



# USE DETERMINATION INFORMATION SHEET

According to section 2-35-2 of the City of Irvine Zoning Ordinance, a Use Determination is required when a proposed use is not listed in the ordinance. The purpose of the review is to determine whether the proposed use is similar to a listed use, or is consistent with the definition of one or more land use categories. This determination allows the applicant to know whether the proposed use is permitted, conditionally permitted, or prohibited.

Please use this information sheet as a checklist to prepare your request for a Use Determination. When the information is received by the Development Assistance Center it will be assigned to a case planner. The planner will research the Zoning Ordinance and, if necessary, receive comments from other departments and divisions. In some cases, it may be necessary to request additional information from you. The City will respond to Use Determination requests within 21 working days of receipt. If you have any questions about the items requested or the Use Determination process, please call the Development Assistance Center at (949) 724-6308.

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## SECTION A – Request for Use Determination (Including Type 86 ABC License)

- 1) A **letter of request** addressed to the Development Assistance Center describing the use in your own words. It should include a written description of the existing and/or proposed operation. The more complete your information, the more easily staff can make the determination. Please include the following in your letter:
  - (a) Detailed description of the existing and/or proposed use
  - (b) Location of the proposed use, including building address, if available
  - (c) Size of operation in gross square feet or acres
  - (d) Number of employees
  - (e) Hours of operations. Provide a detailed schedule.  
A sample template is available [here](#)
  - (f) Types of use(s) proposed
  - (g) Use, manufacture, or generation of any hazardous materials and/or waste
- 2) A **floor plan** of how the site is proposed to be improved. This can be conceptual if the exact layout has not been finalized. Label each interior space with the proposed use(s) (i.e. office, warehouse, R&D) and specific function(s) (i.e. clothing sales, computer programming, storage, distribution).

## SECTION B - Check payable to the City of Irvine

A fee of \$156.00 is required.

## SECTION C - Additional Materials

For applicants requesting a Use Determination to decide whether a use is Light Manufacturing, Heavy Manufacturing, or Research and Development (R & D), the following must be included:

- (1) A completed Orange County Fire Department, Hazardous Materials Business Information and Chemical Inventory Packet (submit only pages 13 through 17).

- (2) A completed Air Quality Management District (AQMD) permitting checklist.
- (3) A copy of the business' TAC Toxic Air Contaminants/Air Zone Depleters) form for the current year.
- (4) Permit numbers issued by AQMD or the Environmental Protection Agency (EPA) for the treatment, storage or disposal of hazardous waste.

The first item can be obtained from the Building Permit counter. The latter items must be obtained from the Air Quality Management District.

Please note that in most cases a Use Determination cannot be made without these items. If an item is unavailable your letter should explain why you are unable to provide the information requested.

## **FOR YOUR INFORMATION:**

### Difference between Light and Heavy Manufacturing and R & D

The City receives many inquiries on Manufacturing and Research & Development (R & D) uses. The City's Zoning Ordinance differentiates between Light Manufacturing and Heavy Manufacturing based upon the potential environmental impacts the use may have on surrounding land uses. In addition, the Zoning Ordinance definition of manufacturing includes testing; therefore, a proposed "R & D" facility with potential negative environmental impacts may be determined to be Heavy Manufacturing. Experience has shown that Research and Development seldom exists as the sole use of a property. Where manufacturing activities also occur, these must also be addressed.

### Trade Secrets

The City has a procedure for the protection of this confidential information. The letter requesting the Use Determination should be written as specified above, and the information supplied to the extent possible without revealing trade secrets; the letter should then reference a separate document where the confidential information is contained. Each page of this separate document should be labeled with the same Company name and date as the letter of request, and stamped or clearly marked "Confidential". It should be submitted along with the letter. This "Confidential" information is filed in a location that is not accessible to the general public.