



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: JULY 25, 2023

TITLE: SECOND READING AND ADOPTION OF ORDINANCE NO. 23-15 APPROVING A GENERAL PLAN AMENDMENT AND ZONE CHANGE TO TRANSFER DEVELOPMENT INTENSITY AND IMPLEMENT ZONING ORDINANCE TEXT REVISIONS TO ALLOW MINI-WAREHOUSE USES IN PLANNING AREA 40 (CYPRESS VILLAGE, IRVINE SPECTRUM 8)

City Clerk

City Manager

RECOMMENDED ACTION

Read by title only, second reading and adoption of ORDINANCE NO. 23-15 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00793828-PZC TO AMEND SECTION 3-37-34 OF THE IRVINE ZONING ORDINANCE TO ADD MINI-WAREHOUSE AS A PERMITTED LAND USE AND INCREASE MAXIMUM SITE COVERAGE IN THE 5.5D MEDICAL AND SCIENCE ZONING DISTRICT; TO AMEND CHAPTER 9-40 BY REVISING THE STATISTICAL ANALYSIS TABLE AND TEXT TO REFLECT A TRANSFER OF SQUARE FOOTAGE FROM THE 3.1H MULTI-USE TO THE 5.5D MEDICAL AND SCIENCE ZONING DISTRICT, AND A TRANSFER OF SQUARE FOOTAGE FROM THE 5.4 GENERAL INDUSTRIAL TO THE 5.5D MEDICAL AND SCIENCE ZONING DISTRICT; AND TO ESTABLISH SPECIAL DEVELOPMENT REQUIREMENTS FOR MINI-WAREHOUSE IN THE 5.5D MEDICAL AND SCIENCE ZONING DISTRICT; LOCATED IN PLANNING AREA 40 (CYPRESS VILLAGE, IRVINE SPECTRUM 8); FILED BY IRVINE COMPANY

EXECUTIVE SUMMARY

Ordinance No. 23-15 was introduced for first reading on July 11, 2023, by the City Council. The vote at the first reading was as follows:

AYES:	5	COUNCILMEMBERS:	Agran, Carroll, Kim, Treseder, and Khan
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

Unless otherwise directed by a Member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember was absent at first reading, his or her vote cast at second reading will be reflected. If a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.

ATTACHMENT

City Council Ordinance No. 23-15

CITY COUNCIL ORDINANCE NO. 23-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00793828-PZC TO AMEND SECTION 3-37-34 OF THE IRVINE ZONING ORDINANCE TO ADD MINI-WAREHOUSE AS A PERMITTED LAND USE AND INCREASE MAXIMUM SITE COVERAGE IN THE 5.5D MEDICAL AND SCIENCE ZONING DISTRICT; TO AMEND CHAPTER 9-40 BY REVISING THE STATISTICAL ANALYSIS TABLE AND TEXT TO REFLECT A TRANSFER OF SQUARE FOOTAGE FROM THE 3.1H MULTI-USE TO THE 5.5D MEDICAL AND SCIENCE ZONING DISTRICT, AND A TRANSFER OF SQUARE FOOTAGE FROM THE 5.4 GENERAL INDUSTRIAL TO THE 5.5D MEDICAL AND SCIENCE ZONING DISTRICT; AND TO ESTABLISH SPECIAL DEVELOPMENT REQUIREMENTS FOR MINI-WAREHOUSE IN THE 5.5D MEDICAL AND SCIENCE ZONING DISTRICT; LOCATED IN PLANNING AREA 40 (CYPRESS VILLAGE, IRVINE SPECTRUM 8); FILED BY IRVINE COMPANY

WHEREAS, Irvine Company filed an application for Zone Change 00793828-PZC to amend the Irvine Zoning Ordinance to add 623,130 square feet of development intensity to 5.5D Medical and Science which includes a 620,250-square-foot transfer from the 3.1H Multi-use district and a 2,880-square-foot transfer from the 5.4 General Industrial, add mini-warehouse as a permitted land use, and establish special development requirements for mini-warehouse development in Planning Area 40 (PA 40); and

WHEREAS, the City of Irvine has an adopted Zoning Ordinance which establishes maximum development intensity standards by zoning district for each planning area in the City of Irvine; and

WHEREAS, Section 9-40-3 of the Zoning Ordinance contains a statistical analysis table that regulates intensity in PA 40; and

WHEREAS, there is unused development intensity and no vacant land remaining in the 3.1H Multi-use zoning district of PA 40; and

WHEREAS, there is vacant land remaining to accommodate additional development intensity in the 5.5D Medical and Science zoning district of PA 40; and

WHEREAS, mini-warehouse is currently not a permitted nor conditionally permitted land use in PA 40; and

WHEREAS, the transferred development intensity is intended for 848,282 square feet of commercial development consisting of 773,282 square feet of mini-warehouse uses with an option for up to 75,000 square feet of office spread across multiple parcels on the south side of Marine Way between Sand Canyon Avenue and Ridge Valley adjacent to the Interstate 5 Freeway and Eastern Transportation Corridor State Route – 133 Toll Road that have a combined area of 11.4 acres (in the interim condition) and would be up to 12.7 acres in area (in the final/build-out condition after the realignment of Marine Way is completed); and

WHEREAS, the proposed Zone Change 00793828-PZC includes revisions to text and Statistical Analysis table of the City's Zoning Ordinance applicable to PA 40 as follows:

- 1) Delete 1,540,000 square feet in the 3.1H Multi-use zone and corresponding asterisk notation that allowed for a square footage conversion of up to 1,309 dwelling units in Section 9-40-3, Statistical Analysis table; and
- 2) Increase the development intensity in the 5.5D Medical and Science zone by 623,130 square feet in Section 9-40-3, Statistical Analysis table; and
- 3) Decrease the development intensity in the 5.4 General Industrial zone by 2,880 square feet in Section 9-40-3, Statistical Analysis table; and
- 4) Revise text to reflect the resulting square footages in the 3.1H Multi-use and 5.5D Medical and Science zones in Sections 9-40.7.C and 9-40.7.D; and
- 5) Add mini-warehouse as a permitted land use in the 5.5D Medical and Science zone in Section 3-37-34.B(12); and
- 6) Add special development requirements for mini-warehouse uses related to building height, building design, signage, and landscaping in the 5.5D Medical and Science zone in Sections 9-40-7.N and 9-40-7.O; and
- 7) Add maximum site coverage of 60% for mini-warehouse in the 5.5D Medical and Science zone in Section 3-37-34.E; and

WHEREAS, Zone Change 00793828-PZC is consistent with and implements General Plan Amendment 00793825-PGA to amend the City of Irvine General Plan with the correct amount of commercial square footage and residential units allowed in PA 40; and

WHEREAS, Zone Change 00793828-PZC is a "project" as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, on May 8, 2001, the Irvine City Council approved Planning Area 40 / Spectrum 8 General Plan Amendment 43221-GA, Zone Change 43222-PZC, Development Agreement, and Annexation and certified the Final Program Environmental Impact Report (EIR) (SCH No. 2000071014); and

WHEREAS, the validity of the certified 2001 Final EIR (SCH No. 2000071014), was challenged; and

WHEREAS, on March 12, 2002, the Irvine City Council rescinded the May 2001 approvals and Final EIR certification; and

WHEREAS, on April 22, 2003, the Irvine City Council approved Planning Area 40 / Spectrum 8 General Plan Amendment 43221-GA, Zone Change 43222-PZC, Development Agreement, and Annexation and certified a Final Supplemental EIR (SCH No. 2000071014), which evaluated the environmental impacts resulting from the physical disturbance and development of the future commercial sites in the Research/Industrial category; and

WHEREAS, on June 10, 2003, the North Irvine Transportation Mitigation (NITM) Program Development Agreement was entered between the City and the Irvine Company, which implemented transportation-related mitigation measures necessary to accommodate planned development in the northern portion of the City that included PA 40; and

WHEREAS, on August 12, 2008, the Irvine City Council approved Planning Area 40 / Planning Area 12 General Plan Amendment 00434714-PGA and Zone Change 00434717-PZC and certified a Final Program EIR (SCH No. 2000071014), which evaluated the environmental impacts associated with the total build-out of development intensity that is being transferred in the Multi-use category; and

WHEREAS, on January 5, 2021, the Irvine Transportation Commission considered a Traffic Study prepared for the project and determined that the Traffic Study is consistent with the City's adopted performance criteria, thresholds of significance, and General Plan standards; and

WHEREAS, in May 2023, an Addendum was prepared to analyze the transfer of 623,130 square feet from the 3.1H Multi-use and 5.4 General Industrial zones to the 5.5D Medical and Science zoning district, addition of mini-warehouse as a permitted land use in the 5.5D Medical and Science zone, increase site coverage for mini-warehouse in 5.5D Medical and Science, and add special development requirements applicable to mini-warehouse in 5.5D Medical and Science along with the corresponding general plan amendment transferring 620,250 square feet from the Multi-use to the Research/Industrial land use category in PA 40; and

WHEREAS, CEQA does not require a public review and comment period when an Addendum is prepared for a project; and

WHEREAS, the 2003 Final Supplemental EIR and 2008 Final EIR (referenced herein as "PA 40 EIRs"), with the 2023 Addendum, collectively serve as the environmental documentation for the proposed project; and

WHEREAS, on January 5, 2021, the Irvine Transportation Commission considered a Traffic Study prepared for the project and determined that the Traffic Study is consistent with the City's adopted performance criteria, thresholds of significance, and General Plan standards; and

WHEREAS, on June 15, 2023, the Planning Commission of the City of Irvine considered information presented by the applicant, the Community Development Department, and other interested parties at a public meeting and, with all members present, unanimously recommended City Council approval of the Zone Change; and

WHEREAS, on June 22, 2023, notice of the July 11, 2023 City Council public hearing was published in the Orange County Register, was posted at the project site and at designated City bulletin boards, and was mailed to interested parties and all property owners, residents, and homeowner's associations within 500 feet of the project site; and

WHEREAS, the City Council of the City of Irvine considered information presented by the applicant, the Community Development Department, and other interested parties at a public hearing held July 11, 2023.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. That the above recitals are true and correct and are incorporated herein.

SECTION 2. An Addendum to the PA 40 EIRs (SCH No. 2000071014) was prepared in May 2023 pursuant to Section 15164 of the CEQA Guidelines, and concluded that, as further set forth below, none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred.

SECTION 3. Pursuant to Section 15162 of the CEQA Guidelines, the following has been determined:

- A. There are no substantial changes from the project that will require major revisions to the PA 40 EIRs due to new, significant environmental effects or a substantial increase in the severity of impacts identified in the PA 40 EIRs.
- B. Substantial changes have not occurred in the circumstances under which the Project is being undertaken that will require major revisions of the PA 40 EIRs to disclose new, significant environmental effects or a substantial increase in the severity of the impacts identified in the PA 40 EIRs.
- C. There is no new information of substantial importance not known at the time the PA 40 EIRs was certified that shows any of the following:
 - 1. The project will have any new significant effects not discussed in the PA 40 EIRs.
 - 2. Significant effects previously examined will be substantially more severe than shown in the PA 40 EIRs.
 - 3. Mitigation measures or alternatives to the project previously found not to be feasible would in fact be feasible and would substantially reduce one or more of the significant effects identified in the PA 40 EIRs.

4. There are additional mitigation measures or alternatives that are considerably different from those analyzed in the PA 40 EIRs that would substantially reduce any significant impact identified in the PA 40 EIRs, but the project proponents decline to adopt the mitigation measure or alternative.

SECTION 4. Pursuant to Section 15168 of the CEQA Guidelines, this project is within the scope of the previously certified PA 40 EIRs (SCH No. 2000071014), as demonstrated by the May 2023 Addendum. The effects of the project were examined in the Program EIRs, and all feasible mitigation measures and alternatives developed in the Program EIRs are incorporated into this project and no new mitigation measures are required. Based on public testimony and independent judgment, it has been determined the Addendum and the PA 40 EIRs are determined to be adequate to serve as the environmental documentation for this project and satisfies all requirements of CEQA.

SECTION 5. Pursuant to Fish and Game Code Section 7.11.4 (C), all required Fish and Game filing fees have been paid subsequent to certification of the PA 40 EIRs (SCH No. 2000071014).

SECTION 6. The City Council hereby makes the findings required by Section 2-38-7 of the Irvine Zoning Ordinance for approval of Zone Change 00793828-PZC as follows:

- A. The proposed zone change is consistent with the City of Irvine General Plan.

The proposed zone change is consistent with and implements the City of Irvine General Plan as amended through corresponding General Plan Amendment 00793825-PGA. Irvine's General Plan provides a thoughtful framework that balances development intensity with harmonious land use patterns while ensuring that infrastructure and municipal services are available and will continue to serve proposed developments. The future commercial development that would be facilitated by the transferred intensity will be consistent with applicable policies of Irvine's General Plan with respect to circulation, seismic, noise, safety, energy, and cultural resources.

There is no increase in square footage within the planning area. The transferred intensity from the 3.1 Multi-use zoning district (associated with the Multi-use land use category of the General Plan) otherwise could not be used, as there are no remaining lands to develop. Instead, the unused development intensity will be transferred into the 5.5D Medical and Science zoning district (associated with the Research and Industrial land use category of the General Plan). The transfer would preserve the applicant's right to the development intensity under the NITM Program Development Agreement and develop a land use that is reasonable and compatible in the surrounding area. The proposed commercial development for mini-warehouse is consistent with the range of allowed uses described in the Research/Industrial Land Use Element of the General Plan which provides storage spaces to support the growing residential land uses in the area.

Existing infrastructure connections and municipal services are available to serve the development. Therefore, the proposed zone change is consistent with the General Plan as proposed to be amended through General Plan Amendment application 00793825-PGA.

- B. The proposed zone change is consistent with any applicable concept plan.

There is no concept plan for PA 40 to which this proposed zone change must be consistent with.

- C. The proposed zone change meets all the requirements set forth within Division 8 for the dedication of permanent open space through a specified phased implementation program for affected planning areas and zoning districts.

The zone change complies with the requirements set forth within Division 8 (Section 8-19-1, Open Space Spines and Trails) as implemented through Section 9-40-7.E of the Zoning Ordinance. The western edge of PA 40 includes 17-acres dedicated towards the Jeffrey Open Space Trail (JOST), portion of Segment S-4, which runs from the I-5 Freeway to Trabuco Road serving as the village edge in accordance with the JOST Implementation Agreement. The portion of the JOST located in PA 40 has been conveyed and owned by the City of Irvine, is zoned 1.5 Recreation, and ensures the property remains in its current state offering public trails and passive open space uses. There is no additional open space dedication requirement for PA 40 to which this zone change would need to comply.

- D. The proposed zone change is in the best interest of the public health, safety, and welfare of the community.

While the transfer of development intensity between the 3.1 Multi-use and the 5.5D Medical and Science zoning district preserves the applicant's rights under the North Irvine Transportation Mitigation Development Agreement to develop on land that is reasonable and compatible in the surrounding area, the proposed zone change is not detrimental to the public's health, safety, and welfare. The transfer of unused intensity would facilitate commercial development on vacant lands that was planned to occur within the same planning area. The addition of mini-warehouse land use meets the needs of the planning area by providing storage spaces to support the growing residential land uses in the area.

The proposed mini-warehouse use has been evaluated through the project's environmental documentation and determined that the existing circulation network has capacity to accommodate the anticipated trips and that onsite infrastructure would either connect to existing utility lines, or to new utility infrastructure installed as part of the project infrastructure (e.g., water, electricity, sewer, etc.) to serve the future uses. The environmental

documentation also supports that the future uses will not be located on unstable lands or contribute to air quality impacts above allowed thresholds.

Mini-warehouse use is not anticipated to result in any incompatibilities with current residential or future land uses in the area with the incorporation of the special development requirements. Mini-warehouse is an appropriate use given its location, orientation, and context adjacent to the freeway, toll road, and other support facilities. The use generates less traffic during non-peak times compared to other types of commercial developments that would otherwise be allowed in the same zone.

Future development that may result from this zone change will comply with all applicable subdivision, building and safety, noise, and other related codes and ordinances therefore ensuring protection of the community's health, safety, and welfare. Therefore, the proposed zone change is in the best interest of the public health, safety, and welfare of the community.

- E. Based upon information available at the time of approval, adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection, fire protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed Zone Change when development occurs.

Existing infrastructure connections and municipal services are available to serve the future development. Existing sewer, water lines, dry utilities, sewage treatment capacity, and drainage facilities have adequate capacity to accommodate the new development. Roads, police protection, fire protection/emergency medical care, are available to accommodate the increased demands to serve the planned developments. The existing circulation network has capacity to accommodate the anticipated vehicle trips to serve the future uses.

- F. If the proposed Zone Change affects land located within the coastal zone, the proposed zone change will comply with the provisions of the land use plan of the certified local coastal program.

The City of Irvine has a small area located within the Irvine Business Complex (PA 36) that is located in the coastal zone. This proposed zone change, which is located in Planning Area 40 several miles away from Planning Area 36, will not affect land located in the coastal zone. As such, this finding does not apply.

SECTION 7. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

NOW, THEREFORE, based on the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE Zone Change 00793828-PZC, as shown in Exhibit A, attached hereto.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 25th day of July 2023.

MAYOR OF THE CITY OF IRVINE

ATTEST:

CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing ordinance was introduced for first reading on the 11th day of July 2023, and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 25th day of July 2023.

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

CITY CLERK OF THE CITY OF IRVINE

Sec. 3-37-34. - 5.5 Medical and Science.

A. *Intent.* This category allows the development of a biomedical/high technology complex combining health care facilities and related businesses, medical research and education, general research and development, and light manufacturing and assembly in one master planned area.

(5.5)	Irvine Spectrum 4 (Planning Area 13)
(5.5A)	Irvine Spectrum 6 (Planning Area 31)
(5.5B)	Jamboree Business Center, East (Planning Area 10)
(5.5C)	Planning Area 17 (east of Laguna Canyon Road)
(5.5D)	Irvine Spectrum 8 (Planning Area 40)
(5.5E)	Reserved
(5.5F)	Planning Area 6 (Portola Springs)
(5.5G)	Planning Area 17 (west of Laguna Canyon Road)
(5.5H)	Planning Area 12 (Oakcreek)

B. *Permitted uses.* ¹

1. Accessory use.
2. Agriculture (interim use).
3. Alternative health care provider.
4. Cannabis testing laboratory (not allowed within 600 feet of schools or residences).
5. Caretaker's quarters.
6. Emergency shelters.
7. Financial institution (except drive-thru).
8. Industry, service. (5.5F if located on a parcel more than 200 feet from a street intervening between residential and Medical and Science uses. If less than 200 feet, conditionally permitted.)
9. Information center.
10. Manufactured structure (up to two years).
11. Manufacturing, light. (5.5F if located on a parcel more than 200 feet from a street intervening between residential and Medical and Science uses. If less than 200 feet, conditionally permitted.)

12. Mini-warehouse (permitted only in 5.5B Jamboree Business Center, East, 5.5C Planning Area 17, 5.5A Spectrum 6, and 5.5D Irvine Spectrum 8 (PA40)).
13. Office, administrative, business professional.
14. Office, design professionals (permitted only in Planning Areas 12, 13, 17, 31, 32, 34, 35, 40).
15. Office, headquarters.
16. Office, medical.
17. Outdoor vendor.
18. Park.
19. Public park facility (only in public parks).
20. Pushcart.
21. Recreational vehicle storage, public (permitted only in 5.5B Jamboree Business Center, East; 5.5C Planning Area 17; 5.5D Irvine Spectrum 8, if located 225 feet or more from the Jeffrey Open Space Trail, 5.5A Irvine Spectrum 6).
22. Research and development.
23. Restaurant (prohibited in 5.5B Jamboree Business Center, East).
24. Restaurant, fast food (except drive-thru) (prohibited in 5.5B Jamboree Business Center, East).
25. Restaurant, fast food (drive-thru) (permitted in 5.5C Planning Area 17; 5.5D Irvine Spectrum 8; 5.5 E Planning Area 9; and 5.5F Planning Area 6).
26. Retail and/or service business, general (except drive-thru) (prohibited in 5.5B Jamboree Business Center, East).
27. Retail and/or service business, general (drive-thru) (permitted in 5.5D Irvine Spectrum 8).
28. Reverse vending machine.
29. School, public. (prohibited in 5.5B Jamboree Business Center, East).
30. Vehicle leasing and rental (5.5B Jamboree Business Center, East; 5.5C: Planning Area 17; 5.5D Irvine Spectrum 8, if located 225 feet or more from the Jeffrey Open Space Trail).
31. Veterinary service, domestic (prohibited in 5.5B Jamboree Business Center, East).
32. Warehouse and sales outlet. (5.5F if located on a parcel more than 200 feet from a street intervening between residential and Medical and Science uses. If less than 200 feet, conditionally permitted.)
33. Warehousing, storage and distribution. (5.5F if located on a parcel more than 200 feet from a street intervening between residential and Medical and Science uses. If less than 200 feet, conditionally permitted.)
34. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

C. *Conditional uses.* ^{1,2}

1. Ambulance service.
2. Bar, tavern, cocktail lounge (prohibited in 5.5B Jamboree Business Center, East).
3. Carwash (prohibited in 5.5B Jamboree Business Center, East).
4. Child care center (prohibited in 5.5E and 5.5F).
5. Churches (and other Places of Worship) ³ (prohibited in 5.5F).

6. Community facility (prohibited in 5.5B Jamboree Business Center, East; prohibited in 5.5F).
7. Commercial recreation facility (prohibited in 5.5B Jamboree Business Center, East).
8. Conference/convention facility (prohibited in 5.5B Jamboree Business Center, East).
9. Congregate care facility (prohibited in 5.5B Jamboree Business Center, East; prohibited in 5.5F).
10. Convalescent home (prohibited in 5.5B Jamboree Business Center, East; prohibited in 5.5F).
11. Convenience or liquor store (prohibited in 5.5B Jamboree Business Center, East).
12. Equipment rental.
13. Financial institution, drive-thru.
14. Fraternal and service club (prohibited in 5.5B Jamboree Business Center, East).
15. Funeral home/mortuary (prohibited in 5.5B Jamboree Business Center, East).
16. Gas station/fuel dispenser (prohibited in 5.5B Jamboree Business Center, East).
17. Government facility (prohibited in 5.5B Jamboree Business Center, East).
18. Health club.
19. Heliport (prohibited in 5.5B Jamboree Business Center, East; 5.5D Irvine Spectrum 8, if located 225 feet or more from the Jeffrey Open Space Trail).
20. Hospital (prohibited in 5.5B Jamboree Business Center, East; prohibited in 5.5E and 5.5F).
21. Hotel/motel.
22. Manufactured structure (over two years).
23. Massage establishment and related businesses.
24. Residential care facility (prohibited in 5.5B Jamboree Business Center, East; prohibited in 5.5F).
25. Residential, not-for-profit ⁷ (5.5G Planning Area 17 only).
26. Restaurant, fast-food (drive-thru) in 5.5A, Spectrum 6, Planning Area 31 only (permitted use in 5.5C).
27. School, private⁴ (prohibited in 5.5F).
28. Single room occupancy (SRO).
29. Supportive housing — Small (5.5G Planning Area 17 only).
30. Supportive housing — Large (5.5G Planning Area 17 only).
31. Transitional housing — Small (5.5G Planning Area 17 only).
32. Transitional housing — Large (5.5G Planning Area 17 only).
33. Utility building and facility.

D.	<i>Minimum site size</i>	10,000 square feet
E.	<i>Maximum site coverage</i>	50%. When parking structures are provided, coverage may be increased to 66%. 5.5D: 60% for mini-warehouse uses.

F.	<i>Maximum building height</i>	Buildings proposed higher than 200 feet will require application to the Federal Aviation Administration and approval by the Orange County Airport Land Use Commission.
		5.5A: The maximum height of all structures shall be restricted to 120 feet.
		5.5B: The maximum height of all structures shall be restricted to 45 feet. This height may be increased to 50 feet with architectural features.
G.	<i>Minimum site landscaping</i>	15%
H.	<i>Building setbacks^{5,7} from:</i>	
	Freeways, transportation corridors	30 feet
	Thruways	40 feet
	Parkways	40 feet
	Community collectors	40 feet
	Neighborhood collectors	40 feet
	East/west San Diego Creek ROW	30 feet
	Interior boundary if adjacent to residential uses:	
	Side	When no master plan or CUP is required for a building constructed in the 5.5 Medical & Science Zone, the side building setbacks shall be a minimum of 10 feet measured from the property line. If the building is adjacent to a street, the street side setbacks identified in Section 3-37-34.A shall also apply, with the more restrictive governing.

				5.5H: 40 feet
			Rear	When no master plan or CUP is required for a building constructed in the 5.5 Medical & Science Zone, the rear building setbacks shall be a minimum of 10 feet measured from the property line. If the building is adjacent to a street, the street side setbacks identified in Section 3-37-34.A shall also apply, with the more restrictive governing. 5.5H: 20 feet
			Interior boundary if adjacent to nonresidential uses:	
			Side	To be determined at time of master plan or conditional use permit review 5.5H: 40 feet
			Rear	To be determined at time of master plan or conditional use permit review 5.5H: 20 feet
			Building to building	10 feet

¹ Some permitted uses may have to conform to or fulfill conditions of approval imposed in conjunction with previous discretionary approvals. Additionally, a Master Plan application may need to be processed (see Chapter 2-17).

² A Master Plan application may be required in addition to a conditional use permit (see Chapter 2-17).

³ A church that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit (CUP).

⁴ A private school for adults (18 years and older) that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit.

⁵ Exceptions to these building setback requirements appear on the setback exceptions matrix in Section 3-27-2.

⁶ See Sections 9-30-5 and 9-30-7 for exceptions within Planning Area 30.

⁷ The Planning Commission shall have the discretion to approve requests for reduced setbacks for not-for-profit housing projects to allow for a reduction of up to 10 feet less than the Code-required setback in the 5.5G Zone. Such requests for setback reductions shall be considered at time of conditional use permit review.

⁸ In Planning Area 12, even though a land use may be listed as "permitted" or "conditionally permitted," the use may be limited or prohibited on certain properties, based on how the property was analyzed in the Spectrum 7 Traffic Study, dated July 31, 2020 (refer to Section 9-12-7(F)).

(Code 1976, § V.E-325.5.5; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, § 6, 11-24-92; Ord. No. 93-7, 6-22-93; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 94-15, § 3, 12-13-94; Ord. No. 94-16, 12-13-94; Ord. No. 95-3, § 3B, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-7, § 4, 7-11-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 95-12, § 3, 9-12-95; Ord. No. 95-16, § 2, 10-10-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 98-07, § 3, 7-14-98; Ord. No. 99-03, § 3, 2-9-99; Ord. No. 99-21, § 4, 11-30-99; Ord. No. 00-02, § 4, 2-8-00; Ord. No. 00-11, § 3.D, 10-10-00; Ord. No. 00-14, § 4.B, 11-14-00; Ord. No. 01-10, § 3, 5-8-01; Ord. No. 02-06, § 1, 3-26-02; Ord. No. 02-09, §§ 1—7, 6-11-02; Ord. No. 02-11, § 7, 7-9-02; Ord. No. 03-02, § 4, 1-14-03; Ord. No. 03-13, § 9, 5-13-03; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 05-19, § 4, 9-27-05; Ord. No. 08-08, § 5, 8-12-08; Ord. No. 09-02, § 3, 3-24-09; Ord. No. 10-04, § 3, 4-13-10; [Ord. No. 12-09, § 3\(Exh. A\), 5-22-12](#); Res. No. 15-86, § 3(Exh. A), 8-11-15; Ord. No. [18-01](#), § 8(Exh. A), 2-27-18)

CHAPTER 9-40. - PLANNING AREA (CYPRESS VILLAGE)¹⁷

Footnotes:

--- (17) ---

Editor's note— Ord. No. 12-09, § 3(Exh. A), adopted May 22, 2012, amended the Code by amending the title of Chapter 9-40 to read as herein set out.

Sec. 9-40-1. - Land use zoning map.

(See Planning Area 40/Spectrum 8 map following Section 9-40-5.)

(Ord. No. 03-13, § 9, 5-13-03; Ord. No. 08-12, § 3, 9-9-08)

Sec. 9-40-2. - Introduction.

Planning Area 40 is bounded by Jeffrey Road, Trabuco Road, the Santa Ana Freeway (1-5) and Planning Area 51 (former MCAS El Toro).

(Ord. No. 03-13, § 9, 5-13-03; Ord. No. 08-12, § 3, 9-9-08)

Sec. 9-40-3. - Statistical analysis.

			Building Intensity Standard				
General Plan Category	Zoning Number	Zoning District	Maximum Regulatory Dwelling Units	Additive Dwelling Units ²	Maximum Regulatory Square Feet	Additive Square Feet ²	Gross Acres*
Conservation and Open Space:							
Recreation	1.5	Recreation	0	0	0	0	17
Residential:							
Medium	2.3N	Medium	***1,595	14	0	61,029	213
Medium-High	2.4I	Med-High	***2,323	0	0	0	178
Multi-Use:							

Multi-Use	3.1H	Multi-Use	1,303	80	0	0	149
Commercial:							
Community Commercial	4.2O	Community Commercial	0	0	205,000	0	24
Industrial:							
Research/Industrial	5.4	General Industrial	0	0	1,309,472	0	32
Research/Industrial	5.5D	Medical & Science	0	0	973,130	0	28
Institutional:							
Educational Facility	6.1	Institutional	0	0	100,000	0	33
Unallocated Housing Units ¹	n/a	n/a	0	0	0	0	0
PLANNING AREA TOTAL			5,221	94	2,587,602	61,029	674

¹ Unallocated dwelling units represent those units remaining in a planning area that may be built anywhere in the same planning area. These units are within the maximum development intensity for the planning area; and, therefore, placement of unallocated dwelling units into any residential category within the planning area for purposes of development is determined to be consistent with the General Plan and Zoning Code with regard to intensity allocation only, provided that placement is otherwise consistent with site specific zoning regulations and that any potential environmental impacts are adequately addressed, including traffic impacts, pursuant to CEQA.

² See Section 9-0-3.C, Building Intensity Standards.

*Does not include acres used for existing arterial highway rights-of-way (except Marine Way).

***Subject to dwelling unit transfers between Areas 2.3N and 2.41 as set forth in Section 9-40-7B.

(Ord. No. 03-13, § 9, 5-13-03; Ord. No. 08-12, § 3, 9-9-08; [Ord. No. 12-09, § 3\(Exh. A\), 5-22-12](#).)

Sec. 9-40-4. - Land use regulations.

See Chapter 3 (Land use matrix).

(Ord. No. 03-13, § 9, 5-13-03)

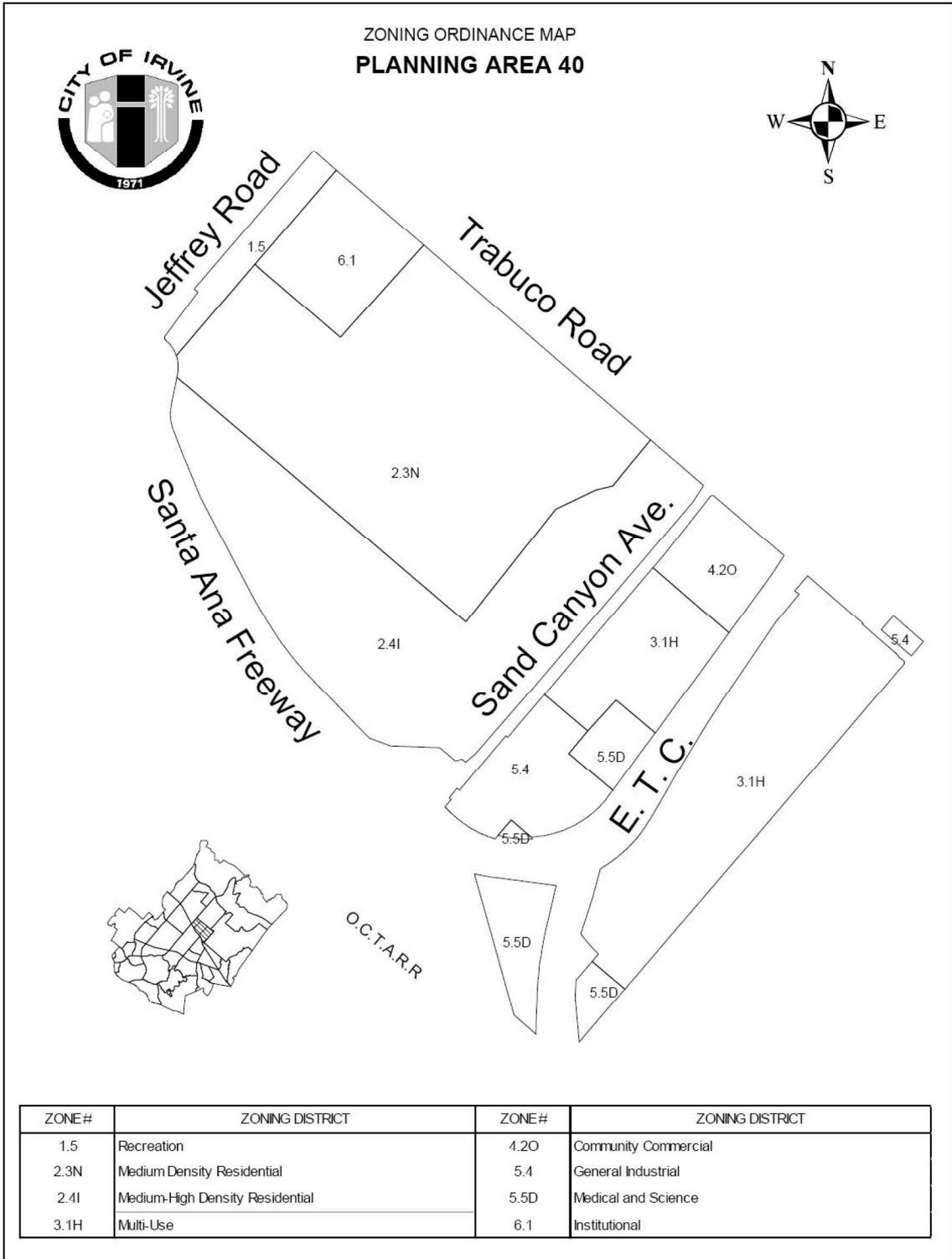
Sec. 9-40-5. - Development standards.

See Chapter 3 (Development Standards).

Individual project densities in Area 2.3N may exceed 12.5 dwelling units/net acre. However, no individual project may exceed 31.0 dwelling units/net acre and the overall density within 2.3N cannot exceed 12.5 dwelling units/net acre. Individual project densities in Area 2.4I may exceed 31.0 dwelling units/net acre. However, the overall density within 2.4I cannot exceed 31.0 dwelling units/net acre. For residential projects within Areas 2.3N, 2.4I and 3.1H, the actual net density of individual projects will determine the development standards to be applied according to the following:

1. For projects from 0 to 6.5 dwelling units per net acre, Section 3-37-13 development standards shall apply.
2. For projects from 6.6 to 12.5 dwelling units per net acre, Section 3-37-14 development standards shall apply.
3. For projects from 12.6 to 31.0 dwelling units per net acre, Section 3-37-15 development standards shall apply.
4. For projects from 31.0 to 50.0 dwelling units per net acre, Section 3-37-16 development standards shall apply (3.1H only).

(Ord. No. 03-13, § 9, 5-13-03; Ord. No. 08-12, § 3, 9-9-08)



Sec. 9-40-6. - Reserved.

Sec. 9-40-7. - Special development requirements.

A. *Circulation.* The following arterials are located adjacent to or within Planning Area 40:

Arterial Highway/Freeway/Tollway	General Plan Classification
I-5 Freeway	Freeway
Jeffrey Road	Major Arterial Highway
Trabuco Road	Primary Highway
Sand Canyon Avenue	Major Arterial Highway
Marine Way	Primary Highway
SR-133 Tollway	Transportation Corridor

B. *Maximum residential units.*

1. The total number of allowable residential dwelling units overall in Areas 2.3N, 2.4I, and 3.1H shall be 5,221 units.
2. Notwithstanding the provisions of Section 9-40-3, up to 750 dwelling units may be transferred between the 2.3N Medium Density Residential District and the 2.4I Medium-High Density Residential District provided the cumulative total in both Area 2.3N and Area 2.4I does not exceed 3,918 dwelling units.
3. Subject to the limitations set forth in Sections 9-1-7 and 9-6-7, unbuilt dwelling units, up to the total number of units allowed by the unit cap for the planning area, may be transferred from Planning Area 40 into Planning Area 1 and/or Planning Area 6. It is the intent of this provision to facilitate a level of development that remains within the total number of dwelling units authorized by the North Irvine Transportation Mitigation Implementing Development Agreement between the City of Irvine and the Irvine Company. The transfer of units described in this Section will be facilitated as a part of the subdivision process required in receiving areas and will be appropriately and administratively noted in Sections 9-1-3, 9-1-7, 9-6-7, 9-40-3, and 9-40-7, as applicable.

C. *Project trip monitoring within the 5.5D Medical and Science District* The development intensity allocated to the 5.5D Medical and Science District Area and analyzed in the traffic study equates to 973,130 square feet of office, research & development, and mini-warehouse uses with a build-out trip limit of 3,146 average daily trips, 279 a.m. peak hour trips and 334 p.m. peak hour trips. The source of the traffic trip rates is the Planning Area 40 General Plan Amendment, Zone Change, Vesting Tentative Parcel Map 2020-137 Traffic Study, dated 12-9-2020.

1. For the purposes of this section, "applicant" shall mean that applicant for development case 00793825-PGA and 00793828-PZC. Prior to approval of each subdivision map in the 5.5D Medical and Science Zoning District, the applicant shall submit a Trip Allocation and Monitoring Report (TAMR) for review and approval of the Director of Community Development. The TAMR shall include an allocation and accounting of trips to ensure that the aggregate traffic projected does not exceed the vehicle trip limits. The TAMR shall include, but not be limited to, the allocation of trips (average daily, a.m. peak and p.m. peak hour) to each parcel. Approval by the

Director of Community Development shall be based upon the determination that the allocations shown do not exceed the maximum established for the zoning district; that all parcels have a trip allocation; and that the allocation is consistent with the General Plan, zoning and other applicable regulatory documents. The TAMR may be updated by the applicant and is subject to review and approval by the Director of Community Development.

2. The build-out vehicle trip limits set forth herein shall restrict all development within the 5.5D Medical and Science District. Any increase to the maximum allowable trips for the zoning district as a whole shall require the approval of a zone change.
 3. In addition, the trips allocated to individual parcels in an approved TAMR shall not be exceeded. Any increase to the vehicle trip limit for an individual parcel shall require either the submission and approval by the applicant of an updated TAMR or the approval of a zone change.
- D. *Project trip monitoring within the 3.1H Multi - Use District.* The development intensity allocated to the 3.1H Multi-Use Area and analyzed in the project traffic study equates to 1,383 residential dwelling units with a build-out trip limit of 10,059 average daily trips, 798 a.m. peak hour trips and 987 p.m. peak hour trips. The source of the traffic trip rates is the Planning Area 40 General Plan Amendment, Zone Change, Vesting Tentative Parcel Map 2020-137 Traffic Study, dated 12-9-2020.
- E. *Jeffrey open space spine ("JOST").* The JOST within Planning Area 40 is designated as 1.5 Recreation on the zoning map. The JOST width may vary, but may not be less than 200 feet. The JOST will serve as the Village Edge for the adjoining development areas, and no further Village Edge dedications or improvements will be required. JOST improvements may be proposed by the applicant in lieu of dedication, as agreed to in the "Jeffrey Open Space Spine Implementation Agreement," dated June 10, 2003.
1. *JOST function.*
 - a. The JOST shall provide a place that will accommodate public trail and passive open space uses and which will achieve the following objectives:
 - i. Provide a Class I bicycle trail with crossings at Roosevelt and Trabuco and, provide where deemed appropriate, an unpaved pedestrian trail. Any references to grade-separated crossings at these locations as indicated in Exhibit B are conceptual only. The final determination of whether a grade-separated crossing will be required in the JOST at Trabuco Road and/or at Roosevelt shall be made as part of the JOST Segment 1 Design Plan and master tentative tract map review for Planning Area 40 per the JOST Implementation Agreement. Reference to any grade-separated crossing within this section in no way requires or otherwise obligates the City to accept a grade-separated crossing at this location.
 - ii. Include features such as, but not limited to, riparian elements, water quality elements, picnic areas, shade structures, restrooms and other passive recreational improvements.
 - iii. Establish landscape and landforms that will provide the trail user with a meandering separation from Jeffrey Road, a village edge for newly developed planning areas, and a landscape buffer between new development and Jeffrey Road.
 - iv. Access to the JOST from new development will occur only through planned common area access points. Direct access to the JOST from individual lots will not be permitted.
 - b. Permitted uses: Except for utilities and General Plan roadway improvements, surface uses will be limited to trails, and associated passive public recreation. For the purposes of the JOST, all features identified in Subsection E.1.a. above are considered passive recreation.
 2. *Segment Plan approval process.*
 - a. *Segment Plan submitted:* In conjunction with the first residential "A" master tract map for the portion of Planning Area 40 west of SR-133, a segment park design ("Segment Plan")

for the JOST segment shall be submitted to the City by the applicant. The plan shall include:

- i. JOST dimensions and acreage;
 - ii. Trails and pedestrian access to trails;
 - iii. Landscape elements;
 - iv. Conceptual plant palette;
 - v. Planned vehicular access or crossings;
 - vi. Special design features;
 - vii. Passive recreational amenities and improvements; and
 - viii. The boundary interface with the adjacent land uses.
- b. *Segment Plan approval:* The segment park design ("Segment Plan") shall be approved by the Directors of Community Development and Community Services, provided the Segment Plan is deemed consistent with the overall park design. In the event the overall park design has not received approvals or if the Segment Plan is not consistent with an approved overall park design, the Segment Plan shall be subject to final approval by the Community Services Commission. Appeals of decisions related to the Segment Plan shall be to the City Council.

3. *JOST improvement.*

- a. The project developer's financial obligation to improve the JOST is limited to costs of construction of a permanent trail to be built in accordance with the City's 1985 "Guidelines for Bicycle Facilities in Irvine" (excluding grade separations used solely for trail systems). However, the project developer shall provide JOST improvements consistent with the approved Segment Plan and the "Jeffrey Open Space Spine Implementation Agreement," dated June 10, 2003.
- b. The City shall provide in lieu dedication credits for the grade-separated crossings according to the criteria set forth in the "Jeffrey Open Space Spine Agreement". The City shall maintain the bicycle/pedestrian trail, grade-separated crossings, landscaping and all other improvements within the JOST.

4. *JOST conveyance.*

- a. Prior to the release of the first final residential map for the portion of Planning Area 40 west of SR-133, the applicant shall submit for review to the satisfaction of the Director of Community Development and the City Attorney, the form of an irrevocable offer of dedication to the City of Irvine for the Spine segment adjacent to the development. The JOST segment shall be included in the tract map as a lettered lot.
- b. The City shall accept the offer of dedication for the Spine and improvements in a timely manner following final inspection of improvements: within 90 days of improvements including landscaping, or within 30 days if the improvements include only the trail. The trail shall not be opened for public use until the City has accepted the offer of dedication.

F. *Fire protection.* Planning Area 40 is subject to the Secured Fire Protection Services Agreement by and between The Irvine Company and the Orange County Fire Authority.

G. *Eucalyptus trees.* The existing eucalyptus windrows in Planning Area 40 will be retained in median landscaping, landscaped setbacks, parks, trails, agriculture areas and areas adjacent to open space to the extent that the trees:

1. Are deemed sufficiently healthy for preservation in accordance with a survey conducted by a certified arborist;
2. Pose no safety concerns; and

3. Do not conflict with roads, utilities, drainages and other infrastructure improvements.

Any and all proposed removal(s) of the existing eucalyptus windrows shall be subject to the applicable provisions of the urban forestry ordinance.

H. *Affordable housing.* Concurrent with the submittal of any master tentative tract map or other residential subdivision map for lands not covered by a master tentative tract map which proposes to utilize affordable housing credits established under Ordinance 06-15, the applicant shall provide both of the following:

1. An up-to-date accounting for the affordable housing credits utilized; and
2. An accounting that demonstrates the City's moderate income housing goals are being achieved.

I. *Park plan.* The locations of public parks are conceptually shown on Exhibit A. Private parks (which are not shown) will also be provided in order to meet local park requirements.

1. If the Planning Area 40 project is phased, at the time of the first tentative tract map or conditional use permit for residential project in Planning Area 40, the applicant shall submit a park plan addressing overall community park dedication requirements for the entire Planning Area 40 project area. If, at that time, no residential units are projected in the Multi-Use Area of Planning Area 40, then that park plan would be based on the 3,918 unit count. For neighborhood parks, a separate park plan for the area east of SR-133 (east village) can be submitted as long as the number and type of recreational amenities east of SR-133 meets recreational facility standards for what is needed for the proposed population east of SR-133.

2. A community park will be located adjacent to the JOST south of Roosevelt, as conceptually shown on Exhibit D, and subject to the following design criteria:

- a. Lands subject to existing IRWD sewer easements and proposed City storm drain easements shall be included within the community park as generally depicted on Exhibit D. No local park credit shall be given for the aforementioned easement lands; however local park credit for any park improvements to these lands shall be given.
- b. All weather maintenance access shall be provided within the community park to selected manhole locations.
- c. Access to the community park shall be provided along "AA" Street as depicted on Exhibit D, if deemed appropriate by future access studies conducted for the community park site.
- d. The eucalyptus windrow between NTS basin and the community park shall be removed.
- e. Pedestrian and bicycle access through the community park to JOST shall be provided.
- f. No sports fields (such as baseball and soccer fields) that require sports field lighting (with light standards 60 feet or more in height) shall be located adjacent to "AA" Street. Other lighted sports facilities such as courts for outdoor tennis, basketball or volleyball are acceptable adjacent to "AA" Street.
- g. Notwithstanding the zoning district provisions, development within the community park to be owned and operated by the City shall be subject to the setback requirements of Section 3-37-7.G.

J. *Master Landscape and Trails Plan.* Prior to approval of the first tentative tract map within this planning area, the applicant shall submit a Master Landscape and Trails plan consistent with Exhibits B—D. The Master Landscape and Trails Plan shall be submitted for review by the Community Services Commission and approval by the Planning Commission. The plan shall address the following elements and features:

1. The locations, design, ownership, maintenance, fencing and access gates of any private trails and sidewalks.
2. Phasing of trail and sidewalk construction except as noted below in Subsection J.8.d and e where phasing has already been determined.

3. Demonstrate how pedestrian circulation is being incorporated between the project area and all support uses in the vicinity of the project. Access shall be provided to encourage pedestrian movement between the project area and existing and proposed retail services and transit facilities in the vicinity of the project.
4. Demonstrate how pedestrian circulation provides continuity between the project area and adjacent developments.
5. Demonstrate how pedestrian circulation is being incorporated to provide access to and across any easement, reservation, open space or other non-project related element within or adjacent to the project area.
6. Demonstrate how pedestrian accessways provide circulation links between individual neighborhoods, where appropriate, including pedestrian crossings of Trabuco Road and Roosevelt on the east side of Jeffrey Road in conjunction with the trail alignments contained in the JOST. Ownership and maintenance of the crossings will be the responsibility of the City.
7. Trails shown on Exhibits B and C are intended to be owned and operated by the City of Irvine. These shall include the following trails:
 - a. The applicant shall construct public trails within the JOST and crossings at Trabuco Road and Roosevelt as generally depicted on Exhibit B, subject to the provisions in Section 9-40-7.E.3.b. Reference to any grade-separated crossings within this section conceptual only. The final determination of whether a grade-separated crossing will be required in the JOST at Trabuco Road and/or at Roosevelt shall be made as part of the JOST Segment 1 Design Plan and master tentative tract map review for Planning Area 40 per the JOST Implementation Agreement. Reference to any grade-separated crossing for the JOST in Exhibit B in no way requires or otherwise obligates the City to accept a grade-separated crossing at the locations indicated in Exhibit B.
 - b. The applicant shall construct an 11-foot-wide Class I, off-street public trail along Sand Canyon Road as generally depicted on Exhibit B and Exhibit C (Sections A and B).
 - c. The applicant shall construct an 11-foot-wide Class I, off-street public trail parallel to I-5 from the JOST to Sand Canyon Avenue as generally depicted on Exhibit B and Exhibit C (Section H).
 - d. The applicant shall construct an 11-foot-wide Class I, off-street public trail on the north side of Marine Way between SR-133 and "O" Street as generally depicted on Exhibit C (Section K).
 - e. The City of Irvine plans to implement a grade-separated crossing for the JOST over the Santa Ana (I-5) Freeway as indicated in Exhibit B.
8. Sidewalks are generally required on both sides of local streets. However, on a case-by-case basis, the City Engineer may approve the elimination of the sidewalk on the side of a single-loaded street where no curbside parking is allowed and no pedestrian circulation is necessary. Pedestrian walks should link commercial sites, schools, parks, bus stop locations, the JOST, and residential neighborhoods.
 - a. The applicant shall construct an eight-foot-wide public sidewalk system linking the public parks, trails, and schools within the village.
 - b. The applicant shall construct an eight-foot-wide sidewalk along the south side of Trabuco Road from Jeffrey Road to Sand Canyon Avenue.
 - c. Eight-foot-wide sidewalks shall be located adjacent to any school site.
 - d. The applicant shall provide funding for 50% of the costs to widen the Trabuco Road/SR-133 bridge to accommodate an eight-foot-wide, curb-separated sidewalk along the north side of the bridge to be constructed as part of the Trabuco Road/SR-133 Interchange Improvement Project. Further, the applicant will advance the remaining 50% of such costs if the City does not have funds available to complete the widening project provided that the

advancement of funds is subject to reimbursement agreement between the City and the applicant to be executed before award of the construction contract for the bridge widening project.

- e. The applicant shall widen the existing five-foot-wide sidewalk located along the north side of Trabuco Road between Sand Canyon Avenue and the Trabuco/SR-133 Interchange to a width of eight feet. The widening of the existing sidewalk as described shall be completed at a time no later than the completion of the widening of the Trabuco/SR-133 bridge.
9. The Master Landscape and Trails Plan shall identify potential locations for bus shelters, and illustrate pedestrian access routes to the bus stop locations from residential areas within Planning Area 40 as indicated in Section 9-40-7.U.
10. The Master Landscape and Trails Plan shall include a plant palette that is to be used to coordinate the landscaping of parkways along all major streets with Planning Area 40. The plant palette shall reflect the City of Irvine Master Streetscape Plan as applicable to all streets within Planning Area 40 including Jeffrey Road, Trabuco Road, Sand Canyon Avenue and "O" Street. The plant palette for Trabuco Road (east of SR-133) and for "O" Street shall be coordinated with adjacent property owners in Planning Area 51 to provide a uniform aesthetic streetscape. To the extent that there are variations between the proposed streetscapes in this area, the City shall be responsible for determining the preferred treatment to be employed.
- K. *Village theme.* The architectural design shall address detail articulated on all sides of the structures visible from streets, paseos, and other public areas. Particular attention shall be given to windows, balconies, doors, and other design elements. The elements and qualities which shall be encouraged are human scale and privacy, play of light using shade and shadows to provide relief, and variations in roof lines. Large blank walls with minimal detail shall be discouraged.
- L. *Green building requirements.* The applicant will comply with all City, State, and federal greenhouse gas emissions and green building requirements applicable to new development on a City-wide basis that are in place at the time of each tentative tract map approval within Planning Area 40.
- M. *Residential architecture.* A variety of architectural styles and forms will be used to express differences among projects and neighborhoods within the planning area. Variations of the following elements may be used by the developer:
 1. *Overall form.* Some symmetry at front facades or around entries will be used to create balance in the overall form. Entry view corridors terminating at blank walls and/or blank building elevations shall be discouraged. Views of elevations of multifamily structures with exterior walkways serving as common access for dwellings on second and third floors shall be screened from public rights-of-way either through building orientation or other architectural or landscape elements.
 2. *Roof form.* Roof massing will be varied with a strong cornice line. Clay, concrete tile, and slate will be used predominantly with consistent earthtone colors.
 3. *Details.* Simple cornices, moldings, projections and recesses, and integral-colored accent materials such as ceramic tile, brick, garden walls (stone or painted stucco) and picket gates will be used.
 4. *Site design.* Terraces, plazas, arcades, colonnades, and pergolas will be used to define pedestrian areas. Units will be clustered around open spaces and public and private areas will be separated.
 5. *Architectural features.* Architectural features (not including chimneys) on individual residential structures may in limited circumstances exceed the established height limit by a maximum of 10% of the roof area on which the structure is secured but in no event shall exceed 10 feet above applicable zoning district height limit. For Area 2.4I architectural features include towers, lofts mezzanines and mechanical equipment screen walls.
 6. *Building heights along Trabuco Road.* Structures immediately adjacent to Trabuco Road shall not exceed two stories.

- N. *Multi-Use 3.1H and Medical and Science 5.5D architecture.* The nonresidential portion of the planning area will have a clean and contemporary architectural style, similar to PA 31. In conjunction with each tentative tract map ("B" map) or parcel map for Medical and Science parcels adjacent to areas zoned residential, the applicant shall demonstrate how Multi-Use and Medical and Science architecture will be compatible with residential uses with particular reference to proposed building heights, locations of loading docks and storage areas, treatment of parking areas, and proposed landscaping. Vehicular access along "O" Street (Ridge Valley) and the adjacent Great Park shall be evaluated at the time of tentative tract maps ("B" maps) or parcel maps.
1. *Building Height for Mini-Warehouse Uses:* Mini-Warehouse buildings on parcel(s) in the 5.5D Medical and Science zone located at the intersection of Ridge Valley and Marine Way shall be limited to a maximum height of 40 feet unless located beyond 100 feet from the face of curb of Marine Way. The maximum building height beyond 100 feet from face of curb of Marine Way shall be 55 feet.
 2. *Signage:* A sign program, reviewed by the Zoning Administrator (or appropriate approval body as identified in Section 7-2-1 Special Sign Regulations of the Zoning Ordinance), shall be required for any signage adjacent to Marine Way on parcel(s) in the 5.5D Medical and Science zone located at the intersection of Ridge Valley and Marine Way.
 3. *Building Design for Mini-Warehouse Uses:* Direct individual storage unit access (i.e. roll-up doors) shall not be visible from Marine Way on parcel(s) in the 5.5D Medical and Science zone located at the intersection of Ridge Valley and Marine Way.
- O. *Landscape setbacks.* The landscape setbacks for the project edge shall be in accordance with Streetscape Sections A through K herein and with the City of Irvine Master Streetscape Plan. Any transit right-of-way along "O" Street (Ridge Valley) and the adjacent Great Park shall be accommodated within the landscaped setback shown on Street Section I.
1. Mini-Warehouse uses on parcel(s) in the 5.5D Medical and Science zone located at the intersection of Ridge Valley and Marine Way shall provide a 40-foot landscape setback, measured from the face of curb of Marine Way. Said landscape setback shall consist of enhanced landscaping, and may only include driveways, sidewalks, monument signs (subject to sign program approval), planters, and walls.
- P. *Alternative setback standards.* Alternative setback standards for setbacks internal to the planning area may be approved in conjunction with any subsequent Planning Commission approval. A description of the proposed setbacks and how they differ shall be submitted. The Planning Commission will consider the following criteria and make appropriate findings, if necessary:
1. *General character.* Relationship in scale, bulk, coverage and density with surrounding land uses.
 2. *Quality of life.* Whether the proposed alternative standard will result in an adverse impact on existing neighborhoods.
 3. *Suitability.* The physical suitability of the site for the proposed project.
 4. *Limitations.* Such setbacks shall not be used to deviate from setbacks established for village edges.
- Q. *Multi-Use.* The Multi-Use Districts in Planning Area 40 may be developed with a single land use.
- R. *Child care*
1. The need for a child care facility shall be recognized in the development of Planning Area 40. Prior to the approval of the first tentative tract map for any residential uses in Planning Area 40 including dwelling units in the Multi-Use District, the number of private sector child care slots to be provided will be determined by the City and the developer in accordance with the City policy in effect at that time. The number of slots will be based on the actual number of residential units to be built and on a determination of child care needs within the planning area.

2. Prior to the approval of the first tentative tract map for any residential uses in Planning Area 40, including residential units in the Multi-Use District, the applicant shall address the following when locating a child care center if one is determined to be needed:
 - a. The size of any parcel that is designated for a potential child care center.
 - b. Child care centers shall be compatible with adjacent uses. Development of a child care center in conjunction with proposed elementary schools and adjacent to neighborhood parks, residential developments and/or neighborhood commercial centers shall be encouraged.
 - c. In locating a child care center, the proposed site shall be evaluated with regard to factors that might be detrimental to the public health, safety, or welfare, including, but not limited to, proximity to high-traffic-volume roadways, hazardous materials, and major generators of traffic.
- S. *Libraries.* In the event a City-wide library impact fee is adopted and in force, the developer shall pay this fee prior to issuance of building permits for new development.
- T. *Carpool stalls.* For office and industrial uses, carpool stalls shall be provided in accordance with Section 4-3-4.
- U. *Public transit.*
 1. Bus stop and turnout locations shall be identified through the design of the master tentative tract map. Wherever possible, bus stops shall be located at the far side of intersections to facilitate bus and traffic operations in the vicinity of pedestrian access points. The master tentative tract map for Planning Area 40 shall demonstrate that there is adequate right-of-way for the siting of bus shelters adjacent to identified bus stops.
 2. Consideration shall be given, at the time of the review of each tentative tract map and/or Master Plan for residential development to provide pedestrian access to bus stop locations. Pedestrian access to the residential portions of the planning area shall be located within a reasonable walking distance of all planned or approved bus stop locations.
 3. The applicant shall prepare, in cooperation with the City, a comprehensive study of a clean technology shuttle system that extends the existing shuttle system in IBC (the iShuttle) to the Irvine Transportation Center, the Great Park, and the Spectrum. The analysis will discuss and identify optional routes, stops, phasing, costs, and other information necessary to explore eligible funding opportunities available from the Orange County Transportation Authority (OCTA) or outside funding sources with the goal of commencing implementation of the system by December 2010. The applicant shall complete the study within 180 calendar days of the effective date of the zone change for Planning Area 40.
 4. Prior to the recordation of the first residential tract map for Planning Area 40, the applicant shall request that the City evaluate the status of securing the necessary funding from OCTA and other available outside funding sources for the implementation of the clean technology shuttle system based on the options and corresponding financing plans identified in the applicant's study.

If the City's evaluation of the status of securing the necessary funds shows that there is a shortfall in funding for the clean technology shuttle system pursuant to the financing plan identified in the applicant's study, the City may require the applicant to fund the shortfall in an amount not to exceed \$10 million dollars payable pursuant to a separate funding agreement. The separate funding agreement shall be executed before recordation of the applicant's first residential tract map for Planning Area 40.

(Ord. No. 03-13, § 9, 5-13-03; Ord. No. 08-12, § 3, 9-9-08)