

# JUNE 5, 2018 SPECIAL MUNICIPAL ELECTION

Measure \_\_\_\_

## Prohibiting Voter Approval Requirements on Fiscally Beneficial Projects

(Proposed text to Charter Amendment)

SECTION 1. Findings. The above recitals are true and correct and incorporated herein.

SECTION 2. Amendment to the City Charter. Section 1009 is hereby added to the City Charter as follows (addition shown as underline):

Section 1009. – Projects providing a fiscal benefit to the City.

A legislative approval, of or related to any development project found by the City to provide a “fiscal benefit,” shall not require any further approval by the electorate after approval of the project by the City in accordance with the provisions of the Municipal Code as of the date of adoption of this Section. No Municipal Code provisions or City guidelines shall be inconsistent with this Charter provision. This provision is not intended to conflict with or alter the right of referendum provided by Section 903 and the California Constitution, or any other provisions in the City Charter.

For purposes of this Section, a development project that provides a “fiscal benefit” shall mean: (a) a project that when added to the City’s existing fiscal impact model does not interfere with or negatively impact the City’s goal that overall development in the City generates revenue in excess of costs by a margin of 15 percent or more, in compliance with General Plan Land Use Element Objective A-5, Policy (c); (b) a project that has already been considered and included in the City’s most recent fiscal impact model analysis which has been approved by the City prior to the date of adoption of this Section; or (c) a project that is the subject of a development agreement that was originally approved on or before the date of adoption of this Section, where the agreement recites, finds, or otherwise acknowledges that the City will receive a significant public benefit or benefits. For each development project for which an applicant requests that City staff make a determination of fiscal benefit to the City under Subsection (a) or (b) of this Section, the project applicant shall prepare a fiscal impact study as part of the project’s application for a legislative approval, or the project applicant shall be required to pay, at the time the application for a legislative approval is submitted, for a fiscal impact study to be prepared in coordination with the City Manager and reviewed by City staff, demonstrating compliance with the criteria in Subsection (a). At the time of the legislative approval(s) of or related to a development project, the City shall (A) ratify the fiscal impact study (by a majority vote, if applicable), and shall make a finding regarding the

proposed project's fiscal benefit based on the fiscal impact study, or (B) find that the project will remain the subject of the development agreement as set forth in Subsection (c). Any development project seeking to qualify as a project that provides a fiscal benefit shall be reviewed and approved as required by the California Environmental Quality Act.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, then the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People of the City of Irvine, California, hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 4. Effective Date. This Ordinance shall go into effect ten (10) days after the date on which the election results are declared by the City Council.