

CITY COUNCIL RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 48403-GA TO AMEND TABLE A-1 "MAXIMUM INTENSITY STANDARDS BY PLANNING AREA" AND TABLE A-2 "MAXIMUM INTENSITY STANDARDS: LAND USE ACREAGE BY PLANNING AREA" IN THE LAND USE ELEMENT OF THE GENERAL PLAN TO TRANSFER A TOTAL OF 12,087 DWELLING UNITS FROM OTHER PLANNING AREAS TO THE PROJECT AREA AND TO INCREASE THE NON-RESIDENTIAL DEVELOPMENT INTENSITY WITHIN THE PROJECT AREA BY 7,316,000 SQUARE FEET; AMEND FIGURE A-3 "LAND USE" AND FIGURE L-2 "CONSERVATION AND OPEN SPACE" TO CHANGE THE LAND USES IN THE PROJECT AREA FROM AGRICULTURE DESIGNATION TO RESIDENTIAL, RESEARCH AND INDUSTRIAL, MULTI-USE AND COMMERCIAL DESIGNATIONS; AMEND FIGURE A-4 "SCENIC HIGHWAYS" TO CHANGE THE DESIGNATIONS OF SAND CANYON AND JEFFREY ROAD NORTH OF THE INTERSTATE 5 FREEWAY TO SCENIC HIGHWAYS OF URBAN CHARACTER; AMEND FIGURE L-3 "IMPLEMENTATION DISTRICTS" TO ADD OPEN SPACE IMPLEMENTATION DISTRICTS P, Q AND R; AMEND CIRCULATION ELEMENT OBJECTIVE B-1(C) REGARDING LEVEL OF SERVICE STANDARDS; AMEND CONSERVATION AND OPEN SPACE ELEMENT OBJECTIVE L-10 REGARDING AGRICULTURAL USE; AMEND FIGURE B-1 "MASTER PLAN OF ARTERIAL HIGHWAYS" AND FIGURE B-2 "OPERATIONAL CHARACTERISTICS" TO DELETE AN UNNAMED ARTERIAL EXTENDING FROM TRABUCO TO IRVINE BOULEVARD AND TO REDUCE JEFFREY ROAD NORTH OF PORTOLA TO A 4-LANE ARTERIAL

WHEREAS, in 1984, the City and The Irvine Company entered into a Memorandum of Understanding Regarding Annexation Policy ("agreement") that addressed the eventual annexation of the undeveloped land owned by The Irvine Company within the City's adopted sphere of influence; and

WHEREAS, in that agreement, both parties agreed that the land within the Sphere of Influence should be annexed into the City in a phased manner with cooperative planning of the future land uses; and

WHEREAS, on July 25, 2000, the City Council entered into an agreement, the Implementing Protocol for the 1984 MOU (the "Protocol"), to plan to City standards and ultimately annex the Northern Sphere area; and

WHEREAS, the City of Irvine has initiated General Plan Amendment 48403-GA to implement the land use plan mutually agreed upon with The Irvine Company as follows:

- Amend Table A-1 “Maximum Intensity Standards by Planning Area” and Table A-2 “Maximum Intensity Standards: Land Use Acreage by Planning Area” in the Land Use Element of the General Plan to transfer a total of 12,087 dwelling units from the “unallocated” (NCCP Bank) units and from Planning Areas 2, 6, 8, 11, 12 and 15 into the project area; to allocate these residential units as 10,550 Medium Density residential and 1,800 Medium-High density residential; and to increase the development intensity within the project area by 575,000 square feet of Multi Use, 175,000 of Community Commercial, and 6,566,000 of Research and Industrial, for a total of 7,316,000 square feet of non-residential development.
- Amend Figure A-3 “Land Use,” to change land uses in the project area from Agriculture designation to Residential, Research and Industrial, Community Commercial and Multi-use designations.
- Amend Figure A-4 “Scenic Highways” to change the designations of Sand Canyon and Jeffrey Road north of the Interstate 5 Freeway to Scenic Highways of Urban Character.
- Amend Objective B-1(c) regarding Level of Service Standards.
- Amend Figure B-1 “Master Plan of Arterial Highways” and Figure B-2 “Operational Characteristics” to reduce the designation of Jeffrey Road north of Portola to a 4-lane arterial and to delete the unnamed arterial extending from Trabuco to Irvine Boulevard within the project area.
- Amend Figure L-2 “Conservation and Open Space” to delete Agriculture land from most of the project area.
- Amend Objective L-10, “Permanent Agriculture” and associated policies to be consistent with community objectives.

WHEREAS, the City of Irvine has an adopted General Plan; and

WHEREAS, General Plan Amendment 48403-GA is considered a “project” pursuant to the California Environmental Quality Act; and

WHEREAS, the Finance Commission of the City of Irvine has reviewed the fiscal impacts of the proposed project at public meetings held on February 4 and March 4, 2002, and has recommended that the City Council find there would be no negative fiscal impacts to the City with project approval and implementation; and

WHEREAS, the Transportation and Infrastructure Commission of the City of Irvine has considered information presented by staff, The Irvine Company, and other interested parties at public meetings held on January 14, January 28, February 25, March 11, March 25, April 22, and May 13, 2002, and advanced the Traffic Study to the Planning Commission with a determination that the subject study was conducted in accordance with the approved scope of work and in accordance with the Traffic Study Guidelines; and

WHEREAS, the Community Services Commission of the City of Irvine has reviewed project zoning for the Northern Sphere of Influence at public meetings held on February 6, February 20, March 6, 2002, and April 17, 2002, and has recommended approval of the proposed General Plan amendments ; and

WHEREAS, the Planning Commission of the City of Irvine has considered information presented by the Community Development Department, The Irvine Company, and other interested parties at public hearings on January 17, February 7, March 7, April 4, April 18, May 2, May 16, and May 30, 2002, and has recommended _____ of the proposed General Plan amendments;

WHEREAS, the amendment to the Land Use, Circulation, and Conservation and Open Space Elements of the Irvine General Plan will occur within General Plan Amendment cycle 1 for the 2002 calendar year; and

WHEREAS, the City Council of the City of Irvine has considered information presented by the Community Development Department, The Irvine Company, and other interested parties at a public hearing held on June 4, 2002.

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

SECTION 1. That pursuant to Section 15168 of the State CEQA Guidelines, the project is covered by a certified Program EIR that serves as a program EIR for the proposed project. The effects of the project were examined as part of the Program EIR, and all feasible mitigation measures and alternative developed in the Program EIR are incorporated into this project. City Council, exercising its independent judgment, reviewed and considered the Program Environmental Impact Report, including the comments and responses thereto, prior to approving the project.

SECTION 2. Although the Final EIR identifies certain potentially significant environment impacts of the project, potentially significant environmental impacts have been determined to be less than significant or mitigated to a level that is considered less than significant or changes have been required or incorporated into the project which avoid or substantially lessen the significant environmental effects, as set forth in the Statement of Facts and Findings (Final EIR, Section F; attached as Exhibit A hereto). The City Council hereby adopts and approves the Statement of Facts and Findings.

SECTION 3. Two effects (agricultural resources and air quality) will remain significant and unavoidable after mitigation. Based upon specific economic, social, technical or other considerations, these effects are considered acceptable in light of the Statement of Overriding Considerations. (Final EIR, Section F; attached as Exhibit A hereto). The City Council hereby adopts and approves the Statement of Overriding Considerations.

SECTION 4. One effect, cumulative transportation/traffic impacts to freeway ramps and mainlines will remain significant and unavoidable if the improvements are not completed by the

responsible agencies, Caltrans and the Transportation Corridor Agency. Mitigation is included for a fair share contribution toward improvements. Based upon specific economic, social, technical or other considerations, this effect is considered acceptable in light of the required facts and findings and Statement of Overriding Considerations, which have been adopted and approved by the City Council. (Final EIR, Section F; attached as Exhibit A hereto).

SECTION 5. That the findings required by Section 2-11-8 of the City of Irvine Zoning Code for approval of a General Plan Amendment have been made as follows:

- A. The proposed General Plan Amendment is consistent with other elements of the City's General Plan pursuant to Government Code Section 65300.5.

The General Plan Amendment changes the amount of development permitted in Planning Areas 2, 5, 6, 8, 9, 11, 12 and 15 but does not change the total number of dwelling units in the City. The maximum nonresidential development permitted in the project area is increased to a total of 7,316,000 square feet. The proposed development furthers General Plan goals of maintaining balanced and harmonious land use patterns, ensuring that infrastructure and municipal services will be available to serve the proposed development, and is fiscally responsible. Implementation districts will be set aside land for habitat preservation consistent with the approved NCCP and with General Plan Objective L-3. The deletion of the unnamed arterial and change to the designation of part of Jeffrey Road in the project area will not affect the ability of the circulation system to serve surrounding land uses and will provide consistency with the Master Plan of Arterial Highways. The changes to City policy regarding agricultural land use will maintain consistency with community goals by encouraging agriculture as an interim land use and maintaining the City's agricultural legacy. No other changes are proposed to text or policies, and no other element of the General Plan is affected by this amendment.

- B. The proposed General Plan Amendment, if applicable, responds to changes in State and/or federal law pursuant to Government Code Section 65300.9.

The General Plan Amendment is not in response to any changes in State or federal law and this finding is, therefore, not applicable.

- C. The proposed General Plan Amendment has been referred to the County of Orange and any adjacent cities abutting or affected by the proposed action, the Local Agency Formation Committee (LAFCO), and any federal agency whose operations or lands may be affected by the proposed decision pursuant to Government Code Section 65352.

The General Plan Amendment has been referred to LAFCO, Airport Land Use Commission, the adjacent cities of Lake Forest and Tustin, and the County of Orange, as well as to federal agencies that might be affected by the project such as the U.S. Marine Corps, Army Corps of Engineers and the U.S. Fish and Wildlife Service.

- D. The proposed General Plan Amendment will not be detrimental to the public health, safety, and welfare of the community.

Proposed land uses are similar to existing and approved uses on three sides of the project perimeter and roadway network. Local traffic impacts will be mitigated and therefore will not result in any significant impacts within the planning area or in surrounding neighborhoods. Implementation of the project will result in extension of the Jeffrey Open Space Spine, a significant recreational resource for the community. It will also result in dedication of land for wildlife habitat preservation. Therefore, the project will not be detrimental to the public health, safety, and welfare of the community.

SECTION 6. The findings required by Sections 21670 and 21676 of the Public Utilities Code are made as follows:

- A. It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems. The Airport Environs Land Use Plan (AELUP) is based on the continuing operation of MCAS El Toro as a military facility. Since the facility closed on July 2, 1999, and military air operations ceased, it is no longer appropriate to use the Air Installations Compatible Use Zones (AICUZ) methodology to determine noise standards, safety constraints, or land use restrictions that will impact the development of the area surrounding the air field. The findings of the Airport Land Use Commission were based upon the AELUP, and are thus inapplicable to the use of the facility and its surroundings.

On March 5, 2002, the Orange County voters approved Measure W, which amends the County's General Plan land use designation for MCAS El Toro from airport to land uses consistent with a "Great Park" plan. Measure W effectively precludes development of a civilian airport at the former MCAS El Toro. Therefore, the AELUP, which reflects military aviation uses, is inconsistent with the City's General Plan designation for MCAS El Toro which reflects the Millennium Plan II and the County's General Plan – both as it has been amended by Measure W and before passage of Measure W when it designated the site for civilian airport uses.

As the former MCAS El Toro facility is not proposed to be used as a military base in the future, the application of any and all plans based upon such use have no bearing on the future land uses developed around the facility. Therefore it is appropriate to overrule the Airport Land Use Commissions findings on this project.

- B. The development of an international commercial airport at the former MACS El Toro is inconsistent with existing land use patterns surrounding the former base, and therefore allowing such future development would be inconsistent with the California Airport noise standards, inconsistent with public safety, and inconsistent with the purposes of Article 3.5 of the Sate Aeronautics Act. Alternatively, the adoption of GPA-48043 is consistent with the purpose of the Act because it proposes land uses consistent with surrounding land uses, and is not inconsistent with the military uses upon with the AELUP was based as those uses have permanently ceased.

- C. The ALUC's authority to formulate land use plans is limited to public and military airports. Since there is no military airport at the former MCAS El Toro, the ALUC has no authority to plan in this area.
- D. The adoption of the Northern Sphere of Influence General Plan Amendment 48403-GA and Zone Change 48405-ZC provides for the orderly development of the closing military base and the area surrounding the site to promote the overall goals and objectives of the California airport noise standards and to prevent the creation of new noise and safety problems.
- E. It is the purpose of Chapter 3.5 of the State Aeronautics Act to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

The Airport Environs Land Use Plan (AELUP) is based on the continuing operation of MCAS El Toro as a military facility. The facility closed on July 2, 1999, and military air operations ceased. The ALUC's authority to formulate land use plans is limited to public and military airports and does not extend to potential future airports. The adoption of the General Plan Amendment and Zone Change provides for an alternate development plan for MCAS El Toro that will protect the public health, safety, and welfare by adopting land uses that eliminate the public's exposure to excessive noise and safety hazards within areas around public airports.

- F. Despite the inappropriateness of continued use of El Toro MCAS for airport purposes, the Final EIR analyzed compatibility of the project with the County's plans for commercial use of El Toro MCAS, and concluded that the proposed office and research development uses are not incompatible with County's reuse plans.

SECTION 7. The City Council of the City of Irvine amends the applicable figures and tables from the General Plan to provide for changes resulting from the General Plan Amendment 48403-GA: Amend Table A-1 "Maximum Intensity Standards by Planning Area" and Table A-2 "Maximum Intensity Standards: Land Use Acreage by Planning Area" in the Land Use Element of the General Plan to transfer a total of 12,087 dwelling units from the "unallocated" (NCCP Bank) units and from Planning Areas 2, 6, 8, 11, 12 and 15 into the project area; to allocate these residential units as 10,550 Medium Density residential and 1,800 Medium-High density residential for a total of 12,350 dwelling units; and to increase the development intensity within the project area by 575,000 square feet of Multi Use, 175,000 of Community Commercial, and 6,566,000 of Research and Industrial, for a total of 7,316,000 square feet of non-residential development; amend Figure A-3 "Land Use," to change land uses in the project area from Agriculture designation to Residential, Research and Industrial, Community Commercial and Institutional designations; amend Figure A-4 "Scenic Highways" to change the designations of Sand Canyon and Jeffrey Road north of the Interstate 5 Freeway to Scenic Highways of Urban Character; amend Figure L-2 "Conservation and Open Space" to delete Agriculture land from the project area; amend Objective L-10, "Permanent Agriculture" and associated policies to be

consistent with project goals; amend Objective B-1(c) regarding Level of Service Standards; amend Figure B-1 “Master Plan of Arterial Highways” and Figure B-2 “Operational Characteristics” to reduce the designation of Jeffrey Road north of Portola to a 4-lane arterial and to delete the unnamed arterial extending from Trabuco to Irvine Boulevard within the project area. The amended tables and figures are attached herein and made a part thereof by reference:

Table A-1:	Maximum Intensity Standards by Planning Area	(Exhibit C)
Table A-2:	Maximum Intensity Standards: Land Use Acreage by Planning Area	(Exhibit D)
Figure A-3:	Land Use	(Exhibit E)
Figure A-4:	Scenic Highways	(Exhibit F)
Text B-1(c):	Level of Service “E”	(Exhibit G)
Figure B-1:	Master Plan of Arterial Highways	(Exhibit H)
Figure B-2:	Operational Characteristics	(Exhibit I)
Figure B-4:	Trails Network	(Exhibit J)
Text L-10:	Objective regarding Agriculture	(Exhibit K)
Figure L-2:	Conservation and Open Space	(Exhibit L)
Figure L-3:	Implementation Districts	(Exhibit M)

SECTION 7. The City Council adopts and approves the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B, and located at Section G of the FEIR.

SECTION 7. Based on the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE General Plan Amendment 48403-GA. Staff is directed to prepare, post, and file a Notice of Determination in connection with this approval, in compliance with CEQA sections 21108 and 21152.

PASSED AND ADOPTED by the City council of the City of Irvine at a regular meeting held on the 4th day of June 2002.

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, JERI STATELY, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 4th day of June 2002, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF IRVINE