

CITY COUNCIL ORDINANCE NO. 02- 00

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 48405-ZC TO AMEND CHAPTERS 3-3, 3-4, 3-37, 8-2, 9-0, 9-2, 9-3, 9-5, 9-6, 9-8, 9-9, 9-11, 9-12 AND 9-15 OF THE ZONING CODE TO CHANGE THE ZONING IN THE PROJECT AREA FROM 1.2 DEVELOPMENT RESERVE AND 1.3 CONSERVATION OPEN SPACE RESERVE TO 1.4 RECREATION, 1.5 PRESERVATION, 1.6 WATER BODIES, 2.3K MEDIUM DENSITY RESIDENTIAL, 3.1 MULTI-USE, 4.2 COMMUNITY COMMERCIAL, 5.5F MEDICAL AND SCIENCE, AND 6.1 INSTITUTIONAL, WITH A TOTAL DEVELOPMENT POTENTIAL IN THE PROJECT AREA OF 12,350 DWELLING UNITS (12,087 TRANSFERRED FROM AVAILABLE INTENSITY IN OTHER PLANNING AREAS) AND 7,316,000 SQUARE FEET OF NON-RESIDENTIAL DEVELOPMENT

WHEREAS, in 1984, the City and The Irvine Company entered into a Memorandum of Understanding Regarding Annexation Policy 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 Zone Change 48405-ZC to implement the land use plan mutually agreed upon with The Irvine Company as follows:

- Change the 1.3 Conservation and Open Space Reserve and 1.2 Development Reserve zoning areas in Planning Areas 3, 5B, 6, 8A and 9 (north of Trabuco) to 1.4 Preservation, 1.5 Recreation, 1.6 Water Bodies, 2.3 Low Density residential, 2.4 Medium-High Density residential, 3.1 Multi Use, 4.2 Community Commercial, 4.4 Commercial Recreation, 5.5 Medical and Science, and 6.1 Institutional.
- Transfer unused development intensity of 8,199 dwelling units from Planning Areas 2, 8, 11, 12, and 15 into the project area by amending the intensity tables in the corresponding planning areas in Chapter 9 of the Zoning Code.
- Add non-residential development intensity of 575,000 square feet of Multi Use, 175,000 of Community Commercial, and 6,566,000 of Medical and Science, for a total of 7,316,000 square feet in Planning Areas 6 and 9.

- Amend Figures 8-2A and 8-2B to incorporate Implementation Districts P, Q and R for open space dedication.

WHEREAS, the City of Irvine has an adopted Zoning Code; and

WHEREAS, Zone Change 48405-ZC 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 applicant, 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 the project zoning at public meetings held on February 6, March 6, and April 17, 2002, and has recommended approval of the proposed project; 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 held on January 17, February 7, March 7, April 4, April 18, May 2, May 16, and May 30, 2002, and has recommended approval of the proposed project.

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

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN 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 environmental 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 2-38-7 of the City of Irvine Zoning Code for approval of a zone change have been made as follows:

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

The zone change will redesignate 1.3 Conservation and Open Space Reserve and 1.2 Development Reserve zoning areas in Planning Areas 3, 5B, 6, 8A and 9 (north of Trabuco) to 1.4 Preservation, 1.5 Recreation, 1.6 Water Bodies, 2.3 Low Density residential, 2.4 Medium-High Density residential, 3.1 Multi Use, 4.2 Community Commercial, 4.4 Commercial Recreation, 5.5 Medical and Science, and 6.1 Institutional. It will transfer unused residential development intensity of 8,199 units from Planning Areas 2, 8, 11, 12, and 15 into the project area for a project total of 12,350 dwelling units and increase the amount of non-residential development permitted in the Planning Areas to a total of 7,316,000 square feet. These changes are consistent with a concurrent application to amend the City of Irvine General Plan. The project includes zoning of the Jeffrey Open Space Spine as 1.5 Recreation and dedication of land for wildlife habitat, thereby implementing the Conservation and Open Space element of the General Plan.

B. The proposed zone change meets all the requirements for the dedication of permanent open space through a specified phased dedication implementation program for affected planning areas and zoning districts.

A portion of the project site will be dedicated to the City of Irvine as an extension of the Jeffrey Open Space Spine. Implementation Districts P, Q and R will be added to the existing Implementation Actions Program resulting in ultimate dedication of approximately 1850 acres of additional open space.

- C. Based upon information available at the time of approval, the proposed phasing and installation of public facilities, utilities and infrastructure is adequate to serve the planning area.

The additional development intensity created by the zone change can adequately be served by existing and proposed facilities and infrastructure as provided by the Northern Sphere Area Program Environmental Impact Report. Traffic generated by the project is not anticipated to have a significant impact on the local circulation system because the applicant will participate on a fair share basis for any required circulation improvements.

- D. The proposed zone change is in the best interest of 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. 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, as well as dedication of additional open space land for habitat. Projects resulting from the increase in development intensity will be subject to mitigation measures established in the Northern Sphere Area Program Environmental Impact Report to ensure the public health, safety, and welfare of the community.

- E. 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.

The zone change will have a negligible affect on all public services and infrastructure capacity. Mitigation has been established to ensure no significant impact to existing infrastructure.

SECTION 6. 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 6. Based upon the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE Zone Change 48405-ZC to redesignate 1.3 Conservation and Open Space Reserve and 1.2 Development Reserve zoning areas in Planning Areas 3, 5B, 6, 8A and 9 (north of Trabuco) to 1.4 Preservation, 1.5 Recreation, 1.6 Water Bodies, 2.3 Low Density residential, 2.4 Medium-High Density residential, 3.1 Multi Use, 4.2 Community Commercial, 4.4 Commercial Recreation, 5.5 Medical and

Science, and 6.1 Institutional; and to transfer unused residential development intensity of 8,199 dwelling units from Planning Areas 2, 8, 11, 12, and 15 into the project area for a project total of 12,350 dwelling units and increase the amount of non-residential development permitted in the Planning Areas to a total of 7,316,000 square feet. Text and diagrams of the above sections are attached hereto as Exhibit A. 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 4<sup>th</sup> day of June 2002.

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MAYOR OF THE CITY OF IRVINE

ATTEST:

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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 4<sup>th</sup> day of June, 2002, by the following roll call vote:

AYES:                    COUNCIL MEMBERS:

NOES:                    COUNCIL MEMBERS:

ABSENT:                 COUNCIL MEMBERS:

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CITY CLERK OF THE CITY OF IRVINE