80, to accommodate residential projects with a density range of 30.01 to 80 du/ac.

In addition, the General Plan contains ~~two-sixseven~~ mixed-use designations which allow residential development as shown in Table H-30: Commercial Neighborhood/Community Facility/Residential 14 and Office Professional/Residential 30/Business Park. These mixed-use designations allow any of the listed use categories to exist individually on a site, or to be combined with one or both of the other categories in a mixed-use project.

**Table H-30  
Residential and Mixed-Use Land Use Categories –  
Mission Viejo General Plan**

Designation	Maximum Density*	Description
Residential 3.5	3.5	Low density detached and attached single family dwellings.
Residential 6.5	6.5	Low to medium density detached and attached single-family dwellings (duplexes, condominiums, and townhomes).
Residential 14	14.0	Medium and higher density detached and attached single family dwellings and multi-family apartments.
Residential 30	30.0	High density single family attached and multi-family dwelling units.
Residential 50	50.0	High density single family attached and multi-family dwelling units.
Residential 80	80.0	High density single family attached and multi-family dwelling units.
Commercial Neighborhood/ Community Facility/ Residential 14	14.0	Commercial, community facilities or residential units, either individually or combined.
Office Professional/ Residential 30/ Business Park	30.0	Commercial, community facilities or residential units, either individually or combined.
Commercial Highway/ Residential 30	30.0	Commercial and residential units, either individually or combined
Commercial Highway/ Residential 50	50.0	Commercial and residential units, either individually or combined
Commercial Regional/ Residential 80	80.0	Commercial and residential units, either individually or combined
Business Park/ Residential 30	30/0	Commercial and residential units, either individually or combined

Source: City of Mission Viejo General Plan, 2021.  
\*Density expressed in dwelling units per gross acre.

The City of Mission Viejo General Plan is not considered to be a constraint to the goals and policies of the Housing Element as the City’s zoning is consistent with the General Plan and adequate sites with appropriate densities have been identified and zoned to facilitate construction commensurate with the City’s fair share of new housing units during the planning period (see-See Section 3 – Resources and OpportunitiesResources and Opportunities beginning on page 25).

**b. Zoning Designations**

The City regulates the type, location, density, and scale of residential development through the Development Code, a part of the City’s Municipal Code. The Development Code, which contains the City’s zoning regulations, serves to implement the General Plan and is designed to protect and promote the health, safety, and general welfare of residents. The Development Code also helps to preserve the character and integrity of existing neighborhoods. The Development Code sets forth residential development standards for each zoning district.

The five zoning districts that allow residential units as a permitted use are as follows:

- RPD 3.5** Residential Planned Development 3.5
- RPD 6.5** Residential Planned Development 6.5
- RPD 14** Residential Planned Development 14
- RPD 30** Residential Planned Development 30
- RPD 30A** Residential Planned Development By-Right (Affordable)

**RPD 50 Residential Planned Development 50**

**RPD 80 Residential Planned Development 50**

A summary of the residential development standards for these zoning districts is provided in Table H-31. These development standards continue to be viewed as reasonably necessary to protect the public health, safety and welfare and maintain the quality of life, and are not considered to be constraints on the development of housing.

**Table H-31  
Residential Development Standards**

Development Standard	Zoning District Designations					
	RPD 3.5	RPD 6.5	RPD 14	RPD 30 RPD 30A	<del>RPD 30</del> <u>RPD 50</u>	<del>RPD 30</del> <u>RPD 80</u>
Maximum Density (du/ac) <sup>1</sup>	3.5	6.5	14.0	30.0	<u>50</u>	<u>80</u>
Minimum Lot Area (sq. ft.)	5,000	5,000	5,000	5,000	<u>20,000</u>	<u>30,000</u>
Minimum Front Yard (ft.)	20	20	30	30	<u>40</u>	<u>50</u>
Minimum Side Yard (ft.)	5	5	10	15	<u>25</u>	<u>35</u>
Minimum Rear Yard (ft.)	10	10	30	30	<u>40</u>	<u>50</u>
Maximum Lot Coverage (%)	60	60	50	50	<u>50</u>	<u>50</u>
Maximum Building Height (ft.)	35 <sup>2</sup>	35 <sup>2</sup>	35 <sup>2</sup>	35 <sup>2</sup>	<u>50<sup>2</sup></u>	<u>65<sup>2</sup></u>

Source: City of Mission Viejo Development Code

1. Density expressed in dwelling units per gross acre.
2. ~~35 feet or two stories whichever is less.~~ In the RPD 30, ~~and RPD 30A,~~ RPD 50 and RPD 80 Districts, this provision building height may be modified by the Planning and Transportation Commission as part of a Planned Development Permit application ~~up to a maximum height of 45 feet or 3 stories.~~

The City’s Development Code was adopted in October 1998 and has been reviewed and amended over time to ensure that it remains current and consistent with State law, and that it continues to facilitate development. Amendments to the Development Code included updates for reasonable accommodation, density bonus, emergency shelters, and development and parking standards for accessory dwelling units. City staff meets regularly with housing developers and routinely engages in discussion regarding the City Development Code standards. The City’s Development Code also allows for a minor exception process to allow adjustments to the Code of up to 15% for setbacks, height, parcel dimensions and modifications of up to 30% for on-site circulation and parking. These provisions address special hardship circumstances and help facilitate development while avoiding the administrative requirements of seeking a variance. The City’s standards are not generally seen as an obstacle to affordable housing development. Several affordable housing development projects have been approved in recent years, and some have been granted a density bonus or modification to development standards such as building height in order to enhance project feasibility. In addition, the Heritage Villas affordable senior project was approved with one parking space per unit based on a study analyzing parking need at similar projects.



As stated in the Development Code, the standards listed above shall apply unless modified by a Planned Development Permit issued by the Planning and Transportation Commission. The Planned Development Permit process allows nontraditional or unique site plan design if found appropriate by the Planning and Transportation Commission. The development standards were analyzed to ensure that the maximum housing densities for a zone could be attained. Results from the analysis indicated that the maximum densities could be achieved.

Densities range from 3.5 dwelling units per gross acre in the RPD 3.5 District to a maximum of ~~30~~80.0 units per gross acre in the RPD ~~30-80~~ District. In addition, State law allows a potential density bonus above the allowable density specified in the Code.

Three additional zoning districts, the Commercial Community District (CC) District, Commercial Highway District (CH) and the Office/Professional District (OP) allow congregate care/senior housing when combined with the Senior Housing Overlay Zone (SH). All senior housing developments are subject to a conditional use permit.

A summary of the residential development permitted by the City’s Zoning Ordinance is provided in Table H-32.

The Development Code provides for a variety of housing types including single-family homes, multi-family (both rental and condominiums), manufactured housing, mobile homes, and accessory dwelling units (ADUs). Low-income housing can be accommodated in all residential districts. ADUs, which are an important tool in facilitating affordable housing, are permitted by-right in any residential zone with an existing single-family home.

**Table H-32  
Permitted Residential Development by Zoning District**

Housing Type Permitted	RPD 3.5	RPD 6.5	RPD 14	RPD 30	RPD 30A	RPD 50	RPD 80	CC	CH	OP
<b>Residential Uses</b>										
Single-Family Detached	PD	PD	PD	PD	P	D	D			
Single-Family Attached	PD	PD	PD	PD	P	D	D			
Multi-Family Dwellings			PD	PD	P	D	D			
Condominium		PD	PD	PD	P	D	D			
Manufactured Housing	PD	PD	PD	PD	P	D	D			
Mobile Home Parks	PD	PD	PD	PD	PD	D	D			
Second Units	P	P	P	P						
<b>Special Needs Housing</b>										
Emergency Shelters <sup>3</sup>				C	C	C	C			
Transitional Housing <sup>3</sup>				C	C	C	C			
Residential Care Facilities (6 or fewer persons) <sup>3</sup>	P	P	P	P	P	P	P			
Residential Care Facilities (7 or more persons) <sup>3</sup>			C	C	C	C	C			
Congregate Care/Senior Housing			C <sup>1</sup>	C <sup>1</sup>		C <sup>1</sup>	C <sup>1</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>
Single Room Occupancy										C

Housing Type Permitted	RPD 3.5	RPD 6.5	RPD 14	RPD 30	RPD 30A	RPD 30	RPD 30	CC	CH	OP
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Source: Mission Viejo Development Code P = Permitted PD = Planned Development Permit C = Conditional Use Permit

- 1 Congregate Care/Senior Citizen Housing is subject to the development standards set forth in §9.10.020 of the Development Code.
- 2 Use is allowed only when combined with the Senior Housing Overlay Zone (SH).
- 3 Use is permitted in accordance with existing state law.

The RPD 30A District, adopted in 2007, was created to provide suitable zoning for parcels A, B and C identified in the Housing Plan as potential sites for affordable housing. The district permits residential development by-right in accordance with housing element law and waives the need for any type of discretionary permit. The RPD 30A District also contains affordability criteria that require a percentage of the units within parcels A, B and C to be affordable to low- or very low-income households. The percentage of residential units in parcels A, B, and C required to be affordable are as follows:

- Parcel A – 15% (minimum and maximum)
- Parcel B – 15% (minimum)
- Parcel C – 20% (minimum)

**c. Special Needs Housing**

Persons with special needs include those in residential care facilities, persons with disabilities, the elderly, farm workers, persons needing emergency shelter or transitional living arrangements, and single room occupancy units. The City’s provisions for these housing types are discussed below.

- **Residential Care Facilities** – Residential care facilities refer to any family home, group home, or rehabilitation facility that provides non-medical care to persons in need of personal services, protection, supervision, assistance, guidance, or training essential for daily living. Section 9.01.050 (129) of the Mission Viejo Development Code defines the term *residential care facility* as “a family home or group care facility for 24-hour non-medical care of persons in need of personal services, supervision or assistance for sustaining the activities of daily living or for protection” However, the Code does not explicitly identify residential care facilities as a permitted use in any of the residential zones. Under State law, residential care facilities that serve six or fewer persons are classified as a residential use and must be permitted by-right in all residential districts in the City of Mission Viejo. Facilities serving more than six persons are conditionally permitted in the RPD 14 and RPD 30 Districts by conditional use permit. These requirements are consistent with State law and do not pose a significant constraint on the establishment of such facilities.
- **Housing for Persons with Disabilities** – Both the federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. The Building Codes adopted by the City of Mission Viejo incorporate accessibility standards contained in Title 24 of the California Administrative Code. Additionally, in 2003 the City adopted a reasonable accommodation ordinance pursuant to SB 520 (Municipal Code ~~Section~~ [Chapter 9.60](#)). The purpose of the ordinance is to provide reasonable accommodation in the application of zoning and building laws, and policies and procedures for persons with disabilities seeking fair access to housing. Any person seeking reasonable accommodation

because of a disability may file an application with the Director of Community Development. There is no fee required. The Director shall review the application for completeness within 5 days of receipt, and shall conduct a hearing and make a determination on the request within 30 days of receipt of a complete application. In making a determination about the reasonableness of a requested accommodation, the following factors shall be considered:

- (a) Whether the accommodation is reasonable considering the nature of the applicant's disability, the surrounding land uses, and the rule, standard, policy, or practice from which relief is sought;
- (b) Whether the accommodation is necessary to afford the applicant equal opportunity to enjoy and use a specific dwelling in the City;
- (c) Whether the accommodation will have only incidental economic or monetary benefits to the applicant, and whether the primary purpose of the accommodation is to assist with real estate speculation or excess profit taking;
- (d) Whether the accommodation will create a substantial adverse impact on surrounding land uses, or a public nuisance, that cannot be reasonably mitigated;
- (e) Whether the accommodation is reasonably feasible considering the physical attributes of the property and structures;
- (f) Whether there are alternative accommodations which may provide an equivalent level of benefit to the applicant, while minimizing adverse impacts on surrounding land uses and lessening the financial and/or administrative burden on the City;
- (g) Whether the requested accommodation would impose an undue financial or administrative burden on the City; and
- (h) Whether the requested accommodation would constitute a fundamental alteration of the zoning or building laws, policies or procedures of the City.

Definition of "family" – Municipal Code Sec. 9.01.050 defines "Family" as "One or more persons related or unrelated, living together as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall include domestic servants employed by the family but shall not include a fraternal, religious, social, or business group." This definition is consistent with State law.

Concentration requirements – care facilities or group homes are not subject to any minimum spacing requirements.

Site planning requirements – no special site planning requirements are applied to care facilities or group homes that are not applicable to other residential uses in the same zone. Also, as noted above, modifications to zoning and building regulations may be granted under the City's Reasonable Accommodation Ordinance.

Parking requirements – modified parking requirements may be reviewed and approved under the Reasonable Accommodation Ordinance.

Compliance with building codes and the provisions of the federal Americans with Disabilities Act (ADA) could have the potential to increase the cost of housing production and can also impact the viability of rehabilitation of older properties required to be brought up to current code standards. However, these regulations provide minimum standards that must be complied with in order to ensure the development of safe and accessible housing.

- **~~Farm Worker~~Agricultural Employee Housing** – As discussed in Section 2.5.5 (beginning on page 20), the City of Mission Viejo is not located within a major agricultural area and has no significant need for permanent on-site farm worker housing. The City’s overall efforts to provide and maintain affordable housing opportunities will help to support any agricultural workers that reside in Mission Viejo. Health and Safety Code §17021.5 requires that employee housing for six or fewer workers to be allowed as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Program 10 in the Housing Plan includes an amendment to City regulations in conformance with this law.
- **Housing for the Elderly** – Many seniors in Mission Viejo reside in State-licensed care facilities with six or fewer residents, which are permitted by-right. Congregate Care/Senior Housing is permitted in the RPD 14 and RPD 30 Districts subject to a conditional use permit. Congregate Care/Senior Housing is also permitted in CC, CH, and OP Districts when combined with the Senior Housing Overlay Zone (SH). The Development Code provides special standards for senior citizen housing developments within the RPD 14 and RPD 30 Districts and also within the Senior Housing Overlay Zone. These standards are designed to ensure that proposed facilities meet the physical and social needs of senior citizens. A density bonus may be utilized for Senior Housing projects within the RPD 14 and RPD 30 Districts. The requirement for a conditional use permit is reasonable to ensure compliance with the senior housing standards and not considered to be a constraint to the development of senior housing.
- **Emergency Shelters and Transitional/Supportive Housing** – Emergency shelters are facilities that provide a safe alternative to acute homelessness either in a shelter facility, or through the use of motel-vouchers. Emergency shelter is short-term, usually for 30 days or less. Transitional housing is longer-term housing, typically up to 2 years. Transitional housing requires that the resident participate in a structured program to work toward established goals so that they can move on to permanent housing. Residents are often provided with an array of supportive services to assist them in meeting goals.

Senate Bill 2 of 2007 requires that unless adequate shelter facilities are available to meet a jurisdiction’s needs, emergency shelters must be allowed by-right (i.e., without discretionary review such as a conditional use permit) in at least one zoning district, but may include specific development standards. In 2009 the Development Code was amended to allow emergency shelters by-right in the Business Park district. Sites within this zone are located within walking distance of shopping, medical, civic offices, employment and public transportation. The Business Park zone encompasses more than 165 acres and there are currently some vacant parcels and buildings in these zones that could accommodate shelters. Development standards are appropriate to facilitate emergency shelters, and are summarized as follows:

Setbacks: 25 ft. front/25 ft. rear/15 ft. side  
 Height: 35 ft. maximum  
 Floor Area Ratio: 1.0 maximum  
 Maximum beds: 10  
 Parking: 1 space per 250 square feet of gross floor area  
 Intake/waiting area: 500 square feet  
 Management plan and on-site supervision/security required  
 Minimum separation from another emergency shelter: 250 feet  
 Maximum length of stay: 180 days

In addition, recent changes to State law only allow cities to require sufficient parking to accommodate staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. Program 10 in Section 6 includes a commitment to process an amendment to the Development Code in compliance with this requirement.

In 2019 the State Legislature adopted AB 101 establishing requirements related to local regulation of low barrier navigation centers, which are defined as “Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” *Low Barrier* means best practices to reduce barriers to entry, and may include, but is not limited to:

- The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth
- Accommodation of residents’ pets
- The storage of possessions
- Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms

Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. Program 10 in Section 6 includes a commitment to process an amendment to the Development Code in compliance with this requirement.

Transitional housing is defined in Section 50675.2(h) of the *Health and Safety Code* as follows:

“Transitional housing” and “transitional housing development” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Supportive housing is defined in Section 50675.14(b)(2) of the *Health and Safety Code* as follows:

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

City regulations permit transitional and supportive housing subject to the same standards and procedures as other residential uses of the same type in the same zone in conformance with SB 2.

In 2018 AB 2162 amended State law to require that supportive housing be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria. Program 10 in Section 6 includes a commitment to process an amendment to the Development Code in compliance with this requirement.

- **Single Room Occupancy** – Single room occupancy facilities are small studio-type units and are allowed by conditional use permit in the OP District. Development standards for these uses are no more restrictive than for other uses allowed in these districts.

**d. Off-Street Parking Requirements**

The City’s parking requirements are also governed by the City’s Municipal Code and its application to residential uses vary by residential type. Single-family attached and detached dwellings require two covered parking spaces per unit. Multi-family dwellings require 1.5 parking spaces for studio and 1-bedroom units, 2 spaces for 2-bedroom units, and 2.5 spaces for 3 or more bedroom units. Senior projects require one covered parking space for each dwelling unit for the exclusive use of the senior residents and one uncovered parking space for each dwelling unit for employee and guest use. Parking requirements are summarized in Table H-33.

**Table H-33  
Residential Parking Requirements**

Dwelling Type	Minimum Parking Space Required
Single-Family Dwellings	2 covered spaces within an enclosed garage
Planned unit developments, including single-family dwellings and condominiums	2 covered spaces within an enclosed garage
Apartment Development	
Studio and one bedroom	1.5 covered
Two Bedrooms	2 covered
Three or more bedrooms	2 covered and 0.5 uncovered
Guest Parking*	1 guest space for every 3 units, unless Planning and Transportation Commission applies another guest parking requirement pursuant to a Planned Development Permit.
Mobile Home Parks	2 covered spaces within an enclosed garage.
Second Units	1 parking space per unit or per bedroom, whichever is greater, covered or uncovered

Source: Mission Viejo Development Code Section 9.25.020

\*Guest parking requirements may be adjusted by Planning and Transportation Commission pursuant to a Planned Development Permit or other discretionary action.

The required parking is typical for most cities in Orange County and is not considered to be a constraint on the production of affordable housing. It is widely accepted that seniors and low-income households have fewer cars on average than higher-income households.<sup>5</sup> The City of Mission Viejo Planning and Transportation Commission has the ability to grant reduced parking for senior housing and other affordable housing projects through the conditional use permit process. In addition, State density bonus law establishes parking standards for qualifying affordable developments that pre-empts local parking requirements for density bonus projects.

5 Comparative data to support reduced parking need for low-income and senior housing is available from the Non-Profit Housing Association of Northern California. Additional resources include *Parking Requirements Guide for Affordable Housing Developers* provided by the Southern California Association of Non-Profit Housing <http://www.scanph.org> and *Parking Standards*, Davidson and Dolnick, American Planning Association Planning Advisory Service, Report Number 510/511.

### e. Accessory Dwelling Units

In response to State-mandated requirements and local needs, the City of Mission Viejo allows for the development of accessory dwelling units (ADUs) by-right (i.e., no discretionary approval required) in any residential district with an existing single-family residence on site. Minimum development standards for second units include:

- Maximum floor area 640 square feet
- Minimum parcel size 9,000 square feet
- Minimum parcel width 80 feet
- Minimum buildable pad size 7,200 square feet
- One additional (covered or uncovered) parking space required
- Applicant must be an owner-occupant of the main dwelling unit

ADUs serve to augment resources for senior housing, or other low- and moderate-income segments of the population. Six ADUs were approved by the City during 2014-2020. Based on this record, the City's ADU development standards are not considered to present any unreasonable constraints. Because second units are limited to a maximum of 640 square feet, they would be expected to rent within the very-low- or low-income category.

In recent years, the State Legislature has adopted extensive changes to ADU law in order to encourage housing production. Among the most significant changes is the requirement for cities to allow one ADU plus one "junior ADU" on single-family residential lots by-right subject to limited development standards. Program 8 in Section 6 includes a commitment to update the City's ADU regulations in conformance with current State law.

### f. Density Bonus

Under *California Government Code* §§65915-65918, a density increase over the otherwise maximum allowable residential density under the Municipal Code is available to developers who agree to construct housing developments with units affordable to low- or moderate-income households or senior citizen housing development. In 2011 the Watermarke project was approved with a 20% density bonus and building height modification for their 256-unit apartment project on Site B. AB 2345 of 2019 amended State law to revise density bonus incentives that are available for affordable housing developments. Program 7 in Section 6 includes a commitment to amend the Development Code to include these changes to State density bonus law.

### g. Mobile Homes/Manufactured Housing

The manufacturing of homes in a factory is typically less costly than the construction of individual homes on-site thereby lowering overall housing costs. State law precludes local governments from prohibiting the installation of mobile homes on permanent foundations on single-family lots. State law also declares a mobile home park to be a permitted land use on any land planned and zoned for residential use, and prohibits requiring the average density in a new mobile home park to be less than that permitted by the Municipal Code. A city or county may, however, require use permits for mobile home parks. Although there are no mobile home parks in the City of Mission Viejo, manufactured housing is allowed in all residential zones as a permitted use provided the installation complies with the site development standards for the applicable zoning district.

### h. Condominium Conversions

The Municipal Code permits the conversion of apartment projects to condominiums provided all the requirements of the Subdivision Map Act are met (Municipal Code §9.72.025[a][10]).

### **i. Building Codes and Their Enforcement**

State law prohibits the imposition of building standards that are not necessitated by local geographic, climatic or topographic conditions and requires that local governments making changes or modifications in building standards must report such changes to the Department of Housing and Community Development and file an expressed finding that the change is needed.

The City's building codes are based upon the California Building, Plumbing, Mechanical, Electrical and Fire Codes. These are considered to be the minimum necessary to protect the public's health, safety and welfare. No additional regulations have been adopted by the City beyond the minimum requirements of the State Codes. Thus, the City's building codes and their enforcement are determined to not impose a housing constraint that would unnecessarily add to housing costs.

### **j. Inclusionary Requirements**

There are no citywide inclusionary requirements.

### **k. Short-Term Rental Requirements**

There are no City requirements regarding short-term rentals.

### **l. Growth Controls**

There are no City growth controls or voter initiatives.

## **2. Local Processing and Permit Procedures**

State Planning and Zoning Law establishes permit processing requirements for residential developments. Within the framework of State requirements, the City has structured its development review process to minimize the time required to obtain permits while ensuring that projects receive careful review.

### **a. Residential Permit Processing**

There are three levels of review authority in Mission Viejo, listed from lowest to highest authority: (1) Director of Community Development, (2) Planning and Transportation Commission, and (3) City Council. The Director has the final approval authority for Certificates of Occupancy, Minor Modifications, Minor Exceptions, Lot Line/Boundary Adjustments and Planned Development Permits involving no more than one unit. The Commission has the power to grant final approval for Variances, Planned Development Permits for residential permits encompassing two or more units, Conditional Use Permits, Architectural Review Permits, Tentative Tract and Parcel Maps. The Council has final determination for legislative acts including Specific Plans, General Plan Amendments, Zoning Map Amendments, Development Code Amendments, and Development Agreements.

Processing times vary and depend on the size and complexity of the project. Projects approved by the Community Development Director typically require 2 to 3 months to process while projects approved by the Planning and Transportation Commission typically require 3 to 6 months to process. All project approvals are final unless appealed. Projects approved by the City Council typically require 6 to 12 months to process.

Certain steps of the development process are required by State rather than local laws. The State has defined processing deadlines to limit the amount of time needed for review of required reports and projects. In an effort to provide an efficient permit processing system, the City has implemented the following time and cost saving developmental processes:



- Prepared permit processing guidelines to assist residential builders in applying for development permits for single-family residences, multi-family residential developments and subdivisions.
- Located all City divisions involved in permitting process in one central location.
- Developed “early consultation” pre-application process to identify issues as soon as possible and reduce processing time. No fee is required for this service.
- Allowed processing fees to be reduced, postponed or supplemented with housing funds for affordable projects meeting City priorities.
- Provided a GIS application on the City’s website with land use information and links to important planning documents such as General Plan and Development Code.
- Encouraged concurrent processing of applications.
- Assigned a point-person and liaison to facilitate communication and timely inter-agencies review of development projects.
- Established electronic plan check review services and on-line access to permit forms and applications.

These processes help to ensure that the development review process does not act as a constraint to housing development.

Residential projects in Mission Viejo generally receive concurrent processing of various development applications (e.g., subdivision and zoning approvals), thereby significantly reducing review time and minimizing related holding costs.

#### **b. Environmental Review**

Environmental review is required for all development projects under the California Environmental Quality Act (CEQA). Today, the City is nearly built-out, and there are no significant vacant areas in the City left to develop (see Land Inventory discussion in Chapter 3). Most infill residential projects in Mission Viejo are either Categorical Exempt or require only an Initial Study and Negative Declaration. A Negative Declaration typically takes four to six weeks to prepare, depending on complexity of the project and required technical studies, followed by a State-mandated public review period. Categorical Exempt developments require a minimal amount of time which does not add to the length of the development process. As a result, environmental review does not pose a significant constraint to housing development.

#### **c. Site Improvements, Development Fees and Other Exactions**

State law limits fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Various fees and assessments are charged by the City and other public agencies to cover the costs of processing permit applications and providing services and facilities such as schools, parks and infrastructure. Almost all of these fees are assessed through a pro rata share system, based on the magnitude of the project's impact or on the extent of the benefit that will be derived.

A local residential and collector streets require a 28- to 40-foot right-of-way, depending on whether on-street parking is required. These road standards are typical for cities in urban areas of Southern California and do not act as a constraint to housing development.

Table H-34 provides a listing of fees the City of Mission Viejo charges for new residential development.

**Table H-34  
Planning and Development Fees**

Fee Category	Fee or Deposit Amount*
<b>Planning and Application Fees</b>	
Pre-Application Review	None
Parcel Map	\$6,200
Tentative Tract Map	\$7,600
Vesting Tentative Tract Map	\$7,600
Planned Development Permit (Community Development Director Approval)	\$3,000
Planned Development Permit (Planning and Transportation Commission Approval)	\$5,500
Conditional Use Permit	\$3,500
Specific Plan	\$7,500 Deposit
General Plan Amendment	\$7,500 Deposit
Development Agreement	\$7,500 Deposit
Zone Change	\$7,500 Deposit
<b>Environmental</b>	
Initial Study/Negative Declaration (review & preparation)	\$1,500
Environmental Impact Report (review) <sup>2</sup>	\$10,000 Deposit

Source: City of Mission Viejo Community Development Department, 2021

\*Items with deposits are based on actual processing costs which may exceed initial deposit amount.

The City evaluates the actual cost of processing the development permits when revising its fee schedule. The most recent revisions to the fee schedule were adopted in June 2019.

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, cities and counties have faced increasing difficulty in providing public services and facilities to serve their residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on land developers. The City requires developers to provide on-site and off-site improvements necessary to serve their projects. Such improvements may include water, sewer and other utility extensions, street construction and traffic control device installation that are reasonably related to the project. Dedication of land or in-lieu fees may also be required of a project for rights-of-way, transit facilities, recreational facilities and school sites, consistent with the Subdivision Map Act.

The City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets, bridges and other public works projects to facilitate the continued build-out of the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with private development.

Although development fees and improvement requirements can impact the cost of housing, the City of Mission Viejo strives to keep such fees to a minimum and actively pursues other sources of revenue to fund public improvements that are coordinated with private development.

## 4.2 Non-Governmental Constraints

California *Government Code* §65583(5) requires an analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels

including the availability of financing, the price of land, and the cost of construction. This analysis is provided below. There are numerous factors that affect the development of new housing and the maintenance of existing units for all income levels. Mission Viejo shares many of the same constraints that challenge the typical Southern California community, such as market conditions, land and building costs, infrastructure requirements and environmental considerations.

## 1. Market Constraints

The high cost of renting or buying adequate housing is the primary ongoing constraint to providing affordable housing in the City of Mission Viejo. High construction costs, labor costs, land costs and market financing constraints all contribute to increases in the price of housing.

### a. Construction Costs

Construction cost is affected by the price of materials, labor, development standards and general market conditions. The City has no influence over materials and labor costs, and the building codes and development standards in Mission Viejo are not substantially different than most other cities in Orange County. Construction costs for materials and labor have increased at a higher pace than the general rate of inflation according to the Construction Industry Research Board. Residential construction cost is estimated to be \$150-200 per square foot or more.

### b. Land Costs

Land represents one of the most significant components of the cost of new housing, ~~and land values fluctuate with market conditions, and the current downturn in the housing market has caused a moderation in land appreciation.~~ Residential land cost in southern Orange County can exceed range from \$3.5 to \$6 million per acre, depending on allowable residential density.

The high price of land throughout Orange County poses a significant challenge to both market rate development and subsidized lower-income housing. Per-unit land cost is directly affected by density – higher density allows the cost to be spread across more units, reducing the total price. The Development Code allows up to ~~30-80~~ units per acre ~~in the RPD 30 District~~, excluding density bonus, which helps to reduce per-unit land cost.

### c. Cost and Availability of Financing

The crisis in the mortgage industry that accompanied the “Great Recession” affected the availability of real estate loans, particularly for those without high credit ratings. As a result of the decline in real estate values and foreclosure rates, changes in mortgage underwriting standards had a greater impact on low-income families than other segments of the community. This issue was national in scope, however, and cities have no ability to address the problem. As the economy has recovered, historically low interest rates have allowed some homebuyers to obtain very favorable mortgage terms, but many families who do not have superior credit ratings may be unable to qualify for a mortgage.

## 2. Environmental Constraints

Portions of Mission Viejo are exposed to a variety of environmental conditions that may constrain the development of lower-priced residential units. Although these constraints are primarily physical and hazard-related, they are also related to the conservation of the City's natural resources. Although some of the sites identified in the land inventory (Appendix B) have environmental constraints, such as steep slopes or geotechnical issues, feasible methods exist to address such constraints. These environmental

constraints, when fully mitigated and combined with the development potential of the unconstrained land, would not preclude the assumed level of development.

**a. Flood Hazards**

The Public Safety Element identifies those areas in the City that are subject to periodic flooding based on Flood Insurance Rate Maps prepared for the area. These areas include Arroyo Trabuco and Tijeras Canyon in the eastern portion of the city, Oso Creek in the central area, Aliso Creek along the northwest boundary, and the area along the Orange County Transportation Authority (OCTA) and Metrolink Railroad Line (formerly Atchison, Topeka & Santa Fe) from Alicia Parkway south of the Oso Parkway/Interstate 5 interchange. General Plan policies require specific mitigation measures for development within these flood-prone areas.

**b. Seismic Hazards**

Like the entire Southern California region, Mission Viejo is located within an area of high seismic activity. Movement of the San Andreas, San Jacinto, Elsinore-Whittier, and Newport-Inglewood faults generates the primary seismic activity in the city. Although the inactive Capistrano fault crosses through the city, it poses little or no threat to the region. Potential seismic hazards include ground ruptures, ground shaking, liquefaction, landslides, and seiches. Of these five, Mission Viejo is more susceptible to ground shaking, liquefaction, and seiches in the event of an earthquake. The entire city can be expected to experience ground shaking during the occurrence of an earthquake along the region's four major faults. Soils susceptible to potential liquefaction within the city are located along Arroyo Trabuco and other major streams. Seiche damage potential is greatest along Lake Mission Viejo, Upper Oso Reservoir, and El Toro Reservoir. The Public Safety Element sets forth policies to address these seismic hazards in Mission Viejo.

**c. Hazardous Materials**

Hazardous materials can be classified into four basic categories: toxins, flammables, irritants, and explosives. Because of their widespread use, it is assumed that each type of hazardous material is transported through, used, or stored to some degree within Mission Viejo. The transportation of hazardous materials to and from sites poses potential risks of upset. The major transportation routes within the study area include the San Diego Freeway, the arterial roadways serving the commercial areas, and the OCTA and Metrolink Railroad Line along the western margin. The potential threats posed by transportation accidents involving hazardous material include explosion, physical contact by emergency response personnel, exposure to large segments of the population via airborne exposure, or release into drinking water sources. Further recommendations, restrictions, and safety precautions are outlined in the Public Safety Element.

**d. Urban/Wildland Fires**

Urban fires have the potential to result in personal injury or loss of life, and damage or destruction of structures at high monetary costs. Certain urban development scenarios pose more difficult fire protection problems. These scenarios include multi-story, wood frame, high-density apartment development; multi-story office buildings; large continuous developed areas with combustible roof materials; residential developments in outlying hillside areas with limited fire flows; and uses storing, handling, and using hazardous materials on-site.

The Orange County Fire Authority (OCFA) is responsible for providing fire protection services to Mission Viejo. The City of Mission Viejo and OCFA worked with residents to identify a framework for addressing future losses due to wildfires in and around the city. The California Department of Forestry

and Fire Protection (Cal Fire) identified and mapped several hazard areas based on weather, topography, vegetation, probable ember travel, and fire history and required the City to adopt these zones and apply regulations to address the hazard. While there was general agreement that these areas were at risk, there was also recognition that much had been done by the City and residents to mitigate that risk. There was also a shared concern with unintended consequences of adopting these maps, including the potential for decreased home values and increases in insurance rates. As a result, in July 2012, the City Council rejected the maps and all Very High, High, and Moderate Fire Hazard Severity Zones. In order to meet State requirements for map rejection and to continue to focus on the mitigation measures that will improve community safety, a “Special Fire Protection Area” was created. The Special Fire Protection Area Map provides both residents and City staff with a tool to improve community safety by: 1) making the information available to residents so they can take action to protect their homes and families from wildfire through OCFA’s Ready, Set, Go program; 2) guiding future planning decisions within the City; 3) focusing OCFA fire prevention efforts through vegetation management and public education; and 4) defining geographical areas in which specific wildfire construction standards contained within City building codes can be applied to new home construction projects.

#### e. Natural Resources

In addition to seismic hazards, floodplains, and hazardous materials, areas with significant plant and animal species are present in Mission Viejo. Areas of high sensitivity contain threatened or endangered plant or animal species as determined by State or Federal laws.

The area with the highest sensitivity in Mission Viejo is the Arroyo Trabuco because of its significance as a prime bird nesting/foraging habitat and major wildlife movement corridor. Other highly sensitive areas include the waterfowl habitat near Oso Reservoir; the riparian habitat for birds and other wildlife in Tijeras Canyon; the prime bird of prey foraging/wintering habitats along the ridgelines of Tijeras Canyon and O’Neill Regional Park; and the undisturbed bird of prey foraging/wintering area in Plano Trabuco. The City of Mission Viejo protects these highly sensitive areas through its development review procedures. Development standards will necessarily be more stringent in these sensitive areas to minimize potential adverse impacts to natural resources.

### 3. Infrastructure Constraints

Adequate infrastructure and public services are necessary to accommodate future residential development. The following sections discuss the availability of water, sewer, solid waste, and educational services to accommodate additional growth in Mission Viejo.

#### a. Wastewater

Sewage collection and treatment in Mission Viejo is provided by the Santa Margarita Water District (SMWD), the Moulton-Niguel Water District (MNWD), and the El Toro Water District (ETWD). Both the Santa Margarita and Moulton-Niguel Water Districts operate water reclamation plants that provide reclaimed water for use on greenbelts and golf courses located in the City. Most of the sewage generated in Mission Viejo is treated at the South East Regional Reclamation Authority (SERRA) treatment facility in Dana Point. Sewer infrastructure improvements are typically installed in conjunction with new developments and sewer lines are extended as necessary. Sewage treatment capacity is available to serve the City’s remaining developable area, and therefore does not constrain development. None of the identified land inventory sites have wastewater service limitations that would preclude the level of development described in Appendix B, Land Inventory Summary.

### b. Water

Water for City residents is supplied by the SMWD, which serves the eastern portion of the city, the MNWD, which serves the western portion of the city, and the ETWD, which serves the western area formerly in Community Service Area 12. The three districts treat and distribute water purchased from the Metropolitan Water District, which imports water from northern California and the Colorado River. As with sewer lines, water transmission, pumping, and storage facilities are expanded as necessary to accommodate future growth. Domestic water supply is not expected to limit development during the planning period. None of the identified land inventory sites have water service limitations that would preclude the level of development described in Appendix B, Land Inventory Summary.

### c. Storm Water Drainage

The City maintains a Master Drainage Plan which identifies existing facilities and deficiencies and outlines a program to correct known problem areas. The Orange County Flood Control District (OCFCD) is responsible for the regional flood control system and maintains several facilities within Mission Viejo. The City works closely with OCFCD to identify improvements needed to accommodate proposed development projects. Development proposals are reviewed for consistency with approved development plans and with the Master Drainage Plan. With these existing facilities and review procedures in place, the City's flood control system is not expected to limit development during the planning period. None of the sites identified in the land inventory have storm water drainage limitations that would preclude the level of development described in Appendix B, Land Inventory Summary.

## 4. Affirmatively Furthering Fair Housing

~~The Fair Housing Act of 1968 prohibits discrimination in housing-related activities and requires cities to affirmatively further fair housing. Under the Federal consolidated planning process, the Analysis of Impediments (AI) to Fair Housing Choice is the primary tool for addressing fair housing issues. In 2020 the City of Mission Viejo joined with other Orange County cities and the County of Orange to develop a county-wide AI. Based on extensive analysis of housing and community indicators, and the input of residents, a list of impediments to fair housing choice has been developed and a corresponding set of action steps to address fair housing barriers has been prepared. Program 16 in Section 6 describes actions the City will take to affirmatively further fair housing during the planning period.~~

Under State law, "affirmatively furthering fair housing" means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics."

There are three parts to this requirement:

1. Include a Program that Affirmatively Furthers Fair Housing and Promotes Housing Opportunities throughout the Community for Protected Classes (applies to housing elements beginning January 1, 2019).
2. Conduct an Assessment of Fair Housing that includes summary of fair housing issues, an analysis of available federal, state, and local data and local knowledge to identify, and an assessment of the contributing factors for the fair housing issues.
3. Prepare the Housing Element Land Inventory and Identification of Sites through the Lens of Affirmatively Furthering Fair Housing.

In compliance with AB 686, the City has completed the following outreach and analysis.

### Outreach

As discussed in Appendix C, the City held a total of six public meetings during the Housing Element update in an effort to include all segments of the community. Each meeting was publicized on the City's website and meeting notices were also sent to persons and organizations with expertise in affordable housing and supportive services. Interested parties had the opportunity to interact with City staff throughout the Housing Element update process and provide direct feedback regarding fair housing issues.

The City also created a dedicated web page for the Housing Element update (<https://cityofmissionviejo.org/departments/community-development/planning/housing>) and provided opportunities for interested persons to participate in public meetings remotely, which made it possible for those with disabilities limiting their travel to participate and comment on the Housing Element regardless of their ability to attend the meetings.

### **Assessment of Fair Housing**

The following analysis examines geographic data regarding racial segregation, poverty, persons with disabilities, and areas of opportunity as identified by the TCAC/HCD Opportunity Areas map.

Racial segregation. As seen in Exhibit xx, the percentage of non-white population in Mission Viejo is similar to adjacent areas of Orange County. This map does not indicate any patterns of racial/ethnic concentration in the city.

Poverty. Recent Census estimates regarding poverty status of households in Mission Viejo are shown in Exhibit xx. As seen in this map, there are no concentrations of poverty, and the poverty rate is less than 10% for all census tracts in the city.

Persons with disabilities. The incidence of disabilities is relatively low in Mission Viejo compared to some areas of Southern California. As shown in Exhibit xx, the percentage of residents reporting a disability is less than 10% in the majority of the city, while the disability rate is 10% to 20% in the southern portion of the city. Areas with higher rates of disabilities are likely correlated with higher than average percentages of seniors.

Access to opportunity. According to the 2020 California Department of Housing and Community Development (HCD) and the California Tax Credit Allocation Committee (TCAC) Opportunity Area Map (Exhibit xx), Mission Viejo is within the Moderate, High, and Highest Resource areas. High Resource areas are areas with high index scores for a variety of educational, environmental, and economic indicators. Some of the indicators identified by TCAC include high levels of employment and close proximity to jobs, access to effective educational opportunities for children and adults, low concentration of poverty, and low levels of environmental pollutants, among others.

Contributing factors to fair housing issues. Under the Federal consolidated planning process, the Analysis of Impediments (AI) to Fair Housing Choice is the primary tool for addressing fair housing issues. In 2020 the City of Mission Viejo joined with other Orange County cities and the County of Orange to develop a county-wide AI. Based on extensive analysis of housing and community indicators, and the input of residents, a list of impediments to fair housing choice was developed and a corresponding set of action steps to address fair housing barriers was prepared.

The AI includes a discussion and analysis of the following contributing factors to fair housing issues:

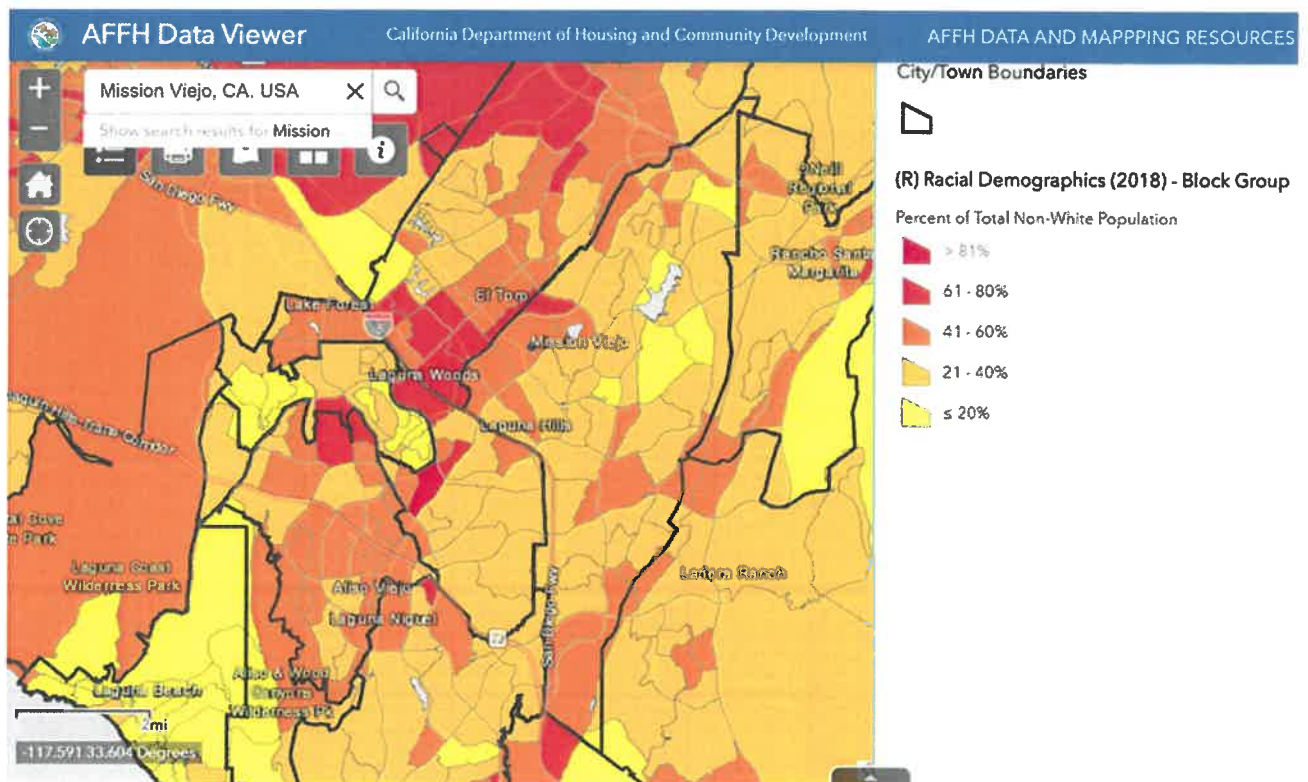
1. Access to financial services
2. Access for persons with disabilities to proficient schools

3. Access to publicly supported housing for persons with disabilities
4. Access to transportation for persons with disabilities
5. Admissions and occupancy policies and procedures, including preferences in publicly supported housing
6. Availability of affordable units in a range of sizes
7. Availability, type, frequency, and reliability of public transportation
8. Community opposition
9. Deteriorated and abandoned properties
10. Displacement of and/or lack of housing support for victims of domestic violence, dating violence, sexual assault, and stalking
11. Displacement of residents due to economic pressures
12. Impediments to mobility
13. Inaccessible public or private infrastructure
14. Inaccessible government facilities or services
15. Lack of access to opportunity due to high housing costs
16. Lack of affordable, accessible housing in a range of unit sizes
17. Lack of affordable in-home or community-based supportive services
18. Lack of affordable, integrated housing for individuals who need supportive services
19. Lack of assistance for housing accessibility modifications
20. Lack of assistance for transitioning from institutional settings to integrated housing
21. Lack of community revitalization strategies
22. Lack of local private fair housing outreach and enforcement
23. Lack of local public fair housing enforcement
24. Lack of local or regional cooperation
25. Lack of meaningful language access for individuals with limited English proficiency
26. Lack of private investment in specific neighborhoods
27. Lack of public investment in specific neighborhoods, including services or amenities
28. Lack of resources for fair housing agencies and organizations
29. Lack of state or local fair housing laws
30. Land use and zoning laws
31. Lending discrimination
32. Location of accessible housing

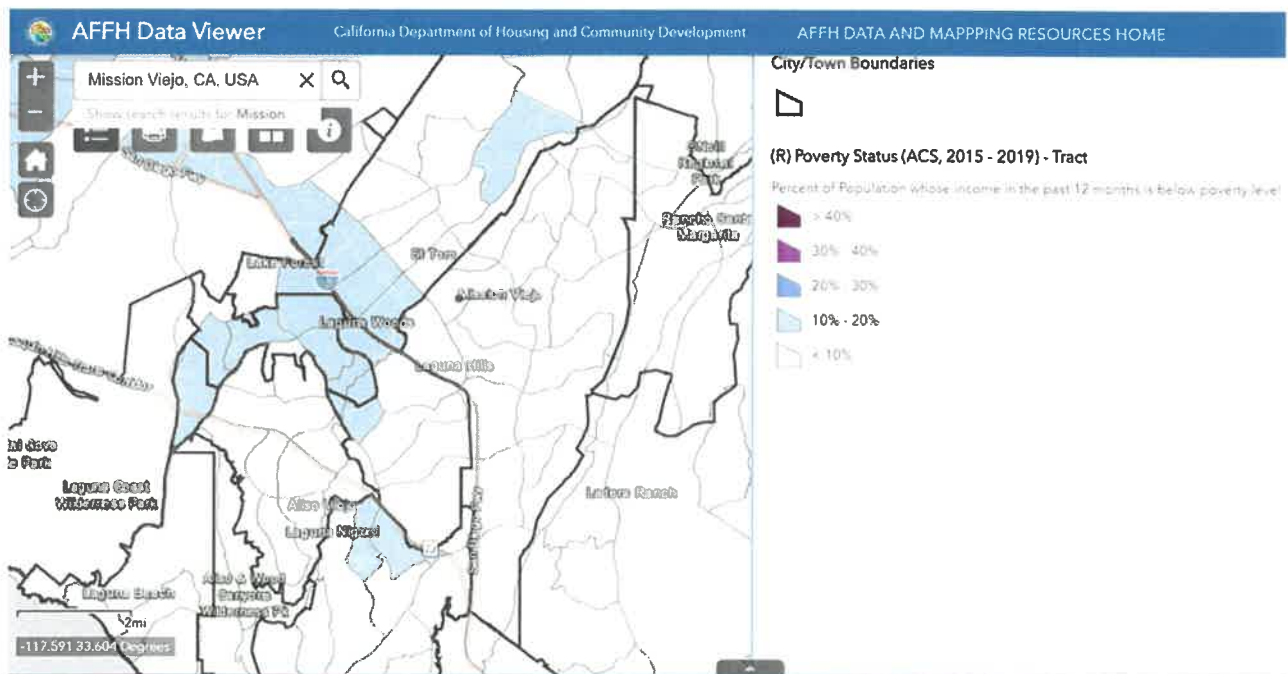


33. Location of employers
  34. Location of environmental health hazards
  35. Location of proficient schools and school assignment policies
  36. Location and type of affordable housing
  37. Loss of affordable housing
  38. Occupancy codes and restrictions
  39. Private discrimination
  40. Quality of affordable housing information programs
  41. Regulatory barriers to providing housing and supportive services for persons with disabilities
  42. Siting selection policies, practices, and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs
  43. Source of income discrimination
  44. State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings
  45. Unresolved violations of fair housing or civil rights law.
- Specific actions identified in the AI for the City of Mission Viejo to address these issues and affirmatively further fair housing during the planning period are described in Program 16 of the Housing Plan (Section 6).

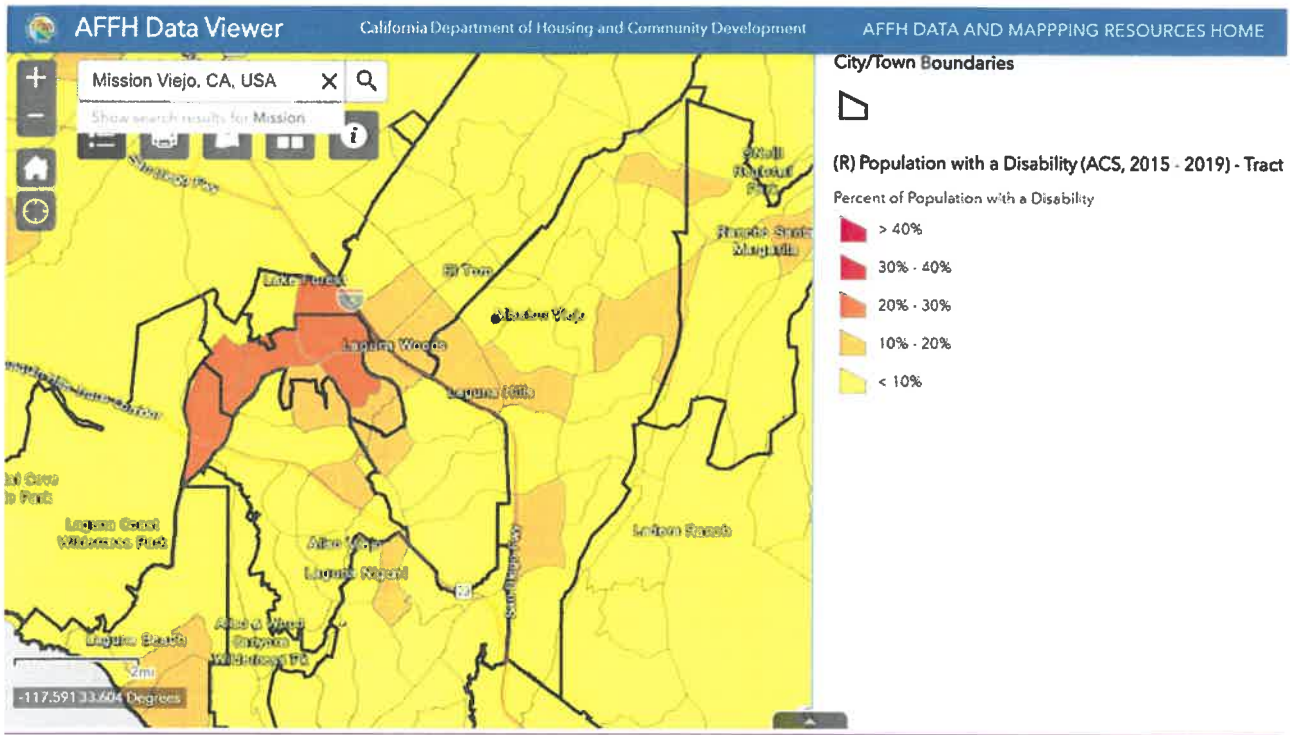
**Exhibit xx – Racial Demographics – Mission Viejo**



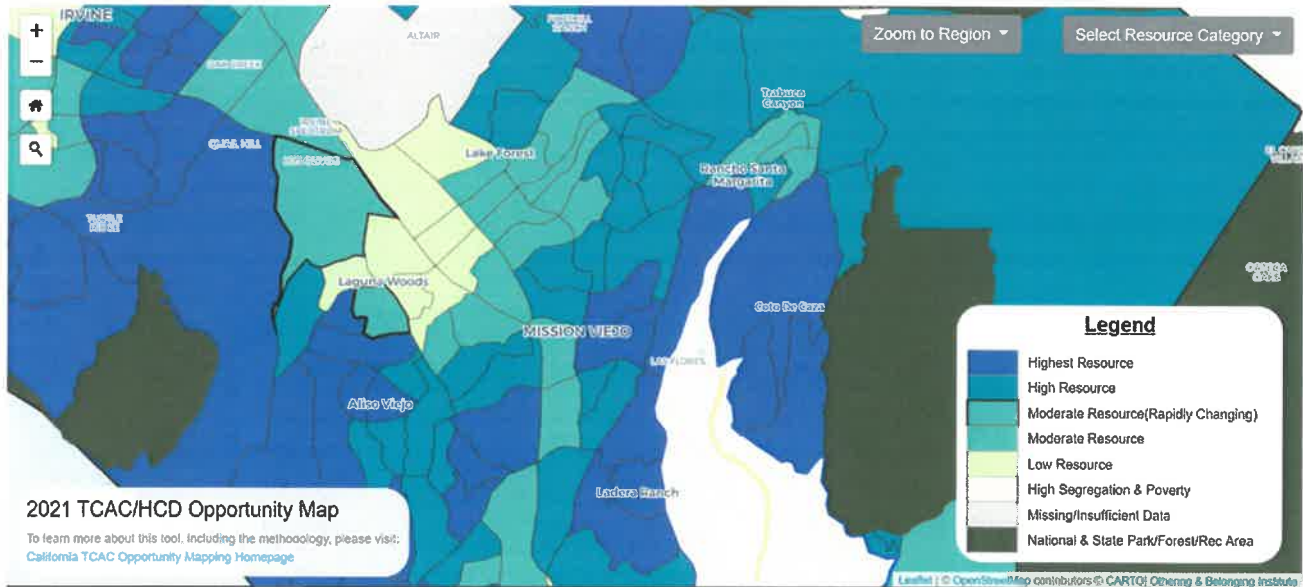
**Exhibit xx – Poverty Status – Mission Viejo**



**Exhibit xx – Population with a Disability – Mission Viejo**



**Exhibit xx – HCD/TCAC Opportunity Map – Mission Viejo**



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## 5. Housing Element Goals and Policies

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This section of the Housing Element contains the goals and policies the City intends to implement to address a number of important housing-related issues. The following six major issue areas are addressed by the goals and policies of the Housing Element: 1) ensure that a broad range of housing types are provided to meet the needs of both existing and future residents; 2) ensure that housing is maintained and preserved; 3) provide housing support services; 4) ensure housing is sensitive to environmental and social needs; 5) promote equal housing opportunity; and 6) preserve the affordability of assisted housing units. Each issue area and the supporting goals and policies are identified and discussed in the following section.

### 5.1 Housing Opportunities

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The City will continue to encourage the construction of new housing units that offer a wide range of housing types to ensure that an adequate supply is available to meet existing and future needs. The provision of a balanced inventory of housing in terms of unit type (e.g., single-family, multiple-family), cost, and style will allow the City to fulfill a variety of housing needs.

**GOAL 1: Expand upon the present range of housing types to meet future needs of residents.**

- Policy 1.1:** Continue to provide a variety of dwelling unit types for all segments the population.
- Policy 1.2:** Encourage a variety of public and private efforts in providing affordable housing opportunities to area residents, particularly for lower-income households, the elderly, large families, the physically impaired, and female heads of household.
- Policy 1.3:** Encourage the development of childcare facilities in conjunction with the development of housing.
- Policy 1.4:** Continue to provide incentives to assist in the development of affordable housing, including expeditious permit processing and fee waivers.
- Policy 1.5:** Where an established percentage of the dwelling units of a project are devoted to lower-income households, provide incentives such as density bonus, tax-exempt financing, waiver of fees, assistance with development of on- or off-site improvements, and reductions in minimum parking requirements.

### 5.2 Maintenance and Preservation

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The goal of housing preservation is to protect the existing quality and investment in housing and to avoid a degree of physical decline that will require a larger rehabilitation effort to restore quality and value. In general, the housing stock has been well maintained although most homes are reaching an age where some rehabilitation is required. It is the City's intent to pursue efforts ~~to~~ both to prevent deterioration and encourage repairs where necessary.

**GOAL 2: Promote the continued maintenance and enhancement of residential areas.**

- Policy 2.1:** Provide a code enforcement program to ensure continued success in maintaining the integrity of neighborhood areas.
- Policy 2.2:** Provide for the continuing maintenance of public open space and landscaped areas adjacent to residential neighborhoods.
- Policy 2.3:** Provide rehabilitation loans and grants program to preserve and conserve the City's housing stock.
- Policy 2.4:** Provide adequate standards for remodeling and expanding existing residential units to ensure compliance with State and Uniform Building Code requirements and to insure compatibility with surrounding residential development.
- Policy 2.5:** Monitor the level of existing affordable housing stock in the City.

**5.3 Housing Services**

In addition to policies designed to increase the availability and adequacy of the City's affordable housing stock, it is important that services are available to ensure the efficient utilization of the housing stock.

**GOAL 3: Provide support services in meeting the needs of the City's low- and moderate-income residents.**

- Policy 3.1:** Encourage senior citizen independence through the promotion of housing services related to in-home care, meal programs, and counseling.
- Policy 3.2:** Encourage development of new housing units designated for the elderly or persons with disabilities to be in close proximity to public transportation and community services.
- Policy 3.3:** Work with area social service providers in addressing the needs of the homeless population and those at risk of becoming homeless.
- Policy 3.4:** Support social service providers that operate shared housing programs that match low- and moderate-income individuals who want to share rental housing costs for joint living arrangements.
- Policy 3.5:** Work with housing developers, builders, and non-profit organizations to develop housing for low- and moderate-income households.
- Policy 3.6:** Support Mortgage Revenue Bond Programs aimed at providing housing opportunities for low- and moderate-income households.
- Policy 3.7:** The Disaster Aid Fund should be utilized to provide emergency shelter to victims of natural and man-made disasters.

**5.4 Environmental Sensitivity**

It is an on-going concern in the City to ensure that residential growth is sensitive to the environmental and social needs of the community. Development will be accommodated that is coordinated with available community resources and infrastructure, and is designed to minimize impacts on the natural environment.

**GOAL 4: Provide for housing that is sensitive to environmental and social needs.**

- Policy 4.1:** Balance future increases in population growth with existing and projected community resources.
- Policy 4.2:** Evaluate residential proposals within hillside areas in terms of potential impacts to landform and viewsheds.
- Policy 4.3:** Evaluate residential development proposals in terms of energy conservation measures provided.
- Policy 4.4:** Ensure compatibility of new residential development with existing development to enhance the city's residential neighborhoods.

**5.5 Fair Housing**

Housing opportunities in the City must be made available to all persons regardless of age, income, or race. The City has made a strong and firm commitment that fair housing practices will continue in Mission Viejo. Affirmatively furthering fair housing is required under State and Federal law.

**GOAL 5: Promote equal housing opportunity.**

- Policy 5.1:** Prohibit discrimination in the sale or rental of housing with regard to race, ethnic background, religion, disability, income, sex, age, and household composition.
- Policy 5.2:** Continue active support and participation with the Fair Housing Foundation to affirmatively further fair housing opportunities.
- Policy 5.3:** Implement state and federal laws for access and adaptability for the developmentally disabled, and continually adopt updates to City codes to reflect current accessibility requirements.

**5.6 Preservation of At-Risk Housing Units**

Dwelling units that are affordable to low- and very-low-income households are an important resource to the community that should be preserved. When affordable housing projects are at-risk of converting to market rate, the City needs to take special measures to try to preserve those affordable units. Whenever affordable housing projects are at-risk of converting, the City will continue to pursue the following policies to monitor and preserve affordable housing.

**GOAL 6: Preserve housing units affordable to low- and very-low-income households.**

- Policy 6.1:** Continue to monitor affordable housing projects to identify units that may be at-risk of conversion to market rate.
- Policy 6.2:** Contact at-risk housing project owners well in advance of covenant expiration and discuss options for preserving affordability.
- Policy 6.3:** Encourage non-profit housing organizations to acquire at-risk housing projects or purchase market rate apartment units.
- Policy 6.4:** Preservation of at-risk units shall be a priority for housing funding resources. Funding reallocation from lower priority programs such as



rehabilitation programs shall be considered when preservation opportunities are presented.

State housing law encourages the development of action programs to achieve the stated goals and policies. Table H-35 below provides a correlation between each goal and policy and identifies implementing programs. The programs are described in Chapter 6, the Housing Plan.

**Table H-35  
Housing Policies and Related Programs**

Policy	Program
<b>GOAL 1: Expand Upon the Present Range of Housing Types to Meet Future Needs of Residents</b>	
<p><b>Policy 1.1:</b> Continue to provide a variety of dwelling unit types for all segments of the population.</p> <p><b>Policy 1.2:</b> Encourage a variety of public and private efforts in providing affordable housing opportunities to area residents, particularly for lower-income households, the elderly, large families, the physically impaired, and female-heads of household.</p> <p><b>Policy 1.3:</b> Encourage the development of child-care facilities in conjunction with the development of housing.</p> <p><b>Policy 1.4:</b> Continue to provide incentives to assist the development of affordable housing, including expeditious permit processing and fee waivers.</p> <p><b>Policy 1.5:</b> Where an established percentage of the dwelling units of a project are devoted to lower-income households, provide incentives such as density bonus, tax-exempt financing, waiver of fees, assistance with development of on- and off-site improvements, and reductions in minimum parking requirements.</p>	<ul style="list-style-type: none"> <li>• Land Use Element/Development Code (#5)</li> <li>• Affordable Housing Outreach (#9)</li> <li>• Density Bonus (#7)</li> <li>• Mortgage Revenue Bond Financing (#11)</li> <li>• Non-Profit Housing Development (#12)</li> <li>• Pre-application Review Program (#18)</li> <li>• Efficient Processing (#14)</li> <li>• Development Fees (#15)</li> <li>• Density Bonus (#7)</li> <li>• Affordable Housing Outreach (#9)</li> <li>• Mortgage Revenue Bonding Financing (#11)</li> <li>• Development Fees (#15)</li> </ul>
<b>GOAL 2: Promote the Continued Maintenance and Enhancement of Residential Areas</b>	
<p><b>Policy 2.1:</b> Utilize the code enforcement division to ensure continued success in maintaining the integrity of neighborhood areas.</p> <p><b>Policy 2.2:</b> Provide for the continuing maintenance of public open space and landscaped areas adjacent to residential neighborhoods.</p> <p><b>Policy 2.3:</b> Provide rehabilitation loans and grants program to preserve and conserve the City's housing stock.</p> <p><b>Policy 2.4:</b> Provide adequate standards for remodeling and the expansion of existing residential units to insure compliance with State and Uniform Building Code requirements and to insure compatibility with surrounding residential development.</p> <p><b>Policy 2.5:</b> Monitor the level of existing affordable housing stock in the City.</p>	<ul style="list-style-type: none"> <li>• Code Enforcement (#3)</li> <li>• Median and Slopes Program (operating budget)</li> <li>• CDBG Rehabilitation Loans and Grants (#1)</li> <li>• Implemented through the Zoning and Building Codes</li> <li>• Cooperative effort between the City and Saddleback Valley Board of Realtors to monitor housing affordability.</li> </ul>

Policy	Program
<b>GOAL 3: Provide Support Services in Meeting the Needs of the City's Low- and Moderate-Income Residents</b>	
<p><b>Policy 3.1:</b> Encourage senior citizen independence through the promotion of housing services related to in-home care, meal programs, and counseling.</p> <p><b>Policy 3.2:</b> Encourage development of new housing units designated for the elderly or persons with disabilities to be in close proximity to public transportation and community services.</p> <p><b>Policy 3.3:</b> Work with area social service providers in addressing the needs of the homeless population and those at risk of becoming homeless.</p> <p><b>Policy 3.4:</b> Support social service providers that operate shared housing programs that match low- and moderate-income individuals who want to share rental housing costs for joint living arrangements.</p> <p><b>Policy 3.5:</b> Work with housing developers, builders, and non-profit organizations to develop housing for low and moderate income households.</p> <p><b>Policy 3.6:</b> Support Mortgage Revenue Bond Programs aimed at providing housing opportunities for low and moderate income households.</p> <p><b>Policy 3.7:</b> The Disaster Aid Fund should be utilized to provide emergency shelter to victims of natural and manmade disasters.</p>	<ul style="list-style-type: none"> <li>• Senior Community Service Program</li> <li>• Implemented through the General Plan and zoning (#5)</li> <li>• Emergency Shelters and Transitional Housing (#10)</li> <li>• CDBG Public Service Programs (#17)</li> <li>• CDBG Public Service Programs (#17)</li> <li>• Non-Profit Housing Development (#12)</li> <li>• Mortgage Revenue Bond Financing (#11)</li> <li>• Emergency Operation Plan (shelter provided by American Red Cross).</li> </ul>
<b>GOAL 4: Provide for Housing which is Sensitive to Environmental and Social Needs</b>	
<p><b>Policy 4.1:</b> Balance future increases in population growth with existing and projected community resources.</p> <p><b>Policy 4.2:</b> Evaluate residential proposals within hillside areas in terms of potential impacts to landform and viewsheds.</p> <p><b>Policy 4.3:</b> Evaluate residential development proposals in terms of energy conservation measures provided.</p> <p><b>Policy 4.4:</b> Ensure compatibility of new residential development with existing development to enhance the City's residential neighborhoods.</p>	<ul style="list-style-type: none"> <li>• Implemented through the Land Use Element, Development Code and CEQA review process</li> <li>• Implemented through the Land Use Element, Development Code and CEQA review process</li> <li>• Implemented through the Land Use Element, Development Code and CEQA review process</li> <li>• Implemented through the Land Use Element, Development Code and CEQA review process</li> </ul>
<b>GOAL 5: Promote Equal Housing Opportunity</b>	
<p><b>Policy 5.1:</b> Prohibit discrimination in the sale or rental of housing with regard to race, ethnic background, religion, disability, income, sex, age, and household composition.</p> <p><b>Policy 5.2:</b> Continue active support and participation with the Fair Housing Foundation to affirmatively further fair housing opportunities.</p> <p><b>Policy 5.3:</b> Implement state and federal laws for access and adaptability for the developmentally disabled, and continually adopt updates to City codes to reflect current accessibility requirements.</p>	<ul style="list-style-type: none"> <li>• Equal Housing Opportunity Services (#16)</li> <li>• Equal Housing Opportunity Services (#16)</li> <li>• Equal Housing Opportunity Services (#16)</li> </ul>

### 5.7 Related Goals and Policies

The Land Use Element sets forth the amount and type of residential development permitted under the General Plan, thereby affecting housing opportunity in Mission Viejo. In addition, the Land Use Element contains policies directed at maintaining the existing housing stock, as well as ensuring the quality of new residential development. The Circulation Element contains policies to minimize roadway traffic into residential neighborhoods and the Noise Element sets forth policies to minimize the level of noise in neighborhoods. The Conservation/Open Space Element establishes development standards to minimize the impact of residential development on sensitive resources, such as hillside areas, ecological habitat, and scenic viewsheds. The Public Safety Element sets forth policies to ensure the safety of the City's housing stock through such measures as code enforcement, and mitigation of environmental hazard as a condition to development. The Public Facilities Element sets forth policies and standards to ensure the adequacy of facilities to serve existing and future residential development. Finally, the Economic Development Element sets forth a strategy aimed at the attainment of a-job/housing and retail/housing balances in Mission Viejo. The Housing Element and the other Elements of the General Plan have been reviewed to ensure that they are consistent with one another. In addition, the Development Code and Capital Improvement Program have been reviewed to ensure consistency. These related documents are consistent with the Housing Element. Table H-36: Housing Policy by Element depicts General Plan policies in other elements that support the goals of the Housing Element.

**Table H-36  
Housing Policies by Element**

Issue Area	Policies by Element							
	Land Use	Circulation	Conservation/ Open Space	Public Safety	Noise	Public Facilities	Economic Development	Growth Management
Housing Opportunities	1.4, 2.1	7.1	—	—	2.1-2.8		2.1-2.3	—
Maintenance and Preservation	1.3, 3.1, 3.3, 3.6	5.1-5.8, 7.1	—	—	1.1-1.7, 3.1-3.3	—	—	—
Housing Services		4.1-4.6	—	—	—	—	—	—
Environmental Sensitivity	1.6, 2.8, 2.9, 2.16, 3.4, 3.10, 4.3	6.1-6.3	1.1-1.13, 2.1-2.4	1.1-1.3, 2.1-2.6, 3.1-3.6, 5.1-5.4, 6.1-6.7	1.1-1.7, 2.1-2.8, 3.1-3.3	1.1-1.3, 3.1-3.3, 4.1-4.2, 5.1-5.6, 6.1-6.3, 7.1-7.4		1.1.-1.3, 2.1-2.3, 3.1
Fair Housing	1.2, 3.9	—	—	—	—	—	—	—

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## 6. Housing Plan

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This section of the Housing Element describes the actions and programs the City will use to implement and to achieve adopted goals and policies, and achieve the objectives for housing development, conservation, and improvement.

Section 2 – Housing Needs Assessment describes the housing needs of the City's current and projected population, as well as the specific needs resulting from the potential deterioration of older units, lack of affordable housing for lower-income groups, and special housing needs for certain segments of the City's population. The goals and policies contained in the Housing Element address the City's identified housing needs. These goals and policies are implemented through a series of housing programs.

Mission Viejo's overall housing program strategy for addressing its housing needs during the 2021-2029 planning period addresses the following issue areas:

- Conserving and improving the condition of the existing stock of affordable housing;
- Providing adequate sites to achieve a variety and diversity of housing;
- Assisting in the development of affordable housing;
- Removing governmental constraints if necessary;
- Promoting equal housing opportunity; and
- Providing social services that support low- and moderate-income residents.

Housing programs include both existing programs currently in use in Mission Viejo as well as revisions to existing programs to address new circumstances and the City's current housing needs. This section provides a description of each housing program and future program goals. The Quantified Objectives (Table H-37) and Housing Program Summary (Table H-38) at the end of this section summarize the future goals of each program, along with identifying the program funding source, responsible agency, and time frame for implementation.

### **Conserving and Improving Existing Affordable Housing**

The State of California has made housing preservation and conservation a high statewide priority. While the City's housing stock is in excellent condition, a significant proportion of the City's housing is over 40 years of age, indicating the need for continued maintenance and the potential need for targeted rehabilitation in the future.

#### **1. Housing Rehabilitation Program**

The Housing Rehabilitation Program provides technical and financial assistance to qualifying lower-income households who are owner/occupants of single-family residential properties in the City of Mission Viejo. The primary funding for the program is the Community Development Block Grant program (CDBG), under which the City receives funds from HUD.

This program's objectives are to correct nonconforming uses, remedy code violations, and generally repair and improve deteriorating properties in an effort to provide decent housing and a suitable living environment for persons and families of low and moderate income. Financial assistance is provided in the form of a grant or deferred payment loan. Single-family rehabilitation grants in amounts up to

\$10,000 are available to qualifying property owners to correct existing local and/or state code violations and finance eligible exterior improvements to residential properties. The City offers deferred payment loans to eligible property owners in amounts up to \$25,000 with combined loan and grant not to exceed \$30,000. The eight-year objective is to advertise availability of loans and grants and provide assistance to 90 units during the planning period.

The City is committed to maintaining this program as long as it is effective. As part of an on-going effort to ensure this program meets a current need within the community, the City has added a Paint Program. The Paint Program allows the City to award a smaller financial grant (up to \$5,000) to a larger number of residents. The City will continue to monitor its Housing Rehabilitation program and modify it as necessary to ensure it addresses housing need in the community.

## **2. Home Weatherization Improvements**

As residential energy costs continue to rise, increasing utility costs reduce the affordability of housing, thus aggravating the City's current shortage of affordable units. Southern California Edison (SCE) and San Diego Gas and Electric (SDG&E) offer a variety of energy conservation services designed to help low-income households, senior citizens, permanently disabled, and non-English-speaking customers reduce their energy use. Homeowners or renters may qualify for the following types of weatherization improvements free of charge: attic insulation, weather stripping, caulking, water heater insulation blankets, water-saving showerheads, heating/cooling duct insulation, and other types of limited home repairs which increase energy efficiency. To expand utilization of these programs, the City will provide informational brochures at the public counter and at the Norman P. Murray Community and Senior Center.

## **3. Code Enforcement**

The City adopted a nuisance abatement ordinance in 1989 to codify standards and procedures for abating property maintenance, building and zoning violations. Potential code violations are identified based on complaints reported to the City and those observed by code enforcement officers. There are three code enforcement officers that work with the residents towards amiable solutions. In addition, code enforcement officers inform property owners of the rehabilitation loan and paint programs. The majority of code violations in Mission Viejo pertain to property maintenance, and according to the City's Building Official, only four substandard residential structures have been identified since the program's inception.

## **4. Section 8 Certificate/Voucher Program**

The City of Mission Viejo contracts with the Orange County Housing Authority (OCHA) to administer the Section 8 Certificate/Voucher Program. The Section 8 rental assistance program extends rental subsidies to low-income families and elderly that spend more than 30% of their income on rent. The subsidy represents the difference between the excess of 30% of the monthly income and the allowable rent determined by the Section 8 program. Most Section 8 subsidies are issued in the form of Housing Choice Vouchers which allow clients to locate their own housing. Assisted clients will pay no less than 30% of their adjusted income as their share and are not allowed to pay more than 40% of their adjusted income towards the total rent.

Due to the high demand for housing vouchers, there is a waiting list for the program. Unless OCHA receives new funding, they can only issue vouchers to replace persons who leave the program. OCHA regularly submits applications for additional housing vouchers.

The City's 2020-2024 Consolidated Plan reported that OCHA provides approximately 282 Section 8 Rental Certificates and Vouchers to residents of Mission Viejo. It is impossible to know whether additional housing vouchers will become available for City residents during this planning period. However, based on previous allocation levels, the City's goal will be to secure an additional five rental subsidies annually. The City will facilitate use of the Section 8 program in its jurisdiction by encouraging apartment owners to list available rental units with OCHA for potential occupancy by tenants receiving Section 8 certificates.

### **Providing Adequate Housing Sites**

A key element in satisfying the housing needs of all segments of the community is the provision of adequate sites for housing of all types, sizes and prices. This is an important function in both zoning and General Plan land use designations.

## **5. Land Use Element/Development Code**

Fundamental to the provision of housing is the zoning and designation of property for residential purposes. Since the City is **nearing all but** buildout, it is anticipated that potential redevelopment of the underutilized properties shown in Appendix B will provide sufficient opportunities to accommodate the City's assigned share of regional housing needs, which has been identified as 2,217 new dwelling units during the 2021-2029 RHNA period. The sites listed in Table B-2 will be rezoned concurrent with Housing Element adoption and will allow for a variety of housing types to address all economic segments of the community. Allowed densities range up to 50 dwelling units per acre, with higher densities achievable through density bonus provisions.

## **6. Inventory of Surplus Public Land**

In 2007 one City-owned site was identified and rezoned for high-density housing development. The City will continue to monitor the availability of surplus land or the possible conversion of facilities. If any land deemed or declared surplus is identified, an assessment will be made of its suitability for residential development. Those sites suitable for affordable housing will be forwarded to **non-profit** developers **of affordable housing** for their consideration as to development potential.

## **7. Density Bonus Units**

Pursuant to State law, the City offers a density bonus along with regulatory concessions and/or incentives, if a developer agrees to construct affordable housing or units for qualifying residents (i.e., seniors and disabled). The density bonus program not only assists with the cost of development but also increases the housing stock by allowing a density above the Development Code standards. In recent years State density bonus law has been amended to create greater incentives for affordable housing, and the City is currently in the process of amending the Development Code to incorporate the latest amendments. The City will continue to encourage affordable housing developers to take advantage of this option.

## **8. Accessory Dwelling Units**

Accessory dwelling units ("ADUs") are an important option for creating additional affordable housing opportunities. An ADU is a separate and complete living unit on the same parcel as existing single- or multi-family units. Because ADUs can be created more economically than conventional newly constructed units, they offer an effective method of expanding the affordable housing stock. The cost savings come from the utilization of existing infrastructure and land. ADUs can also help homeowners

generate additional income from extra living space by allowing them to convert that space into another unit.

In recent years State law has been amended to create stronger incentives for ADU development, and the City is currently in the process of amending the Development Code in conformance with current State law. The City will continue to promote ADUs by providing brochures and/or informational displays at the building permit counter and other appropriate locations (with PDF versions for website distribution) detailing the benefits of ADUs and the process for obtaining approval, and will consider additional actions such as exploring and pursuing funding options, and tracking the production and affordability of ADUs.

### **Assisting in the Development of Affordable Housing**

New construction is a major source of housing for prospective homeowners and renters but generally requires public sector support for the creation of units affordable to lower-income households. The following programs attempt to address the overall need for the development of affordable housing in Mission Viejo.

## **9. Affordable Housing Outreach and DevelopmentProgram**

To successfully facilitate affordable housing development for lower-income persons and households, including those with extremely-low-incomes and special needs, various incentives and strategies are identified and specifically targeted to the sites in the Land Inventory Summary (Appendix B) that are suitable for lower-income and special needs housing. These targeted incentives and strategies are as follows:

- *Affordable Housing Outreach.* The City will continue to market the parcels to non-profit housing developers and provide technical assistance for development review process, and coordinate discussions between property owner, non-profit developer, and various governmental agencies. The City will also continue to market the incentives and concessions to be offered to facilitate development of affordable rental housing for low-income families, workers and seniors/special needs groups, including extremely-low-income persons where feasible. The City ~~has~~ prepared and circulated a marketing package for the City-owned Site C (from the previous Housing Element sites inventory), and will do the same for Site 3. ~~and~~ City staff has had numerous meetings and discussions with interested developers and non-profit corporations. Staff has also developed an interest matrix identifying which developers and non-profit corporations are interested in affordable housing sites to be able to contact them should new information or funding become available. To further improve its affordable housing outreach efforts, the City of Mission Viejo has become an active participant in the Alliance for Housing Our Communities, a coalition of housing and community advocates with the primary goal of increasing affordable homes in south Orange County. Other partners include Mission Hospital, the Kennedy Commission, some other local cities, and non-profit corporations including Mary Erickson Foundation, Dayle McIntosh Center, and OC Human Relations Commission. The City has hosted and co-sponsored meetings to bring different groups and decision makers together and-to help increase awareness of the need for affordable housing.
- *Development & Parking Incentives and Concessions.* The City will provide various incentives and concessions for the identified parcels including, but not limited to, a reduction in the minimum setback and square footage requirements, and in the ratio of required off-street parking spaces, and an increase in the building height limit and maximum lot coverage,

to promote the financial feasibility of homes affordable to lower-income families and persons with special needs.

- *Funding Program.* Due to the State’s 2012 dissolution of redevelopment agencies, a significant source of funding for affordable and special needs housing was eliminated. However, the City will attempt to provide funding assistance using all available housing funds, including CDBG funds, for projects affordable to low-, very-low-, and extremely-low-income persons and families, that are proposed on suitable parcels to encourage such development in this planning period. This program will also provide advice to potential non-profit organizations and developers regarding locating and acquiring additional financing. The City will apply or assist in the application of funds for State and Federal funding programs such as the Multi-family Housing Program, and California Tax Credit Allocation funding.
- *Development Fees.* For affordable and special needs housing projects proposed on these parcels, the City will provide a fee waiver or subsidy.
- *Affordable Housing Education Program.* The City will continue to maintain an ongoing Affordable Housing Education Program to provide education and facts on affordable housing. The aim of the program is to help foster and build support for affordable housing and address “Who Needs Affordable Housing?” and “What is Low Income?” The program incorporates various formats including printed materials (fact sheets, brochures, and bus shelters ads), media outreach, and public forums such as tours of existing affordable developments.
- *Remove Governmental Constraints.* The City will ensure standards are not excessive and do not unnecessarily constrain affordable and special needs housing. The City will work with interested developers to determine the need and remove or modify standards to facilitate the development of affordable and special needs housing.
- *Land Value Negotiation.* As described in Appendix B, Land Inventory Summary, the City owns Site E-3 and controls the sale of the property. The City will sell the land and shall implement a schedule of actions to ensure that suitable and feasible land is made available for the development in accordance with the above analysis and implementation section under Site E3.
- *Extremely-low-income housing.* To the extent feasible, the City will encourage developers to include units affordable to extremely-low-income (i.e., those with 30% or less of Area Median Income) in affordable housing projects in order to achieve the City’s quantified objectives (Table H-37). It is recognized that the subsidy required to provide units at the ELI level is much greater than for other lower-income groups, and that more units can be assisted at the very-low- and low-income levels with a given amount of funding.
- *Lot assembly or subdivision assistance.* When an affordable or special needs housing development project requires lot assembly or subdivision the City will assist the applicant through expedited concurrent processing of all required permits and approvals.
- *Housing replacement.* If a residential development would result in a loss of existing housing units, replacement of lost units shall be required pursuant to Government Code Sec. 65915(c)(3).



- Sites used in a prior planning period. For any non-vacant site listed in Appendix B that was used to satisfy RHNA requirements in a prior planning period, or any vacant site used in two consecutive prior planning periods, residential use shall be allowed by-right if at least 20 percent of the units are affordable to lower-income households pursuant to Government Code Sec. 65583.2(c).
- Sites inventory. Upon adoption of the Housing Element the City will transmit an electronic copy of the sites inventory to HCD and post the inventory on the City's website.

The City remains committed to working with qualified developers and non-profit corporations to ensure high quality affordable housing for the community.

## 10. Special Needs Emergency Shelters, Transitional and Supportive Housing

Housing for persons with special needs includes shelters for the homeless, transitional and supportive housing, care facilities and agricultural employee housing. The issue of homelessness is a complex statewide issue. In 2007, Senate Bill (SB) 2 amended State law regarding emergency shelters and transitional/supportive housing. SB 2 generally requires that emergency shelters be permitted by-right in at least one zoning district, or that jurisdictions enter into a multi-agency agreement to deal with this issue more broadly. In 2009 the City amended the Municipal Code to designate the Business Park zone where shelters are permitted by-right, along with specific development standards, in conformance with the provisions of SB 2. Sites in this zone are located within walking distance of shopping, medical, civic offices, employment and public transportation. The Business Park zone encompasses more than 165 acres and there are currently some vacant parcels and buildings in these zones that could accommodate shelters. The City will continue to work cooperatively with interested agencies to facilitate the development of an emergency shelter.

AB 101 (2019) added a requirement that *low barrier navigation centers* meeting specified standards be allowed by-right in areas zoned for mixed use and in non-residential zones permitting multi-family uses pursuant to *California Government Code §65660, et seq.*

Senate Bill 2 also specifies that transitional and supportive housing shall be treated as a residential use with only those requirements that apply to other residential uses in the same district. As noted in Chapter II, ~~several~~ nine transitional housing units have been established in Mission Viejo. City policies and regulations permit transitional and supportive housing subject to the same standards and procedures that apply to other residential uses of the same type in the same zone in conformance with SB 2. In 2018 AB 2162 amended State law to require that supportive housing be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria.

The Employee Housing Act (Health & Safety Code §17021.5) requires that housing occupied by up to six agricultural employees be allowed as a single-family use.

The City is currently processing an amendment to the Development Code in conformance with State laws regarding low barrier navigation centers, transitional and supportive housing, and employee housing AB 101 and AB 2162.

## 11. Mortgage Revenue Bond Financing

The County of Orange has established two revenue bond housing programs to increase the supply of affordable housing in the County - the Multi-family Housing Revenue Bond Program and the Single-Family Residential Mortgage Revenue Bond Program. Under these programs, tax-exempt bonds are

issued to provide ~~funds for~~ construction funds and mortgage loans to encourage developers to provide both rental and for-sale housing that is affordable to lower-income families and individuals. The Mission Viejo Company participated in both the multi-family and single-family bond programs. Subsequent to incorporation, the City entered into a cooperative agreement with the County in support of additional bond-financed projects in Mission Viejo. The City will continue to facilitate the use of these bond programs.

## 12. Non-Profit Housing Development

A non-profit housing corporation works to develop, conserve and promote affordable housing, either owner- or renter-occupied. Particularly in relation to senior citizen housing (such as HUD Section 202 projects), the corporation is often a local religious organization interested in developing affordable housing. The corporation is often involved with what is called "assisted housing", where some type of government assistance (such as Section 8) is provided to the individual household to keep rents affordable. Housing corporations can work with assisted housing in several ways.

- a. The corporation may assemble a development package and sell it to a profit-motivated developer. The package usually consists of a site, project design, the necessary permits, and, in some cases, preliminary financing commitments. The advantage of this method is that the non-profit can get low- and moderate-income housing built while ending its involvement early in the process and going on to other projects. The disadvantage is that the non-profit may lose control over the development at the time of sale. However, the corporation could negotiate to retain some control over the project in its contractual agreement with the developer.
- b. The non-profit corporation may participate in a joint venture with a profit-motivated developer. Though it usually performs the same functions as in the first method, the non-profit can retain more control over the development and gain hands-on development experience while benefiting from the financial resources of the for-profit developer. In this option, however, the non-profit has a longer involvement and would have to negotiate the rights and responsibilities of the two partners.
- c. In the third approach, the non-profit corporation is the developer. In this case, the group must employ staff with necessary expertise or rely heavily on consultants. In return, the group has total control over the development. This option requires more risk, money, time, effort, and capability on the part of the non-profit.

A non-profit corporation can help meet the City's goals for additional housing by implementing or assisting with the implementation of programs described in this Housing Element. The City will actively support local non-profit groups to facilitate the development and improvement of both senior housing and housing affordable to low-, very-low-, and extremely-low-income persons and families in Mission Viejo. Support to non-profit groups, for example, will include technical assistance for development review process, assistance locating and acquiring financing, and coordinator discussions between property owner, non-profit developer, and various governmental agencies.

The City has a history of successful working relationships with non-profit affordable housing developers, including Citizens Housing Corporation (Arroyo Vista multi-family apartment complex) and Jamboree Housing Corporation (Heritage Villas Senior Apartments), developed during previous planning periods. More recently, the City has coordinated meetings with non-profit developers, including Bridge, Habitat for Humanity, and Jamboree Housing Corporation. These meetings were successful and allowed the City an opportunity to present its affordable housing sites, answer questions

regarding the process, and discuss available funding opportunities. The City will continue to facilitate new affordable housing projects by meeting with interested developers at least twice a year and providing technical assistance to developers in support of affordable housing development, including evaluation of projects for appropriate use of funding sources, support in the preparation of grant applications, and assisting in moving projects forward through the public review process.

### 13. Reverse Mortgage Program

The most substantial asset of most elderly homeowners is their home, which usually increases significantly in value with inflation. And while owning a home may provide a rich asset base with the onslaught of retirement and a fixed income, many elderly homeowners may not have sufficient income to cover the rising costs in home utilities, insurance, taxes, and regular maintenance.

An option for elderly homeowners is to draw needed income from the accumulated equity in their homes through a reverse mortgage. A reverse mortgage is a deferred payment loan or a series of such loans for which a home is pledged as security. Qualification for the loan is based primarily on property value rather than on income, allowing the elderly homeowner on a fixed income to receive a loan for which he or she would not otherwise qualify.

Most reverse mortgage loans have been underwritten by a government-sponsored program marketed through independent mortgage brokers, although there are major independent financial firms that now market reverse mortgage programs.

At the Norman P. Murray Community and Senior Center, information programs have been held to inform interested residents about reverse mortgages. The City will continue to provide financial institutions with the opportunity to educate interested seniors. Social service caseworkers will also advise elderly homeowners of the reverse mortgage programs, including both benefits and potential drawbacks.

### Removing Governmental Constraints

Under current law, the Mission Viejo Housing Program must ~~include the following:~~

~~A~~address and, where appropriate and legally possible, remove governmental constraints to the ~~maintenance, improvement, and~~ development, improvement, and maintenance of housing.

### 14. Efficient Permit Processing

Residential projects in Mission Viejo generally receive concurrent processing, thereby shortening review time and minimizing related holding costs. Nonetheless, the evaluation and review procedure contributes to the cost of housing in that holding costs incurred by developers are ultimately reflected in the unit's selling price or rent. In order to streamline review times for affordable housing projects, the City will prioritize affordable housing applications in the following sequence:

- First priority, applications which require a Housing Element in compliance with State law such as the State's Rental Housing Construction Program and Federal HOME Program.
- Second priority, applications that meet all other City requirements and ~~are requesting that request~~ a density bonus in exchange for a minimum of 20% affordable housing units.
- Third priority, all other applications ranked in terms of the percentage of very-low- and low-income housing units to be included in the proposed development.

Recent changes to State law (SB 35 of 2017) require streamlined ministerial review of residential development applications in some circumstances. The City will establish specific procedures in compliance with current State law.

In compliance with State transparency requirements, the City will post all zoning regulations, development standards and fees on the City's website.

## 15. Development Fees

Development fees have been set at a level necessary to cover the costs to the City and to make appropriate contributions to the community. However, these fees contribute to the cost of housing, and may constrain the development of low- and moderate-income units. For senior citizen and affordable housing projects, the City shall consider fee waivers, reductions, or subsidies on a case-by-case basis. In addition, the City will encourage local school districts to reduce or eliminate school impact fees charged to affordable senior housing developments. With regard to City projects, the payment of fees may be deferred until loan proceeds are obtained or revenues from project proceeds are received.

## 16. Affirmatively Further Fair Housing

To make adequate provision for the housing needs of all economic segments of the community, the housing program must include actions that affirmatively further fair housing opportunities for all persons regardless of race, religion, sex, family size, marital status, ancestry, national origin, color, age or physical disability.

The Fair Housing Act of 1968 prohibits discrimination in housing-related activities and requires cities to affirmatively further fair housing. Under the Federal consolidated planning process, the Analysis of Impediments (AI) to Fair Housing Choice is the primary tool for addressing fair housing issues. In 2020 the City of Mission Viejo joined with other Orange County cities and the County of Orange to develop a county-wide AI. Based on extensive analysis of housing and community indicators, and the input of residents, a list of impediments to fair housing choice has been developed and a corresponding set of action steps to address fair housing barriers has been prepared. The following specific actions have been identified in the AI for the City of Mission Viejo to affirmatively further fair housing during the planning period.

1. In collaboration with the Orange County Housing Authority (OCHA):
  - a. Attend quarterly OCHA Housing Advisory Committee meetings to enhance the exchange of information regarding the availability, procedures, and policies related to the Housing Assistance Voucher program and regional housing issues.
  - b. Support OCHA's affirmative fair marketing plan and de-concentration policies by providing five-year and annual PHA plan certifications.
  - c. In coordination with OCHA and fair housing services provider, conduct landlord education campaign to educate property owners about State law prohibiting discrimination based on household income.
2. Through the City's fair housing contractor:
  - a. Provide fair housing education and information to apartment managers and homeowner associations on why denial of reasonable modifications/accommodations is unlawful.
  - b. Conduct multi-faceted fair housing outreach to tenants, landlords, property owners, realtors, and property management companies. Methods of outreach may include workshops,

- informational booths, presentations to community groups, and distribution of multi-lingual fair housing literature.
- c. Provide general fair housing counseling and referrals services to address tenant-landlord issues, and investigate allegations of fair housing discrimination and take appropriate actions to conciliate cases or refer to appropriate authorities.
  - d. Periodically monitor local newspapers and online media outlets to identify potentially discriminatory housing advertisements.
  - e. Include testing/audits within the scope of work with fair housing provider.
3. In cooperation with the Orange County Transportation Authority:
    - a. Provide community education regarding transport services for persons with disabilities.
    - b. Explore bus route options to ensure neighborhoods with concentration of low-income or protected class populations have access to transportation services.
  4. Monitor FBI data to determine if any hate crimes are housing related and if there are actions that may be taken by the City's fair housing service provider to address potential discrimination linked to the bias motivations of hate crimes.
  5. Support local eviction prevention strategies to reduce the number of homeless individuals and families (homelessness prevention services).
  6. Seek funding through State programs (SB2/PLHA) to expand affordable housing and or homelessness prevention services.
  7. Prepare a new Housing Element that is compliant with all current State laws and is certified by the California Department of Housing and Community Development.
  8. Update zoning ordinance to comply with current State law.

### **Providing Housing-Related Public Services**

~~To assist low- and moderate-income residents, the housing program should include complementary programs that support residents in obtaining adequate housing or assist them with their special needs. These programs include, but are not limited to, continuum care for homeless, supportive services for persons with disabilities, and childcare services.~~

## **17. Community Development Block Grant (CDBG) Public Service Programs**

The primary objective of the CDBG program is “development of viable urban communities, by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low- and moderate-income.” CDBG funds may be used to provide public services (including labor, supplies and material), provided that the public service meets a national objective of the CDBG program. The amount of CDBG funds obligated within a program year to support public service activities cannot exceed 15% of the City's total allocation. These funds can target the needs of the low- and moderate-income residents as identified in the City of Mission Viejo Consolidated Plan. Several organizations operating service programs have been supported with City CDBG funds. These programs include childcare services, senior-housing services, legal services, disabled services, homeless prevention, and support services to abused and neglected children.

Research shows a need for public service programs geared to addressing childcare for low-income working parents, the elderly, abused women, neglected teenagers, and persons with disabilities. The City

will continue to actively publicize the CDBG program and availability of funds, and prioritize programs which address these identified needs within the community.

To assist low- and moderate-income residents, the housing program should include complementary programs that support residents in obtaining adequate housing or assist them with their special needs. These programs include, but are not limited to, continuum care for homeless, supportive services for persons with disabilities, and childcare services.

## 18. Pre-application Review Program

During the project development stage, City staff will encourage developers to include amenities or facilities such as childcare, job training, work stations, and exercise equipment. These types of amenities empower tenants to increase their financial independence and well-being. Projects that include these types of amenities will be given priority when the City Council issues financial assistance or other considerations.

## 19. Energy Conservation

The City has many opportunities to directly affect energy use. In addition to required compliance with the Building Code and Title 24 of the California Administrative Code relating to energy conservation, the City sets forth goals and policies which encourage the conservation of non-renewable resources in concert with the use of alternative energy sources to increase energy self-sufficiency. In a large part, energy savings and utility bill reductions can be realized through the following energy design standards:

- **Glazing** – Glazing on south facing exterior walls allows for winter sunrays to warm the structure. Avoidance of this technique on the west side of the unit prevents afternoon sunrays from overheating the unit.
- **Landscaping** – Strategically placed vegetation reduces the amount of direct sunlight on the windows. The incorporation of deciduous trees in the landscaping plans along the southern area of units reduces summer sunrays, while allowing penetration of winter sunrays to warm the units.
- **Building Design** – The implementation of roof overhangs above southerly facing windows shield the structure from solar rays during the summer months.
- **Cooling/Heating Systems** – The use of attic ventilation systems reduces attic temperatures during the summer months. Solar heating systems for swimming pool facilities save on energy costs. Natural gas is conserved with the use of flow restrictors on all hot water faucets and showerheads.
- **Weatherizing Techniques** – Weatherization techniques such as insulation, caulking, and weather stripping can reduce energy use for air-conditioning up to 55% and for heating as much as 40%. Weatherization measures seal a dwelling unit to guard against heat gain in the summer and prevent heat loss in the winter.
- **Efficient Use of Appliances** – Each household contains different mixture of appliances. Regardless of the mix of appliances present, appliances can be used in ways that increase their energy efficiency. Unnecessary appliances can be eliminated; proper maintenance and use of stove, oven, clothes dryer, clothes washer, dishwasher, and refrigerator can also

reduce energy consumption. New appliance purchases can be made on the basis of efficiency ratings.

In 2008, the City Council adopted a fee waiver for the installation of solar and other energy-saving equipment now available to new homeowners and senior residents in the City. Details regarding this program are also found on the City’s website<sup>6</sup>. The fee waiver program applies to all building permits for solar photovoltaic, solar thermal systems, tankless water heaters, windows and/or doors containing glass, high-efficiency heating, ventilation, air conditioning (HVAC) systems and other improvements that go beyond Building Code and Title 24 requirements. Expedited plan review and same-day inspection also accompany the fee waiver program. In addition, in 2008 the City adopted a Solar Energy Education Program to complement its existing Green Building Program. The City also actively promotes and markets energy conservation and education in the community.

The City will also actively pursue grant and funding opportunities associated with federal and state Energy Efficiency and Conservation Block Grant programs.

**Quantified Objectives and Program Summary**

The City’s quantified objectives and housing programs are summarized in the following tables.

**Table H-37  
Quantified Objectives (2021-2029) –  
City of Mission Viejo**

	Income Category					Totals
	Ex. Low	Very Low	Low	Moderate	Upper	
New construction*	337	337	401	397	745	2,217
Rehabilitation	20	25	45			90
Conservation**		108	185			6

\*Quantified objective for new construction is for the RHNA projection period 6/30/2021 – 10/15/2029

\*\*Deed-restricted affordable units

6 <https://cityofmissionviejo.org/sites/default/files/EEFW%20program%20handout%20rev%202018-2019.docx>

**Table H-38  
Housing Program Summary**

Program	Responsible Agency	Funding Source	Program Objectives	Schedule
1. Housing Rehabilitation Program	Community Development Department	CDBG	To maintain quality of housing in established neighborhoods, particularly for very-low- and low-income households by providing 90 deferred loans or grants for housing rehabilitation.	Throughout the planning period
+2. Home Weatherization Improvements	Community Development Department	So. Cal Edison and So. Cal Gas	To provide information to residents regarding available weatherization improvements to reduce housing utility costs.	Throughout the planning period
3. Code Enforcement	Community Development Department	Department Budget	To enforce City codes pertaining to property maintenance, building and zoning.	Throughout the planning period
4. Section 8 Assistance Payment / Housing Vouchers	O.C. Housing Authority; City Community Development Department	HUD-Section 8 Certificate & Housing Vouchers	To provide at least 280 rental subsidies to lower-income families and elderly, and encourage listing of rental units with County Housing Authority.	Throughout the planning period
5. Land Use Element / Development Code	Community Development Department	Department Budget	To maintain a range of residential development opportunities through appropriate land use and zoning designations to accommodate the RHINA allocation.	Zoning amendments concurrent with Housing Element adoption
6. Inventory of Surplus Public Land	Community Development Department	Department Budget	To maintain an inventory of all land owned by public entities declared surplus.	Throughout the planning period
7. Density Bonus Units	Community Development Department	Department Budget	Continue to implement the Development Code density bonus provisions in compliance with State law, to maximize the capacity of housing sites and facilitate construction of affordable units.	Throughout the planning period
8. Accessory Dwelling Units	Community Development Department	Department budget	To expand the affordable housing stock by encouraging the provision of accessory dwelling units in compliance with State law.	<u>Monitor ADU production and rent rates, annually</u> <u>Throughout the planning period</u>
9. Affordable Housing Outreach	Community Development Department	CDBG, Revenue Bonds	To meet the City's regional housing need allocation for all income groups through the pursuit of multiple tactics.	<u>Continue promoting affordable housing development throughout the planning period.</u> <u>-Annual outreach to developers</u> <u>-Provide assistance as requested</u> <u>-Post sites inventory upon Housing Element adoption and throughout the planning period</u>



Program	Responsible Agency	Funding Source	Program Objectives	Schedule
10. Emergency Shelters and Transitional Housing	Community Development Department	Department budget	Continue to implement City policies and regulations regarding emergency shelters and transitional/supportive housing in conformance with State law. <a href="#">Update regulations to reflect recent changes to State law.</a>	<del>Throughout the planning period</del> <a href="#">Code amendment by October 2022</a>
11. Mortgage Revenue Bond Financing	Orange County; Mission Viejo Community Development Department	Revenue bonds	To increase supply of rental and ownership units affordable to low- and moderate-income households.	Throughout the planning period
12. Non-Profit Housing Development	Community Development Department	Department budget	To provide support and assistance to non-profit housing organizations to facilitate affordable housing production commensurate with the City's quantified objectives.	Throughout the planning period
13. Reverse Mortgage Program	Community Development Department	Department budget	Coordinate with social service groups and lending institutions to provide information to seniors about reverse mortgage programs.	Throughout the planning period
14. <a href="#">Efficient and Transparent</a> Processing	Community Development Department	Department budget	To provide concurrent processing for residential projects to shorten review time and minimize related holding costs.	<a href="#">Establish written SB 35 implementation procedures and post all zoning regulations, development standards and fees on the City's website by October 2022.</a> <del>Throughout the planning period</del>
15. Development Fees	Community Development Department	General Fund	To provide reduced development fees for affordable and senior citizen housing.	Throughout the planning period
16. Affirmatively Furthering Fair Housing	Community Development Department; OCHA	HUD-CDBG	Work cooperatively with other agencies to ensure equal housing opportunity by providing tenant/landlord counseling, housing discrimination response, and related housing services.	Throughout the planning period
17. Community Development Block Grant Public Service Programs	Community Development Department	HUD-CDBG	To fund public service programs that support lower-income households to obtain adequate housing or assist them with special needs.	Throughout the planning period
18. Pre-application Review Program	Community Development Department	Department budget	Encourage developers to include amenities such as childcare, computer workstations in affordable developments.	Throughout the planning period
19. Energy Conservation Program	Community Development Department	Department budget	Continue to encourage energy conservation through incentives such as expedited processing and fee waivers for qualifying projects. Continue the Solar Energy Education Program, which promotes energy conservation throughout the community.	Throughout the planning period



## **Appendix A**

### **Evaluation of the Prior Housing Element**

Section 65588(a) of the *California Government Code* requires that jurisdictions evaluate the effectiveness of the existing Housing Element, the appropriateness of goals, objectives and policies, and the progress in implementing programs for the previous planning period. The goals and policies from the 2013 Housing Element have been reviewed and determined to continue to be appropriate. Table A-1 contains a review the housing programs of the previous Housing Element, and evaluates the City’s progress in implementing those programs during the previous planning period, years 2013 through 2021. Table A-2 presents the City’s progress in meeting the quantified objectives from the previous Housing Element. The findings from this evaluation have been instrumental in refining the City’s 2021-2029 Housing Implementation Programs.

**Table A-1  
Housing Element Program Evaluation  
City of Mission Viejo  
2013 – 2021**

Program	Responsible Agency	Funding Source	Program Objectives	Progress
1. Housing Rehabilitation Program	Community Development Department	CDBG	To maintain quality of housing in established neighborhoods, particularly for very-low- and low-income households by providing 128 deferred loans or grants for housing rehabilitation.	Approximately 80 rehab applications were approved during 2014-2020
2. Home Weatherization Improvements	Community Development Department	So. Cal Edison and So. Cal Gas	To provide information to residents regarding available weatherization improvements to reduce housing utility costs.	Home weatherization flyers have been made available at City Hall.
3. Code Enforcement	Community Development Department	Department Budget	To enforce City codes pertaining to property maintenance, building and zoning.	The City's Code Enforcement staff has implemented this program continuously.
4. Section 8 Assistance Payment / Housing Vouchers	O.C. Housing Authority; City Community Development Department	HUD-Section 8 Certificate & Housing Vouchers	To provide at least 280 rental subsidies to lower-income families and elderly, and encourage listing of rental units with County Housing Authority.	Approximately 280 vouchers were provided.
5. Land Use Element / Development Code	Community Development Department	Department Budget	To maintain a range of residential development opportunities through appropriate land use and zoning designations.	On 8/25/2020 GPA-2020-33 and Zone Change ZC2020-23 were approved by the City Council to rezone a 6.36-acre site from R (Recreation) to RPD30 (Residential Planned Development) to accommodate a 91 attached dwelling unit project.
6. Inventory of Surplus Public Land	Community Development Department	Department Budget	To maintain an inventory of all land owned by public entities declared surplus.	No additional surplus properties have been identified.
7. Density Bonus Units	Community Development Department	Department Budget	Continue to implement the Development Code density bonus provisions in compliance with state law, in order to maximize the capacity of housing sites and facilitate construction of affordable units.	On October 14, 2019, the Planning and Transportation Commission approved a 60-unit townhome project on Site A, with density bonus concession for building height, with the project providing 15% of the total units as affordable to low- and very-low-income households.
8. Second Units	Community Development Department	Department budget	To expand the affordable housing stock by allowing a second unit on the same parcel as existing single or multifamily units.	In 2020, building permits were issued for three ADUs, two of which were also issued certificates of occupancy in 2020.

Program	Responsible Agency	Funding Source	Program Objectives	Progress
9. Affordable Housing Outreach	Community Development Department	CDBG, Revenue Bonds	To meet the City's regional housing need allocation for all income groups through the pursuit of multiple tactics.	The City has continued to market its affordable housing sites, including the 8.5-acre City-owned Affordable Housing Site C, with an inclusionary housing requirement for a minimum 20% of the total units as affordable to lower-income households.
10. Emergency Shelters and Transitional Housing	Community Development Department	Department budget	Continue to implement City policies and regulations regarding emergency shelters and transitional/supportive housing in conformance with SB 2.	The City continued to implement regulations regarding emergency shelters and transitional/supportive housing in conformance with SB 2.
11. Mortgage Revenue Bond Financing	Orange County; Mission Viejo Community Development Department	Revenue Bonds	To increase supply of rental and ownership units affordable to low- and moderate-income households.	Revenue bonds have been used to finance three affordable housing projects in Mission Viejo.
12. Non-Profit Housing Development	Community Development Department	Department budget	To provide support and assistance to non-profit housing organizations to facilitate affordable housing production commensurate with the City's quantified objectives.	The City continued to solicit development of the 8.5-acre City-owned Affordable Housing Site C, with an inclusionary housing requirement for a minimum 20% of the total units as affordable to lower-income households.
13. Reverse Mortgage Program	Community Development Department	Department budget	Coordinate with social service groups and lending institutions to provide information to seniors about reverse mortgage programs.	The City's Norman P. Murray Community and Senior Center continued to coordinate special workshops on reverse mortgages to inform and educate seniors, and offered a twice yearly financial series on various financial topics including reverse mortgages.
14. Efficient Processing	Community Development Department	Department budget	To provide concurrent processing for residential projects to shorten review time and minimize related holding costs.	The City continued to process projects concurrently and efficiently. It is the City's practice to process planning applications concurrently. Building plan check for new large-scale projects is 10 working days.
15. Development Fees	Community Development Department	General Fund	To provide reduced development fees for affordable and senior citizen housing.	With the dissolution of the CDA, funding for fee subsidies has been very limited. The City Council approved the Water Conservation fee waiver program in 2014. The energy efficiency fee

Program	Responsible Agency	Funding Source	Program Objectives	Progress
16. Equal Housing Opportunity Services	Fair Housing Foundation	HUD-CDBG	To ensure equal housing opportunity by providing tenant/landlord counseling, housing discrimination response, and related housing services through the Fair Housing Foundation.	waver program is also active, available to new homeowners and seniors. In FY 2014-2015, 85 households from Mission Viejo were assisted with fair housing issues and concerns. In FY 2015-2016, 102 households were assisted. In FY 2016-2017, 71 households were assisted. In FY 2017-18, 57 households were assisted. In FY 2018-19, 63 households were assisted. In FY 2019-20, 48 households were assisted.
17. Community Development Block Grant Public Service Programs	Community Development Department	HUD-CDBG	To fund public service programs that support lower-income households to obtain adequate housing or assist them with special needs.	The CDBG public service program funded organizations providing services for low income families, seniors, homeless and homelessness prevention, and persons with Alzheimers, dementia and other developmental disabilities.
18. Pre-application Review Program	Community Development Department	Department budget	Encourage developers to include amenities such as childcare, computer workstations in affordable developments.	The Adiago-on-the-Green apartments, completed in 2015, includes two pools, gym, creek-adjacent greenbelt and pathway, meeting rooms, and entertainment rooms. The Shea Homes Haven and Neo projects currently under construction share a pool, tot-lot, and multiple shaded bbq and seating areas. The 91-unit Trumark Homes project approved in 2020 includes a pool, tot-lot, and multiple shaded bbq and seating areas.
19. Energy Conservation Program	Community Development Department	Department budget	Continue the Green Building Program, which encourages energy conservation through incentives such as expedited processing and fee waivers for qualifying projects.  Continue the Solar Energy Education Program, which promotes energy conservation throughout the community.	The City offers expedited processing and, since 2006, has offered "Energy Efficiency" fee waivers for qualifying green building projects and solar installations, currently available to seniors and new homeowners. In 2014, the Council approved a "Water Conservation" fee waiver program to encourage the installation of water conservation improvements. In 2020 the

Program	Responsible Agency	Funding Source	Program Objectives	Progress
				City purchased an electric vehicle and installed two vehicle charging stations at City Hall.

**Table A-2  
Progress in Achieving Quantified Objectives – 2013-2020  
City of Mission Viejo**

Program Category	Quantified Objectives	Progress
<b>New Construction*</b>		
Extremely-low	21	
Very-low	21	13
Low	29	31
Moderate	33	17
Above-moderate	73	848
<b>Total</b>	<b>177</b>	<b>909</b>
<b>Rehabilitation</b>		
Extremely-Low	45	
Very-Low	45	66
Low	38	
Moderate		
Above-Moderate		
<b>Total</b>	<b>128</b>	<b>66</b>
<b>Preservation/Conservation</b>		
Extremely-Low	140**	Approx. 280
Very-Low	140**	
<b>Total</b>	<b>280**</b>	<b>Approx. 280</b>

\*The RHNA projection period for new construction was 2014 - 2021.

\*\*Section 8 vouchers



## Appendix B Residential Land Inventory

This appendix provides the detailed assumptions and methodology for the residential land inventory. As shown in Table B-1 the inventory of potential housing sites exceeds the City’s RHNA allocation for the 2021-2029 projection period in all income categories.

**Table B-1  
Residential Sites Summary  
City of Mission Viejo**

	Income Category			
	Very Low	Low	Moderate	Above Moderate
Vacant sites	299	178	177	330
Underutilized sites	406	245	242	450
Potential ADUs	98	1312	119	1
Total	713	435	428	781
RHNA (2021-2029)	674	401	397	745
Adequate sites?	Yes	Yes	Yes	Yes

Source: City of Mission Viejo Community Development Dept., 2021

### Vacant and Underutilized Sites

Mission Viejo is ~~almost completely~~ all but built-out, and very few vacant sites remain for housing development. To encourage additional construction of affordable multi-family rental housing, in 2007 the City rezoned three vacant sites for affordable housing development by-right with an allowable density of 30 units/acre. Of those, only Site C still remains undeveloped. (The 8.5-acre Site C is incorporated into the larger Site 3 for the 2021-2029 Planning Period.)

For the 2021-2029 planning period most of the City’s potential for additional housing is on underutilized properties that are currently developed with residential or commercial uses. During preparation of the 2021 Housing Element update the City conducted a thorough review of potential sites that have realistic potential to be developed with additional housing. The sites listed in Table B-2 were selected based on factors such as existing uses, market conditions and property owner interest in redevelopment. The list of sites was vetted in a series of public meetings held by the Planning and Transportation Commission and the City Council.

The estimated capacity of sites was based on whether the property is proposed to be zoned exclusively for residential use or with a housing overlay zone. Sites proposed for residential zoning assume full yield based on allowable density (either 30 ~~or~~ 50 or units/acre) while sites proposed for a housing overlay zone assume 50% of residential capacity. Detailed information for each site is shown in Table B-2 and site locations are shown in Exhibit B-1. Detailed analysis of these sites is provided below. Zoning amendments consistent with Table B-2 will be processed concurrent with Housing Element adoption.

### Accessory Dwelling Units

The City is conservatively estimating that 35 accessory dwelling units (ADUs) will be constructed during the planning period in conjunction with the Regional Housing Need Allocation (RHNA.) This

is based upon the history of demand demonstrated in the City. Program actions are identified as necessary and to be reviewed, enhanced, and adopted to encourage the development of the accessory dwelling units. The ADUs will be permitted in all residential zoning districts, consistent with and as required by state law. Originally developed in the 1960s and 1970s as a Master Planned Community with lower density residential development, Mission Viejo has a majority of large residential parcels which easily lend themselves to the construction of ADUs. Currently the City has about seven to eight ADUs, but like the other cities in Orange and Los Angeles counties, is seeing a **hugesignificant** up-tick in interest in the construction of ADUs. The City has several ADUs in process and numerous in the early planning stage. Based on the City’s analysis of planning inquiries and building permit activity, 35 ADUs should **be more than easily be builtachieved** in the City over the 6<sup>th</sup> Housing Element cycle. The City will work to encourage ADU development by City outreach, **and**-will work collaboratively with homeowners and building contractors to facilitate and achieve easy development, **will encourage ADUs be made available to lower and moderate-income households, and will track ADU production and associated rent rates.**

Based on recent trends, it is anticipated that approximately 3 to 4 ADUs per year will be built during the 2021–2029 period, which would result in approximately 30 additional units during the planning period. Based on research compiled by SCAG<sup>7</sup>, ADUs are expected to be distributed among the following income categories **in the following percentages:**

- 15% extremely-low-income
- 10% very-low-income
- 43% low-income
- 30% moderate-income
- 2% above-moderate-income

### **Affirmatively Furthering Fair Housing**

Fair housing law requires cities to “Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act ... and any other state and federal fair housing and planning law.”

As seen in Table B-2 and Exhibit B-1, sites with potential for future housing development, including lower-income housing, are not limited to areas with concentrations of minorities or economically disadvantaged households but rather are dispersed throughout the community and will provide access to opportunity for households of all types and income levels, thereby supporting the City’s fair housing goals.

<sup>7</sup> SCAG, Regional Accessory Dwelling Unit Affordability Analysis, 2020 ([https://scag.ca.gov/sites/main/files/file-attachments/adu\\_affordability\\_analysis\\_120120v2.pdf?1606868527](https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527))

**Table B-2  
Housing Sites Inventory**

APN	Address	Parcel Size (Acres)	General Plan/ Zoning	Allowed Density	Existing Use	Potential Units				Notes/Zoning	
						VL	Low	Mod	Above		Total
<b>Site 1. Silverado Plaza</b>											
809-311-16	25542 Jeronimo Rd.	1.50	RPD 50GN	50	Commercial	24	12	1413	2625	75	Assumes full-capacity based on residential zoning. Rezone
<b>Site 2. Mission Foothill Center</b>											
839-161-28	28715 & 28815 Los Alisos Blvd. Picoeolinas	2.73 <del>4.95</del>	CH/RPD30	30	Commercial						Overlay
839-161-13	28719 Los Alisos Blvd.	0.50	CH/RPD30	30	Commercial						Overlay. Assumes 50% capacity for overlay
839-161-14	28813 Los Alisos Blvd.	0.43	CH/RPD30	30	Commercial						Overlay. Assumes 50% capacity for overlay
839-161-17	28813 Los Alisos Blvd.	0.74	CH/RPD30	30	Vacant						Assumes 100% capacity for the vacant 0.74-acre parcel – 22 units. Rezone
Subtotal		4.404		30		23	14	14	26	77	Assumes 50% of capacity for overlay zone and full-capacity for the vacant 0.74-acre parcel
<b>Site 3. City Owned Site 3 (vacant)</b>											
740-112-02	Center Drive	1.0	RPD30	30	Vacant						Used in a prior planning period (t)
740-112-03	Center Drive	0.20	RPD30	30	Vacant						

APN	Address	Parcel Size (Acres)	General Plan/Zoning	Allowed Density	Existing Use	Potential Units				Notes/Zoning	
						VL	Low	Mod	Above		Total
740_113-01**	<u>Center Drive</u>	<u>0.37</u>	RPD30	<u>30</u>	Vacant						
740-012-36 74014202	<u>Center Drive</u>	<u>0.50</u>	RPD30	<u>30</u>	Vacant						
740-012-39 74004240	<u>Center Drive</u>	<u>6.35</u>	R/RPD30A	<u>30</u>	Vacant						
740-012-40 74004236	<u>Center Drive</u>	<u>24.38</u>	R/RPD30A	<u>30</u>	Vacant						
Subtotal		<u>32.80</u>		<u>30</u>		61299	36478	36477	67330	200984	
<b>Site 4. Idyllwillow Apartments</b>											
740-012-29	28008 Marguerite Pkwy	23.70	RPD30	<u>30</u>	Apartments	95	56	56	104	311	Current density- 16.9 du/ae- Net yield minus 400 existing units N/A
<b>Site 5. Commerce Center</b>											
782-471-01	<del>27200 to 27230</del> <u>La Paz Road</u>	<u>0.35</u>	<del>RPD3050CC</del>	<u>50</u>	Commercial						<u>Rezone</u>
782-471-02	<u>27240 La Paz Road</u>	<u>0.20</u>	<del>RPD3050CC</del>	<u>50</u>	Commercial						<u>Rezone</u>
782-471-03	<u>27230 La Paz Road</u>	<u>0.39</u>	<del>RPD3050CC</del>	<u>50</u>	Commercial						<u>Rezone</u>
782-471-04	<u>27220 La Paz Road</u>	<u>0.29</u>	<del>RPD3050CC</del>	<u>50</u>	Commercial						<u>Rezone</u>
782-471-05	<u>27210 La Paz Road</u>	<u>0.33</u>	<del>RPD3050CC</del>	<u>50</u>	Commercial						<u>Rezone</u>
782-471-06	<u>La Paz Road</u>	<u>2.99</u>	<del>RPD50</del>	<u>50</u>	Commercial						<u>Rezone</u>
Subtotal		<u>4.553-00</u>		<u>30</u>		3624	3020	2416	4630	13690	Assumes full capacity based on residential zoning

APN	Address	Parcel Size (Acres)	General Plan/ Zoning	Allowed Density	Existing Use	Potential Units				Notes/Zoning	
						VL	Low	Mod	Above		Total
<b>Site 6. Mission Viejo Town Center (Burnham)</b>											
740-016-03	28331 Marguerite Pkwy	3.40	CH/RPD30	30	Commercial	16	9	9	17	51	Assumes 50% of capacity for overlay zone/Overlay
<b>Site 7. College Center (ValueRock)</b>											
740-011-15	28171 Marguerite Pkwy	7.80	CH/RPD30	30	Commercial	36	21	21	39	117	Assumes 50% of capacity for overlay zone/Overlay
<b>Site 8. Macy's &amp; The Shops</b>											
740-121-26	27000 Crown Valley Pkwy	8.60 <del>14.60</del> <sup>8.60</sup>	CR/RPD80	80	Commercial/ king lot	47878	4740	10546	86196	584258	Assumes full 50% capacity based on residential overlay zoning/Overlay
740-121-30	555 Shops Blvd.	6.00	CR/RPD80	80	Commercial/ king lot						
Subtotal		14.60				178	105	105	196	584	Overlay
<b>Site 9. Grace Church Parking Lot</b>											
809-521-11	Parking lot off Trabuco Rd	2.40	RPD50CN/ R	50	Parking lot / Vacant	36	22	22	40	120	Assumes full capacity based on residential zoning/Rezone
<b>Site 10. Burlington</b>											
740-012-28	28452 Marguerite Pkwy	6.90	CH/RPD305 0	3050	Retail	3452	4832	4831	3558	172404	Assumes 50% of capacity for overlay zone/Overlay/Overlay
<b>Site 11. Vista del Lago</b>											
836-211-45	21622 Marguerite Parkway	17.00	RPD50	50	Residential Apartments	198	117	116	218	650	Rezone
<b>Site 12. Saddleback Business Ctr.</b>											
636-022-14	27071 Cabot Rd	9.38	BP-/RPD30	30	Business Park & Recreation	43	25	25	47	141	Assumes 50% of capacity for overlay zone/Overlay

APN	Address	Parcel Size (Acres)	General Plan/Zoning	Allowed Density	Existing Use	Potential Units					Notes/Zoning	
						VL	Low	Mod	Above	Total		
<b>Accessory Dwelling Units</b>												
<u>City-Wide</u>											<u>35</u>	<u>N/A</u>
<b>TOTALS</b>						<u>798705</u>	<u>4794</u> <u>23</u>	<u>47244</u> <u>9</u>	<u>885780</u>	<u>2,6702,327</u>		

### Exhibit B-1 Housing Sites Location Map



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## SITE ANALYSIS

### Introduction and Implementation Overview

In order to encourage the construction of affordable multifamily rental housing, the City has identified 12 potential sites for development. This is a difficult challenge because the entire City was comprehensively designed and developed as the then largest master planned community in the nation. Utilities, parkland, open space, housing, commercial and industrial were then balanced on a land use basis to integrate efficiency as to roadways, utilities, and all infrastructure. Altering a comprehensively master planned community poses unique land use challenges. These carefully reviewed and selected 12 sites are vacant, significantly underdeveloped, or failing commercial properties. They are analyzed with regard to availability during the planning period and suitability for residential development, with the City’s capacity to accommodate residential development in conjunction with the Regional Housing Need Allocation (RHNA). Program actions are identified as necessary and adopted to “make sites available” with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need.

Pursuant to Government Code Sections 65583(c) (1) and 65583.2, and concurrent with processing the 6<sup>th</sup> Cycle Housing Element Update, the sites will be re-zoned to permit residential development as required by housing element law. More specifically, Sites 1 through 12 will be rezoned, with appropriate development standards, by the City of Mission in conjunction with the adoption of the Housing Element Update and prior to October 15, 2021. (Note rezoning is not necessary for Site 4.) This is to preserve local control because under state law these sites would be developable by-right, pursuant to state rather than city standards and local land use realities. Pursuant to Government Code Section 65863, the City will maintain adequate sites to accommodate lower income needs throughout the planning period to accommodate the City’s RHNA, especially for lower- and moderate-income households. The City will identify sites with sufficient capacity and appropriate zoning to accommodate the City’s remaining housing need if any proposal elects for less units than is assumed on the identified sites, all pursuant to Housing Element law.

The general intent of this section is to plan for and facilitate the development of housing over the 8-year planning period, in order to enable the City to meet its housing goals, and to ensure that affordable developments are compatible with long established, carefully planned, surrounding land uses and neighborhoods. The City has received inquiries by developers for residential development on the housing sites, which the City in turn, has strongly welcomed these inquiries and worked with those interested parties to cause their proposals to be pursued. The City will strongly encourage and aggressively pursue family-oriented rental housing developments on the identified sites for all lower income households, shall provide help to identify funding, grant incentives (including Community Development Block Grant) and, concessions, as well as a density bonus for qualifying projects to promote the financial feasibility of homes affordable to existing and newly relocated lower- and moderate-income income families and workers.

A detailed description of programmatic commitment and site analysis, including appropriateness and capacity, for each of the sites, identified hereafter as Sites 1 through 12, is provided below, and is accompanied by the Housing Element Sites Inventory Form (per SB 6 (Chapter 667, Statutes of 2019.)

**SITE 1****Site Description**

Site 1 is known as Silverado Plaza shopping center at 25542 Jeronimo Road and is located on 1.5 acres at the south westerly corner of Los Alisos Boulevard and Jeronimo Road (Assessor Parcel Number 809-311-16). Surrounding the subject property to the north and west is the City of Lake Forest and the intersection of Jeronimo Road and Los Alisos Boulevard. Surrounding the subject property to the east is Jeronimo Plaza and to the south is Via Fabricante Industrial Park. The main 2-story commercial building was built around 1977 and has had little to no improvement since original construction. The ground floor has some retail including a hair salon and approximately 2,000 square foot of vacant lease space. There are also some non-permitted uses occupying the building. A second in-line building, approximately 12,478 square-feet, is occupied by a ju-jitsu studio, a gelato shop, a dentist, massage studio, and an animal grooming shop. This building has not been improved since original construction in 1977. The structures are nearing 50 years old and are in poor condition. The parking lot circulation does not meet today’s standard and the City receives numerous complaints regarding this. The site is privately owned. The proposed site is extremely underdeveloped and underperforming and is ripe for redevelopment. The City received developer redevelopment interest regarding this site. This property was not identified in a previous planning period site inventory. The property is zoned CN (Commercial Neighborhood) and is designated in the General Plan Land Use Plan as Commercial Neighborhood. Not included in this housing opportunity site (Site 1) are the more recently constructed pad buildings, under separate ownership and adjacent to Los Alisos Boulevard, housing Popeye’s Chicken and Sonic Burger restaurants.

**Site Analysis and Implementation**

Site 1 is currently zoned as CN (Commercial Neighborhood) and serves the surrounding neighborhood. The 1.5-acre site will be re-zoned to RPD 50 (Residential Planned Development) allowing up to 50 dwelling units per acre, and with appropriate development standards, including an increased building height limit. If the site were developed at 50 units/ acre as permitted by this re-zone and as encouraged by the City, then a total of 75 units could be developed on the site [1.5 acres x 50 du/ac = 75 housing units]. Of these units, it is anticipated the site will accommodate 36 lower income units, with the remainder split between moderate- and above moderate-income units.

As noted previously, this site has properties with vacancies, non-permitted uses and deferred maintenance, indicating underutilization and redevelopment potential. The underutilization of commercial uses on this rezoned site will generate significant financial investment incentives for residential development. The site’s assessed improvements-to-land (I/L) value ratio is less than 1 (it is 0.77). Previous research by the University of California, Berkeley to identify potential infill development opportunities in California utilized an I/L ratio of less than 1.0 for commercial and multi-family residential properties as an indicator of economic underutilization. The authors of that study noted that this methodology “...has a strong theoretical and empirical basis: urban parcels for which improvement values are less than land values are widely considered to be economically underutilized. Indeed, many, if not most, market-rate infill housing projects are currently built on refill sites.”

Benefits of Site 1 include that site access and major infrastructure and utilities are currently in place to serve the shopping center. Also, as noted, the site is in close proximity to community and

commercial services and amenities, including medical and educational facilities, parks, major grocery stores and child care services. More specifically, the site is within the Moulton Niguel Water District. Assessment shows sufficient water, sewer, and dry utility capacity are available to support housing. No capacity limitation is noted. The site is in the Saddleback Valley Unified School District. This is a high-performing school district, and schools in close proximity include La Tierra Pre-School, Del Cerro, Montevideo, and Cordillera elementary schools, Silverado High School, Los Alisos Intermediate School, and Mission Viejo High School. Kaiser Permanente Medical Offices / Urgent Care and Memorial Care Medical Group are nearby. Several grocery stores are easily accessible, including a large format Target store and Mission Ranch Market. Pillars Academy and the Learning Experience Early Education Center provide convenient daycare services and Heros Park is directly adjacent across Los Alisos Boulevard. This site is also close to several large employers, including an Amazon distribution center, Target, Saddleback School District administrative offices, and a local business district. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.

## **SITE 2**

### **Site Description**

Site 2 consists of four developable commercial parcels totaling 4.4 acres in what was originally one large shopping center known as Mission Foothill Marketplace at 28715-28815 Los Alisos Boulevard (Assessor Parcel No. 839-161-13,14,17,28). The shopping center originally consisted of 148,000-square-feet of building area on 14.8 acres. In 2019, Shea Homes obtained approval of a Zone Change and General Plan Amendment to redevelop a portion of the site as Residential RPD 30 (30 dwelling units per acre) and to demolish the majority of the old and vacant retail space within the shopping center. Concurrently, Shea was approved to construct 105 for-sale dwelling units, including 44 single family detached homes and 61 townhome units on 6.73-acres of the site. This project, currently under construction, has a 15 percent affordable component; the developer will provide 16 units (15% of the total 105 units) as affordable to lower-income households (9 very-low-income units and 7 low-income units.) Affordability is maintained for 55 years pursuant to deed covenants and City-imposed conditions on the developer. Also, on a portion of the original shopping center is Housing Opportunity Site A (rezoned in 2008 and included in the City's prior Housing Element), which is 2.74 acres and fully entitled for 60 townhome units. This property and entitlement were recently purchased by Shea Homes and construction is anticipated to commence in October 2021. This project on Housing Opportunity Site A includes a mandate for a 15% affordable component, with 5 very low-income units and 4 low-income units, all secured as affordable by covenants, deeds, and City-imposed conditions.

Of the remaining four parcels at this location, presented as Site 2, three are developed with commercial buildings and one is a vacant, undeveloped pad. The three developed parcels total 3.67 acres and the vacant parcel is 0.74 acres. This property was not identified in a previous planning period site inventory. Site 2 is currently zoned CH (Commercial Highway) and is designated in the General Plan Land Use Plan as Commercial Highway. As noted, the property is directly next to and shares access with the Shea Homes residential community (Neo and Haven). The overall property

sits adjacent to Los Alisos Boulevard and the 241 Toll road. The four parcels are owned by four separate, private property owners. Since the time of the Shea Homes rezone, the property owners of the remaining parcels approached the City and expressed interest in residential re-zoning and redevelopment within the planning period. Surrounding the subject property to the north are Shea Homes' new for-sale (15% affordable) residential communities called Neo and Haven, as well as the Foothill Transportation Corridor and Upper Oso Reservoir. The Los Alisos Apartments lie to the west, and the Ayres Suites Hotel is to the east. To the south, across Los Alisos Boulevard, is the large Palmia retirement community.

### Site Analysis and Implementation

Site 2 is currently zoned as CH (Commercial Highway). Of the four parcels totaling 4.4 acres, three will be re-zoned to add an RPD 30 (Residential Planned Development, 30 dwelling units per acre) zone as an overlay to the existing CH zone, and a fourth currently vacant 0.74-acre parcel will be re-zoned to RPD30, (Residential Planned Development, 30 dwelling units per acre). In keeping with the density of the Shea Homes' development, 30 du/ac is determined the appropriate density for this site. Assuming development at 50 percent capacity for the overlay sites, and full development of the vacant site, at a density of 30 dwelling units per acre, then a maximum of 77 units would result [ $3.67 \text{ ac} \times 30 \text{ du/ac} \text{ divided by } 2 \text{ (Overlay)} + 0.74 \text{ ac} \times 30 \text{ du/ac} = 77 \text{ housing units}$ ]. Of these units, it is anticipated the site will accommodate 37 lower income units, with the remainder split between moderate- and above moderate-income units. As fully documented in Shea Homes' 2019 application to rezone the property from commercial to residential, this site failed as a shopping center. The site has many locational disadvantages for a commercial center, including that the site sits below, with minimal visibility from, a freeway to the rear, and a senior community across the street, but with no physical access to Los Alisos Boulevard (a walled community). From a customer draw perspective, the consumer radius is severely impacted by the presence of the adjacent freeway and the inaccessible Palmia retirement community. Benefits of Site 2 for residential development include the fact that, except for demolition on three of the parcels, the site is essentially a flat, rectangular, developable pad with all site access and major infrastructure and utilities currently in place serving the remnant commercial and newly built/ under construction residential. As noted, the property owners of these parcels, or their representatives, have already contacted the City and expressed interest in residential re-zoning and redevelopment within this planning period.

Development of Site 2 is completely compatible and integrated with the adjacent Shea Homes community, which is currently under construction. An enhanced residential community entry with attractive landscaping and a signalized intersection from Los Alisos Boulevard is already in place to facilitate the economically reduced development of this site. There is also potential for shared recreational amenities with Shea's Neo and Haven, which the City is encouraging. Also, the site is in close proximity to community and commercial services and amenities, including medical and educational facilities, parks, major grocery stores and child care services. More specifically, the site is within the Santa Margarita Water District. Assessment shows sufficient water, sewer, and dry utility capacity are available to support housing. No capacity limitation is noted. The site is in the Saddleback Valley Unified School District. This is a high-performing school district and schools in close proximity include Del Largo and Melinda Heights elementary schools, RSM (Rancho Santa Margarita) Intermediate School, and Trabuco Hills High School. Kaiser Permanente Foothill Ranch Medical Offices and Optum Care Medical Group are close. Several grocery stores are easily accessible, including Ralphs and Sprouts Farmers Market. Heritage Montessori School of Lake

Forest and Santa Margarita Kindercare provide convenient daycare services. Marty Russo Youth Athletic Park and O’Neil Regional Park with Arroyo Campground are nearby. The site has access to the adjacent county-wide Transportation Corridor and City arterials. It is also close to various employment centers in the City of Lake Forest, the City of Rancho Santa Margarita, as well as in Mission Viejo. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site

### **SITE 3 (NOTE: No Longer Identified as Site C.)**

#### **Site Description**

Site 3 is located on City-controlled (Mission Viejo Housing Authority-owned) land directly adjacent to and southeasterly of the City’s large and regionally-serving Animal Service Center, located off Center Drive, and easterly of Saddleback College (Assessor Parcel No.’s 740-012-36, 740-012-39, 740-012-40, 740-112-02, 740-112-03, 740-113-01). An 8.5-acre portion of this site was included in prior Housing Elements and referenced as Site C. Fortunately, the City owns the entire 32.8-acre parcel, of which Site C is a part, and therefore is expanding the housing opportunity (Site 3) to include this entire 32.8 acres. This larger 32.8-acre parcel was not identified as a site in a previous planning period site inventory. While currently the 8.5-acre site is zoned RPD 30A (Residential Planned Development By-Right), the remainder of the Site is zoned as R (Recreation) and is designated in the General Plan Land Use Plan as Recreation / Open Space. Surrounding the property to the north, east, and south is existing open space, known as the Arroyo Trabuco. Further to the north is the Crown Center commercial park, taking access off Hillcrest Drive and Center Drive, which includes a grocery store and restaurant and a Home Depot. Further to the south and east is the Arroyo Trabuco Golf Club and Trabuco Creek. To the west are the City’s Animal Services Center and Saddleback College. The property is also close to the Shops at Mission Viejo regional mall and Mission Hospital. It is located within the Capistrano Unified School District, a high-performing school district, and is close to Capistrano Valley High School. Going back as far as 2004, the City has sought and received many affordable residential proposals for this site, and furthermore has received unsolicited proposals as well. The City has promoted the affordable housing development of both the smaller and larger parcels in several ways. These include direct developer outreach, “word of mouth” outreach, Housing Element disclosure, and formal Requests for Proposal. Several received plans involve residential development, including three from developers interested in developing the entire site with a hotel and residential use. More recently, in 2021, the City has worked with market-rate and non-profit housing developers, as well as a consulting geotechnical engineer, to determine the feasibility and realistic capacity of this enlarged, City-controlled site.

#### **Site Analysis and Implementation**

The 8.5-acre portion of Site 3 (formerly opportunity Site C) is zoned RPD 30A (Residential Planned Development By-Right), and the remainder of the site (24.3 acres) is zoned as R (Recreation) and is designated in the General Plan Land Use Plan as Recreation / Open Space. The old Site C is abandoned, and a new, expanded site is now proposed and referenced as Site 3. The 8.5-acre are will remain zoned RPD 30A (Residential Planned Development, By-Right) and the new area (24.3 acres) will be rezoned to RPD 30 (Residential Planned Development, 30 dwelling units per acre). As noted, the City has had much interest in this site over the years, for both the 8.5 acres and the larger 32.8 acres, from market-

rate and non-profit developers. Recently, the City has worked with developers, as well as with a consulting geotechnical engineer, to determine the feasibility and realistic capacity of this enlarged, City-controlled site. The City understands that this is a “large site” (larger than 10 acres) and intentionally includes the expanded acreage to increase flexibility for project design and location of the building pad. Subdivision of the larger property is also an option.

Staff is of the strong opinion that expanding this site beyond the original 8.5 acres allows for greater economic profitability for development of affordable housing and related inducement to development via flexibility for project design, pad placement, development, and access. If the entire 32.8-acre property were developed at a density of 30 dwelling units per acre, then 984 units would result. However, staff has done a study of the site, including a grading and engineering assessment, and has consulted with experts in the field to determine a more realistic development capacity. Further, subject to California Environmental Quality Act Clearance (CEQA), staff is actively pursuing the importation of dirt from the nearby California Department of Transportation (Caltrans) Interstate I-5 Widening project and will do preliminary grading to create a pad-ready site. The ultimate building pad is estimated to be in excess of 10 acres.

The intent is to use City-provided (at no cost to builders) imported engineered-fill to create a pad elevated well above the floodplain to wholly eliminate any flood risk. The proposed pad is located entirely outside the flood channel. A site review and research of reference materials already conducted by the City’s geotechnical engineer did not indicate any significant potential for landslide in this area. The property does have some quantity of quality native vegetation, the disturbance of which could be mitigated by a combination of preservation/enhancement at the south end of the parcel (which is less practical to develop), restoration/enhancement of the 5.7 acres of riparian land (which would not be developed) located adjacent to Trabuco Creek, or through offsite mitigation and/or financial contribution to a regional environmental reserve bank. The City has successfully done this with other projects and is confident in its repeated success. Utility connections could be readily made from Center Drive (similar as to what was done in conjunction with the development of the City Animal Shelter) but would likely require an easily achievable sewer “force main” due to its relatively low elevation. A secondary emergency access via Saddleback College property is entirely feasible, and will offer significant benefit to the college and students, thus further enhancing this site for student and senior affordable housing. Understanding the site has some constraint, including environmental, the site could reasonably and conservatively accommodate 200 housing units. [32.8 acres = resulting in a 10-acre pad, X minimum 20 du/ac = 200 housing units]. Of these units, it is anticipated the site will accommodate 97 lower income units, with the remainder split between moderate- and above moderate-income units.

The primary benefit of this new site is that it is owned by the City’s Housing Authority, such that the City strongly influences the disposition of the property. Both City entities have housing powers that will serve to maximize the site’s development. Other benefits include the new site’s proximity to existing access off Hillcrest Drive or Center Drive, and the spectacular scenic vistas over the Arroyo Trabuco open space and golf course. The site also has the potential to provide direct access to Saddleback College, and is in close proximity to various medical facilities and commercial centers, child care facilities, and public transportation services. More specifically, the site is within the Santa Margarita Water District and the Capistrano Unified School District. This is a high-performing school district, and schools in close proximity include Viejo and Bath Gate elementary schools, Hankey Middle School, and

Capistrano Valley High School. Providence Mission Hospital and Mission Heritage Medical Group are nearby. Several grocery stores are easily accessible, including a new grocery store on Crown Valley Parkway and Crown Valley Market on Center Drive. Sunflower and Robin Hood Montessori Schools provide convenient daycare services and the closest parks are Cordova and Coronado Park. The site is close to several large employment centers, including Mission Hospital, Saddleback College and the Shops at Mission Viejo. It is also close to the Laguna Niguel/ Mission Viejo Metrolink transit center.

Site constraints relate to secondary access limitations, potential remediable environmental issues, and infrastructure development required expansion, as previously discussed. A detailed environmental analysis would be required in conjunction with a proposed project. To promote a high level of certainty for development on Site 3, the City will implement a schedule of actions to ensure that a suitable and feasible pad of land is made available for development in the planning period. The City is currently under contract to further refine its assessment of the site and further develop conceptual plans. The City will also consider subdividing the land, and will actively market it to non-profit housing developers consistent with the City's share of the regional housing need. The site is 32.8 acres, and the City is very conservatively assuming development of up to 200 units, but actively encouraging more. As noted, the City intends to provide a pad-ready site, as well as development assistance through priority processing, fee waivers and shall grant other incentives and concessions to encourage the development of affordable rental housing for low income families and workers. The City will also provide Community Development Block Grant (CDBG) funding as necessary and as permitted per federal guidelines. As property owner of the site, the City and Housing Authority entities will work with developers of housing that is affordable to lower income families to donate / write down the land value to zero, thereby removing the major barrier to affordable housing development. This, coupled with the no-cost site grading and geotechnical contribution, will greatly enhance this new site attractiveness. The City shall also ensure a portion of the land is available for affordable rental housing, and shall provide additional incentives and strategies as identified below.

#### Site 3 - Schedule of Actions:

- Further refine assessment of the site (Underway, to be complete in 6 months)
- Further develop conceptual plans (Underway, to be complete in 6 months)
- City to consider subdividing (within 1 year)
- Actively market the site (within 1 year)
- Importation of Dirt & Pad-ready site available (2-3 years)
- Priority processing, fee waivers and shall grant other incentives and concessions (As necessary)
- Assess need and applicability for CDBG Funding (in conjunction with City FY2022-23 application cycle)

## **SITE 4**

### **Site Description**

Site 4 is referenced as Idyllwillow Apartments located at 28008 Marguerite Parkway on 23.7 acres (Assessor parcel Number 740-012-29). Surrounding the site to the north is the Shops at Mission Viejo regional mall, to the east is College shopping center, to the south is Saddleback Community College, and to the west is the Church of Jesus Christ of Latter-Day Saints. The property is currently built with

400 apartment units, with a density of 16.9 dwelling units per acre. The land is owned by Saddleback College, which has student housing needs. This low-density apartment complex was originally built under the County of Orange around 1979. The City received many complaints about the project until it was upgraded superficially around December 2016, with improvements to the exterior façade, hardscaping and landscaping, and creation of a new path to the community college. While the apartment complex greatly benefited from the recent superficial renovation, the City has received inquiries about increasing the density of the site. The site is underdeveloped and underutilized, with structures over 40 years old. This property was not identified in a previous planning period site inventory. The property is zoned RPD30 (Residential Parcel Development 30) and is designated in the General Plan Land Use Plan as Residential 30.

### Site Analysis and Implementation

Site 4 is currently zoned as RPD30 (Residential Parcel Development 30). As a state-owned (Community College) asset, it is hoped the housing duties of the state will further compel the affordable housing development of his site. If the 23.7-acre property were redeveloped per the current zoning allowance at 30 dwelling units per acre, there could be a net increase of 311 housing units. [23.7 acres x 30 du/ac – 400 (existing units) = 311 housing unit net increase.] Of these units, it is anticipated the site will accommodate 151 lower income units, with the remainder split between moderate- and above moderate-income units. The City understands that this is a “large site” (larger than 10 acres) and includes the larger acreage to increase flexibility for project design and site layout. Subdivision of the larger property is also an option.

Benefits of Site 4 include that site access and major infrastructure and utilities are all in place. The site is a reasonably flat, regular shaped site with developer interest and demonstrated unit capacity. Also, as noted, the site has an excellent location, in close proximity to community and commercial services and amenities, including medical and educational facilities, parks, major grocery store and child care services. More specifically, the site is owned by Saddleback College. The site is within the Moulton Niguel Water District. Assessment shows sufficient water, sewer, and dry utility capacity are available to support housing. No capacity limitation is noted. The site is in the Capistrano Unified School District. This is a high-performing school district, and schools in close proximity include Viejo and Bath Gate elementary schools, Hankey Middle School, and Capistrano Valley High School. Providence Mission Hospital, Mission Heritage Medical Group, and the Leonard Cancer Institute are close by. Several grocery stores are easily accessible, including a new grocery store on Crown Valley Parkway, Crown Valley Market on Center Drive, and Target on Puerta Real. Sunflower and Robin Hood Montessori Schools provide convenient daycare services and the closest parks are Cordova and Coronado Park. The site is also close to several large employment centers, including Mission Hospital, Saddleback College and the Shops at Mission Viejo. It is also close to two interstate I-5 freeway on/off ramps (Avery Parkway and Crown Valley Parkway) and to the Laguna Niguel/ Mission Viejo Metrolink transit center. The main impediment to this site being developed for affordable housing use is the potential reluctance of the state to advance the improvement of this land. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.



## **SITE 5**

### **Site Description**

Site 5 is known as the Commerce shopping center. The center is located on approximately 4.55 acres at 27200 through 27240 La Paz Road (Assessor Parcel Number's 782-471-01;02;04;05;06). Surrounding the site to the north is La Paz Road and further north the Potocki Center for the Arts, to the east is the Pacific Hills Home Owners Association (HOA) open space, to the south is a Santa Margarita Water District Facility, and to the west is Oso Creek Trail. Further west is the Mission Viejo Village shopping center. The center was originally built around 1990 and is privately owned (staff understands the property will be placed for sale in the short term). Staff has received inquiries about the redevelopment of this site to residential with increased density, and has concluded the site is currently underdeveloped and underutilized. This property was not identified in a previous planning period site inventory. Currently the center has an awkward mix of restaurant, service and automotive repair uses. Tenants include: Bravo Burgers restaurant, Samurai Sushi restaurant, Diva Nails, and multiple auto services (Ramona Tire, Advance Tech Auto Repair, Mission Viejo Transmission & Auto Repair, Jiffy Lube, Pro Care Auto, Mission Viejo Inspection-Maintenance, EZ Smog Check and Saddleback Automotive II. There is vacant lease space totaling over 2,400 square feet. This building has not been improved since original construction in 1989, with the exception of the Bravo Burger, developed in 1990 . The parking lot is under-parked, and the automotive uses absorb a significant portion of the available parking. The property is zoned CC (Commercial Community) and is designated in the General Plan Land Use Plan as Commercial Community.

### **Site Analysis and Implementation**

Site 5 is currently zoned as CC (Commercial Community). The 4.55-acre site will be re-zoned to RPD30 (Residential Planned Development) allowing up to 30 dwelling units per acre, for a total of 136 potential housing units [4.55 acres x 30 du/ac = 136 housing units]. Of these units, it is anticipated the site will accommodate 66 lower income units, with the remainder split between moderate- and above moderate-income units. Although the City currently is reviewing a preliminary development project close to this site, requesting about 40 du/ac, 30 du/ac is determined the appropriate density for Site 5.

As noted previously, this site has vacancies, an awkward mix of land use, and a site layout that does not meet today's standard, indicating underutilization and redevelopment potential. The underutilization of commercial uses on this rezoned site will generate significant financial investment incentives for residential or mixed- use development. Benefits of Site 5 include that site access and major infrastructure and utilities are currently in place to serve the shopping center. This is a generally flat, regular shaped lot. As noted, the site is in close proximity to community and commercial services, medical and public support resources, and amenities. Also, as noted, the site has an excellent location, in close proximity to the City of Mission Viejo City Hall, the Mission Viejo Library, and the Norman P. Murray Community and Senior Center. Medical and educational facilities, parks, major grocery store and child care services are also nearby. The site is within the Santa Margarita Water District. Assessment shows sufficient water, sewer, and dry utility capacity are available to support housing. No capacity limitation is noted. The site is in the Capistrano Unified School District. This is a high-performing school district, and schools in close proximity include Linda Vista and De Portola elementary schools, Fred Newhart Middle School, and Mission Viejo High School. La Paz Medical Dental and Kaiser Permanente Medical Offices / Urgent Care are close. Several grocery stores are easily accessible, including Ralphs and Trader Joes. Mission

Viejo Kindercare and YMCA Child Care Castille provide convenient daycare services and the closest parks are Oso Creek Trail and Oso Viejo and Preciados Park. The site is close to employment centers and has convenient access to Interstate I-5 (La Paz exit) and major City arterials. Additionally, the site is located within the City’s Core Area Vision Plan, which envisions this general area to be upgraded into a new central core area (town center), including new restaurants, retail, entertainment and recreational trails. The City has approval of a \$46 Million public improvement program, which links to a Santa Margarita Water District \$42 Million adjacent rebuilding of a water district plant, which will upgrade the physical environment and add resources for development. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.

## **SITE 6**

### **Site Description**

Site 6 is referenced as the Mission Viejo Town Center shopping center. This center has a total of four parcels totaling 5.7 acres, including the subject 3.4-acre parcel located at 28331 Marguerite Parkway (Assessor Parcel Number 740-016-03). Site 6 is the largest parcel in the center, at 3.4 acres. The pad parcels are excluded from this site. Surrounding the subject property to the north is Marguerite Place Shopping Center, to the east is Marguerite Parkway, to the west is the Interstate 5 (I-5) freeway, and to the south are the Mission Viejo Audi/ Infinity auto dealerships. The center is a strip mall built around 1980. Over the last decade or more, the shopping center has struggled as a viable commercial center, with several key tenants vacating. These include: Pier 1 Imports, The Bath Co., DSW Shoes, and Jos A. Bank. Unlike many Orange County cities, Mission Viejo has an inventory of decades old, outdated commercial land use and faces competition from new or upgraded retail developments in nearby communities. Struggling shopping centers also reflect the changing nature of retail, with huge growth in e-commerce, which poses significant challenge to brick-and-mortar stores. A more specific issue for this particular property is that, from a shopping center location and customer draw perspective, this center is at a serious disadvantage, with the customer radius reduced in half by the presence of the Interstate I-5 freeway, which is directly adjacent to the center. Add to this the fact that Saddleback College and the environmental Arroyo Trabuco open space lie across Marguerite Parkway to the east, further reducing the consumer radius, this site most likely would not have been developed as a community-oriented shopping center today. Property Owner Burnham Ward is in the process of a façade renovation in the hopes of attracting new tenants. Burnham has indicated, however, in recent discussion with the City, that should this latest effort fail, as past efforts have, they will be asking to convert the site to residential. Burnham Ward estimates they will know within 2-3 years if the façade renovation is successful in overcoming past, decades long, commercial failure and the commercial location disadvantages of this site. This property was not identified in a previous planning period site inventory.

### **Site Analysis and Implementation**

Site 6 is currently zoned as CH (Commercial Highway) and is designated in the General Plan Land Use Plan as Commercial Highway. Staff is projecting this site will convert to residential within the planning period, with some retail pad use remaining on the site, such as a coffee shop and/ or sandwich shop (these are on separate parcels). The 3.4-acre site will be rezoned to add an RPD 30 (Residential Planned Development, 30 dwelling units per acre) zone as an overlay to the existing CH zone. Assuming development at 50 percent capacity for the overlay, at a density of 30 dwelling units per acre, then a maximum of 51 units would result [3.4 acres x 30 du/ac divided by 2 (Overlay) = 51 housing units]. Of these units, it is anticipated the site will accommodate 25 lower income units, with the remainder split between moderate- and above moderate-income units.

Benefits of Site 6 include that site access, major infrastructure, and utilities are currently in place to serve the shopping center. Also, as noted, the site is in close proximity to commercial services and amenities. The site is within the Moulton Niguel Water District. Assessment shows sufficient water, sewer, and dry utility capacity are available to support housing. No capacity limitation is noted. This site is in the Capistrano Unified School District. This is a high-performing school district, and schools in close proximity include Viejo and Bath Gate elementary schools, Hankey Middle School, and Capistrano Valley High School. Providence Mission Hospital, Mission Heritage Medical Group, and the Leonard Cancer Institute are close by. Several grocery stores are easily accessible, including a new grocery store on Crown Valley Parkway and Target on Puerta Real. Sunflower and Robin Hood Montessori Schools provide convenient daycare services and the closest parks are Cordova and Coronado Park. The site is also nearby several large employment centers, including Mission Hospital, Saddleback College and the Shops at Mission Viejo, and is also relatively close to two freeway on/off ramps (Avery Parkway and Crown Valley Parkway) and to the Laguna Niguel/ Mission Viejo Metrolink transit center. The owner is motivated to ensure the economic viability of this site and has focused on housing, with the City's concurrence and encouragement, should commercial prove unprofitable. The likelihood that this center will redevelop to residential within the planning period is very high given the history of this site. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.

## **SITE 7**

### **Site Description**

Site 7 is referenced as the College Center shopping plaza. This center is located on 7.8 acres at 28171 Marguerite Parkway (Assessor Parcel Number 740-011-15). It is very close by, about 139 yards, from housing opportunity Site 6. Surrounding the subject property to the north is the United States Post Office, to the east is Marguerite Parkway, to the west is the Interstate 5 (I-5) freeway, and to the south is Marguerite Place shopping center. Similar to Site 6, this center is also a strip mall built in 1981. It is privately owned. Over the last decade or more, like Site 6, this shopping center has struggled as a viable commercial center, with several key tenants vacating. These include: Jared Galleria jewelry store, Kwik Kopy Printing, Papa John's, Soccer Lifestyle, College Bookstore, and Diane Elizabeth Salon. Remaining tenants include Armed Forces Career Center, H&R Block, Orange County Credit Union, Navy Federal Bank, and Surfin Souvlaki Authentic Greek Food, and the Vitamin Shoppe. The

Center has over 7,500 square foot of vacant lease space. Like many Orange County cities, Mission Viejo has a significant amount of old struggling commercial land use and faces competition from new or upgraded retail developments in nearby communities. Struggling shopping centers also reflect the growth in e-commerce, which will continue to challenge brick-and-mortar stores. A more specific issue with this particular property is the fact that from a shopping center location and customer draw perspective, this center is at a disadvantage, with the consumer radius reduced in half by the presence of the Interstate I-5 freeway, which is directly adjacent to the center. Add to this the fact that Saddleback College and the Arroyo Trabuco open space lie across Marguerite Parkway to the east, this site most likely would not have been developed today as a shopping center. Property Owner ValueRock is very much aware the center is struggling and has been in productive and collaborative discussions with the City regarding the potential of converting the site to residential within the planning period. [ValueRock currently has an application submitted for a different site for mixed use (smaller commercial with over 250 residential units) to the City of Mission Viejo]. This property was not identified in a previous planning period site inventory.

### Site Analysis and Implementation

Site 7 is currently zoned as CH (Commercial Highway) and designated in the General Plan Land Use Plan as Commercial Highway. The site has a high level of vacancy, indicating underutilization and redevelopment potential. Staff projects this site will convert to residential within the planning period, with some retail pad use remaining on the site, such as a coffee shop and/ or sandwich shop. The 7.8-acre site will be rezoned to add an RPD 30 (Residential Planned Development, 30 dwelling units per acre) zone as an overlay to the existing CH zone. Assuming development at 50 percent capacity for the overlay, at a density of 30 dwelling units per acre, then 117 units would result. [7.8 acres x 30 du/ac divided by 2 (Overlay) = 117 housing units.] Of these units, it is anticipated the site will accommodate 57 lower income units, with the remainder split between moderate- and above moderate-income units.

Benefits of Site 7 include that site access and major infrastructure and utilities are currently in place to serve the shopping center. Also, as noted, the site is in close proximity to commercial services and amenities. The site is within the Moulton Niguel Water District. Assessment shows sufficient water, sewer, and dry utility capacity are available to support housing. No capacity limitation is noted. The site is in the Capistrano Unified School District. This is a high-performing school district and schools in close proximity are Viejo and Bath Gate elementary schools, Hankey Middle School, and Capistrano Valley High School. Providence Mission Hospital and Mission Heritage Medical Group are close by. Several grocery stores are easily accessible, including Amazon Fresh and Target. Sunflower and Robin Hood Montessori Schools provide convenient daycare services and the closest parks are Cordova and Coronado Park. The site is also close to several large employment centers, including Mission Hospital, Saddleback College and the Shops at Mission Viejo, and is also relatively close to two freeway on/off ramps (Avery Parkway and Crown Valley Parkway) and to the Laguna Niguel/ Mission Viejo Metrolink transit center. The owner's interest in converting this site to affordable residential use, as supported by the City, makes this a very viable site. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.

**SITE 8****Site Description**

Site 8 is referenced as the Macy's woman's store parcel (one of two Macy's retail anchors on-site in the mall) and other portions of the parking lot at the Shops at Mission Viejo regional mall. The Macy's parcel is 8.6 acres, and the other Simon-owned portions of the mall total 6 acres, for a total of 14.6-acre Site 8. For reference, the entire mall is approximately 67 acres. Collectively this property is located at 555 The Shops Boulevard (previously 27000 Crown Valley Parkway.) The Macy's parcel is further referenced as Assessor Parcel Numbers 740-121-26, and the Simon-owned parcels are referenced as APN740-121-30. Generally surrounding the subject 67-acre regional mall property to the north is a new grocery store (under construction) on Crown Valley Parkway, to the west is a dentist office, pet hospital and a couple of service stations, to the south is a United States Post Office, and to west are Idyllwillow Apartments. The Shops at Mission Viejo, previously known as the Mission Viejo Mall, was built in 1979. The mall went through a major remodel in 1997, and like other malls across the nation, it faces competition from new and upgraded retail developments in nearby communities, and also from e-commerce or the "Amazon Effect," which poses significant challenge to brick-and-mortar stores. Macys has two stores in the Shops at Mission Viejo, the woman's store and the general/ men's store. Together both Macy's stores total over 427,100 square feet (Macy's Women's is 224,315 square feet and Macy's is 202,785 square feet) of retail space. The subject Macy's site "footprint" is owned outright in fee title by Macy's Inc., and the other portions of the mall included in Housing Opportunity Site 8 are owned by the Simon Property Group. Both Macy's Inc. (represented by the law firm Sheppard Mullin) and Simon Property Group have requested the option of residential zoning at this site and have explored redevelopment options. Both Macy's and Simon have a demonstrated very successful record of converting old regional malls to housing and retail mixed use centers. The two entities have the resources and skills to carry out this new mixed-use concept. This property was not identified in a previous planning period site inventory.

**Site Analysis and Implementation**

Site 8 is currently zoned CR (Commercial Regional) and is designated in the General Plan Land Use Plan as Commercial Regional (CIOA). Based on the unique characteristics of this site, together with the surrounding infrastructure and land use, the City is proposing the 14.8-acre site be rezoned to add an RPD 80 (Residential Planned Development, 80 dwelling units per acre) zone as an overlay to the existing CR zone. Assuming development at 50 percent capacity for the Overlay, at a density of 80 dwelling units per acre, up to 592 units would result (344 units on the Macy's parcel and 240 units on the Simon parcel(s). **[14.6 acres x 80 du/ac divided by 2 (Overlay) = 584 housing units]** Of these units, it is anticipated the site will accommodate 283 lower income units, with the remainder split between moderate- and above moderate-income units.

The City understands that considered together, these two properties result in a "large site" (larger than 10 acres) and includes the larger acreage to increase flexibility for project design and site layout within the larger 67-acre mall. The two property owners may work together or may develop their parcels separately within the planning period. Subdivision of the larger property is also an option. This is an optimal site for the City's high-density land use. This area of the City was always intended for more intensive development, and per the City's current general plan land use and zoning, is part of a "Commercial Intensive Overlay" and "Commercial Intensive Height Overlay" zone. Placing high density residential mixed use in this area provides future residents with convenient access to community,

commercial and institutional resources, including Mission Hospital and Saddleback College, as well as the Shops retail and restaurant uses. The site also benefits from easy access to major thoroughfares like Crown Valley and Marguerite Parkways, and is conveniently located near two I-5 freeway on-off ramps (Avery Parkway and Crown Valley Parkway) and the Laguna Niguel/ Mission Viejo Metrolink transit center.

As noted, both Macy’s Inc. and Simon Property Group have requested the option of residential zoning at this site. Macy’s has two large department stores in the same mall, totaling over 427,100 square feet, and is extremely vulnerable to changes in retail trends. Initial research shows that a density level of up to 80 dwelling units per acre is required to create feasible redevelopment options at this particular site, with the appropriate mix of residential units and retail square footage. City staff has consulted with national retail developers who confirm the required zoning at this site should be in the range of 60 to 120 dwelling units/ acre. Further, a premiere residential architecture firm in Orange County advised staff that a “typical wrap” apartment project requires a minimum density of 85 dwelling units per acre to be financially feasible. These estimates are supported by recently developed multi-family apartments in the directly adjacent city of Laguna Niguel. Laguna Niguel’s Gateway Specific Plan allows for density up to 120 dwelling units per acre. Recent projects in Laguna Niguel have been built at a density of 70 to 80 dwelling units per acre, with plans in process for 120 dwelling units per acre.

This zoning helps ensure the long-term viability of the mall, and allows for the potential implementation of a dynamic redevelopment project that is in keeping with state and national trends. The rise of Amazon and other online merchants has undermined the profitability of many retailers and the malls that housed them, bringing widespread failures. Of the approximately 1,500 malls built in America since the mid-1950s, about 500 have either closed or turned their use to something other than retail; hundreds more are projected to close in the next decade. Already, nearly 60 of these former malls have been reconstructed as new types of communities, featuring multifamily housing and other uses—typically some retail and office space. Another 75 projects of this type are in the planning stages. Examples of similar residential and retail mixed use concepts are Stonestown Galleria mall in San Francisco, Annapolis Town Center, Lakewood, Colorado, and Montclair, Newark. More locally, University Town Center in north San Diego and Irvine Spectrum and Fashion Island in Newport Beach all have high density residential directly on the mall property or mall adjacent. Presently Simon is removing old commercial anchors and replacing them with residential at their mall in the City of Brea, approximately 25 miles from their Mission Viejo site. That local project will serve to enhance the similar development of this site.

The once successful mall now mall now has a high level of vacancy and underperforming tenants, indicating underutilization and redevelopment potential. The rezoned site will generate significant financial investment incentives for residential/ mixed- use development. The site’s assessed improvements-to-land (I/L) value ratio is less than 1 (it is 0.48). Previous research by the University of California, Berkeley to identify potential infill development opportunities in California utilized an I/L ratio of less than 1.0 for commercial and multi-family residential properties as an indicator of economic underutilization. The authors of that study noted that this methodology “...has a strong theoretical and empirical basis: urban parcels for which improvement values are less than land values are widely considered to be economically underutilized. Indeed, many, if not most, market-rate infill housing projects are currently built on refill sites.”

Benefits of Site 8 include that site access and major infrastructure and utilities are currently in place to serve the shopping center. Also, as noted, the site is in close proximity to commercial services and amenities. The site is within the Moulton Niguel Water District. Assessment shows sufficient water, sewer, and dry utility capacity are available to support housing. No capacity limitation is noted. The site is in the Capistrano Unified School District. This is a high-performing school district and schools in close proximity are Viejo and Bath Gate elementary schools, Hankey Middle School, and Capistrano Valley High School. Providence Mission Hospital and Mission Heritage Medical Group are nearby. Several grocery stores are easily accessible, including a new grocery store (under construction) on Crown Valley Parkway, the Crown Valley Market on Center Drive, and Target on Puerta Real. Mission, Sunflower, and Robin Hood Montessori Schools provide convenient daycare services and the closest parks are Granada, Cordova and Coronado. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious factors, including land-use, economic or existing site or development factors or constraints, infrastructure and environmental and pollutant-related considerations, that could negatively impact feasibility of this readily re-developable land are noted for this site.

## **SITE 9**

### **Site Description**

Site 9 is referenced as the Grace Church overflow parking lot site, which is seldom utilized. This surplus site sits on 2.4 acres generally located on Trabuco Road, at the northwestern border of the City (Assessor Parcel Number 809-521-11). Surrounding the subject property to the north is Trabuco Road and the City of Lake Forest border. To the east is the Grace Community Church, to the south is an El Toro Water District site and Aliso Villas multifamily residential community, and to the west is Trabuco Road and single family residential. This undeveloped portion of the property serves as an intermittent surplus use to the Church's operation. It is vacant and underdeveloped, and is ripe for development. The site is flat and of regular shape. A developer recently approached the City regarding residential development of this site. This property was not identified in a previous planning period site inventory. The property is zoned CN (Commercial Neighborhood) and R (Recreation) and is designated in the General Plan Land Use Plan as Commercial Neighborhood and Recreation & Open Space.

### **Site Analysis and Implementation**

Site 9 is currently zoned as CN (Commercial Neighborhood) and R (Recreation). The 2.4-acre site will be rezoned to RPD 50 (Residential Planned Development) allowing up to 50 dwelling units per acre and with appropriate development standards, including an increased height limit. Given this is a standalone site, initial research shows that this density level is required to create a feasible development option. Church housing at the site is an option for the church, as is the sale of the remnant piece of property to a developer. If the site were developed at 50 units/acre as permitted by the zone, then a total of 120 units could be developed on the site. **[2.4 acres x 50 du/ac = 120 housing units.]** Of these units, it is anticipated the site will accommodate 58 lower income units, with the remainder split between moderate- and above moderate-income units.

Benefits of Site 9 include that site access and major infrastructure and utilities are nearby to serve the existing church facility. Also, as noted, the site is in close proximity to community and commercial services and amenities, including a medical and educational facilities, parks, major grocery store and child care services. More specifically, the site is within the Moulton Niguel Water District. Initial assessment shows sufficient water, sewer, and dry utility capacity is available to support housing. No capacity limitation is noted. The site is in the Saddleback Valley Unified School District. This is a high-performance school district and schools in close proximity include Glen Yermo and Barcelona Hills elementary schools, Los Alisos Intermediate School, and Trabuco Hills High School. Kaiser Permanente Medical Offices / Urgent Care and Memorial Care Medical Group are nearby. Several grocery stores are easily accessible, including a large format Target store, Mission Ranch market, and Stater Bros. Pillars Academy and the Learning Experience Early Education Center provide convenient daycare services and the closest parks are Alicia and Wilderness Glen Park. The site is also reasonably close to employment centers, both in Mission Viejo and in the City of Lake Forest. The owners have not objected to consideration of sale of this site and the City has encouraged them to convert this to beneficial affordable housing use. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.

## **SITE 10**

### **Site Description**

Site 10 is referenced as the Burlington store site at 28452 Marguerite Parkway (Assessor Parcel Number 740-012-28). The site is 6.90 acres. Surrounding the subject property to the north is the Audi Car Dealership, to the east Saddleback Community College, to the south is a new development Morningstar Assisted Living Facility, and to the west is Marguerite Parkway and the Infinity and Audi car dealerships. The building is approximately 39,744 square feet and was built around 1979. It has operated as a Burlington (Coat Factory) since approximately 1998, and the structure has had little to no improvement since originally constructed in the late 1970's. The site is extremely underdeveloped and underperforming, and is ripe for redevelopment. The property owner's representative aggressively approached the City requesting rezoning to residential and confirming the lease with Burlington will expire in the short term (2024) with no option to renew. This property was not identified in a previous planning period site inventory. The property is zoned CH (Commercial Highway) and is designated in the General Plan Land Use Plan as Commercial Highway. This site (Site 10) is close to Sites 3, 4, 6, 7 and 8, and would add to an integrated, comprehensive affordable housing network where the student and minority population exhibits the greatest need.

### **Site Analysis and Implementation**

Site 10 is currently zoned as CH (Commercial Highway). The 6.9-acre site will be re-zoned to RPD50 (Residential Planned Development) allowing up to 50 dwelling units per acre, and with appropriate development standards, including an increased height limit. The 6.9-acre site will be rezoned to add an RPD 50 (Residential Planned Development, 50 dwelling units per acre) zone as an overlay to the existing CH zone. Assuming development at 50 percent capacity for the overlay, at a density of 50 dwelling units per acre, then 172 units would result. **[6.9 acres x 50 du/ac divided by 2 (Overlay) = 172 housing units.]** Of these units, it is anticipated the site will accommodate 84 lower income units, with the



remainder split between moderate- and above moderate-income units. The property owner approached the City requesting rezoning to residential and confirmed the lease with Burlington will expire in the short term.

Benefits of Site 10 include that the 6.9-acre site is a flat, regular shaped pad, with excellent ingress and egress already in place. All major infrastructure and utilities are currently in place to serve the current use. Also, as noted, the site is in close proximity to community and commercial services and amenities. The site is within the Moulton Niguel Water District. Initial assessment shows sufficient water, sewer, and dry utility capacity is available to support housing. No capacity limitation is noted. The site is in the Capistrano Unified School District. This is a high-performance school district, and schools in close proximity include Viejo and Bath Gate elementary schools, Hankey Middle School, and Capistrano Valley High School. Providence Mission Hospital and Mission Heritage Medical Group are nearby. Several grocery stores are easily accessible, including a new grocery store on Crown Valley Parkway, the Crown Valley Market on Center Drive, and Target on Puerta Real. Sunflower and Robin Hood Montessori Schools provide convenient daycare services and the closest parks are Coronado and Cordova Park. The site is also close to several large employment centers, including Mission Hospital, Saddleback College and the Shops at Mission Viejo. The site further benefits from easy access to major thoroughfares like Crown Valley and Marguerite Parkways, and is conveniently located near two I-5 freeway on-off ramps (Avery Parkway and Crown Valley Parkway) and the Laguna Niguel/ Mission Viejo Metrolink station transit center. Coupled with the landowner's interest and proactive City outreach, this site is very likely to convert to residential land use with affordable housing. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.

## **SITE 11**

### **Site Description**

Site 11 is known as the Vista Del Lago Apartments. The site is a 17-acre portion of a larger 33.7-acre property at 21622 Marguerite Parkway (Assessor parcel Number 836-211-45). Surrounding the site to the north is Santa Margarita Parkway and further north single-family properties, to the west is Marguerite Parkway and further west Portola Plaza. To the south are single family properties, and to the east is Eastbrook community homes. The property is currently built with 608 apartment units with a density of 18 dwelling units per acre. The land is owned by Eqr-Del Lago Vistas Inc. This lower density apartment complex was built in 1987. The City received correspondence from the property owner requesting the property be identified for future multi-family residential redevelopment at a density of 50 dwelling units/acre. This property owner owns numerous apartment projects in Orange and Los Angeles counties, and has a strong understanding of density, and market demand and capacity. The property owner has determined that the site is underdeveloped and underutilized in today's marketplace, a conclusion City staff wholly agrees with on all counts. This property was not identified in a previous planning period site inventory. The property is zoned RPD30 (Residential Planned Development 30) and is designated in the General Plan Land Use Plan as Residential 30.

### Site Analysis and Implementation

Site 11 is currently zoned as RPD30 (Residential Planned Development 30). If 17 acres of the total 33.7-acre property were redeveloped at 50 dwelling units per acre, with the increased height limit, there could be a net increase in yield of 650 housing units. [17 acres x 50 du/ac, - 200 (existing units) = 650 housing units net yield.] Of these units, it is anticipated the site will accommodate 315 lower income units, with the remainder split between moderate- and above moderate-income units.

The primary benefit of this site is that the property owner is interested and motivated to redevelop at a higher density within the planning period. Other benefits include the fact that site access and major infrastructure and utilities are all in place, although most likely would need to be increased in capacity to accommodate the increase in units. Also, as noted, the site has an excellent location, in close proximity to community and commercial services and amenities, including medical and educational facilities, parks, major grocery store and child care services. More specifically, the site is within the Santa Margarita Water District. Initial assessment shows sufficient water, sewer, and dry utility capacity is available to support housing. No capacity limitation is noted. The site is in the Saddleback Valley Unified School District. This is a high-performance school district, and schools in close proximity include Del Largo and Glen Yermo elementary schools, Los Alisos Intermediate School, and Trabuco Hills High School. Kaiser Permanente Foothill Ranch Medical Offices and Optum Care Medical Group are nearby. Several grocery stores are easily accessible, including Ralphs and Sprouts Farmers Market. Heritage Montessori School of Lake Forest and the Children’s Courtyard of Mission Viejo provide convenient daycare services and the closest parks are Pinecrest and Crucero Park. The site is also reasonably close to employment centers in the Cities of Rancho Santa Margarita, Lake Forest and Mission Viejo. The site owner is very interested in reuse of this site. The City staff has been encouraging him to consider high-density affordable housing and reuse. The owner has been receptive to this outreach. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.

### SITE 12

#### Site Description

Site 12 is referenced as the Saddleback Business Center. The center is located on approximately 9.38 acres at 27071 Cabot Road (Assessor parcel Number’s 636-022-14). Surrounding the site to the north is 26941 Cabot Road and the other half of the Saddleback Business Center, to the west is the City of Laguna Hills and single family residential, to the south is a storage facility, to the east is Cabot Road and further railway lines. The business park was originally built around 1989. Staff has received inquiries from interested parties about increasing the density of the site and staff thinks the site is underdeveloped and underutilized. The center is built with approximately 388,224 square foot of light industrial and service use. Current tenants include Egoscue physical therapy, ServiceFirst Restoration, Bauer Physical Therapy, HealthFax (health consultant), Power PD (computer part manufacturing), and

Impact PT & Performance physical therapy and there is approximately 2,660 square foot of vacant lease space. This property was not identified in a previous planning period site inventory. The property is zoned CC (Commercial Community) and is designated in the General Plan Land Use Plan as Commercial Community.

### **Site Analysis and Implementation**

Site 12 is currently zoned as BP (Business Park/Industrial) and R (Recreation). The 9.38-acre site will be rezoned to add an RPD 30 (Residential Planned Development, 30 dwelling units per acre) zone as an overlay to the existing BP zone. Assuming development at 50 percent capacity for the overlay, at a density of 30 dwelling units per acre, then 140 units would result. **9.38 acres x 30 du/ ac = 280 divided by 2 (Overlay) = 140 housing units.** Of these units, it is anticipated the site will accommodate 36 lower income units, with the remainder split between moderate- and above moderate-income units.

This site has vacancies and deferred maintenance, indicating underutilization and redevelopment potential. The underutilization of commercial uses on this rezoned site will generate significant financial investment incentives for residential development. The site's assessed improvements-to-land (I/L) value ratio is less than 1 (it is 0.56). Previous research by the University of California, Berkeley to identify potential infill development opportunities in California utilized an I/L ratio of less than 1.0 for commercial and multi-family residential properties as an indicator of economic underutilization. The authors of that study noted that this methodology "...has a strong theoretical and empirical basis; urban parcels for which improvement values are less than land values are widely considered to be economically underutilized. Indeed, many, if not most, market-rate infill housing projects are currently built on refill sites."

Benefits of Site 12 include that the site is a flat regular shaped pad. Site access and major infrastructure and utilities are currently in place to serve the business center. Also, as noted, the site is in close proximity to community and commercial services and amenities. Also, as noted, the site has an excellent location, in close proximity to commercial services and amenities, including a medical and educational facilities, parks, major grocery store and child care services. The site is within the Moulton Niguel Water District. Initial assessment shows sufficient water, sewer, and dry utility capacity is available to support housing. No capacity limitation is noted. The site is in the Saddleback Valley Unified School District. This is a high-performance school district and schools in close proximity include Valencia and Lomarena elementary schools, La Paz Intermediate School, and Mission Viejo High School. South Coast Family Medical Center and Mission Heritage Medical Group close by. Several grocery stores are easily accessible, including Ralphs and Target. YMCA Child Care Laguna Niguel and YMCA Child Care Bergeson provide convenient daycare services and the closest parks are Cabot and Moulton Ranch Park. This site is close to Interstate I-5 (Oso Parkway and La Paz Road exits) and major employment centers in the cities of Laguna Hills, Laguna Niguel, and Mission Viejo. Because of the very high housing values and limited land suitable for residential development in Mission Viejo, the amended land use regulations create significant new opportunities and incentives for new residential development. No obvious land-use, economic or existing site or development factors or constraints, environmental or pollutant-related considerations, or infrastructure needs that could negatively impact feasibility, are noted for this site.

### Accessory Dwelling Units (ADU's)

The City is conservatively estimating that 35 accessory dwelling units (ADU's) will be constructed during the planning period in conjunction with the Regional Housing Need Allocation (RHNA.) This is based upon the history of demand demonstrated in the City. Program actions are identified as necessary and to be reviewed, enhanced, and adopted to encourage the development of the accessory dwelling units. The ADU's will be permitted in all residential zoning districts, consistent with and as required by state law. Originally developed in the 1960's and 1970's as a Master Planned Community with lower density residential development, Mission Viejo has a majority of large residential parcels which easily lend themselves to the construction of ADU's. Currently the City has about seven to eight ADU's, but like the other cities in Orange and Los Angeles counties, is seeing a huge up-tick in interest in the construction of ADU's. The City has several ADU's in process and numerous in the early planning stage. Based on the City's analysis of planning inquiries and building permit activity, 35 ADU's should be more than easily built in the City over the 6<sup>th</sup> Housing Element cycle. The City will work to encourage the development of ADU's, at affordable rents, and will work collaboratively with homeowners and building contractors to facilitate and achieve easy development.

### Incentive and Strategies

In order to successfully facilitate affordable housing development, various incentives and strategies are identified and specifically targeted to Sites 1 through 12, and the construction of Accessory Dwelling Units (ADUs). These targeted incentives and strategies are described in detail in Section 9 of the Housing Plan and are summarized as follows:

- *Affordable Housing Outreach and Facilitation.* The City will promptly market the sites to non-profit housing developers and provide technical assistance for development review process, and coordinate discussions between property owner, non-profit developer, and various governmental agencies. This will be done within 3 months of Housing Element Certification unless otherwise specified in the element. The City will also market the incentives and concessions to be offered to facilitate development of affordable rental housing for low income families, workers, seniors, and special needs groups, including extremely-low-income persons where feasible. The City will prepare and circulate a marketing package for the City-controlled Site 3, and City staff will meet with interested developers and non-profit corporations (see Schedule of Action for Site 3 specifics). Staff has also developed an interest matrix identifying which developers and non-profit corporations are interested in affordable housing sites to be able to contact them should new information or funding become available.

#### Site 3- Schedule of Actions:

- Further refine assessment of the site (Underway, to be complete in 6 months)
- Further develop conceptual plans (Underway, to be complete in 6 months)

- City to consider subdividing (within 1 year)
- Actively market the site (within 1 year)
- Importation of Dirt & Pad-ready site available (2-3 years)
- Priority processing, fee waivers and shall grant other incentives and concessions (As necessary)
- Assess need and applicability for CDBG Funding (in conjunction with City FY2022-23 application cycle)
  
- *Development & Parking Incentives and Concessions.* The City will provide various incentives and concessions for the identified sites including, but not limited to, a reduction in the minimum setback and square footage requirements, and in the ratio of required off-street parking spaces, and an increase in the building height limit and maximum lot coverage, to ensure maximum density can be achieved and to promote the financial feasibility of homes affordable to lower income families. Density and increased building height limits are amended prior to October 15, 2021. Additional Density Bonus considered in conjunction with proposed residential project with low and very low housing units.
  
- *Re-Zoning, Up-Zoning and Site Maintenance.* The City will rezone and up-zone the sites identified in this housing plan to a zoning standard that will permit affordable multifamily development. Sites 1-12 (excluding Site 4) will be rezoned to a minimum density of RPD 30, RPD 50, or RPD 80 by October 15, 2021 consistent with Government Code section 65583 ( c) (1) and 65583.2 (c). An Ordinance setting forth the development standards, including increased height limits, will also accompany the Housing Element (prior to October 15, 2021). Pursuant to this Ordinance, the City will encourage and facilitate affordable, multi-family complexes, with any other product type subject to discretionary review. These sites will be maintained throughout the planning period and ensure no net loss of sites (Government Code Section 65863). Additionally, the City has adopted a new residential RPD 50 and RPD 80 zoning districts to accommodate high-density housing development with a density of as many as 50 dwelling units per acre and 80 dwelling units per acre, respectively. Further, minimum densities are in place to ensure that existing available land is not underutilized.
  
- *Re-zone Underdeveloped and Underutilized Land.* The City will re-zone underdeveloped and underutilized land from non-residential to residential to expand the supply of available residential land by October 15, 2021.
  
- *Redevelop and or/ Recycle Underutilized Existing Land to More Intensive Uses.* The City has identified Sites to encourage the redevelopment and/ or recycling of significantly underdeveloped or failing commercial center to allow for more intensive uses. Accommodate high-density housing development with a density of as many as 50 dwelling units per acre and 80 dwelling units per acre, with corresponding height limit increases. (By October 15, 2021.)
  
- *Funding Program.* The City will provide funding assistance using its available Community Development Block Grant (CDBG) for affordable projects proposed on these sites to encourage development in the planning period. Need will be assessed in conjunction with the City's FY2022-2023 CDBG program.) This program will also provide advice to potential non-profit organizations and developers regarding locating and acquiring additional financing. The City will apply or assist in the application of funds for State and Federal funding programs, such as Golden State Acquisition, Housing-Related Parks Program, and/or Infill Infrastructure Grant

funds.

- Development Fees. For affordable housing projects proposed on these sites, the City will provide a fee waiver or subsidy.
- Professional Expertise and Assistance. To facilitate the development of the Housing Opportunity Sites identified in the Housing Plan (Sites 1-12, the City has entered into a contract with one of the largest mixed income developers in California. The scope and intent of this City-funded contract is to provide advice on each of the 12 sites, including aspects of site design/layout, site capacity analysis, and financial advice such as tax-exempt bond feasibility, including site amenity scoring. (Contracts are fully executed and work is underway.)
- Staff Outreach. City staff will facilitate the development of affordable housing by outreaching to property owners of the housing opportunity sites and affordable housing developers to discuss local housing needs. (Within 3 months of Housing Element certification.)
- Affordable Housing Education Program. Within 90 days of adoption of the Housing Element, the City will establish an ongoing Affordable Housing Education Program to provide education and facts on affordable housing and the housing shortage in California. The aim of the program is to help foster and build Community support for affordable housing and address topics such as Everyone’s Neighborhood, Addressing Not in My Back Yard. The program will incorporate various formats including printed materials (fact sheets, brochures, and bus shelters ads), social media outreach, and public forums such as tours of existing affordable developments. This program may be run in conjunction with the Southern California Association of Non-profit Housing or a non-profit developer.
- Remove Governmental Constraints. The City will ensure standards are not excessive and do not unnecessarily constrain affordable housing. The City will work with interested developers to determine the need to remove or modify standards to facilitate the development of affordable housing.
- Accessory Dwelling Units (ADU’s). By October 15, 2021, the City will amend its Development Code to conform to current state law regarding ADU’s. The City will prepare a brochure and display information at the front counter detailing the building permit process (by December 15, 2021). Additionally, the City will consider funding options for ADU’s (November 2021- March 2022) and will strongly encourage the development of ADU’s at rents affordable to low- and very low-income tenants (ongoing). Lastly, the City will develop and implement an on-going system to track and monitor rents.
- Import of Engineered Fill to Site 3 to Raise Building Pad and Create a Pad-Ready Site. The City will commit to importing engineered-fill to create a pad-ready site, elevated well above the floodplain to avoid flood risk. The City will share its research, analysis and technical expertise regarding this site.
- City Land Management and Disposition Policies. The Mission Viejo Housing Authority owns Site 3 and together with the City controls the sale of the property. The City will consider all feasible ways to further housing development, including the sale, lease, public-private partnership or other business structure. The City will implement a schedule of actions (see

below) to ensure that suitable and feasible land is made available for the development in accordance with the above analysis and implementation section under Site 3.

Site 3 - Schedule of Actions:

- Further refine assessment of the site (Underway, to be complete in 6 months)
- Further develop conceptual plans (Underway, to be complete in 6 months)
- City to consider subdividing (within 1 year)
- Actively market the site (within 1 year)
- Importation of Dirt & Pad-ready site available (2-3 years)
- Priority processing, fee waivers and shall grant other incentives and concessions (As necessary)
- Assess need and applicability for CDBG Funding (in conjunction with City FY2022-23 application cycle)
  
- Subdivision or Consolidation of Lots. The City will encourage and facilitate the subdivision of larger lots or consolidation of smaller lots to facilitate the development of affordable housing.

The City is committed to working with professional and proven developers and non-profit corporations to ensure high quality affordable housing for the community. As described above, Sites 1-12 will be rezoned by the City of Mission Viejo to permit residential development in accordance Government Code Sections 65583.2(i) and 65583.2(h) by October 15, 2021 with a minimum density of 30 dwelling units per acre.

## Appendix C Public Participation Summary

An introduction to the Housing Element update was provided at a joint study session of the City Council and the Planning and Transportation Commission on March 31, 2021. In May 2021 the preliminary draft Housing Element was published for public review and on May 24, 2021 the Planning and Transportation Commission conducted a hearing to review the draft Housing Element and receive public comments. The City Council held two public hearings on June 8 and June 22, 2021 to review the draft Housing Element and receive public comments. Outreach also included the City’s two senior communities, Palmia and Casta Del Sol, as well as the Chamber of Commerce and the Mission Viejo Partnership.

Major issues raised during these hearings included the need for affordable housing and options for accommodating the City’s assigned share of regional housing needs (see Appendix C).

Notices of all public hearings were published in the *Saddleback Valley News* and posted at City Hall, the Mission Viejo Library, the Norman P. Murray Community and Senior Center, and the California Employment Development Department (located at 23456 Madero, Suite 150, Mission Viejo). In addition, non-profit groups, churches, community groups, and public service groups active in the community received notices for the Housing Element public hearings. The Draft Housing Element was posted to the City’s dedicated webpage on May 17, 2021 and has been continuously available since then. Copies of the public hearing draft of the Housing Element were also distributed to interested agencies and individuals.

This appendix Table C-1 summarizes issues raised by community stakeholders and organizations during the Housing Element update process and how those comments have been considered in the adopted Housing Element. Table C-2 provides the list of interested parties who were notified at key steps throughout the process.

**Table C-1  
Summary of Housing Element Comments and Responses**

Comment	Response
<u>Building affordable housing is a challenging feat and the City should be commended for its leadership and for exceeding the City's 2014-2021 low income RHNA allocation.</u>	<u>The City appreciates this acknowledgement of its housing accomplishments.</u>
<u>Many children who grew up in Mission Viejo and others who work in essential jobs serving the community can't afford to live here.</u>	<u>Housing in many parts of California is very expensive, and high cost is the result of many factors. Cities have an important but limited role in housing production. The Housing Element includes a comprehensive set of policies and programs intended to facilitate housing production to the extent feasible given the City's limited tools. Other constraints such as the high cost of land, labor and materials, construction worker shortages, speculative private investments, private decisions of property owners and developers, and the insufficient supply of public housing subsidies have a negative effect on housing production.</u>
<u>While the State's default density for lower-income housing is 30 du/ac, this density alone doesn't necessarily produce affordable housing. Housing policies are needed to facilitate production of affordable housing, such as by-right development for 100% affordable developments or a set aside of 20% affordability should be created in</u>	<u>The inventory of sites for housing development include densities up to 80 units/acre, far higher than the default density of 30 units/acre. In addition, housing programs include extensive commitments to encourage and facilitate development of affordable housing.</u>



<p><u>order for these higher densities to be more effective in producing affordable housing. Instead of giving away development standards, incentives or concessions that significantly increases the value of a property, the city should request a community benefit such as affordable housing in return.</u></p>	
<p><u>More detailed information should be provided for the sites listed in the inventory and the type of development anticipated on the sites.</u></p>	<p><u>Appendix B of the Housing Element provides detailed information about the sites proposed for housing development pursuant to State law.</u></p>
<p><u>The City should provide the public a copy of the draft Housing Element that was submitted to HCD on the city's Housing Element Update website.</u></p>	<p><u>Throughout the Housing Element update process the City has maintained a web page dedicated to the Housing Element update. This web page included the Housing Element document, meeting notices, project schedule, staff reports, slide presentations, a Housing Element FAQ, links to housing references such as the Mission Viejo Community Development Agency and housing rehabilitation program, Orange County's affordable rental housing list, SCAG's demographic data, HCD and the Orange County Housing Authority. In addition to required formal meeting notices, courtesy meeting notices were sent directly to a list of community stakeholders including advocacy organizations, affordable housing developers, and representatives of persons with special needs (see Table .</u></p>
<p><u>The City should monitor housing production and make mid-cycle adjustments if production falls short of the expected yield during the first half of the planning period.</u></p>	<p><u>All cities are required by State law to monitor and report housing production on an annual basis, and the City continues to comply with this requirement. With regard to actual housing production, it must be recognized that RHNA allocations for the 2021-2029 planning cycle are far higher than is feasible to achieve based on the amount of public subsidies required to produce affordable housing. For example, the Governor's press release of September 16, 2021 announced "an unprecedented \$22 billion in housing and homelessness which will lead to the creation of over 84,000 new affordable homes for Californians." While \$22 billion is a significant investment, the lower-income RHNA allocations for the SCAG region alone is over 557,000 units which would require public subsidies on the order of \$150 billion, more than 7 times the amount identified by the Governor for the entire state. These numbers clearly demonstrate that it is highly unlikely that RHNA allocations will be met, and cities should not bear full responsibility for the State's failure to provide sufficient funding needed to achieve the RHNA allocations.</u></p>

**Table C-2**  
**Housing Element Stakeholder List**

Kennedy Commission  
17701 Cowan Ave., Suite 200  
Irvine, CA 92614

League of Women Voters  
PO Box 1065  
Huntington Beach, CA 92647  
hat@lwvorangeoast.org

OC Association of Realtors  
25552 La Paz Road  
Laguna Hills, CA 92653

Public Law Center  
601 Civic Center Drive West  
Santa Ana, 92701

Habitat for Humanity of Orange County  
2200 S. Ritchey St.  
Santa Ana, CA 92705

Jamboree Housing Corp.  
17701 Cowan Avenue  
Suite 200  
Irvine, CA 92614

The Related Companies of California  
18201 Von Karman Ave Ste 900  
Irvine, CA 92612

Community Housing Resources, Inc.  
17701 Cowan Avenue, Suite 200  
Irvine, CA 92614

South County Outreach  
26776 Vista Terrace  
Lake Forest, CA 92630

Dayle McIntosh Center  
South County Branch  
24012 Calle De La Plata # 110  
Laguna Hills, CA 92653

OC Housing Providers  
25241 Paseo de Alicia, Suite 120  
Laguna Hills, CA 92653

Regional Center of Orange County  
P.O. Box 22010  
Santa Ana, CA 92702-2010

OC Business Council  
2 Park Plaza, Suite 100  
Irvine, CA 92614

OC Housing Trust  
198 W. Lincoln Ave., 2nd Floor  
Anaheim, CA 92805

Neighborhood Housing Services of  
Orange County  
198 W. Lincoln Ave., 2nd Floor  
Anaheim, CA 92805

BIA/OC  
17744 Sky Park Circle #170  
Irvine, CA 92614

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO, PURSUANT TO GOVERNMENT CODE SECTION 36937(b), INCLUDING FACTS IN SUPPORT OF THE URGENCY DECLARATION, APPROVING DEVELOPMENT CODE AMENDMENT DCA2021-19, (i) AMENDING TITLE 9 OF THE MISSION VIEJO MUNICIPAL CODE TO ESTABLISH AND DEFINE NEW HIGH-DENSITY ZONING DISTRICTS RPD\_50 AND RPD\_80 (RESIDENTIAL PLANNED DEVELOPMENT), INCLUDING RELATED LAND USES AND DEVELOPMENT STANDARDS, AND (ii) ADDRESSING STATE REGULATIONS RELATED TO ACCESSORY DWELLING UNITS, DENSITY BONUS PROVISIONS, AGRICULTURAL EMPLOYEE HOUSING, LOW-BARRIER NAVIGATION CENTERS, AND TRANSITIONAL AND SUPPORTIVE HOUSING, IN ACCORDANCE WITH THE REQUIREMENTS OF STATE LAW AS INTERPRETED BY THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**A. INTENT OF CITY COUNCIL**

1. Government Code Section 65302(c) mandates that the City's General Plan include a Housing Element to adequately plan for the city's existing and projected housing needs, including its allocated share of the regional housing need.
2. Government Code Section 65583 further requires that the adopted Housing Element for each city identify adequate sites for housing and contain an inventory of land suitable for residential development – including vacant sites and sites having potential for redevelopment with residential land uses, including affordable housing units.
3. State Density Bonus Law [Government Code 65915 et seq.] requires cities to grant a density bonus above the otherwise maximum density allowed and other incentives when a project provides affordable housing.
4. Assembly Bill 101 requires qualifying low-barrier navigation facilities to be permitted by-right in areas zoned for mixed-use and in nonresidential zones permitting multifamily uses, in accordance with Government Code 65660 *et seq.*

5. State law [Government Code 65583(c)(3)] requires that cities allow transitional and supportive housing as residential uses subject only to the same standards and procedures that apply to other residential dwellings of the same type in the same zone.
6. In response to, and in accordance with, the provisions of Government Code Section 65583, and other relevant state housing law, the City of Mission Viejo initiated Development Code Amendment DCA2021-19, in accordance with Section 9.52 of the Mission Viejo Municipal Code, to amend Title 9 of the Mission Viejo Municipal Code to establish and define new high-density zoning districts RPD\_50 and RPD\_80 (Residential Planned Development), including related land uses and development standards, and to address state regulations related to accessory dwelling units, density bonus provisions, low-barrier navigation centers, and transitional and supportive housing.
7. On September 27, 2021, the Planning and Transportation Commission of the City of Mission Viejo held a duly noticed public hearing, considered the written and oral information and testimony presented by City staff, community residents and other interested parties, and approved Resolution 2021-1450 recommending that the City Council approve and adopt Development Code Amendment DCA2021-19.
8. An Addendum to the City's 2013 previously-certified General Plan Program Environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA guidelines, examining potential impacts generated by the proposed project and concluding that the proposed project produces no greater impacts than those described in the Certified EIR (attached and incorporated by reference herein this resolution).
9. Pursuant to Section 9.56.020 of the Mission Viejo Municipal Code, a duly noticed public hearing on Development Code Amendment DCA2021-19 was held by the City Council on October 12, 2021, at which time interested parties had an opportunity to testify either in support of, or in opposition to, the DCA2021-19.
10. Justification for Urgency Enactment:

California Government Code Section 36937(b) holds that an ordinance becomes effective immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and which is passed by a four-fifths vote of the City Council. The City Council hereby finds the following facts in support of the urgency enactment of this ordinance:

- a. California Government Code 36937(b) authorizes the adoption of city ordinances and defines the process for adoption. In this instance, the State of California Department of Housing and Community Development (HCD) administers the State of California Housing Element set forth in California Government Code Article 10.6 of Chapter 3 of Division 1 of Title 7 (Section 65580 through and including Section 65589.11);
  - b. The Department of Community Development (HCD) staff has interpreted Article 10.6 so as to require this City to have completed BOTH the amendment to the City's General Plan Housing Element AND the rezoning to implement the revised General Plan Housing Element, all by October 15, 2021, to avoid a loss of local zoning and land-use control over all the sites identified in the revised General Plan Housing Element, which would then result in development "by-right" without any regard for the concerns of residents of the community, the City Council, the Planning and Transportation Commission, and professional staff. While the City disputes this HCD interpretation, the risk and cost of litigation make challenging that opinion impractical and presents high land use risks to this City;
  - c. HCD delivered its comments to the City by way of a letter dated September 7, 2021. From the drafting date of September 7, 2021, the City had only 38 calendar days, until October 15, 2021, to respond. The City's regular ordinance adoption cycle, pursuant to State law, consists of a first reading/introduction, followed at the next City Council meeting with a second reading/passage, followed by a 30-day referendum period. This requires a minimum 44-day period. Here, the City lost several days by having to receive the HCD letter, review it, conform the draft General Plan Housing Element to the directions contained in the HCD letter, and then having to hold public meetings at both the Planning and Transportation Commission and City Council, all before October 15, 2021, so as to avoid the imposition of the penalizing consequences of "by-right" land use and project approval on each of the housing opportunity sites; and
  - d. The urgency provision of this ordinance is therefore necessary to preserve the opportunity for the residents to speak and for the City Council, Planning and Transportation Commission, and professional staff exercise discretionary authority, in order to ensure that local control and positive community health, safety, welfare and quality of life standards are integrated into new development. Community quality and positive integration of new development cannot be lost to a State staff interpretation of the law.
11. All legal preconditions to the adoption of the Ordinance have occurred as required by law.

**B. ORDINANCE**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MISSION VIEJO DOES ORDAIN AS FOLLOWS:**

**SECTION 1**

The intent of the City Council is set forth in Part A, above, and is hereby incorporated by reference.

**SECTION 2**

This Ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including, but not limited to, Article XI, Section 7 of the California Constitution.

**SECTION 3**

The City of Mission Viejo City Council hereby finds as follows:

1. That DCA2021-19 is consistent with the City's General Plan.
2. The DCA2021-19 is internally consistent with the City's Development Code (Title 9 of the Municipal Code).
3. That DCA2021-19 would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**SECTION 4**

Actions of the City Council:

- A. Establish, in words and figures, the new Residential Planned Development zoning district up to fifty (50) units per acre (RPD\_50), attached as Exhibit A; add MVMC Section 9.10.005(b)(5), attached as Exhibit A; and amend MVMC Sections: 9.01.030(a); 9.01.050(6, 83, 86); 9.10.005(b); 9.10.015(a); 9.10.020(a, b); 9.10.020(b)(2), attached as Exhibit A.
- B. Establish, in words and figures, the new Residential Planned Development zoning district up to eighty (80) units per acre (RPD\_80), attached as Exhibit A; add MVMC Section 9.10.005(b)(6), attached as Exhibit A; and amend MVMC Sections: 9.01.030(a); 9.01.050(6, 83, 86); 9.10.005(b); 9.10.015(a); 9.10.020(a, b); 9.10.020(b)(2), attached as Exhibit A.
- C. Density Bonus Law: The City Code Section 9.10.020(b)(3) in Article 2 of Title 9 of the Mission Viejo Municipal Code, shall be replaced in its entirety, to read in words and figures: "Density Bonus Law. The City adopts California Government Code Section 65915 through and including Section 65918, as existing on the effective date of this ordinance and as the same may be amended from time to time hereafter." See Exhibit A
- D. Accessory Dwelling Units: The City Code Section 9.10.020(b)(12) in Article 2 of Title 9 of the Mission Viejo Municipal Code, shall be replaced in its entirety, to read in words and figures, attached as Exhibit A; and amend MVMC Section 9.25.20(a)(5), attached as Exhibit A;
- E. Low Barrier Navigation Centers: The City Code Section 9.01.050(a) shall be amended to add a new definition, to read in words and figures: "Low Barrier

Navigation Centers. Service-enriched temporary living facilities, with best management practices to reduce barriers to entry, focused on moving people into permanent housing, with qualifying facilities permitted by-right in areas of the City zoned for mixed-use or nonresidential zones permitting multifamily development, in accordance with California Government Code Section 65660, *et seq.*”. (Renumber all definitions in MVMC Section 9.01.050(a)).

- F. Agricultural Employee Housing: The City Code Section 9.01.050(a) shall be amended to add a new definition, to read in words and figures: “Agricultural Employee Housing. Dwellings with six or fewer agricultural workers to be allowed as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone, in accordance with California Health and Safety Code Section 17021.5.”. (Renumber all definitions in MVMC Section 9.01.050(a)).
- G. Transitional Housing: The City Code Section 9.01.050(a) shall be amended to add a new definition, to read in words and figures: “Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (HSC Section 50675.2(h)). Transitional Housing shall be treated as a residential use with only those standards and procedures that apply to other residential uses in the same district, in accordance with SB 2.”. (Renumber all definitions in MVMC Section 9.01.050(a)).
- H. Supportive Housing: The City Code Section 9.01.050(a) shall be amended to add a new definition, to read in words and figures: “Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (HSC Section 50675.14(b)(2)). Supportive Housing shall be permitted by-right in zones where multifamily and mixed-uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development meets specified criteria. Qualifying Supportive Housing shall be treated as a residential use with only those standards and procedures that apply to other residential uses in the same district, in accordance with SB 2 and AB 2162.”. (Renumber all definitions in MVMC Section 9.01.050(a)).

## **SECTION 5**

The terms of this Ordinance shall supersede any inconsistent provisions contained in the Development Code of the City of Mission Viejo, and any previous resolutions of the Council or Council policies which may be in conflict or inconsistent with the terms of this Ordinance.

**SECTION 6**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

**SECTION 7**

This Ordinance shall become effective immediately upon its passage and adoption. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Trish Kelley, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF MISSION VIEJO )

I, \_\_\_\_\_, City Clerk of the City of Mission Viejo, do hereby certify that the foregoing Ordinance No. 21-\_\_\_ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the following vote, to wit:

AYES:                   COUNCIL MEMBERS:  
NOES:                   COUNCIL MEMBERS:  
ABSENT:                COUNCIL MEMBERS:  
ABSTAIN:               COUNCIL MEMBERS:



**EXHIBIT A**

Development Code Text Amendments  
(INSERT)

**9.01.030 ESTABLISHMENT OF ZONING DISTRICTS**

(a) Establishment of Zones

Mission Viejo shall be divided into zoning districts which consistently implement the General Plan. The following districts are established:

- RPD 3.5 (Residential Planned Development) Zoning District
- RPD 6.5 (Residential Planned Development) Zoning District
- RPD 14 (Residential Planned Development) Zoning District
- RPD 30 (Residential Planned Development) Zoning District
- RPD 50 (Residential Planned Development) Zoning District
- RPD 80 (Residential Planned Development) Zoning District
- CN (Commercial Neighborhood) Zoning District
- CC (Commercial Community) Zoning District
- CH (Commercial Highway) Zoning District
- CR (Commercial Regional) Zoning District
- CI (Commercial Intensive) Height Overlay District
- OP (Office/Professional) Zoning District
- BP (Business Park/Industrial) Zoning District
- CF (Community Facility) Zoning District
- OS (Open Space) Zoning District
- R (Recreation) Zoning District
- SH (Senior Housing) Overlay Zoning District
- AB (Adult Business) Overlay Zoning District

(b) Adoption of Zoning Map

The boundaries of the zoning districts established by this Section shall be shown upon the map designated as the "City of Mission Viejo Official Zoning Map," on file with the City Clerk, and available at the Department.

(c) Rules Applying to Uncertain Boundaries on Zoning Map

The following shall apply in determining uncertain boundaries of a district as shown on the Official Zoning Map:

- (1) Where a boundary follows a public street or alley the centerline of the street shall be the boundary. Where a boundary follows a lot line, the lot line shall be the boundary.
- (2) Where a district boundary divides a parcel, the location of the boundary, unless indicated by dimension, shall be determined by referencing the adopted Zoning Map and/or legal description of the approved rezoning case for exact dimensions.

### **9.01.050 DEFINITIONS**

- (a) The purpose of this Section is to provide clear and easily understood definitions for the terms used in this Code. As used in this Code the specific definitions are as follows:
- (1) Abandoned. The condition of a property or structure that has not been developed or maintained for a specified period of time.
  - (2) Abandoned Activity. A business or enterprise with no reported sales or activity for a period of at least 90 days. Exceptions are temporary closures for repairs, alterations, or other similar situations.
  - (3) Abutting (Adjoining). Sharing a common boundary line; lying near or close.
  - (4) Access. The place or way by which pedestrian and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Development Code.
  - (5) Accessory Building or Structure. A structure detached from a principal structure on the same parcel, incidental to the principal structure, and not designed for human habitation.
  - (6) Accessory Dwelling Unit. An accessory dwelling unit or "ADU", as defined in California Government Code Section 65852.2, means an attached or detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence.
  - (7) Accessory Use. A use incidental to and customarily associated with a specific principal use located on the same parcel.
  - (7) Action. The decision made by the review authority on a land use application, including appropriate findings, environmental determination, and conditions of approval, where applicable.
  - (8) Adjacent. Separated only by an alley, street, highway, or recorded easement; lying near or close to each other. Most commonly applied to parcels of land, buildings, or other objects.
  - (9) Adjoining (Abutting). Sharing a common boundary line; lying near or close.
  - (10) Adult Businesses. See Section 9.15.010 for specific definition of terms.
  - (11) Affordable Housing. Defined by State law (Government Code 65589.5).

- (12) Agricultural Employee Housing. Dwellings with six or fewer agricultural workers to be allowed as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone, in accordance with California Health and Safety Code Section 17021.5.

Agriculture. Any land use activity that includes farming, dairying, grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including but not limited to storage, harvesting, feeding, or maintenance of equipment. Such activity excludes stockyards, slaughtering, or commercial food processing.

- (13) Airport or Heliport. Any area of land designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.
- (14) Alley. Any roadway not exceeding 25 feet in width which is primarily used for access to the rear or side entrances of abutting property.
- (15) Alteration. Any interior or exterior change to a structure.
- (16) Animal Hospital. A licensed establishment where animals or pets are given medical or surgical treatment and are cared for during the time of the treatment.
- (17) Antenna. See Section 9.30.010 for specific definition of terms.
- (18) Apartment. A separate suite, not owner occupied, that includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.
- (19) Applicant. Owner(s) or lessee(s) of property, or their agent(s), who are seeking discretionary approval from the City.
- (20) Arcade. A business establishment having three or more coin or token operated games.
- (21) Attached. The condition of having a wall or roof in common.
- (22) Automobile Dismantling. The wrecking or taking apart of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.
- (23) Automobile Repair Specialty Shop. A retail and service place of business engaged primarily in light repair and sale of goods and services for automotive vehicles including brakes, muffler and tire shops, and their accessory uses. Heavier automobile repair (i.e., transmission work and engine overhaul) is not included in this definition.

(76) Family Day Care Home. A home which regularly provides care, protection, and supervision of twelve or fewer children, in the provider's own home, for periods less than 24 hours per day, while the parents or guardians are away. Family day care homes are classified as follows:

(A) Large. A home which provides family day care to seven to twelve children, inclusive, including children under the age of ten years who reside at the home and up to fourteen children in accordance with Health and Safety Code Section 1597.465.

(B) Small. A home which provides family day care to six or fewer children, inclusive, including children under the age of ten years who reside at the home and up to eight children in accordance with Health and Safety Code Section 1597.44.

(77) Frontage. The portion of a parcel or structure abutting a street at the front lot line.

(78) Front Yard. See Yard, Front.

(79) Front Wall. The nearest wall of a structure to the street upon which the structure faces.

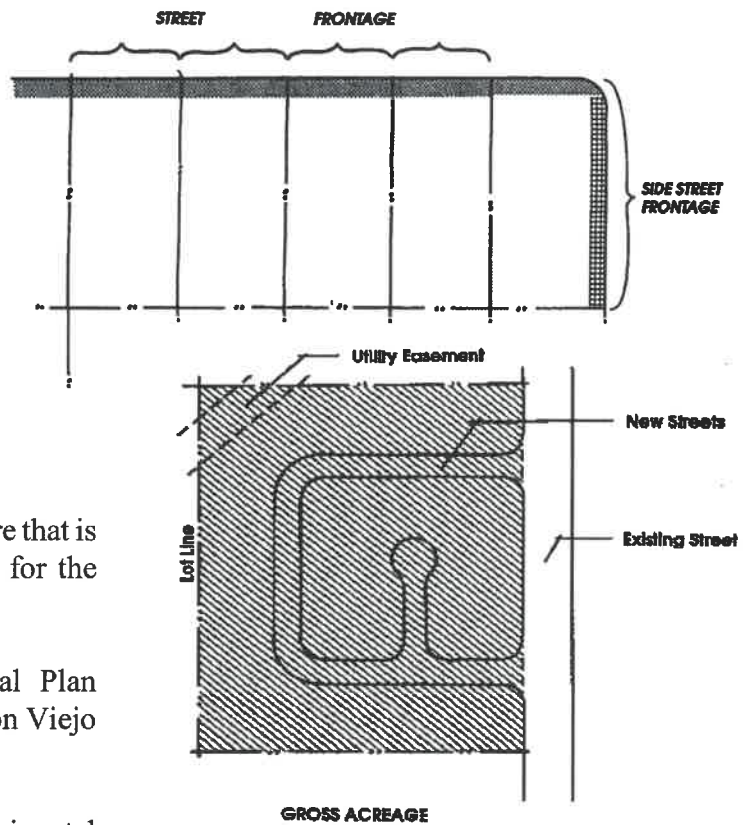
(80) Garage. An enclosed structure that is used or intended to be used for the parking of vehicles.

(81) General Plan. The General Plan written for the City of Mission Viejo and adopted by the Council.

(82) Grade. The lowest horizontal elevation of the finished surface of the ground, paving, or sidewalk at a point where the height is to be measured; the degree of rise or descent of a sloping surface.

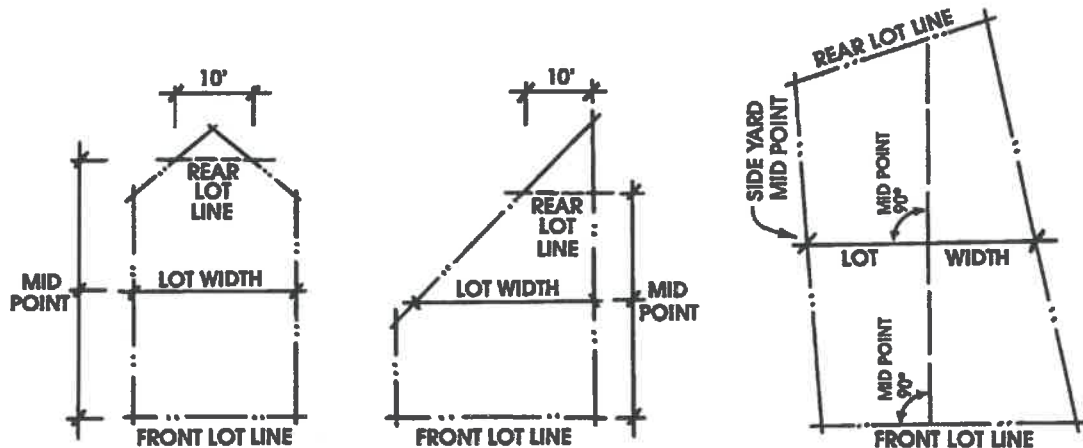
(83) ~~Granny Housing. See Second Accessory Dwelling Unit.~~

(84) Gross Acreage. The total area within a parcel of land.



- (85) Gross Floor Area. The area included within the surrounding exterior finish wall surface of a structure or portion thereof, excluding the courtyards.
- (86) ~~Guest House~~. ~~See Second Accessory Dwelling Unit~~.
- (87) Half Story. A story under a gable, hip, or gambrel roof, plates of which are not more than two feet above the floor of the story.
- (88) Home Occupation. An activity conducted in compliance with Section 9.10.020(b)(5) carried out by an occupant conducted as an accessory use within a dwelling unit.
- (89) Hospital. A licensed institution designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, both mental and physical.
- (90) Hotel/Motel. A grouping of guest rooms or suites which are rented as temporary or overnight accommodations.
- (91) Junk and Salvage Facility. A building and/or yard whose primary use is for storing, dismantling, and/or selling cast-off, unused, scrap, or salvage material of any sort.
- (92) Kennel. Any lot, building, structure, enclosure or premises whereupon or wherein there is a Cat Kennel (as defined in Section 10.01.010), a Dog Kennel (as defined in Section 10.01.010), or the keeping of five (5) or more domesticated animals of any kind or kinds, which are over the age of four (4) months, regardless of whether the keeping is for pleasure, profit, breeding, or exhibition, including places where animals are boarded or kept for sale or hire, except that the keeping of up to four (4) dogs and four (4) cats, shall not be deemed a kennel. Excluded from this definition are veterinary clinics, pet hospitals, and animals kept on a parcel licensed by the City's Animal Services Manager to contain additional animals pursuant to Chapter 10.01 of this Code.
- (93) Kitchen. Any space within a building designed, intended to be used, or used for the storage, refrigeration, cooking, and/or the preparation of food.
- (94) Lot. A parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon. Lots are classified as follows:

- (100) Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a midway point between the front and rear lot lines (See diagram).



- (101) Low Barrier Navigation Centers. Service-enriched temporary living facilities, with best management practices to reduce barriers to entry, focused on moving people into permanent housing, with qualifying facilities permitted by-right in areas of the City zoned for mixed-use or nonresidential zones permitting multifamily development, in accordance with California Government Code Section 65660, et seq.

Manufactured Home. A structure which is transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and which meets all State and Federal laws.

- (102) Median. A paved or planted area separating a street or highway into two or more lanes.
- (103) Mixed Use Development. The development of a parcel or structure with two or more different uses such as, but not limited to, a combination of residential, office, commercial retail, public, or entertainment on a single or in a physically integrated group of structures.
- (104) Mini-Storage. A structure containing separate storage spaces of varying sizes that are leased or rented on an individual basis.
- (105) Mobile Home. Same as Manufactured Home, but subject to the National Manufactured Housing Construction and Safety Act of 1974.

motorcycles, off-road vehicles, aircraft, boats, personal water craft or other vessels.

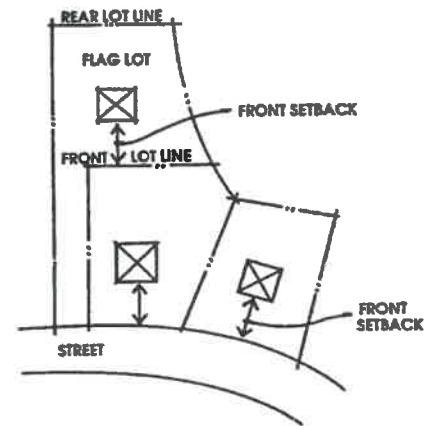
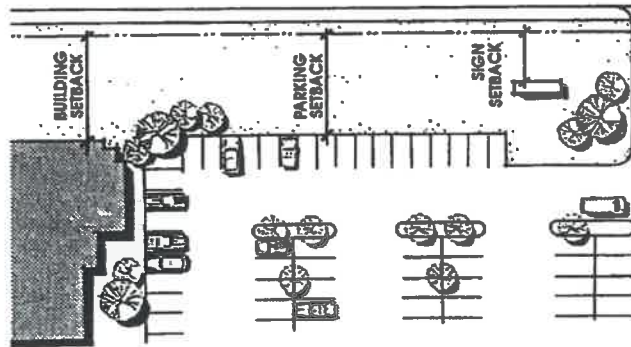
- (129) Recycling. The process by which discarded materials are treated and/or transformed for reuse.
- (130) Residential Care Facility. A family home or group care facility for 24-hour nonmedical care of persons in need of personal services, supervision or assistance for sustaining the activities of daily living or for protection.
- (131) Resort Hotel. A group of structures containing guest rooms or suites and offering indoor and outdoor recreational activities.
- (132) Rest Home. A facility offering or providing lodging, meals, nursing, dietary or other similar personal services to convalescents, invalids, or aged persons but not requiring either a nurse or physician residing on the premises and not performing surgery, providing physical therapy, or caring principally for persons with contagious or communicable diseases.
- (133) Restaurant. A retail establishment engaged in the preparation and sale of food and beverages. This use includes cafes, coffee shops, sandwich shops, ice cream parlors, fast food establishments, and kitchens engaged in preparing food primarily for take out or delivery and may also include licensed on-site provision of alcoholic beverages for consumption on the premises when accessory to the food service.
- (134) Restaurant, Drive-Thru. A retail establishment engaged in the preparation and sale of food and beverages, as defined under Restaurant above, with the added provision of one or more drive-thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.
- (135) Review Authority. The person, committee, Commission, or Council responsible for the review and/or final action on a land use entitlement, map, or amendment.
- (136) Rounding of Quantities. The practice of expressing fractions as the nearest higher whole number when the fraction is .5 or more and as the nearest lower whole number when the fraction is less than .5. Distances, parking spaces, unit density, density bonus, and other similar quantities may be treated in this manner, except as otherwise provided in this Code.
- ~~(137) Second Dwelling Unit. An additional dwelling unit not exceeding 640 square feet in area, having separate living and sanitation facilities, attached or detached from an existing single family dwelling on a parcel designated for single family or multi-family use as defined in State law (Government Code~~



65852.2). A "Granny" unit or guest house is considered a second dwelling unit.

(138) Senior Housing. See Congregate Care/Senior Housing.

(139) Setback. The required distance that a structure must be located from a lot line. On corner lots, the shortest street frontage shall be the front yard in residential zoning districts, while the longest street frontage shall be the front yard in commercial/industrial zoning districts. On flag lots, the rear yard location shall be determined through project review.



(140) Setback, Front/Rear Average. The average front/rear yard setback of a group of five adjacent dwelling units. The setback on any unit may vary up to 10 feet as long as the average setback of all five units equals the minimum required for the zoning district.

- (154) Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (HSC Section 50675.14(b)(2)). Supportive Housing shall be permitted by-right in zones where multifamily and mixed-uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development meets specified criteria. Qualifying Supportive Housing shall be treated as a residential use with only those standards and procedures that apply to other residential uses in the same district, in accordance with SB 2 and AB 2162.

Swap Meet (Indoor/Outdoor). A commercial event designed for temporary or intermittent use to facilitate the retail sale or exchange of new, handcrafted, and/or secondhand merchandise in open compartmentalized spaces by individual vendors.

- (155) Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of that period of time.
- (156) Traffic Safety Sight Area. A space that is set aside on a street corner or driveway entrance which prohibits all obstructions, such as structures and plantings, that can prevent visibility and thus be a hazard to vehicular and pedestrian traffic.
- (157) Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (HSC Section 50675.2(h)). Transitional Housing shall be treated as a residential use with only those standards and procedures that apply to other residential uses in the same district, in accordance with SB 2.

Use. The purpose for which either land or structure is arranged, designed, or intended, or for which it is occupied or maintained.

- (158) Use Inauguration. The implementation of a use on a ~~parcel, the parcel, the~~ occupancy of a structure, or the construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.
- (159) Variance. A modification of a literal provision of this Code granted by quasi-judicial act in accordance with the provisions of this Code.

## ARTICLE II - ZONING DISTRICTS

### CHAPTER 9.10

#### RESIDENTIAL ZONES

##### 9.10.005 PURPOSE

- (a) The purpose of this Article is to achieve the following:
- (1) Reserve planned neighborhood areas for residential living with a broad range of dwelling unit densities (i.e., low, medium, and high density detached/attached, multifamily, and housing for special needs), consistent with the General Plan and appropriate standards of public health, safety, welfare, and aesthetics.
  - (2) Facilitate the provision of adequate light, air, privacy, and open space for each dwelling.
  - (3) Minimize traffic congestion and avoid the overloading of public services and utilities.
  - (4) Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
  - (5) Facilitate the provision of public improvements commensurate with the anticipated increase in population, dwelling unit densities, and service requirements.
  - (6) Designate lands to accommodate housing units which meet the diverse economic needs of the residents; locating development that will retain the scale and character of existing residential neighborhoods.

- (b) The purpose of the individual residential zoning districts is as follows:

(1) RPD 3.5 (Residential Planned Development) Zone

This zone is intended to provide for low-density detached single-family dwellings at a density range of 0 to 3.5 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a low-density residential neighborhood.

(2) RPD 6.5 (Residential Planned Development) Zone

This zone is intended to provide for ~~low- to medium-density~~, detached and attached single-family dwellings at a density range of 3.51 to 6.5 units per gross

acre. Additional land uses may be allowed when compatible to and in harmony with a low/medium-density residential neighborhood.

(3) RPD 14 (Residential Planned Development) Zone

This zone is intended to provide for ~~medium- to high-density~~ detached and attached single-family dwellings, and multifamily dwellings at a density range of 6.51 to 14 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a medium/~~high-~~density residential neighborhood.

(4) RPD 30 (Residential Planned Development) Zone

~~This zone is intended to provide for medium to high-density~~ dwellings at a density range of 14.1 to 30 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a ~~medium/high-density~~high-density residential neighborhood.

(5) RPD 50 (Residential Planned Development) Zone

~~This zone is intended to provide for high-density dwellings at a density range of 30.1 to 50 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a high-density residential neighborhood.~~

(6) RPD 80 (Residential Planned Development) Zone

~~This zone is intended to provide for high-density dwellings at a density range of 50.1 to 80 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a high-density residential neighborhood.~~

### **9.10.010 PERMITTED USES**

Any use designated as "Permitted" by the following list shall comply with the provisions of this Code. Any permitted use which will occupy an existing structure (with no structural enlargement) shall comply with the standards contained in this Chapter as well as Article III (General Property Development Standards). Additionally, any permitted use which will occupy an existing structure that is to be enlarged, or requires construction of a new structure(s) shall require the approval of a Planned Development Permit pursuant to Chapter 9.47.

### **9.10.015 PERMITTED, PLANNED DEVELOPMENT PERMITTED, AND CONDITIONALLY PERMITTED USES:**

The following list represents those uses in the residential planned development zones which are Permitted (P), subject to a Planned Development Permit (D), a Conditional Use Permit (C) or Prohibited (X):

		RPD					
		3.5	6.5	14	30	<u>50</u>	<u>80</u>
a)	<u>Residential Uses</u>						
(1)	Single family dwellings	D	D	D	D	<u>D</u>	<u>D</u>
(2)	<del>Second dwelling unit/"granny" housing/guest house</del> <u>Accessory Dwelling Units</u>	P	P	P	P	<u>P</u>	<u>P</u>
(3)	Manufactured housing	D	D	D	D	<u>D</u>	<u>D</u>
(4)	Multifamily dwellings	X	X	D	D	<u>D</u>	<u>D</u>
(5)	Condominium	X	D	D	D	<u>D</u>	<u>D</u>
(6)	Congregate care / senior housing	X	X	C	C	<u>C</u>	<u>C</u>
(7)	Convalescent homes	X	X	C	C	<u>C</u>	<u>C</u>
(8)	Density bonus/affordable housing	D	D	D	D	<u>D</u>	<u>D</u>
(9)	Family day care home, large	C	C	C	C	<u>C</u>	<u>C</u>
(10)	Family day care home, small	P	P	P	P	<u>P</u>	<u>P</u>
b)	<u>Recreational Accessory Uses</u>						
(1)	Clubhouses	D	D	D	D	<u>D</u>	<u>D</u>
(2)	Swimming pool, private	P	P	P	P	<u>P</u>	<u>P</u>
(3)	Swimming pool, public	D	D	D	D	<u>D</u>	<u>D</u>
(4)	Tennis court, private	P	P	P	P	<u>P</u>	<u>P</u>
(5)	Tennis court, public	D	D	D	D	<u>D</u>	<u>D</u>
(6)	Trails (non-vehicular)	P	P	P	P	<u>P</u>	<u>P</u>
c)	<u>Accessory Uses</u>						
(1)	Garage	D	D	D	D	<u>D</u>	<u>D</u>
(2)	Outdoor play/athletic equipment	P	P	P	P	<u>P</u>	<u>P</u>
(3)	Patio (with/without cover)/gazebo	P	P	P	P	<u>P</u>	<u>P</u>
d)	<u>Other</u>						
(1)	Churches	C	C	C	C	<u>C</u>	<u>C</u>
(2)	Private schools	C	C	C	C	<u>C</u>	<u>C</u>

		RPD					
		3.5	6.5	14	30	<u>50</u>	<u>80</u>
(3)	Public utilities/facilities	D	D	D	D	<u>D</u>	<u>D</u>

~~5~~ e) Home Occupations Subject to Home Occupation Standards

~~6f~~ f) Temporary Uses Subject to Temporary Use Permit

Other similar uses which the Director finds consistent with the intent and purpose of the zone.

**9.10.020 ZONING DISTRICT DEVELOPMENT STANDARDS**

**(a) General Standards**

The standards contained in Figure II-1 (Zoning District Development Standards) relating to density, lot area and configuration, structure setbacks, structural lot coverage and height, accessory structure height, distance between structures, and private outdoor living space, apply to all residential zoning districts, and shall be determined to be minimum requirements, unless stated as maximum by this Code. All setbacks shall be measured from the applicable property line. The following standards shall apply unless modified by the Planned Development Permit approved by the Commission.

Figure II-I

**ZONING DISTRICT DEVELOPMENT STANDARDS**

Standard	RPD					
	3.5	6.5	<del>14.0</del>	<del>30.0</del>	<del>50.0</del>	<del>80.0</del>
<del>Maximum Density Range (units/acre)</del>	<del>0-3.5</del>	<del>3.51-6.5</del>	<del>6.51-14.0</del>	<del>14.1-30.0</del>	<del>30.01-50.0</del>	<del>30.01-80.0</del>
Lot area (sq. ft.)	5,000	5,000	5,000	5,000	20,000	30,000
Lot width (feet)	50	50	80	100	100	150
Lot depth (feet)	80	80	120	150	150	150
Front setback (feet)	20	20	30	30	40	50
Rear setback (feet)	10	10	30	30	30	40
Side setback (each, feet)	5	5	10	15	25	35

Side setback (street side, feet)	7	7	10	30	<del>040</del>	<del>050</del>
Structural parcel coverage (maximum, percent)	60%	60%	50%	50%	<del>050%</del>	<del>050%</del>
Distance between bldgs. (feet)	5	5	20	20	<del>020</del>	<del>020</del>
Private outdoor living space (min. sq. ft.)	500	450	200	80	<del>050</del>	<del>050</del>
<u>Main bldg. &amp; structure height (max.)</u>	<u>35 ft./ 2 stories</u>	<u>35 ft./ 2 stories</u>	<u>35 ft./ 2 stories</u>	<u>35 ft./ 2 stories</u>	<u>50 ft./ 4 stories</u>	<u>65 ft./ 5 stories</u>
Accessory bldg. & structure height (max.)	_____ 12 feet or one story whichever is less					
Fences, walls and hedges	_____ [Refer to property development standards cited in Section 9.20.015(f)]					

**(b) Zone Specific Standards**

In addition to the general development requirements contained in Chapter 9.20 (Property Development Standards), the following table identifies specific standards which apply\* to individual zones:

**RESIDENTIAL ZONES  
SPECIFIC STANDARDS**

Specific Standards	_____ RPD					
	3.5	6.5	14.0	30.0	<del>050</del>	<del>30.0</del> <u>80</u>
<u>A1.</u> Accessory Structures	+	+	+	+	+	+
<u>B2.</u> Additional Height Allowances	-	-	-	+	+	+
<del><u>C3.</u> Condominium Standards</del>		+	+	+		
<u>D.</u> Density Bonus/Affordable Housing	+	+	+	+	+	+
<u>E4.</u> Family Day Care Home	+	+	+	+	+	+
<u>F5.</u> Home Occupations	+	+	+	+	+	+

<del>G6.</del>	Minimum Dwelling Size	+	+	+	+	+	+
<del>H7.</del>	Minimum Room Size	+	+	+	+	+	+
<del>I8.</del>	Mobile Home/Manufactured Housing	+	+	+	+	+	+
<del>J9.</del>	Private Community Walls	+	+	+	+	+	+
<del>K10.</del>	Private Tennis Court	+	+	+	+	+	+
<del>L11.</del>	Recreational Vehicle Storage	+	+	+	+	+	+
<del>M12.</del>	<del>Second Accessory</del> Dwelling Unit	+	+	+	+	-	+
<del>N13.</del>	Senior Citizen/Congregate Care Housing	-	-	+	+	+	+

\*Key: "+" applies and "-" does not apply in the zoning district

(1) Accessory Structures

Accessory structures in residential zones shall be compatible with the materials and architecture of the main dwelling on the property. Accessory structures may be constructed only on a parcel containing a main dwelling unit.

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**SINGLE FAMILY DETACHED HOMES**

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Structure/Construction/ Equipment	Property Line or Assumed Property Line	Required Setback (in feet)
Swimming pool, spa, storage shed, fish pond, stationary barbecue, fire pit	Rear	3
	Side	3
	Side (street)	Main building setback
Patio cover, gazebo, deck	Rear	3
	Side	3
	Side (street)	Main building setback
Air conditioning equipment,	Rear	3



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**SINGLE FAMILY DETACHED HOMES**

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Structure/Construction/ Equipment	Property Line or Assumed Property Line	Required Setback (in feet)
pool and spa equipment	Side	3 - in rear yard
		Main building setback - located in side yard
	Side (street)	3 - located in rear yard
		Main building setback - located in side yard
Tennis Court	Front, Rear, Side	Main building setback
Balcony, exterior stairs in excess of 30 inches	Front, Rear, Side	Main building setback

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In no case shall a structure, construction, projection, or equipment be placed or occur beyond the actual property lines of the subject parcel.

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**SINGLE FAMILY ATTACHED HOMES**

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Structure/Construction/ Equipment	Property Line or Assumed Property Line	Required Setback (in feet)
Spa, spa equipment, stationary barbecue, fire pit	Front, Side, Rear	3
Patio cover, gazebo, deck	Along common area or open space	1
	Shared property line with adjacent neighbors	3

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Where a building or structure situated on a property such that the front, rear and side property lines are not readily determinable, required setbacks shall be determined by the Director in compliance with the following finding:

That the required setbacks for the building or structure will not constitute a grant of special privilege inconsistent with the limitations placed on other properties in the vicinity and/or incompatible with surrounding uses.

(2) Additional Height Allowances

When meeting standard setback requirements in the RPD 30, RPD 50, and RPD 80 zone districts, the base maximum structure height is 35 feet and or two stories apply (Figure II-D). This provision may be modified by the Commission as part of a Planned Development Permit application up to a maximum of: 45 feet or and three stories in the RPD 30 zone; 65 feet and five stories in the RPD 50 zone; and 75 feet and six stories in the RPD 80 zone, subject to the following:

- (A) A visual analysis relating structural proportions, massing, height, ~~and setback,~~ and landscape shall be conducted to preserve and enhance the scenic viewshed and minimize visual impacts.
- (B) The need and appropriateness of an additional story shall be demonstrated.
- (C) Compatibility and harmony with surrounding development, land use designations and zoning shall be demonstrated.

(D)

The Commission may require setbacks greater than the minimum setbacks ~~for the RPD 30 zone district~~ stated in Figure II-H.

(3) Density Bonus Law / ~~Affordable Housing~~

The City adopts California Government Code Section 65915 through and including Section 65918, as existing on the effective date of this ordinance and as the same may be amended from time to time hereafter.

~~(A) — In an attempt to encourage the provision of affordable housing, state law (Government Code § 65915) requires that the city grant a density bonus and other incentives when a developer of housing agrees to construct at least one of the following:~~

~~(i) — Ten percent of the total units of a housing development for lower income households, as defined in state law (Health and Safety Code § 50079.5).~~

~~(ii) — Five percent of the total units of a housing development for very low-income households, as defined in state law (Health and Safety Code § 50105).~~

~~(iii) — A senior citizen housing development, as defined in state law (Civil Code § 51.3), or mobile home park that limits residency based on age requirements for housing for older persons pursuant to state law (Civil Code §§ 798.76 and 799.5).~~

~~(iv) — Ten percent of the total dwelling units in a common interest development, as defined in state law (Civil Code § 1351), for persons and families of moderate income, as defined in state law (Health and Safety Code § 50093).~~

~~(B) — For the purpose of this Chapter, “housing development” means a development project for five or more residential units. For the purpose of this Chapter, “housing development” also includes a subdivision or common interest development, as defined by state law (Civil Code § 1351), approved by the city and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined by state law (Gov. Code § 65863.4(d)), where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.~~

~~(C) — *Amount of Density Bonus.* A density bonus shall be granted in accordance with subsection (b)(3)(A) of this Chapter and with the following provisions:~~

~~(i) For the purpose of this section, “density bonus” shall mean “a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city.” When determining the number of housing units which are to be affordable, the density bonus shall not be included. The applicant may elect to accept a lesser percentage of density bonus.~~

~~(ii) For the purpose of this section, “maximum allowable residential density” shall mean the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.~~

~~A. For housing developments meeting the criteria of subparagraph (b)(3)(A)(i) of this section, the density bonus shall be calculated as follows:~~

<del>Percentage Low-Income Units</del>	<del>Percentage Density Bonus</del>
<del>10</del>	<del>20</del>
<del>11</del>	<del>21.5</del>
<del>12</del>	<del>23</del>
<del>13</del>	<del>24.5</del>
<del>14</del>	<del>26</del>
<del>15</del>	<del>27.5</del>
<del>17</del>	<del>30.5</del>
<del>18</del>	<del>32</del>
<del>19</del>	<del>33.5</del>
<del>20</del>	<del>35</del>

~~B. For housing developments meeting the criteria of subparagraph (b)(3)(A)(ii) of this section, the density bonus shall be calculated as follows:~~

<del>Percentage Very Low Income Units</del>	<del>Percentage Density Bonus</del>
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5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

C. ~~For housing developments meeting the criteria of subparagraph (b)(3)(A)(iii) of this section, the density bonus shall be 20 percent of the number of senior housing units.~~

D. ~~For housing developments meeting the criteria of subparagraph (b)(3)(A)(iv) of this section, the density bonus shall be calculated as follows:~~

<u>Percentage Moderate- Income Units</u>	<u>Percentage Density Bonus</u>
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30

36	31
37	32
38	33
39	34
40	35

~~E. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.~~

~~(D) Application and Procedures. The procedures for implementing this section are as follows:~~

~~(i) The city shall within 90 days of receipt of a written proposal, notify the developer in writing of the procedures governing these provisions. A request for a density bonus shall be subject to planned development permit review.~~

~~(ii) The applicant may request a meeting with the city regarding the specific incentives and concessions included in its proposal.~~

~~(iii) The city shall grant regulatory concession(s) and/or incentive(s) requested by the applicant, unless it adopts a written finding, based on substantial evidence, on any of the following:~~

~~1. The concession(s) and/or incentive(s) are not required in order to provide for affordable housing costs as defined in state law (Health and Safety Code § 50052.5), or for rents for the targeted units as specified by state law (Government Code § 65915(d)).~~

~~2. The concession(s) and/or incentive(s) would have a specific adverse impact, as defined by state law (Government Code § 65589.5(d)(2)), upon public health and safety or the physical environment or on real property listed in the California Register of Historical Resources for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households.~~

~~3. The concession(s) or incentive(s) would be contrary to state or federal law.~~

~~(iv) For the purposes of this chapter, "concession" or "incentive" means any of the following:~~

1. ~~A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.~~
  2. ~~Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.~~
  3. ~~Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.~~
- (v) ~~The applicant shall receive the following number of incentives or concessions:~~
1. ~~One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.~~
  2. ~~Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.~~
  3. ~~Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.~~
- (vi) ~~Prior to the issuance of a building permit for any housing development receiving a density bonus under this section, the developer shall enter into a written agreement with the city to guarantee the continued affordability~~

~~of the units provided under (b)(3)(A) of this section. The units must remain affordable for 30 years or for a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income units built as a result of a density bonus shall be set at an affordable rent as defined by state law (Healthy and Safety Code § 50053). Owner-occupied units shall be available at an affordable housing cost as defined by state law (Health and Safety Code § 50052.5).~~

~~(vii) Where the developer receives a density bonus in return for including moderate income units in a common interest development, as defined by state law (Civil Code § 1351), the developer must submit documentation which identifies the restricted units and acknowledges that the initial occupants of the moderate income units are persons and families of moderate income, as defined by state law (Health and Safety Code § 50093), and that the units are offered at an affordable housing cost, as defined by state law (Health and Safety Code § 50052.5).~~

~~(viii) With respect to any for sale units, the city shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:~~

~~1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in subparagraph (2), and its proportionate share of appreciation, as defined in subparagraph (3), which amount shall be used within five years for any of the purposes that promote home ownership as described in state law (Health and Safety Code 33334.2(e)).~~

~~2. For purposes of this subdivision, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.~~

~~3. For purposes of this subdivision, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.~~

~~(ix) The affordable units provided under section (b)(3)(A) of this section shall~~



~~be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.~~

- ~~(x) — The city shall not apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subsection (b)(3)(A) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to the city a proposal for the waiver or reduction of development standards that would otherwise have the effect of physically precluding the construction of a development receiving a density bonus under this section.~~
- ~~1. — The city need not waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined by state law (Gov. Code § 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.~~
  - ~~2. — The city need not waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.~~
  - ~~3. — The city need not grant any waiver or reduction that would be contrary to state or federal law.~~
  - ~~4. — A proposal for the waiver or reduction of development standards under this subsection (x) shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled to under subsection (v).~~
  - ~~5. — For the purpose of this Chapter, “development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.~~
- ~~(xi) — An applicant who constructs affordable units as required by Section 9.10.030 of the Municipal Code is not automatically entitled to the concessions or additional density provided under this section. Where an applicant seeks a density bonus for a property zoned as RPD 30A under Section 9.10.030 of the Municipal Code, the owner must construct the affordable units required to be constructed under Section 9.10.030 plus additional affordable units to satisfy (b)(3)(A) of this section. However, an owner that falls under this subsection may apply for a variance pursuant~~

to Chapter 9.46 of the Municipal Code if the owner would otherwise suffer undue hardship as a result of the strict application of this section.

~~(E) — Donations of Land for Very Low Income Housing.~~

~~(i) — When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city for the purpose of developing housing for very low income households, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density for the entire development, as follows:~~

<del>Percentage Very Low Income</del>	<del>Percentage Density Bonus</del>
<del>10</del>	<del>15</del>
<del>11</del>	<del>16</del>
<del>12</del>	<del>17</del>
<del>13</del>	<del>18</del>
<del>14</del>	<del>19</del>
<del>15</del>	<del>20</del>
<del>16</del>	<del>21</del>
<del>17</del>	<del>22</del>
<del>18</del>	<del>23</del>
<del>19</del>	<del>24</del>
<del>20</del>	<del>25</del>
<del>21</del>	<del>26</del>
<del>22</del>	<del>27</del>
<del>23</del>	<del>28</del>
<del>24</del>	<del>29</del>
<del>25</del>	<del>30</del>
<del>26</del>	<del>31</del>
<del>27</del>	<del>32</del>
<del>28</del>	<del>33</del>
<del>29</del>	<del>34</del>
<del>30</del>	<del>35</del>

~~This increase shall be in addition to any increase in density mandated by subdivision (b)(3)(A), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b)(3)(A). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the city's authority to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:~~

1. ~~The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.~~
2. ~~The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.~~
3. ~~The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in state law (Gov. Code § 65583.2(c)(3)), and is or will be served by adequate public facilities and infrastructure.~~
4. ~~The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the city may subject the proposed development to subsequent design review to the extent authorized by state law (Gov. Code § 65583.2(i)), if the design is not reviewed by the city prior to the time of transfer.~~
5. ~~The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (vi), (vii) and (viii) of subdivision (D); which shall be recorded on the property at the time of the transfer.~~
6. ~~The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer.~~
7. ~~The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one quarter mile of the boundary of the proposed development.~~
8. ~~A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.~~

~~(F) — Child Care Facilities.~~

- ~~(i) — When an applicant proposes to construct a housing development that qualifies for a density bonus under subsection (b)(3)(A) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either of the following:~~
- ~~1. — An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.~~
  - ~~2. — An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.~~
- ~~(ii) — The city shall require, as a condition of approving the housing development, that the following occur:~~
- ~~1. — The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (D)(vi).~~
  - ~~2. — Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b)(3)(A).~~
- ~~(iii) — Notwithstanding any requirement of this subdivision, the city shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.~~
- ~~(iv) — “Child care facility,” as used in this Chapter, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.~~

~~(G) — *Parking Concessions.*~~

- ~~(i) — If requested by the developer, the city may not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b)(3)(A), that exceeds the following ratios:~~
- ~~1. — Zero to one bedroom: one onsite parking space.~~

~~2. Two to three bedrooms: two onsite parking spaces.~~

~~3. Four and more bedrooms: two and one-half parking spaces.~~

~~(ii) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.~~

~~(iv) This subdivision shall apply to a development that meets the requirements of subdivision (b)(3)(A) but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (D) of this section.~~

(4) Family Day Care Home Development Standards

Subject to obtaining a conditional use permit, a large family day care home shall be permitted only in a single family dwelling comprising the only dwelling on a residentially zoned lot. Large family day care home is defined as a home which provides family day care for 7 to 12 children, inclusive, including children under the age of 10 years who reside at the home and up to 14 children in accordance with Health and Safety Code Section 1597.465. Upon receipt of a complete application for a large family day care home, the Director shall process the application pursuant to the following procedures and standards:

- (A) Not less than ten (10) days prior to the date on which the Director will make an administrative decision on the application, the Director shall provide notice of the proposed use by mail or delivery to all owners shown on the latest equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home.
- (B) A decision on the permit shall be made by the Director without a public hearing unless, within the 10 day notification period, a written request for a public hearing is received by the Director from either the applicant or other affected person. All decisions of the Director may be appealed to the Commission.
- (C) In the event of a request for a public hearing by the applicant or other affected person; or an appeal of the Director's decision, the Director shall follow the procedures established in Section 9.56 (Hearings and Appeals).
- (D) In determining whether a permit should be granted or renewed, the following standards and requirements shall be met:

- (D) A private tennis court shall not be used for commercial purposes, and shall be used only by the residents and their invited guests.
- (E) A private tennis court shall be completely screened from public view.
- (F) No tennis court fencing shall exceed 10 feet in height as measured from the court surface.
- (G) Overhead court lighting shall be subject to a Conditional Use Permit.
- (H) Light standards shall not exceed the following heights as measured from the court surface:
  - (i) Eighteen feet with four poles on each side.
  - (ii) Twenty feet with three poles on each side.
- (I) All illumination fixtures shall be directed downward and away from adjoining properties and public rights-of-way.
- (J) Permitted hours of lighting shall be determined during permit review; in no instance shall lighting be used after 10:00 P.M.

(11) Recreational Vehicle Storage Facilities

Recreational vehicle storage facilities provided in residential planned developments and shall be constructed in the following manner:

- (A) Storage area should be located in a centralized location within the residential planned development.
- (B) Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall all have direct access to a driveway with a minimum paved width of 25 feet.
- (C) Storage areas shall be paved and drained to the satisfaction of the Director.
- (D) Storage areas shall be screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices 6 feet in height and subject to the approval of the Director.

(12) Second eAccessory Dwelling Units / "Granny" Housing / Guest Housing Development Standards

An additional dwelling unit may be sited on a residential parcel, subject to an application. Upon receipt of a complete application for a second unit, the Director shall process the application if the second unit meets the following criteria:

An accessory dwelling unit (ADU) and a junior accessory dwelling unit (JADU) subject only to a building permit are allowed in any residential zone. All requests for ADUs of any type or nature specified in California Government Code Sections 65852.2, 65852.22, and all related sections, including but not limited to JADUs, shall be processed and permitted pursuant to California Government Code Sections 65852.2 and 65852.22, and shall adhere to the following criteria to the extent permitted by California state law: The standards contained in this section are to regulate ADUs and JADUs in compliance with California Government Code Sections 65852.2 and 65852.22.

- (A) The maximum lot coverage on any single-family parcel is sixty (60) percent and fifty (50) percent for any multifamily parcel. However, the lot coverage requirement cannot preclude the creation of a statewide exemption ADU (800-square-foot ADU).
- (B) A detached ADU shall be located only within the rear half of the parcel.
- (C) A single-story detached ADU shall not exceed twenty (20) feet in height.
- (D) A two-story attached ADU shall not exceed thirty-five (35) feet in height.
- (E) An attached ADU shall have an independent exterior entrance, apart from the primary dwelling. The ADU entrance shall be located on the side or rear building façade, not facing the same public-right-of-way as the primary dwelling.
- (F) A detached ADU entrance may be located on the front building façade provided the entrance does not face the same public-right-of-way as the primary dwelling or the entrance is screened by the primary dwelling as seen from the street.
- (G) An attached or detached ADU shall be architecturally compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk lot coverage, and exterior treatment.
- (H) A JADU created in an attached garage is not subject to the same parking protection as an ADU and shall provide replacement parking.
- (I) Fire sprinklers are required in an ADU if fire sprinklers are required for the primary residence.
- (J) A newly constructed non-manufactured detached ADU shall provide solar panels subject to the California Energy Code. Per the California Energy Commission, the solar panels can be installed on the ADU or on the primary dwelling unit. An ADU constructed within existing space, or as an addition to an existing home,

including a detached addition where an existing detached building is converted from non-residential to residential space, is not subject to the Energy Code requirement to provide solar panels.

- (K) Prior to the issuance of a building permit for an ADU or JADU, a covenant of restriction to run with the land shall be recorded with the County Recorder's Office which specifies that the ADU or JADU may be rented as an independent dwelling but not for a term that is shorter than 30 days. The additional dwelling unit may not be sold independently of the main dwelling and parent parcel.
- (L) ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was permitted. An ADU that is permitted after January 1, 2020 but before January 1, 2025, shall not be subject to any owner-occupancy requirement.
- (M) All JADUs shall be subject to an owner-occupancy requirement. The property owner shall reside on the property as the person's legal and permanent residence, in either the primary dwelling or JADU.
- (N) This section shall not validate any existing illegal ADU. An application for a permit may be made pursuant to the provisions of this section to convert an illegal ADU to a conforming legal "additional" unit, and the standards and requirements for the conversion shall be the same as for a newly proposed ADU.
- ~~(A) No more than one additional dwelling unit shall be permitted on any single-family parcel.~~
- ~~(B) An additional dwelling unit may be permitted only on a residential parcel on which there is already built one owner-occupied single-family detached dwelling unit (main unit), and the additional unit may be within, attached or detached to/from the existing main dwelling unit.~~
- ~~(C) An additional dwelling unit may not be permitted on a single-family parcel already having two or more dwelling units.~~
- ~~(D) The parcel upon which the additional dwelling unit is to be established shall conform to all standards of the zoning district in which it is located.~~
- ~~(E) The minimum size of the parcel upon which the additional dwelling unit may be built shall be 9,000 square feet. The parcel shall have a minimum width of 80 feet and a minimum depth of 100 feet, and a minimum buildable pad size of 7,200 square feet.~~
- ~~(F) An additional dwelling unit shall be located only within the rear half of the parcel, and shall not exceed 20 feet or one story in height.~~



- ~~(G) — The additional dwelling unit shall not exceed 640 square feet in area, or 30% of the living area of the main dwelling, whichever is less.~~
- ~~(H) — The additional dwelling unit shall be architecturally compatible with the design of main dwelling unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk lot coverage, and exterior treatment.~~
- ~~(I) — The additional dwelling unit shall be provided with one parking space per unit or per bedroom, whichever is greater.~~
- ~~(J) — Prior to the issuance of a building permit for the additional dwelling unit, a covenant of restriction to run with the land shall be recorded which specifies that the use of the additional unit as an independent dwelling may continue only as long as the property is owner-occupied. The additional dwelling unit may not be sold independently of the main dwelling and parent parcel.~~
- ~~(K) — The applicant for the required permit shall be the owner of the subject property as well as the resident of the main dwelling unit.~~
- ~~(L) — This section shall not validate any existing illegal "additional" dwelling unit. An application for a permit may be made pursuant to the provisions this section to convert an illegal "additional" unit to a conforming legal "additional" unit, and the standards and requirements for the conversion shall be the same as for a newly proposed "additional" dwelling unit.~~

(13) Senior Citizen / Congregate Care Housing Development Standards

Senior citizen housing developments are subject to a Conditional Use Permit and shall be constructed in the following manner:

- (A) The parcel upon which the senior citizen housing facility is to be established shall conform to all standards of the RPD 14, ~~or RPD 30,~~ RPD 50, or RPD 80 zoning district, as applicable.
- (B) The senior citizen housing facility shall conform with all local, State, and Federal requirements.
- (C) The number of residential dwelling units shall be based on the underlying zoning district.
- (D) A "density bonus" may be utilized if the development proposal can be found consistent with the applicable provisions of Section 9.10.020(~~2b~~)(~~D3~~) (Density Bonus).

- (e) For each dwelling in any residential zoning district, a garage with garage door shall be provided and permanently maintained. A small window for decorative purposes only may be allowed subject to approval by the Director. Exceptions to the garage requirement may be for apartments and affordable housing as determined by the Commission.
- (f) Fractional space requirements shall be rounded up to the next whole space.
- (g) Required guest parking in residential zoning districts shall be so designated and restricted for the use of guests.
- (h) All permanent parking shall occur on paved areas only. In residential zones, there shall be no parking of vehicles in the front yard other than a City approved driveway.
- (i) Temporary parking on unpaved areas may be permitted subject to a Special Event Permit or Temporary Use Permit.
- (j) The minimum parking required for a dwelling unit, both covered and uncovered parking spaces, shall not be converted for other uses.
- (k) The required minimum number of parking spaces shall be reserved for parking purposes; converting parking spaces is prohibited, unless otherwise provided in the Code.
- (l) There shall be no charge for required parking.

**9.25.020 NUMBER OF PARKING SPACES REQUIRED**

The following minimum number of parking spaces shall be provided for each use ("sf." refers to square foot and "gfa." refers to gross floor area):

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
a) <u>Residential Uses</u>	
(1) Single family dwellings	2 covered spaces within an enclosed garage.
(2) Multifamily Residential:	
Planned unit developments, including single family dwellings and condominiums	2 covered spaces within an enclosed garage
Apartment Development:	1.5 covered 2 covered

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
Studio and 1 bedroom	2 covered; .5 uncovered
Two bedrooms	
Three or more bedrooms	
Guest Parking for Planned unit developments and multifamily developments	1 off-street guest parking space for every 3 units, unless another guest parking requirement is approved by the Planning Commission pursuant to its approval of a discretionary matter such as a Planned Development Permit
(3) Mobile home parks	2 covered spaces within an enclosed garage and 1 uncovered guest space for each unit.
(4) Residential Day Care	2 spaces in addition to those required for primary residence
(5) <del>Second-Accessory Dwelling Unit</del>	<del>One parking space per unit or per bedroom, which ever is greater.</del> <u>See Section 9.10.020(12) (Accessory Dwelling Unit)</u>

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
b) <u>Commercial Uses</u>	
(1) Arcade	1 space for each 200 sf. of gfa.
(2) Art/Dance studio	1 space per employee, plus 1 space per 2 students
(3) Automobile/Vehicle Related:	
Automobile service stations	See Section 9.11.020(c)(8) (Specific Parking Plan)
Automobile washing	2.5 spaces per washing stall
Lube-n-tune	1 space per bay, plus 1 space for each employee, plus adequate queuing lanes
Multi-tenant auto-related facilities	1 space for each 200 sf. of gfa., plus 1 space for each employee

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO PURSUANT TO GOVERNMENT CODE SECTION 36937(B) INCLUDING FACTS IN SUPPORT OF THE URGENCY DECLARATION, APPROVING ZONE CHANGE ZC2021-25, TO MODIFY THE CITY'S ZONING MAP AS IT PERTAINS TO 11 SITES FOR RESIDENTIAL DEVELOPMENT IN CONNECTION WITH THE AMENDMENT OF THE CITY'S GENERAL PLAN HOUSING ELEMENT, IN ACCORDANCE WITH THE REQUIREMENTS OF STATE LAW AS INTERPRETED BY THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**A. INTENT OF CITY COUNCIL**

1. Government Code Section 65302(c) mandates that the City's General Plan include a Housing Element to adequately plan for the city's existing and projected housing needs, including its allocated share of the regional housing need;
2. Government Code Section 65583 further requires that the adopted Housing Element for each city identify adequate sites for housing and contain an inventory of land suitable for residential development – including vacant sites and sites having potential for redevelopment with residential land uses, including affordable housing units
3. In response to and in accordance with the provisions of Government Code Section 65583, the City of Mission Viejo initiated Zone Change ZC2021-25, in accordance with Section 9.51 of the Mission Viejo Municipal Code, to modify the City's Zoning Map as it pertains to 11 sites for residential development in connection with the amendment of the City's General Plan Housing Element and related Housing Sites Inventory.
4. On September 13, 2021, the Planning and Transportation Commission of the City of Mission Viejo held a duly noticed public hearing, considered the written and oral information and testimony presented by City staff, community residents and other interested parties, and approved Resolution No. xxx recommending that the City Council approve and adopt Zone Change ZC2021-25;
5. An Addendum to the City's 2013 previously-certified General Plan Program Environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA guidelines, examining potential impacts generated by the proposed project and

concluding that the proposed project produces no greater impacts than those described in the Certified EIR (attached and incorporated by reference).

6. Pursuant to Section 9.56.020 of the Mission Viejo Municipal Code, a duly noticed public hearing on Zone Change ZC2021-25 was held by the City Council on October 12, 2021, at which time interested parties had an opportunity to testify either in support of, or in opposition to the ZC2021-25;
7. Justification for Urgency Enactment:

California Government Code Section 36937(b) holds that an ordinance becomes effective immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and which is passed by a four-fifths vote of the City Council. The City Council hereby finds the following facts in support of the urgency enactment of this ordinance:

- a. California Government Code 36937(b) authorizes the adoption of city ordinances and defines the process for adoption. In this instance, the State of California Department of Housing and Community Development (HCD) administers the State of California Housing Element set forth in California Government Code Article 10.6 of Chapter 3 of Division 1 of Title 7 (Section 65580 through and including Section 65589.11);
- b. The Department of Community Development (HCD) staff has interpreted Article 10.6 so as to require this City to have completed BOTH the amendment to the City's General Plan Housing Element AND the rezoning to implement the revised General Plan Housing Element, all by October 15, 2021, to avoid a loss of local zoning and land-use control over all the sites identified in the revised General Plan Housing Element, which would then result in development "by-right" without any regard for the concerns of residents of the community, the City Council, the Planning and Transportation Commission, and professional staff. While the City disputes this HCD interpretation, the risk and cost of litigation make challenging that opinion impractical and presents high land use risks to this City;
- c. HCD delivered its comments to the City by way of a letter dated September 7, 2021. From the drafting date of September 7, 2021, the City had only 38 calendar days, until October 15, 2021, to respond. The City's regular ordinance adoption cycle, pursuant to State law, consists of a first reading/introduction, followed at the next City Council meeting with a second reading/passage, followed by a 30-day referendum period. This requires a minimum 44-day period. Here, the City lost several days by having to receive the HCD letter, review it, conform the draft General Plan Housing Element to the directions contained in the HCD letter, and then

having to hold public meetings at both the Planning and Transportation Commission and City Council, all before October 15, 2021, so as to avoid the imposition of the penalizing consequences of “by-right” land use and project approval on each of the housing opportunity sites; and

- d. The urgency provision of this ordinance is therefore necessary to preserve the opportunity for the residents to speak and for the City Council, Planning and Transportation Commission, and professional staff exercise discretionary authority, in order to ensure that local control and positive community health, safety, welfare and quality of life standards are integrated into new development. Community quality and positive integration of new development cannot be lost to a State staff interpretation of the law.
8. All legal preconditions to the adoption of the Ordinance have occurred as required by law.

## **B. ORDINANCE**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MISSION VIEJO DOES ORDAIN AS FOLLOWS:**

### **SECTION 1**

The intent of the City Council is set forth in Part A, above, and is hereby incorporated by reference.

### **SECTION 2**

This Ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including, but not limited to, Article XI, Section 7 of the California Constitution.

### **SECTION 3**

That the City of Mission Viejo City Council hereby finds as follows:

1. That ZC2021-25 is consistent with the City’s General Plan.
2. That ZC2021-25 would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. That ZC2021-25 would maintain the appropriate balance of zoning districts/land uses within the City.
4. That the subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

**SECTION 4**

A new zoning district in the City, hereafter referred to as “RPD 50 (Residential Planned Development),” is hereby created. Uses and development standards in the RPD 50 zone are established with related Development Code Amendment DCA2021-19.

**SECTION 5**

A new zoning district in the City, hereafter referred to as “RPD 80 (Residential Planned Development),” is hereby created. Uses and development standards in the RPD 80 zone are established with related Development Code Amendment DCA2021-19.

**SECTION 6**

The zoning on that certain real property commonly referred to as “Silverado Plaza” and generally located at 25542 Jeronimo Road in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel No. 809-311-16, and more particularly and legally described as Parcel 2 of Parcel Map Book 89, Page 9, in the Orange County Recorder’s Office, is hereby redesignated from CN (Commercial Neighborhood) zone to RPD 50 (Residential Planned Development) zone as more fully shown on Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 7**

The zoning on that certain real property commonly referred to as “Mission Foothill” and generally located at 2871 – 28815 Los Alisos Boulevard in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel Nos. 839-161-13, 14, 17 , and 28, and more particularly and legally described as Parcels 3, 4, 5, and 6 of Parcel Map Book 292, Page 3, in the Orange County Recorder’s Office, is hereby amended to add an RPD 30 (Residential Planned Development) overlay zone to the existing CH (Commercial Highway) zone as more fully shown on Exhibit B, attached hereto and incorporated herein by this reference.

**SECTION 8**

The zoning on that certain real property commonly referred to as City-owned “Site 3” and generally located directly adjacent to and southeasterly of the City’s Animal Services Center off Center Drive and easterly of Saddleback College in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel Nos. 740-112-02, 03, 740-012-36, 39, and 40, and 740-113-01, legally described as Parcel A of the Parcel Map Book 93, Page 165, in the Orange County Recorder’s Office” is hereby redesignated from R (Recreation) zone to RPD 30 (Residential Planned Development) zone as more fully shown on Exhibit C, attached hereto and incorporated herein by this reference.

**SECTION 9**

The zoning on that certain real property commonly referred to as “Commerce Center” and generally located at 27200 – 27240 La Paz Road in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel Nos. 782-471-01 through 06, and more particularly and legally described as Parcel A of Parcel Map Book 238, Page 9, in the Orange County Recorder’s Office, is hereby redesignated from CC (Commercial Community) zone to RPD 30 (Residential Planned Development) zone as more fully shown on Exhibit D, attached hereto and incorporated herein by this reference.

**SECTION 10**

The zoning on that certain real property commonly referred to as “Town Center” and generally located at 28331 Marguerite Parkway in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel No. 740-016-03, and more particularly and legally described as Parcel 3 of Parcel Map Book 343, Page 1, in the Orange County Recorder’s Office, is hereby amended to add an RPD 30 (Residential Planned Development) overlay zone to the existing CH (Commercial Highway) zone as more fully shown on Exhibit E, attached hereto and incorporated herein by this reference.

**SECTION 11**

The zoning on that certain real property commonly referred to as “College Center” and generally located at 28171 Marguerite Parkway in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel Nos. 740-011-15, and more particularly and legally described as Parcel 5 of Parcel Map Book 31, Page 6, in the Orange County Recorder’s Office, is hereby amended to add an RPD 30 (Residential Planned Development) overlay zone to the existing CH (Commercial Highway) zone as more fully shown on Exhibit E, attached hereto and incorporated herein by this reference.

**SECTION 12**

The zoning on that certain real property commonly referred to as “Macy’s at The Shops” and generally located at 27000 Crown Valley Parkway in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel Nos. 740-121-26, and more particularly and legally described as Parcel 1 (portion) and Parcel 2 (portion) of Parcel Map 131-27, in the Orange County Recorder’s Office, is hereby amended to add an RPD 80 (Residential Planned Development) overlay zone to the existing CR (Commercial Regional) zone as more fully shown on Exhibit F, attached hereto and incorporated herein by this reference.

**SECTION 13**

The zoning on that certain real property commonly referred to as “The Shops at Mission Viejo” and generally located at 555 The Shops Boulevard in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel No. 740-121-30, and more particularly and legally described as Parcels 1 and 2 of Parcel Map 143-17, in the Orange County Recorder’s Office, is hereby amended to add an RPD 80 (Residential Planned Development) overlay zone to a 6-acre portion of the site, in the CH (Commercial Highway) zone as more fully shown on Exhibit F, attached hereto and incorporated herein by this reference.



**SECTION 14**

The zoning on that certain real property commonly referred to as “Grace Church Parking Lot” and generally located on Trabuco Road, at the northwestern border of the City, in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel No. 809-521-11, and more particularly and legally described as Parcels 1 and 2 of Parcel Map 150-20, in the Orange County Recorder’s Office, is hereby redesignated from CN (Commercial Neighborhood) zone to RPD 50 (Residential Planned Development) zone as more fully shown on Exhibit G, attached hereto and incorporated herein by this reference.

**SECTION 15**

The zoning on that certain real property commonly referred to as “Burlington” and generally located at 28452 Marguerite Parkway in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel No. 740-012-28, and more particularly and legally described as Parcels 1 and 2 of Parcel Map 143-17, in the Orange County Recorder’s Office, is hereby amended to add an RPD 50 (Residential Planned Development) overlay zone to the existing CH (Commercial Highway) zone as more fully shown on Exhibit E, attached hereto and incorporated herein by this reference.

**SECTION 16**

The zoning on that certain real property commonly referred to as “Vista Del Lago Apartments” and generally located at 21622 Marguerite Parkway in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel No. 836-211-45 (17-acre-portion), and more particularly and legally described as Lots 1 through 12 and A through K of Tract No. 13021, in the Orange County Recorder’s Office. A 17-acre portion of the site is hereby redesignated from RPD 30 (Residential Planned Development) zone to RPD 50 (Residential Planned Development) zone as more fully shown on Exhibit H, attached hereto and incorporated herein by this reference.

**SECTION 17**

The zoning on that certain real property commonly referred to as “Saddleback Business Center” and generally located at 27071 Cabot Road in the City of Mission Viejo, California, identified by Orange County Assessor’s Parcel No. 636-022-14, and more particularly and legally described as Lot 1 of Tract No. 7720, in the Orange County Recorder’s Office, is hereby amended to add an RPD 30 (Residential Planned Development) overlay zone to the existing BP (Business Park/Industrial) zone, as more fully shown on Exhibit I, attached hereto and incorporated herein by this reference.

**SECTION 18**

The terms of this Ordinance shall supersede any inconsistent provisions contained in the Development Code of the City of Mission Viejo, and any previous resolutions of the Council or Council policies which may be in conflict or inconsistent with the terms of this Ordinance.

**SECTION 19**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

**SECTION 20**

This Ordinance shall become effective immediately upon its passage and adoption. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Trish Kelley, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF MISSION VIEJO )

I, \_\_\_\_\_, City Clerk of the City of Mission Viejo, do hereby certify that the foregoing Ordinance No. 21-\_\_\_ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the following vote, to wit:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:



# CITY OF MISSION VIEJO

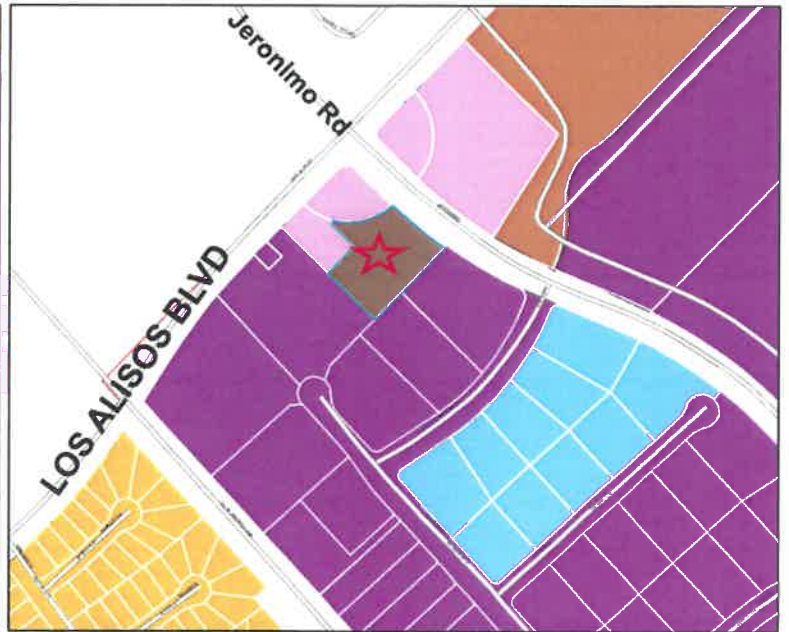
## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

#### Site 1 - Silverado Plaza

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
- RPD 50 (Residential Planned Development)
- RPD 80 (Residential Planned Development)
- CN (Commercial Neighborhood)
- CC (Commercial Community)
- CH (Commercial Highway)
- CR (Commercial Regional)
- OP (Office Professional)
- BP (Business Park/Industrial)
- R (Recreation)
- OS (Open Space)
- CF (Community Facility)

**ZONING OVERLAY**

- ★ Adult Business Overlay Zone
- ▲ Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- ◆ RPD50 Overlay (Residential Planned Development)
- ◆ RPD80 Overlay (Residential Planned Development)

**EXHIBIT A**



# CITY OF MISSION VIEJO

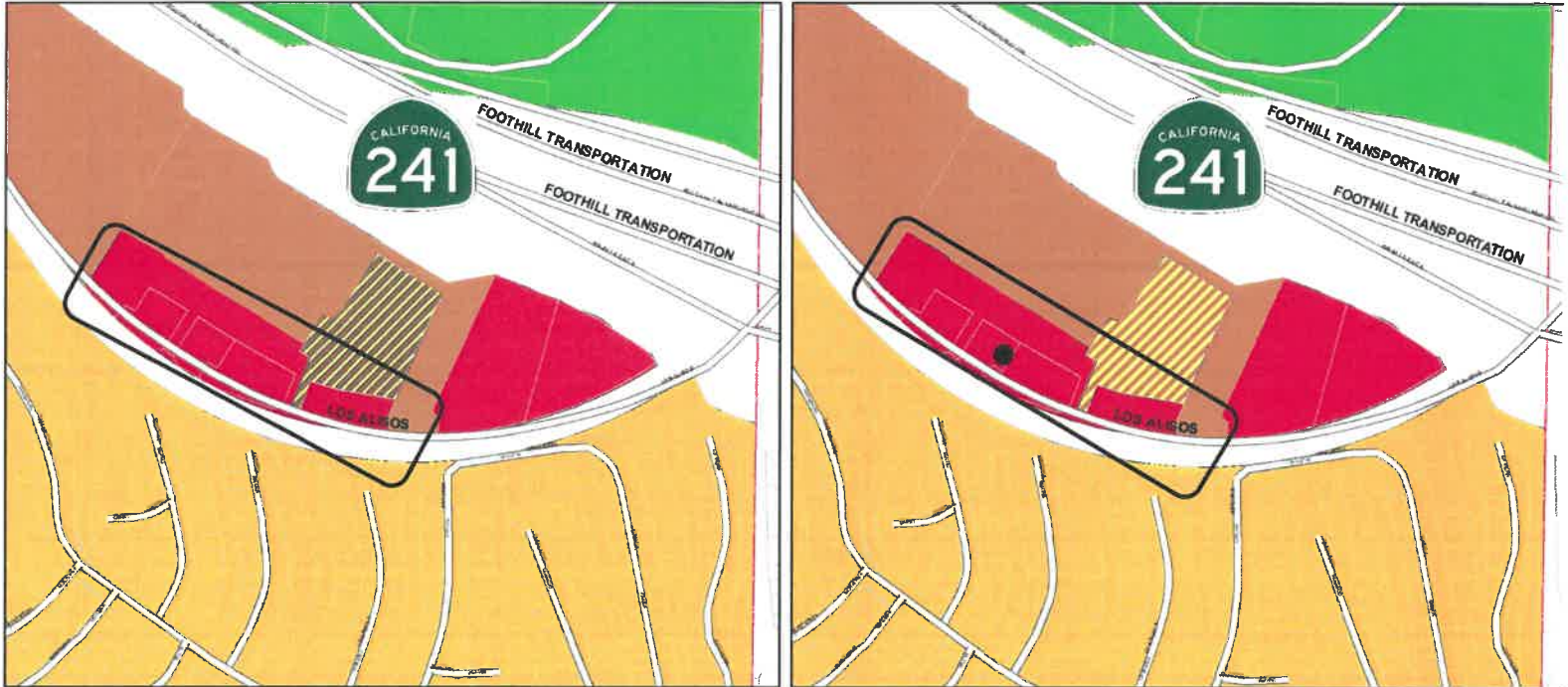
## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

#### Site 2 - Mission Foothill

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
- RPD 50 (Residential Planned Development)
- RPD 80 (Residential Planned Development)
- CN (Commercial Neighborhood)
- CC (Commercial Community)
- CH (Commercial Highway)
- CR (Commercial Regional)
- OP (Office Professional)
- BP (Business Park/Industrial)
- R (Recreation)
- OS (Open Space)
- CF (Community Facility)

**ZONING OVERLAY**

- ★ Adult Business Overlay Zone
- ▲ Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- ◆ RPD50 Overlay (Residential Planned Development)
- ◆ RPD80 Overlay (Residential Planned Development)

**EXHIBIT B**



# CITY OF MISSION VIEJO

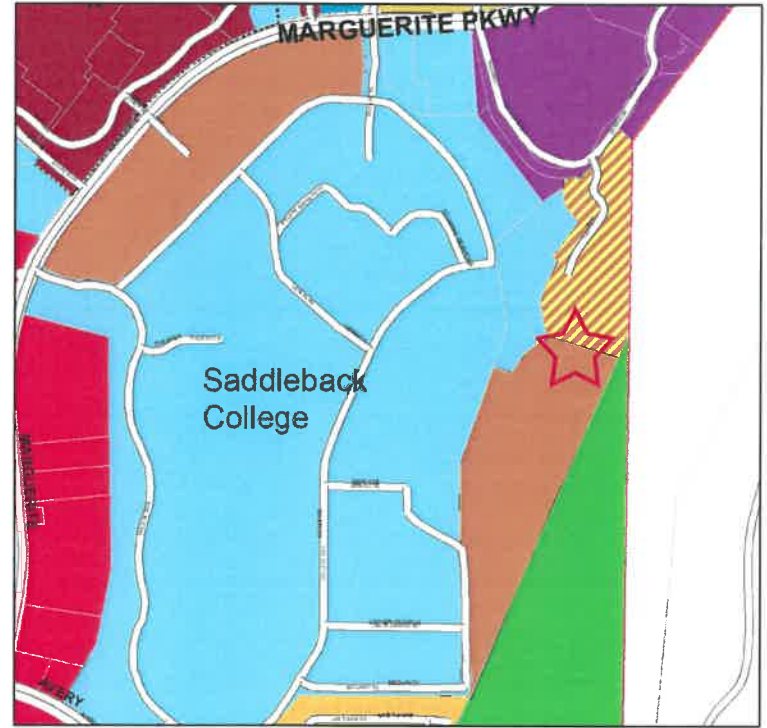
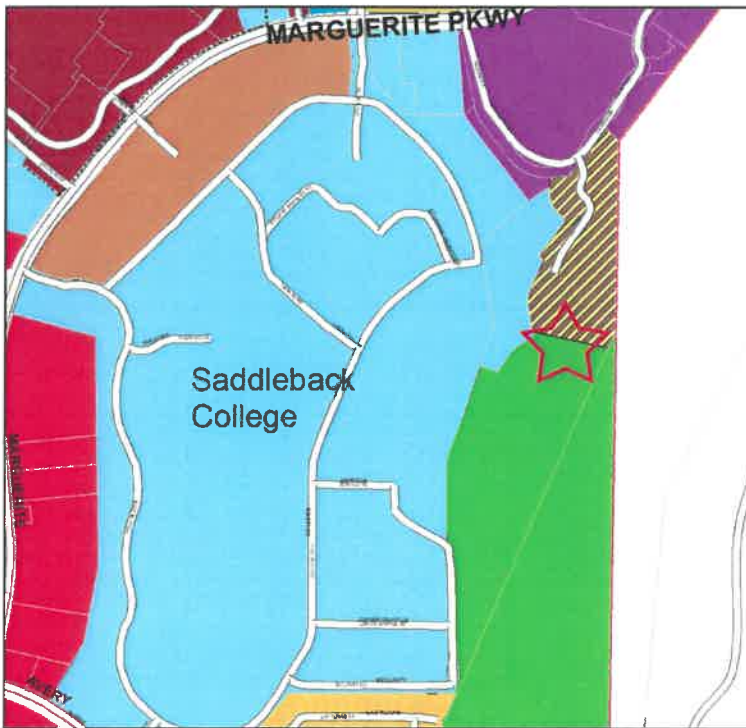
## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

#### Site 3 – City Owned - Center Drive & Hillcrest Street

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
- RPD 50 (Residential Planned Development)
- RPD 80 (Residential Planned Development)
- CN (Commercial Neighborhood)
- CC (Commercial Community)
- CH (Commercial Highway)
- CR (Commercial Regional)
- OP (Office Professional)
- BP (Business Park/Industrial)
- R (Recreation)
- OS (Open Space)
- CF ((Communtiy Facility)

**ZONING OVERLAY**

- ★ Adult Business Overlay Zone
- ▲ Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- RPD50 Overlay (Residential Planned Development)
- ◆ RPD80 Overlay (Residential Planned Development)

**EXHIBIT C**



# CITY OF MISSION VIEJO

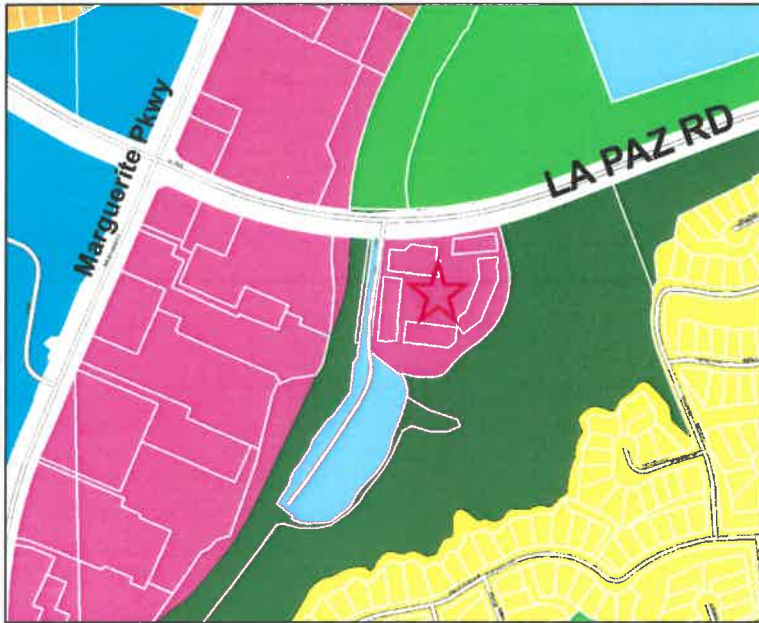
## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

#### Site 5 – Commerce Center

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
- RPD 50 (Residential Planned Development)
- RPD 80 (Residential Planned Development)
- CN (Commercial Neighborhood)
- CC (Commercial Community)
- CH (Commercial Highway)
- CR (Commercial Regional)
- OP (Office Professional)
- BP (Business Park/Industrial)
- R (Recreation)
- OS (Open Space)
- CF ((Community Facility)

**ZONING OVERLAY**

- ★ Adult Business Overlay Zone
- ▲ Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- ◆ RPD50 Overlay (Residential Planned Development)
- ◆ RPD80 Overlay (Residential Planned Development)

**EXHIBIT D**



# CITY OF MISSION VIEJO

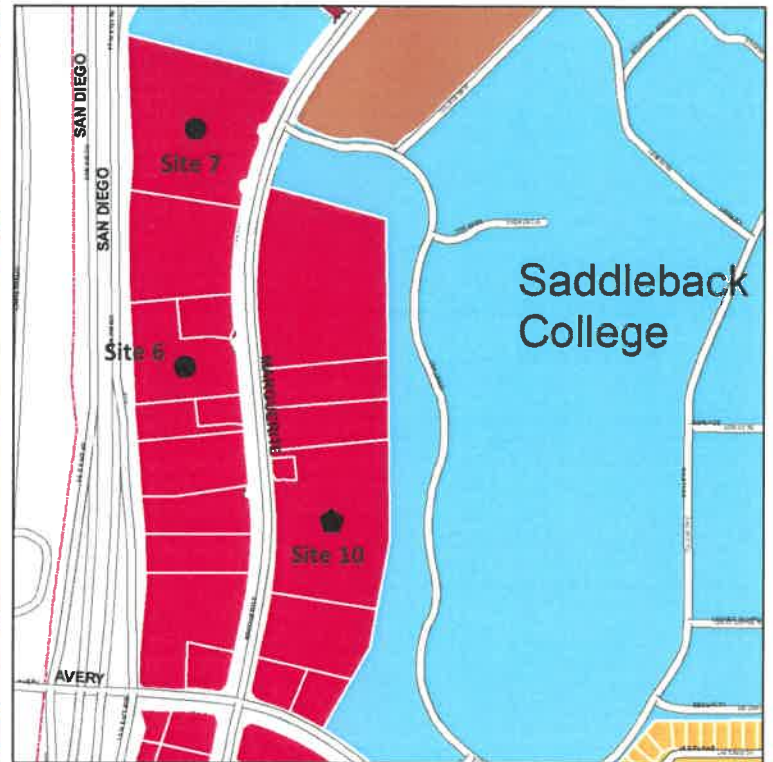
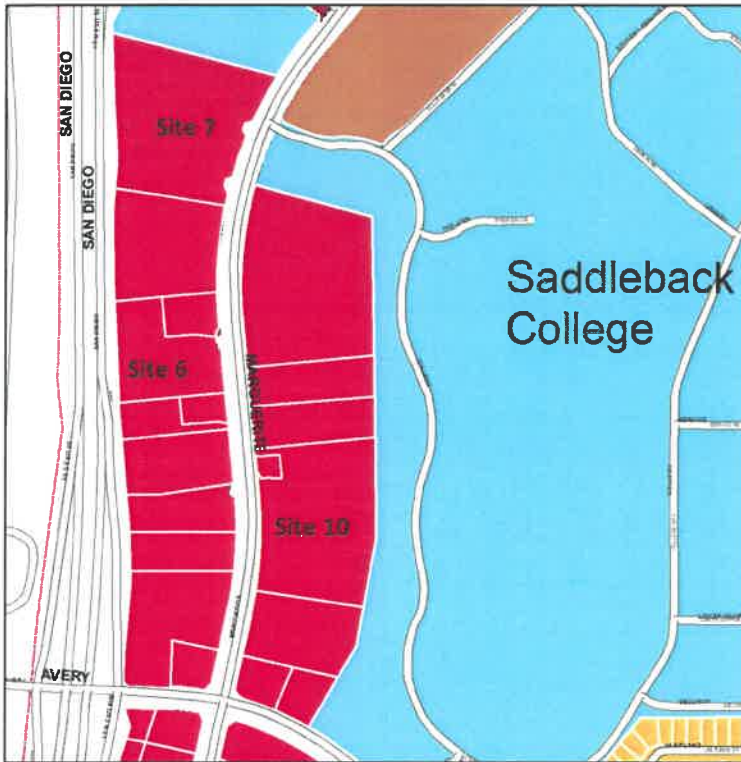
## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

**Site 6 – Mission Viejo Town Center / Site 7 - College Center / Site 10 – Burlington**

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
- RPD 50 (Residential Planned Development)
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- OP (Office Professional)
- BP (Business Park/Industrial)
- R (Recreation)
- OS (Open Space)
- CF ((Community Facility)

**ZONING OVERLAY**

- ★ Adult Business Overlay Zone
- ▲ Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- ◆ RPD50 Overlay (Residential Planned Development)
- ◆ RPD80 Overlay (Residential Planned Development)

**EXHIBIT E**



# CITY OF MISSION VIEJO

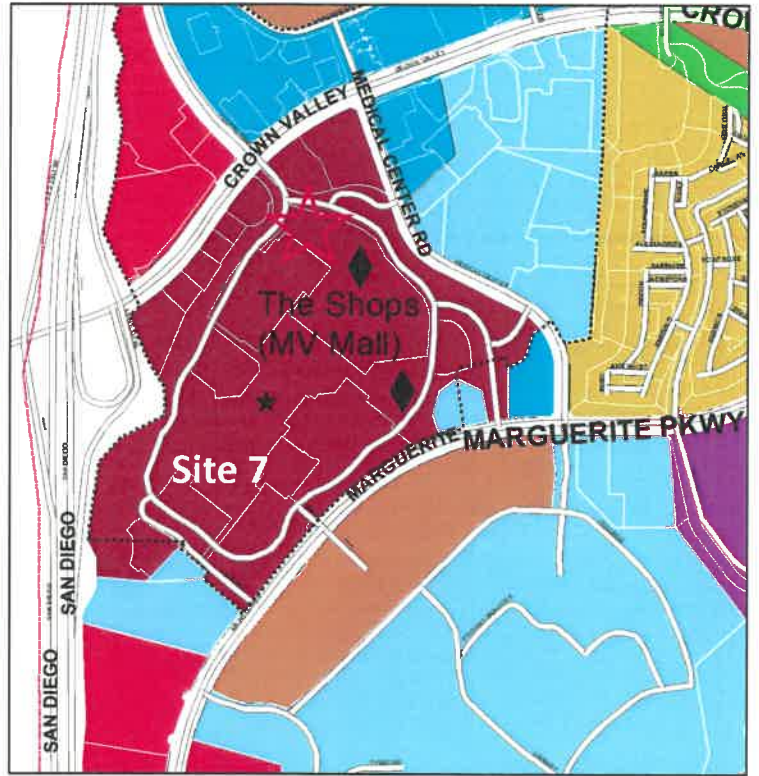
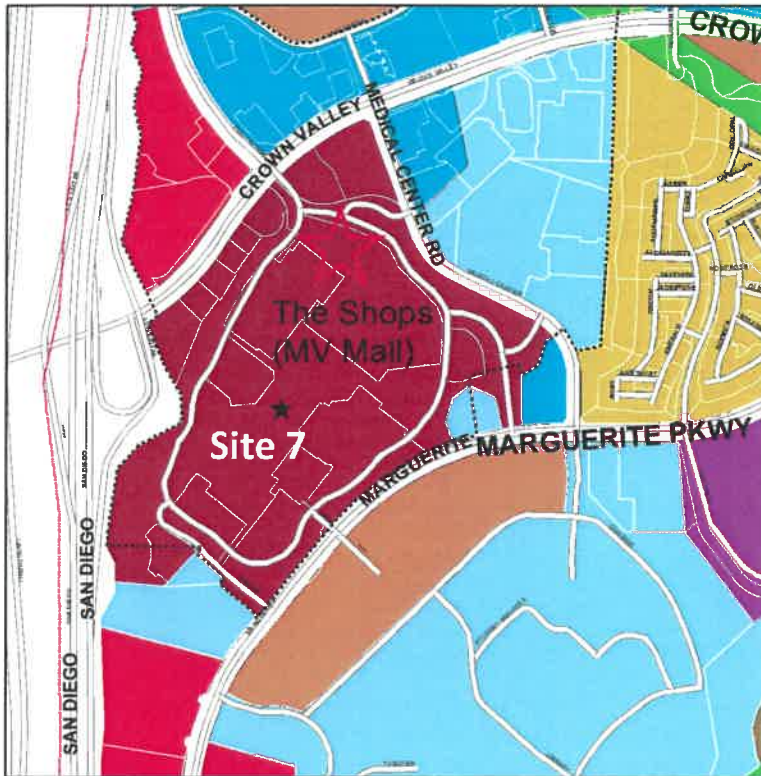
## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

#### Site 8 - Macy's & The Shops

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
- RPD 50 (Residential Planned Development)
- RPD 80 (Residential Planned Development)
- CN (Commercial Neighborhood)
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- CH (Commercial Highway)
- CR (Commercial Regional)
- OP (Office Professional)
- BP (Business Park/Industrial)
- R (Recreation)
- OS (Open Space)
- CF ((Community Facility)

**ZONING OVERLAY**

- ★ Adult Business Overlay Zone
- ▲ Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- RPD50 Overlay (Residential Planned Development)
- ◆ RPD80 Overlay (Residential Planned Development)

**EXHIBIT F**





# CITY OF MISSION VIEJO

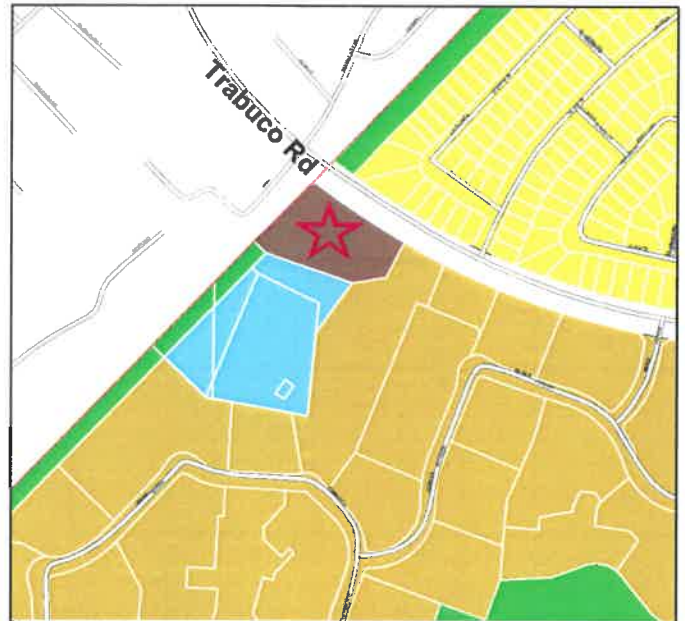
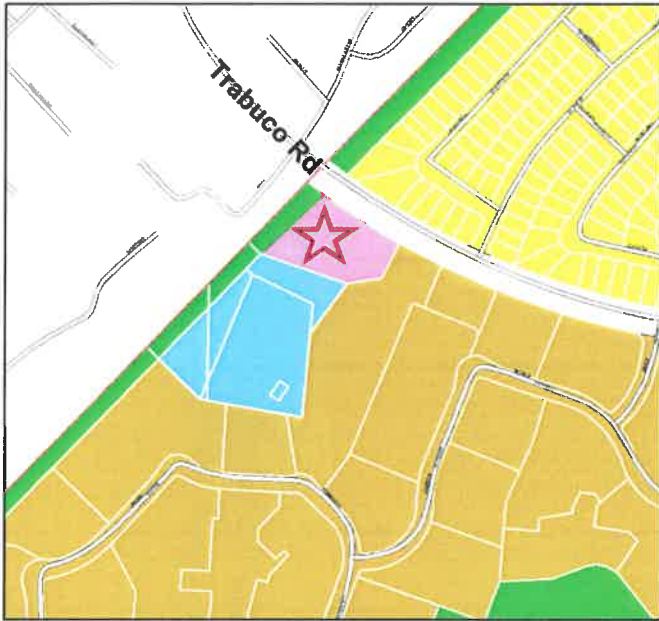
## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

#### Site 9 – Grace Church Parking Lot

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
- RPD 50 (Residential Planned Development)
- RPD 80 (Residential Planned Development)
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- OP (Office Professional)
- BP (Business Park/Industrial)
- R (Recreation)
- OS (Open Space)
- CF (Community Facility)

**ZONING OVERLAY**

- ★ Adult Business Overlay Zone
- ▲ Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- RPD50 Overlay (Residential Planned Development)
- ◆ RPD80 Overlay (Residential Planned Development)

**EXHIBIT G**



# CITY OF MISSION VIEJO

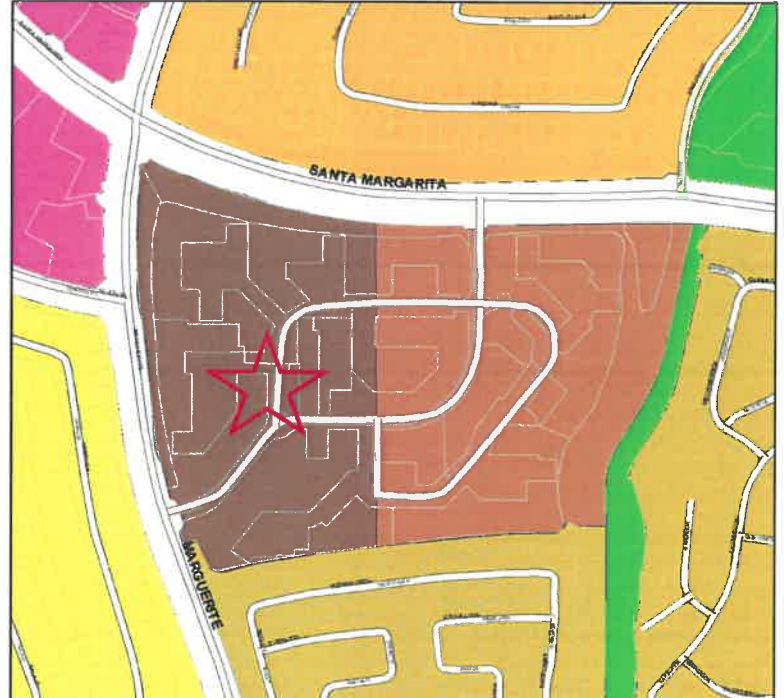
## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

#### Site 11 - Vista Del Largo Apartments

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
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- OP (Office Professional)
- BP (Business Park/Industrial)
- R (Recreation)
- OS (Open Space)
- CF ((Community Facility)

**ZONING OVERLAY**

- Adult Business Overlay Zone
- Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- RPD50 Overlay (Residential Planned Development)
- RPD80 Overlay (Residential Planned Development)

### EXHIBIT H



# CITY OF MISSION VIEJO

## Housing Element

### PROPOSED ZONING DISTRICTS MAP CHANGE

#### Site 12 – Saddleback Business Center

**CURRENT**

**PROPOSED**



**LEGEND**

**ZONING 2021**

- RPD 3.5 (Residential Planned Development)
- RPD 6.5 (Residential Planned Development)
- RPD 14 (Residential Planned Development)
- RPD 30 (Residential Planned Development)
- RPD 30A (Residential Planned Development - Affordable)
- RPD 50 (Residential Planned Development)
- RPD 80 (Residential Planned Development)
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- OP (Office Professional)
- BP (Business Park/Industrial)
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- OS (Open Space)
- CF (Community Facility)

**ZONING OVERLAY**

- ★ Adult Business Overlay Zone
- ▲ Senior Housing Overlay Zone
- Estate Residential Overlay
- RPD30 Overlay (Residential Planned Development)
- RPD50 Overlay (Residential Planned Development)
- ◆ RPD80 Overlay (Residential Planned Development)

**EXHIBIT I**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



September 7, 2021

Elaine Lister, Director  
Community Development Department  
City of Mission Viejo  
200 Civic Center  
Mission Viejo, CA 92691

Dear Elaine Lister:

**RE: Review of the City of Mission Viejo's (2021-2029) Draft Housing Element**

Thank you for submitting the City of Mission Viejo's (City) draft housing element received for review on July 9, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from the Kennedy Commission, Mission Viejo Planning Partnership, Public Law Center, and Welcoming Neighbors Home Initiative, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf).

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: [http://opr.ca.gov/docs/OPR\\_Appendix\\_C\\_final.pdf](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and [http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

Elaine Lister, Director  
Page 2

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates your commitment and hard work in the housing element update. HCD is committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Colin Cross, of our staff, at [colin.cross@hcd.ca.gov](mailto:colin.cross@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name being more prominent.

Shannan West  
Land Use & Planning Unit Chief

Enclosure

## APPENDIX CITY OF MISSION VIEJO

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Review and Revision**

*Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)*

**General:** While the element includes some information on the progress in implementation from the previous element, it must evaluate the effectiveness of programs and reflect the results by revising programs in the current element. For example, the element explains Program 9 (Affordable Housing Outreach) continues to market the City-owned Site C which was rezoned to meet the regional housing needs allocation (RHNA) in the 4<sup>th</sup> cycle of the housing element. The element should discuss, among other things, the effectiveness of these marketing efforts and the lack of development proposals moving forward, particularly since the site appears to be undeveloped despite being available for over a decade. Based on the outcomes of this evaluation, programs should be revised as appropriate.

**Special Housing Needs:** As part of the evaluation of programs in the past cycle, the element must provide an explanation of the cumulative effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness).

### **B. Housing Needs, Resources, and Constraints**

1. *Affirmatively further[ing] fair housing (AFFH) in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

The element generally does not address this requirement. The element, among other things, must include outreach, an assessment of fair housing, identification and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. For more information, please visit

HCD's Affirmatively Furthering Fair Housing in California website at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

*Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

**Extremely Low-Income Households (ELI):** While the element quantifies the projected housing needs of ELI households, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element could analyze tenure, cost burden, overcrowding and other household characteristics then examine trends and the availability of resources to determine the magnitude of gaps in housing needs. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

**Housing Costs:** The element includes some discussion of sales prices and affordability by income group, but to better analyze housing needs and formulate policies and programs, it should also include information and analysis of current market rents.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

**Parcel Listing:** The element must list sites by parcel number or unique reference, parcel size, zoning and the number of anticipated units, it must also list size for each parcel, general plan designation and existing use. The description of existing use is generic and must include sufficient detail to facilitate an analysis of the potential for additional development on nonvacant sites. For example, many sites describe existing uses as commercial. Instead, the inventory could describe the use as commercial, structure older than 50 years in poor condition, vacancies present, and existing floor area versus allowable floor area. For more information, see the HCD's Housing Element Sites Inventory Guidebook at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

**Realistic Capacity:** The element (p. 72) mentions an assumption of "full yield based on allowable density" and 50 percent yield on sites zoned with a housing overlay but provides no analysis or supporting information. The element should include additional and clear supporting information and estimate the number of units based on the land-use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level. For example, the element could clearly list other recent

projects, the zone, acreage, built density, allowable density, level of affordability and presence of exceptions such as a density bonus.

In addition, the element appears to assume residential development on sites with a housing overlay that could allow 100 percent nonresidential uses. The element must still account for the likelihood of nonresidential uses. For example, the element could analyze all development activity in identified nonresidential zones, how often residential development occurs and adjust residential capacity calculation, policies, and programs accordingly. The element should include analysis based on factors such as development trends, performance standards or other relevant factors. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#zoning>.

Suitability of Nonvacant Sites: The element identifies nonvacant sites to accommodate the regional housing need for households of all incomes, stating that “factors such as existing uses, market conditions and property owner interest in redevelopment” were considered (p. 73). This statement alone is not adequate to demonstrate the suitability of these sites. A complete analysis should describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).) For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment.

The element must also analyze the extent to which existing uses may impede additional residential development and include an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development. For example, the inventory includes the Idyllwillow Apartments, an existing apartment complex with 400 units, but does not describe any factors to indicate that this site might be redeveloped during the planning period.

In addition, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.

Finally, the element identifies sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).



**Small and Large Sites:** Sites larger than ten acres in size or smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The element should provide specific examples with the densities, affordability and, if applicable, circumstances leading to parceling or consolidation. The element should relate these examples to the sites identified to accommodate the RHNA for lower-income households to demonstrate that these sites can adequately accommodate the City's lower-income housing need. Based on a complete analysis, the City should consider adding or revising programs to include incentives for facilitating development on small sites.

**Sites Identified in Prior Planning Periods:** Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period. For more information on program requirements, please see HCDs Housing Element Sites Inventory Guidebook at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

**Affirmatively Furthering Fair Housing:** The element does not address this requirement. The element must identify and analyze sites throughout the community to foster inclusive communities and (AFFH). For example, the analysis should address whether the identified sites improve or exacerbate each of the fair housing issue areas. For more information, See HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

**Infrastructure:** The element generally describes infrastructure (p. 44) in the City. However, it must also clarify sufficient total water and sewer capacity (existing and planned) to accommodate the RHNA.

For your information, local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the City's housing element, including the City's housing needs and regional housing need. For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

**Environmental Constraints:** The element must describe and analyze any known environmental constraints within the City that could impact development during the planning period. This is particularly important for Site C, as numerous public commenters have identified environmental constraints on the site that may pose an impediment to development. These constraints include, but are not limited to, the site's location in a flood zone, the high risk of landslides in the area, and the sloped terrain which may require extensive pre-development work to be done. Depending on the results of this analysis, the City may need to adjust the site inventory or add programs as appropriate.

**Electronic Sites Inventory:** For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing

element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

Sites with Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element includes some discussion of zoning for emergency shelters but should clarify whether emergency shelters are permitted without discretionary action, describe typical parcel sizes and other opportunities for reuse and analyze developments standards, especially bed limits and parking requirements as potential constraints. For your information, recent changes to state law only allow sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. The element should include programs, as appropriate, based on the outcomes of this analysis.
- *Employee Housing:* Regardless of housing need, the element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.) or add or modify programs. Specifically, section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.
- *Other:* The element indicates the lack of zoning to facilitate low barrier navigation centers and by-right permanent supportive housing. However, the element does not contain specific commitment to make zoning available by a date certain and should be revised as noted in Findings C1 and C2.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: The element must identify and analyze all relevant land-use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land-use controls. The analysis should specifically address requirements related to heights in multifamily zones. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Processing and Permit Procedures: While the element includes information about processing times and mentions the Planned Development permit, it should also describe the procedures for a typical single family and multifamily development. The analysis

should address the approval body, the number of public hearing(s) if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate.

Fees and Other Exactions: The element lists planning fees but must also describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For additional information and a sample analysis and tables, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/fees-and-exactions.shtml>.

Housing for Persons with Disabilities:

- *Group Homes for Seven or More Persons:* The element excludes group homes for seven or more persons from some residential zones and subjects the use to a conditional use permit, unlike other similar uses. The element should specifically analyze these constraints for impacts on housing supply and choices and approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate.
- *Reasonable Accommodation:* The element identifies approval findings for granting a reasonable accommodation including whether requests are “reasonable” or “reasonably feasible” – potentially subjective criteria. The element should include an analysis of approval findings and add or modify program(s) as appropriate.

On-/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability. For additional information and a sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/codes-and-enforcement-on-offsite-improvement-standards.shtml>.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program, if necessary, to address these requirements.

Other Local Ordinances: The element must analyze any locally adopted ordinances that directly impact the cost and supply of residential development (e.g., inclusionary requirements, short term rentals, growth controls, moratoriums, voter initiatives).

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the City’s website and add a program to address these requirements, if necessary.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. (Gov. Code, § 65583, subd. (a)(6).)*

The element includes some very broad discussion of land prices, construction costs and availability of financing but generally provides no information or quantification to analyze the impacts of nongovernmental constraints. In addition, the element must analyze requests to develop housing at densities below those anticipated in the sites inventory and the length of time between receiving approval for housing development and submittal of application for building permits. The analysis must address any hinderances on housing development and programs should be added as appropriate

6. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

The element includes some general quantification; however, the element should include analysis of households with special housing needs. The analysis should include, but is not limited to, factors such as trends, household income, tenure, housing types, zoning, and available resources. Specifically, the element should address the total number of persons with disabilities, large households by tenure, and permanent, seasonal farmworkers (e.g., USDA county level data) and the characteristics and trends of persons experiencing homelessness. For additional information and a sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/large-families-female-head-household.shtml>.

### **C. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific commitment. Programs to be revised with discrete timelines include Programs 1 (Housing

Rehabilitation), 9 (Affordable Housing Outreach) and 10 (Emergency Shelters, Transitional and Supportive Housing). Programs must also include specific commitment. For example, several programs note the City is in the process of amending the development code. However, these programs should include a clear and specific commitment to amend zoning by a date certain. These programs include Program 7 (Density Bonus), 8 (Accessory Dwelling Units) and 10 (Emergency Shelters, Transitional and Supportive Housing).

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element must be revised as follows:

- *Program 5 (Land Use Element/Development Code):* The element includes Program 5 to address the identified shortfall of sites, particularly for lower-income households. The Program commits to amend zoning concurrent with adoption of the housing element. For your information, if any zoning amendment or rezoning is necessary *in the planning period* to accommodate a shortfall of adequate sites or unaccommodated need for lower-income households, the zoning must permit multifamily uses without discretionary action and address several other requirements pursuant to Government Code section 65583, subdivision (c), paragraph (1), and section 65583.2, subdivisions (h) and (i). Specifically, if adoption does not occur by October 15, 2021 or if the zoning is necessary after October 15, 2021, then sites must address the requirements described above.
- *City-Owned Sites:* The element includes Programs 6 (Surplus Public Lands) and 9 (Affordable Housing Outreach) with mention of city-owned lands but these programs should include specific commitment to facilitate development on these sites in the planning period. For example, instead of stating the City will implement a schedule of actions, the element should include the actual schedule and the actual actions. This is particularly important since Site C continues to be undeveloped. Also, Programs 6 or 9 should include actions to facilitate development such as zoning, outreach with developers, incentives, fee waivers, priority processing and financial assistance. If rezoning or zoning changes to appropriate densities is necessary, Programs should commit to rezoning pursuant to Government Code section 65583.2, subdivisions (h) and (i).

- *Sites Identified in Prior Planning Periods:* The element must include a program for vacant sites identified in two of more consecutive planning periods' housing elements or nonvacant sites identified in a prior housing element, that are currently identified to accommodate housing for lower-income households. The program must be implemented within the first three years of the planning period and commit to zoning that will meet the density requirements for housing for lower-income households and allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower-income households. (Gov. Code, § 65583.2, subd. (c).)
  - *Replacement Requirements:* The housing element must include a program to provide replacement housing. (Gov. Code, § 65583.2, subd. (g)(3).) The replacement housing program must adhere to the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).
  - *Zoning for a Variety of Housing Types:* As noted in Findings B3 and C1, the element must include a specific commitment to amend zoning for a variety of housing types by a date certain.
3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable to special needs households. Program actions could include prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily and single-room occupancy.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

5. *Promote AFFH opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Goals and actions must specifically respond to the analysis and to the identified and

prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. For additional guidance on program requirements to AFFH, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

Program 8 (Accessory Dwelling Units) commits to promote awareness of ADUs. In addition, the program should commit to establish incentives by a specified date and consider additional actions such as exploring and pursuing funding options. Further, the Program should commit to amend zoning, as noted in Finding C1, track the production and affordability of ADUs by the fourth year of the planning period and complete actions (e.g., rezone) within a specified time if assumptions are not realized.

#### **D. Quantified Objectives**

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

While the element includes quantified objectives for new construction and rehabilitation by income group for very low-, low-, moderate- and above-moderate income, it must also include quantified objectives for conservation. Examples of programs that could be utilized include Programs 2 (Home Weatherization Improvements), 3 (Code Enforcement) and 4 (Section 8 Certificate/Voucher).

#### **E. Public Participation**

*Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort. (Gov. Code, § 65583, subd. (c)(9).)*

While the element describes a few community meetings, it does not include a diligent effort to include all economic segments of the community in the development of the housing element. Moving forward, the City should employ additional methods for public outreach efforts, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. In addition, the element should also summarize future public comments and describe how they were considered and incorporated into the element.

**Exhibit 1**  
**HCD 6<sup>th</sup> Housing Element Comments and Responses**  
**City of Mission Viejo**

HCD Comment (Letter of 9/7/2021)	Revised Draft Housing Element Page No.	Response/Revision
A. Review and revision	Appendix A	Appendix A have been revised to provide additional detail regarding the effectiveness of programs, including the City's efforts related to Site 3.  In addition, additional explanation has been provided regarding the cumulative effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness).
B.1 Affirmatively furthering fair housing	44-50 66-68	The element has been revised to include a description of public outreach, an assessment of fair housing, identification and prioritization of contributing factors to fair housing issues and goals, and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. In addition, Program 16 describes actions the City will take to affirmatively further fair housing.
B.2 Extremely Low-Income Households	9 13 15 60	The element describes tenure and racial/ethnic characteristics (Table H-8), overpayment (Table H-9), affordability criteria (Table H-16), and future housing needs (Table H-28) for ELI households. Program 9 describes actions the City is taking to encourage and facilitate production of housing to meet the needs of ELI households, and several other programs also address the special needs of the homeless and persons with disabilities, many of whom are extremely low income.
B.2 Housing Cost	15	The element includes discussion of sales prices and affordability by income group, which has been used to formulate policies and programs, and additional data has been provided regarding current market rents.
B.3 Sites inventory	Appendix B p. V-xx	<u>Parcel listing</u> . The element has been revised to include size for each parcel, general plan designation and additional information regarding existing uses.  <u>Realistic capacity</u> . Additional information has been provided regarding land-use controls, site improvements, typical densities of existing or approved



HCD Comment (Letter of 9/7/2021)	Revised Draft Housing Element Page No.	Response/Revision
		<p>residential developments at a similar affordability level and the likelihood of non-residential uses.</p> <p>Suitability of non-vacant sites. The element has been revised to consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.</p> <p><u>Replacement of existing units.</u> Program 9 has been revised to add a replacement housing policy pursuant to Government Code section 65915, subdivision (c), paragraph (3).</p> <p>Program 9 has been revised to address requirements for sites smaller than one-half acre or larger than 10 acres.</p>
B.3 Large and small sites	61 Appendix B	
B.3 Sites Identified in Prior Planning Periods	63	Program 9 has been revised to address this issue. Site C (Table B-2) is the only site used in a prior planning period.
B.3 Affirmatively Furthering Fair Housing	Appendix B	The element has been revised to address whether the identified sites improve or exacerbate fair housing issues.
B.3 Infrastructure	44	The element includes analysis regarding water and sewer capacity (existing and planned) and concludes that services are adequate to accommodate the level of development identified in the RHNA.
B.3 Environmental Constraints		The element has been revised to provide additional information regarding environmental constraints that could impact development during the planning period, including Site C.
B.3 Electronic sites inventory	63	Program 9 has been revised to include submittal of an electronic sites inventory to HCD with the adopted Housing Element pursuant to Government Code section 65583.3.
B.3 Sites with Zoning for a Variety of Housing Types	35 61-62	<u>Emergency shelters.</u> The element describes regulations for emergency shelters and potential sites for shelters in the Business Park district. Program 10 has been revised to reflect recent changes to state law regarding parking standards for emergency shelters.

HCD Comment (Letter of 9/7/2021)	Revised Draft Housing Element Page No.	Response/Revision
	34 62	Employee housing. Program 10 has been revised to address Employee Housing Act (Health and Safety Code, § 17000 et seq.) requirements, including section 17021.5 which requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.
	68	<u>Other</u> . Table H-38 (Program 10) has been revised to include a specific commitment to make zoning available by a date certain.
B.4 Land use controls		<p>The element has been revised to provide additional analysis regarding relevant land-use controls impacts as potential constraints on a variety of housing types, including height limits in multifamily zones. The Mission Viejo Development Code includes a provision to allow additional height for projects in the RPD 30, RPD 50, and RPD 80 zoning districts. In addition, projects have exceeded baseline height standards as a concession for affordable housing in accordance with the state Density Bonus provisions.</p> <p>Three different housing projects were approved in Mission Viejo in the last 2-3 years. Two of these projects are not identified in the 5<sup>th</sup> cycle Housing Element, and each required a zone change and general plan amendment to change the land use to residential (one site was zoned commercial and the other was recreation/ open space.) These projects were approved with the developer requested height (number of stories), parking count and layout, and building setbacks. These projects are all either under construction or will be soon. City land use standards were not a constraint to development, either individually or cumulatively.</p>
B.4 Processing and permit procedures		<p>The element has been revised to include additional information about processing times, the Planned Development permit, and procedures for a typical single family and multifamily development including the approval body, the number of public hearings, and approval findings. The analysis addresses impacts on housing cost, supply, timing and approval certainty.</p> <p>The City supports and encourages "pre-application" meetings (at no cost to the developer) to help facilitate housing development. This greatly expedites the review process once an application is submitted, thus saving the</p>

HCD Comment (Letter of 9/7/2021)	Revised Draft Housing Element Page No.	Response/Revision
		developer time and money. Further, the City has a 10-day building plan check process (for first submittal) and 5-day process for resubmittals. The City uses Contract Building Services (Charles Abbott Associates) and this significantly reduces developer timing, with greater staffing flexibility.
B.4 Fees and Other Exactions		The element has been revised to describe all required fees for single-family and multi-family housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability.
B.4 Housing for Persons with Disabilities:		<u>Group Homes for Seven or More Persons:</u> The element has been revised to include additional analysis of regulations for group homes for seven or more persons. In accordance with the City's General Plan Land Use Element, Large Group Homes are permitted with approval of a Conditional Use Permit.  <u>Reasonable Accommodation:</u> The element has been revised to include additional analysis of the approval findings for granting a reasonable accommodation. The City has received no requests for reasonable accommodation.
B.4 On-/Off-Site Improvements	40	The element has been revised to identify subdivision level improvement requirements, such as minimum street widths.
B.4 SB 35 Streamlined Ministerial Approval Process	66 72	Program 14 and Table H-38 have been revised to include preparation of written implementation procedures for the SB 35 Streamlined Ministerial Approval Process.
B.4 Other Local Ordinances	39	The element has been revised to analyze any locally adopted ordinances that directly impact the cost and supply or residential development (e.g., inclusionary requirements, short term rentals, growth controls, moratoriums, voter initiatives).
B.4 Zoning, Development Standards and Fees	66 72	The element has been revised to clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the City's website, and Program 14 has been revised to address these requirements.
B.5 Nongovernmental constraints		The element has been revised to include additional information regarding land prices, construction costs and availability of financing. In addition, the element provides additional information regarding requests to develop housing at densities below those anticipated in the sites inventory and the

HCD Comment (Letter of 9/7/2021)	Revised Draft Housing Element Page No.	Response/Revision
		length of time between receiving approval for housing development and submittal of application for building permits.
B.6 Special housing needs	7 21	Table H-4 shows the number of large households by tenure. Table H-26 shows the estimated number of farmworkers in Mission Viejo. Estimates of the homeless population are shown in Section 2.5.6.
C.1 Housing Programs	Chapter 6	Housing programs have been revised to include more discrete timelines and specific commitments.
C.2 Actions that will be taken to make sites available during the planning period	71 63	<u>Program 5 (Land Use Element/Development Code)</u> . This comment is not applicable because no rezoning is proposed. <u>City-Owned Sites</u> : Program 9 (Affordable Housing Outreach) has been revised to include specific commitment to facilitate development on these sites. <u>Sites Identified in Prior Planning Periods</u> : Program 9 has been revised to include a specific commitment for any sites that have been included in prior Housing Elements. <u>Replacement Requirements</u> : Program 9 has been revised to include a program to provide replacement housing. Program 9 has been revised to address special needs housing.
C.3 Programs to assist in the development of housing affordable to special needs households.		
C.4 Removing constraints		
C.5 Affirmatively furthering fair housing		The element has been revised to address the issues noted in Findings B4 and B5, above. The element has been revised to address AFFH issues as described above.
C.6 ADUs	62 71	Program 8 has been revised to commit to additional actions regarding ADUs.

HCD Comment (Letter of 9/7/2021)	Revised Draft Housing Element Page No.	Response/Revision
D. Quantified objectives	70	The element has been revised to provide quantified objectives for conservation.
E. Public Participation	4 Appendix C	Chapter 1 has been revised and Appendix C has been added to the element to provide further description of opportunities for public review that includes lower-income and special needs households and summarize public comments and describe how they were considered and incorporated into the element.

**Mission Viejo Housing Sites Inventory, 9/27/21 PTC**

Site	Acreage	Density du/ac	Total Units	Lower Income Units	Zoning
Site 1. Silverado Plaza	1.50	50	75	36	Rezone
Site 2. Mission Foothill Center (partially vacant)	4.40	30	77	37	Overlay & Rezone
Site 3. City Owned Site 3 (vacant)	32.80	30	200	97	Rezone
Site 4. Idyllwillow Apartments	23.70	30	311	151	N/A
Site 5. Commerce Center	4.55	30	136	66	Rezone
Site 6. Mission Viejo Town Center	3.40	30	51	25	Overlay
Site 7. College Center	7.80	30	117	57	Overlay
Site 8. Macy's & The Shops (vacant parking lot)	14.60	80	584	283	Overlay
Site 9. Grace Church (vacant parking lot)	2.40	50	120	58	Rezone
Site 10. Burlington	6.90	50	172	84	Overlay
Site 11. Vista Del Lago	17.00	50	650	315	Rezone
Site 12. Saddleback Business Center	9.40	30	141	68	Overlay
ADU's (Acc. Dwelling Units)			35		N/A
<b>Total Units</b>			<b>2,670</b>	<b>1,278</b>	
RHNA			[2,217]	[1,075]	



# City of Mission Viejo

## Planning and Transportation Commission Staff Report

**Date:** September 17, 2021

**To:** Planning and Transportation Commission

**From:** Larry Longenecker, Planning Manager through  
Elaine Lister, Director of Community Development

**For:** Planning and Transportation Commission Meeting of September 27, 2021

**Subject:** General Plan Amendment GPA2021-35 / Development Code Amendment DCA2021-19 / Zone Change ZC2021-25 – City-initiated petitions related to the City’s Housing Element update as required by state law to address the state’s 6<sup>th</sup> housing cycle covering the years 2021-2029: 1) GPA2021-35 is proposed to comprehensively update the City’s General Plan Housing Element, amend the City’s General Plan Land Use Element, and modify the City’s Land Use Policy Map as it pertains to 11 sites, each as identified in the Housing Element update, to accommodate residential development during the 2021-2029 Planning Period; 2) DCA2021-19 is proposed to amend the City’s Development Code to establish and define new high density zoning districts RPD\_50 and RPD\_80 (Residential Planned Development) including related land uses and development standards, and to address new state legislation related to accessory dwelling units, density bonus provisions, agricultural employee housing; low-barrier navigation centers, and transitional and supportive housing; and 3) ZC2021-25 is proposed to modify the City’s Zoning Map as it pertains to the 11 sites.

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### **RECOMMENDED ACTION**

Adopt resolution recommending City Council approval of GPA2021-35, DCA2021-19, and ZC2021-25;

### **DISCUSSION**

#### **A. State Planning and Zoning Law Requirements**

State law recognizes the important role local government plays in the supply and affordability of housing in California. The Legislature has declared that the “availability of housing is of vital statewide importance,” and that the “attainment of decent housing and a suitable living environment for every Californian” is “a priority of the highest order.” Each local government in California is required to adopt a comprehensive, long-term general plan for the physical development of the city (Govt. Code Sec. 65300). The Housing Element is

one of seven mandated elements of the local general plan (Govt. Code Sec. 65302(c)) and Housing Element law requires local governments to adequately plan to meet their existing and projected housing needs, including their share of the regional housing need.

State law requires each jurisdiction within the Southern California Association of Governments (SCAG) region to update its Housing Element for the 2021-2029 Planning Period. The Housing Element includes analysis of local housing needs; resources for the production, improvement and preservation of the housing stock; constraints to the development and maintenance of housing; accomplishments during the previous planning period; and a program of actions for the new planning period. The Housing Element must identify adequate sites for housing and make those sites available through appropriate zoning and land use controls (Govt. Code Sec. 65583 and 65583(c)(1)). State law also includes specific requirements regarding local policies and regulations to encourage and facilitate the provision of housing for various special needs groups such as persons with disabilities and those in need of temporary housing.

## **B. Background**

The City's current Housing Element was adopted by the City Council on July 20, 2013, and was subsequently certified as being in full compliance with state law by the California Department of Housing and Community Development (HCD) on August 10, 2013.

On January 15, 2019, the City hired housing consultant John Douglas, with JHD Planning, LLC, to assist the City during the 6<sup>th</sup> housing cycle process, including consultation during the Regional Housing Needs Assessment (RHNA) and with preparation of the City's Housing Element update for the 2021-2029 Planning Period. The final RHNA was adopted by SCAG on March 22, 2021.

On March 31, 2021, the City Council and the Planning and Transportation Commission conducted a joint public workshop to initiate the Housing Element update process. Public notice was provided for the on-line workshop, with opportunity for the public to view the meeting on-line and provide real-time comments via telephone. Comments from the public, the City Council, and the Planning and Transportation Commission, were considered during preparation of the City's draft Housing Element.

On May 24, 2021, the Planning and Transportation Commission held a noticed public meeting at which the Commission considered the draft General Plan Housing Element, received public testimony, and provided comments to staff. On June 8, 2021, the City Council held a noticed public meeting at which the Council considered the draft General Plan Housing Element Update, received public testimony, provided comments to staff, and continued the item. On June 20, 2021, the City Council held a second public meeting and directed staff to submit the revised draft Housing Element update to HCD. The draft Housing Element has been available for review at City Hall and on the City's website at: <https://cityofmissionviejo.org/departments/community-development/planning/housing>. Staff submitted the revised draft Housing Element to HCD on July 8, 2021, and received a 'findings' review letter from HCD dated September 7, 2021.



**C. Regional Housing Needs Assessment**

In March 2021 SCAG adopted the Regional Housing Needs Assessment (RHNA) for the 6<sup>th</sup> Housing Cycle covering the 2021-2029 Planning Period. The RHNA describes the amount of new housing needed by income category in each jurisdiction to accommodate the region’s projected population growth. As a result of new state legislation, the RHNA for the 6<sup>th</sup> Housing Cycle is significantly higher than for previous housing cycles. The total RHNA for all jurisdictions in Orange County for the 2021-2029 Planning Period is 183,861 units, compared to 37,966 total units for the previous cycle. Mission Viejo’s RHNA allocation for the 2021-2029 Planning Period is 2,217 total units, compared to 177 total units in the previous cycle. The City’s RHNA allocation is distributed among income categories as follows:

**2021-2029 RHNA Allocation – Mission Viejo**

Extremely Low + Very Low	Low	Moderate	Above Moderate	Total
674	401	397	745	2,217

Source: SCAG

Note: Extremely-Low, Very-Low, and Low-income categories are together referred to as “lower income”

The Housing Needs Assessment of the Draft Housing Element (Chapter 2) describes the income levels, rents and housing prices that correspond to these income categories, as summarized below.

**Income Categories and Affordable Housing Costs – Orange County**

Income Category	Maximum Income	Affordable Rent	Affordable Price (est.)
Extremely Low	\$38,450	\$961	*
Very Low	\$64,050	\$1,601	*
Low	\$102,450	\$2,562	*
Moderate	\$123,600	\$3,090	\$500,000
Above moderate	Over \$123,600	Over \$3,090	Over \$500,000

Assumptions: Based on a family of 4 and 2020/21 State income limits; 30% of gross income for rent or principal, interest, taxes & insurance; 5% down payment, 3.75% interest, 1.25% taxes & insurance, 350 HOA dues. \*For-sale affordable housing is typically at the moderate-income level. Source: HCD; JHD Planning

The RHNA allocation identifies the amount of additional housing a jurisdiction would need in order to have enough housing at all price levels to fully accommodate its assigned share of the region’s housing need during the 8-year planning period (2021-2029). The RHNA is a *planning requirement* based upon housing need, *not a construction quota or mandate*. Jurisdictions are not required to build housing or issue permits to achieve their RHNA allocations, but some provisions of State law establish specific requirements when housing production falls short of RHNA allocations. Other than requirements for streamlined permit

processing, there are currently no legal or financial penalties imposed on cities for failing to achieve their RHNA allocations if a Housing Element has been adopted in compliance with State law.

**D. Housing Element Update**

The following is a brief summary of the key Housing Element issues and how those issues are addressed in the draft Housing Element.

Housing Element Content

The Housing Element describes City policies and programs to address the housing needs of current and future Mission Viejo residents. The draft Housing Element includes the following sections:

- An introductory overview of the Housing Element and public participation (Section 1)
- Analysis of the City's demographic and housing characteristics and trends (Section 2)
- Evaluation of resources and opportunities available to address housing needs (Section 3)
- Analysis of potential governmental and non-governmental constraints to meeting the City's housing needs (Section 4)
- Housing Element goals and policies (Section 5)
- The Housing Plan for the 2021-2029 planning period (Section 6)
- Review of the City's accomplishments during the previous planning period (Appendix A)
- An inventory of sites that could accommodate the City's new housing needs (Appendix B)

The most significant issues to be addressed in the Housing Element are: 1) whether City plans and regulations accommodate housing for persons with special needs in compliance with State law; and 2) how the City will accommodate its share of regional housing needs assigned through the Regional Housing Needs Assessment (RHNA) process.

Housing for Persons with Special Needs. State law establishes specific requirements related to City regulation of housing for persons with special needs, including the homeless and persons with disabilities. Section 4.1 of the Housing Element (Governmental Constraints) contains an analysis of City plans and regulations for a variety of housing types. The analysis concluded that while current City regulations are consistent with most laws regarding special needs housing, some recent bills adopted by the State Legislature will require that the City's Municipal Code be amended to maintain consistency with State law. Section 6 of the Housing Element includes the following programs to comply with State requirements:

- *Program 7. Affordable Housing Incentives/Density Bonus.* Density bonus refers to the State law requiring cities to allow increased density and other incentives for housing developments that include long-term commitments to provide units affordable to low- and moderate-income households. Recent changes to State Density Bonus Law have increased the amount of density bonus and other incentives for affordable housing. This program includes a commitment to amend the City's density bonus regulations consistent with current State law, as currently proposed and discussed in the Development Code Amendment section of this report, below.

- *Program 10. Emergency Shelters, Low Barrier Navigation Centers and Transitional/Supportive Housing.* The Development Code establishes standards and procedures for these types of housing targeted for persons who are homeless or at risk of becoming homeless. This program includes a commitment to process a Development Code amendment in conformance with recent changes to State law, including allowing supportive housing meeting specified criteria in zones where multi-family and mixed uses are permitted, and allowing low barrier navigation centers meeting specified standards in areas zoned for mixed use and in non-residential zones permitting multi-family uses. *Low barrier navigation centers* are defined as “Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” See related discussion in the Development Code Amendment Section of this staff report, below.

#### Sites Analysis

The Housing Element must include an evaluation of potential capacity for additional housing based on land use plans, development regulations, other development constraints (such as infrastructure availability and environmental conditions) and real estate market trends. The analysis must be prepared at a parcel-specific level of detail and identify properties (or “sites”) where additional housing could be built consistent with City regulations. This evaluation is referred to as the “sites analysis” and State law requires the analysis to demonstrate that the City has adequate sites with appropriate zoning to fully accommodate additional housing development commensurate with its RHNA allocation in each income category. If the sites analysis does not demonstrate that adequate capacity exists to fully accommodate the RHNA, the Housing Element must describe what steps will be taken to increase capacity commensurate with the RHNA – typically through amendments to land use and zoning regulations that could facilitate additional housing development. As discussed later in this staff report, the proposed amendments contemplate land use and zone changes that would accommodate the City’s RHNA obligation.

#### Housing Sites Inventory

The City’s current sites inventory does not provide sufficient capacity to fully accommodate the RHNA; therefore, rezoning is necessary to create additional capacity. A draft Housing Sites Inventory to accommodate the City’s new RHNA is provided as Attachment 2 and included as Appendix B to the draft Housing Element (in Exhibit A of Attachment 1).

The draft housing sites inventory includes 12 sites that, as proposed, would accommodate the City’s new total RHNA obligation of 2,217 dwelling units, including 1,075 lower income units. In fact, the draft housing sites inventory would accommodate a surplus of dwelling units above the City’s RHNA obligation, presenting a total planning number of 2,670 dwelling units accommodated, including 1,278 affordable units. The yield of dwelling units for each site is dependent on density, proposed at density ranges of up to 30, 50 and 80 dwelling units per acre, and whether residential zoning is provided through rezoning or as an overlay.

As a starting point, sites proposed to be rezoned from their existing zoning to residential can be counted at full capacity for residential development. Sites with an added residential overlay, that also retain their current nonresidential zoning, can only be counted at 50% capacity for residential development, in accordance with HCD guidelines. Based on comments in HCD's review letter (Attachment 3), the City has revised the draft Housing Sites Inventory (Attachment 2) from what was previously considered by the Planning and Transportation Commission and City Council, prior to submittal to HCD. Anticipated densities and unit yield for some sites have been modified and an additional site, Vista Del Lago Apartments, has been included. Individual site constraints and opportunities are accounted for in the City's sites analysis including a detailed Housing Plan provided as an appendix to the draft Housing Element (in Exhibit A of Attachment 1), with a thorough analysis of each of the 12 sites included in the revised draft Housing Site Inventory.

**E. Land Use Element Amendment**

Of the 12 sites included in the draft Housing Sites Inventory (Attachment 2), 11 sites require land use and zone changes to accommodate residential development at densities sufficient for provision of affordable housing. As detailed in the draft resolution (Attachment 1), sites are proposed with residential densities of up to 30, 50, or 80 dwelling units per acre (du/ac). Accordingly, two new residential land use designations are proposed: Residential 50, to accommodate residential projects with a density range of 30.01 to 50 du/ac; and Residential 80, to accommodate residential projects with a density range of 30.01 to 80 du/ac.

The proposed Land Use Amendment also includes revisions to Table LU-2 (Exhibit A of Attachment 1), which is a summary of the City's land use designations and related development intensity (floor area ratio (FAR)) and density standards. The revisions to Table LU-2 include the addition of the proposed Residential 50 and Residential 80 land use designations, as well as four new proposed mixed-use designations, where residential land use designations are proposed to be added to existing designations for several sites. Finally, the proposed Land Use Element amendment revises Table LU-3, which is a summary of all the land use designations in the City with related acreage and anticipated number of dwelling units and population.

**F. Development Code Amendment**

Development Code Amendment DCA2021-19 is proposed for the zone changes required to accommodate residential development satisfying the City's RHNA obligation, including both rezoning of sites to residential, and addition of a residential overlay, as additive to the existing zoning of a property. The proposed zone changes for each of the sites listed in the draft Housing Site Inventory are provided in Exhibit B of the draft Resolution (Attachment 1).

**New Residential Zoning Districts**

Two new zoning districts are proposed as part of DCA2021-19 to permit high-density residential development necessary to accommodate the City's RHNA obligation: RPD 50 and RPD80 (Residential Planned Development). Permitted Uses and Development Standards are provided in Exhibit B of the draft Resolution (Attachment 1). A summary of the proposed development standards is as follows (next page, changes shown in red):

### Residential Zoning District – Proposed Development Standards

Standard	RPD					
	3.5	6.5	14	30	50	80
<b>Density Range (units/acre)</b>	<b>0-3.5</b>	<b>3.51-6.5</b>	<b>6.51-14</b>	<b>14.1-30</b>	<b>30.01-50</b>	<b>30.01-80</b>
Lot area (sq. ft.)	5,000	5,000	5,000	5,000	20,000	30,000
Lot width (feet)	50	50	80	100	100	150
Lot depth (feet)	80	80	120	150	150	150
Front setback (feet)	20	20	30	30	40	50
Rear setback (feet)	10	10	30	30	30	40
Side setback (each, feet)	5	5	10	15	25	35
Side setback (street side, feet)	7	7	10	30	40	50
Structural parcel coverage (maximum, percent)	60%	60%	50%	50%	50%	50%
Distance between bldgs. (feet)	5	5	20	20	20	20
Private outdoor living space (min. sq. ft.)	500	450	200	80	50	50
Main bldg. & structure height (max.)	35 ft./ 2 stories	35 ft./ 2 stories	35 ft./ 2 stories	35 ft./ 2 stories	50 ft./ 4 stories	65 ft./ 5 stories
Accessory bldg. & structure height (max.)	12 feet or one story whichever is less					
Fences, walls and hedges	[Refer to property development standards cited in Section 9.20.015(f)]					

#### Special Needs Housing / Affordable Housing Incentives

DCA2021-19 also addresses amendments as required by state law, for various special needs housing and affordable housing incentives, as discussed in the ‘Housing Element Update’ section of this staff report (above), including low-barrier navigation centers, transitional and supportive housing, and density bonus provision. Also, consistent with and as required by state law, DCA2021-19 includes provisions and criteria for accessory dwelling units, permitted in all residential zone. The specific proposed Development Code text changes are provided in Exhibit B of the draft Resolution (Attachment 1):

#### **G. Zone Change ZC**

Zone Change ZC2021-25 is proposed to amend the City’s Zoning Map to reflect the zone changes required to accommodate residential development satisfying the City’s RHNA obligation. Exhibits showing the current and proposed map changes are provided in Exhibit B of the draft Resolution (Attachment 1).

- H. Consultation with the Department of Housing and Community Development (HCD)**  
State law requires cities to submit draft Housing Elements for review by HCD prior to adoption. HCD is then required to indicate whether, in its opinion, the element complies with state law. A finding of compliance from HCD is referred to as “certification.”

On July 8, 2021, the City submitted the draft Housing Element to HCD for review. On September 7, 2021, HCD issued its ‘findings’ review letter (Attachment 3) with comments as to criteria the City should consider, and additional information required, in order to address all of the requirements of state law. The Housing Element has been revised in response to the HCD letter, as described in a response matrix provided as Attachment 4, as well as a detailed Housing Plan provided as an appendix to the draft Housing Element (in Exhibit A of Attachment 1). After approval by the City Council, the revised adopted element will be submitted to HCD for final review and certification.

**I. Public Outreach**

On March 31, 2021, the City Council and the Planning and Transportation Commission conducted a joint public workshop to initiate the Housing Element update process. Public notice was provided for the online workshop, with opportunity for the public to view the meeting on-line and provide real-time comments via telephone. The City also held a meeting with the Mission Viejo Partnership, which includes local interested parties, residents, and the Kennedy Commission. Comments from the public, the City Council, and the Planning and Transportation Commission, were considered during preparation of the City’s draft Housing Element.

The Planning and Transportation Commission considered the draft Housing Element at a noticed public meeting on May 24, 2021, and the City Council considered the draft Housing Element at noticed public meetings on June 8 and June 20, 2021. Opportunities for public testimony were provided at both the Commission and Council meetings. Prior to the public meetings, the City outreached to all site inventory property owners as well as to all homeowner’s associations and senior communities in the City. Outreach was also conducted to with the City’s Chamber of Commerce.

**J. Environmental Determination**

An environmental assessment, in the form of an Addendum to the previously certified 2013 Mission Viejo General Plan Program Environmental Impact Report (“Certified EIR”), has been prepared, reviewed and evaluated by staff for the proposed Housing Element Update, related revisions to land use designations and zoning districts, and other Development Code amendments as required by state housing law (Attachment 6). The Addendum to the Certified EIR examined the potential impacts generated by the proposed project and concluded that the proposed project produces no greater impacts than those described in the Certified EIR. All potential impacts identified in the Certified EIR can be reduced to a less than significant level through the implementation of mitigation measures. Copies of the Certified EIR, and the Addendum, are available for review at the City of Mission Viejo Community Development Department, 200 Civic Center, Mission Viejo, CA 92691 and on the Housing page of the City’s website at <https://cityofmissionviejo.org/departments/community-development/planning/housing>.

**K. Notice**

Notice of Planning and Transportation Commission and City Council Public Hearings was placed in the Saddleback Valley News and Orange County Register newspapers on September 16, 2021, and posted as required by state law. Notice was also sent to the cities of Lake Forest, Laguna Hills, Laguna Niguel, and San Juan Capistrano, as well as to the County of Orange, and all applicable utility companies and government agencies. Notice was furnished to interested parties and non-profit organizations. The public notice and housing element were available for review at City Hall and on the City's website. Copies of the public notice Affidavits are attached for reference (Attachment 6.)

**ATTACHMENTS**

1. Draft resolution recommending City Council approval of GPA2021-35, DCA2021-19, and ZC2021-25 (including the Draft Housing Element, with detailed Housing Plan, in Exhibit A of Attachment 1)
2. Draft Housing Sites Inventory, Summary
3. HCD findings review letter, Dated September 7, 2021
4. Matrix of City Responses to HCD Comments
5. Public Notice Affidavits
6. Addendum to Previously Certified 2013 Mission Viejo General Plan Program EIR

Staff Report prepared by: Larry Longenecker, Planning Manager- (949) 470-3024

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# City of Mission Viejo

## Minutes of the Planning and Transportation Commission

September 27, 2021

### CALL TO ORDER

The Regular Meeting of the Planning and Transportation Commission of the City of Mission Viejo was called to order by Chairman Ruesch at 6:33 p.m., September 27, 2021, at 200 Civic Center, Mission Viejo, California.

### ROLL CALL:

**Commissioners present:** Commissioner Breton  
Commissioner Molinari  
Commissioner Quinio  
Vice Chairman Blum  
Chairman Ruesch

**Staff present:** Elaine Lister, Community Development Director  
Larry Longenecker, Planning and Economic Development Manager  
John Douglas, Housing Element Consultant  
Nick Lagura, Associate Planner  
Sarah McMillan, Planning and Economic Development Assistant

**PLEDGE OF ALLEGIANCE:** Vice Chairman Blum

### PUBLIC COMMENTS

Leighann Burick, M.V.: voiced her concerns with regards to plans on removing the park at Madrid Fore and installing at bathroom. She stated that she and her husband missed a hearing, as they were out of town, and learnt that their small park was being replaced by a parking lot and bathroom. Lastly, Ms. Burick requested, that the City give ample notice to residents/neighbors on any future plans, so that they may give their valuable input. She concluded by stating that she loves the potential of Mission Viejo becoming more of a central community.

### PUBLIC HEARINGS

1. **General Plan Amendment GPA2021-35 / Development Code Amendment DCA2021-19 / Zone Change ZC2021-25 – City-initiated petitions related to the City’s Housing Element Update as required by state law to address the state’s 6<sup>th</sup> housing cycle**



**covering the years 2021-2029: 1) GPA2021-35 is proposed to comprehensively update the City's General Plan Housing Element, amend the City's General Plan Land Use Element, and modify the City's Land Use Policy Map as it pertains to 11 sites, each as described below and identified in the Housing Element Update, to accommodate residential development during the 6<sup>th</sup> housing cycle; 2) DCA2021-19 is proposed to amend the City's Development Code to establish and define new high density zoning districts RPD\_50 and RPD\_80 (Residential Planned Development) including related land uses and development standards, and to address new state legislation related to accessory dwelling units, density bonus provisions, low-barrier navigation centers, and transitional and supportive housing; and 3) ZC2021-25 is proposed to modify the City's Zoning District Map as it pertains to the 11 sites.**

Director of Community Development Elaine Lister gave a brief overview of the Housing Element Update with revisions, and the City's draft response to State HCD (Housing Community Development). She stated the City is anxious to meet the statutory deadline for submittal to HCD by October 15, 2021. Director Lister introduced John Douglas, the City's Housing Element Consultant who provided a background/refresher PowerPoint presentation on housing element law. John shared that the City is going through this process, as are many other cities within the SCAG (Southern California Association of Government) region, due to the requirements of updating the housing element every eight years. He mentioned three key points: 1) the need to demonstrate the City's land use and housing regulations comply with state law; 2) RHNA (Regional Housing Needs Assessment) requirement and state law that every city must adopt plans and zoning regulations to accommodate its assigned share of the statewide housing need; and 3) Fair Housing, which has taken on a much higher profile than in the past due to recent changes in state law. Mr. Douglas added, that in March of this year, SCAG adopted the RHNA allocations, and Mission Viejo's share is 2,217 units, to be distributed amongst four different income categories.

Larry Longenecker, Planning and Economic Development Manager then gave an update on the specific sites that are being proposed for rezoning. Changes include: sites removed ~ Oak Tree Village and Freeway Center properties, and two new sites added: a portion of Shops at Mission Viejo and Vista del Largo apartments. Larry concluded his presentation by summarizing the actions required before the Commission this evening.

Commissioner Breton asked staff to explain the difference between the designation of mixed use, for purposes of land use, and overlay, for purposes of development code for zoning. Planning Manager Longenecker responded to Commissioner Breton, who in turn reiterated that mixed use can mean either commercial or residential, or it could also mean side by side, partly commercial and partly residential, or it could mean residential above commercial. Larry confirmed that was true; however, he stated that the City does not have mixed use standards, and a true mixed-use project would require a development code amendment to create those standards.

Commissioner Breton posed two additional questions. Within the ranges (30-50, 50-80) that are being added, what does the City reasonably expect the developer to propose? And, how many other cities in south Orange County have provided their site inventories to comply with RHNA? Larry responded, that the City anticipates it will be towards the higher end of ranges, and Mr. Douglas responded that every city in Orange County is currently preparing an inventory.

Vice Chairman Blum, asked if the City is going to lose local control? Planning Manager Longenecker stated that the primary purpose of this Special Meeting is to bring this matter before the City Council prior to October 15, and to retain the local control. Director Lister added, that the City has been thinking about sites for many, many months, and this present plan is a really strong Housing Element draft. Commissioner Blum reiterated, to the residents, that no parks have been designated in this plan, and that staff and the Commission have been very diligent on selecting sites to meet the RHNA guidelines, and preserve the integrity of Mission Viejo at the same time.

Commissioner Molinari questioned staff about the height restrictions for R50 & R80 sites. Planning Manager Longenecker referenced the draft development standard changes to the City's development code for residential districts explaining height and setback provisions. Director Lister pointed out when the City was originally planned by the Mission Viejo Company, the area around Crown Valley Parkway was envisioned as a commercial intensive area, therefore, the density is exactly where it was originally envisioned.

Commissioner Quinio referred to the proposed update, stating there are no City-wide inclusionary requirements. He asked staff to confirm his understanding, that being, inclusionary zoning is where new developments are required to set aside a certain percentage for affordable units. Planning Manager Longenecker stated that as part of the development standards, one has to develop a certain percentage of affordable units and at some point, the City will need to require affordable housing be developed. Director Lister confirmed Commissioner Quinio was correct, that some incentives will be involved, and the City will be guarding against no net loss.

Chairman Ruesch stated that approximately 25% of the property at the Mall (Macy's site) could potentially be housing or overlay, his main concern being parking. Planning Manager Longenecker responded that any commercial component would have to park per code, and residential would be reviewed case by case. Director Lister expanded on Mr. Longenecker's response by adding, when looking at a site as large as the Mall, there is certain parking reciprocity between different users. Chairman Ruesch also asked if a study has been done or if staff are anticipating how many ADU's will affect the RHNA number. Mr. Longenecker & Director Lister both responded that based on history they anticipate 35 units, however, they feel that number will change very quickly. Lastly, based on Director Lister's earlier comments, Chairman Ruesch summarized that the urgency to move this forward with this Housing Element prior to October 15, 2021, rests on the City's loss of control. Director Lister confirmed that the City wants to preserve local control as far as development standards are concerned.

Commissioner Breton asked a couple more questions of John Douglas, Housing Element Consultant, on streamlining requirements and displacement.

Chairman Ruesch opened the public hearing and asked if there were any representatives from any of the sites wishing to speak.

Larry Tucker, on behalf of the Horwitz Group, Site 10 ~ Burlington site. Mr. Tucker asked for more density at this site. He stated, 30 units works fine in a rural location, however, at least 50 units to the acre are needed for this particular site, especially with the density bonus on top of that

for affordable housing. He would like the height limit to be 65ft as per RPD80. Mr. Tucker concluded by supporting the Housing Element Update and commending staff on a wonderful job.

Cathy Palmer, M.V.; A member of Mission Viejo planning partnership. Ms. Palmer is in favor of staff recommendations; however, she feels it can be enhanced. She added, that she was puzzled as to why the Stein Mart strip mall location was not included in the list of possible sites. Ms. Palmer concluded by strongly advocating the City adopt inclusionary housing policy for those earning under 50K a year.

Alison Martinez; Land Use Council for Macys Incorporated. Ms. Martinez strongly supports and recommends approval of the Housing Element Update, including increased residential density on the Macy's site. She added that Macy's have looked at various studies, and that this it is in the perfect location to accommodate this level of density (80 units per acre) in the City.

John Achee, M.V.; A member of Mission Viejo planning partnership. Mr. Achee is in favor of staff recommendations; however, he too is concerned that the Stein Mart strip mall location was not considered for mixed use /housing. He concluded by requesting an inclusionary policy for low income housing.

John Miller, M.V; A retired veteran, requested the City look at inclusionary requirements and incentives for veterans, and professionals like teachers, firefighters, sheriffs, etc. Mr. Miller asked the City look at realistic and feasible housing sites, including the Stein Mart site for professionals and young people so that they can stay in Mission Viejo.

Ann Owens, L.F; A member of Mission Viejo planning partnership. Ms. Owens commended staff for being proactive and rezoning parcels for higher density and mixed-use housing. She stated that RHNA numbers are not a mandate, and believes the City should add an inclusionary policy of 15% for low and very low housing. Ms. Owens added that the Stein Mart project should be considered to enhance the residential & commercial aspect of the center. Lastly, she suggested the City should track ADU's as there will be more in the future, and also apply for State Homekey funds and American Rescue Plan funds to help the City finance incentives.

Linda Tang, MV.; Ms. Tang requested the City provide email notification of updates. She stated that it is wonderful that the City is planning to increase density from 30 to up to 80 units, however, this does not necessarily produce affordable housing. She is also excited the City is planning to provide a fee waiver or subsidy for affordable housing developments. Ms. Tang requested more of an insight as to what developers are planning to do at the Idyllwillow and Vista del Largo apartments. She concluded by saying, it's sad the City is missing out on the opportunity of mixed overlay housing at the Stein Mart.

There being no further testimony, Chairman Ruesch closed the public hearing.

Commissioner Breton asked Director Lister to respond to the comment from the Horwitz Group with regards to higher density then 30, be raised to 50. Director Lister stated, 50 dwelling per acre is a good number for this site, and the City in agreement to what Mr. Tucker is requesting. Commissioner Breton also referred to the Core Area Vision Plan. He recalls a huge public outcry

against mixed-use housing and asked Director Lister what was the public's general reaction to housing in the Stein Mart center. Director Lister responded by reiterating that the City has a good plan, a good combination of sites at appropriate density. She added that yes, Stein Mart could be included, however, there was previously public opposition to housing at this site and it is not part of the plan. Lastly, Commissioner Breton pointed out the inaccurate population fluctuation. He stated the City receives accurate data from US Census Bureau every 10 years, however, in-between that time the estimates from State Dept. of Finance (DOF) numbers jump up and down, and the City should cease to use these inaccurate figures as an estimate to agencies. Director Lister agreed the numbers do fluctuate, and that DOF did overestimate the population count for a number of cities. Unfortunately, the census is only every ten years. She said staff will go back and try to create a more realist chart based on available information.

Vice Chairman Blum commented on the Stein Mart property decision made a few weeks ago and the importance of creating an entertainment/restaurant/walkable facility within the core of the City. The acquisition of the Stein Mart building is a start, and will bode well for City. He also added, that staff and the Commission have been working on this Housing Element Update close to a year and want to create affordable housing in Mission Viejo. He concluded by stating he is in support of staff's presentation and review.

Commissioner Quinio stated it is notable that there is a pushback against the Stein Mart site, however, he questioned if there is a particular segment of the population against it? He also questioned the potential of Kaleidoscope and feels it is underutilized, and asked Director Lister if it is a possible site for housing. She responded, that realistically there is probably no potential in this next planning period, therefore it was not recommended. Commissioner Quinio also asked if she is aware of any other cities in Orange County that have inclusionary zoning? Finally, he shared his initial hesitancy in rezoning the Shops and Macy's area, however, he feels the zone changes are appropriate with the way the economy is going.

Commissioner Molinari made several comments pertaining to transitional housing and veteran housing, and asked if they are addressed within special needs of RHNA. John Douglas responded that they are separate from RHNA and requirements of state law. However, if transitional housing is produced, those units count towards achieving RHNA numbers, but it is not set aside for those types of housing. He also asked if the City currently has such a program? Director Lister referred to the Community Development Block Grant (CDBG) Program that has funded housing for homeless/near homeless. Most recently, in spring, the City funded two additional units for Families Forward. Overall there are nine or ten such units in the City.

Chairman Ruesch noted that looking forward at current proposed sites, one of these sites may decline or others may become available. Director Lister concurred, that there could be additional sites down the road. With regards to ADU's, Chairman Ruesch asked if the City has a policy in place? Yes, Director Lister responded. The state law changed at the beginning of 2019, and the City follows the state required ministerial approval for ADU's. The code itself shall be updated as part of this process. Chairman Ruesch reiterated the importance of providing entry level homes in Mission Viejo, but that unfortunately the State puts on heavy mandates, not just in Mission Viejo, but Los Angeles and statewide.

Commissioner Breton, in response to Mr. Millers comments, concurred that more needs to be done for veterans. He asked how many affordable units are in the City? Director Lister responded there are presently 487 affordable units. Commission Breton reiterated that the State is forcing the City to comply, that staff worked very hard and appealed the RHNA allocation, but lost. Lastly, he thanked Mr. Douglas for his expertise.

On motion by Vice Chairman Blum seconded by Commissioner Quinio, and unanimously carried the Commission adopted **Resolution 2021-1152** *approving General Plan Amendment GPA2021-35 / Development Code Amendment DCA2021-19 / Zone Change ZC2021-25.*

#### STAFF COMMENTS

Director Lister thanked Sarah McMillan, Planning and Economic Development Assistant for stepping in for Administrative Assistant Angela Hannis at tonight's meeting.

#### PLANNING AND TRANSPORTATION COMMISSION COMMENTS

Vice Chairman Blum thanked his fellow commissioners and staff for their hard work.

Commissioner Breton thanked staff for the monumental, detailed and complex report. He added that he shall not attend the next meeting.

Commissioner Quinio echoed the gratitude to staff for their monumental, herculean task.

Commissioner Molinari thanked business owners and residents for their time in attending this meeting.

#### ADJOURNMENT

*Chairman Ruesch adjourned the meeting at 8:27p.m. to Monday, October 11, 2021 for the regular Planning and Transportation Commission meeting.*

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Robert Ruesch, Chairman

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Elaine Lister, Secretary



September 27, 2021

City of Mission Viejo Planning Commission  
200 Civic Center  
Mission Viejo, CA 92691

Re: Housing Element Site 10 (Burlington)

Dear Chairman Ruesch and Members of the Commission,

The Horowitz Group owns the property at 28452 Marguerite Parkway in Mission Viejo, commonly referred to as the Burlington Site. Horowitz has reviewed the September 27, 2021 Staff Report to your Commission as well as the letter to the City from the State Department of Housing and Community Development dated September 7, 2021 ("HCD Letter").

Horowitz believes the revisions to the Housing Element contained in the Staff Report are responsive to the HCD letter as it pertains to the Burlington Site for two reasons:

1. Under the caption "Realistic Capacity" at page 3 of the HCD letter in the first new paragraph, HCD states: "In addition, the element appears to assume residential development on sites with a housing overlay that could allow 100 percent nonresidential uses. The element must still account for the likelihood of nonresidential development." And "The element should include analysis based upon factors such as development trends performance standards or other relevant factors."

The Burlington Site if developed as a multi-family site would necessarily need to be denser than 30 units to the acre to compete with other existing and anticipated multi-family projects in the trade area. Recent and planned projects by the likes of the Irvine Company, FivePoint Communities and other major developers in the remainder of South County trade area are all, or will be, loaded with amenities, which of course cost money. Gyms, party/community rooms, mini dog parks, pools and hot tubs (often more than one pool complex), bar-b-ques and even bars and kitchens, as well as model units are typical and expected by most potential tenants. We are not aware of any modern multi-family projects that are built to only 30 units to the acre. So, development trends are higher density. It would not make sense to build a project that is outdated the day it opens due to a lack of amenities.

Further, if the density of housing is too low, then it might make more economic sense for Horowitz to continue to use the three buildings that are on the site for commercial purposes. The buildings that are on the site are all ground leased with the ground lease expiring at the end of January 2024. At that time the buildings also become the property of Horowitz Group so the rent will increase since Horowitz would be leasing both the land and then the buildings at that point. The higher the residential density, the more likely that housing will be an economically more rewarding use than the current commercial use.

5030 Campus Drive ■ Suite A ■ Newport Beach, CA 92660 ■ 949.831.5158 ■ 949.831.4288 Fax

2. Technically, the Horowitz site is defined by HCD as a "non-vacant" site. On page 3 of the HCD letter under the caption Suitability of Nonvacant Sites, the HCD letter pointedly states the City text "is not adequate to demonstrate the suitability of these [non-vacant] sites. A complete analysis" is required. HCD goes on to say : "The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions and regulatory standards to encourage additional residential development on these sites."

The comments about Realistic Capacity and the Suitability of Non-Vacant Sites both have the same response with respect to the Burlington Site. If allowed density is increased to 50 units to the acre, residential development will likely become financially more attractive than commercial development.

It should also be noted that at Page 5 of the HCD letter under the caption Land Use Controls, HCD states: "The analysis should specifically address requirements related to height in multi-family zones. The analysis should address impacts [of land use controls] on.....ability to achieve maximum densities..."

The new zone text with respect to the Burlington Site sets a height limit of fifty feet (50') which contemplates a 4-story building. Given the location of the Burlington Site, Horowitz believes a height of sixty-five feet (65') is also appropriate. It appears that the only site in the CH/RPD 50 zone will be the Burlington Site and with the types of uses that adjoin the Burlington Site, a 65' height limit will not impact surrounding property owners or seem out of place since there is no nearby residential. Further, with a 65' height limit, it should be easier and more cost effective to reach the allowed density. And less of the surface area of the site will need to be covered by buildings which will allow more site planning flexibility to create a better design and landscaping aesthetic.

In conclusion, Horowitz supports the change to the Burlington Site land use designation and zoning and only requests a change to the height limit to more readily achieve the maximum density allowed under the new designations and to enable site planning flexibility. Thank you.

Horowitz Group

By: 

Larry Tucker, Representative  
(949) 706-3227

Cc: Elaine Lister  
Larry Longenecker  
David Horowitz  
Adam Horowitz  
Brian Meihaus



September 27, 2021

**Regarding:** September 27, 2021 Planning Commission Meeting – Housing Element Review

Dear Mission Viejo Planning and Traffic Chair Ruesch, Vice Chair Blum and Commissioners Breton, Molinari and Quinio,

We write representing the Welcoming Neighbors Home (WNH) Initiative, a ministry of Tapestry Unitarian Universalist Congregation – which has members in South Orange County – including Mission Viejo. The WNH initiative works to end homelessness and promote the development of more affordable housing – especially for those with extremely low and very low incomes.

We wish to comment on the most recently revised Mission Viejo housing element draft.

On page 112 of the revised housing element draft, we note the statement “With regard to actual housing production, it must be recognized that RHNA allocations for the 2021-2029 planning cycle are far higher than is feasible to achieve based on the amount of public subsidies required to produce affordable housing.” While we understand the new RHNA goals are more ambitious, we believe they are nonetheless achievable.

1. We recommend the city add the Steinmart property to the site inventory to make it more likely that the 6<sup>th</sup> Cycle RHNA goals will be achieved. This property should be re-zoned for housing for extremely low and very low-income housing. This would make an ideal site for lower income housing. We understand the City Council is considering floating a bond to purchase this property. Why not include very low-income housing there?
2. While we were glad to see the proposed re-zoning to increase density levels, we are concerned that increasing density levels without also having an inclusionary housing requirement risks the city giving away valuable land density benefits without getting commensurate community benefits.
  - a. The city should adopt an inclusionary housing ordinance that will require that at least 15% of any new development of 6 or more units be for very low income people, i.e., those earning less than \$50,000 per year. When this is not possible, I urge the city to require an in-lieu fee of at least \$10,000 to \$15,000 per unit - to build a fund for building affordable housing elsewhere.



- b. We also recommend that other housing policies be adopted to facilitate the production of affordable housing, such as by-right development for 100% affordable developments.
3. We note the projection of 35 Accessory Dwelling Units (ADUs) to meet the RHNA goals. We are glad to see the city plans to monitor the production of ADUs. However, unlike other cities' housing element programs, it does not include a plan to track ADU rents to measure if progress is being made on the production of affordable units. In addition, we would like to see more incentives put in place to encourage the development of ADUs – such as expedited review of ADU permits, pre-approved ADU design plans and reduction of permit fees for deed restricted affordable ADUs. Please consider adopting a program such as the one implemented in Santa Cruz County – the Accessory Dwelling Unit Forgivable Loan Program (see attached PDF).

The need for more affordable housing for those earning less than \$50,000 per year is acute in Mission Viejo. We urge the city to take proactive steps, such as those outlined above, to promote the production of more affordable housing in Mission Viejo. Now, with funding available from the State of California's HomeKey funds ([https://homekey.hcd.ca.gov/sites/default/files/2021-09/NOFA\\_Homekey\\_0.pdf](https://homekey.hcd.ca.gov/sites/default/files/2021-09/NOFA_Homekey_0.pdf)), and the federal government American Rescue Plan Act funds, it is important for the city to take advantage of these funding sources to make important strides in the provision of affordable housing.

Thank you for considering our comments and for your public service.

Sincerely,

Rona Henry, MBA, MPH  
Chair, Welcoming Neighbors Home, Tapestry, a Unitarian Universalist Congregation

Rev. Kent Doss  
Minister, Tapestry, a Unitarian Universalist Congregation

Cc: Rev. Kent Doss, Minister, Tapestry, a Unitarian Universalist Congregation  
Dennis Wilberg, City Manager  
Elaine Lister, Director of Community Development  
Mayor Kelley  
Mayor Pro Tem Bucknum  
Councilmembers Goodell, Rath, and Sachs  
Cesar Covarrubias, Executive Director, Kennedy Commission  
Paul McDougall, Marisa Prasse, Chelsea Lee, Collin Cross, Mashal Ayobi - California State Housing and Community Development Office

September 29, 2021

File Number: 49BH-338994

**VIA E-MAIL**

City Council  
City of Mission Viejo  
200 Civic Center  
Mission Viejo, CA 92691  
E-Mail: [citycouncil@cityofmissionviejo.org](mailto:citycouncil@cityofmissionviejo.org)

Re: October 12, 2021 City Council Public Hearing - General Plan Amendment GPA2021-25 / Zone Change ZC2021-25 / Development Code Amendment DCA2021-19

Dear Mayor Kelley and Councilmembers:

We represent Macy's, Inc. ("Macy's") regarding land use and real estate issues. Macy's owns property at The Shops at Mission Viejo regional mall located at 27000 Crown Valley Parkway ("Site") in the City of Mission Viejo ("City"). Macy's strongly supports the Housing Element's proposed increased residential density on the Site. The addition of the Residential 80 land use designation to the existing Commercial Regional designation and the new RPD\_80 Residential Planned Development zone as an overlay to the existing Commercial Regional zone is smart planning and accomplishes mutual goals of the City and Macy's.

This is the optimal site for the highest density uses in the City. Placing a high-density residential or mixed-use development in this location provides future residents with convenient access to commercial and institutional resources while buffering lower density residential neighborhoods. The Site also features easy access to Interstate 5 as well as major regional and local thoroughfares like Crown Valley Parkway and Marguerite Parkway adjacent to the Site. This transportation infrastructure provides a further buffer between the Site and other single-family residential neighborhoods in the City. Ultimately, because of the unique characteristics of the Site, the City can provide an opportunity for the development of additional units, in the right location, and in a way that protects the character of the City's single-family residential neighborhoods.

The increased density would substantially help the City meet its Regional Housing Needs Assessment ("RHNA") obligation to provide 2,217 new dwelling units in the 6<sup>th</sup> Cycle Housing Element. Moreover, Macy's has already contemplated redevelopment of the Site and understands the density and land uses required for a feasible project. Based on conceptual plans, Macy's anticipates that 80 du/acre is required to produce an economically feasible project with the appropriate mix of residential units and retail square footage. This type of project would feature mostly residential uses above dynamic ground floor retail, replacing the existing Macy's

City Council  
September 29, 2021  
Page 2

retail store and underutilized parking lot that currently exist at the Site. We trust that the City would welcome vibrant new spaces compared to existing conditions.

In closing, Macy's looks forward to working with the City to ensure the long-term viability of the Site and the mall and potentially implement a dynamic redevelopment program on it. The Housing Element update is an excellent opportunity to take an important first step in that direction. We greatly appreciate City staff addressing our previous request to increase density on the Site, and we encourage the City Council to approve the Housing Element update and adopt the General Plan Amendment, Development Code Amendment, and Zone Change on October 12th.

Best regards,



James E. Pugh  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc:

Larry Longenecker, Planning & Economic Development Manager, City of Mission Viejo  
Elaine Lister, Director of Community Development, City of Mission Viejo  
Chris Erb, VP Real Estate, Head of Development, Macy's Inc.  
Tim Karmazsin, Director, Real Estate Development, Macy's Inc.

## **City of Mission Viejo General Plan Housing Element Update, 2021-2029**

### **2013 Mission Viejo General Plan Program Environmental Impact Report Addendum General Plan Amendment GPA2021-35 Zone Change ZC2021-25 Development Code Amendment DCA2021-19**

#### **I. Introduction**

The City of Mission Viejo is the lead agency for this Addendum to the 2013 Mission Viejo General Plan Program Environmental Impact Report (State Clearinghouse #2012031065) (“Mission Viejo General Plan Program EIR”) certified on March 4, 2013 (the 2013 Mission Viejo General Plan Program EIR is referred to herein as the “General Plan Program EIR.”). The General Plan Program EIR was prepared to evaluate the environmental effects of adopting and implementing the 2013 Mission Viejo General Plan in accordance with 2013 Mission Viejo General Plan’s goals, policies, and objectives. In addition to certifying the 2013 Mission Viejo General Plan Program EIR, the City adopted a Mitigation Monitoring and Reporting Program applicable to development activities associated with build-out of the 2013 Mission Viejo General Plan in accordance with Public Resource Code Section 21081.6 (the “MMRP”).

The Addendum to the 2013 Mission Viejo General Plan Program EIR addresses the City-initiated petitions related to the City’s Housing Element update required by state law to address the state’s 6th housing cycle covering the years 2021-2029 as follows: 1) GPA2021-35 is proposed to comprehensively update the City’s General Plan Housing Element, amend the City’s General Plan Land Use Element, and modify the City’s Land Use Policy Map as it pertains to 11 sites, each as described below and identified in the Housing Element update, to accommodate residential development during the 6th housing cycle; 2) ZC2021-25 is proposed to modify the City’s Zoning District Map as it pertains to 11 sites, each as described below and identified in the Housing Element update, to accommodate residential development during the 6th housing cycle; and 3) DCA2021-19 is proposed to amend the City’s Development Code to establish and define new high density zoning districts RPD\_50 and RPD\_80 (Residential Planned Development) including related land uses and development standards, and to address new state legislation related to accessory dwelling units, density bonus provisions, low-barrier navigation centers, and transitional and supportive housing.

The proposed general plan amendment, zone change and development code amendment is necessary to allow the development of up to 2,491 residential dwelling units on eleven (11) selected sites and Accessory Dwelling Units (ADU’s) within all residential zoning districts in Mission Viejo as identified in the City of Mission Viejo General Plan Housing Element Update, 2021-2029.

## II. Background

**1990 General Plan.** On October 8, 1990, the City of Mission Viejo adopted and certified the Final Environmental Impact Report (SCH 90010622) that was prepared for the City's General Plan. The General Plan was prepared to address issues related to future growth and development in Mission Viejo. The City of Mission Viejo is, for all practical purposes, built out with only a few parcels remaining for development.

### Housing Element

California Government Code Section 65302(c) mandates that each city shall include a Housing Element in its General Plan. The Housing Element is required to identify and analyze existing and projected housing needs, and include a statement of the City's goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. The City, in adopting its Housing Element, must consider economic, environmental, and fiscal factors, as well as community goals as set forth in the

General Plan. However, while cities generally have considerable flexibility in drafting the other elements of their General Plan, the Housing Element must comply with the detailed statutory provisions of California Government Code Section 65580 et seq.

**2000 Housing Element.** On December 4, 2000, in accordance with the requirements of State law, the City Council adopted an updated Housing Element (General Plan Amendment 2000-17), which was subsequently certified by the California Department of Housing and Community Development (HCD) on April 13, 2001. In May 2007 the City Council adopted General Plan Amendment 2007-26, Zone Change 2007-18 and Development Code Amendment 2007-10 (collectively the "2007 Housing Amendments"). Those amendments revised the land use designations for the three sites described below to allow multi-family residential development at a density up to 30 units/acre in order to facilitate the provision of affordable housing pursuant to state law (see Housing Element Exhibit B-1). Those 2007 amendments were evaluated in an Initial Study/Mitigated Negative Declaration (the "2007 MND").

**Site A** is a 2.74-acre vacant parcel located within and to the east of the Mission Foothill Marketplace shopping center at 28715-28841 Los Alisos Boulevard.

**Site B** is a 7.12-acre parcel adjacent to Oso Parkway at Montanoso Drive that is owned by the Mission Country Club.

**Site C** is an 8.5-acre area located on City-owned land directly adjacent to and southeasterly of the City's Animal Services Center off Center Drive, and easterly of Saddleback College.

**2008 Housing Element.** The City Council adopted an updated Housing Element for the 2008-2014 planning period on July 20, 2009 (General Plan Amendment 2009-28), which was subsequently certified by the California Department of Housing and Community Development (HCD) on August 10, 2009. In conjunction with the Housing Element, the City

Council adopted amendments to the Development Code (DCA 2009-13 and DCA 2009-14), which revised City regulations regarding density bonus and emergency shelters in conformance with state law. An Initial Study/Mitigated Negative Declaration was adopted for the 2008 Housing Element and the two related development code amendments.

**2013 Housing Element.** The City Council adopted an updated Housing Element for the 2013-2021 planning period on July 20, 2013 (General Plan Amendment 2013-28), which was subsequently certified by the California Department of Housing and Community Development (HCD) on August 10, 2013. In conjunction with the Housing Element, the City Council adopted amendments to the Development Code (DCA 2009-13 and DCA 2009-14), which revised City regulations regarding density bonus and emergency shelters in conformance with state law. An Initial Study/Mitigated Negative Declaration was adopted for the 2013-2021 Housing Element and the two related Development Code amendments.

### **2021 Housing Element.**

State law requires that Housing Elements be updated in 8-year “cycles.” The City has prepared their City of Mission Viejo General Plan Housing Element Update, 2021-2029,<sup>1</sup> which is referred to as the “6th Housing Element cycle” in reference to the six required updates that have occurred since the comprehensive revision to State Housing Element law in 1980. The City of Mission Viejo General Plan Housing Element Update, 2021-2029 addresses the 6th regional housing cycle as required by state law and the subject of this Addendum, and is described in further detail below.

The City of Mission Viejo General Plan Housing Element is a mandatory General Plan element that identifies housing policies and programs aimed at meeting the identified housing needs of the City's current and anticipated future population, with an emphasis on affordable and special needs housing, removal of governmental constraints to housing development, and equal access to housing.

The purpose of the Housing Element is to evaluate the housing needs of Mission Viejo's current and future residents and set forth policies and programs to address those needs.

California State law<sup>2</sup> establishes detailed requirements for Housing Elements, which are summarized in California Government Code Section 65583:

*The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.*

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<sup>1</sup> <https://cityofmissionviejo.org/departments/community-development/planning/housing>

<sup>2</sup> California Government Code Sec. 65580 et seq.

The major issues that must be addressed in the Housing Element update are: 1) how City policies, plans and regulations help to meet the region's housing needs for persons and families of all income levels; and 2) how City land use regulations accommodate the special housing needs of those with disabilities or other difficulties.

- **Accommodating Regional Housing Needs.** Under State law<sup>3</sup> all cities are required to plan for additional housing to accommodate population growth and address existing housing problems such as overcrowding and high housing cost. State law recognizes that cities generally do not build housing, since that is typically the role of private and non-profit developers and builders. However, cities are required to adopt policies, development regulations and standards to encourage a variety of housing types that are affordable for persons of all income levels. The Regional Housing Needs Assessment ("RHNA") is the method by which each jurisdiction's share of new housing needs is determined (see #3 below).
- **Housing for Persons with Special Needs.** Under State law<sup>4</sup> cities must also ensure that their plans and regulations encourage the provision of housing for persons with special needs including:
  1. Reasonable accommodation for persons with disabilities
  2. Transitional housing
  3. Supportive housing
  4. Emergency shelters and other facilities serving the homeless
  5. Accessory dwelling units ("ADUs")

Each California city is required to plan for new housing to accommodate a share of regional needs. RHNA is the process established in State law<sup>5</sup> by which housing needs are determined.

Housing Element law requires the City of Mission Viejo to identify housing sites that can accommodate the 2021-2029 RHNA housing allocation. The housing sites can include current vacant land or developed infill sites that allow residential development. If an adequate number of available sites with existing zoning to allow residential development cannot be identified, the City must identify sites to be rezoned.

Prior to each planning cycle the total new housing need for each region of California is determined by California Department of Housing and Community Development (HCD) based upon economic and demographic trends, existing housing problems such as overcrowding and overpayment, and additional housing needed to ensure reasonable vacancy rates and replace units lost due to demolition or natural disasters.

Mission Viejo is located within the Southern California Association of Governments ("SCAG") region, which includes Los Angeles, Orange, Riverside, San Bernardino, Imperial

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<sup>3</sup> California Government Code Sec. 65583.

<sup>4</sup> California Government Code Sec. 65583(a)(5).

<sup>5</sup> California Government Code Sec. 65584 et seq.

and Ventura counties. The total housing need for the SCAG region is distributed to cities and counties by SCAG based upon objectives and criteria established in State law.<sup>6</sup>

In 2019 HCD determined that the total new housing need for the entire SCAG region in the 6th Housing Element cycle is 1,341,827 units. Subsequently, SCAG prepared a methodology for distributing the RHNA allocation to jurisdictions within the region and in March 2021 SCAG adopted the final RHNA Plan for the 6th cycle.<sup>7</sup> Table 1 shows the RHNA allocations for Mission Viejo, Orange County, and the entire SCAG region.

**Table 1**  
**6th Cycle RHNA – Mission Viejo, Orange County and SCAG Region**

	<b>Mission Viejo</b>	<b>Orange County</b>	<b>SCAG</b>
Housing need allocation 2021-2029	2,217	183,861	1,341,827

Source: SCAG, 3/4/2021

The RHNA also allocates each jurisdiction’s total housing need into four income categories (the extremely-low and very-low categories are combined for RHNA purposes). Mission Viejo’s 6th cycle RHNA allocation by income category is shown in Table 2.

**Table 2**  
**6th RHNA by Income Category – Mission Viejo**

<b>Extremely Low + Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
674	401	397	745	2,217

Source: SCAG, 3/4/2021

### **Housing Element Update**

The City is required by State law (Government Code §65588 *et seq.*) to update its Housing Element on an eight year cycle and is linked to the Regional Transportation Plan (RTP).

The proposed 6th Cycle Housing Element Update updates the current Housing Element which was adopted in 2013. Once adopted, the Housing Element becomes part of the General Plan, which guides city decisions regarding housing, development review, land use, City budgets and capital improvement programs. The proposed City of Mission Viejo General Plan Housing Element Update, 2021-2029 includes policies and programs intended to increase housing opportunities for extremely low, very-low, low- and moderate income households, while accommodating growth in a manner consistent with goals and policies contained in the Land Use Element and other elements of the Mission Viejo General Plan. The housing element is prescribed under State housing law, and the proposed draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 is prepared to

<sup>6</sup> California Government Code Sec. 65584(d).

<sup>7</sup> <https://scag.ca.gov/housing>.



include the state required sections and information for a housing element. The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 addresses the changes in the State housing law and the regional housing needs. State, regional and local housing costs, housing supply and needs have changed since 2013, as evidenced by current information on real estate prices, affordable housing, and the widening “gap” between rental and purchase housing costs and consumers’ incomes.

The City of Mission Viejo General Plan Housing Element Update, 2021-2029 includes 11 sites and the construction of ADU’s to allow the development of 2,491 residential units in Mission Viejo towards meeting the State of California’s mandated Regional Housing Needs Assessment (RHNA) allocation, which for the City of Mission Viejo is 2,217 dwelling units. Of the 2,217 dwelling units, 1,075 units are designated for lower (very low and low) income categories. The 11 sites and ADU’s that would allow the development of 2,217 dwelling units are listed in Table 3. The development of the sites in Table 3 would allow the city to exceed both the projected and existing need of residential units. The sites must be consistent with the Mission Viejo General Plan and the specific types of use, intensity and development standards that are applicable and consistent with the City’s adopted Development Code.

**Table 3  
 Mission Viejo Housing Sites Inventory**

Site	Acreage	Density du/ac	Total Units	Lower Income Units	Zoning
City-owned Site 3	32.8	30	200	97	Rezone
Silverado Plaza	1.5	50	75	36	Rezone
Mission Foothill Center	4.4	30	77	37	Overlay
Commerce Center	4.55	30	136	66	Overlay
Mission Viejo Town Center	3.4	30	51	25	Overlay
College Center	7.8	30	117	57	Overlay
Macy’s – The Shops	14.6	80	584	283	Overlay
Saddleback Business Center	9.4	30	141	68	Overlay
Grace Church Parking Lot	2.4	50	120	58	Rezone
Burlington	6.9	50	172	84	Overlay
Vista Del Lago Apartments	17	50	650	305	Rezone
ADU’s (Acc. Dwelling Units)			35		N/A
<b>Totals</b>	<b>113.2</b>		<b>2,670</b>	<b>1,278</b>	

### III. Project Description

The RHNA, adopted by SCAG and presented in Table H-28 of the City of Mission Viejo General Plan Housing Element Update, 2021-2029, determined the City's fair share of the regional housing need to be 2,217 units for the planning period July 2021 through October 2029. This total includes 337 extremely-low-income units, 337 very-low-income units, 401 low-income units, 397 moderate-income units, and 745 above-moderate units. State law requires the City to demonstrate that its inventory of potential housing sites can fully accommodate development of the various types of units that have been allocated in the RHNA. Appendix B of the City of Mission Viejo General Plan Housing Element Update, 2021-2029 provides a detailed description of the inventory of sites that could accommodate the City's need. As summarized in Table 4, this inventory shows a capacity for 2,670 additional housing units, of which 1,278 could accommodate lower-income housing, which exceeds the City's RHNA allocation of 2,217 total units and 1,075 lower (very low and low) income categories for the 2021-2029 period.

It is important to note that the RHNA is a planning target, not a development quota. Under state law, cities must demonstrate that their land use plans and regulations can accommodate the type and amount of housing identified in the RHNA, and also must use their available resources to encourage and facilitate such development. State law does not require that sites identified in the Housing Element as suitable for affordable housing be income-restricted. The law recognizes that cities do not build housing, and development depends on many factors including property owners, builders, available financing, and prevailing market forces. This is particularly true for affordable housing – in high-cost areas like Orange County large subsidies are normally required to make low-income housing feasible.

While demonstrating an adequate inventory of potential residential development sites commensurate with the RHNA is generally considered the most important environmental issue related to the Housing Element, the Housing Plan (Chapter 6 of the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029) describes the actions and programs the City will use to implement the adopted City goals and policies to achieve the objectives for housing development, conservation and improvement. All of these policies and programs represent a continuation of current City activities as revised to reflect current funding levels and circumstances.

#### Development Code Text Amendments

The City of Mission Viejo General Plan Housing Element Update, 2021-2029 includes four Development Code Text Amendments to encourage the development of the residential units allocated to the city for the period from 2021-2029. The four Development Code Text Amendments are discussed below.

*Density Bonus* - Pursuant to State law, the City offers a density bonus along with regulatory concessions and/or incentives, if a developer agrees to construct affordable housing or units for qualifying residents (i.e., seniors and disabled). The density bonus program not only assists with the cost of development but also increases the housing stock by allowing

a density above the Development Code standards. In recent years State density bonus law has been amended to create greater incentives for affordable housing and the City is currently in the process of amending the Development Code to incorporate the latest amendments. The City will continue to encourage affordable housing developers to take advantage of this option.<sup>8</sup>

Supportive Housing - Supportive housing is defined in Section 50675.14(b)(2) of the Health and Safety Code as follows:

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.<sup>9</sup>

City regulations permit transitional and supportive housing subject to the same standards and procedures as other residential uses of the same type in the same zone in conformance with SB 2.

In 2018 AB 2162 amended State law to require that supportive housing be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria. Program 10 in Section 6 includes a commitment to process an amendment to the Development Code in compliance with this requirement.<sup>10</sup>

Low Barrier Navigation Centers – Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. Program 10 in Section 6 (Draft 2021-2029 Housing Element) includes a commitment to process an amendment to the Development Code in compliance with this requirement.<sup>11</sup>

AB 101 (2019) added a requirement that low barrier navigation centers meeting specified standards be allowed by-right in areas zoned for mixed use and in non-residential zones permitting multi-family uses pursuant to California Government Code §65660, et seq.<sup>12</sup>

Accessory Dwelling Units - Accessory dwelling units (“ADUs”) are an important option for creating additional affordable housing opportunities. An ADU is a separate and complete living unit on the same parcel as existing single- or multi-family units. Because ADUs can be created more economically than conventional newly constructed units, they offer an effective method of expanding the affordable housing stock. The cost savings come from the utilization of existing infrastructure and land. ADUs can also help homeowners generate additional income from extra living space by allowing them to convert that space into another unit.

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<sup>8</sup> Draft City of Mission Viejo General Plan Housing Element Update, 2021-2029, page 55.

<sup>9</sup> City of Mission Viejo General Plan Housing Element Update, 2021-2029, page 36.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid, page 35.

<sup>12</sup> Ibid, page 58.

In recent years State law has been amended to create stronger incentives for ADU development, and the City is currently in the process of amending the Development Code in conformance with current State law. The City will continue to promote ADUs by providing brochures and/or informational displays at the building permit counter and other appropriate locations (with PDF versions for website distribution) detailing the benefits of ADUs and the process for obtaining approval.<sup>13</sup>

### General Plan Amendments and Zone Changes

In order for the City to meet its RHNA allocation, general plan amendments, zone changes and Development Code text amendments are required to allow the development of the sites shown in Table 3. Table 4 shows the general plan amendments and zone changes required for each site to ultimately meet the RHNA allocation of 2,217 residential units.

**Table 4  
 Proposed General Plan Amendments and Zone Changes**

Site	Acreeage	Existing Land Use Designation	Proposed Land Use Designation	Existing Zoning Designation	Proposed Zoning Designation
Site 3 / Center Drive	32.8	Residential 30 & Recreation / Open Space	Residential 30	R (Recreation) / RPD30A (Residential Planned Development 30A)	RPD30 (Residential Planned Development 30)
Silverado Plaza	1.5	Commercial Neighborhood	Residential 50	CN (Commercial Neighborhood)	RPD50 (Residential Planned Development 50)
Mission Foothill Center	4.4	Commercial Highway	Commercial Highway / Residential 30 (Overlay)	CH (Commercial Highway)	RPD30
Commerce Center	4.5	Commercial Community	Residential 30	CC (Commercial Community)	RPD30
Mission Viejo Town Center	3.4	Commercial Highway	Commercial Highway / Residential 30 (Overlay)	CH (Commercial Highway)	RPD30
College Center	7.8	Commercial Highway	Commercial Highway / Residential 30 (Overlay)	CH (Commercial Highway)	RPD30
Macy's – The Shops	14.6	Commercial Regional (CIOA)	Residential 80	CR (Commercial Regional)	RPD80
Saddleback Business Center	9.4	Business Park & Recreation/Open Space	Business Park & Recreation	BP (Business Park/Industrial) / R (Recreation)	RPD30

<sup>13</sup> Draft 2021-2029 Housing Element, page 55-56.

City of Mission Viejo General Plan Housing Element Update, 2021-2029  
 Mission Viejo General Plan Program EIR Addendum

			/Open Space & Residential 30 (Overlay)		
Grace Church Parking Lot	2.4	Commercial Neighborhood & Recreation / Open Space	Residential 50	CN (Commercial Neighborhood) / R (Recreation)	RPD50
Burlington	6.9	Commercial Highway	Commercial Highway / Residential 50 (Overlay)	CH (Commercial Highway)	RPD50
Vista Del Lago Apartments	17	Residential 14	Residential 50	RPD14 (Residential Plan Development 14)	RPD50
ADU's (Acc. Dwelling Units)		Residential 3.5 (0.0-3.5 du/ac) & Residential 6.5 (3.5-6.5 du/ac)		RPD3.5 (Residential Planned Development 3.5) & RPD6.5 (Residential Planned Development 6.5)	

As shown in Table 4, all of the sites will require general plan amendments and/or zone changes to allow the development of up to 30 and 50 dwelling units/acre in residential and commercially zoned properties. No general plan amendments or zone change are required for the development of ADU's in existing residential zoned properties.

**IV. Proposed Actions**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 requires compliance with environmental procedures (CEQA and the CEQA Guidelines) and City approval of a general plan amendment, zone change and Development Code text amendment.

**V. Statutory Authority**

This Addendum is prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 12000 *et seq.* (CEQA), to assist the City in its consideration to update the Mission Viejo Housing Element that was adopted March 4, 2013. Specifically, the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 would implement the City's policies, goals and objectives for the development of housing in the City of Mission Viejo, as described in the 2013 Mission Viejo General Plan and analyzed in the 2013 General Plan Program EIR.

Pursuant to Section 21166, as further clarified by CEQA Guideline Section 15162, when an EIR has been certified, the lead agency may not require a subsequent EIR unless it determines, on the basis of substantial evidence in light of the whole administrative record that one or more of the following subsequent EIR triggers have occurred:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the Section 21166 subsequent EIR triggers have occurred with respect to the Housing Element Update, per Government Code Section 65457(a), the City's consideration and potential approval of the Housing Element Update are exempt from CEQA.

As discussed below, this Addendum concludes that approval of the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger the need for a subsequent EIR under Section 21166 because implementation of the City of Mission Viejo General Plan Housing Element Update, 2021-2029 will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the 2013 General Plan Program EIR. At the time a residential project for any of the sites in Table 3 are submitted to the city for approval, the city is required by law to review a project for potential environmental impacts pursuant to the California Environmental Quality Act, Public Resources Code Section 21003. Because no site specific development plans are submitted in conjunction with the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029, as discussed below, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable

diligence at the time the General Plan Program EIR was certified, that shows any new, or substantially more adverse, environmental impacts than those disclosed in the 2013 General Plan Program EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant environmental effects of a future project for any of the sites listed in Table 3. Accordingly, per Section 21166, the City does not require a subsequent EIR for the City of Mission Viejo General Plan Housing Element Update, 2021-2029.

## **VI. Incorporation by Reference**

Pursuant to CEQA Guidelines section 15150, this Addendum incorporates, by reference, the analysis contained in the certified General Plan Program EIR and the 2013-2021 Housing Element Mitigated Negative Declaration. In accordance with CEQA Guidelines Section 15164(c), this Addendum does not need to be circulated for public review, but will be attached to the 2013 General Plan Program EIR.

## **VII. Summary**

The 6<sup>th</sup> cycle Housing Element update proposes 11 sites along with ADU's within the city and shown in Table 3 that would allow the development of up to 2,670 housing units towards the city meeting its RHNA housing unit allocation of 2,217 units. The RHNA numbers assigned to Mission Viejo do not reflect a prediction of growth and development in the city, but rather reflects a current and future housing need in Mission Viejo to the year 2029, which SCAG has determined the City of Mission Viejo has a projected need of 41 residential units and an existing need of 2,170 residential units.<sup>14</sup>

## **IX. Environmental Topics**

The following discussion considers the environmental effects of the City of Mission Viejo General Plan Housing Element Update, 2021-2029 with development of residential dwelling units within the 11 sites and development of ADU's shown in Table 3 to determine whether future residential development will result in new, or substantially more adverse, significant environmental impacts than those disclosed in the General Plan Program EIR that would trigger need for a subsequent EIR under Section 21166. The following discussion also considers whether any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan Program EIR was certified, shows any new, or substantially more adverse, environmental impacts than those disclosed in the General Plan Program EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. As discussed above, this analysis relies on, and incorporates by reference, the General Plan Program EIR and 2013-2021 Housing Element Mitigated Negative Declaration, as applicable.

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<sup>14</sup> SCAG-RHNA-6th Final Allocation, March 4, 2021, Excel spreadsheet.

As documented below, this Addendum concludes that approval and development of the City of Mission Viejo General Plan Housing Element Update, 2021-2029 would not result in any new, or substantially more severe, impacts to the environment than those disclosed in the 2013 General Plan Program EIR. Further, a review of available records and literature identified no new information of substantial importance that was not known, or could not have been known, at the time of the certification of the General Plan Program EIR that would trigger the need for a subsequent EIR under Section 21166.

#### **a. Aesthetics**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units on all of the sites could result in aesthetic impacts.

The future development of residential units on any of the sites would have to be consistent with and in compliance with Policy 3.7 of the General Plan to preserve views of significant scenic value and states, "Preserve views of significant value along streets and highways that adjoin such areas as a lake, hillside, ridgeline, creek, open space, or recreational area". Future development of the sites would also have to comply with all applicable development standards of the Mission Viejo Development Code to protect aesthetic qualities of the identified sites and adjacent surrounding properties.

All residential subdivisions would have to meet and comply with Chapter 9.74 of the Mission Viejo Municipal Code that provides conformance standards for design. Examples of standards of design that all residential projects must comply include consistency with the general plan, zoning regulations, boundary lines, lots/parcels, streets, street lighting, underground utilities, drainage, slopes, landscaping, etc.

Goal 4 of the City of Mission Viejo General Plan Housing Element Update, 2021-2029 states, "Provide for housing that is sensitive to environmental and social needs." The policy that supports this goal in terms of aesthetics includes:

Policy 4.2: Evaluate residential proposals within hillside areas in terms of potential impacts to landform and viewsheds.

The development of residential use within the sites would be reviewed by the City to minimize impacts to existing landforms and viewsheds as stated in Policy 4.2.

Goal 3 of the Land Use Element (LUE) of the General Plan states "Maintain community identity and development quality for the City and its neighborhoods." The policies to ensure that future residential development within the 11 parcels in Table 3 is consistent with this



Policy 3.2: Ensure that new development and land uses are architecturally consistent and compatible in scale and style with existing development and identified standards for the various districts within the City.

Policy 3.3: Ensure that infill development is compatible with community open space areas and existing community character.

Policy 3.5: Emphasize quality of design for new development and rehabilitation of existing development, including the preservation and increase of arterial landscape space.

The Mission Viejo Planning and Transportation Commission (Commission) will use the Municipal Code, among other policies and guidelines, to determine if new development is designed in a manner that is consistent with its surrounding structures and environment. The Commission and the development review process ensure, through required project modifications, conditions of approval or mitigation measures, that development plans are consistent with visual character and quality guidelines prior to project approvals.

No substantial changes with respect to the circumstances under which the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 is undertaken that require major revisions of the General Plan Program EIR, including new or additional impacts to a scenic vista, a scenic highway, visual character or quality of the project site or its surroundings, new sources of substantial light or glare or project design.

Therefore, the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger the need for a subsequent EIR per Section 21166 of the California Public Resources Code on the basis of its effects on aesthetic impacts.

#### **b. Agricultural Resources**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and Grace Church parking lot, which are vacant. The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the sites.

The City of Mission Viejo does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.<sup>15</sup> The City also does not have any Williamson Act contract lands or lands zoned for agricultural use, forest land or timberland.<sup>16</sup>

Approval of the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 and development of the sites in Table 3 would proceed in a manner contemplated by

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<sup>15</sup> City of Mission Viejo General Plan Update & Sustainability Action Plan Initial Study, March 2012, page 3-3.

<sup>16</sup> Ibid.

the General Plan and analyzed in the General Plan Program EIR. The development of

residential units on the 11 sites and ADU's would not change or cause impacts to any agricultural or timberland resources since no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Williamson Act contract lands or lands zoned for agricultural use, forest land or timberland exists in the City of Mission Viejo.

Therefore, the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger the need for a subsequent EIR per Section 21166 of the California Public Resources Code on the basis of its effects on agricultural resource impacts.

### **c. Air Quality**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in air quality and greenhouse gas impacts.

The City of Mission Viejo is located in the South Coast Air Basin (SCAB). The SCAB is comprised of parts of Los Angeles, Riverside and San Bernardino counties and all of Orange County. The primary agencies responsible for regulations to improve air quality in the SCAB are the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB). SCAG is an important partner to the SCAQMD, as it is the designated metropolitan planning authority for the area and produces estimates of anticipated future growth and vehicular travel in the basin that are used for air quality planning. The SCAQMD sets and enforces regulations for non-vehicular sources of air pollution in the basin.

The U.S. Environmental Protection Agency (U.S. EPA) is the primary federal agency for regulating air quality. The EPA implements the provisions of the Federal Clean Air Act (FCAA). This Act establishes national ambient air quality standards (NAAQS) that are applicable nationwide. The EPA designates areas with pollutant concentrations that do not meet the NAAQS as non-attainment areas for each criteria pollutant. States are required by the FCAA to prepare State Implementation Plans (SIP) for designated non-attainment areas. The SIP is required to demonstrate how the areas will attain the NAAQS by the prescribed deadlines and what measures will be required to attain the standards. The EPA also oversees implementation of the prescribed measures.

The California Clean Air Act (CCAA) requires all air pollution control districts in the state to prepare plans to reduce pollutant concentrations exceeding the California Ambient Air Quality Standards (CAAQS) and ultimately achieve the CAAQS. The state air districts are required to review and revise the plans every three years. The SCAQMD satisfies this requirement through the publication of an Air Quality Management Plan (AQMP). The

AQMP is developed by SCAQMD and SCAG in coordination with local governments and the private sector. The AQMP is incorporated into the SIP by CARB to satisfy the FCAA requirements discussed above.

### Air Quality Management Plan

The CCAA requires plans to demonstrate attainment of the NAAQS for an area that is designated as nonattainment. In the SCAB, SCAQMD and SCAG, in coordination with local governments and the private sector, develop the AQMP for the air basin to satisfy these CAA requirement. The AQMP is the most important air management document for the basin because it provides the blueprint for meeting state and federal ambient air quality standards.

On March 3, 2017, the 2016 AQMP was adopted by the SCAQMD Governing Board. The primary task of the 2016 AQMP is to bring the basin into attainment. The document states that to have any reasonable expectation of meeting the 2023 ozone deadline, the scope and pace of continued air quality improvement must greatly intensify. In response to court decisions, some elements included in the 2016 AQMP required updates. CARB prepared the 2018 Updates to the California State Implementation Plan (2018 SIP Update) to update SIP elements for nonattainment areas throughout the State as needed. CARB adopted the 2018 SIP Update on October 25, 2018.

The AQMP includes a comprehensive analysis of future emission forecasts which reflect demographic and economic growth forecasts provided by SCAG, including RHNA housing construction projections. The AQMP Program EIR states, " The 2016 AQMP would result in a reduction of criteria pollutants in the Basin, thereby attaining the air quality standards. Additionally, during operation, less than significant air quality and GHG impacts are anticipated. However, significant adverse construction air quality and GHG impacts could be caused by the proposed project. As improved emission reduction technologies become available and as specific control measures are developed and projects proposed, construction mitigation measures will be updated and implemented. Further, future projects that implement 2016 AQMP control measures, including promulgating control measures such as SCAQMD rules or regulations or individual projects that implement the requirements of such promulgated rules where subsequent CEQA construction analyses have been performed, shall rely upon the results of these subsequent CEQA analyses, including whether or not mitigation measures will continue to be required. Implementation of mitigation measures AQ-1 to AQ-23 would reduce construction emissions, but the overall construction air quality and GHG impacts after mitigation would likely remain significant.<sup>17</sup>

The construction of the RHNA assigned residential units for Mission Viejo City per the draft Mission Viejo General Plan Housing Element Update, 2021-2029 would not change or alter the conclusions of the 2016 AQMP Program EIR that states that operational air quality and GHG emissions associated with the development of RHNA associated residential units in Mission Viejo would attain criteria pollutant air quality standards and the implementation of measures to reduce construction emissions would be required.

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<sup>17</sup> South Coast Air Quality Management District Final Program Environmental Impact Report, 2016 Air Quality Management Plan, January 2017, pages 1-16, 1-17.

Connect SoCal - 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments

SCAG's Connect SoCal is a long-range comprehensive plan for the region's multi-modal transportation system. A regional transportation plan (RTP) is the mechanism used in California by both Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPA) to conduct long-range (at least 20-year) planning in their regions. In 2008, California enacted the Sustainable Communities and Climate Protection Act, which requires MPOs to include a Sustainable Communities Strategy (SCS) element as part of their RTP updates, with the purpose of identifying policies and strategies to reduce per capita passenger vehicle-generated GHG emissions. The SCS is required to identify the general location of land uses, residential densities, and building intensities within the region; identify areas within the region sufficient to house all the population of the region; identify areas within the region sufficient to house an eight-year projection of the regional housing need; identify a transportation network to service the regional transportation needs; gather and consider the best practically available scientific information regarding resources areas and farmland in the region; consider the state housing goals; set forth a forecasted development pattern for the region; and allow the regional transportation plan to comply with the federal Clean Air Act (CAA) of 1970 (42 USC. § 7401 et seq.) (Gov. Code, § 65080, subd. (b)(F)(2)(B)), which, when integrated with the transportation network, and other transportation measures and policies will reduce the GHG from automobiles and light duty trucks to achieve, if there is a reasonable way to do so, the GHG emission reduction targets approved by the California Air Resources Board (ARB).<sup>18</sup>

Connect SoCal provides a strategy for accommodating projected population, household and employment growth in the SCAG region by 2045, as well as a transportation investment strategy for the region. Connect SoCal details how the SCAG region can achieve several outcomes essential to the success of the region's long-range transportation and land use goals and includes the following:

- Describes where and how the region can accommodate a 23 percent increase in projected households and 16 percent increase in jobs between 2020 and 2045;
- Details a regional transportation investment given \$633.9 billion in expected revenues from federal, state, regional and local sources over the next 25 years; and
- Complies with SB 375, the state's SCS law, which integrates land use and

transportation planning and mandates both a reduction in greenhouse gas emissions from passenger vehicles (19% reduction for the SCAG region) and the provision of adequate housing for the region's 25-year projected population growth.

The Connect SoCal projects growth in employment, population, and households at the regional, county, city, town and neighborhood levels. One of the core components of

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<sup>18</sup> Connect SoCal, Certified Final Program Environmental Impact Report, May 2020, page ES-1.

Connect SoCal is to forecast future distribution of population, households, employment, land use, and housing needs.

The state Legislature intended that housing planning be coordinated and integrated with the regional transportation plan and SCS. To achieve this goal, the RHNA allocation plan shall allocate housing units within the region consistent with the development pattern included in the SCS (Govt. Code § 65584.04(m)). Therefore, the current RHNA housing allocations for Mission Viejo and the population growth associated with the RHNA housing allocation are consistent with and do not change the air quality and GHG analysis in the Connect SoCal Final Program EIR.

### City of Mission Viejo

The City of Mission Viejo is responsible to assess and mitigate air emissions by its land use decisions. The City is also responsible to implement transportation control measures as outlined in the 2016 AQMP. The City assesses the air quality impacts of new development, requires mitigation of potentially significant air quality impacts by conditioning discretionary permits, and monitors and enforces implementation of the mitigation. Because the City does not have the expertise to develop plans, programs, procedures, and methodologies to ensure that air quality within the City meets federal and state standards, the City relies on the expertise of the SCAQMD and utilizes the SCAQMD CEQA Handbook as the guidance document for the environmental review of plans and development proposals within its jurisdiction.

The Conservation/Open Space Element of the Mission Viejo General Plan contains the following air quality-related goal and policy that are applicable to the residential development anticipated to be developed on the 11 sites listed in the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029:

**GOAL 8:** Cooperate with local, regional, and state agencies to improve air quality and reduce greenhouse gas emissions.

**Policy 8.1:** Cooperate with South Coast Air Quality Management District and Southern California Association of Governments in their efforts to implement the regional Air Quality Management Plan.

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose any development that would not be consistent with and meet Goal 8 and Policy 8.1 of the Conservation/Open Space element to cooperate with SCAQMD and SCAG to implement the AQMP.

The development of new residential units on sites in Table 3 could have both short- and long-term air emission impacts in that air emissions could exceed adopted South Coast Air Quality Management District (SCAQMD) emission thresholds. At the time site specific residential development plans are submitted to the City for any of the sites the City would determine in compliance with CEQA if significant air emissions impacts could occur. At that time the City would determine if an air quality study would be required to identify potential

air quality impacts. The City would also take into account and apply all applicable climate goals and policies of its adopted Sustainability Action Plan to reduce potential air quality impacts.

There have been no substantial changes with respect to the circumstances under which the residential development of the sites in Table 3 would be undertaken in the future that would require major revisions of the General Plan Program EIR. Accordingly, the potential construction, operational and area source emission impacts associated with the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 are the same as described in the General Plan Program EIR.

The actual construction, operational and area source emissions of the residential development proposed in the City of Mission Viejo General Plan Housing Element Update, 2021-2029 would, in all likelihood, be less than the calculated emission levels presented in the General Plan Program EIR due to new regulatory requirements mandating use of cleaner engine fuels and use of more fuel- and emission-efficient engines for today's automobiles, construction equipment and mechanical equipment that would be installed in future residential units. As a result, the residential development anticipated for the sites in Table 3 could result in fewer air emissions compared to the existing condition when taking into account the replacement of existing commercial space with residential use and the benefit of cleaner engine fuels and more fuel- and emission-efficient engines for today's automobiles and construction equipment.

The development of residential units in the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 towards meeting the RHNA allocation for the City would be required to implement all applicable mitigation measures set forth in the General Plan Program EIR MMRP for potential air quality impacts associated with the development of the residential units. The following applicable mitigation measures are carried forward from the General Plan Program EIR MMRP to reduce air quality greenhouse gas impacts associated with the development of residential projects on the sites listed in Table 3 to less than significant.

### **Mitigation Measures:**

- AQ-1 Reduce Construction-Related Emissions. The City and project contractors shall implement the following measures during all construction activities involving demolition or exterior construction. Furthermore, a fugitive dust control plan shall be developed and approved by SCAQMD for all projects prior to issuance of a grading permit and commencement of construction activities. The dust control plan shall specifically identify measures that would minimize generation of fugitive dust from all construction activities. In addition, the following standard measures shall be implemented:
- Comply with and implement all applicable SCAQMD rules and regulations that pertain to construction activities (e.g., asphalt paving ROG requirements, administrative requirements, fugitive dust management practices). Implement

all construction-related requirements recommended by the air district or local government.

- Apply water as necessary to prevent visible dust emissions.
- Apply water, nontoxic chemical stabilizers, or dust suppressants, or use tarps or other suitable material in all disturbed areas that will not be utilized for 10 days or more.
- Prevent carryout and track out of fugitive dust on construction vehicles. Methods to limit carryout and track include, but are not limited to, using wheel washers and/or metal tracks at the site egress(es); sweeping any track out on adjacent public streets at the end of each workday; and lining access points with gravel, mulch, or wood chips.
- Cover or wet the filled cargo compartment of all transport trucks to limit visible dust emissions during transport, and maintain at least 2 feet of freeboard space from the top of a container.
- Install sandbags or other erosion control measures on sites with a slope greater than 1 percent to prevent silt runoff to public roadways.
- Maintain all construction equipment according to the manufacturers' specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.
- Minimize idling time either by shutting off equipment when it is not in use or reducing the time of idling to no more than 5 minutes. Provide clear signage regarding idling at site access points.
- Use alternative fueled (e.g., compressed natural gas [CNG], liquefied natural gas [LNG], propane), or electric-powered construction equipment where feasible.
- Use equipment with diesel oxidation catalysts, catalyzed diesel PM filters, or other applicable air district-approved, emission reduction retrofit devices where feasible.

AQ-2 The City shall work with SCAQMD and new development to identify projects that would cause a significant air quality impact. When significant impacts are determined, the City shall work with new development to ensure all applicable General Plan policies are fulfilled by the project and identify and require the implementation of additional mitigation measures that would be consistent with the General Plan goals and policies to reduce air quality pollutant emissions.

- AQ-3 The City shall work with SCAQMD and SCAG to implement and enforce air quality reduction measures in the AQMP to meet all federal and state ambient air quality standards. Projects within the City that have significant air quality impacts should be required by the City to implement mitigation consistent with the goals and measures in the AQMP. The City shall participate in any future amendments and updates to the AQMP when possible.
- AQ-4 Require use of SCAQMD's Localized Significance Thresholds (LST) for construction-related emissions. If construction emissions would exceed the SCAQMD's LSTs, the project shall prepare a health risk assessment of construction emissions and implement all feasible mitigation to reduce impacts to a less-than-significant level (i.e., less than 10 in a million cancer risk and less than 1.0 hazard index).
- AQ-5 If and when needed, which should be determined through the environmental review process under CEQA, a health risk assessment that identifies health risk levels from nearby TAC sources shall be prepared for sensitive land uses (e.g., residential, hospital, convalescent home) that would be developed within 500 feet of I-5 or other stationary sources producing TACs. When health risk levels at the proposed sensitive receptor land uses are determined to exceed applicable significance thresholds, the proposed project shall implement mitigation measures into the project's design and/or implement alternative approaches to land use development that would reduce TAC exposure to proposed or nearby sensitive receptors. These mitigation measures and land use development approaches should use recommendations from ARB and local air districts, if and when possible. Mitigation measures to reduce TAC impacts to a less-than-significant level include, but should not be limited to, setbacks, buffers, and air filters.

### Greenhouse Gas Emissions

The greenhouse gas emissions associated with the development of residential units listed in Table 3 are at worst the same as, and no significantly greater than, the greenhouse house gas emission impacts associated with development of the sites in Table 3 under the approved 2013 Mission Viejo General Plan.

On April 20, 2015 Governor Brown signed Executive Order B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. This Executive Order reduction target of 40 percent below 1990 levels by 2030 provides an interim reduction goal that will help the State to reduce GHG emissions by 80 percent under the 1990 levels by 2050. The goals of Executive Order B-30-15 have been legislated through Senate Bill 32.

In addition to improved motor vehicle emission technology to reduce future GHG emissions, improved energy efficiency measures are also available to improve and maximize energy efficiency for buildings and appliances. New technologies, policies, programs, green building programs (CALGreen), etc. are available to reduce current and future GHG emissions.



The California Building Energy Efficiency Standards (Standards) were first adopted in 1976 and have since been updated periodically as directed by statute. The Standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. The 2019 update to the Building Energy Efficiency Standards focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The most significant efficiency improvements to the residential Standards include the introduction of photovoltaic into the prescriptive package, improvements for attics, walls, water heating, and lighting. The Standards are conceptually divided into three basic sets. First, there is a basic set of mandatory requirements that apply to all buildings. Second, there is a set of performance standards the energy budgets that vary by climate zone (of which there are 16 in California) and building type; thus the Standards are tailored to local conditions, and provide flexibility in how energy efficiency in buildings can be achieved. The third set of requirements constitutes an alternative to the performance standards, which is a set of prescriptive packages that provide a recipe or a checklist compliance approach. The compliance of all residential development on sites listed in Table 3 with all applicable energy requirements of the Standards would further reduce GHG emissions related to energy consumption.

Per the 2019 Building Energy Efficiency Standards, as of January 1, 2020 all new residential home construction shall include a photovoltaic (PV) system, battery storage system, and solar ready for single-family and low-rise (three or fewer habitable floors) multi-family buildings. Therefore, all residential dwelling units that are constructed on the sites listed in Table 3 will be required to provide solar ready buildings.

Improved water conservation measures to treat and transport water have been developed since the approval of the General Plan. These improved water conservation measures would further reduce GHG emissions associated with the treatment and transportation of water compared to the emissions at the time of the approval of the 2013 Mission Viejo General Plan. Increasing the efficiency of the treatment and transportation of potable water due to new water conservation measures and water saving devices would reduce GHG emissions compared to the GHG emissions at the time the 2013 Mission Viejo General Plan was approved.

In conjunction with reducing GHG emissions associated with the treat, transportation and consumer consumption of water, the developers of any residential units constructed on sites listed in Table 3 would be required to comply with all applicable California Building Codes to improve water use efficiency, including compliance with Title 8, Chapter 8.12, Water-Efficient Landscape Regulations, of the Mission Viejo Municipal Code. Therefore, the development of all residential units in Table 3 would not conflict with any of the water conservation and efficiency measures.

The developer of any single-family residential units on sites in Table 3 could install electrical wiring so that residents would have the option to install Electric Vehicle Charging (EVC) equipment within their dwelling unit in compliance with and as required by Section 4.106.4 of the 2019 California Green Building Standards Code, Title 24, Part 11. Charging stations could be installed by homeowner associations for the multi-family developments and in

some common open space areas in the tracts for use by residents for a fee. The installation of EVC equipment and charging stations would encourage residents to use electric vehicles and reduce mobile-source air emissions, including GHG emissions.

With the exception of the Grace Church parking lot site, the residents of the other sites would be in close proximity to commercial use that would allow residents to walk or bike to access commercial areas and reduce the use of and reliance of motor vehicles and reduce air and GHG emissions. For the Grace Church parking lot site, residents could walk, bike or use alternative modes of transportation to the closest commercial area that is approximately one-half mile northwest of the site at the intersection of Trabuco Road and El Toro Road.

The existing public transportation system in Mission Viejo would serve the residents of many of the sites in Table 3. The existing public bus transportation system is either adjacent to or within one-half mile of each of each site and allows and encourage residents to use the public transportation to reduce air and GHG emissions.

The developers of all new residential units in sites in Table 3 would be required to meet and comply with all applicable existing State regulations that have been adopted to reduce GHG emissions, including SB 375, Executive Order B-30-15, 2019 Building Energy Efficiency Standards, 2019 California Green Building Standards Code, Title 24, Part 11CALGreen, etc. As discussed, these requirements include the installation of efficient photovoltaics, energy improvements for attics, walls, water heating, and lighting and the installation of electrical wiring so project residents have the option to install EVC equipment within their dwelling unit. The GHG emissions associated with the development of all new dwelling units allowed by the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 would be required to comply with all applicable state plans and programs designed to reduce GHG emissions.

The development of residential units in the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 towards meeting the RHNA allocation for the City would be required to implement all applicable mitigation measures set forth in the General Plan Program EIR MMRP for potential greenhouse gas impacts associated with the development of residential units. The following applicable mitigation measures are carried forward from the General Plan Program EIR MMRP to reduce greenhouse gas impacts for residential projects associated with the sites in Table 3 to less than significant.

**Mitigation Measures:**

GHG-1 To reduce construction-generated GHG emissions, projects seeking discretionary approval from the City shall implement all feasible measures for reducing GHG emissions associated with construction that are recommended by the City and/or SCAQMD at the time individual portions of the site undergo construction.

The project applicant(s) for any particular discretionary project may submit a report to the City that substantiates why specific measures are considered

infeasible for construction of that particular discretionary project and/or at that point in time. By requiring that the list of feasible measures be established prior to the selection of a primary contractor, this measure requires that the ability of a contractor to effectively implement the selected GHG reduction measures be inherent to the selection process.

The recommended measures for reducing construction-related GHG emissions at the time of writing this EIR are listed below. The list will be updated as new technologies or methods become available. The project applicant(s) shall, at a minimum, be required to implement the following:

- Improve fuel efficiency of construction equipment:
  - reduce unnecessary idling (modify work practices, install auxiliary power for driver comfort);
  - perform equipment maintenance (inspections, detect failures early, corrections);
  - train equipment operators in proper use of equipment;
  - use the proper size of equipment for the job; and
  - use equipment with new technologies (repowered engines, electric drive trains).
- Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power.
- Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment. Emissions of NOX from the use of low carbon fuel must be reviewed and increases mitigated. Additional information about low-carbon fuels is available from ARB's Low Carbon Fuel Standard Program.
- Reduce electricity use in the construction offices by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
- Recycle or salvage nonhazardous construction and demolition debris.
- Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk, and curb materials).
- Develop a plan to efficiently use water for adequate dust control. This may consist of the use of non-potable water from a local source.

GHG-2 As a part of a contractor demolition package, require 25 percent of nonhazardous debris (excluding excavated soil and land-clearing debris) to be recycled or salvaged. Work with contractors to share best practices on building recycling and

reuse, and demolition techniques to minimize waste, dust generation, water and energy use, and other impacts of construction and demolition work.

Therefore, the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger the need for a subsequent EIR per Section 21166 of the California Public Resources Code on the basis of its effects on air quality or greenhouse gas impacts.

#### **d. Biological Resources**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in biological impacts, especially Site 3 and the Grace Church parking lot that are vacant.

The City of Mission Viejo contains many important ecological and biological resources, including the oak woodland, and the coast Live Oak (*Quercus agrifolia*), which was named the Official City Tree by the City Council on April 9, 1990. The City is committed to work with the U.S. Fish and Wildlife Service to pursue grant funding to create a Habitat Conservation Plan for portions of the City. The City desires to improve open spaces to assist in the protection of sensitive plants, animals, and their habitats in the City.<sup>19</sup>

The Conservation/Open Space Element includes goals and policies related to the preservation and protection of ecological and biological resources. Goal 1 of the Conservation/Open Space Element states, "Protect and enhance the significant ecological and biological resources within and surrounding the community." The three policies that are applicable to the Housing Element Update include:

Policy 1.1: Preserve and protect important natural plant and animal communities and their associated habitats, such as areas supporting rare and endangered species, riparian areas, wildlife movement corridors, wetlands, and significant tree stands through appropriate site planning and grading techniques, revegetation, and soil management practices and other resource management techniques.

Policy 1.2: Utilize a development proposal review process to mitigate the impacts of development on sensitive lands such as steep slopes, wetlands, cultural resources, oak woodlands and sensitive habitats.

Policy 1.3: Regulate the removal or destruction of the Coast Live Oak (*Quercus agrifolia*) tree.

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<sup>19</sup> City of Mission Viejo, General Plan Update & Sustainability Action Plan, March 2012, page 3-6.

While residential development on Site 3 would require the removal of some or all of the existing native vegetation and biological resources, the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose to physically alter any existing habitat and/or wildlife resources on Site 3 or any of the other sites in Table 3. Potential future development would be subject to further discretionary consideration and environmental analysis in compliance with CEQA once detailed project development plans for a site are filed with the City for consideration. Should additional environmental analysis identify any significant impacts to habitats or species, movement of any resident or migratory species, mitigation measures to reduce those impacts to a less than significant level as required by CEQA Guidelines section 15041(a) and 15041(c).

There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan Program EIR was certified, that shows any new, or substantially more adverse, significant biological impacts than those disclosed in the General Plan Program EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant biological effects of the project.

Therefore, the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger the need for a subsequent EIR per Section 21166 of the California Public Resources Code on the basis of its effects on biological resource impacts.

#### **e) Cultural Resources**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in cultural resource impacts.

All of the listed sites in Table 3 are developed, with the exception of Site 3 and the Grace Church parking lot, and as a result they have been disturbed during project grading and construction. Any cultural resources that were present on the developed sites have been disturbed and uncovered during development. Therefore, it is not anticipated that future residential development of the developed sites would uncover any existing cultural resources. Because site 3 is not developed and undisturbed, there could be cultural resources present on the site that could be uncovered during any grading and the construction of residential units.

No physical development or land alteration of any sites is proposed at this time. The development of the sites in Table 3 in the future would be subject to further discretionary consideration and environmental analysis by the City in compliance with CEQA once detailed project development plans are filed for consideration. Should future environmental

City of Mission Viejo General Plan Housing Element Update, 2021-2029  
Mission Viejo General Plan Program EIR Addendum  
analysis identify any potential significant impacts to archaeological and/or historical

resources to a site, mitigation measures to reduce those impacts to a less than significant level would be required by CEQA Guidelines section 15064.5.

There have been no substantial changes with respect to the circumstances under which the General Plan Update was approved that will require major revisions of the General Plan Program EIR. Accordingly, the potential cultural resource impacts associated with the development of the sites in Table 3 associated with the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 is the same as described and analyzed in the General Plan Program EIR.

Therefore, the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger the need for a subsequent EIR per Section 21166 of the California Public Resources Code on the basis of its effects on cultural resource impacts.

#### **f) Geology and Soils**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in geotechnical and/or soil impacts.

There have been no substantial changes with respect to the circumstances under which development can occur for the sites in Table 3 that would require major revisions of the General Plan Program EIR. Accordingly, the potential geology and soil impacts associated with the City of Mission Viejo General Plan Housing Element Update, 2021-2029 is the same as the geology and soil impacts described and analyzed in the General Plan Program EIR.

At the time site specific residential development plans are submitted, the City would conduct environmental analysis in compliance with CEQA to evaluate and determine the potential for geotechnical and/or soils impacts by the project at that time. If required by CEQA, the City would require the project developer to conduct site specific geotechnical and soil studies to determine the potential significance of any impacts. If required, mitigation measures would be required and implemented to reduce potential geotechnical and/or soils impacts.

Therefore, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger need for a subsequent EIR on the basis of its effects on geology and soil impacts.

#### **g) Hazards and Hazardous Materials**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies

the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in hazards and hazardous material impacts.

There have been no substantial changes with respect to the circumstances under which development can occur for each site that would require major revisions of the General Plan Program EIR. Accordingly, the potential hazards and hazardous impacts associated with the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 is the same as the hazardous impacts described and analyzed in the General Plan Program EIR.

At the time site specific residential development plans for a site listed in Table 3 are submitted, the City would conduct environmental analysis in compliance with CEQA to evaluate and determine the potential for hazardous impacts by the project at that time. If required by CEQA, the City would require the project developer to conduct site specific hazardous investigations to determine the potential significance of any impacts. If required, mitigation measures would be required and implemented to reduce potential hazardous impacts.

The approval of the City of Mission Viejo General Plan Housing Element Update, 2021-2029 would not result in any new, or substantially more adverse, significant impacts to hazards than were otherwise disclosed in the 2013 General Plan Program EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan Program EIR was certified, that shows any new, or substantially more adverse, significant hazardous impacts than those disclosed in the 2013 General Plan Program EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the City of Mission Viejo General Plan Housing Element Update, 2021-2029 to hazardous materials.

Therefore, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger need for a subsequent EIR on the basis of its effects on hazardous materials.

#### **h) Hydrology and Water Quality**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of



the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in hydrology and water quality impacts.

The City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose any substantial changes to the type of development allowed for the sites in Table 3 as analyzed in the 2013 General Plan Program EIR. There have been no substantial changes with respect to the circumstances under which development can occur for each site that would require major revisions of the General Plan Program EIR. Accordingly, the potential hydrology and water quality impacts associated with the City of Mission Viejo General Plan Housing Element Update, 2021-2029 is the same as the hydrology and water quality impacts described and analyzed in the General Plan Program EIR.

At the time site specific residential development plans are submitted, the City would conduct environmental analysis in compliance with CEQA to evaluate and determine the potential for hazardous impacts by the project at that time. If required by CEQA, the City would require the project developer to conduct site specific hydrological and water quality investigations to determine the potential significance of any impacts. If required, mitigation measures would be required and implemented to reduce potential hydrology and water quality impacts.

Therefore, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger need for a subsequent EIR on the basis of its effects on hydrology and water quality impacts.

#### **i) Land Use**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in land use impacts.

Table 4 shows the general plan amendments and zone changes that would be required for each site to allow the type and density of residential development planned for that site. The land use element of the General Plan and the General Plan Land Use map will be updated to allow the higher density of residential development of the sites in Table 4 towards meeting the RHNA allocation of 2,217 units. General Plan policies will be updated and/or revised to encourage higher residential densities on the sites in Table 3. The rezoning of the sites would result in sites being consistent with general plan land use designations to allow higher residential densities. The development code would be revised to provide higher density development standards to accommodate the higher residential densities. Since the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose any residential development at this time, there will not be any land use or zoning impacts. Potential land use and zoning impacts associated with the residential development of the

sites in Table 3 would be evaluated for compliance with CEQA at the time site specific development plans are submitted to the City of Mission Viejo for approval.

Although the City of Mission Viejo General Plan Housing Element Update, 2021-2029 proposes general plan amendments and zone changes for the sites in Table 4, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose site specific residential development plans for any of the sites. At the time residential development plans are submitted for a site, the City would conduct environmental analysis in compliance with CEQA to evaluate and determine the potential for land use impacts by the project at that time. If required by CEQA, mitigation measures would be required and implemented to reduce potential land use impacts.

Therefore, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger need for a subsequent EIR on the basis of its potential land use impacts.

#### **j) Noise and Vibration**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in short- and long-term noise impacts.

There have been no substantial changes with respect to the circumstances under which development can occur for each site that would require major revisions of the General Plan Program EIR. Accordingly, the potential noise and vibration impacts associated with the City of Mission Viejo General Plan Housing Element Update, 2021-2029 is the same as the noise and vibration impacts described and analyzed in the General Plan Program EIR.

At the time site specific residential development plans are submitted, the City would conduct environmental analysis in compliance with CEQA to evaluate and determine the potential for noise and vibration impacts by the project at that time. If required by CEQA, the City would require the project developer to conduct site specific noise and vibration investigations to determine the potential significance of any impacts. The following applicable mitigation measures are carried forward from the General Plan Program EIR MMRP to reduce noise impacts for residential projects associated with the sites listed in Table 3 to less than significant.

#### **Mitigation Measures:**

N-1 Acoustical studies shall be required for all discretionary projects where any of the following apply:



- The project includes a noise-sensitive land use that is located within the existing or future 60-dBA CNEL contour for transportation noise sources.
- The project will cause future traffic volumes to increase by 25 percent or more on any roadway that fronts residential, institutional, or open space land uses.
- The project will expose a noise-sensitive land use to a stationary noise source exceeding the standards outlined in the Noise Element. Such stationary sources may include mechanical equipment operations, entertainment venues, industrial facilities, and property maintenance.
- The project includes a noise-sensitive land use in the vicinity of existing or proposed commercial and industrial areas.
- The project is a mixed-use development that includes a residential component. The focus of this type of acoustical study is to determine likely interior and exterior noise levels and to recommend appropriate design features to reduce noise.
  - Recommend appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms in terms of possible sleep disturbance. An acoustical analysis prepared in accordance with the Noise Element shall:
    - be the financial responsibility of the applicant seeking City approval of a project;
    - be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics;
    - include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and predominant noise sources;
    - estimate existing and projected cumulative (20 years) noise in terms of CNEL or Ldn, and compare those noise levels to the adopted standards and policies of the Noise Element;
    - estimate noise exposure after the prescribed mitigation measures have been implemented; and
    - describe a post-project assessment program that could be used to evaluate the effectiveness of the proposed mitigation measures.

N-2 A vibration analysis shall be required as part of all acoustical studies required under Mitigation Measure N-1. Where a noise study is not required, the City shall require construction contractors to implement the following measures during construction activities through contract provisions and/or conditions of approval as appropriate:

- For projects where construction will include vibration-generating activities, such as pile driving, within 100 feet of existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
  - Identify sites that would include vibration compaction activities such as pile driving and have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. This task should be conducted by a qualified structural engineer.
  - Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted; set up a vibration monitoring schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approached the limits.
  - At a minimum, monitor vibration during initial demolition activities and during pile-driving activities. Monitoring results may indicate the need for more or less intensive measurements.
  - When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
  - Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

N-3 The City shall require construction contractors to implement the following measures during construction activities through contract provisions and/or conditions of approval as appropriate:

- Construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps).
- Construction operations and related activities associated with the project shall comply with the operational hours outlined in the City of Mission Viejo Municipal Code (Noise Control).

- Construction equipment shall not be idled for extended periods of time in the vicinity of noise-sensitive receptors.
- Locate fixed and/or stationary construction equipment as far as possible from noise-sensitive receptors (e.g., generators, compressors, rock crushers, cement mixers).
- Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on powered construction equipment.
- Where feasible, temporary barriers shall be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor where modeled levels exceed applicable standards. Acoustical barriers shall be constructed material having a minimum surface weight of 2 pounds per square foot or greater, and a demonstrated Sound Transmission Class (STC) rating of 25 or greater as defined by American Society for Testing and Materials (ASTM) Test Method E90. Placement, orientation, size, and density of acoustical barriers shall be determined by analysis.

Therefore, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger need for a subsequent EIR on the basis of its potential noise and vibration impacts.

#### **k) Public Services and Utilities**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites towards meeting its designated RHNA goal to provide new residential dwelling units in Mission Viejo by 2029. All of the sites in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in public service and utility impacts.

There have been no substantial changes with respect to the circumstances under which development can occur for each site in Table 3 that would require major revisions of the General Plan Program EIR. Accordingly, the potential public service and utility impacts associated with the City of Mission Viejo General Plan Housing Element Update, 2021-2029 is the same as the public service and utility impacts described and analyzed in the General Plan Program EIR.

At the time site specific residential development plans are submitted, the City would conduct environmental analysis in compliance with CEQA to evaluate and determine the potential for public service and utility impacts by the project. If required by CEQA, the City would require the project developer to conduct site specific investigations to determine the

potential significance of any public service and utility impacts. If required, mitigation

measures would be required and implemented to reduce potential public service and utility impacts.

Therefore, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger need for a subsequent EIR on the basis of its potential public services and utility impacts.

### **I) Transportation and Circulation**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 11 sites in the City towards meeting its designated RHNA goal to provide 2,217 new residential dwelling units in Mission Viejo by 2029. All of the selected sites listed in Table 3 are currently developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in transportation and circulation impacts.

There have been no substantial changes with respect to the circumstances under which development can occur for each site that would require major revisions of the General Plan Program EIR. Accordingly, the potential transportation and circulation impacts associated with the draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 is the same as the transportation and circulation impacts described and analyzed in the General Plan Program EIR.

At the time site specific residential development plans are submitted, the City would conduct environmental analysis in compliance with CEQA to evaluate and determine the potential for transportation and circulation impacts by the project. If required by CEQA, the City would require the project developer to conduct site transportation and circulation studies and investigations to determine the potential significance of any impacts. If required, mitigation measures would be required and implemented to reduce potential traffic and circulation impacts. The following applicable mitigation measures are carried forward from the General Plan Program EIR MMRP to reduce traffic impacts for residential projects associated with the sites listed in Table 3 to less than significant.

#### **Mitigation Measures:**

TT-1 The City shall implement the improvements to intersections listed below that have been identified in Table 3.5-9<sup>20</sup>. All of the improvements include additional turn lane capacity provisions. These provisions will require further evaluation to ensure the improvements are appropriate and necessary. Prior to implementation of the identified improvements, the intersections should be monitored to ensure the improvements are ultimately necessary as the surrounding developments mature.

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<sup>20</sup> Table 3.5-9, 2013 Mission Viejo General Plan Program EIR.

- I-5 northbound ramp/Oso Parkway (PM peak hour LOS E)
- I-5 northbound ramp/Avery Parkway (PM peak hour LOS F)
- Trabuco Road/Los Alisos Boulevard (AM peak hour LOS E)
- Los Alisos Boulevard /Santa Margarita Parkway (AM and PM peak hour LOS E/E)
- Marguerite Parkway/Jeronimo Road (AM peak hour LOS E)
- Marguerite Parkway/Avery Parkway (AM and PM peak hour LOS E/E)
- Felipe Road/Oso Parkway (AM and PM peak hour LOS E/E)

TT-2 Support alternative modes of travel by continuously developing and supporting these modes of travel. This can continually occur by:

- Continued implementation and update of the Bicycle Master Plan and integrating it with a Pedestrian Master Plan;
- Update and maintain City Roadway Standards to consider the public realm of the street and implement complete streets, as appropriate;
- Consider development of a neighborhood electric vehicle (NEV) master plan to encourage use of no emission vehicles on appropriate facilities. Coordinate with SCAG and the State Legislature to allow NEVs on public roadways with greater than 35 miles per hour posted speed limit;
- Develop innovative funding mechanisms (such as fee districts or Transnet funding) to assist in implementing, operating, and maintaining the proposed shuttle system and bike share facilities within the City;
- Work with developers to integrate bicycle and pedestrian amenities within their development plans.

Therefore, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger need for a subsequent EIR on the basis of its potential transportation and circulation impacts.

#### **m) Tribal Cultural Resources**

The draft City of Mission Viejo General Plan Housing Element Update, 2021-2029 identifies the potential to develop up to 2,217 new residential units on 15 sites in the City towards meeting its designated RHNA goal to provide 2,217 new residential dwelling units in Mission Viejo by 2029. All of the selected sites listed in Table 1 currently are developed with the exception of Site 3 and the Grace Church parking lot, which are vacant. Although the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not propose residential development for any of the listed sites, the demolition of existing buildings and site improvements on the developed sites and the construction of new residential units could result in tribal cultural impacts, especially Site 3 and the Grace Church parking lot, which are vacant.

At the time site specific residential development plans are submitted, the City would conduct environmental analysis in compliance with CEQA and AB 52 and SB 16 as applicable to evaluate and determine the potential for impacts to tribal cultural resources by the project.



Consistent with AB 52, the City would contact all tribes with known resources in Mission Viejo and request consultation to determine the potential for tribal cultural resources to exist

on the site. If requested by a tribe, the City would conduct consultation and arrive at the appropriate measures to protect tribal cultural resources if encountered on the site during any ground disturbance, such as grading, trenching, boring, construction, etc. If required, mitigation measures would be required and implemented to reduce potential tribal cultural resources.

Therefore, the City of Mission Viejo General Plan Housing Element Update, 2021-2029 does not trigger need for a subsequent EIR on the basis of its potential tribal cultural resource impacts.

### **m) Wildfires**

The review of the California Department of Forestry and Fire Protection's (Cal Fire) Fire and Resource Assessment Program (FRAP) shows that none of the 11 listed sites are in a designated Fire Hazard Severity Zone in a State Responsibility Area (SRA).<sup>21</sup> Similarly, the FRAP shows that none of the 11 sites are in a designated Very High Fire Hazard Severity Zone in a Local Responsibility Area (LRA).<sup>22</sup> The development of residential units within the 11 listed sites in Table 3 would not be required to install and maintain any roads, fuel breaks, emergency water sources, power lines or other utilities specifically to protect the development and the immediate area from a wildfire because none of the sites are located in a SRA or LRA. However, like all residential development in the city, any residential development within the sites in Table 3 would be required to construct all fire protection measures required to meet and comply with the California Fire Code as applicable.

The City of Mission Viejo General Plan Housing Element Update, 2021-2029 would not result in any significant wildfire impacts that would trigger the need for a subsequent EIR on the basis of its potential wildfire impacts.

## **VIII. Conclusion**

Based on the foregoing, none of the circumstances requiring preparation of a subsequent or supplemental EIR to the General Plan Program EIR (as specified in CEQA section 21166 and CEQA Guidelines 15162 and 15163) exist. The City of Mission Viejo General Plan Housing Element Update, 2021-2029 proposes no substantial changes to the development proposed for the 11 sites listed in Table 3 by the 2013 Mission Viejo General Plan with the approval of the requested general plan amendments, zone changes and development code amendments. Furthermore, no substantial changes are proposed or would occur with respect to the circumstances that development of any of the sites in Table 3 would require major revisions to the General Plan Program EIR and no new information that was not known and could not have been known at the time the General Plan Program EIR was certified has become available.

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<sup>21</sup> [https://osfm.fire.ca.gov/media/6662/fhszs\\_map7.pdf](https://osfm.fire.ca.gov/media/6662/fhszs_map7.pdf)

<sup>22</sup> [https://osfm.fire.ca.gov/media/6660/fhszl\\_map7.pdf](https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf)