

CITY COUNCIL ORDINANCE NO. 10-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00497861-PZC TO ADD CHAPTER 5-8 IRVINE BUSINESS COMPLEX RESIDENTIAL MIXED USE OVERLAY ZONING CODE; UPDATE REFERENCES TO EXISTING INTENSITY LIMITS AND TRAFFIC MITIGATION IN CHAPTER 9-36; TO INCREASE THE RESIDENTIAL UNIT CAP TO 15,000 UNITS, WITH A CORRESPONDING REDUCTION OF NON-RESIDENTIAL INTENSITY; TO REPLACE THE CURRENT 52 UNIT/ACRE DENSITY CAP WITH A 30 UNIT/ACRE DENSITY MINIMUM AND AMEND OTHER SECTIONS OF THE ZONING CODE TO REFLECT NEW REFERENCES TO VISION PLAN AND OVERLAY ZONING CODE; FILED BY THE CITY OF IRVINE

WHEREAS, The City of Irvine has proposed Zone Change 00497861-PZC requesting the following:

- Add Chapter 5-8 establishing the IBC Residential/Mixed-Use Overlay Zone (Exhibit A);
- Amend Chapter 9-36 to update IBC provisions related to the Vision Plan project and change zoning of properties at 2810 Kelvin; 2301 Martin Street; and 2851 Alton Parkway from 5.3 IBC Residential to 5.1 IBC Multi-Use (Exhibit B);
- Amend Chapter 1-2 Definitions to add definitions related to the Vision Plan project (Exhibit C);
- Amend Chapter 3-27 Setbacks- to update IBC provisions related to the Vision Plan project (Exhibit D);
- Amend Chapter 3-37 IBC Zoning Standards to update IBC provisions related to the Vision Plan project (Exhibit E);
- Amend Chapter 2-17-3 Master Plan Application Requirements to update IBC provisions related to the Vision Plan project (Exhibit F);
- Amend Section 3-3-1 Land Use Matrix to update IBC provisions related to the Vision Plan project (Exhibit G);
- Amend Section 2-28-5 Sexually Oriented Business Findings to update definition of IBC "trips" consistent with the Vision Plan project (Exhibit H);

- Amend Section. 4-3-4 Automobile Parking Matrix to adjust parking requirements for private neighborhood recreational amenities (Appendix I).

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

WHEREAS, Zone Change 00497861-PZC is considered a part of the overall Vision Plan project for the IBC (Vision Plan Project) pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council has considered information presented by the applicant, the Community Development Department, and other interested parties at public meetings and hearings held on July 11, 2006, July 25, 2006, February 27, 2007, October 23, 2007, February 26, 2008, April 27, 2010, and July 13, 2010.

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

SECTION 1. That pursuant to Section 15205 of the State CEQA Guidelines, the City Council reviewed and considered the Final Environmental Impact Report (SCH# 2007011024) (FEIR) in making its recommendation on the Zone Change and the Vision Plan Project.

SECTION 2. Most of the potentially significant environmental impacts of the Vision Plan Project identified in the FEIR 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 Vision Plan Project which avoid or substantially lessen the significant environmental effects.

SECTION 3. Certain impacts of the Vision Plan Project to Air Quality, Noise, Land Use and Traffic have been identified in the FEIR as significant and unavoidable. The specific impacts are summarized in Exhibit A to Resolution No 10-79. Based upon specific economic, social, technical or other considerations, the City Council finds these effects acceptable and adopts the required facts and findings and Statement of Overriding Considerations (attached as Exhibit B to Resolution No. 10-79).

SECTION 4. Although the FEIR identifies certain significant environmental effects that would result if the Vision Plan Project is approved, most environmental effects can feasibly be avoided or mitigated. The applicable mitigation measures, included within the FEIR as Table 1-2 and incorporated herein as Exhibit C to Resolution No. 10-79, have been incorporated into the Vision Plan Project or identified as requirements of the Vision Plan Project.

SECTION 5. In accordance with Section 8 of the City of Irvine CEQA Procedures, the Planning Commission recommends that the City Council find that the FEIR has been completed in compliance with CEQA and the State CEQA Guidelines, and the City's CEQA Procedures. The Planning Commission also recommends that the City Council, having final approval authority over the project, certify as complete and adequate the

Final EIR.

SECTION 6. Pursuant to Fish and Game Code Section 7.11.4 (C), all required Fish and Game filing fees will be paid subsequent to certification of the FEIR for the Vision Plan Project.

SECTION 7. 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 is consistent with the goals and objectives of the General Plan, including the new IBC Element of the General Plan. The code provisions implement the General Plan goals and objectives for protection of existing uses and ensure land use compatibility.

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

The implementing zoning for this area is consistent with the General Plan and there is no existing concept plan applicable to the IBC. The Zone Change and RDEIR have adequately addressed the Concept Plan criteria. As a result, the Director of Community Development approved a concept plan waiver in accordance with Section 2-8-3 of the Zoning Code. The proposed zone change will allow development of the site consistent with the established General Plan categories. In addition, any issues normally addressed through the concept plan process are addressed within the RDEIR and Zoning Code Sections 5-8 and 9-36.

- 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 project is not subject to this provision of the code.

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

The zone change is consistent with all applicable provisions of the Zoning Code and is determined to be in the best interests of the health, safety and welfare of the community. The impacts of the zone change application have been analyzed in the RDEIR. As a result of the environmental analysis, measures such as existing plans, programs, policies (PPP), project design features (PDF), and mitigation measures (MM) have been developed to ensure that all environmental impacts, except four (Air Quality, Noise, Traffic and potentially Land Use), will be reduced to a level of insignificance, including any potential impacts to the public health, safety and welfare. A Statement of Overriding Considerations has been proposed to address those impacts that cannot feasibly be reduced to a level of insignificance.

- 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.

The project is located in a developed area already served by exiting facilities and services. In addition, the mitigation measures and project design features in the RDEIR and the requirements of subsequent discretionary approvals (such as the tentative parcel map, master plans and conditional use permits) will ensure that adequate utilities, services, and facilities are provided in conjunction with the development of the project. Where adequate improvements do not exist, the applicant will be required to provide such improvements to the infrastructure when development occurs.

- 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.

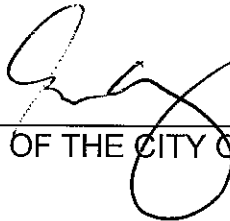
A portion of the IBC is located within the coastal zone, but project does not affect this area.

SECTION 9. Based on the above findings, The City of Irvine DOES HEREBY APPROVE Zone Change 00497861-PZC amending the City's Zoning Code as follows:

- Add Chapter 5-8 establishing the IBC Residential/Mixed use Overlay Zone (Exhibit A);
- Amend Chapter 9-36 to update IBC provisions related to the Vision Plan project and change zoning of properties at 2810 Kelvin; 2301 Martin Street; and 2851 Alton Parkway from 5.3 IBC Residential to 5.1 IBC Multi-Use (Exhibit B);
- Amend Chapter 1-2 Definitions to add definitions related to the Vision Plan project (Exhibit C);
- Amend Chapter 3-27 Setbacks- to update IBC provisions related to the Vision Plan project (Exhibit D);
- Amend Chapter 3-37 IBC Zoning Standards to update IBC provisions related to the Vision Plan project (Exhibit E);
- Amend Chapter 2-17-3 Master Plan Application Requirements to update IBC provisions related to the Vision Plan project (Exhibit F);
- Amend Section 3-3-1 Land Use Matrix to update IBC provisions related to the Vision Plan project (Exhibit G);

- Amend Section 2-28-5 Sexually Oriented Business Findings to update definition of IBC "trips" consistent with the Vision Plan project (Exhibit H);
- Amend Section. 4-3-4 Automobile Parking Matrix to adjust parking requirements for private neighborhood recreational amenities (Appendix I).

PASSED AND ADOPTED by the City Council of the City of Irvine at an adjourned regular meeting held on the 27<sup>th</sup> day of July 2010, by the following roll call vote:

  
 \_\_\_\_\_  
 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, SHARIE APODACA, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on July 13<sup>th</sup>, 2010, and duly adopted at an adjourned regular meeting of the City Council of the City of Irvine held on the 27<sup>th</sup> day of July, 2010, by the following vote:

AYES: 5 COUNCILMEMBERS: Agran, Choi, Krom, Shea and Kang

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None

  
 \_\_\_\_\_  
 CITY CLERK OF THE CITY OF IRVINE



## **CHAPTER 5-8. IRVINE BUSINESS COMPLEX RESIDENTIAL MIXED-USE OVERLAY DISTRICT**

Sec. 5-8-1. Purpose.

Sec. 5-8-2. Applicability.

Sec. 5-8-3. Regulating Plan and Districts.

Sec. 5-8-4. Special Development Requirements.

Sec. 5-8-5 Urban Neighborhood (UN) Standards.

Sec. 5-8-6. Business Complex (BC).

Sec 5-8-7. IBC Infrastructure Improvement Fee Program

### **5-8-1. Purpose.**

The Irvine Business Complex Residential and Mixed-Use (IBCRMU) Overlay District establishes districts that are intended to provide for the orderly transition of certain portions of the IBC from exclusively industrial and/or office areas into pedestrian-oriented districts that accommodate a mixture of retail, office, and residential uses, while protecting existing businesses.

This Overlay District implements the following goals and objectives as defined in the IBC Element of the General Plan and corresponding IBC Design Criteria:

#### **IBC Vision Plan Goals:**

- A. Protect the existing job base;
- B. Develop mixed-use cores;
- C. Provide transportation, pedestrian, and visual connectivity;
- D. Create usable outdoor areas; and
- E. Develop, safe well-designed neighborhoods.

These goals are further implemented through the following objectives:

- A. Create a walkable urban environment that encourages on-street pedestrian activity and reduces dependence on the automobile for everyday needs.
- B. Develop an urban framework to ensure the appearance, location, and scale of buildings compliment the character of the area in which they are located.
- C. Ensure compatibility between existing and proposed businesses within the IBC.
- D. Provide a mix of building types allowing variety and choice in urban living.
- E. Provide a variety of outdoor areas for both passive and active recreation as an amenity for residents and employees.
- F. Establish sustainable new urban development within the IBCRMU Overlay District.

### **5-8-2. Applicability.**

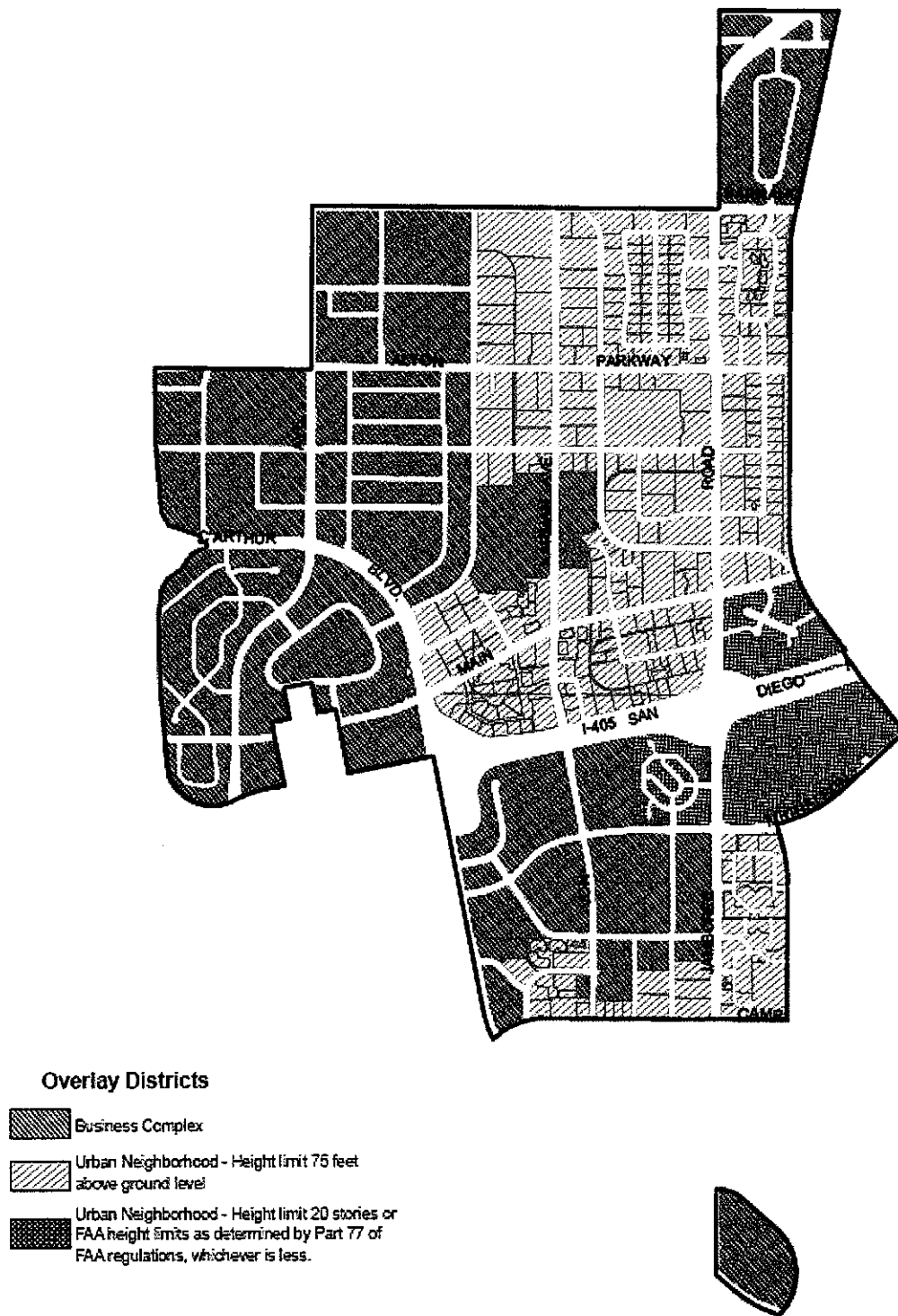
All proposed residential or residential mixed-use development/redevelopment, subdivisions, and new residential land uses within the IBCRMU Overlay shall comply with all applicable requirements of this Chapter, including the provisions outlined below:

- A. Regulating Plan.** The Regulating Plan (Section 5-8-3) defines and identifies the three IBCRMU Overlay Districts as follows: Urban Neighborhood (UN), Multiple Use (MU), and Business Complex (BC).
- B. Additional Applicable Requirements.** All development pursuant to this Overlay Zone is subject to the development intensity maximums established in Section 9-36 of the Zoning Code.
- C. Administrative Relief.** Requests for administrative relief shall be considered by the Planning Commission in conjunction with the associated discretionary review application and shall be subject to the requirements of Chapter 2-22 of the Zoning Code. In order for the Planning Commission to approve administrative relief from the overlay zone requirements, except where noted in this section, the approval body shall find that:
1. The proposed project meets the intent of the IBCRMU Overlay Zone and Vision Plan.
  2. The request will not negatively impact the appearance of the project site or the surrounding properties.
  3. The proposed project will not adversely impact operations of adjacent non-residential uses.

### **5-8-3. Regulating Plan and Districts.**

- A. Purpose.** This Section establishes the districts applied to property within the IBCRMU Overlay by the Regulating Plan. The Regulating Plan divides the area within the IBCRMU Overlay into separate districts. The districts allocate land uses and suggest architectural types as well as provide guidelines for building placement and height.
- B. Zones Established.** The following districts are established for the purposes of the IBCRMU Overlay District, and are applied to property within the Overlay Zone boundary as shown on the Regulating Plan, as provided in Section 5-8-5 and 5-8-6. Existing Current underlying zoning designations in Chapter 9-36 remain unchanged except as noted on the zoning map in Chapter 9-36-2.





**Figure 1- IBC Residential Mixed Use Overlay Zone Regulating Plan**

#### **5-8-4. Special Development Requirements.**

**A. Compatibility Standards.** The following standards are intended to ensure the compatibility of uses within a residential or mixed-use project.

**1. Development Adjacent to San Diego Creek or San Joaquin Marsh**

- a. For buildings four or more stories in height located within 100 feet of the San Joaquin Marsh or San Diego Creek, the project applicant shall demonstrate that architectural plans do not specify the use of highly reflective glass windows, and utilize angles that are not highly reflective in order to reduce light and glare impacts on the marsh and creek environment, and to reduce the incidence of bird collisions, to the satisfaction of the Community Development Director.
- b. Landscape plans for areas located within 100 feet of the San Joaquin Marsh or San Diego Creek shall not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include those species listed on Lists A and B of the California Invasive Plant Council's (Cal-IPC) list of "Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999." Or subsequent documentation.

**2. Compatibility with Surrounding Uses.** The IBC mixed use environment is an urbanized area, therefore land use compatibility issues are expected to occur. Therefore, applicants for new residential and/or residential mixed use development shall submit data as determined by the Director of Community Development for the City to evaluate compatibility with surrounding uses with respect to issues including, but limited to the following:

- a. Noise
- b. Odors
- c. Truck traffic and deliveries
- d. Hazardous Materials handling/storage
- e. Air emissions
- f. Soil/Groundwater contamination
- g. John Wayne Airport compatibility

**3. Residential Disclosures:** All discretionary applications for residential or residential mixed use shall include a condition of approval for disclosure to residents clearly outlining the issues associated with living in a mixed-use environment. The language for this disclosure shall be as specified by the Community Development Director. Copies of each signed disclosure shall be made available for review upon written request by the City. Such disclosure shall also include additional wording regarding proximity to John Wayne Airport, pursuant to Section 11010 of the Business and Professions Code, as follows:

Notice of Airport in Vicinity

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the

annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

#### 4. Air Quality Standards

For residential and residential mixed use projects, the following air quality standards are required, or as otherwise mandated by state regulations:

- a. Applicants for new residential/mixed-use developments in the Irvine Business Complex shall require that the construction contractor to utilize off-road construction equipment that conforms to Tier 3 of the United States Environmental Protection Agency, or higher emissions standards. The construction contractor shall be made aware of this requirement prior to the start of construction activities. Use of Tier 3 or higher off-road construction equipment shall be stated on all grading plans. The construction contractor shall maintain a list of all operating equipment in use on the project site. The construction equipment list shall state the makes, models, and numbers of construction equipment on-site.
- b. Applicants for new residential/mixed-use developments in the Irvine Business Complex shall require that the construction contractor to properly service and maintain construction equipment in accordance with the manufacturer's recommendations. Non-essential idling of construction equipment shall be restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449.
- c. Applicants for new developments in the Irvine Business Complex shall require that the construction contractor prepare a dust control plan and implement the following measures during ground-disturbing activities in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District Rule 403 to further reduce PM10 and PM2.5 emissions. To assure compliance, the City shall verify compliance that these measures have been implemented during normal construction site inspections:
  - During all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering.
  - During all construction activities, the construction contractor shall sweep streets with Rule 1186 compliant PM<sub>10</sub>-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
  - During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and tarp materials with a fabric cover or other suitable means.
  - During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day.
  - During all construction activities, the construction contractor shall limit on-site vehicle speeds on unpaved roads to no more than 15 miles per hour.
  - The construction contractor shall apply chemical soil stabilizers to reduce wind erosion.

- d. Prior to the issuance of building permits, plans shall indicate that coatings and solvents with a volatile organic compound (VOC) content lower than required under Rule 1113 (i.e., Super Compliant Paints) shall be used. All architectural coatings shall be applied either by (1) using a high-volume, low-pressure (HVLV) spray method operated at an air pressure between 0.1 and 10 pounds per square inch gauge (psig) to achieve a 65 percent application efficiency; or (2) manual application using a paintbrush, hand-roller, trowel, spatula, dauber, rag, or sponge, to achieve a 100 percent application efficiency. The construction contractor shall also use precoated/natural colored building materials, where feasible.
- e. Applicants for new residential developments in the Irvine Business Complex within 500 feet of Interstate 405 shall be required to install high efficiency Minimum Efficiency Reporting Value (MERV) filters of MERV 14 or better in the intake of residential ventilation systems. Heating, air conditioning and ventilation (HVAC) systems shall be installed with a fan unit power designed to force air through the MERV 14 filter. To ensure long-term maintenance and replacement of the MERV 14 filters in the individual units, the following shall occur:
- i) The developer, sale, and/or rental representative shall provide notification to all affected tenants/residents of the potential health risk from I-405 for all affected units, per item 7 of this section.
  - ii) For rental units within 500 feet of the I-405, the owner/property manager shall maintain and replace MERV 14 filters in accordance with the manufacturer's recommendations. The property owner shall inform renters of increased risk of exposure to diesel particulates from I-405 or SR-55 when windows are open.
  - iii) For residential owned units within 500 feet of I-405, the Homeowner's Association (HOA) shall incorporate requirements for long-term maintenance in the Covenant Conditions and Restrictions and inform homeowners of their responsibility to maintain the MERV 14 filter in accordance with the manufacturer's recommendations. The HOA shall inform homeowner's of increased risk of exposure to diesel particulates from I-405 when windows are open.
- f. For all residential or residential mixed-use projects located within the distances to industrial uses as outlined below the Project Applicant shall submit a health risk assessment (HRA) prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast Air Quality Management District (SCAQMD) to the Community Development Director prior to approval of any future discretionary residential or residential mixed use project. If the HRA shows that the incremental cancer risk exceeds one in one-hundred thousand ( $1.0E-05$ ), or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that Best Available Control Technologies for Toxics (T-BACTs) are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. T-BACTs may include, but are not limited to, scrubbers at the industrial facility, or installation of Minimum Efficiency Reporting Value (MERV) filters rated at 14 or better at all residential units.

- 1,000 feet from the truck bays of an existing distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units, or where transport refrigeration unit operations exceed 300 hours per week.
  - 1,000 feet from an existing chrome plating facility, or existing facility using Hexavalent Chromium.
  - 300 feet from a dry cleaning facility using perchloroethylene using one machine and 500 feet from a dry cleaning facility using perchloroethylene using two machines.
  - 50 feet from gas pumps within a gas-dispensing facility and 300 feet from gas pumps within a gasoline dispensing facility with a throughput of 3.6 million gallons per year or greater.
- g. For all discretionary residential or residential mixed-use projects located within 1,000 feet of an industrial facility which emits toxic air contaminants (TACs), the Project Applicant shall submit a health risk assessment (HRA) prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast Air Quality Management District (SCAQMD) to the Community Development Director prior to approval of any discretionary residential or residential mixed-use projects. If the HRA shows that the incremental cancer risk exceeds one in one-hundred thousand ( $1.0E-05$ ), or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that Best Available Control Technologies for Toxics (T-BACTs) are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms. T-BACTs may include, but are not limited to, scrubbers at the industrial facility, or installation of Minimum Efficiency Reporting Value (MERV) filters rated at 14 or better at all residential units. "
- h. For all residential projects located within 1,000 feet of an industrial facility that emits substantial odors, which includes but is not limited to:
- wastewater treatment plants
  - composting, greenwaste, or recycling facilities
  - fiberglass manufacturing facilities
  - painting/coating operations
  - coffee roasters
  - food processing facilities,

The Project Applicant shall submit an odor assessment to the Community Development Director prior to approval of any future discretionary action that verifies that the South Coast Air Quality Management District (SCAQMD) has not received three or more verified odor complaints. If the Odor Assessment identifies that the facility has received three such complaints, the applicant will be required to identify and demonstrate that Best Available Control Technologies for Toxics (T-BACTs) are capable of reducing potential odors to an acceptable level, including appropriate enforcement mechanisms. T-BACTs may include, but are not limited to, scrubbers at the industrial facility, or installation of Minimum Efficiency Reporting Value (MERV) filters rated at 14 or better at all residential units.

## 5. Noise Standards

- a. Prior to issuance of grading permits, the project applicant shall incorporate the following measures as a note on the grading plan cover sheet to ensure that the greatest distance between noise sources and sensitive receptors during construction activities has been achieved.
  - Construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers consistent with manufacturer's standards.
  - Construction staging areas shall be located away from off-site sensitive uses during the later phases of project development.
  - The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, whenever feasible.
- b. Individual projects that involve vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, occurring near sensitive-receptors shall be evaluated for potential vibration impacts. If construction-related vibration is determined to exceed the Federal Transit Administration vibration-annoyance criteria of 78 VdB during the daytime, mitigation measures, such as use of less vibration intensive equipment or construction techniques shall be implemented.
- c. The project applicant shall submit evidence to the satisfaction of the Director of Community Development that occupancy disclosure notices for units with patios and/or balconies that do not meet the 65 dBA CNEL are provided to all future tenants pursuant to the City's Noise Ordinance.

## 6. Hazardous Materials Standards

Individual development sites may have existing facilities, such as transformers or clarifiers, to be demolished as part of a proposed development. To mitigate hazardous materials-related impacts during the removal of such facilities, the Director of Community Development, in conjunction with the Orange County Fire Authority, shall include specific project conditions of approval as part of the discretionary review process for the proposed development.

## 7. Green-Point Rated Development

Applicants for new residential developments in the Irvine Business Complex shall submit evidence to the satisfaction of the Director of Community Development that proposed buildings are designed and constructed to be GreenPoint Rated. GreenPoint Rated developments must achieve a minimum of 50 total points and meet the category-specific point thresholds as specified in the current GreenPoint Rated Builder Handbook. Developments that exceed this minimum are rewarded by a higher grade on their projects. The GreenPoint Rated program is updated every three years to coincide with changes to the California Building Energy Efficiency Standards.

## **B. Public Safety Standards.**

1. Plans submitted for discretionary review of residential development shall include the following safety features:
  - a. Recreation areas shall be located adjacent to residential uses whenever possible. These areas shall be visible to residents from within their dwellings to allow for “eyes on the street” proper visual surveillance. Placement of windows, landscaping, lighting, and recreation uses shall be coordinated to enhance resident surveillance opportunity, but not to detract from the recreational use.
  - b. General utilization of the concepts of Crime Prevention Through Environmental Design (CPTED) in the planning and development stages.
2. The inclusion of the following items shall be verified by the Public Safety Department prior to issuance of the first building permit for a residential unit.
  - a. Development of a security plan for residential and/or mixed-used projects that includes:
    - (1) Management contact for public safety issues available 24-hours a day;
    - (2) Cameras for monitoring and recording vehicles and persons entering the site;
    - (3) Comprehensive tenant screening process for apartments tenants;
    - (4) Quick removal of graffiti; and
    - (5) Enforcement of restricted parking spaces.
  - b. Preparation of a standardized, high density, “wayfinding” sign program to aid emergency responders in finding individual residential units quickly and easily.
  - c. A Click2Enter radio frequency access system shall be installed at any vehicle and pedestrian access point controlled by privacy gates.
  - d. Security. Residential units shall be designed to ensure the security of residents through the provision of secured entrances and exits that are separate from the non-residential uses. Non-residential and residential uses shall not have common entrance hallways or common balconies. These separations shall be shown on the development plan and the separations shall be permanently maintained.
  - e. Lighting. Outdoor lighting associated with commercial uses shall be shaded and directed to minimize impact to surrounding residential uses, but shall provide sufficient illumination for access and meet the Uniform Security Code requirements for lighting. Such lighting shall not blink, flash or oscillate.
  - f. Windows. Residential windows of buildings directly adjacent to industrial uses shall generally be directed away from loading areas and docks, unless view-restricting architectural elements are utilized.

**C. Airport Restrictions.** Development within the Airport Land Use Commission ("ALUC") jurisdiction shall meet the following requirements in order to support John Wayne Airport operations.

1. Building Height limitations, recordation of aviation easements, obstruction lighting and marking, and airport proximity disclosures and signage shall be provided as required by the per Orange County Airport Environs Land Use Plan standards for John Wayne Airport.
2. Building heights shall not penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces for John Wayne Airport.
3. Residential land uses shall be prohibited in John Wayne Airport Safety Zone 3.
4. Sound Attenuation. For all residential dwelling units within the 60 CNEL contour of John Wayne Airport, the maximum interior noise levels shall not exceed 45 dBA CNEL with windows closed, and shall not exceed the single event noise criteria outlined in the Noise Element of the General Plan of the loudest 10 percent of single noise events (Lmax10) shall not exceed 65 dBA daytime (7 a.m. to 7 p.m.) and 55 dBA nighttime (7 p.m. to 7 a.m.).
5. Parks located within the John Wayne Airport 60 dBA CNEL shall include signage indicating proximity to John Wayne Airport and related overflight and noise.
6. Residential uses are prohibited within the 1985 John Wayne Airport Master Plan 65 dBA CNEL contour.
7. Applicants for a conditional use permit for a heliport or helistop shall provide evidence that the proposed heliport or helistop complies fully with State of California permit procedures and with any and all conditions of approval imposed by the Federal Aviation Administration (FAA), the Airport Land Use Commission for Orange County (ALUC), and by the Caltrans Division of Aeronautics.

**D. Additional Requirements**

1. Libraries. In the event that a city-wide library impact fee is adopted and in force at the time of discretionary project approval, the project applicant shall pay this fee prior to issuance of building permits.
2. San Diego Creekwalk
  - a. Prior to approval of the design for the San Diego Creek Trail improvements/extension, the City shall examine alternative locations of the proposed trail and methods that could be used to minimize potential impacts (e.g., fencing and buffers). The design shall consider an alternative that excludes a trail segment along the most sensitive part of San Diego Creek (the northwestern side of the creek between Campus Drive and MacArthur Boulevard).
  - b. Prior to issuance of grading permits for the San Diego Creek Trail, a note shall be placed on all grading plans that construction activities involving the use of heavy equipment are prohibited during the bird nesting season (March 15 to September 15). If minor construction activities are carried out during the bird nesting season, a



qualified biologist shall conduct a preconstruction survey in the off-site habitat to determine the location of any active bird nests in the area, including but not limited to raptors and least Bell's vireo. The survey should begin not more than three days prior to the beginning of construction activities. The wildlife agencies shall be notified if any nesting least Bell's vireo are found. During construction, active nesting sites shall be monitored to ensure that construction levels do not exceed 60 dBA Leq. Should these noise levels be exceeded, the City shall implement noise attenuation measures, potentially including the erection of temporary noise curtains sufficient to reduce noise levels at occupied nesting sites to acceptable levels. Nest monitoring should continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the wildlife agencies.

3. Accessory Retail For project sites located more than ¼ mile from existing neighborhood-oriented retail services, applicants for residential development of 500 units or more, or non-residential developments of 250,000 sq. ft. or more are strongly encouraged to provide accessory retail uses as defined in the City of Irvine Zoning Code. Should accessory retail uses not be provided, applicants shall provide written rationale for not doing so, as part of the Conditional Use Permit application.

#### **5-8-5 Urban Neighborhood (UN) Standards.**

The UN District incorporates portions of the IBC appropriate for sustainable residential neighborhoods, employment, and mixed-use blocks. This district is intended for residential projects to cluster in nodes around local services. Small scattered residential projects are discouraged within the UN District. Mixed-use is encouraged with ground floor uses including residential, retail, offices, and restaurants, and upper floors accommodating offices or residential. New, smaller, non-arterial streets within this district are proposed to be pedestrian-oriented with highly articulated residential frontages. Roadways will be defined by both residential and non-residential building facades and characterized by a lush, dominant landscape.

- A. Maximum Building Height: As specified in Figure 1 in Section 5-8-3.
- B. Creekwalk. All properties abutting the San Diego Creek channel shall consider the San Diego Creek edge as a street frontage. Where feasible, private ways, public and private streets shall be located adjacent to the Creek edge.

#### **5-8-6. Business Complex (BC)**

The intent of the Business Complex District is to maintain the existing industrial character of the northwesterly portion of the IBC, consistent with the Council-adopted goal of protecting existing businesses in the IBC. Due to a number of constraints, including the proximity of John Wayne airport and the extent of existing industrial uses, residential uses are not appropriate for this area and are therefore prohibited. Properties in the BC District are subject to the requirements of the underlying IBC base zoning and as specified in Section 5-8-4.C Airport Restrictions.



## CHAPTER 9-36. PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)

- Sec. 9-36-1. Generally.
- Sec. 9-36-2. Land use zoning map.
- Sec. 9-36-3. Introduction.
- Sec. 9-36-4. Intent.
- Sec. 9-36-5. Statistical analysis.
- Sec. 9-36-6. Reserved.
- Sec. 9-36-7. Special development requirements.
- Sec. 9-36-8. Irvine Business Complex land use and development intensity value database.
- Sec. 9-36-9. Subdivisions, mergers and adjustments.
- Sec. 9-36-10. Procedure for analysis of average daily development intensity values.
- Sec. 9-36-11. High-traffic-generating commercial uses.
- Sec. 9-36-12. Reserved.
- Sec. 9-36-13. Sites providing amenities.
- Sec. 9-36-14. IBC Transportation Improvement Fee Program.
- Sec. 9-36-15. IBC Neighborhood Infrastructure Improvement Fee Program
- Sec. 9-36-16. Affordable housing.
- Sec. 9-36-17. Required participation in mitigation measures.
- Sec. 9-36-18. Transfer of development rights.
- Sec. 9-36-19. Procedure for analysis of trip capture within 5.0 IBC Mixed-Use District.
- Sec. 9-36-20. Environmental Standards
- Sec. 9-36-21. Transportation Management Association
- Sec. 9-36-22. Heliports
- Sec. 9-36-23. Accessory Retail

### Sec. 9-36-1. Generally.

Please see this chapter 9-36 for the development standards and sections 3-30-29, 3-30-31 and 3-30-32 to see which uses are permitted and conditionally permitted.

(Code 1976, § V.E-836; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95)

### Sec. 9-36-2. Land use zoning map.

(See Planning Area 36 map following section 9-36-5.)

(Code 1976, § V.E-836.1; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95; Ord. No. 03-15, § 5, 5-13-03; Ord. No. 03-28, § 5, 9-9-03; Ord. No. 03-34, § 5, 1-22-04; Ord. No. 04-08, § 5, 8-24-04; Ord. No. 04-09, § 6, 9-14-04; Ord. No. 05-15, § 6, 7-12-05; Ord. No. 05-18, § 6, 9-27-05; Ord. No. 05-22, § 5, 10-11-05; Ord. No. 05-23, § 6, 10-21-05; Ord. No. 05-27, § 5, 1-10-06; Ord. No. 06-08, § 6, 7-11-06; Ord. No. 06-11, § 5, 8-22-06; Ord. No. 06-13, § 6, 8-22-06; Ord. No. 07-05, § 5, 4-10-07; Ord. No. 07-07, § 5, 4-10-07; Ord. No. 07-09, 4-10-07)

Sec. 9-36-3. Introduction.

A. Planning Area 36, Irvine Business Complex, is located along the western edge of the City. Boundaries include State Route 55 (Costa Mesa Freeway) and the John Wayne/Orange County Airport to the west, former USMCAS Tustin to the north, Peters Canyon Wash, the San Diego Creek and the San Joaquin Marsh to the east, and MacArthur Boulevard and Campus Drive (Newport Beach) to the south.

B. The planning area is divided into four districts. The Multi-Use District is comprised of nearly all portions of the planning area located south of Barranca Parkway. The Residential and Mixed-Use Districts are located in several areas within the Multi-Use District boundaries. The Industrial District is comprised of all portions of the planning area north of Barranca Parkway.

(Code 1976, § V.E-836.2; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95; Ord. No. 00-02, § 4, 2-8-00; Ord. No. 03-34, § 5, 1-22-04; Ord. No. 04-08, § 5, 8-24-04; Ord. No. 04-09, § 6, 9-14-04)

Sec. 9-36-4. Intent.

It is the intent of this chapter to specify regulations to maintain the development and traffic intensity at the levels analyzed in and mitigated by the final program environmental impact report for the 2010 IBC Vision Plan project.

(Code 1976, § V.E-836.2.A; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-36-5. Statistical analysis.

GROSS SQUARE FOOTAGE

TABLE INSET:

Land Use Category	Area Number	Gross Acreage	Net Acreage	Maximum Number of Dwelling Units	Estimated Number of Gross Square Feet
Mixed-Use (IBC)	5.0	40.3	50.08		
Multi-Use (IBC)	5.1	2,518.83	2,015.58		
Industrial (IBC)	5.2	123	92		
Residential (IBC)	5.3	81.87	85.34		

IBC Vision Plan Residential/Mixed Use Overlay				<u>15,000</u>	
TOTAL*		2,764	2,243	15,000	48,787,662

#### DEVELOPMENT INTENSITY VALUES

TABLE INSET:

	Area Number	A.M.	P.M.	Average Daily	
TOTAL		63,476	76,173	812,673	

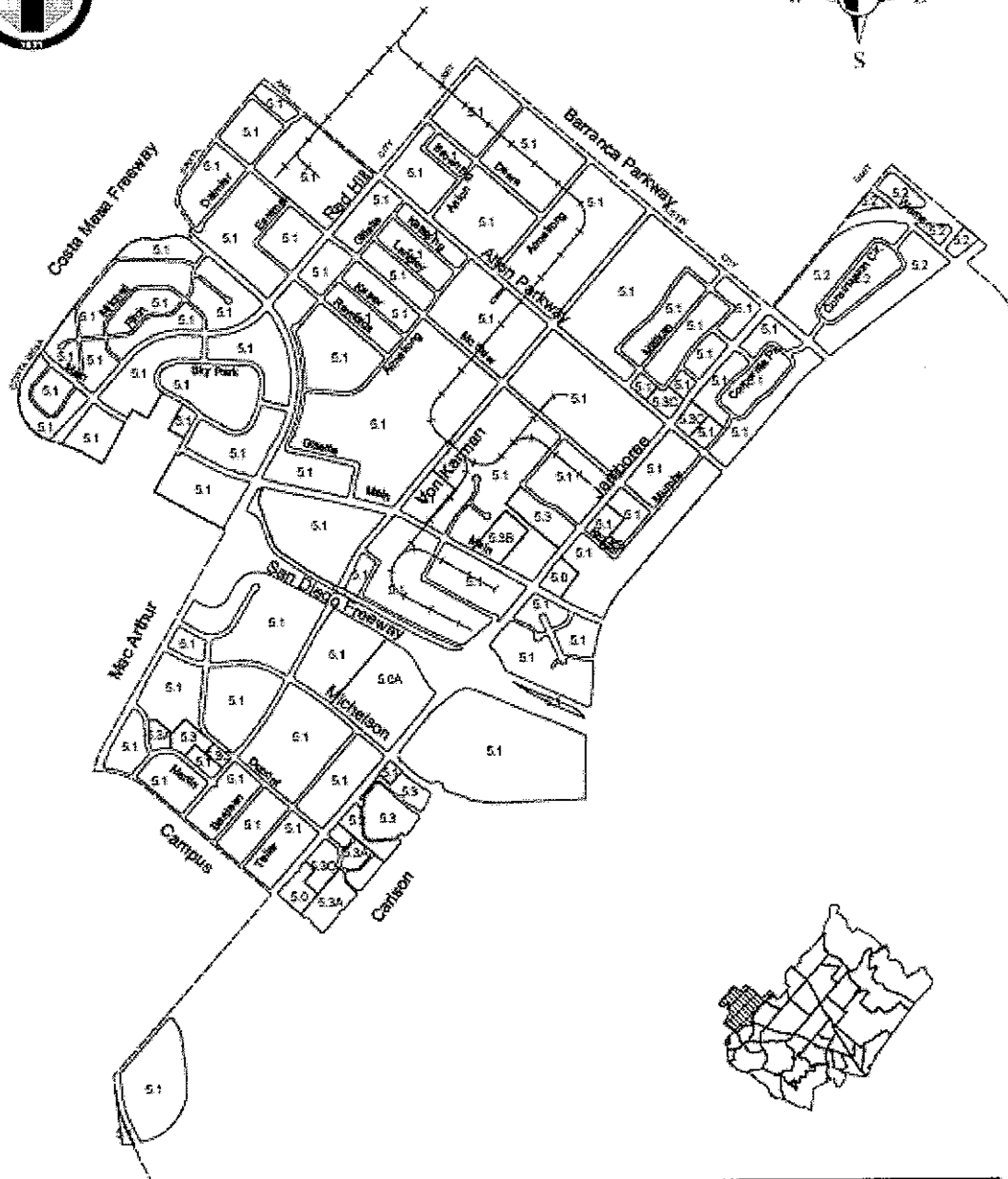
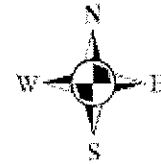
\*The "Estimated Number of Gross Square Feet" within Planning Area 36 can adjust upward or downward based upon the mix of land uses and is not considered a development cap as is the case in other planning areas. This estimated number can be adjusted as needed by City Staff as long as the resulting Planning Area development intensity is within the Planning Area Development Intensity Value budget. Land uses may be changed to any permitted or conditionally permitted use within the corresponding zoning district, within the established development intensity values.

(Code 1976, § V.E-836.3; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95; Ord. No. 99-10, § 3, 5-11-99; Ord. No. 01-03, § 4, 3-13-01; Ord. No. 03-15, § 5, 5-13-03; Ord. No. 03-26, § 6, 9-9-03; Ord. No. 03-34, § 5, 1-22-04; Ord. No. 04-08, § 5, 8-24-04; Ord. No. 04-09, § 6, 9-14-04; Ord. No. 05-15, § 6, 7-12-05; Ord. No. 05-18, § 6, 9-27-05; Ord. No. 05-22, § 5, 10-11-05; Ord. No. 05-23, § 6, 10-11-05; Ord. No. 05-27, § 5, 1-10-06; Ord. No. 06-08, § 6, 7-11-06; Ord. No. 06-11, § 5, 8-22-06; Ord. No. 06-13, § 6, 8-22-06; Ord. No. 07-05, § 5, 4-10-07; Ord. No. 07-07, § 5, 4-10-07; Ord. No. 07-09, 4-10-07)

Sec. 9-36-6. Reserved.



ZONING ORDINANCE MAP  
**PLANNING AREA 36**  
 IRVINE BUSINESS COMPLEX



ZONE#	ZONING DISTRICT	ZONE#	ZONING DISTRICT
5.0	Irvine Business Complex Mixed-Use	5.3A	Irvine Business Complex Residential
5.1	Irvine Business Complex Multi-Use	5.3B	Irvine Business Complex Residential
5.2	Irvine Business Complex Industrial	5.3C	Irvine Business Complex Residential
5.3	Irvine Business Complex Residential		

Sec. 9-36-7. Special development requirements.

See Division 3 and Chapter 5-8 for applicable general development requirements.

(Code 1976, § V.E-836.4; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-36-8. Irvine Business Complex land use development intensity value database.

A. *Intent of this section.* It is the intent of this section to define the policies used to maintain a land use and development intensity value database for monitoring and regulating the types of land uses and intensity for each property in the Irvine Business Complex.

B. The Director of Community Development shall maintain a land use and development intensity value database for the Irvine Business Complex.

1. The IBC land use and development intensity value database shall specify the quantity, in gross square footage, dwelling units and hotel rooms as defined by the Zoning Code, for all existing, approved and zoned development in the planning area by legal parcel and according to the following general land use categories:

- a. Office.
- b. Industrial.
- c. Retail.
- d. Hotel
- e. Residential.
- f. Zoning potential.
- g. Miniwarehouse.
- h. Hotel, Extended-Stay

2. The land use and development intensity value database shall specify the corresponding a.m., p.m. and average daily? development intensity values allocated for both existing and build-out conditions for each legal parcel in the planning area, which correspond to the traffic intensity levels (vehicle trips) analyzed in and mitigated by the final program environmental impact report for the 2010 IBC Vision Plan project.

Development Intensity Value allocations for a.m. and p.m. represent a five-day average weekday, and may vary plus or minus ten percent each day. These allocations shall be based upon the following trip factors:

TABLE INSET:

Use	A.M.	P.M.	Average Daily	Unit
Office	.0013	.00138	.01377	sq. ft.
Industrial	.00045	.00042	.00462	sq. ft.
Retail	.00254	.00696	.084	sq. ft.
Hotel;	0.42	0.68	10.00	room
Residential	0.50	0.52	6.30	du*
Zoning potential	.0013	.00138	.01377	sq. ft.
Mini-warehouse	0.00029	.00027	.00304	sq. ft.
Hotel, extended stay	0.38	0.42	5.14	Room

\*Dwelling unit.

3. a. The applicable general land use category for each permitted and conditional use within Planning Area 36 is specified through the use of general land use codes. These codes are included in the land use matrix of this zoning ordinance (see section 3-3-1) and are defined as follows:

29 Office

30 Industrial

31 Commercial

32 Hotel

33 Residential

34 Zoning potential

35 Undefined uses

36 Uses assumed to have no traffic generation

37 Mini-warehouse

38 Hotel, extended stay

b. The following two codes deal with uses, which require special treatment:

35 Undefined uses: Undefined uses include, but are not limited to the following: churches, community facilities, government facilities, commercial recreation, outdoor storage, commercial schools, private schools and public schools, accessory uses, manufactured structures, warehouse and sales outlet, and drive-thru facilities. The general land use categories and corresponding development intensity value rates shall be based upon the City's adopted development intensity value rates as defined in the Table Inset above for the specific land uses proposed. The Directors of Public Works and Community Development shall determine which of the general land use category trip rates and corresponding fee most closely resembles the trip generation of the proposed use, based upon the above-noted development intensity value rates, for purposes of establishing a development intensity value.



36 Uses assumed to have no traffic generation: These include parks, pushcarts and heliports for which no traffic generation shall be assumed. Several conditional and permitted uses have also been identified as potential high-traffic-generating uses. Refer to section 9-36-11 for additional regulations concerning these uses.

4. *Adjustments to database.* The Director of Community Development shall regularly adjust the land use and development intensity value database to reflect the status of existing and approved development in relation to the maximum square footage, dwelling unit and trip allocations for the planning area. In the event the approved development case (i.e. conditional use permit, master plan, development agreement, site design or zoning compliance) has expired, the trip allocation and development intensity associated with the approved development shall remain available for use on the site, subject to the terms and conditions of any required discretionary approval. If the proposed development requires a discretionary approval as identified in Division 2 of this Zoning Code, that discretionary case must be approved prior to the use of the development intensity. If no discretionary case is required and the use is a "permitted use", the development of the intensity shall be subject to all applicable development standards.

Unused development intensity may be transferred to another location within the Irvine Business Complex with the approval of a transfer of development rights per Section 9-36-17.

a. If, as a result of periodic monitoring, the City finds that the allocated intensity for a particular location in the database is inconsistent with what is approved, all necessary adjustments shall be made to the database to reflect what has been documented as approved. Applicants wishing to challenge the intensity allocations for a particular site shall submit floor plans and/or other documentation acceptable to the Director of Community Development to receive credit for existing square footage which was previously approved and inspected by the City.

5. *Credit for existing square footage uses and intensity.* In cases where an existing structure is located on the site of a proposed project, credit can be granted for the existing gross building square footage, by use, for purposes of applying the intensity to the proposed project. The procedure for granting credit is as follows:

a. The applicant shall submit a floor plan of the existing building illustrating the uses and gross square footage devoted to each use prior to the project proposal. The Community Development Department shall verify that appropriate approvals were granted for the establishment of these uses (i.e. building permits). The Department shall calculate the number of a.m., p.m., and average daily development intensity values attributable to the approved uses using the ratios specified in this section 9-36-8.

b. Requests for credit for existing gross square footage shall be reviewed and approved by the Director of Community Development for projects which do not require a conditional use permit and by the approval authority for projects requiring a use permit. Credit can only be retained by the applicant if it obtains appropriate permits from the City for any interior alterations or demolitions of buildings. Any demolition must proceed prior to the issuance of any building permits for new structures on the site, or in accordance with a phasing plan approved by the Director of Community Development. (Code 1976, § V.E-836.5.1; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-

22, § 3, 11-28-95; Ord. No. 98-20, § 2, 12-8-98; Ord. No. 99-10, § 3, 5-11-99; Ord. No. 01-07, § 2, 5-8-01; Ord. No. 03-02, § 4, 1-14-03; Ord. No. 03-34, § 5, 1-22-04; Ord. No. 04-09, § 6, 9-14-04; Ord. No. 05-16, § 2, 7-12-05)

Sec. 9-36-9. Subdivisions, mergers and adjustments.

A. *Intent.* The following regulations are intended to ensure that the finite quantities of development allocated to each legal parcel in the IBC land use and development intensity value database are accurate and current and that allocated development intensity to each legal parcel is not exceeded as subsequent subdivisions occur.

B. *Applicability.* These regulations apply to all applications submitted for properties located in Planning Area 36 (IBC) for tentative parcel maps, tentative tract maps, lot mergers and lot line adjustments.

C. *Development intensity distribution.*

1. Prior to the approval of any final map, lot merger or lot line adjustment for properties located in Planning Area 36, applicants shall submit to the Director of Community Development for review and approval a document specifying the proposed distribution of development intensity for each legal parcel. The approved document shall then be recorded by the County of Orange Recorder's Office.

2. All initial intensity allocations made to a legal parcel shall be carried through to subsequent subdivisions.

3. Total development intensity shall not exceed the intensity allocated under the original subdivision configuration existing at the time of the adoption of the 2010 IBC Vision Plan project and associated zone change. (Code 1976, § V.E-836.5.2; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-36-10. Procedure for analysis of average daily development intensity values

A. *Intent.* This section provides a procedure for (1) analyzing average daily development intensity value for development proposals and (2) identifying and mitigating anticipated traffic impacts (if any) of developments that propose to exceed allocated Average Daily development intensity values .

B. *Applicability.* This section applies to development applications which propose to exceed the Average Daily development intensity values limits specified for a parcel in the IBC database.

C. *Traffic study.*

1. A traffic study shall be required for development applications proposing to exceed the Average Daily development intensity value limits for a parcel within the Irvine Business Complex. Assigned general land use category development intensity values shall be utilized for determining whether Average Daily development intensity values a.m./p.m. development intensity value allocations in the IBC database are exceeded

2. The traffic study shall be reviewed and findings shall be made and approved by the Directors of Public Works and Community Development.

D. *Findings.* The following findings must be made in order to approve projects proposing to exceed the Average Daily Development Intensity Values limits specified for a site in the IBC database:

1. Approval of the project will not result in exceeding the a.m. and p.m. development intensity value established for the project site in the IBC database. The average daily development intensity value limits established for the project site in the IBC database may be exceeded only if the traffic analysis has identified impacts and mitigation measures that show the circulation system has the capacity to accommodate the project.
2. Approval of the project will not jeopardize the ability of the City of Irvine to qualify for funding sources, including but not limited to the Orange County congestion management program (CMP).

E. *Waiver* Should any of the findings listed above not be made, the application shall submit a request for a waiver for review and approval by the Director of Community Development.

(Code 1976, § V.E-836.5.3; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-36-11. High-traffic-generating commercial uses.

A. *Intent of this section.* It is the intent and purpose of this section to assure that certain land uses which generate high levels of traffic are prevented from exceeding the levels of traffic originally analyzed in the environmental documents for Planning Area 36. These specific land uses are identified with a footnote ( T ) in the City-wide land use matrix (see section 3-3-1).

B. In projects which include uses identified with a footnote ( T ) in the land use matrix (section 3-3-1), a conditional use permit shall be required. In addition to the required materials listed in section 2-9-3, the conditional use permit application shall include a traffic analysis prepared under the direction of the Director of Community Development. Assigned general land use category development intensity value rates shall be utilized for determining whether Average Daily or a.m./p.m. development intensity value allocations in the database are exceeded. Traffic study requirements may be waived if the project does not meet the minimum traffic generation threshold specified in the traffic study guidelines.

C. Prior to approval of an extended stay hotel project, the applicant shall submit a vehicle trip generation rate verification study. This study shall demonstrate that the individual project's trip generation rates are consistent with the IBC extended stay hotel development intensity value rates. The Planning Commission shall review and render a decision on whether the individual project's vehicle trip rates are consistent with the IBC extended stay hotel development intensity value rate prior to planning commission review of the project.

D. *Findings.* In addition to the findings listed in section 2-9-7, the following findings shall be made in order to approve a conditional use permit for High-traffic-generating commercial uses:

1. Approval of the project will not result in exceeding the a.m. and p.m. development intensity value allocations established for the project site in the IBC land use and development intensity value database. The average daily development intensity value limits established for the project site in the IBC land use and development intensity value database may be exceeded only if no impacts are identified, or the traffic analysis has

identified impacts and mitigation measures that show the circulation system has the capacity to accommodate the project.

2. Approval of the project will not jeopardize the ability of the City of Irvine to qualify for funding sources such as but not limited to the Orange County Congestion Management Program (CMP) or Measure M.

(Code 1976, § V.E-836.5.4; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95; Ord. No. 99-10, § 3, 5-11-99; Ord. No. 04-03, § 3, 2-24-04)  
Sec. 9-36-12. Reserved.

Sec. 9-36-13. Sites providing amenities.

A. *Intent of this section.*

1. The intent of this section is to recognize developments which were built during the period in which the Extraordinary Amenities section of the IBC Mixed-Use zoning ordinance was in place (June 30, 1982 to October 23, 1990) and which constructed amenities during that period in conformance with the ordinance.

2. As part of the database for the Irvine Business Complex, special square footage allocations shall be included to account for amenity credits for eligible locations. To apply for these allocations, applicants must obtain a conditional use permit which must be approved by the City of Irvine Planning Commission.

B. *Eligibility.* Limited to those properties which were built and actually constructed qualifying amenities during the period between June 30, 1982, and October 23, 1990. (See IBC database for reserved intensity for amenities.)

C. *Review procedure.*

1. Types of amenities allowed: Amenities such as extraordinary open space, parks, plazas, facilities for the arts, athletic facilities, and child care centers. They shall provide a benefit not only to the site, but also to the larger community. The City shall receive assurance that any structure or area proposed for credit will be used for that purpose for the life of the project receiving this credit through the provision of a document to be recorded separate from the deed.

2. The site in which the amenity area is located shall be a minimum of ten gross acres (as recorded on the legal map) in order for the area to qualify. If the site consists of more than one parcel, then the parcels which comprise the ten-gross-acre minimum site must be linked by a comprehensive plan such as a conditional use permit, or master plan, approved by the Planning Commission or Zoning Administrator between June 30, 1982, and October 23, 1990.

3. For each gross square foot of amenity area provided, one gross square foot of office development may be added, up to a maximum of 2,178 gross square feet per gross acre.

4. Any open space, park, or plaza for which credit is being requested shall comply with the criteria noted below. These criteria shall not apply to areas devoted to lakes or other water elements.

a. The area must be in addition to that necessary to meet landscaping, park and setback requirements.

b. *Minimum size.* The area must contain a minimum of 4,000 gross square feet.

c. *Sunlight patterns.* The amenity area shall be able to receive direct sunlight on at least 30 percent of the surface area from 10:00 a.m. to 2:00 p.m. between the fall and spring equinox.

d. *Design and landscaping.* At least one major element, such as but not limited to artwork or water, shall be included in the amenity area. The dominant landscape elements shall be trees and turf. The amount of impervious surface should not exceed 40 percent of the amenity area unless unique design considerations are offered.

5. Approval of extraordinary amenity credit shall be granted through a conditional use permit.

(Code 1976, § V.E-836.5.5; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95)

#### Sec. 9-36-14. IBC Traffic Improvement Fee Program.

A. *Intent.* The intent of the 2010 IBC Traffic Improvement Fee program is to provide partial funding for the implementation of the areawide circulation mitigation program identified in the Final Program Environmental Impact Report, for the Irvine Business Complex Vision Plan/Mixed Use Overlay Zoning Code.

B. *Basis for the fee program.*

1. This fee program is based upon demonstrated projected development and its anticipated circulation impacts. As such, development which necessitates circulation mitigation measures beyond those identified for existing development and future development with vesting approvals (as defined in section 9-36-14.E) shall pay the current fee in effect at the time of building permit issuance.

2. The IBC Traffic Improvement Fee program establishes variable fees per unit of development for specific land uses, which in turn correspond to the trip generation of each land use. Fair share cost is derived by dividing the total cost of the required circulation improvements for future development into the total number of trips assumed to be generated by projects that are subject to this fee program. The cost per trip is then converted into cost per unit of development for the corresponding land use. (Refer to the IBC circulation improvements funding program for matrices showing the fee calculations.)

C. *Boundaries of the final fee district.* All property within the Irvine Business Complex (Planning Area 36) as shown in section 9-36-2 of this zoning ordinance is included in the final fee district.

D. *Final fee schedule.*

1. Section 9-36-5 of this zoning ordinance specifies the maximum amount of development intensity values (vehicular trips from the 1992 IBC EIR) allowed to be generated as a result of the build-out of the Irvine Business Complex. As part of the traffic study prepared for the 2010 IBC Vision Plan *project*, a study was performed which identifies the traffic impacts of future development within IBC. The traffic study also identifies specific circulation improvements necessary to mitigate the impacts of the projected future development and the cost of the implementation of such improvements.

2. A final fee schedule based upon the nexus analysis and the estimated cost of improvements shall be established by resolution of the City Council.

E. *Applicability.*

1. The 2010 IBC Traffic Improvement Fee program shall apply to all development for which building permits are issued subsequent to the adoption of the 2010 IBC Vision Plan project, regardless of when the development case was approved. These provisions apply to permits for new structures, and additions of square footage to existing structures.
2. Development agreements, and projects for which building permit applications approved prior to the effective date of these regulations, are exempt from the requirements of this fee program.

F. *Timing of compliance.*

1. All development projects within the Irvine Business Complex for which building permits are issued after the effective date of the 2010 IBC zoning ordinance shall comply with the requirements of the 2010 IBC Transportation Improvement fee program. Fees required by this section shall be paid prior to the issuance of any building permits or as specified by procedures adopted by the City Council and in effect at the time building permits are issued.
2. Applicants can elect to pre-pay the IBC Traffic Improvement fees for their projects at any time prior to the issuance of building permits; however, payment of fees solely does not constitute final approval or vesting entitlement for the project.

G. *Construction of areawide improvements in lieu of payment of fees.* Where an applicant is required to pay fees for areawide improvements (improvements which serve the IBC or mitigate impacts to the IBC) under the provisions of these regulations, with the approval of the Directors of Public Works and Community Development, the applicant may construct improvements which are included in the 2010 IBC Vision Plan final program EIR and equivalent in cost to the fees owed. The applicant shall submit an estimate of the construction cost for each improvement it proposes to construct. The Director of Public Works shall verify the estimated construction cost, or make any necessary revisions thereto. The value of the proposed improvements must equal or exceed the required fee in order for the Director of Public Works to approve the applicant's request to substitute construction of improvements for payment of fees.

H. *Exemptions from fees.* The following types of land uses shall be exempt from payment of fees for circulation improvements:

1. Square footage within a building used to provide recreation or services exclusively to employees who work within the building. The uses shall benefit the employees, and, by providing recreation or services on-site, have the potential to reduce the number of trips employees make to other locations. Examples of such uses include cafeterias, exercise facilities, and employee credit unions. Determination of whether or not a proposed use qualifies for this exemption shall be made by the Director of Community Development. This exemption can only be granted if the property owner enters into an agreement with the City and recorded against the property, ensuring that the square footage remains in the exempt use.
2. Square footage within the principal building(s) on a site or in a separate building(s) used for resident, employee or customer parking. This exemption does not apply to areas within a building(s) used for vehicle storage.

I. *Adjustments to fees.* The Director of Public Works shall, on July 1<sup>st</sup> of each year, apply an adjustment to the Irvine Business Complex (IBC) development fee rates according to the following methodology:

1. *Adjustment in construction cost.* The development fee program shall be evaluated annually in comparison with the California Highway Construction Cost Index (CCI) as published by Caltrans. The fee rates shall be adjusted to reflect fluctuations in the CCI.

2. *Adjustment in land cost.* In addition to the annual adjustment in construction costs, the fee rates shall be adjusted to account for the projected land acquisition costs for the right-of-way necessary to construct the roadway improvements. A land value appraisal assessment will be conducted every three years. The fees shall be adjusted to reflect the latest land cost estimates based on the findings of the appraisal assessment. The land cost adjustment shall be applied every three years. There will be no adjustment rate utilized in years in which no land value appraisals are conducted. As part of this review, the Director of Public Works shall also review the IBC development fees to ensure that the fees would not, over time, exceed the reasonable cost of constructing the required improvements.

3. *Calculation of Fees.* An average of the past five years of fees will be utilized to determine the current year fee.

4. *Changes to Fee Methodology.* At its first meeting in June of each year, the Planning Commission shall be informed if adjustments to fee rates in June of each year. Any change to the methodology for annual adjustment of fees for the IBC Traffic Improvement fee program shall be approved by a resolution of the City Council.

J. *Creation of IBC fee account.*

1. The City shall establish an IBC circulation improvement fee account immediately after the adoption of the 2010 IBC Vision Plan/Overlay Zoning Code project.

2. The City of Irvine shall maintain the funds in this account separate from other funds of the City of Irvine. Fees collected pursuant to this fee program shall be deposited at the time collected into the IBC circulation fee account; and both the fees and the accrued interest shall be expended only for the implementation (i.e., project reports, design, construction) of the IBC circulation improvements as specified in the IBC Vision Plan/Overlay Zoning Code EIR, and any amendments and revisions thereto.

3. On an annual basis, the Manager of Fiscal Services shall present a report on the status of the IBC circulation fee program to the City Council. The report shall provide information on the fee account revenues, expenditures and the projected fee revenues and expenditure.

K. *IBC Traffic Study Update.* Every five years following the certification of the Final EIR for the 2010 Vision Plan project, the City shall undertake an updated comprehensive traffic study for the IBC, to evaluate the implementation of the original traffic study and update mitigation as needed. The study shall review both interim and buildout year scenarios.

L. *Requirements for provision of local improvements.* In addition to the responsibility to participate in funding the areawide improvements, applicants may be required to construct local improvements if such improvements as identified in the conditions of approval are deemed necessary by the Directors of Public Works and Community Development.

1. *Review and determination process.* In conjunction with applications for development proposals, the applicant may be required to provide a traffic study analysis to identify any local improvements necessary to address the traffic impacts of the project. If as a result of this analysis the Directors of Public Works and Community Development determine that

local improvements are needed, the applicant shall be required to provide these improvements as a condition of approval of the development project.

2. *Payment of fees in lieu of construction of local improvements.* Applicants may pay fees in lieu of construction of required local improvements subject to the approval of the Directors of Public Works and Community Development. The in-lieu fee shall be equal to the construction cost of the required improvements.

3. *Timing of compliance.* Prior to the issuance of building permits, the applicant shall submit an estimate of the construction cost for each required improvement. The Director of Public Works shall verify the estimated construction cost, or shall revise the estimate. The fees paid by the applicant shall equal the cost accepted by the Director of Public Works..

(Code 1976, § V.E-836.5.6; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95; Ord. No. 04-03, § 3, 2-24-04; Ord. No. 05-21, § 3, 10-11-05)

#### Sec.9-36-15. IBC *Neighborhood* Infrastructure Improvement Fee Program.

A. *Intent.* The intent of the 2010 IBC *Neighborhood* Infrastructure Improvement Fee Program is to *provide funding for* the implementation of the areawide neighborhood infrastructure improvements identified in the 2010 IBC Vision Plan.

B. *Basis for the fee program.*

1. The fee program is based upon a program of neighborhood and pedestrian-oriented infrastructure improvements endorsed by the City Council as part of the development of the IBC Vision Plan. As such, new development which necessitates construction of these improvements beyond those identified for existing development and future development with vesting approvals (as defined in section 5-8-7.E) shall pay its fair share of the cost for the infrastructure improvements.

2. The IBC Infrastructure Improvement Fee establishes variable fees per unit of residential development, based on provision of affordable units on or off site, and whether said units are for rent or for sale. Fair Share cost is a per unit amount per type of unit as determined during the Vision Plan process, and analyzed in the associated nexus study.

3. Timing of implementation and phasing, and final design of the improvements identified as part of the Vision Plan project shall be determined by the City Council.

C. *Boundaries of the final fee district.* All property on which residential or residential mixed use development is proposed within the Urban Neighborhood district within the Irvine Business Complex Residential Mixed Use Overlay Zone as shown in section 5-8-3 of this zoning ordinance is included in the final fee district.

D. *Final fee schedule.*

1. A final fee schedule based upon the nexus analysis and the estimated cost of improvements shall be established by resolution of the City Council.

E. *Applicability.*

1. The 2010 IBC Neighborhood Infrastructure Improvement Fee program shall apply to all residential or residential mixed-use development for which building permits are issued subsequent to the adoption of the 2010 IBC Vision Plan project, regardless of when the



development case was approved. These provisions apply to permits for new units, and additions to existing residential or residential mixed-use development.

2. Development agreements, and projects for which building permit applications are approved prior to the effective date of these regulations, are exempt from the requirements of this fee program.

*F. Timing of compliance.*

1. All projects within Urban Neighborhood Overlay District (as defined in Chapter 5-8 of this code) within the Irvine Business Complex for which building permits are issued after the effective date of the 2010 IBC zoning ordinance shall comply with the requirements of the 2010 IBC Neighborhood Infrastructure Improvement Fee Program. Fees required by this section shall be paid prior to the issuance of any building permits or as specified by procedures adopted by the City Council and in effect at the time building permits are issued.

2. Applicants can elect to pre-pay the IBC Infrastructure Improvement Fees for their projects at any time prior to the issuance of building permits; however, payment of fees solely does not constitute final approval or vesting entitlement for the project and will not be refundable.

*G. Exemptions from fees.* The following types of land uses shall be exempt from payment of fees for infrastructure improvements pursuant to this section:

*H. Adjustments to fees.* The Directors of Public Works *and Community Development* shall, on July 1<sup>st</sup> of each year, commencing in 2010, apply an adjustment to the Irvine Business Complex (IBC) Infrastructure Improvement Fee rates according to the following methodology:

1. *Adjustment in construction cost.* The public benefit amounts endorsed by City Council motion on July 25, 2006 shall be adjusted annually, pursuant to the Engineering News Record, Construction Cost Index.

2. *Adjustment in land cost.* In addition to the annual adjustment in construction costs, the fee rates shall be adjusted to account for the projected land acquisition costs for the right-of-way necessary to construct the infrastructure improvements. A land value appraisal assessment will be conducted every three years, beginning in 2010. The fees shall be calculated to reflect the latest land cost estimates based on the findings of the appraisal assessment. The land cost adjustment shall be applied every three years. There will be no adjustment rate utilized in years in which no land value appraisals are conducted. As part of this review, the Director of Public Works shall also review the IBC Infrastructure Improvement Fees to ensure that the fees would not, over time, exceed the reasonable cost of constructing the required improvements.

3. *Calculation of Fees.* Once available, an average of the past five years of fees will be utilized to determine the current year fee.

4. *Changes to Fee Methodology.* At its first meeting in June of each year, the Planning Commission shall be informed if adjustments to fee rates in June of each year. Any change to the methodology for annual adjustment of fees for the IBC Traffic Improvement fee program shall be approved by a resolution of the City Council

I. Creation of IBC Neighborhood Infrastructure Improvement Fee Account.

1. The City shall establish an IBC Neighborhood Infrastructure Improvement Fee Account immediately after the adoption of the 2010 IBC Vision Plan/Overlay Zoning Code project.

2. The City of Irvine shall maintain the funds in this account separate from other funds of the City of Irvine. Fees collected pursuant to this fee program shall be deposited at the time collected into the IBC Infrastructure Improvement Fee Account; and both the fees and the accrued interest shall be expended only for the implementation (i.e., project reports, design, construction) of the IBC circulation improvements as specified in the IBC Vision Plan/Overlay Zoning Code EIR, and any amendments and revisions thereto.

Sec. 9-36-16. Affordable housing.

Applications for conditional use permits for residential development shall demonstrate compliance with the housing element of the general plan and City Council Resolution No. 91-28, or subsequent resolution. The conditional use permit will be conditioned to assure compliance with the housing element.

(Code 1976, § V.E-836.5.7; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-36-17. Required participation in mitigation measures.

All parcels located within the Irvine Business Complex (Planning Area 36) are subject to the applicable mitigation measures and conditions of approval adopted by the City as part of the Irvine Business Complex Vision Plan/Overlay Zoning Code project approval and the final environmental impact report =

(Code 1976, § V.E-836.5.8; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-36-18. Transfer of development rights.

A. *Intent.* It is the intent of this section to allow transfer of development rights between sites within the Irvine Business Complex. Development rights may be transferred from a sending site to a receiving site within the Irvine Business Complex subject to the approval of a master plan development case for the transfer of development rights (TDRMP) and/or conditional use permit, depending upon what is otherwise required, except as specified in subsection H of this Section. Approved TDRMP and/or CUP development cases shall include conceptual project plans and other required information which describe how the intensity on the receiving site shall be used. Development intensity transferred to a receiving site through an approved TDR shall remain available for use on the project site in accordance with this section until it is used for development or transferred to another eligible site through appropriate mechanisms described in this section. All conditions of approval affiliated with a TDR approval shall continue to apply

to the use of the intensity on the subject site regardless of discretionary approval expiration. If the proposed use requires a discretionary approval separate from the TDR approval, and the separate entitlement either has not been approved or has been approved but has expired, the transferred intensity may not be used unless and until the separate discretionary approval is approved. In the event the intensity is transferred to another site via a new transfer of development rights conditional use permit or master plan, any new conditions of approval shall take precedence.

B. *Determination of TDR eligibility.* Both the sending and receiving sites shall be located within the boundaries of the Irvine Business Complex (Planning Area 36).

C. *Master plan application.*

1. Applications to conduct a transfer of development rights shall include the following information for the receiving site:

a. Conceptual site plan.

b. Access plan option.

2. The application shall conceptually identify the proposed use of the total intensity for the receiving site and the adjusted AM, PM and Average Daily development intensity value budget for both the sending and receiving sites. All three components (i.e. AM, PM and Average Daily) of intensity must be transferred as a block of intensity.

D. *Determination of development rights to be transferred.*

1. The master plan application is required to facilitate review of the conceptual site plan for the receiving site. As such, the materials required for a TDR master plan development case shall conceptually identify the approximate locations and configurations of development and potential access points on the receiving site as well as the corresponding distribution of intensity by legal parcel: a.m., p.m. and average daily development intensity values,, gross square feet of building area, by use; dwelling units; and hotel rooms.

2. The application shall also identify the intensity to be transferred from the sending site to the receiving site.

3. The sending site shall retain sufficient a.m. and p.m. and average daily development intensity values to achieve 0.125 floor area ratio (FAR) office equivalency on the site.

4. The City shall have the discretion to permit an applicant to transfer development intensity values in excess of those which would result in the sending parcel being developed at less than a 0.125 FAR office equivalency. In such case, the applicant shall have the option of either (1) providing an irrevocable offer of dedication of the parcel to the City for public purposes or (2) demonstrating that a viable project exists which will reasonably function with less than 0.125 FAR of office equivalency. Such offer or demonstration shall occur prior to the issuance of building permits.

E. *Transfer of development rights fee.* A fee shall be charged for the transfer of development rights payable within 30 calendar days after the recordation of the TDR agreement.

1. *Fee rate.* Transfer of development rights fees shall be charged as established by resolution through the City Council.

2. *Fee calculation.*

Development intensity Value Fee× Transferred P.M. Development intensity Values =  
Total TDR Fee

F. *Findings.* The following findings shall be made in order to approve a transfer of development rights development case (MP and/or CUP). These findings are in addition to the findings required in division 2 (chapter 2-9 and chapter 2-17) of this ordinance.

1. The project shall not adversely affect City infrastructure and services.
2. There is no adverse impact on the surrounding circulation system. The performance criteria as established in the 2010 IBC Vision Plan/Overlay Zoning Code project final program EIR is maintained as a result of no impact, or adequate mitigation.

G. *IBC database adjustments.* A site which transfers development intensity values ("sending site") shall retain sufficient a.m., p.m., and average daily development intensity values to achieve 0.125 floor area ratio (FAR) office equivalency on the site, except as provided below:

1. The following requirements apply to all master plan and/or conditional use permit applications for transfers of development rights:
  - a. Prior to submittal of applications for building permits for either the sending or receiving site, the applicant shall submit an instrument prepared to the satisfaction of the Director of Community Development and the City Attorney executing a transfer of development rights agreement between the receiving and sending site(s). The following information shall be included in the agreement:
    - (1) The amount of a.m., p.m., and average daily development intensity values transferred values;
    - (2) The remaining amount of a.m., p.m., and average daily development intensity values, including gross square feet of building area, for each site.
  - b. Prior to issuance of building permits for either the sending or receiving site, the agreement between the sending and receiving site as described above shall be recorded in the office of the Orange County Recorder.

H. A CUP or Master Plan shall not be required for transfers of development intensity values for *permitted land uses* between parcels located within the same Traffic Analysis Zones (TAZ's as defined in the 2010 IBC Vision Plan and Overlay Zoning Code EIR. Such transfers may also be permitted between adjacent zones without the requirement for a CUP or Master Plan if a direct physical relationship between sites in adjacent TAZ's can be demonstrated to the satisfaction of the Director of Community Development. Such transfers shall also be exempt from TDR fee requirements. All other TDR provisions of this section shall apply.

(Code 1976, § V.E-836.5.9; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-3, § 2, 4-26-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, 5-9-95; Ord. No. 95-6, § 3, 5-27-95; Ord. No. 95-22, § 3, 11-28-95; Ord. No. 01-07, § 2, 5-8-01)

Sec. 9-36-19. Procedure for analysis of development intensity and vehicle trip capture within 5.0 IBC Mixed-Use and 5.1 IBC Multi-Use Districts.

A. *Intent.* This section provides a procedure for analysis of development intensity and vehicle trip capture rates for mixed-use projects locating within the 5.0 IBC Mixed-Use and 5.1 IBC Multi-Use Zoning Districts.

B. *Applicability.* This section applies only to development applications for mixed-use projects that propose to locate within the 5.0 IBC Mixed-Use and 5.1 IBC Multi-Use Zoning Districts and formally request a development intensity and vehicle trip capture.

C. *Traffic study*

1. A traffic study shall be required for development applications proposing to utilize trip capture for a parcel within the 5.0 IBC Mixed-Use Zoning District. The most recent ITE formulas and methodologies, as determined by the Directors of Public Works and Community Development, shall be used for calculating the appropriate development intensity and vehicle trip capture rates.

2. The traffic study shall be reviewed and findings shall be made and approved by the Director of Public Works and Community Development.

D. *Findings.* The following findings must be made in order to approve an on-site trip capture rate for a mixed-use project located within the 5.0 IBC Mixed-Use and 5.1 IBC Multi-Use Zoning Districts.

1. Approval of the project will not result in exceeding the development intensity value identified in the IBC database. The trip capture rate may be used only if the traffic analysis has identified *no* impacts, or if impacts have been identified, demonstrate mitigation measures that show the circulation system has the capacity to accommodate the project.

2. Average Daily development intensity values may be exceeded subject to the provisions of Section 9-36-11 E of this Chapter.

3. Approval of the project will not jeopardize the ability of the City of Irvine to qualify for funding sources, including but not limited to the Orange County Congestion Management Program (CMP).

(Ord. No. 04-09, § 6, 9-14-04)

#### Sec 9-36-20 Environmental Standards

1. Applicants for new developments in the Irvine Business Complex shall require that the construction contractor provide alternative transportation mode incentives, such as bus passes, and/or carpooling for workers to and from the worksite on days that construction activities require 200 or more workers. These requirements shall be noted on the grading plan cover sheet.

2. Applicants for new developments in the Irvine Business Complex shall submit evidence to the satisfaction of the Director of Community Development or Director of Public Works that the project uses recycled materials for at least 20 percent of construction materials. Recycled materials may include salvaged, reused, and recycled content materials. Recycled and/or salvaged building materials shall be shown on building plans and product cut sheets submitted to the City.

3. Applicants for new developments in the Irvine Business Complex shall require that the construction contractor utilize off-road construction equipment that conforms to Tier 3 of the United States Environmental Protection Agency, or higher emissions standards for construction equipment over 50 horsepower that are commercially available. The construction contractor shall be made aware of this requirement prior to the start of construction activities.

4. Applicants for new developments in the Irvine Business Complex shall submit evidence to the satisfaction of the Director of Community Development that toilets, urinals, sinks, showers, and other water fixtures installed on-site are ultra-low-flow water fixtures that exceed the Uniform Plumbing Code. Such examples include: 1.28 average gallon/flush high efficiency toilets; 2 GPM efficient bathroom faucets, 2.2 GPM efficient kitchen faucets, and 2.2 GPM efficient shower heads.
5. Applicants for new developments in the Irvine Business Complex shall submit evidence to the satisfaction of the Director of Community Development that landscaping irrigation systems installed the project are automated, high-efficient irrigation systems that reduce water use, such as an evapotranspiration (ET) “smart” weather-based irrigation controller, dual piping, bubbler irrigation; low-angle, low-flow spray heads; moisture sensors, and use of a California Friendly Landscape Palette. These features will make the project consistent with the intent of California Water Conservation in Landscaping Act of 2006 (AB 1881), including provisions to reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of water.
6. Reclaimed water shall be used on all master landscaped areas: This will include master landscapes commercial, multifamily, common, roadways, and park areas. The use of reclaimed water directly offsets potable water demand and reduces the GHG emissions associated with irrigation by approximately 70 percent. Master landscapes will also incorporate weather-based ET controllers and efficient irrigation system design to reduce over watering combined with the application of a California Friendly Landscape Palette.
7. New parking lots shall include tree plantings designed to result in 50 percent shading of parking lot surface areas within 15 years. These shading requirements shall apply to all impervious surfaces on which a vehicle can drive, including parking stalls, driveways, drive aisles, and other maneuvering areas within parking areas. Landscaping shall be provided with drought-tolerant species and groundcovers rather than pavement, in order to reduce heat deflection.
8. On-site recycling facilities shall be provided on all new developments as required by the Director or Public Works.
9. Applicants for new non-residential developments in the Irvine Business Complex shall submit evidence to the satisfaction of the Director of Community Development that proposed buildings are designed and constructed to achieve the ‘Designed to Earn the Energy Star’ rating. In order achieve the ‘Designed to Earn the Energy Star’ rating, the architect/design firm must demonstrate that the final estimate of the building’s energy use correspond to a rating of 75 or better using the US EPA’s Energy Performance Rating from the Internet based tool Target Finder.

#### 9-36-21 Transportation Management Association

This section allows for the formation of a Transportation Management Association (TMA) within the Irvine Business Complex, the structure and operation of which shall be

determined by the Director of Public Works. The objectives of the TMA shall include, but not be limited to the following:

1. Monitor travel demand at employment sites and provide reports on trip generation to the City of Irvine;
2. Offer employees and property owners assistance with transportation services on a voluntary basis.
3. Deliver transportation services to commuters, such as ridesharing, transit and Metrolink information.
4. Represent the IBC in local transportation matters
5. Oversee and fund the implementation and expansion of the i-shuttle system.

#### 9-36-22 Heliports

Applicants for a conditional use permit for a heliport or helistop shall provide evidence that the proposed heliport or helistop complies fully with State of California permit procedures and with any and all conditions of approval imposed by the Federal Aviation Administration (FAA), the Airport Land Use Commission for Orange County (ALUC), and by the Caltrans Division of Aeronautics.

#### 9-36-23 Accessory Retail

For project sites located more than ¼ mile from existing neighborhood-oriented retail services, applicants for residential development of 500 units or more, or non-residential developments of 250,000 sq. ft. or more are strongly encouraged to provide accessory retail uses as defined in the City of Irvine Zoning Code. Should accessory retail uses not be provided, applicants shall provide written rationale for not doing so, as part of the Conditional Use Permit application.





## **Sec. 1-2-1. General definitions.**

*Development intensity Value:* A measure of development intensity utilized within the City's Irvine Business Complex (IBC) database. Development intensity values for a.m., p.m, and average daily correspond to "vehicle trips" previously identified in the IBC database originally established following the adoption of the 1992 IBC rezoning and intensity allocations.

*General land use category:* A designation for one of the categories in the Irvine Business Complex land use and development intensity value database with a specific development intensity value rate and utilized to calculate building intensity. These categories are not zoning districts as described elsewhere in this zoning ordinance. The database is based upon eight general land use categories: Office, Industrial, Residential, Retail, Zoning Potential, Lodging. Two other categories describe special situations: undefined uses and uses assumed to have no traffic generation. See section 9-36-8 additional information regarding development intensity value rates for each general land use code. (Note: this term is not to be confused with "General Land Use Category" as described in the City of Irvine general plan.)

*IBC Development intensity:* development intensity and affiliated development intensity values associated with either a 0.25 FAR Office Equivalency or a discretionary approval which may grant intensity and development intensity values above and beyond a 0.25 FAR Office Equivalency. IBC Development intensity is tracked through the Irvine Business Complex land use and development intensity value database. See section 9-36-8.

*IBC Industrial:* A general land use category used in the Irvine Business Complex database where the manufacturing, assembly, storage or wholesale distribution of a product occurs. (See section 3-3-1 for specific land uses permitted or conditionally permitted in each zoning district.)

*IBC Lodging:* A general land use category used in the Irvine Business Complex database which includes specific uses such as transient lodging to the general public and additional services such as restaurants, hotels, motels, meeting rooms, and recreation facilities. (See section 3-3-1 for specific land uses permitted or conditionally permitted in each zoning district.)

*IBC Office:* A general land use category used in the Irvine Business Complex database comprising all office uses where the managerial, administrative and clerical functions of a business or industry are conducted, or where members of a profession such as attorneys or accountants conduct business. (See section 3-3-1 for specific land uses permitted or conditionally permitted in each zoning district.)

*IBC Residential:* A general land use category used in the Irvine Business Complex database which comprises all dwelling units and supporting facilities such as neighborhood community facilities and parks. (See section 3-3-1 for specific land uses permitted or conditionally permitted in each zoning district.)

*IBC Retail:* A general land use category used in the Irvine Business Complex database which is devoted to retail uses such as the sales of goods and services. (See section 3-3-1 for specific land uses permitted or conditionally permitted in each zoning district.)

*IBC Zoning Potential:* A general land use category used in the Irvine Business Complex database which represents the difference between the calculated 0.25 FAR standard intensity allocation for a given vacant or under-utilized parcel and the built

and/or approved gross square footage for that parcel. Development intensity value rates for Zoning Potential correspond to those associated with IBC Office development intensity value rates.

*Office equivalency:* Development intensity within PA 36 (IBC) which is based upon vehicle development intensity value rates commensurate with office development.

*Receiving site (TDR):* A site within the IBC to which development rights (gross square feet based upon an development intensity value budget) may be transferred in accordance with the provisions of section 9-36-17 (TDR).

*Sending site (TDR):* A site within the IBC that has the ability to transfer development rights (gross square feet based upon an development intensity value budget in the IBC database) in accordance with the provisions of section 9-36-17 (TDR).

*Undefined uses:* A general land use category used in the Irvine Business Complex zoning ordinance which includes accessory uses, manufactured structures, and drive-thru, churches, community and government facilities, commercial recreation, outdoor storage, and commercial, private and public schools. Corresponding vehicle trip rates shall be determined by the Director of Public Works at the time of project submittal consistent with development intensity value rates approved by the City, and shall be based upon the specific land uses proposed.

*Uses assumed to have no traffic generation:* A general land use category used within the Irvine Business Complex (PA 36) that describes uses for which no development intensity value is assumed. These include parks, pushcarts and heliports for which no development intensity value shall be assumed.

## CHAPTER 3-27. SETBACK STANDARDS

Sec. 3-27-1. Applicability.

Sec. 3-27-2. General setback requirements.

Sec. 3-27-3. Exceptions to setback requirements.

Sec. 3-27-4. Intrusions into required setbacks.

Sec. 3-27-5. Setback requirements for legal nonconforming structures.

Sec. 3-27-6. Reserved.

Sec. 3-27-7. Lattice/trellis patio cover, cabana, pool house and gazebo setback requirements.

Sec. 3-27-8. Pools and spas and mechanical equipment setback requirements.

Sec. 3-27-9. Open parking area setback requirements.

Sec. 3-27-10. Garage and carport setback requirements.

Sec. 3-27-11. Mobile home park building setback requirements.

Sec. 3-27-12. Reserved.

Sec. 3-27-13. Residential building additions.

Sec. 3-27-1. Applicability.

Setback standards apply to all residential and nonresidential developments. In addition to the general requirements, this chapter identifies specific standards as well as the exceptions to the setback standards.

(Code 1976, § V.E-318.1; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 92-21, 11-24-92; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-1, § 5, 1-10-95; Ord. No. 95-4, § 1, 5-9-95)

Sec. 3-27-2. General setback requirements.

A. *Streets.* The setback is measured from the curb face corresponding to the ultimate right-of-way. Refer to chapter 3-37 for specific setback distances for each land use category and arterial roadway designation. Exceptions to setback distances for specific roadways are shown in the setback exceptions matrix (at the end of this section). Please refer to the footnotes found in each Irvine Business Complex (IBC) zoning category regarding exceptions to the measurement of streetside (building) setbacks.

1. When a planning area edge exists between a residential use and a street, the interior setbacks shall apply.
2. When a planning area edge exists between a commercial use and a street, the planning area edge boundary or the streetside setback shall apply, whichever is greater.
3. When a residential lot has two street frontages (e.g., corner lot), the streetside setback or the side yard property line setback requirement shall apply, whichever is more restrictive.
4. When residential buildings are located where the side yard is dedicated by easement in perpetuity to the adjacent property, the walls directly adjacent to the easement are permitted to have eaves as described below:
  - a. In situations where the easement is less than three feet in width, eaves are prohibited.
  - b. In situations where the easement is three feet in width, the entire width of the eave, including any rain gutter, shall be no greater than one foot, measured from the face of the exterior wall.

c. In situations where the easement is at least five feet in width, the entire width of the eave, including any rain gutter, shall be no greater than three feet, measured from the face of the exterior wall.

d. In situations where eaves are permitted and the slope of the roofline causes water to drain toward the easement, rain gutters are required to ensure water does not flow onto the easement.

e. In all instances the face of the eave, including any rain gutter, shall be setback a minimum of two feet from any property line, consistent with Section 503.2.1 and table 5-A of the Uniform Building Code.

B. *Interior boundaries.* The setbacks are measured from the side or rear property line of the site (see definition of "Site").

1. Rear and side setbacks may be zero. See development standards in chapter 3-37.

C. *Planning Area 4.* For setbacks along arterials and the planning area edge within Planning Area 4 (Lower Peters Canyon), see section 9-4-7.C.1.

### SETBACK EXCEPTIONS MATRIX

If a project is adjacent to any of the following roadway segments, use the setback distance (in feet) listed under the appropriate land use category below. If the project is not adjacent to any of the following roadway segments, refer to the setback distance requirements found in sections 3-37-2 through 3-37-38.

#### TABLE INSET:

ROADWAY SEGMENT 5.0 IBC Mixed-Use 5.1 IBC Multi-Use 5.2 IBC Industrial 5.3 IBC Residential

#### Alton:

Redhill to Culver	40		
-------------------	----	--	--

#### Campus:

Jamboree to University	40		30
------------------------	----	--	----

#### Main Street:

SR-55 to Harvard	40 2	40	30 1
------------------	------	----	------

#### Michelson:

Von Karman to Jamboree	30 3	40	
------------------------	------	----	--

Jamboree to Harvard	40		
---------------------	----	--	--

#### Redhill:

I-405 to Main	40		
---------------	----	--	--

#### Von Karman:

Michelson to Main	40		
-------------------	----	--	--

Main to Barranca	40		
------------------	----	--	--

Footnotes:

1. In 5.3B, 20 feet.
2. For the property located on the northeast corner of Jamboree and Main Street located in the 5.0 IBC Mixed Use district, the setbacks for residential land uses from Jamboree and Main Street frontage shall be no less than 20 feet as measured from the ultimate right-of-way/property line of this parcel. For the non-residential portions of this same project site, the setbacks from Main Street shall be no less than 12 feet as measured from the ultimate right-of-way/property line of this parcel.
3. For the property located at the northwest corner of Jamboree Road and Michelson Drive and designated in 5.0A IBC Mixed-Use district, the minimum setback from Michelson Drive, between Teller and Obsidian, shall be no less than 23 feet as measured from the ultimate curb face of Michelson Drive. This reduced setback shall override the applicable requirements for special landscaped street in Section 3-15-9.  
(Code 1976, § V.E-318.2; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 92-21, 11-24-92; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-1, § 5, 1-10-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 97-05, 5-13-97; Ord. No. 97-06, § 3, 5-13-97; Ord. No. 03-15, § 5, 5-13-03; Ord. No. 03-34, § 5, 1-27-04; Ord. No. 04-09, § 6, 9-14-04; Ord. No. 05-16, § 2, 7-12-05; Ord. 05-29, § 3, 1-10-06)

Sec. 3-27-3. Exceptions to setback requirements.

The following are allowed in any required setback area but shall not obstruct sight distance for access (this shall be determined by performing a sight distance measurement pursuant to Engineering Standard Plan 403):

- A. Driveway entrances.
- B. Flagpoles (see chapter 3-9 and chapter 3-13).
- C. Fountains.
- D. Landscaping.
- E. Lattice/trellis patio cover (see section 3-27-7).
- F. Mechanical equipment (see section 3-27-8).
- G. Patios (uncovered).
- H. Detached fireplace/chimney
- I. Walks.
- J. Walls and fences (see chapter 3-35).

See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for exceptions to setback requirements for residential or residential mixed use projects within the Irvine Business Complex.

(Code 1976, § V.E-318.3; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 92-21, 11-24-92; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-1, § 5, 1-10-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 03-02, § 4, 1-14-03)

Sec. 3-27-4. Intrusions into required setbacks.

The following are allowed to intrude a maximum of three feet into a required setback:

- A. Architectural features.
- B. Eaves (see Section 3-27-2.5).

- C. Fireplaces.
- D. Steps and staircases (open).
- E. Balconies on all floors of only mid-rise and high-rise residential developments of four stories and above (applies only to zoning categories 5.0, 5.1 and 5.3 in the IBC).

See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for exceptions to setback requirements for residential or residential mixed use projects within the Irvine Business Complex.

(Code 1976, § V.E-318.4; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 92-21, 11-24-92; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-1, § 5, 1-10-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 05-16, § 2, 7-12-05)

**Sec. 3-37-28.1. 5.0 IBC Mixed Use.**

A. *Intent* . The Mixed-Use land use district is intended as a zoning designation in which a wide variety of uses are allowed on the same site. This district allows a mix of commercial, retail and residential uses and also restricts the amount of traditional industrial/warehouse uses that can be found in other IBC districts. This category encourages mixed-use projects by allowing a combination of commercial, office, residential, and institutional uses within the same project site. Specific uses, particularly those proposed to serve the needs of the residential and employee populations of this district, such as residential, retail, office, schools, parks, libraries and theatres, are especially encouraged in this area. Special provisions apply to several of the conditional commercial uses in this area that generate high levels of traffic.

B. *Permitted uses.*

TABLE INSET:

GLU 1 Category	Use
35	Accessory use
36	Agriculture (interim use)
31	Bar, tavern and cocktail lounge 2
35 T	Commercial recreation (under 1,500 square feet)
31	Financial institution (except drive-thru)
35 T	Government facility
31 T	Health club
35	Home care
35	Home occupation permit
29	Information center
29	Large family day care
35	Manufactured structure permit (up to two years)
33	Model home sales complex
29	Office, administrative, business, professional
29	Office, design professional
29	Office, headquarters
29 T	Office, medical
31	Outdoor vendor

36	Park
36	Parking Structure
36	Public park facility
36	Pushcart
29	Research and development
31 T	Restaurant
31 T	Restaurant, fast food
31	Retail and/or service business, general (except drive-thru)
36	Reverse vending machine
35	School, commercial
35	School, private
35	School, public
33	Senior housing
31	Supermarket
29	Veterinary services, domestic
35	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 .

TABLE INSET:

GLU 1 Category	Use
31	Arcade, game
34	Caretaker's quarters
29	Child care center
35 T	Commercial recreation (over 1,500 square feet)
35	Community facility
29 T	Conference/convention facility
30	Congregate care facility
30	Convalescent home
31 T	Convenience, liquor store



31 T	Financial institution, drive-thru
31 T	Fraternal and service club
36	Heliport
29	Hospital
38 T	Hotel, extended stay
32	Hotel, motel
35	Manufactured structure (over two years)
31	Massage establishment and related business
31	Outdoor sales
33	Residential, attached
33	Residential care facility
33	Residential shelter
31	Restaurant, "Type 47" ABC License operating after 12:00 a.m.
30	Small collection facility
35	Utility building and facility

D. *Maximum building intensity.*

1. The IBC land use database specifies maximum development allocations in a.m. and p.m. peak hour and average daily automobile development intensity values for each legal parcel or site. It also identifies the existing gross square feet, number of dwelling units and hotel rooms for each legal parcel in the IBC. In addition, the database estimates the build-out potential based on the 0.25 FAR in office equivalency for each site. Developments shall not exceed the allocated a.m. and p.m. development intensity values specified in the database for a particular site.

2. A traffic study shall be required for development proposals that exceed the maximum ADT limitation. A conditional use permit may also be required. Refer to Section 9-36-10 for special regulations that pertain to applications proposing to exceed the maximum ADT limit.

3. The minimum allowable density shall be 30 units per acre. For calculation of residential intensity, density averaging shall be allowed, whereby the total number of dwelling units proposed is divided by the net acreage of the residential and open space/park portions of the project site. The maximum residential density shall be 30-52 dwelling units per net acre, except that the maximum allowable density may be increased to 30-56 dwelling units per net acre if the development provides twenty percent of the units in the development as on-site affordable housing in accordance with the following criteria:

- a. Five percent of the units for Income II (30--50 percent of median area income); and
- b. Five percent of the units for Income III (50--80 percent of median area income); and
- c. Ten percent of the units for Income IV (80--120 percent of median area income); and

E. *Minimum site size.* 3

1. General commercial/retail uses: 10,000 square feet.
2. All other nonresidential uses: 30,000 square feet.

3. Residential uses: One-half (0.5) acre.

F. *Maximum site coverage.* 4

1. Nonresidential uses: 65 percent.

2. Residential and mixed-use developments: 75 percent.

G. *Maximum building height.* FAA height limits as determined in accordance with part 77 of the FAA regulations.

H. *Landscaping.*

1. Site landscaping. A minimum of 15 percent landscaping is required for each improved nonresidential building site.

I. *Setbacks.*

See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for setbacks for residential and residential mixed use developments).

1. Freeways, transportation corridors:

Residential uses: 40 feet (30 feet from I-405 right-of-way (5.0A))

Nonresidential uses: 25 feet

2. Major highways:

Nonresidential uses: 25 feet

3. Primary highways:

Nonresidential uses: 20 feet

4. Secondary highways:

Nonresidential uses: 20 feet

5. Commuter highways and local streets:

Nonresidential uses: 15 feet

6. Private drives: 10 feet

7. Building to building setbacks: 10 feet

8. Side setbacks: 10 feet

9. Rear setbacks:

Nonresidential uses: 5 feet

10. Improvements permitted within the setback area:

a. Steps, and open and enclosed stairways, except that they may not be located within ten feet of the face of curb.

b. Architectural projections such as eaves, column and buttresses may extend six feet into a 30-foot setback, and three feet into a setback of less than 30 feet.

c. On-site recreational amenities as required by Zoning Code Chapter 2-22, and further outlined in the Park Plan and Park Design for the site.

d. Balconies on all floors of only mid-rise and high-rise residential developments of four stories and above.

e. See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for improvements allowed in setback areas for residential and residential mixed use developments.

J. *Sidewalks.* Sidewalks shall be installed along all frontages in the planning area in accordance with the sidewalk plan for the Irvine Business Complex adopted by the City of Irvine. Additional sidewalks and other pedestrian access facilities shall be required as needed to facilitate pedestrian circulation between places of employment, restaurants, parks, and institutional, retail and residential uses. The width of sidewalks adjacent to and around retail areas and/or park and open space areas shall be determined during the master plan process or established through grading plan reviews.

K. *Lighting.*

1. Exterior lighting is required for all employee and visitor parking areas, walkways, and building entrances and exits.
2. No light standard shall exceed ten feet in height unless the light standard has a light cutoff of 90 degrees or less, in which case the maximum height shall be 30 feet.
3. No light source shall be affixed to any building so that rays are perpendicular to the building face.
4. All direct rays shall be confined to the site.

L. *Screening.*

1. All building operating mechanical equipment shall be screened from off-site view.

M. *Parking.* Parking shall be provided in accordance with division 4 of the zoning ordinance except for the following:

1. For mixed-use buildings and/or parcels, each use shall have parking as per the requirements of division 4 of the zoning ordinance. If an applicant desires a reduction in these standards when applying for City approval, the applicant must submit a parking study stating the request and the reasons why the reduced ratio is appropriate for the proposed use. This study shall be reviewed and approved by the approval body prior to, or concurrent with, the approval of the project.
2. Vehicle parking shall not be permitted within the streetside setback where the property abuts a street designated as a special landscaped street, or within ten feet of the ultimate right-of-way line for property along other public streets. On street parking on interior private courts, street and/or drives shall be allowed based on the City-adopted Standard Plans.
3. Parking requirements for all residential units shall be based on the parking standards as set forth in division 4 of the zoning ordinance. If an applicant desires a reduction in these standards when applying for a conditional use permit approval, the applicant must submit a parking study stating the request and the reasons why the reduced ratio is appropriate for the proposed rental residential units. This study shall be reviewed and approved by the Planning Commission prior to, or concurrent with, the approval of the master plan.
4. See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for parking requirements for residential and residential mixed use developments.

N. *Private drives.* For residential projects that propose to include private drives, all private drives shall meet the standards stated in the City's private drive policy in effect at the time of conditional use permit approval.

O. *Affordable housing requirement.* Any residential units built must comply with chapters 2-3 and 9-36 of this zoning ordinance.

Footnotes:

T A traffic study is required for this use; see section 9-36-11. No traffic study will be required for any use with this footnote if the use was considered as part of a traffic study prepared for any mixed-use development provided the traffic study was prepared and approved within the past 12 months. For "31T Restaurant" and "31T Restaurant, fast food," the Director of Public Works shall determine whether a traffic study approved more than 12 months ago is adequate.

1 General land use (GLU) categories identify the development intensity value generation rates used for analyzing a corresponding permitted or conditional use in the IBC. See section 9-36-8 for additional information regarding development intensity value rates for each general land use category.

2 Any "Bar, Tavern Cocktail Lounge" proposing to locate in the same building as a residential use, shall be subject to the Conditional Use Permit procedures contained in Zoning Code Chapter 2-9.

3 This requirement shall not be construed to prevent condominium-type developments that have smaller lot sizes as long as they have a mandatory owners' association, and the land area under the jurisdiction of the owners' association meets the minimum lot size requirements.

4 If useable open space, landscape or hardscape is placed over the parking structure, then that portion of the parking structure covered by these areas shall not count towards building site coverage, provided that the parking structure is designed in keeping with the architectural theme of the residential units, and is screened from off site views either completely or with a berm having a minimum height of five feet. In any non-residential projects which propose the use of parking structure(s), those portions of the structure which meet the following criteria shall not be counted in determining compliance with the limits on building site coverage:

- a. The roof of the structure is within five feet of the surface grade existing on the site prior to the development of the project; and
- b. The roof of the structure is, in effect, replacing the ground surface in the functions that it performs (i.e., it will be covered by such improvements as surface parking, access drives, landscaping, walkways, and plazas in a manner similar to the design that would be used if the roof were land surface); and
- c. Any portion of the parking structure that is above the existing grade is screened from off-site views.

5 On-site parking shall not be permitted within 25 feet of exterior boundaries of the site.

6 If the use of the adjoining parcel is residential, then the building setback may be a minimum of five feet, but in no instance shall any structure be located closer than ten feet to another structure. Additionally, for buildings within the 5.0A IBC Mixed-Use district, and located on lots immediately adjacent to any private park, the setback may be five feet, but in no instance shall any structure be located closer than ten feet to another structure.

7 Other than the improvements noted, streetside setbacks shall be landscaped.

8 For the property located at the northwest corner of Jamboree Road and Michelson Drive and designated in 5.0A IBC Mixed-Use district, the minimum setback from Michelson Drive, between Teller and Obsidian, shall be no less than 23 feet as measured from the ultimate curb face of Michelson Drive. This reduced setback shall override the applicable requirements for special landscaped street in Section 3-15-9.

(Ord. No. 03-34, § 5, 1-22-04; Ord. No. 04-08, § 5, 8-24-04; Ord. No. 04-09, § 6, 9-14-04; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05)

### **Sec. 3-37-29. 5.1 IBC Multi-Use.**

A. *Intent.* The Multi-Use land use district is intended as an area in which a wide variety of uses are allowed. Specific institutional uses, particularly those proposed to serve the needs of the residential and employee populations of this district, such as schools, parks, libraries and theaters, are especially encouraged in this area. Special provisions apply to several of the conditional commercial uses in this area which generate high levels of traffic.

B. *Permitted uses.*

TABLE INSET:

GLU 1 Category	Use
35	Accessory use
36	Agriculture (interim use)
35 T	Commercial recreation (under 1,500 square feet)
31	Equipment rental
30	Greenhouse
29	Industry, service
29	Information center
35	Manufactured structure permit (up to two years)
30	Manufacturing, light
29	Office, administrative, business, professional
29	Office, design professional
29	Office, headquarters
31	Outdoor vendor
36	Park
36	Public park facility
36	Pushcart
30	Recreational vehicle storage, private
29	Research and development
31	Retail and/or service business, general (except drive-thru)
35	Retail business, home improvement related
36	Reverse vending machine
35	School, public
31	Supermarket
29	Veterinary services, domestic
35	Warehouse and sales outlet
30	Warehousing, storage, and distribution

35	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.*

TABLE INSET:

GLU 1 Category	Use
29	Ambulance service
31	Bar, tavern and cocktail lounge
34	Caretaker's quarters
31 T	Carwash
29	Child care center
35	Church 2
35 T	Commercial recreation (over 1,500 square feet)
35	Community facility
35	Composting facility
29 T	Conference/convention facility
30	Congregate care facility
30	Convalescent home
31 T	Convenience, liquor store
31 T	Department store
35 T	Drive-thru
31	Escort bureau/introductory service
31 T	Financial institution (except drive-thru)
31 T	Financial institution, drive-thru
31 T	Fraternal and service club
31	Funeral home, mortuary
31 T	Gas station/fuel dispenser
35 T	Government facility
31 T	Health club
36	Heliport

29	Hospital
38 T	Hotel, extended stay
32	Hotel, motel
30 T	Large collection facility
35	Manufactured structure (over two years)
30	Manufacturing, heavy
31	Massage establishment and related business
37	Miniwarehouse
29 T	Office, medical 5
31	Outdoor sales
35	Outdoor storage
33	Residential, attached
31 T	Restaurant 3
31 T	Restaurant, fast food (drive-thru)
31 T	Restaurant, fast food (except drive-thru)
31 T	Restaurant, "Type 47" ABC License operating after 12:00 a.m.
35	School, commercial 4
35	School, private 4
30	Small collection facility
35	Utility building and facility
30	Vehicle body repair, paint, or restoration
31	Vehicle leasing and rental
31	Vehicle repair
31	Vehicle sales

D. *Maximum building intensity.*

1. The IBC land use database specifies maximum development allocations in a.m. and p.m. peak hour and average daily development intensity values for each legal parcel or site. It also identifies the existing gross square feet, number of dwelling units and hotel rooms for each legal parcel in the IBC. In addition, the database estimates the build-out potential based on the 0.25 FAR in office equivalency for each site. Developments shall not exceed the allocated a.m. and p.m. development intensity values allocations specified in the database for a particular site.

2. A traffic study shall be required for development proposals which exceed the maximum ADT limitation. A conditional use permit may also be required. Refer to section

9-36-10 for special regulations that pertain to applications proposing to exceed the maximum ADT limit.

E. *Minimum site size.*

1. General commercial/retail uses: 10,000 square feet.6
2. All other uses: 30,000 square feet.6

F. *Maximum site coverage.* 7

1. Structures with at least 75 percent of gross floor area in manufacturing or warehouse uses: 65 percent.
2. All other uses: 50 percent.8

G. *Maximum building height.* FAA height limits as determined in accordance with part 77 of the FAA regulations.

H. *Landscaping.*

1. *Site landscaping.* A minimum of 15 percent landscaping is required for each improved building site.

I. *Setbacks.*

See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for setbacks for residential and residential mixed use developments).

1. Street setbacks: 40 feet 9,10
2. Side setbacks: 10 feet 11
3. Rear setbacks: 0 feet 12
4. Improvements permitted within the setback area:
  - a. Steps, and open and unenclosed stairways, except that they may not be located within ten feet of the streetside property line.
  - b. Architectural projections such as eaves, columns and buttresses may extend six feet into a 30-foot or 40-foot street setback, and three feet into a setback less than 30 feet (for streets widened since 6/30/82; see footnote 10). However, for those parcels along Main Street, MacArthur Boulevard, and Jamboree Road, the architectural projections indicated above may encroach six feet into the 12-foot, eight-foot, and 15-foot streetside setbacks, respectively.
  - c. Balconies on all floors of only mid-rise and high-rise residential developments of four stories and above.
  - d. See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for improvements allowed in setback areas for residential and residential mixed use developments.

5. Setbacks for structures built over public streets:

- a. Intent: Structures spanning public street rights-of-way require special design considerations. This section is intended to serve several purposes. The first of these is to ensure that a tunnel-like effect is avoided along public street rights-of-way, even if such structures are developed on a series of properties. In addition, such developments are intended to observe setback requirements consistent with those applied to all other structures in the area. Finally, these regulations are intended to ensure that adequate vertical clearance for vehicular traffic across the impacted street rights-of-way is maintained.
- b. Buildings which are located on either side of a public street must maintain the following setbacks and clearances.
  - (1) The vertical plane of the building which faces the street must be at or outside the required building setback from that street.



(2) A clearance of at least 20 feet from the surface of the roadway to the underside of the bridge or useable floor area must be maintained. Signs shall be provided on bridges indicating the vertical clearance from the street.

(3) If more than one bridge is proposed over the same street, the bridges can be no closer together than the width of the two bridges added together.

(4) This section does not apply to pedestrian and/or bicycle overcrossings.

J. *Sidewalks.* Sidewalks shall be installed along all street frontages in the planning area in accordance with the sidewalk plan for the Irvine Business Complex adopted by the City of Irvine. Additional sidewalks and other pedestrian access facilities shall be required as needed to facilitate pedestrian circulation between places of employment, restaurants, parks, and institutional, retail and residential uses.

K. *Lighting.*

1. Exterior lighting is required for all employee and visitor parking areas, walkways, and building entrances and exits.

2. No light standard shall exceed ten feet in height unless the light standard has a light cutoff of 90 degrees or less, in which case the maximum height shall be 30 feet.

3. No light source shall be affixed to any building so that rays are perpendicular to the building face.

4. All direct rays shall be confined to the site.

L. *Screening.*

1. All building operating mechanical equipment shall be screened from off-site view.

2. All outside storage areas shall be screened with an opaque wall or fence.

M. *Parking.* Parking shall be provided in accordance with division 4 of the zoning ordinance except for the following:

1. In no instance shall parking exceed one space per 500 square feet for an industrial, storage, or warehouse use.

2. For mixed use buildings, each use shall have parking as per the requirements of the City's zoning ordinance. Those portions devoted to an industrial, storage or warehousing use shall not exceed one space per 500 square feet of gross floor area.

3. Vehicle parking shall not be permitted within the streetside setback where the property abuts a street designated as a special landscaped street, or within ten feet of the ultimate right-of-way line for property along other streets.

4. See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for parking requirements for residential and residential mixed use developments.

T A traffic study is required for this use; see section 9-36-11.

1 General land use (GLU) categories identify the development intensity value rates used for analyzing a corresponding permitted or conditional use in the IBC. See section 9-36-8 for additional information regarding development intensity value rates for each general land use category.

2 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). However, churches with permanent child care or private school activities shall be subject to a conditional use permit.

3 A restaurant that proposes to locate in an existing building previously approved for restaurant use, and meets all the general development standards, including parking, will not require a conditional use permit.

4 A commercial or 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. However, private school activities that

are to be a part of a church located in this zoning district shall be subject to a conditional use permit.

5 A medical office located in an existing retail development which meets all the general development standards, including parking, will not require a conditional use permit and no traffic study will be required.

6 This requirement shall not be construed to prevent condominium-type developments which have smaller lot sizes as long as they have a mandatory owners' association, and the land area under the jurisdiction of the owners' association meets the minimum lot size requirements.

7 In projects which include a parking structure, those portions of the structure which meet the following criteria shall not be counted in determining compliance with the limits on building site coverage:

- a. The roof of the structure is within five feet of the surface grade existing on the site prior to the development of the project; and
- b. The roof of the structure is, in effect, replacing the ground surface in the functions that it performs, i.e., it will be covered by such improvements as surface parking, access drives, landscaping, walkways, and plazas in a manner similar to the design that would be used if the roof were land surface; and
- c. Any portion of the parking structure which is above the existing grade is screened from off-site views.

8 In projects which include an aboveground parking structure, the limit on building site coverage shall be determined as follows:

- a. Coverage attributable to the buildings containing the primary use of the parcel shall not exceed 50 percent; and
- b. Total coverage, which includes the primary buildings(s) and the parking structure(s), shall not exceed 65 percent.

9 Building streetside setbacks have been reduced for portions of Main Street, MacArthur Boulevard and Jamboree Road due to road widening projects located along these streets within the IBC. The setback for the portions of each street affected by these setback reductions are set forth and described as follows:

- a. Main Street: 12 feet.
  1. Those parcels located along the north side of Main Street beginning at the Costa Mesa (I-55) Freeway extending east to the San Diego Creek Channel;
  2. Those parcels along the south side of Main Street beginning at the Costa Mesa (I-55) Freeway extending east to MacArthur Boulevard; and
  3. One parcel (Lot 5 of Tract 65/46-47) located on the southwest corner of Main Street and Jamboree Road.
- b. MacArthur Boulevard: 8 feet.
  1. Those parcels located on the east side of MacArthur Boulevard beginning at Douglas and extending to the San Diego (I-405) Freeway.
- c. Jamboree Road: 15 feet.
  1. Those parcels located on the east and west side of Jamboree Road beginning at Main Street and north to Alton Parkway; and
  2. Those parcels located on the west side of Jamboree Road beginning at Alton Parkway extending to the first parcel (Lot 5 of Tract 7815) on the northwest corner of Beckman and Jamboree Road.

These building streetside setbacks shall be measured from the ultimate right-of-way/property line of each parcel. Refer to appendix A, chapter 9-36, for properties affected by the IBC roadway widening project.

The minimum special landscaped street setback may be equal to or greater than the building setback associated with those streets affected by roadway widenings.

10 If the ultimate right-of-way for any street, with the exception of those portions of Main Street, MacArthur Boulevard, or Jamboree Road, as specified in footnote 9 above, is widened subsequent to June 30, 1982, then the minimum setback may be 30 feet from the right-of-way/property line. This provision shall not be construed to allow existing structures to expand by virtue of the reduced setback, except for those structures that are located on a parcel that is adjacent to those portions of Main Street, MacArthur Boulevard, or Jamboree Road and as specified in footnote 9 above.

11 May be zero feet provided that the main building on the abutting lot is at zero feet, and both parcels are developed at the same time.

12 Any parcel with two or more street frontages may have one interior property line with a setback of zero feet.

(Code 1976, § V.E-325.5.1; Ord. No. 92-3, 4-14-92; 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. 97-05, 5-13-97; Ord. No. 98-20, § 2, 12-8-98; Ord. No. 99-10, § 3, 5-11-99; Ord. No. 03-29, § 3, 9-23-03; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05)

### **Sec. 3-37-30. Reserved.**

### **Sec. 3-37-31. 5.2 IBC Industrial.**

A. *Intent.* It is the intent of this section to preserve a viable industrial base in the IBC and to protect nonindustrial land uses from the nuisances and hazards often associated with industrial activities, by establishing an exclusively industrial district. The area designated for this district has historically been exclusively industrial, and is currently unsuitable for most nonindustrial uses (e.g., residential, retail).

B. *Permitted uses.*

TABLE INSET:

GLU 1 Category	Use
35	Accessory use
36	Agriculture (interim use)
34	Caretaker's quarters
31	Equipment rental
30	Greenhouse
29	Information center
29	Industry, service
35	Manufactured structure permit (up to two years)
30	Manufacturing, light
29	Office, design professional

31	Outdoor vendor
30	Packing plants for agriculture products
36	Park
36	Pushcart
30	Recreational vehicle storage, public
36	Reverse vending machine
35	School, public
35	Sexually oriented business
30	Vehicle assembly
31	Vehicle repair
30	Vehicle storage
30	Warehousing, storage and distribution
35	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.*

TABLE INSET:

GLU 1 Category	Use
36	Ambulance service
31 T	Carwash
29	Child care center
35	Church 2
31 T	Convenience, liquor store
35 T	Community facility
30	Composting facility
30 T	Concrete recycling facility
35 T	Drive-thru
31 T	Gas station/fuel dispenser
35 T	Government facility
30 T	Hazardous waste facility

36	Heliport
38	Hotel, extended stay
32	Hotel, motel
30 T	Large collection facility
35	Manufactured structure permit (over two years)
30	Manufacturing, heavy
30 T	Materials recovery facility
37	Miniwarehouse
31	Outdoor sales
35	Outdoor storage
31 T	Restaurant 3
31 T	Restaurant (fast food, except drive-thru)
31 T	Restaurant, "Type 47" ABC License operating after 12:00 a.m.
31 T	Retail and/or service business, general (except drive-thru)
30	Small collection facility
31 T	Solid waste transfer station
30 T	Truck terminal
35	Utility building and facility
30	Vehicle body repair, paint or restoration
30	Vehicle impound yard
31	Vehicle leasing and rental
31	Vehicle sales
30	Vehicle wrecking yard
31	Warehouse and sales outlet

D. *Maximum building intensity.*

1. The IBC land use database specifies maximum development allocations in a.m. and p.m. peak hour and average daily development intensity values for each legal parcel or site. It also identifies the existing gross square feet, number of dwelling units and hotel rooms for each legal parcel in the IBC. In addition, the database estimates the build-out potential based on the 0.25 FAR in office equivalency for each site. Developments shall not exceed the allocated a.m. and p.m. development intensity values specified in the database for a particular site.

2. No tenant shall have more than 15 percent of the gross square footage of their use devoted to accessory offices use in support of the primary industrial use.

3. A traffic study shall be required for development proposals which exceed the maximum ADT limitation. A conditional use permit may also be required. Refer to section 9-36-10 for special regulations that pertain to applications proposing to exceed the maximum ADT limit.

E. *Minimum site size.* One acre. 4

F. *Maximum site coverage:* 5 65 percent.

G. *Maximum building height.* 35 feet. 6

H. *Landscaping.*

1. *Site landscaping.* A minimum of 15 percent landscaping is required for each improved building site.

I. *Setbacks.*

1. Streetside setbacks: 40 feet.7,8

2. Side setbacks: 10 feet.8,9

3. Rear setbacks: 0 feet.10

4. Improvements permitted within the setback area:

a. Steps, and open and unenclosed stairways, except that they may not be located within ten feet of the streetside property line.

b. Architectural projections such as eaves, columns and buttresses may extend six feet into a 30-foot setback, and three feet into a setback less than 30 feet.

5. Setbacks for structures built over public streets:

a. Intent: Structures spanning public street rights-of-way require special design considerations. This section is intended to serve several purposes. The first of these is to ensure that a tunnel-like effect is avoided along public street rights-of-way, even if structures such as bridges are developed on a series of properties. In addition, such developments are intended to observe setback requirements consistent with those applied to all other structures in the area. Finally, these regulations are intended to ensure that adequate vertical clearance for vehicular traffic across the impacted street rights-of-way is maintained.

b. Buildings which are located on either side of a public street must maintain the following setbacks and clearances:

(1) The vertical plane of the building which faces the street must be at or outside the required building setback from that street.

(2) A clearance of at least 20 feet from the surface of the roadway to the underside of the bridge or usable floor area must be maintained. Signs shall be provided on bridges indicating the vertical clearance from the street.

(3) If more than one bridge is proposed over the same street, the bridges can be no closer together than the width of the two bridges added together.

(4) This section does not apply to pedestrian and/or bicycle overcrossings.

J. *Sidewalks.* Sidewalks shall be installed along all street frontages in the planning area in accordance with the sidewalk plan for the Irvine Business Complex adopted by the City of Irvine. Additional sidewalks and other pedestrian access facilities shall be required as needed to facilitate pedestrian circulation between places of employment, restaurants, parks, and institutional, retail and residential uses.

K. *Lighting.*

1. Exterior lighting is required for all employee and visitor parking areas, walkways, and building entrances and exits.

2. No light standard shall exceed ten feet in height unless the light standard has a light cutoff of 90 degrees or less, in which case the maximum height shall be 30 feet.

3. No light source shall be affixed to any building so that rays are perpendicular to the building face.

4. All direct rays shall be confined to the site.

L. *Screening.*

1. All building operating mechanical equipment shall be screened from off-site view.

2. All outside storage areas shall be screened with an opaque wall or fence.

M. *Parking.* Parking shall be provided in accordance with division 4 of the zoning ordinance except for the following:

1. In no instance shall the City require parking to exceed one space per 500 square feet for an industrial, storage, or warehouse use.

2. For mixed use buildings, each use shall have parking as per the requirements of the City's zoning ordinance. Those portions devoted to an industrial, storage or warehousing use shall not exceed one space per 500 square feet of gross floor area.

3. Vehicle parking shall not be permitted within the streetside setback where the property abuts a street designated as a special landscaped street, or within ten feet of the ultimate right-of-way line for property along other streets.

T A traffic study is required for this use; see section 9-36-11.

1 General land use (GLU) categories identify the development intensity values used for analyzing a corresponding permitted or conditional use in the IBC. See section 9-36-8 for additional information regarding development intensity values for each general land use category.

2 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). However, churches with permanent child care or private school activities shall be subject to a conditional use permit.

3 A restaurant that proposes to locate in an existing building previously approved for restaurant use, and meets all the general development standards, including parking, will not require a conditional use permit.

4 This requirement shall not be construed to prevent condominium-type developments which have smaller lot sizes as long as they have a mandatory owners' association, and the land area under the jurisdiction of the owners' association meets the minimum lot size requirements.

5 In projects which include a parking structure, those portions of the structure which meet the following criteria shall not be counted in determining compliance with the limits on building site coverage:

a. The roof of the structure is within five feet of the surface grade existing on the site prior to the development of the project; and

b. The roof of the structure is, in effect, replacing the ground surface in the functions that it performs, i.e., it will be covered by such improvements as surface parking, access drives, landscaping, walkways, and plazas in a manner similar to the design that would be used if the roof were land surface; and

c. Any portion of the parking structure which is above the existing grade is screened from off-site views.

6 The height of equipment or machinery which is necessary to the operation of a permitted use may exceed 35 feet but may not exceed FAA height limits.

7 If the ultimate right-of-way for a street is widened subsequent to June 30, 1982, then the minimum setback may be 30 feet from the right-of-way/property line. This provision shall not be construed to allow existing structures to expand by virtue of the reduced setback.

8 Transfer station and material recovery facility enclosure setbacks to be determined by the Planning Commission at time of CUP review.

9 May be zero feet provided that the main building on the abutting lot is at zero feet, and both parcels are developed at the same time.

10 Any parcel with two or more street frontages may have one interior property line with a setback of zero feet.

(Code 1976, § V.E-325.5.2; 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. 98-20, § 2, 12-8-98; Ord. No. 99-10, § 3, 5-11-99; Ord. No. 99-14, § 2, 6-8-99; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05)

### **Sec. 3-37-32. 5.3 IBC Residential.**

A. *Intent.* It is the intent of this section to ensure that previously approved but unbuilt residential projects are not threatened by the development of noncompatible land uses (e.g., hazardous materials). The regulation is intended, however, to permit the development of nonresidential uses, provided they are compatible with residential development. Special provisions are also included to allow for other uses under certain circumstances.

TABLE INSET:

(5.3)	Irvine Business Complex Residential
(5.3A)	
(5.3B)	Lot 2 of Parcel Map 43/6
(5.3C)	
(5.3D)	Lot 17, Tract 8018

B. *Intensity standard.*

30-45 dwelling units per net acre (5.3)

30-50 dwelling units per net acre (5.3A, 5.3B)

30-52 dwelling units per net acre (5.3C)

30-58 dwelling units per net acre (5.3D)

Sites with approved applications for residential development shall be limited to the quantity of dwelling units approved.

C. *Permitted uses.*

TABLE INSET:

GLU 1 Category	Use
35	Accessory use
36	Agriculture (interim use)
36	Home care
36	Home occupation permit



35	Manufactured structure permit (less than two years)
36	Park
36	Public park facility
36	Pushcart
29	Residential shelter
35	Schools, public
35	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.

D. *Conditional uses.*

TABLE INSET:

GLU 1 Category	Use
29	Child care center
35	Church 2
35	Community facility
30	Congregate care facility
30	Convalescent home
29	Information center
35	Manufactured structure (over two years)
31	Model home sales complex
30	Recreational vehicle storage, private
33	Residential, attached
29	Residential care facility
33	Residential, single-family detached
33	Residential, second unit
35	School, private 3
33	Senior housing
35	Utility building and facility

E. *Minimum site size.* One-half (0.5) acre. 4

F. *Maximum site coverage.* 65 percent. 5

G. *Maximum building height.* FAA height limits as determined in accordance with part 77 of the FAA regulations.

H. *Setbacks.* 7,8

See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for setbacks for residential and residential mixed use developments.

1. From:

TABLE INSET:

Freeways, transportation corridors	30 feet
Major highways	30 feet 5.3B: 20 feet (Main Street only)
Primary highways	30 feet
Secondary highways	30 feet
Commuter highways and local streets	30 feet 5.3C: 20 feet 5.3D: 20 feet
Private drives	10 feet
Interior boundary 6,7 :	30 feet 5.3B: Minimum 10-foot interior setback from easterly property line. 5.3C: 10 feet 5.3D: 10 feet

2. Improvements permitted in the setback area:9

- a. Steps, and open and unenclosed staircases, except that they shall not be permitted within ten feet of the face of curb.
- b. Architectural projections such as eaves, columns, buttresses, bay windows and fireplaces may extend six feet into a 30-foot setback, and three feet into any setback less than 30 feet. However, for those parcels along Jamboree Road, the architectural projections indicated above may encroach six feet into the 15-foot streetside setback only.
- c. Balconies on all floors of only mid-rise and high-rise residential developments of four stories and above.
- d. See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for improvements allowed in setback areas for residential and residential mixed use developments.

I. *Sidewalks.* Sidewalks shall be installed along all street frontages in the planning area in accordance with the sidewalk plan for the Irvine Business Complex adopted by the City of Irvine. Additional sidewalks and other pedestrian access facilities shall be

required as needed to facilitate pedestrian circulation between places of employment, restaurants, parks, and institutional, retail and residential uses.

J. *Parking.* Parking requirements for all residential units shall be based on the parking standards as set forth in division 4 of the zoning ordinance. If an applicant desires a reduction in these standards when applying for a conditional use permit approval, the applicant must submit a parking study stating the request and the reasons why the reduced ratio is appropriate for the proposed rental and/or for-sale residential units. This study shall be reviewed and approved by the Planning Commission prior to, or concurrent with, the approval of the conditional use permit. See Chapter 5-8 and IBC Residential/Mixed Use Design Criteria for parking requirements for residential and residential mixed use developments.

K. *Private drives.* All private drives shall meet the standards stated in the City's private drive policy in effect at the time of conditional use permit approval.

L. *Fences.* The height and materials of all fences, berms and walls constructed as acoustical barriers shall be reviewed and approved as part of conditional use permit approval. All other fences shall be limited to a maximum of six feet.

M. *Affordable housing requirement.* Any residential units built must comply with chapter 9-36 of this zoning ordinance.

N. *Special note.* If due to environmental considerations (i.e., hazardous materials) the City denies a development application for a residential project, the total allocated development intensity values to the parcel can be used for uses permitted or conditionally permitted within the multiple-use district. Conversions shall be subject to all regulations and policies in effect at time of approval.

1 General land use (GLU) categories identify the development intensity value rates used for analyzing a corresponding permitted or conditional use in the IBC. See section 9-36-8 for additional information regarding development intensity value rates for each general land use category.

2 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).

3 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. However, private school activities that are to be a part of a church located in this zoning district shall be subject to a conditional use permit.

4 This requirement shall not be construed to prevent condominium-type developments which have smaller lot sizes as long as they have a mandatory owners' association, and the land area under the jurisdiction of the owners' association meets the minimum lot size requirements.

5 If usable open space, landscape or hardscape is placed over the parking structure, then that portion of the parking structure covered by these areas shall not count towards building site coverage, provided that the parking structure is designed in keeping with the architectural theme of the residential units, and is screened with a berm having a minimum height of five feet.

6 If the use of the adjoining parcel is residential, then the building setback shall be a minimum of five feet, but in no instance shall any structure be located closer than ten feet to another structure.

7 On-site parking shall not be permitted within 30 feet of exterior boundaries of the site, except for the parcel (Lot 1 of Tract 13037) located on the southwest corner of Jamboree Road and Kelvin which is impacted by the IBC road widening. However, on-

site parking is permitted to cross parcel lines within a site as long as a legal document is executed ensuring that the parking area will continue to function as a single entity.

8 For those parcels that are located along Jamboree Road, and are impacted by the IBC roadway widening project, the building streetside setback will be reduced to 15 feet. This building streetside setback shall be measured from the new ultimate right-of-way/property line of each parcel.

9 Other than the improvements noted, streetside setbacks shall be landscaped. (Code 1976, § V.E-325.5.3; 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. 0-1-03, § 4, 3-13-01; Ord. No. 03-15, § 5, 5-13-03; Ord. No. 03-26, § 6, 9-9-03; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-15, § 6, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 05-23, § 6, 10-11-05; Ord. No. 06-08, § 6, 7-11-06; Ord. No. 07-07, § 5, 4-10-07)

**Sec. 2-17-3. Application requirements.**

A. *Persons eligible.* The property owner or authorized agent of the property owner, the City Council, the Planning Commission, and the Director of Community Development may initiate a master plan application.

B. The information listed below is required at the time a master plan application is submitted to the Community Development Department:

1. A complete development case application signed by the property owner or its authorized representative.
2. A deposit or fee as set forth by an ordinance or resolution of the City Council.
3. A letter of justification describing and explaining how the proposed project will satisfy the findings required in section 2-17-7.
4. Information required for public meetings and hearings, as determined by the Director of Community Development (see chapter 2-23).
5. Information as required by City of Irvine master plan information sheet.
6. Other information as required by the Director of Community Development.
7. When a master plan involves park amenity credits or the dedication of park land, the application shall incorporate all the requirements listed in chapter 2-22 (Park Procedure).
8. Special requirements for projects located in the Irvine Business Complex (Planning Area 36): In addition to the application requirements specified in this section, the required plans shall also:
  - a. Detail the quantity and distribution of a.m. and p.m. peak hour development intensity values, and average daily development intensity values, both existing and proposed, for each corresponding legal parcel within the site.
  - b. Detail the quantity and distribution of uses and gross square feet, hotel rooms, and residential dwelling units (as appropriate), both existing and proposed, for each corresponding legal parcel within the site.
  - c. Illustrate the legal boundaries on the site plan and provide both gross and net acreage figures for each legal parcel within the site.
9. Special requirements for transfer of development rights project applications proposed for receiving site locations within the Irvine Business Complex (Planning Area 36): In addition to the application requirements specified in this section, the required plans shall also:
  - a. Submit a traffic analysis scope of work for the project consistent with the traffic study guidelines and prepare an analysis to the satisfaction of the Director of Public Works . (Code 1976, § V.E-212.3; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 96-18, § 4, 12-10-96)



### Sec. 3-3-1. Land use matrix.

The following land use matrix shows the uses which are permitted, conditionally permitted, and prohibited in specific zoning districts in the City of Irvine. The land use matrix is intended to serve as a mere guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. This section 3-3-1 does not cover Planning Areas 33, 34, and 38 because they are covered by a development agreement and/or vesting tentative map (during the period in which vesting maps are valid). See chapters 9-33, 9-34 and 9-38.

TABLE INSET:

<i>Some permitted and conditionally</i> NOTE: permitted uses may require a master plan application; see chapter 2-17. <i>Prohibited = .</i> <i>Conditionally Permitted = C</i> <i>Permitted = P</i>		
LAND USE	5.0 IBC Mixed Use	5.1 IBC Multi-Use
Residential, attached	C (93)	C (93)

#### ZONING ORDINANCE LAND USE MATRIX-ENDNOTES

- 1 All agricultural uses are prohibited on the frontal slopes of Quail Hill within Planning Area 16, except cattle grazing.
- 2 Prior to open space dedication to a public agency.
- 3 Interim use.
- 4 4.2A: Prohibited (Walnut Village).
- 5 Uses in 4.2C ("Old Town Irvine"), subject to provisions of the Historic Overlay District. See chapter 5-5.
- 6 Permitted only in Planning Areas 12, 13, 17, 31, 32, 34, 35, 40.
- 7 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 Jeffery Open Space Spine; and 5.5A Irvine Spectrum 6.
- 8 Reserved.
- 9 Reserved.
- 10 Only in 1.3A (Planning Area 12), otherwise, prohibited.
- 11 4.2B: Conditional.
- 12 4.1C: Prohibited (Rancho San Joaquin).
- 13 Only in public parks.
- 14 Only in conjunction with a health club and/or hotel/motel.
- 15 Only in conjunction with a health club.
- 16 3.1A: Prohibited (University Town Center).
- 17 3.1B: 31.0--51.0 dwelling units per acre (Westpark).
- 18 4.1A: Freestanding restaurants: Conditional (Northwood).
- 19 4.1B: Conditional (Northwood).
- 20 Only in 1.2B (Planning Area 27), otherwise, prohibited.
- 21 4.2B: Prohibited.
- 22 4.1B: Prohibited (Northwood).
- 23 4.2A: Only with auto parts sales, otherwise, prohibited (Walnut Village).
- 24 Agricultural products, only.

- 25 Permitted only in Planning Areas 12, 13, 32, 34, 35.
- 26 5.4A: Prohibited.
- 27 Only in Planning Areas 23 and 51.
- 28 Only in 4.3B (Planning Area 13), 4.3D (Planning Area 34), and 4.3 (Planning Area 35), otherwise prohibited.
- 29 Office development intensity values apply to this use. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.
- 30 Industrial development intensity values apply to this use. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.
- 31 Retail development intensity values apply to this use. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.
- 32 Lodging development intensity values apply to this use. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.
- 33 Residential development intensity values apply to this use. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.
- 34 Zoning Potential development intensity values apply to this use. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.
- 35 This use is designated "Undefined" for development intensity value budgeting purposes. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.
- 36 This use is assumed to have no traffic generation for development intensity value budgeting purposes. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.
- 37 Incidental offices in conjunction with permitted or conditionally permitted uses may occupy up to 50% of a parcel or site.
- 38 A church, commercial and 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 (CUP). However, churches with permanent child care or private school activities to be located in Zoning Districts 5.1, 5.2 and 5.4 shall be subject to a conditional use permit.
- 39 A restaurant that proposes to locate in an existing building previously approved for restaurant use, and meets all the general development standards including parking, will not require a conditional use permit (CUP).
- 40 A conditional use permit is not required for this land use. See chapter 2-28 of the zoning ordinance for requirements to obtain a sexually-oriented business permit.
- 41 All proposed non-classroom related activities on school sites (as defined by California state law) shall require a conditional use permit (CUP) subject to the review of the appropriate approval body as cited in chapter 2-9.
- 42 Conditionally permitted in Planning Areas 12 only.
- 43 Reserved.
- 44 Prohibited in Planning Area 30.
- 45 Reserved.
- 46 Prohibited in Planning Areas 30 and 51.
- 47 Conditionally permitted in Planning Area 51.
- 48 Permitted in Planning Area 51.
- 49 May be permanent in Planning Areas 30 and 51 only.
- 50 Reserved.
- 51 A medical office located in an existing retail development which meets all the general development standards including parking, will not require a conditional use permit and no traffic study will be required.
- 52 Reserved.
- 53 Reserved.



- 54 Reserved.
- 55 Manufacturing, storage, handling, and distribution of munitions, explosives, petrochemicals, or gasoline and related petroleum products, are prohibited within the Browning and G.C.A. Corridors except that nothing herein shall prohibit underground storage of petrochemicals or gasoline and related petroleum products incidental to a permitted use. See special development requirement #14 in section 9-10-7 for further clarification and exhibits.
- 56 Any auditorium, amphitheater, and assembly halls with seating capacity for more than 1,500 persons shall be prohibited within the Browning and G.C.A. Corridors. See special development requirement #14 in section 9-10-7 for further clarification and exhibits.
- 57 Conditionally permitted in zoning district 5.5A only (Planning Area).
- 58 4.2L: Permitted in Planning Area 17.
- 59 4.2M: Conditionally Permitted in Planning Area 17.
- 60 4.2M: Prohibited in Planning Area 17.
- 61 Only in 5.5B Jamboree Business Center East, 5.5C Planning Area 17, and 5.5A Spectrum 6.
- 62 5.5C: Permitted in Planning Area 17; 5.5D Irvine Spectrum 8; 5.5E Planning Area 9; and 5.5F Planning Area 6.
- 63 Only in 5.5B Jamboree Center East, and 5.5C Planning Area 17.
- 64 A conditional use permit for a mini-warehouse in the 3.1D (Woodbridge) Multi-Use district and 3.1G (Northwood) Multi-Use district shall require review and approval by the Planning Commission.
- 65 All certified sober living facilities shall be subject to County certification guidelines.
- 66 1.4A: Conditionally permitted in Planning Area 16 only.
- 67 5.5E and 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.
- 68 Permitted only in 5.5B Jamboree Business Center, East; 5.5C Planning Area 17; and 5.5D Irvine Spectrum 8, if located 225 feet or more from the Jeffery Open Space Spine.
- 69 Prohibited in 5.5E and 5.5F.
- 70 Prohibited in 5.5B Jamboree Business Center, East.
- 71 Prohibited in 5.5B Jamboree Business Center, East; 5.5E and 5.5F.
- 72 Prohibited in 5.5B Jamboree Business Center, East; conditionally permitted in 5.5D Irvine Spectrum 8, if located 225 feet or more from the Jeffery Open Space Spine.
- 73 Any "Bar, Tavern Cocktail Lounge" proposing to locate within the same building as a residential use, shall be subject to the conditional use permit procedures contained in Zoning Code Chapter 2-9.
- 74 A wireless communication facility, depending on the proposed type of antenna, may be permitted in any zoning district through wireless communication facility permit, a minor conditional use permit or a major conditional use permit as indicated in the table provided in Section 2-37.5.3.
- 75 Only in 4.2C: Planning Area 13; 4.2E: Planning Area 34; 4.2E: Planning Area 35; and 4.2E: Planning Area 10, otherwise, prohibited.
- 76 4.2N: Drive-thru permitted subject to master plan
- 77 4.2N: permitted subject to master plan
- 78 4.2L: Drive-thru permitted; 4.2N and 4.2O: permitted subject to master plan
- 79 Permitted in 4.2L, 4.2M, 4.2N and 4.2O only.
- 80 Mini warehouse development intensity values apply to this use. Consult section 9-36-8.B.3 (IBC General Land Uses) for more information.

81 A financial institution located in an existing building which meets all the general development standards including parking, will not require a conditional use permit and no traffic study will be required.

82 Only in 8.1A.

83 In conjunction with demolition, removal and recovery of existing buildings, structures and landscaping associated with the former military use of the property.

84 Only within agriculture area.

85 3.1E only.

86 Prohibited in 3.1F.

87 3.1H only.

88 Permitted in 3.1H.

89 Prohibited in 3.1H.

90 Conditionally permitted in 3.1H.

91 4.2O: subject to master plan.

92 4.2O: prohibited use.

93. 93. Conditionally permitted in Urban Neighborhood overlay zone as defined in Chapter 5-8. Prohibited outside of this overlay zone.

T A traffic study is required for this use, see section 9-36-11 for additional information.

Traffic study requirement may be waived if project does not meet minimum traffic generation threshold specified in traffic study guidelines.

(Code 1976, § V.E-3002; Ord. No. 92-3, 4-14-92; Ord. No. 92-20, § 6, 11-10-92; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-10, § 2, 7-12-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-3, § 3A, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 97-05, 5-13-97; Ord. No. 99-10, § 3, 5-11-99; Ord. No. 99-14, § 2, 6-8-99; Ord. No. 99-21, § 4, 11-30-99; Ord. No. 00-03, § 4, 2-22-00; Ord. No. 00-11, § 3.A, 10-10-00; Ord. No. 00-14, § 4.A, 11-14-00; Ord. No. 01-15, § 4, 9-25-01; Ord. No. 03-02, § 4, 1-14-03; Ord. No. 03-07, § 5, 3-11-03; Ord. No. 03-13, § 9, 5-13-03; Ord. No. 03-18, § 4, 6-10-03; Ord. No. 03-29, § 3, 9-23-03; Ord. No. 03-34, § 5, 1-22-04; Ord. No. 04-04, § 5, 2-24-04; Ord. No. 05-05, § 4, 2-8-05; Ord. No. 05-12, § 6, 6-28-05; 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. 06-18, § 4, 10-24-06; Ord. No. 07-16, § 6, 8-14-07; Ord. No. 08-06, § 5, 7-8-08; Ord. No. 08-08, § 5, 8-12-08; Ord. No. 08-12, § 3, 9-9-08)

### **Sec. 2-28-5. Findings.**

The Planning Commission shall approve and issue a sexually oriented business permit if the Planning Commission finds that:

- A. The sexually oriented business is located in the General Industrial or IBC Industrial zones.
- B. The sexually oriented business is not proposed to be located within 2,300 feet of any residential zone or residential use approved by the Cities of Irvine, Lake Forest, Laguna Hills, and Tustin, or the United States Marine Corps.
- C. The sexually oriented business is not proposed to be located within 2,300 feet of any lot upon which there is located a religious institution, public park facility, child care center or school.
- D. *Reserved.*
- E. The sexually oriented business is not proposed to be located within 500 feet of another sexually oriented business.
- F. The distance of separation required by findings B, C, D and E shall be made using a straight line, without regard to intervening structures or objects, from the property line of the lot on which the sexually oriented business shall be located to the nearest property line of the lot upon which is located a residential use, a religious institution, the Irvine Multi-Modal Transportation Center, the James Musick Facility, a public park facility, a school, a child care center or a sexually oriented business. If the use to which the measurement is being taken is located on the same lot as the sexually oriented business, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.
- G. The sexually oriented business complies with the City's parking standards for the underlying use. Where no City parking standard exists for a particular use, a parking study shall be prepared and completed for the use in question. The study shall demonstrate that the sexually oriented business for which the applicant is seeking approval provides parking sufficient to satisfy the demand demonstrated by the parking study.
- H. The sexually oriented business is not proposed to be located completely, or partially, within any mobile structure or pushcart.
- I. The sexually oriented business will not stage any special events, promotions, festivals, concerts or the like that would increase the demand for parking beyond the approved number of spaces for the particular use.
- J. The sexually oriented business will not conduct any massage, acupuncture, tattooing, acupressure, fortunetelling or escort services on the premises.
- K. The sexually oriented business provides a security system that visually records and monitors parking lot areas.
- L. The sexually oriented business complies with the City's sign regulations as contained in division 7 of the zoning ordinance.
- M. The sexually oriented business complies with the development and design requirements of the planning area in which it is to be located.
- N. The sexually oriented business will not display any sexually oriented material or sexually oriented merchandise which would be visible from any location other than from within the sexually oriented business.
- O. The sexually oriented business will not be accessible to any person under the age of 18 if no liquor is served, or 21 if liquor is served.
- P. The sexually oriented business shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- Q. Neither the applicant, if an individual, nor any of the officers or general partners, if a corporation or partnership, of the sexually oriented business shall have been found guilty

within the past two years of violating any of the provisions of a sexually oriented business permit or similar permit or license in any city, county, territory or state, or of any misdemeanor or felony classified by the state as a sex related offence including but not limited to a violation of the following penal code sections and their sub parts and sub sections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a--266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b 647d 647.6.

R. The sexually oriented business shall provide separate restroom facilities for male and female patrons. The restrooms shall be free from sexually oriented materials and sexually oriented merchandise. Only one person shall be allowed in the restroom at any time.

S. The interior of the adult oriented business will be configured such that there is an unobstructed view, by use of the naked eye, and unaided by video, closed circuit cameras or any other means, of every public area of the premises, including but not limited to the interior of all individual viewing areas, from a manager's station which is no larger than 32 square feet of floor area with no single dimension being greater than eight (8) feet and located in a public portion of the establishment. No public area, including but not limited to the interior of any individual viewing area, will be obscured by any door, curtain, wall, two-way mirror, or other device which would prohibit a person from seeing into the interior of the individual viewing area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means, from the manager's station. A manager will be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations. No individual viewing area will be designated or operated to permit occupancy of more than one person at any one time.

T. All areas of the sexually oriented business shall be illuminated at a minimum of 1.25 footcandles, minimally maintained and evenly distributed at ground level.

U. The individual viewing areas of the sexually oriented business shall be operated and maintained with no holes or other openings or means of direct visual or physical access between the interior space of two or more individual viewing areas. "Individual viewing area" shall mean a viewing area designed for occupancy by one person.

V. The sexually oriented business complies with the objective design and development requirements for the zone in which the use will occur.

W. A traffic study has been prepared for the sexually oriented business in conformance with the City of Irvine traffic study guidelines. The applicant shall make all necessary improvements to reduce all project-related traffic impacts which exceed the applicable planning area's adopted trip or IBC development intensity value cap or any street, roadway or arterial's adopted level of service are reduced to the adopted levels. Said improvements have been made conditions of project approval.

Sec. 4-3-4. - Automobile parking matrix.

53.	Private park, less than 1 acre:	3 spaces (minimum) plus additional parking provided for major facilities per section 4-3-4.53 <sup>1, 2</sup>	100%	<sup>1</sup> One space must be reserved for handicapped parking. <sup>2</sup> No parking required for private parks in PA 36
54.	Private and public neighborhood park, equal to or greater than 1 acre:	5 spaces, minimum, for first 2 acres, and 1 space (minimum) for each additional acre. Additional parking provided for major facilities per section 4-3-4.53 <sup>1, 2</sup>	100%	<sup>1</sup> One space must be reserved for handicapped parking. If 25 or more parking spaces, refer to Title 24 of the State of California. <sup>2</sup> No parking required for private parks in PA 36
56.	Major facilities:			
	Athletic Field 1)	15 stalls per play field plus 1 stall/3 fixed seats <sup>1</sup>	100%	<sup>1</sup> Including a 50-foot long curbside drop-off area for buses that shall not encroach into the drive aisle.  <sup>2</sup> For purposes of calculating parking requirements, community center square footage shall include only the assembly space of the facility (classrooms, media rooms, multi-purpose rooms, club rooms). Staff offices, if any, shall require 1 stall per on-site employee.  <sup>3</sup> Applicant shall submit a parking study. See Section 4-3-3.B. In addition, swimming pools with spectator seating shall provide parking at 1 stall/3 seats plus a fifty-foot long drop-off area for buses. The drop-off area must not encroach into the drive aisle.
	Community Center, Public 2) Community center, private (separate lot within a master homeowner's association) Community center, private (apartments of any density and attached or detached residential condominiums over 31 units per acre)	1 stall per 50 square feet of gross floor area <sup>2</sup>  1 stall per 100 square feet of gross floor area <sup>2</sup> 1 stall per 200 square feet of gross floor area. <sup>2, 4, 6, 7</sup>	100%	<sup>4</sup> No parking required for private community centers or private pools in PA 36
	Olympic Pool 3)	To be determined by the approval body for the proposed use 3,4	100%	

	Junior Olympic pool 5)	1 stall/150 square feet of water surface area 4	100%	<p>5Wading pool and spa square footage shall not be considered in this calculation.</p> <p>6Reductions of up to a maximum of 75% from this standard may be approved by the Director of Community Development with the recommendation of the Director of Community Services.</p> <p>7No parking is required for recreational Improvements within this category that do not receive park credit.</p>