

5 HOUSING CONSTRAINTS

City, State, and Federal governments can constrain development through regulatory requirements contained in the California Building Code and the California Environmental Quality Act (CEQA) and through local zoning, land use plans, and internal processes that affect project permitting complexity, timelines, and costs. Additional nongovernmental constraints take the form of market factors (e.g., land costs, construction costs, ability to obtain financing, and development feasibility of housing projects) and environmental constraints.

The City works to reasonably reduce governmental constraints to development and influence nongovernmental constraints where and when possible. This chapter includes a summary of constraints and discusses past and planned initiatives to reduce them where possible.

5.1 Nongovernmental Constraints

Nongovernmental constraints are market and environmental forces that act as impediments to building housing. The City has less control over these factors but can take actions to help mitigate burdens to housing production.

5.1.1 Land Costs

Vacant land still exists in the City but is significantly limited by existing development agreements or is dedicated as permanent open space. Opportunities to redevelop under-utilized commercial and retail properties, as well as some regionally serving retail centers since e-commerce has reduced the required building footprints for many retailers, with existing structures and improvements can be the most feasible option for higher density residential development, particularly in the IBC and Spectrum areas.

It is important to note that land costs are very high in the City because it is a major regional employment center and has one of the State's top school districts. Land values vary depending on the amount of density. Information from Loopnet, a CoreLogic commercial real estate listing site, and the Federal Housing Finance Agency indicates that current average land prices are approximately \$5.8 million per acre for Single Family Detached zoning (\$133 per square foot) and \$7.6 million per acre zoned for Multifamily Residential zoning (high density).

5.1.2 Construction Costs

Residential construction costs have increased significantly since the Great Recession. According to a report by the University of California, Berkeley, Turner Center (Turner Center) in March 2020, construction costs in California increased by 25 percent between 2008 and 2018. The Turner Center notes that construction costs fell immediately following the Great Recession but rose 80 percent between 2014 and 2018. According to Marshall & Swift Valuation Service (a CoreLogic product),

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the average costs to build typical single-family, multifamily ownership, and multifamily rental units in Orange County are \$203.25, \$220.51, and \$219.68 per square foot, respectively. Furthermore, significant increases in lumber and other construction materials, as well as increased demand due to record low mortgage interest rates, will likely further increase residential construction costs.

5.1.3 California Government Code, Section 65583(a)(6), Development Analysis

California Government Code, Section 65583(a)(6), requires an analysis of requests to develop housing at densities below those anticipated in the Sites Inventory and the length of time between receiving approval for housing development and submittal of an application for building permit. The analysis must also look at local efforts to remove nongovernmental constraints that create a gap in the jurisdiction's ability to meet the Regional Housing Needs Assessment (RHNA) by income category.

There were no requests to develop housing on sites identified in the 5th Cycle Housing Element Update at densities below those anticipated in the 5th Cycle Sites Inventory.

The length of time between receiving approval for housing development and approval of an application for building permit is typically four to six months under normal circumstances with a reasonably good design team, but can vary depending on project complexity and the time the developer takes to complete construction documents. Items like changes to construction costs or other development costs that affect the feasibility, financing, or negotiations with design professionals are outside the City's control and may delay projects.

This analysis is required to examine local efforts to remove nongovernmental constraints that create a gap in the jurisdiction's ability to meet the RHNA by income category. The primary nongovernmental constraint is the overall cost of affordable housing development (high land and development costs) and the lack of public funding sources to subsidize the development of these units. Data on construction costs indicates that, even with by-right density bonuses pursuant to California's Density Bonus Law, constructing affordable housing (particularly for households with low and very low incomes) is not profitable for developers and results in a loss without public funding sources. Developers requiring funding from investors and lending institutions are required to submit a pro forma analysis (i.e., an analysis showing the costs to develop and the revenues available to fund the development) demonstrating financial feasibility or costs that are less than or equal to revenues.

Therefore, public subsidies are required to develop affordable housing. The subsidy typically comes in the form of LIHTC, State grants, HOME funds, dedication of land for projects, and/or other public sources. The lack of funding options can result in affordable projects that are more concentrated in areas with lower development and land costs. It is important to note that the City can offer concessions, such as expedited permit processing; development impact fee deferrals; reduction in park dedication standards (as permitted by the Subdivision Ordinance); and financial

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subsidies, such as CDBG, HOME, and in-lieu fee funds, to offset the cost impacts of development and planning fees, but it cannot fill the gap in funding for affordable housing developments on its own.

5.1.4 Availability of Financing

The availability of capital to finance new residential development is a significant factor that can affect both the cost and supply of housing. Two types of capital are involved in the housing market: (1) capital used by developers for initial site preparation and construction and (2) capital for financing the purchase of units by homeowners and investors. Interest rates substantially affect home construction, purchase, and improvement costs. A fluctuation in rates of just 2.5 percent can make a dramatic difference in the annual income needed to qualify for a loan. In general, financing for new residential development is available at reasonable rates. However, economic fluctuations due to the COVID-19 pandemic have caused caution among lenders and may have lasting effects through this Housing Element planning period. Despite the current low interest rates, lenders are scrutinizing applicants more than they did in the past, leading to a lower number of approved mortgages despite affordable interest rates.

It is important to note that the availability of financing for developers of market-rate housing units does not appear to be a constraint as evidenced by the large number of housing units developed in the City at the “above moderate” income levels (pursuant to the City’s 2020 Annual Progress Report). However, the availability of financing for affordable housing to lower-income households represents a governmental constraint as the lack of sufficient public subsidies required by affordable housing developers prevents more affordable units from being constructed. This topic is covered in Section 5.3, Governmental Constraints, in this chapter.

5.1.4.1 Homeownership

Home mortgage interest rates fell to historic lows in 2020 and 2021 due in part to the COVID-19 pandemic. The low interest rate environment combined with pent-up demand for housing has led to significant increases in home prices. According to Redfin.com, the median sales price for single-family residences in the City increased by 12 percent between 2020 and 2021. These trends could create barriers to home ownership for residents with lower incomes because wage growth has not kept up with rising home prices. For instance, median sales prices for single-family residences in the City increased 60 percent between 2012 and 2019 (according to Redfin.com), while median household income (reported by the U.S. Census Bureau) only increased 33 percent during the same period. The ACS survey data presented in Chapter 2, Community Profile and Needs, of this Housing Element shows that a higher percentage of households in Irvine rent versus own. This data also shows that approximately 16,000 housing units were constructed in the City between 2015 and 2020. Approximately 68 percent are estimated to be ownership units.

5.1.4.2 Rental Housing

According to the 2014–2018 ACS 5-Year Estimates, fewer households in the City are severely cost burdened (i.e., the household spends 50 percent or more of income on rent) than in the SCAG region as a whole. More specifically, 26 percent of renter households in the City spend 50 percent or more of their gross income on housing costs compared to 29 percent in the SCAG region. However, approximately 6,206 rental units have been constructed between 2015 and 2020, and Costar (a CoreLogic data product for the commercial real estate market) reports a 4.4 percent vacancy rate in Orange County. Rents across Orange County dipped slightly and/or stabilized during the COVID-19 pandemic. With the release of vaccines and the State widely opening the economy in June 2021, rents are expected to continue to increase at previous rates (i.e., 20 percent from 2013–2020, according to Zumper.com).

5.1.5 Availability of Mortgage Financing

Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The data for Irvine was compiled by aggregating census tracts to approximate the City boundaries. Conventional financing involves market-rate loans provided by private lending institutions such as banks, mortgage companies, savings and loans, and thrift institutions. Overall, 159 households applied for government-backed mortgage loans, and 5,517 households applied for conventional home mortgage loans in Irvine in 2020 (see Table 5-1, Disposition of Home Purchase and Improvement Loan Applications (2020), below). Of the applications for conventional purchase loans, 70 percent were approved, 8 percent were denied, and 22 percent were withdrawn or closed for incompleteness. In 2010, there were more applications for government-backed home purchase loans than in 2020. The 2020 approval rate for government-backed home purchase loans and conventional mortgage loans is also lower than the approval rates in 2012 (Table 5-2, Disposition of Home Purchase and Improvement Loan Applications (2012), below). More than half (67 percent) of refinance applications were approved in 2020, lower than the approval rate of 88 percent in 2012. The denial rate in 2020 was greatest for home improvement loans (34 percent), while 2012 saw a lower denial rate (13 percent).

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Table 5-1. Disposition of Home Purchase and Improvement Loan Applications (2020)

	Loan Type							
	Government-Backed Purchase		Conventional Purchase		Refinance		Home Improvement	
Approved ¹	109	69%	3869	70%	14858	67%	366	50%
Applications Denied	14	9%	448	8%	1931	9%	249	34%
Other ²	36	23%	1200	22%	5331	24%	122	17%
Total Applicants	159	100%	5517	100%	22120	100%	737	100%

¹ Includes those applications approved by the lenders but not accepted by the applicants.
² Includes files closed for incompleteness, and applications withdrawn.

Source: FFIEC MSA/MD 2020 Aggregate Report for Anaheim/Santa Ana/Irvine by Census Tract

Table 5-2. Disposition of Home Purchase and Improvement Loan Applications (2012)

	Loan Type							
	Government-Backed Purchase		Conventional Purchase		Refinance		Home Improvement	
Approved ¹	465	86%	3907	90%	18098	88%	710	87%
Applications Denied	75	14%	440	10%	2388	12%	104	13%
Total Applicants²	540	100%	4347	100%	20486	100%	814	100.00%

¹ Includes those applications approved by the lenders but not accepted by the applicants.
² Includes files closed for incompleteness, and applications withdrawn.

Source: 2012 HMDA Database

5.1.6 Requests to Develop Housing at Lower Densities

In order to account for potential requests to develop housing at densities below those anticipated in the Sites Inventory, the City performed an analysis of sites included in the City's 5th Cycle Housing Element Update. The City found that no projects were completed at densities below those identified in the 5th Cycle Housing Element Update during the planning period. Therefore, it does not appear that requests to develop housing at densities below those anticipated in the Sites Inventory present a constraint.

5.2 Environmental Constraints

Environmental factors can constrain residential development in a community by increasing costs and reducing the amount of land suitable for housing. Known environmental constraints in the City include hillsides, biological resources and preserve areas, cultural resources, geologic hazards, and risk from wildfires.

5.2.1 Hillsides

The City is composed of relatively flat land and hillsides along the City's northern and southern borders. The hillsides are an integral part of the community's image and identity, providing a visual backdrop, an environmental preserve, and a recreational resource. Preserving the hillsides is an important community goal. Policies relating to hillside development must balance environmental protection, property rights, and community values. In these areas, the City has

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developed a Hillside Overlay District to provide guidelines that allow for development with minimal impact on natural topographical features.

5.2.2 Biological Resources and Preserve Areas

Several plant and wildlife species exist in the City that would require additional review and potential permitting if impacted. Special-status plant and wildlife species found in the City include coastal California gnatcatcher (*Poliophtila californica californica*), Cooper's hawk (*Accipiter cooperii*), burrowing owl (*Athene cunicularia*), coastal cactus wren (*Campylorhynchus brunneicapillus*), least Bell's vireo (*Vireo bellii pusillus*), coast horned lizard (*Phrynosoma coronatum*), western spadefoot (*Spea hammondi*), San Diego desert woodrat (*Neotoma lepida intermedia*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), many-stemmed dudleya (*Dudleya multicaulis*), San Bernardino aster (*Symphyotrichum defoliatum*), southern coast live oak (*Quercus agrifolia*) riparian forest, and southern tarplant (*Centromadia parryi*). The City is also known for having prime coastal California gnatcatcher habitat, primarily around the northeastern and southern City boundaries. In addition, the City contains the San Diego Creek and San Joaquin Marsh, which are sensitive riparian and wetland communities that have been designated for preservation due to the sensitive plant and wildlife species that inhabit these areas.

The Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan is a regional land use and conservation plan aimed at preserving entire biotic communities and was developed as a result of the Natural Community Conservation Planning Act passed by the California Legislature in 1991. It created a regional network of land reserves to protect entire communities of native plants and wildlife while allowing development to move forward in other areas.

In the mid-1990s, the City, Orange County, and various other cities and landowners entered into an agreement to place certain lands in the NCCP preserve system. The goal of this program is to bring much-needed certainty, both for the protection of California's unique natural legacy and for economic growth and use of private property. The City believes that protecting, restoring, and managing large blocks of native habitat under the NCCP is a more effective way to manage development than the project-by-project regulation used in the past. This approach also results in a better outcome for rare open spaces in the City. NCCP preserve areas have been designated throughout the City, primarily in the northeastern and southern areas, and include Shady Canyon, Bommer Canyon, Borrego Canyon, Siphon Reservoir, and Hick's Canyon.

Additionally, on June 7, 1988, in the General Municipal Election, Irvine voters overwhelmingly approved Initiative Resolution 88-1 (An Initiative Resolution of the City of Irvine Directing the Amendment of the Conservation and Open Space Element and the Land Use Element of the Irvine General Plan). The Open Space Initiative reflects the following principal objectives:

- To consolidate important conservation and open space areas into large contiguous areas that may be integrated into local and regional open space areas.

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- To establish a network of open space spines linking the consolidated conservation and open space areas.
- To assure the preservation of conservation and open space areas through a phased dedication and compensating development opportunities program, acceptable to the City and owner of the land involved, which transfers development opportunities from conservation and open space areas and consolidates them in appropriate development areas.

This phased dedication and development program was incorporated into the General Plan. It was further outlined in the Memorandum of Understanding Implementing Initiative Resolution 88-1 between the City and the Irvine Company, whereby the Irvine Company agreed to convey to the City open space lands (in the form of Preservation Areas) in exchange for development rights in other areas in Irvine. These Preservation Areas that compose the Irvine Open Space Preserve are dedicated to the City in perpetuity as protected open space. The deeds include language that restricts the use of the land solely for infrastructure, resource conservation, habitat enhancement, and passive recreation purposes, such as hiking. In other words, these lands cannot ever be sold, leased, or used for any commercial, office, industrial, or residential purposes.

Over 8,000 acres identified in the Open Space Initiative will be transferred to the City by the Irvine Company. These include Quail Hill, Shady Canyon, Bommer Canyon, Portola Springs, and Orchard Hills.

5.2.3 Cultural Resources

The City includes many cultural, historical, and archaeological resources, which have been identified throughout the planning area. Two recorded historical and archaeological resources sites in the City have been listed on the California Register of Historical Resources and several more qualify for listing on the National Register of Historic Places. In addition, the City has established several historical and archaeological landmarks, including Lambert Reservoir, San Joaquin Marsh, Bommer Canyon Cattle Camp, and the Irvine Family Home Site and Gardens. With large areas of the City and its sphere of influence still undeveloped, opportunity exists to identify cultural resources of significance and to develop programs for their appropriate disposition. The City recognizes the importance of cultural, historical, and archaeological resources and has dedicated an element in the Irvine General Plan (Cultural Resources Element) that establishes a process for early resource identification, consideration, and where appropriate, preservation.

5.2.4 Geologic Hazards

Geological conditions of concern that present additional vulnerability to the community include flood zones, earthquake fault zones, liquefaction areas, and landslide and steeply sloped areas. The City is not along the coast of California, and coastal flooding and storms are not anticipated

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to impact the community. However, potential flood zones have been identified throughout the City, specifically along San Diego Creek, Peters Canyon Creek, Serrano Creek, Borrego Canyon Wash, Agua Chinon Wash, and Sand Canyon.

No known active Alquist-Priolo Fault Zones are in the City. However, numerous earthquake faults have been identified in the City. California is known for being a seismically active region and the City should take necessary precautions, including building structures in accordance with the latest California Building Code. Portions of the City are in liquefaction-prone zones, specifically along the City boundary and in the northern center of the City, primarily in low-lying zones. Landslides also have the potential to occur in the region, primarily along the northeastern boundary at the foothills of the Santa Ana Mountains and the San Joaquin Hills in the southern portion of the City.

The City has a Federal Emergency Management Agency (FEMA)-approved Local Hazard Mitigation Plan (2020), which focuses on mitigating these hazards and provides a comprehensive assessment of the threats the City faces from natural and human-caused hazard events and a coordinated strategy to reduce these threats.

5.2.5 Risk from Wildfires

The topography of the foothills of the Santa Ana Mountains and San Joaquin Hills in the City is extremely conducive to wildfires. The community is bordered by natural, undeveloped hillsides and mountains to the northeast and open space areas to the southwest. In between these two features lie the City's most developed areas. The majority of these natural, undeveloped areas are classified as Very High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection. In the northeastern portion of the City, these zones extend throughout the Santa Ana Mountains, which extend into the County of Riverside to the east. Due to this classification, there is a high probability of these areas being at risk for wildfires in the future. The City's Local Hazard Mitigation Plan (2020) discusses this risk in the City and strategies to mitigate the wildfire potential. Historically, a significant number of wildfires have occurred in and surrounding the City. The City has seen a major wildfire within or near its borders every decade since the 1980s. The most recent wildfire that was started on October 26, 2020, the Silverado Fire, resulted in the evacuation of over one-third of the City's population.

5.2.6 Irvine Ranch Water District Site

Sites 15 and 16 in the Sites Inventory consist of two separate developable areas totaling 27 acres and are located along the northerly and westerly perimeter of the San Joaquin Marsh. The sites are zoned as Development Reserve with 1,000 total units allocated. The sites exist within two larger parcels owned by the Irvine Ranch Water District. The zoning district boundaries differ from the parcel boundaries required to identify the sites in the Sites Inventory. The two parcels

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owned by the Irvine Ranch Water District total 452 acres and include the San Joaquin Marsh and Wildlife Sanctuary.

It is important to note that only 27 of the total 452 acres, or 6 percent of the land area of the site, are assumed to be developed. However, the sites are located on flat, developable land outside of the San Joaquin Marsh and Wildlife Sanctuary as shown on Figure 5-1, Irvine Ranch Water District Sites Map, below, which provides a satellite view of the sites, as well as information about nearby residential developments. As shown on Figure 5-1, there are several flat, developable portions of the site.

The San Joaquin Marsh would act as a buffer between future residential development on the sites and the Irvine Ranch Water District. Furthermore, the sites are located directly adjacent to hundreds of existing high-rise and high-density multi-family residential developments (the highest density in the City), indicating that this type of land use is feasible in the area. Therefore, environmental constraints are not present on these sites because they exist outside of the San Joaquin Marsh and Wildlife Sanctuary, contain flat, developable land, and are near other similar existing uses. Finally, the City has been contacted by a developer who is interested in building high-density multi-family units on the site.

5.3 Governmental Constraints

Housing affordability is influenced by factors in both the private and public sectors. The policies that guide residential development in the City and the processes for building or expanding housing influence the amount of housing developed and its type, form, location, and ultimate price. Land use controls, development standards, fees, and other local programs can have the unintended consequence of serving as a constraint to housing development. The following describes the various potential government constraints on housing development in Irvine.

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Figure 5-1. Irvine Ranch Water District Sites Map



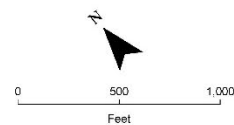
CITY OF IRVINE IRWD RESIDENTIAL SITES

Site Number	Existing Residential	Units	Density
1	Central Park West	990	23 du/ac
2	Park Place Residential, Office, and Retail	267	19 du/ac
3	Park Place Apartments	861	71 du/ac
4	Villa Sienna Apartments	1442	64 du/ac
5	Toscana	563	63 du/ac
6	Watermarke Condos	535	49 du/ac
7	Plaza Condos	105	34 du/ac

IRWD RESIDENTIAL SITES

EXISTING RESIDENTIAL

ROADS



5.3.1 State and Federal Constraints

In addition to local governmental constraints (described later in this chapter), Federal and State barriers and disincentives also exist that limit the production of housing. These constraints include national economic and job market conditions, State and Federal laws and regulations, and a significant lack of funding and subsidies needed to support housing that lower- and moderate-income families can afford.

5.3.1.1 National and State Economic and Job Market Conditions

Technology and globalization have changed the economy significantly in the last two decades. Federal laws and policies have allowed U.S. companies to move manufacturing and service jobs overseas and outsourced for much lower costs to maintain or increase profits, leading to a significant stagnation in wages for lower skilled workers, while the cost of living (including housing costs) has continued to increase. The Congressional Research Service published a study titled “Wage Inequality and the Stagnation of Earnings of Low-Wage Workers: Contributing Factors and Policy Options” (February 5, 2020) that states the following:

Over the 1979–2018 period, real wages at the 10th percentile of the hourly wage distribution grew by 1.6%, whereas wages at the 50th percentile grew by 6.1% and wages at the 90th percentile grew by 37.6%.

The Massachusetts Institute for Technology published a study called “The Work of the Future: Shaping Technology and Institutions” (2019), which states that, with automation, technology changes, and globalization, workers lacking some form of college degree suffer stagnating wages and significantly less economic security. This study states that employment is “polarizing” in both the United States and the industrialized world for the following reason:

At the top end, high-education, high-wage occupations offer strong career prospects and rising lifetime earnings. At the other end, low-education, low-wage occupations provide little economic security and limited career earnings growth. As a result, the pathways to economically stable and secure careers for workers without college degrees are becoming narrower and more precarious. Simply put: we see no shortage of good careers for highly educated workers. And we see no shortage of jobs for less educated workers. But we do find a paucity of good careers for workers without significant post-secondary training—strong technical or vocational training, associates degree level certification in a credentialed field, or attainment of a traditional four-year college or graduate degree.

As documented above, and in numerous articles and studies in recent years, as automation, technology changes, and globalization of jobs and manufacturing have occurred, lower skilled and less educated workers are not experiencing wage growth that is sufficient to keep up with

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rising housing costs. This has exacerbated that affordable housing need and crisis currently affecting California and many other states.

The University of California, Berkeley, Labor Center also reports the following information on low-wage earners on their website (<https://laborcenter.berkeley.edu/low-wage-work-in-california/>):

- One of every three California workers earns low wages.
- 32 percent of California workers earned less than \$14.35 per hour in 2017.
- Nearly 5 million low-wage workers are in California.

Changes in the employment market and wage growth are experienced on a local level. In Irvine, median sales prices have increased up to 60 percent between 2012 and 2019 (according to Redfin.com), while median household income in Orange County (reported by the U.S. Census Bureau) only increased 33 percent during the same period. Limited wage growth is a significant barrier to individuals and families who are currently housed or seek housing and has created a large need for affordable housing.

5.3.1.2 Lack of Federal and State Funding and Subsidies for Affordable Housing

Due to market factors and government regulations (such as the need to employ multiple funding sources, which is a factor that delays project development, prevailing wage premiums, and sustainable development standards, which are needed but increase costs), affordable housing costs more to develop than market-rate housing. As estimated in this Housing Element, the average multifamily project has an estimated development cost of \$328,000 per unit (documented later in this chapter), while a lower-income, affordable multifamily project has an estimated cost of over \$500,000 per unit. The reason is that the private sector and market have not produced affordable housing. Affordable housing relies on a multitude of public subsidies, both State and Federal. Those funding sources are documented in Section 6.2, Financial Resources, of this Housing Element.

Neither the Federal nor the State government allocates sufficient funding to subsidize the needed affordable units pursuant to the RHNA numbers allocated to each city and county in California. Additionally, no one source of public subsidy is sufficient to properly fund affordable housing projects. Therefore, developers must apply for and leverage multiple State and Federal sources of funds, in addition to private lending, which is a time-consuming process. One multifamily development can require five to 10 funding sources to finance its construction. Developers generally layer or “stack” financing from State and Federal tax credits, State housing programs, local land donation and other local grants, Federal housing programs, and private loans from financial institutions.

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Federal funding for affordable housing represents a large portion of California’s resources to support affordable housing. However, due to pressures to cut spending, Federal funding for housing has declined in recent years, while the number of severely cost-burdened (i.e., those spending 50 percent or more of their income on housing), low-income renter households has increased. More specifically, the CDBG and HOME funds allocated to California to produce affordable housing units declined by 51 percent and 66 percent between 2003 and 2015, respectively. As a result, with funding cuts and increased demand, the sources of affordable housing funding are stretched very thin and have become significantly competitive.

5.3.1.3 Redevelopment Dissolution

As a result of legislation in 2011, all redevelopment agencies in the State were dissolved, which has had a profound effect on the quantity and complexity of affordable housing development in the State. Redevelopment was a tax increment financing tool that allowed cities and counties to retain a higher share of the growth in property taxes in designated “blighted” areas to invest in those areas to remediate blight. Referred to as “urban renewal” before 1979, over 400 cities and counties in the State used this tool. Redevelopment projects were required to allocate 20 percent of all tax increment for affordable housing in the community. On a Statewide level, over \$2 billion generated on an annual basis for affordable housing was lost due to this State law change.

Despite State legislative efforts to replace Redevelopment with Enhanced Infrastructure Financing Districts and Community Revitalization Investment Areas (CRIAs), these financing tools generate a tiny fraction of the local funding that redevelopment did previously, which is the reason why only a few Enhanced Infrastructure Financing Districts and no CRIAs have been adopted over the last 10 years. Given these facts, it is clear that the State has never initiated policies to replace this significant permanent source of affordable housing funding.

In 2006, the City (as well as many other cities in the State with closed military bases) used this tool for the redevelopment of the El Toro Marine Corps Air Station, which was ordered closed by Federal law in the 1990s. The tax increment projections contained in the administrative record of the redevelopment project showed that \$500 million was expected to be generated just for affordable housing in the City over a 55-year period. However, State law in 2011 dissolved redevelopment, and this significant funding source has been lost. Despite State efforts to provide annual grants and other programs, these sources are not a guaranteed stream of income that is needed to build more affordable housing in the State.

5.3.1.4 State Regulations and Development Challenges

Other regulatory challenges that present barriers to development include the following:

- **Compliance with State regulations** and energy standards, GHG emissions reduction requirements, and other environmental conditions (needed to preserve the environment but add to development costs).
- **Prevailing wages** (a Federal and State legal requirement for publicly funded projects) that can add 13–25 percent to hard construction costs (these additional costs are added to very high construction and materials costs and can push an affordable housing project to be financial infeasible).

5.3.2 Local Constraints

The Land Use Element sets forth City policies for local land development. These policies, together with existing zoning regulations, establish the amount and distribution of land allocated for different uses.

The intent of local government regulations is to protect public health and safety and to ensure a decent quality of life for the community. However, local policies and regulations may affect positively or negatively the price and availability of housing and in particular, the provision of affordable housing. Land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the maintenance, development, and improvement of housing.

State and Federal regulations also affect the availability of land for housing and the cost of producing housing. Regulations related to environmental protection, building codes, and other topics are designed to protect the public health and safety, but often, these regulations have adverse impacts on housing costs and availability. Perhaps one of the greatest constraints to the production of housing affordable to lower-income households is the chronic shortage of State and Federal financial assistance for affordable housing. While constraints exist at other levels of government, the City has little or no control over these regulations and no ability to directly mitigate their effects on housing. Therefore, the City's efforts emphasize policies and regulations that can be mitigated by the City.

The current Land Use Element was adopted in 2000 as part of a comprehensive General Plan Update and has been amended for unique areas of the City, including but not limited to the Northern Sphere (2002), Spectrum (2003), Orange County Great Park 2007–2012), and IBC Residential Mixed Use Vision Plan (2010), as well as the most recent administrative level updates from July 2015 (i.e., Supplement 9). The City is planning a General Plan Update beginning in late 2021 following the adoption of the Final Housing Element to update the Land Use Element and other Irvine General Plan elements.

5.3.2.1 Land Use Policies

The Land Use Element of the Irvine General Plan contains the primary policies that guide residential development in the City. These policies are implemented primarily through the Zoning Ordinance, which establishes the amount and distribution of different land uses in Irvine, and the Subdivision Ordinance, which regulates the division and improvement of land. The City's Land Use Element allows for significantly higher residential densities and is not considered a constraint to the development of housing in the City.

The Land Use Element establishes the following designations related to housing:

- **Estate Density (zero to one unit/acre):** This level of density is intended for the development of large, detached, single-family homes in the hillside areas of the City.
- **Low Density (zero to five units/acre):** This level of density is intended for the development of attached and conventional detached housing and other appropriate uses, such as schools and parks, compatible with single-family neighborhoods.
- **Medium Density (zero to 10 units/acre):** This level of density is intended for the development of attached and conventional detached housing and other types of residential uses that have open space characteristics similar to single-family neighborhoods.
- **Medium-High Density (zero to 25 units/acre):** This level of density is intended for the development of multifamily housing with on-site recreation areas for common use.
- **High Density (zero to 40 units/acre):** This level of density is intended for the development of multifamily housing with on-site recreation areas for common use.
- **Multi-Use (zero to 50 units/acre):** This land use category includes uses that are high intensity and urban in character. Typical uses include medium- to high-density residential, commercial, institutional, and offices.
- **Orange County Great Park (five to 50 units/acre):** This land use category includes uses intended to provide for the development of regionally significant conservation and open space, parks and recreation, educational facilities, and other public-oriented land uses integrated with other privately developed, multi-use, residential, commercial, and industrial properties at the former El Toro Marine Corps Air Station. The Orange County Great Park allows up to 10,556 units, including 1,056 affordable/additive units.
- **Urban/Industrial (IBC):** This land use category provides for offices, industry, and support commercial mixed with high-density housing and a variety of activities. Typical uses are professional/medical offices, industrial manufacturing, research and development, support service retail, restaurants, multifamily housing, and hotels/motels. The IBC

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Element of the General Plan outlines the framework for future development of the IBC as a mixed-use community.

While the City has not established minimum densities in most zoning districts, the majorities of developments achieve at least the mid-range densities for ownership housing and approach maximum densities for rental housing. Furthermore, the IBC Residential Mixed Use Vision Plan establishes a minimum residential density of 30 units per acre. The correlation between Irvine General Plan land use designations and zoning districts is shown in Table 5-3, Land Use and Zoning Categories Permitting Residences.

Table 5-3. Land Use and Zoning Categories Permitting Residences

GENERAL PLAN LAND USE CATEGORY	DENSITY (DU/NET AC)	ZONING CATEGORIES	TYPICAL RESIDENTIAL TYPE(S)
Estate Density (EEDR)	0–1	2.1, 2.1A	Very low density, single-family detached homes on large lots, with a custom character of development.
Low Density (LDR)	0–6.5	2.2A–2.2D	Single-family detached homes in well-defined neighborhoods.
Medium Density (MDR)	0–12.5	2.3A–2.3P	Single-family detached and attached units, apartments, townhouses, and condominiums.
Medium-High Density (MHD)	0–50	2.4A–2.4H	Single-family detached and attached units, townhomes, apartments, and condominiums.
High Density (HDR)	0–50	2.5, 2.5A	Multifamily attached housing.
Multi-Use (MTU)	0–50	3.1, 3.1A–3.1H	A complementary mix of retail stores, commercial services, restaurants, offices, residences, and civic uses.
Regional Urban Commercial (REC)	0–55	4.7, 4.7A–4.7C	Areas allowing retail and office commercial uses and conditionally permitting residential use in an urban, high intensity setting.
Urban/Industrial (URI)	30+	5.0, 5.1	Allows a mix of commercial, retail, and residential uses and traditional light industrial/warehouse uses.
Research/Industrial (REI)	30+	5.3, 5.3A–5.3D	Ensures that previously approved but not built residential projects are not threatened by the development of non-compatible land uses (e.g., hazardous materials).
Orange County Great Park (GPK)	5–50	6.1 8.1, 8.1B	Allows for a mix of residential (attached and detached), commercial, recreational, and educational uses that promotes and supports a balanced development strategy.

Source: City of Irvine 2021.

Irvine Business Complex Residential Mixed-Use Vision

The IBC Residential Mixed Use Vision Plan is a policy framework that outlines goals and design guidelines for a residential overlay district and mixed-use developments in Planning Area 36, the IBC. The planning area is divided into four districts, two of which (the Urban Neighborhood District and the Multi-Use District) encourage mixed-use with ground floor commercial, urban parks, and street landscape treatments. The Multi-Use District is composed of nearly all portions of the planning area south of Barranca Parkway. This district incorporates portions of the IBC where a more contemporary era of development exists and is characterized by a horizontal or vertical mix of land uses within a campus of multiple buildings. Opportunities for future

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intensification include freestanding residential or ground floor retail, offices, and restaurants, with upper floors accommodating offices or residential.

The Urban Neighborhood District incorporates, through a residential overlay, portions of the IBC appropriate for sustainable residential neighborhoods, employment, and mixed-use blocks in buildings of up to seven stories. This district is intended for residential uses to be clustered in nodes around local services. Small, scattered residential projects are discouraged within the Urban Neighborhood District. Mixed use is encouraged with ground floor uses, including residential, retail, offices, and restaurants, and upper floors accommodating offices or residential.

Orange County Great Park

The Orange County Great Park land use category is a unique urban setting intended as a zoning designation in which a variety of uses are allowed on the same site consistent with the Great Park land use category as defined in the Irvine General Plan. The Trails and Transit-Oriented Development zoning category allows for a mix of residential, commercial, institutional, industrial, and educational uses that promotes and balanced development strategy. Specific uses that serve to enhance the cultural, educational, and recreational environment are especially encouraged in this area. The maximum site coverage area of 50 percent for single-family detached and unlimited for attached residential and 65 percent for mixed use (unlimited in 8.1B zoning district) and building height of 55 to 70 feet permitted in the 8.1 zoning district allow for either vertical or horizontal housing development. The Transit-Oriented Development zoning category encourages a diverse mix of higher-intensity commercial, office, residential and institutional uses in areas with high potential for enhanced transit and pedestrian activity. The category is intended to reduce reliance on the automobile by encouraging a compact mix of uses on the same site, including the integration of complementary uses in the same building. The development shall be designed to create a safe and pleasant pedestrian environment by providing amenities that support the use of transit, bicycles, and pedestrian facilities and by providing for a safe, pleasant, and convenient walking experience.

Density Bonus

Under State law (California Government Code, Sections 65915–65918), developers are entitled to a density bonus and/or equivalent concessions or incentives for provision of affordable units to encourage the development of affordable and senior housing, including up to a 50 percent increase in project densities for most projects, depending on the amount of affordable housing provided, and an 80 percent increase in density for projects that are completely affordable.

Cities and counties are required to grant a density bonus and other incentives and concessions to projects that contain one of the following:

- 5 percent or more of units are restricted to very low-income residents, as defined in Section 50105 of the Health and Safety Code.

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- 10 percent or more of units are restricted to lower-income residents, as defined in Section 50079.5 of the Health and Safety Code.
- 10 percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.
- 100 percent of all units in the development, including total units and density bonus units, but exclusive of a manager’s unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.
- 10 percent of units or more are for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units. 20 percent of units or more are for lower income students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code and attend an accredited college full-time. Donation of at least one acre of land or of sufficient size to permit development of at least 40 units (with appropriate General Plan designation, zoning, permits, and approvals and access to the public facilities) to the City or Orange County for very-low-income units.
- Senior housing (no affordable units required).
- Mobile home park age-restricted units for seniors (no affordable units required).

The amount of the density bonus is set on a sliding scale based on the percentage of affordable units at each income level and ranges from 5 percent to 80 percent. In general, the deeper the levels of affordability of a project, the higher the density bonus.

The City requires that a minimum of 15 percent of all housing developments be affordable (under its Inclusionary Housing Ordinance) and allows for a minimum density bonus of 20 percent per State law combined with other incentives for the development of affordable housing. The City’s Density Bonus Ordinance (Section 2-3-10 of the Zoning Ordinance) refers to current or updated State Government Code requirements and legal requirements.

Several laws over the last several years significantly reduce the percentage of affordable units that a developer must provide to receive a density bonus and requires one or more “incentives” or

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“concessions” from the local jurisdiction to assist in the construction of the project, with the number based on the percentage of affordable units in the project. Under the law, developers can receive a maximum density bonus of 50 percent when a project provides one of the following:

- 15 percent of total units for Very Low-Income households.
- 24 percent of total units for Low-Income households.
- 44 percent of total units for Moderate-Income households.

State law also imposes Statewide-parking standards equal to 1.5 spaces for two- and three-bedroom homes. Parking requirements for projects located near accessible major transit stops have lower parking standards. State law changes no longer allow local governments to impose any parking requirements for (1) 100 percent affordable housing projects located within 0.5 mile from an accessible major transit stop and (2) 100 percent affordable senior housing projects that either offer paratransit service or are located within 0.5 mile from an accessible major transit stop. Parking requirements for projects with at least 11 percent very low-income or at least 20 percent lower-income units that are located within 0.5 mile from an accessible major transit stop are 0.5 space per unit.

5.3.3 Development Standards

Residential development standards established in the Zoning Ordinance are designed to protect and promote the health, safety, and general welfare of residents and to implement the policies of the Irvine General Plan. These standards also help preserve the character and integrity of existing neighborhoods. The development standards established by the Zoning Ordinance, as summarized in Table 5-4, Residential Development Standards, can have an effect on the ability of property owners to construct and maintain housing. Each of the standards is examined and its impact on housing in Irvine is discussed.

To facilitate transparency pursuant to Government Code, Section 65940.1(a)(1), the City’s website (<https://www.cityofirvine.org/community-development/zoning>) includes a map-based online parcel searchable by an address, Assessor’s Parcel Number, or closest street intersection. The customizable search can identify multiple GIS layers such as the applicable General Plan and zoning district classifications, flood zone, school district, fire ordinance zone, and applicable transportation fee zone. This same webpage also links to the complete Irvine Zoning Ordinance that contains all the zoning and development standards for each parcel. Additionally, various development application and developer impact fee information sheets, Planning and Development Services fee schedule, Building Permit fee schedule, and development application forms are available online at www.cityofirvine.org/infosheets and www.cityofirvine.org/forms. Lastly, to facilitate the development process, development plan and

permit applications can be submitted 24/7 and processed using the City’s award winning all-electronic, web-based system at www.irvineready.com.

5.3.3.1 Residential Density

The Zoning Ordinance allows for base residential densities ranging from less than one dwelling unit per acre to up to 50 dwelling units per acre. Certain zoning districts allow individual projects to exceed the maximum density range allowed provided that the overall density within the entire district does not exceed the maximum density allowed (e.g., 2.2D) or the maximum unit cap (e.g., 2.3D, 2.3F, 2.3G, 2.3H, 2.3I, 2.3K, and 2.3L). Residential density in the Trails and Transit-Oriented Development zoning district in the Orange County Great Park ranges from Low to High Density or from five to 50 units per net acre.

Residential densities set forth in the General Plan and the Zoning Ordinance may be exceeded on a case-by-case basis to encourage development of low- and moderate-income housing pursuant to State and local density bonus laws.

5.3.3.2 Lot Size and Area

The current Zoning Ordinance establishes minimum lot areas for single-family residentially zoned properties. The minimum lot area varies from 2,400 square feet in the Medium and High-Density Residential Districts to one (net) acre in the Estate (one-acre) District. These standards allow for a range of housing options in Irvine (Table 5-4).

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Table 5-4. Residential Development Standards

DISTRICT	MIN. LOT AREA	SETBACKS	LOT COVERAGE (%)	MAX. HEIGHT MAIN BLDG.	PARKING
2.1, Estate Density	2,400 sf or 20,000 sf (2.1A only) or 1 acre	Front: 10–50 ft. Side: 5–35 ft. Rear: 10–25 ft. Bldg to Bldg: 10 ft	25 percent 35 percent (2.1A only)	35 (2.1A only) or 50 ft.	
2.2, Low Density (LDR)	3,000 (2.2D) or 4,000 sf	Front: 10–50 ft. Side: 5–10 ft. Rear: 10 ft. Bldg to Bldg: 6 ft	50 percent	35 ft.	
2.3, Medium Density	2,400 sf or 3,000 sf (2.3F) or 3,300 sf (2.3P)	Front: 10–50 ft. Side: 5–10 ft. Rear: 10 ft. Bldg to Bldg: 6 ft	50 percent (SFD) Unlimited (applies to all other uses)	35 ft.	SFD: 1–3 bdrms: 2 spaces 4+ bdrms: 3 spaces; visitor parking also required
2.4, Medium-High Density Residential	2,400 sf (SFD only) or 0.5 acre (all other uses)	Front: 10–50 ft. Side: 5–10 ft. Rear: 10 ft.+ Bldg to Bldg: 6–10 ft	50 percent	35–50 ft.	visitor parking also required
2.5, High Density Residential	2,400 sf (SFD) or 0.5 acres (all other uses)	Front: 10–50 ft. Side: 5–10 ft. Rear: 10 ft. Bldg to Bldg: 6 or 10 ft	50 to 65 percent	35 to 50 ft.	Attached ownership: Studio: 1 space; 1 bdrm: 1.5 2 bdrm: 2 spaces; visitor parking also required
3.1, Multi-Use	2,400 sf (SFD) or 0.25 acres (all other uses)	Front: 15–45 ft. Side & Rear: TBD at time of MP or CUP review Bldg to Bldg: 6 or 10 ft	75 percent	35 to 70 ft.	Attached rental: Studio: 1 space; 1 bdrm: 1.4 space; 2 bdrm: 1.6 space; 3+ bdrm: 2 spaces; visitor parking required
5.0, IBC Mixed Use	0.5 acre (for residential uses)	Front: 10–40 ft Side: 10 ft Rear: N/A	75 percent (for residential and mixed use)	FAA Height limits	
5.1, IBC Multi-Use	30,000 sf	Front: 8–40 ft Side: 10 ft Rear: 0 ft (see Zoning Ordinance footnotes and IBC Vision Plan criteria)	50 percent	FAA height limits	
5.3, IBC Residential	0.5 acre	Front: 10–30 ft Side & Rear: 10–30 ft	65 percent	FAA height limits	
8.1, Trails and Transit-Oriented Development	2,400 sf or 0.25 acre (all other uses)	Front: 8–45 ft Side: 5 ft Rear: 10 ft Bldg to Bldg: 6 ft	50 percent (SFD) 65 percent (nonresidential and mixed use) Unlimited (attached residential)	SFD: 35 ft Residential attach & nonresidential: 70 ft	
4.7, Urban Commercial	10,000 sf	Front: 15–30 ft Side & Rear: 5–10 ft	80 percent (area within required setbacks)	Up to 20 stories subject to MP or CUP approval	

Source: City of Irvine 2021.

Notes: CUP = conditional use permit; FAA = Federal Aviation Administration; IBC = Irvine Business Complex; sf = square feet; SFD = single family detached

5.3.3.3 Yards and Setbacks

Front yard setback requirements range from eight to 50 feet, depending on the zone district where the lot is located and street classification. Side and rear yard setbacks range from five to 10 feet for non-street side yards. These standards are typical to master-planned communities in Orange County.

5.3.3.4 Lot Coverage

The City imposes reasonable limits on building lot coverage. Within the Multifamily zone districts (Medium, Medium-High and High Density Residential), all non-single-family detached uses, including parking structures may occupy up to 100 percent (i.e., “unlimited”) of the lot, which would permit sufficient square footage to facilitate construction of a range of variously sized apartment units up to the maximum allowable densities. Lot coverage requirements in Single-Family Districts allow structures to occupy 25 percent to 50 percent of the lot.

5.3.3.5 Minimum Floor Area Ratio

The City does not have minimum floor area ratio requirements for residential uses.

5.3.3.6 Parking

A minimum of two covered off-street parking spaces per unit are required for all single-family detached residential units (units with four or more bedrooms require three spaces). Accessory dwelling units (ADUs) with one or more bedrooms require an additional parking space. Parking requirements within Multifamily Districts vary by unit size and unit type (rental versus ownership), with attached rental or low- to moderate- income ownership developments being less restrictive. In Multifamily Districts, the parking requirements are as follows:

- Attached development, ownership:
 - Studio: One space per unit (one covered).
 - One bedroom: 1.5 spaces/unit (one covered).
 - Two or more bedrooms: Two spaces/unit (two covered).
 - Visitor parking: 0.7 space/unit if project has resident garages or 0.4 spaces/unit if the project has resident carports.
- Attached development, rental, and low- or moderate-income ownership:
 - Studio: One space per unit (one covered).
 - One bedroom: 1.4 spaces/unit (one covered).
 - Two bedrooms: 1.6 spaces/unit (one covered).

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- Three or more bedrooms: Two spaces/unit (one covered).
- Visitor parking: 0.25 space/unit.

For projects meeting the density bonus requirements, the following State parking standards may be used, inclusive of guest and disabled parking (parking for two+ bedroom units have changed since the 5th Cycle Housing Element was adopted in 2013):

- **Studio to One Bedroom:** One parking space.
- **Two to Three Bedrooms:** 1.5 parking spaces.
- **Four or More Bedrooms:** 2.5 parking spaces.
- 100 percent affordable housing projects located within 0.5 mile from an accessible major transit stop and 100 percent affordable senior housing projects that either offer paratransit service or are located within 0.5 mile from an accessible major transit stop – no parking requirements.
- Projects with at least 11 percent very low-income or at least 20 lower-income units located within 0.5 mile from an accessible major transit stop – 0.5 space per unit.

The City's parking code does allow on-street parking on a development site to count toward fulfilling visitor parking requirements, whereas the State parking standards (in conjunction with a density bonus) does not. The City's parking standards are lower than those adopted by many surrounding cities, but changes to State law related to parking for density bonus projects since the 5th Cycle Housing Element have resulted in the City's existing parking standards exceeding State law. However, the City is embarking on Land Use Element and Zoning Ordinance amendments later in 2021. The City's parking standards will be updated at that time pursuant to Program PP-C.3 Remove Barriers to ADUs (as described in the Housing Plan) to adhere to State law requirements, as revised.

5.3.3.7 Height Limits

Land use regulations establish a height limit of 35 feet in Low-Density Residential Districts except for the Estate District, which permits structures up to 50 feet in height. In High Density Residential Districts, height limits range from 35 to 50 feet in Medium and Medium-High Density Residential, 70 feet in the Multi-Use District, and higher in other districts, such as the IBC and the Urban Commercial.

A portion of the City, namely the IBC planning area, is immediately adjacent to, and portions fall within the flight paths of, John Wayne Airport, which serves all of Orange County. As a result, the Federal Aviation Administration (FAA) places restrictions on building heights within and around flight paths. During the development of the 2010 IBC Vision Plan Mixed-Use Residential Overlay and associated EIR process, stakeholders, including the City of Newport Beach (also immediately adjacent to John Wayne Airport) and the Airport Land Use Commission for Orange

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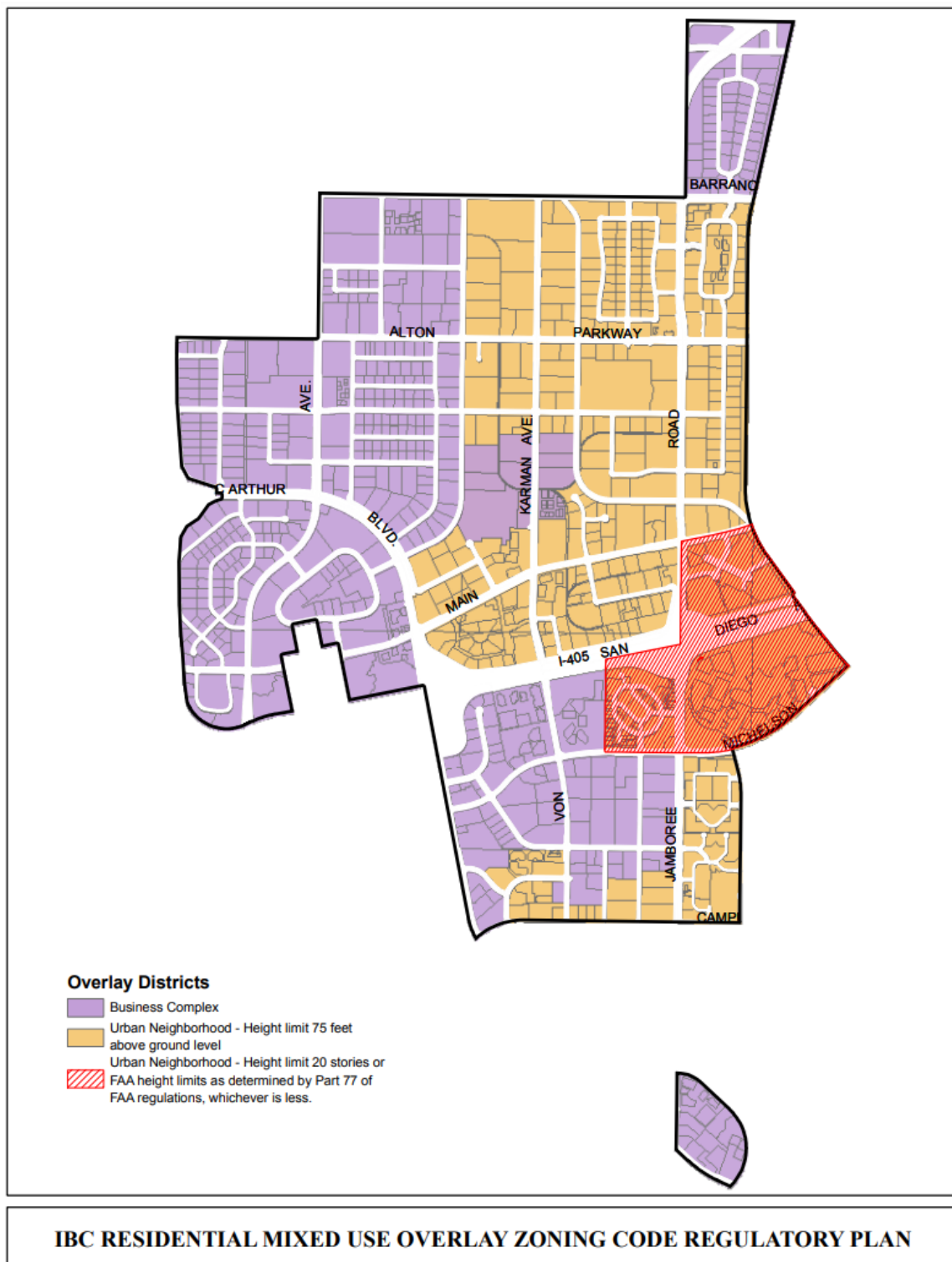
County, agreed upon a 75-foot (above ground level) maximum building height limit, which corresponds to approximately seven stories. Refer to the IBC Residential Mixed Use Overlay Zoning Code Regulatory Plan (see gold areas on Figure 5-2, Irvine Business Complex Residential Mixed Use Overlay Map, below).

The remainder of the IBC (i.e., areas zoned 5.0, 5.1, and 5.3) is subject to FAA height limits as determined by Part 77 of the FAA regulations. Irvine is required to limit the height of any structure in the IBC to less than 203.68 above mean sea level or “AMSL” or roughly 20 stories (i.e., County’s navigation easement elevation in the “horizontal surfaces” area). Please note that the 5.2 IBC Industrial area is subject to a 35-foot maximum height, but there are no sites in this portion of the IBC, and no units are planned in the 5.2 zone. This is basically consistent with the directives listed under FAA Federal Aviation Regulations Part 77 regarding height restrictions as follows:

- § 77.9 — Any person/organization who intends to sponsor any of the following construction or alterations must notify the Administrator of the FAA:
 - Any construction or alteration exceeding 200 ft above ground level
 - Any construction or alteration
 - within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft
 - within 10,000 ft of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft
 - within 5,000 ft of a public use heliport which exceeds a 25:1 surface
 - Any highway, railroad or other traverse way whose prescribed adjusted height would exceed that above noted standards
 - When requested by the FAA
 - Any construction or alteration located on a public use airport or heliport regardless of height or location

People failing to comply with the provisions of Federal Aviation Regulations Part 77 are subject to Civil Penalty under Section 902 of the Federal Aviation Act of 1958, as amended and pursuant to 49 U.S.C. Section 46301(a).

Figure 5-2. Irvine Business Complex Residential Mixed Use Overlay Map



With the dissolution of the former El Toro Marine Corps Air Station, the Great Park Neighborhoods area is no longer subject to FAA building height restrictions. However, Planning Area 33, Irvine Spectrum Center, is subject to Special Development Requirement 9-33-8(E) as

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follows: “The height of all buildings and structure shall not exceed FAA criteria and shall be reviewed and approved at the time of Master Plan review.” However, in Planning Area 33, there are four existing residential apartment developments (i.e., Westview, Centerpointe, The Park, and The Village, a.k.a. Mirador, Cambria, Del Ray, and Serena) totaling 4,355 units with densities ranging from 50 to 55 units per acre, as well as several high-rise hotels and twin 21-story glass office towers at 200 and 400 Spectrum Center.

As demonstrated by the City’s past development trends, high-density residential developments are able to achieve close to or exceed the maximum permitted densities under current height limits. Therefore, height limits in the City do not constrain housing development.

5.3.4 Housing in Coastal Zone

Approximately 250 acres of the City lie within the coastal boundaries. The majority of this area is within the San Joaquin Freshwater Marsh and a portion of the University of California natural land and water resources system. The University of California owns all of this property with the exception of an existing 36-acre research and light industrial development. Pursuant to California Public Resources Code, Section 30519, in the California Coastal Act, the City’s Local Coastal Program only applies to this 36-acre industrial site. The Sites Inventory in this Housing Element identifies properties making up a portion of this 36-acre site that have redevelopment potential for residential uses.

5.3.5 Fees and Exactions

Housing developers typically conduct a financial feasibility analysis, or a pro forma analysis, that compares the cost of developing with the revenues received in rent or sales prices prior to embarking on a housing project. This analysis also calculates the rate of return on the project or investment. Like all businesses, developers require a minimum profit (and not a loss) or rate of return on housing projects, and revenues must exceed costs to the level where this rate of return is achieved. Housing development requires investors, who in turn require a rate of return on their investment. Fees and exactions add to the cost of developing housing, and developers include these fees in the financial feasibility/pro forma analysis mentioned above. If revenues do not outweigh costs (including a required rate of return), developers will build projects.

It is very important to note that, in cities and counties where market-rate rents and housing prices are high, like Irvine, the revenues derived from housing development projects are similarly high, yielding a desirable return. **In Irvine, over 31,000 new housing units were reported during the first seven years of the 2013–2021 5th Cycle Planning period. This likely exceeds every other city in the County and possibly the majority of cities in the SCAG region.**

The fact that this number of units was developed during this time period is significant evidence that current fees are not a constraint to housing development. Additional factors that support the assertion that fees in Irvine are not a constraint are the desirability of the highly-ranked and

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prestigious Irvine Unified School District (among the top in the State) and Irvine’s consistent awards for public safety and being one the safest cities in the nation. These factors, combined with the central and coastal location and employment opportunities, have translated into high rents and home prices, which in turn provides the rate of return that is desirable to housing developers. As a master planned community, there are limits established on entitlements for housing units. To date, all limits have been reached in the City, and historically when the City amends zoning to increase the number of entitlements due to changes in land uses and/or densities permitted, housing entitlements are pursued by the development community almost immediately.

Development impact fees offset the costs of improvements serving the development. Planning and Development Services fees cover review and processing of the development by City staff. The City’s fee schedule is based on typical anticipated costs associated with review and approval of proposed projects. Irvine’s current planning and development fee schedule for residential projects is summarized in Table 5-5, Planning and Development Fees for Residential Projects.

Some fees, such as permit issuance fees, slurry seal fees, and traffic related fees, are collected at permit issuance by the Community Development Permit Processing Counter. Transit Corridor Agency fees and school fees are collected, or payment verified by the City’s Building Division. Water and sewer fees are collected by the Irvine Ranch Water District.

Table 5-5. Planning and Development Fees for Residential Projects

PLANNING AND PROCESSING FEES	FEE/DEPOSIT
Development Agreement, Master Plan	Fee per hour: \$146.08 Initial deposit: \$10,000 Minimum balance: \$2,000 (effective 6/1/21)
Annexation, Concept Plan, Conditional Use Permit, Detachment, General Plan Amendment, Zone Change	Fee per hour: \$146.08 Initial deposit: \$10,000 Minimum balance: \$2,000 (effective 6/1/21)
Tentative Map, Tentative Map Extension, Park Plan	Fee per hour: \$146.08 Initial deposit: \$4,000 Minimum balance \$1,000 (effective 6/1/21) Initial deposit: \$30,000
Environmental Impact Report	Minimum balance: \$10,000 \$146.08 per hour (effective 6/1/21)
Transportation Plan Review	Fee per hour: \$162.65 (effective 6/1/21)
Preliminary Plan Check Review	Fee per hour: \$178.20 \$89.10 Minimum plan check revisions (1/2 hour) (effective 8/1/21; approved by City Council on 5/25/21)
Building and Safety Fees:	Inspection: Single-family: \$0.374/sf; Multifamily: \$0.275/sf Model plan check: Single-Family: \$0.517/sf; Multifamily: \$0.286/sf Production dwelling plan check: Single-family: \$0.044/sf; Multifamily: \$0.024/sf (effective 8/1/21; approved by City Council on 5/25/21)
Major Thoroughfare and Bridge Fee	Single-family: \$6,050.17/unit for Zone A; \$4,688.80/unit for Zone B
San Joaquin Hills Transportation Corridor Zone A/Zone B	Multifamily: \$3,523.53/unit for Zone A; \$2,735.05/unit for Zone B (effective 7/1/21)
Major Thoroughfare and Bridge Fee Foothill/Eastern Trans. Corridor Zone A/Zone B	Single-Family: \$6,189.60/unit for Zone A; \$4,405.08/unit for Zone B Multifamily: \$3,665.11/unit for Zone A; \$2,568.44/unit for Zone B (effective 7/1/21)
Park Dedication In-Lieu Fee	Dedication Requirement (# of acres) x Fair Market Value (\$ per acre) (effective 5/21/21)
University Research Park Fee	\$3/sf (effective 5/21/21)

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Table 5-5. Planning and Development Fees for Residential Projects

PLANNING AND PROCESSING FEES	FEE/DEPOSIT
Irvine Business Transportation Mitigation Complex Fee	\$1,765/dwelling unit (effective 2/9/21; no change for FY 2021-22)
IBC Neighborhood Infrastructure Improvement Program fees	Rental with required Affordable Housing provided on-site: \$6,485/unit Rental using menu option for Affordable Housing requirement: \$8,430/unit For Sale with required Affordable Housing provided on-site: \$14,914/unit For Sale using menu option for Affordable Housing requirement: \$16,860/unit (effective 7/1/21)
IBC TDR fee	\$500 per PM DIV transferred (effective 5/21/21)
School Facilities Fee	For SFD, attached condo, and multifamily apartment: \$4.08/sf (State mandated Level 1 fees effective since June 2020 for IUSD, TUSD, SAUSD, and SVUSD)
SMIP State mandated	\$13 for each \$100,000 of valuation with a minimum fee of \$0.50 (effective 5/21/21)
Systems Development charge- Circulation	0.5 percent of valuation as calculated by Building Code (effective 5/21/21)
Systems development charge-Non-circulation	0.5 percent of valuation as calculated by Building Code (effective 5/21/21)
Permit Issuance fee (residential new construction)	\$48.40 (effective 8/1/21; approved by City Council on 5/25/21)
Automation fee	10 percent of all Building, Grading, Electrical, Plumbing, Mechanical plan check application and inspection permit fees (effective 5/21/21)
Slurry seal fees for road wear and tear	\$0.03/sf or \$50 maximum per unit (effective 5/21/21)
SB 1473 Administrative and State Mandated Fees	Permit Valuation: \$1–\$25,000: Fee \$1 \$25,001–\$50,000: Fee \$2 \$50,001–\$75,000: Fee \$3 \$75,001–\$100,000: Fee \$4 Every \$25,000 or fraction thereof above \$100,000: Add \$1 (effective 5/21/21)
Energy & Physically Disabled Access Enforcement Surcharge – State mandated (exception: parking structures)	Plan check: 65 percent of inspection fee Inspections for each 1,000 sf, or fraction thereof, up to 4,000 sf: \$48.84 Inspections for each 1,000 sf, or fraction thereof, over 4,000 sf: \$25.08 (effective 5/21/21)
IRWD Domestic Water Connection Fee	\$1,428–\$4,027/unit depending on location and density (effective 5/24/21)
IRWD Sanitary Sewer Connection Fee	\$1,520–\$7,150/unit depending on location and density (effective 5/24/21)
Water/Sewer Meter Fee	Fees are charged by outside agencies

Source: City of Irvine 2021.

Notes: DIV = Development Intensity Value; IUSD = Irvine Unified School District; IBC = Irvine Business Complex; SAUSD = Santa Ana Unified School District; sf = square foot; SFD = single-family detached; SMIP = Strong Motion Instrumentation Program; SVUSD = Saddleback Valley Unified School District; TDR = Transfer of Development Rights; TUSD = Tustin Unified School District

5.3.5.1 Irvine Business Complex Development Fee

The intent of the IBC Development Fee Program is to provide partial funding for the implementation of the area-wide circulation mitigation program identified in the Final Program Environmental Impact Report 88-ER-0087 the IBC. The area-wide circulation program ensures that all land uses, including market-rate and affordable housing, have adequate infrastructure. The 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 costs are 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. Any development for which building permits are issued within the IBC after 1992 is subject to this fee.

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As required under Zoning Ordinance, Section 9-36-4, the City must update its comprehensive traffic study for the IBC every three years following the certification of the Final Environmental Impact Report (EIR) for IBC Residential Mixed Use Vision Plan (2010) project to evaluate the implementation of the original traffic study. On February 9, 2021, the City Council approved the 2020 IBC Traffic Improvement Fee Program Update.

As a result, these fees apply to all new IBC development, including density bonus units in Table 5-6, Irvine Business Complex Transportation Mitigation Fees, and Table 5-7, Irvine Business Complex Neighborhood Infrastructure Fees.

Table 5-6. Irvine Business Complex Transportation Mitigation Fees

LAND USE	FEE RATE
Residential	\$1,765/dwelling unit
Retail Mix	\$5.49/square foot
Hotel	\$2,309/room
Extended Stay Hotel	\$1,426/room
Office	\$5.49/square foot
Industrial Mix	\$1.43/square foot
Mini-Warehouse	\$0.92/square foot

Source: City of Irvine 2021.

Table 5-7. Irvine Business Complex Neighborhood Infrastructure Fees

UNIT TYPE	CURRENT FEE
Rental with required Affordable Housing provided on-site	\$ 6,485
Rental using menu option for Affordable Housing requirement	\$ 8,430
For Sale On-Site Affordable Housing with required Affordable Housing provided on-site	\$14,914
For Sale Affordable Housing Menu Option using menu option for Affordable Housing requirement	\$16,860

Source: City of Irvine 2021.

5.3.5.2 University Research Park Fee

The University Research Park (URP) fee was adopted in conjunction with The University of California Regents' approval of the University of California, Irvine, Long Range Development Plan in 1989. The fee provides for the fair sharing of costs related to transportation improvements associated with the development of the URP, which comprises all of Planning Area 25 and is located adjacent to University of California, Irvine. The fee applies to all land owned by the campus of University of California, Irvine, within the URP and is required for the development of any new building or an increase in square footage to an existing building. The current URP fee is \$3 per gross square foot and is due at the time a building permit is issued. This fee is unlikely to be applied to any residential development given that the uses in the University Park area are anticipated to remain commercial during the 6th Cycle Housing Element period.

5.3.5.3 Comparable Fees (Other Cities)

Table 5-8, Comparison of Residential Development Fees, outlines the various planning related fees charged by Irvine, with a comparison of similar fees charged by neighboring cities. Irvine is a master-planned community; therefore, infill development opportunities have traditionally been limited. Development proposals have been a combination of large-scale and infill in recent years, but as vacant land is diminishing, infill development has increased significantly. The City's fee

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structure reflects the types of developments in the City and necessary costs associated with proper review and project mitigation. In terms of CEQA documentation costs, neighboring jurisdictions, at a minimum, aim for full cost recovery by either charging the consultant’s contract amount plus an additional 10 to 25 percent and/or a minimum deposit of \$10,000 to \$30,000 with hourly billing for EIRs as summarized in Table 5-8. As shown in Table 5-8, many neighboring cities charge similar fees for environmental review and some cities charge more than Irvine.

Table 5-8. Comparison of Residential Development Fees

DEVELOPMENT FEE TYPE	COSTA MESA	FOUNTAIN VALLEY	IRVINE	LAKE FOREST	TUSTIN
Development Agreement	\$20,000	\$10,745	\$10,000	\$10,000	\$5,000
Tentative Map	\$3,800–\$6,000	\$1,960–\$5,540	\$4,000	\$7,500–10,000	\$5,000
General Plan Amendment	\$12,000	\$11,595	\$10,000	\$10,000	\$10,000
Conditional Use Permit	\$7,500–\$27,508	\$3,465	\$10,000	\$5,000–\$10,000	\$5,000
Environmental Impact Report	Total Consultant Contract Estimate (average \$100,000) + 10 percent	Consultant Cost + 15 percent + County Fish & Game Filing Fees	\$30,000 deposit	Deposit TBD based on T&M plus 15 percent admin charge	\$10,000 (supplemental/addendum) or \$20,000 (full EIR) deposit
Zone Change	\$10,000	\$7,110	\$10,000	\$10,000	\$10,000

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Table 5-8. Comparison of Residential Development Fees (Continued)

DEVELOPMENT FEE TYPE	LAGUNA BEACH	NEWPORT BEACH	SANTA ANA	LAGUNA HILLS	LAGUNA WOODS
Development Agreement	Not Identified	\$10,000	\$14,372.04	\$10,982.51	\$10,000
Tentative Map	\$2,450–\$4,899 + \$815 per lot/unit minimum + actual costs over	\$2,301–\$5,685 + \$508 for public noticing cost	\$4,962.09–\$5,365.47 + \$21.12 per lot + \$21.12 per DU	\$9,182.99	Not Identified (Per Hour of Actual + Indirect Costs)
General Plan Amendment	\$3,318 + actual cost over	\$7,500	\$10,309.53	\$7,547.86	\$10,000
Conditional Use Permit	\$6,135 + actual cost over	\$5,838 + \$508 public noticing cost	\$9,780.30	\$8,148.07	\$4,000
Environmental Impact Report	\$20,000 minimum deposit (full consultant cost + 25 percent of the final consultant cost)	Consultant Contract (average \$180,184) + 10 percent	\$119,602.66 (for in-house prep) or 10 percent of consultant's contract price	\$20,065.10 deposit	\$10,000 deposit
Zone Change	\$2,455 + actual cost over	\$7,500	\$5,722.06	\$10,522.43	\$10,000

Source: Costa Mesa Resolution No. 19-29 (effective September 1, 2019; all non-refundable fees)
 Fountain Valley Planning and Development Application Fee Schedule (effective November 15, 2016; all fees)
 Irvine Planning Deposits and Fees (effective July 1, 2021; all minimum deposits with excess funds refunded)
 Lake Forest Planning Fees (effective August 16, 2021; all deposits)
 Tustin Resolution No. 21-54 (effective October 1, 2021; all deposits)
 Laguna Beach Resolution No. 19-039 (effective July 1, 2019; all minimum deposits with excess funds refunded)
 Newport Beach Resolution No. 2021-21 (effective July 1, 2021; CUP, tentative map, and EIR applications are fees while remaining applications are deposits)
 Santa Ana Fiscal Year 2020-21 Fee Schedule (all development applications are fees except the Development Agreement is a deposit)
 Laguna Hills Planning Department Fee Schedule (effective October 27, 2019; all deposits)
 Laguna Woods Schedule of Planning Fees (effective July 19, 2021; all initial deposits with full cost recovery except tentative map)

Combining planning/processing fees and development impact fees, a developer can expect to pay approximately \$75,000 in fees per single-family unit and \$45,000 to \$82,000 in fees per multifamily unit, depending on the location of the project in the City (Table 5-9, Overall Development Cost for Typical Residential Unit).

Table 5-9. Overall Development Cost for Typical Residential Unit

DEVELOPMENT COST	SINGLE-FAMILY	MULTIFAMILY OWNERSHIP	MULTIFAMILY RENTAL
Estimated Fees per Unit	\$75,000	\$82,000	\$45,000
Estimated Cost of Development per Unit ¹	\$1,058,856	\$813,859	\$328,284
Estimated Percent Fee Cost to Overall Development Cost	7 percent	10.1 percent	13.7 percent

Notes:

¹ Assumes single-family unit is 2,840 square feet, multifamily ownership unit is 1,958 square feet, and multifamily rental unit is 799 square feet.

To facilitate affordable housing development, the City has provided financial subsidies to offset the cost impacts of development and planning fees. Financial assistance can come in the form of CDBG, HOME, and in-lieu fee funds. In-lieu fees are collected from other projects that did not build affordable units on-site, which is a permitted option in the City's Inclusionary Housing Ordinance.

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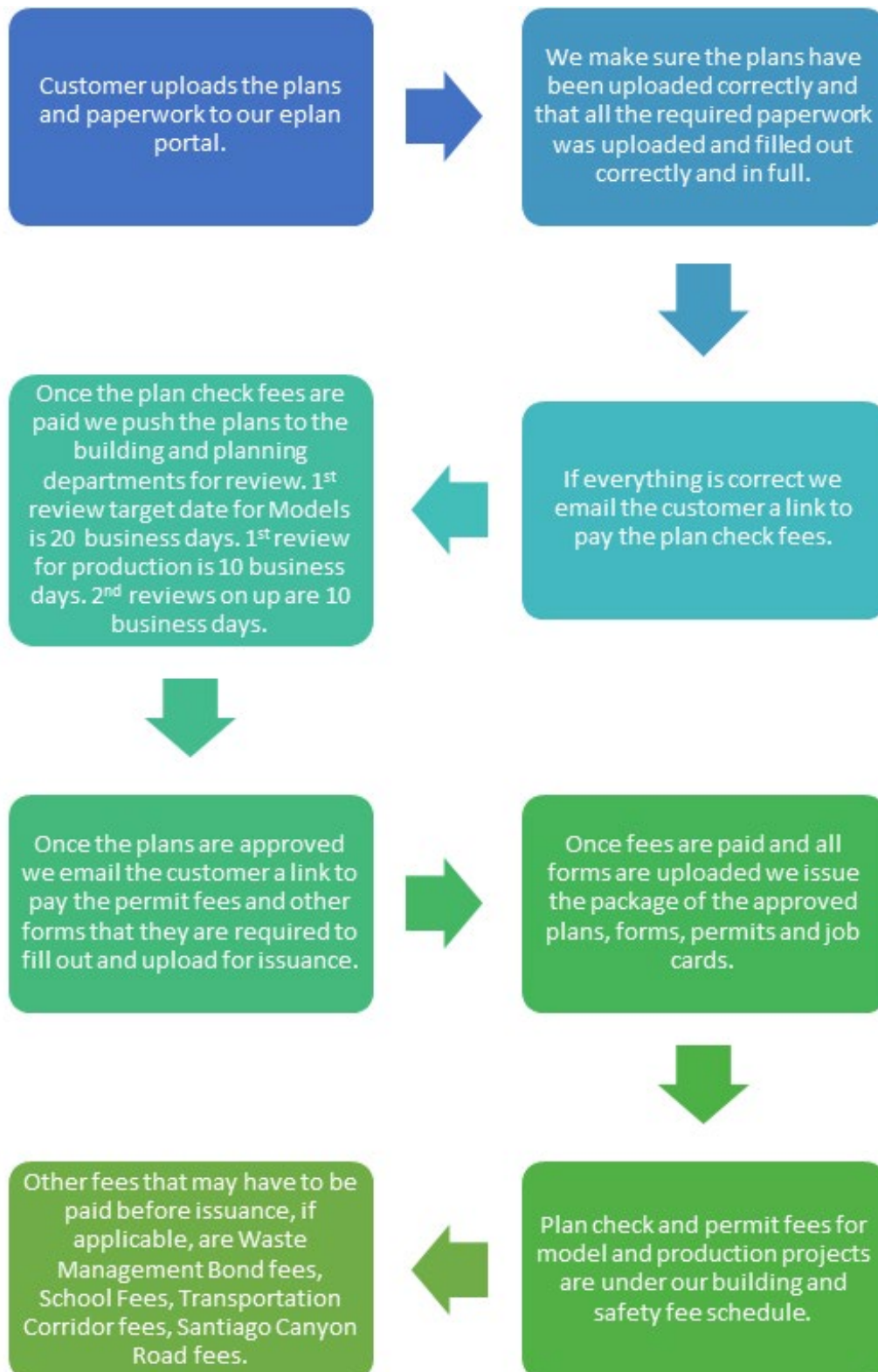
These fees are then allocated to other projects that are building affordable units on-site. For example, Granite Court, a 71-unit apartment complex for households earning 60 percent or less of the AMI, was loaned \$4.6 million from the City's in-lieu fee account. Parc Derian, a rental complex with 79 affordable units, was loaned \$1,533,755 in in-lieu fees. Other financial subsidies given to facilitate development of affordable housing also include reductions in the parkland dedication standard for new affordable units. Other forms of concessions given to projects providing affordable units include priority/expedited processing for all entitlement and ministerial permits required for development of the project and a reduction in development standards such as setbacks requirements, landscaping requirements, parking requirements, and building heights.

The balance of in-lieu fees held by the City (and not committed to projects) as of June 29, 2021, is \$72,036.48.

5.3.6 Processing and Permitting Procedures

Projects that do not require a Conditional Use Permit and are permitted by right can obtain building permits directly. The City does not require design review, so this is not a constraint to new development. Again, as evidenced by the large amount of housing units developed in the City during the first seven years of the 5th Cycle Housing Element planning period (over 31,000), this process does not represent a constraint to residential development. The process to obtain residential building permits is outlined on Figure 5-3, Residential Building Permit Process.

Figure 5-3. Residential Building Permit Process



5.3.7 Conditional Use Permit Process

New residential projects not permitted by right require a conditional use permit (CUP) to ensure the following:

- The use is appropriate in the location and circumstances in which it is proposed.
- The use is compatible with the existing and proposed on-site and proximate land uses.
- The use implements the General Plan objectives.
- Project impacts are identified and mitigated.
- Major issues associated with the development of the site have been addressed and resolved.

Unlike most cities, Irvine does not have multifamily zones. Rather Irvine's Zoning Ordinance encourages multifamily development (i.e., 'residential, attached') in a variety of different zoning districts and multifamily development can occur in eleven different zoning districts. It is a by-right land use in seven of these districts, which happen to be either traditional residential neighborhoods or are districts where multifamily residential is clearly a compatible land use. In the other four districts, a conditional use permit (CUP) is required. However, these four districts allow a greater variety of land uses than are found in more-traditional residential neighborhoods. These dynamic land use patterns necessitate a discretionary review process whereby the compatibility of nearby land uses can be assessed for the benefit of the multifamily projects' future residents.

The City's CUP process is not a potential barrier to housing as the City has a 100 percent approval rate of CUPs for multi-family residential projects. Irvine's 50+ year commitment to the benefits and protections afforded through master planning efforts between the public and private sectors. Not only does a CUP provide an opportunity to review the multifamily projects against objective development standards such as setbacks, height, parking, density, and open space; it provides an opportunity to evaluate quality of life issues such as a resident's exposure to noise, noxious odors/fumes, other health effects and, where appropriate, social and environmental justice issues when projects located in transitional areas of the community. The City of Irvine has a demonstrable, proven, and successful track record of approving residential projects across the community because any potential issues can be identified and resolved with development partners in a timely manner.

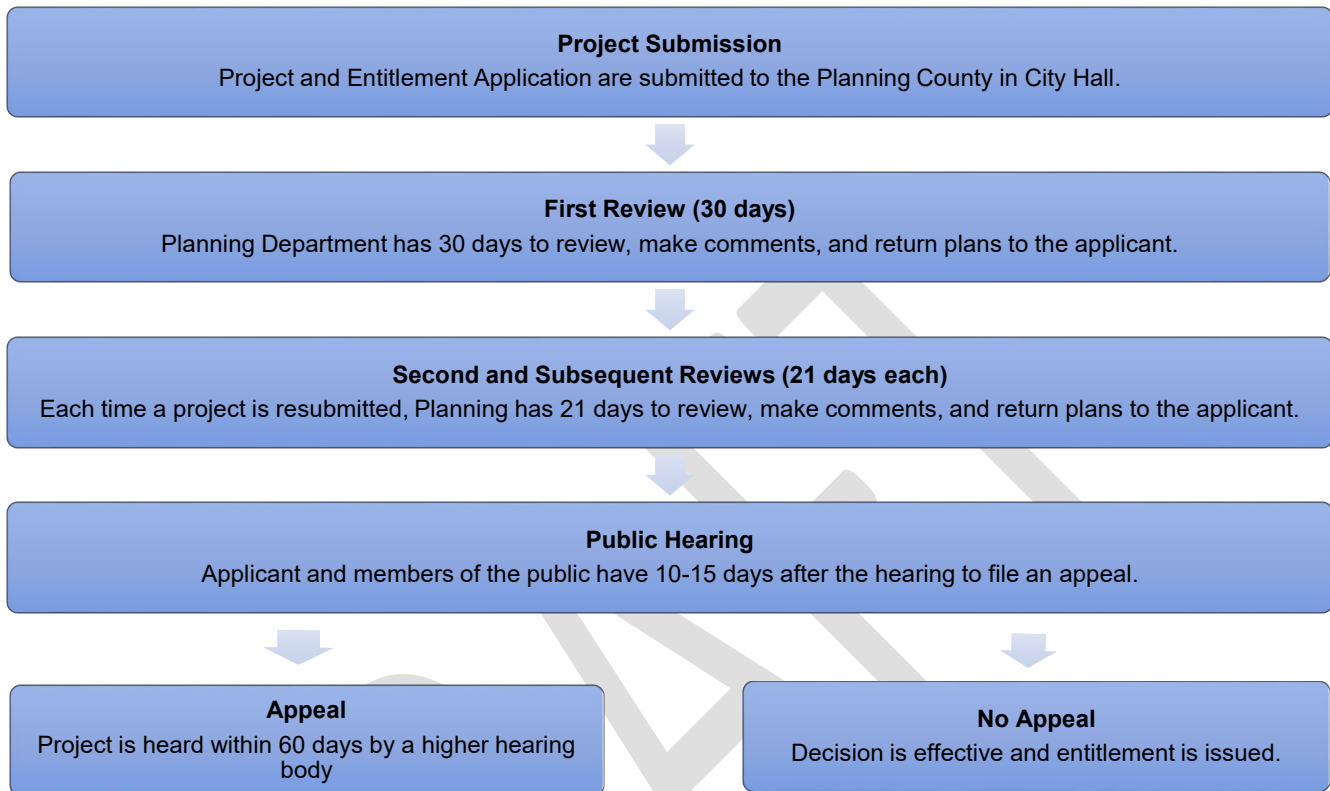
Most residential projects that go through the conditional use permit process are completed in a four- to five-month timeframe. The longest time a CUP application would take would be 6-12 months. The large size and complexity of Irvine's residential projects compared to other cities in the region (as evidenced by the significant number of multi-family units that have been developed in the City in the last eight years), the ability to take a project from submittal to approval in this timeframe is remarkable.

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Figure 5-4, Conditional Use Permit Process and Timelines, below provides a flowchart demonstrating the typical process and timeline to obtain a CUP.

Figure 5-4. Conditional Use Permit Process and Timelines



Division 2 of the Zoning Ordinance also outlines the application procedures, approval body, findings, and appeal process. Zoning Ordinance Section 2-9-7 contains the findings to be met for approval of a CUP as follows:

- The proposed location of the conditional use is in accord with the objectives of Chapter 1-1 of the Zoning Ordinance and the purpose of the zoning district in which the site is located.
- The proposed conditional use will not be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvements in the vicinity.
- The proposed conditional use is compatible with existing uses and future uses to the extent those uses are known and will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances and/or administrative relief per Chapters 2-2 and 2-37.

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- If the proposed CUP affects land located within the coastal zone, the proposed CUP will comply with the provisions of the land use plan of the certified local coastal program.
- Based on information available at the time of approval, adequate utilities, access roads, drainage, and other necessary facilities exist or will be provided to serve the proposed use.

CUP processes are not considered a constraint to the development of units identified to meet the RHNA since these sites are typically covered under a previously approved EIR, which contemplated residential uses at all densities and number of units to be built. An approved EIR allows developers to rely on the certainty of gaining approval of a CUP since the General Plan Amendment, zone change, and environmental processes have already been completed. The CUP process only ensures that a proposed development meets development standards and is consistent with previous approvals.

In terms of timing and procedure, the CUP process is identical to the Master Plan process, which is required for permitted residential uses in Zoning Districts 2.2, 2.3, 2.4, 2.5, 3.1, 5.3 (concurrent with CUP), and 8.1. Regardless of application type, all residential development applications are reviewed against the pertinent Zoning Ordinance, Municipal Code, and General Plan sections. Applicable conditions are selected from a Standard Conditions of Approval list, and any project-specific conditions of approval are prepared, if necessary, for each the Master Plan and/or CUP to ensure the public health, safety, and welfare is maintained. The City does not have an architectural design review board or committee.

As evidenced by the development of a significant number of affordable units in the IBC (nearly 15,000 in the last 10 years), the CUP process has not historically been a governmental constraint on the development of housing in Irvine. It is important to note that the rate of approval for CUPS for multi-family projects is 100%. Additionally, City staff conducted multiple stakeholder meetings with nine (9) affordable housing developers and two (2) market rate developers, and the CUP requirement was not identified by any developer as a constraint to housing developer. Conditions of approval are standard and placed on all market-rate and affordable housing projects throughout the City. Granite Court, a 100 percent affordable project for very-low-income households in the IBC, was built ahead of schedule, despite the fact that it was a podium-style construction, and all standard conditions of approval and CUP processes were applied to the project. Examples of typical conditions of approval that were placed on the CUP approving Granite Court include the following:

- Provision of evidence that a Notice of Intent was filed with the State Water Resources Control Board.
- Submittal of a Water Quality Management Plan for review and approval by the Chief Building Official.

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- Submittal of a report for the suppression of fugitive dust and nuisance in accordance with the South Coast Air Quality Management District’s Rules 403 and 402.
- Submittal of a final acoustical report demonstrating that the project will be sound attenuated against present and projected noise levels.
- Submittal of an electrical engineer’s photometric survey that demonstrates lighting requirements set forth in the Irvine Uniform Security Code are met.
- Submittal of an occupancy disclosure form for review and approval by the Director of Community Development. The approved disclosure form, along with its attachments, shall be included as part of the rental/lease agreements.
- Submittal of a construction phasing plan demonstrating that emergency vehicle access is adequate.
- Submittal of a playground plan that includes detailed playground specifications for manufactured play equipment.

Salerno, a 100 percent affordable project comprised of 80-units in Cypress Village (Planning Area 40), was subject to a combined Master Plan/CUP process and all standard conditions of approval were applied to the project. All units were made affordable to lower income households and nearly half of the total units (35) are reserved for extremely low income and special needs households – 15 units for veterans, 10 units for persons with developmental disabilities, and 10 units for families at risk of homelessness. Examples of typical conditions of approval that were placed on the Master Plan approving Salerno include the following:

- Submittal of an occupancy disclosure form for review and approval by the Director of Community Development. The approved disclosure form, along with its attachments, shall be included as part of the rental/lease agreements.
- Submittal of a final acoustical report demonstrating that that project will be sound attenuated against present and projected noise levels.
- Submittal of an electrical engineer’s photometric survey that demonstrates lighting requirements set forth in the Irvine Uniform Security Code are met.
- Submittal of an emergency access plan demonstrating emergency vehicle access is adequate.
- Submittal of a park design and subsequent playground equipment inspection.

Although the timeline for processing a CUP and the associated fees can be a constraint to housing development, the City has adopted policies and offers incentives to mitigate any undue burdens on the developer. The City offers a reduction in park dedication standards (as permitted by the Subdivision Ordinance) to encourage the construction of affordable housing. Specifically,

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the reduction in park dedication standards required for residential development helps lower the cost of construction of the units planned for lower-income households.

To further facilitate affordable housing development, the City has provided loans and financial subsidies to offset the cost impacts of development and planning fees. Financial assistance can come in the form of CDBG or HOME funding (when requested by the applicant through the annual Notice of Funding Availability process and when considered and awarded by the City Council), as well as loans from the in-lieu fee fund (when requested by an applicant and considered and approved by the City Council). In-lieu fees are collected from other projects that did not build affordable units on-site, which is a permitted option in the City's Inclusionary Housing Ordinance. These fees are then allocated to other projects that are building affordable units on-site. Using a mix of these funding sources, the City can assist affordable housing development with gap financing. For example, the City loaned \$1,533,755 of in-lieu fee funds to the 100 percent affordable Parc Derian project in the IBC. Parc Derian was also awarded a loan of \$603,858 in HOME funds.

Other concessions given to projects providing affordable units include priority/expedited processing for all entitlement and ministerial permits required for development of the project, a reduction in development standards such as setbacks requirements, landscaping requirements, parking requirements, and building heights. For example, the City granted the Salerno project reduced neighborhood park dedication acreages, reduced community park dedication in-lieu fees, density bonus parking standards, and expedited permit inspections. Additionally, the project was deemed an "additive" institutional use (consistent with specific General Plan criteria) allowing additional units beyond the Planning Area 40 maximum intensity cap (i.e., no General Plan Amendment or applicant-processed zone change required).

5.3.7.1 Timelines for Permit Procedures

Development review and permit processing are necessary steps to ensure that residential construction proceeds in an orderly manner. It also ensures that development standards of the City, as well as outside agencies that have a vested interest in the project, are met. However, the time and cost of permit processing and review can be a constraint to housing development if they place an undue burden on the developer.

The processing time needed to obtain development permits and required approvals is commonly cited by the development community as a prime contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include: completeness of the development application submittal, responsiveness of developers to staff comments and requests for information, and for projects that are not exempt from CEQA, rezoning or General Plan Amendment processing, or projects that are subject to a public hearing before the Planning Commission or City Council.

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Certainty and consistency in permit processing procedures and reasonable processing times is important to ensure that the development review/approval process does not discourage developers of housing or add excessive costs (including carrying costs on property) that would make the project economically infeasible. The City is committed to maintaining comparatively short processing times. Total processing times vary by project and is highly dependent on the level of required CEQA analysis, but most residential projects are approved in four to 12 months.

Table 5-10, Processing Times, below provides a detailed summary of the typical processing procedures and timelines of various types of projects in the City. Depending on the level of environmental review required, the processing time for a project may be lengthened, as the City must completely implement CEQA processes, which substantially add to processing times. Given the relatively short time periods required for processing residential development applications in Irvine, the City’s discretionary processing procedures are not a significant constraint on residential development.

Table 5-10. Processing Times

PROJECT TYPE	REVIEWING BODIES	PUBLIC HEARING REQUIRED	APPEAL BODY	ESTIMATED TOTAL PROCESSING TIME (WORKING DAYS)
Single-Family Detached Units (Master Plan or CUP)	Planning Commission	Yes	City Council	Subsequent Activity under EIR: 4 months IS/ND or MND or addendum: 6–8 months EIR: 9–12 months (requires City Council certification)
Single-Family Subdivision Map	Subdivision Committee, Transportation Commission Community Services Commission Planning Commission	Yes	City Council	Subsequent Activity under EIR: 4 months IS/ND or MND or addendum: 6–8 months EIR: 9–12 months (requires City Council certification)
Multifamily (Master Plan or CUP)	Planning Commission	Yes	City Council	Subsequent Activity under EIR: 4 months IS/ND or MND or addendum: 6–8 months EIR: 9–12 months (requires City Council certification)
Multifamily (with subdivisions)	Subdivision Committee, Transportation Commission Community Services Commission Planning Commission	Yes	City Council	Subsequent Activity under EIR: 4 months IS/ND or MND or addendum: 6–8 months EIR: 9–12 months (requires City Council certification)
Mixed Use	Planning Commission, Community Services Commission	Yes	City Council	Subsequent Activity under EIR: 4 months IS/ND or MND or addendum: 6–8 months EIR: 9–12 months (requires City Council certification)

Notes: CUP = Conditional Use Permit; EIR = Environmental Impact Report; IS/ND = Initial Study/Negative Declaration; MND = Mitigated Negative Declaration

Table 5-11, Timelines for Entitlement Procedures, outlines the standard processing times for some of the City’s typical approvals and permits.

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Table 5-11. Timelines for Entitlement Procedures

TYPE OF APPROVAL OR PERMIT	TYPICAL PROCESSING TIME (BASED ON WORKING DAYS)
CUP or Master Plan	16–24 weeks
Zone Change	20–24 weeks
General Plan Amendment	20–24 weeks
Environmental Impact Report	9–12 months

Source: City of Irvine 2021.

Note: CUP = Conditional Use Permit

Subdivision review is included within the time frames indicated in this table.

Processing times in the City vary according to many factors, including the following:

- Environmental Determination: Projects that require an EIR can take an additional four to eight months to process.
- Projects that require additional screen check reviews and meetings also take additional time to process. Common issues requiring additional processing time include parking, traffic, circulation, and design.

Generally, all residential projects require one or more of the following entitlements:

- CUP.
- Tentative Tract Map.
- Master Plan.
- General Plan Amendment.
- Zone Change.

Projects that require a Master Plan and/or CUP and Tentative Tract Map take approximately 16–24 weeks to process and require final approval from the Planning Commission. Projects that require City Council approval (such as General Plan Amendments and zone changes) take approximately 20–24 weeks to process. These estimates, however, highly depend on the completeness of the submittal and responsiveness of the developer and only apply to projects that do not require preparation of an EIR. Projects requiring an EIR take approximately one year to process. Approval requirements are the same for all residential projects, regardless of whether it is a single-family or multifamily development.

Table 5-12, Typical Processing Procedures by Project Type (Entitlement through Building Permit Issuance), below lists the typical approval requirements and estimated total processing times for various residential projects. However, coordination with other impacted parties, such as community groups and homeowner’s associations, may extend the overall time frame for development.

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Table 5-12. Typical Processing Procedures by Project Type (Entitlement through Building Permit Issuance)

	SINGLE-FAMILY DETACHED UNITS	ATTACHED RESIDENTIAL
Typical Approval Requirements	Master Plan/CUP Addressing Plan Grading Plan Landscape Plan Building Plan Tentative Tract Map	Master Plan/CUP Addressing Plan Grading Plan Landscape Plan Building Plan Tentative Tract/Parcel Map
Estimated Total Processing Time	No EIR: 8–14 months EIR: 13–18 months years	No EIR: 8–14 months EIR: 13–18 months

Source: City of Irvine 2021.

Notes: CUP = Conditional Use Permit; EIR = Environmental Impact Report

- Development Review Committee (DRC):** The purpose of the City DRC is to provide City departments an opportunity to collectively identify and discuss issues related to development proposals, and work toward resolution of these issues in an informal setting. The DRC is intended to expedite the project development process and is not considered a constraint. In addition to providing written comments to the City project manager the design review process allows City transportation, engineering, and planning staff the opportunity to discuss design issues and provide other valuable input in an open forum. The DRC is not intended to be used for all cases—only those in which the project manager feels that the combined input of the DRC would be helpful in resolving project issues. Design guidelines are outlined in the Zoning Ordinance and are specific to each of the City’s different planning areas.
- Land Use Review:** City staff generally reviews projects permitted by right. Projects requiring a CUP and/or Master Plan, Park Plan, General Plan Amendment, zone change, variance, administrative relief, and/or Tract/Parcel Map require a public hearing by one or more of the following hearing bodies: Planning Commission, Community Services Commission, Transportation Commission, Subdivision Committee, City Council, and Zoning Administrator.
- Environmental Review:** Individual single-family homes are exempt from environmental review. Other residential projects are subject to varying levels of environmental clearance depending on potential impacts. However, the required public hearing can be held concurrently with the entitlement hearing.
- Building Permit and Inspections Review:** All residential building permit applications can be submitted 24/7 and processed using the City’s award winning all-electronic, web-based system Irvine *Ready!* permit system. Plans are automatically routed to all pertinent reviewers (e.g., Building and Safety, Planning, and Fire). Under normal circumstances with a reasonably good (applicant) design team, four to six months is the typical timeframe from permit application submittal to issuance.

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Once building permits are issued, the City’s SelecTXT feature is an interactive text messaging system that allows applicants to schedule inspections and obtain inspection results by phone. The text messaging system provides another option for inspections scheduling to supplement the on-line Irvinepermits.org and interactive voice response system by phone.

5.3.8 Inclusionary Zoning Ordinance

The City has been at the forefront of providing affordable housing. The provision of affordable housing has always been a priority for the City, even before it became a requirement in 2003 with the passage of the City’s Inclusionary Housing Ordinance. The City attained many of its affordable units before 2003 by working closely with the Irvine Company and other private developers. Between 2013 and 2021, approximately 1,619 affordable units (such as Montaira, Espaira, and Luminaira) have been built, and 492 affordable units have been approved as a result of the Inclusionary Housing Ordinance.

5.3.8.1 Requirements

In March 2003, the Irvine City Council approved a zone change to revise Chapter 2-3 of the Zoning Ordinance to require the provision of affordable housing in all residential development and outline the means of attaining affordability. These provisions are applicable to all residential developments of 50 or more units, regardless of zoning, within the City. Under these provisions, all residential projects are required to provide a minimum of 15 percent of the total units as affordable and shall be allocated in accordance with the following percentages:

- 5 percent of the actual number of dwelling units shall be affordable as rental or ownership units to very-low-income households earning less than 50 percent of the Orange County median income as annually defined by the California State Department of Housing and Community Development. 5 percent of the actual number of dwelling units shall be affordable as either rental or ownership units, with the emphasis on ownership units, to low-income households earning 51–80 percent of the Orange County median income.
- 5 percent of the total number of dwelling units shall be affordable as rental or ownership units (with emphasis on ownership units in projects offering ownership housing) to moderate-income households earning 81–120 percent of the Orange County median income.

Occasionally, developers will request a deviation from the above ratios to provide a different mix of affordability levels in a project. These deviations typically allow for a unit mix that provides a deeper level of affordability to ensure compliance with tax credit and/or State density bonus requirements. The Planning Commission has the discretion to approve ratios other than those described above. Residential developments of fewer than 50 units and projects within hillside development are exempt from providing on-site units per the Inclusionary Housing Ordinance and may choose one of the menu options listed in Chapter 2-3 of the Zoning Ordinance to meet the City’s affordable housing requirements.

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Affordable units must be in the planning area or on the site of the proposed project, unless the developer is qualified to use menu option alternatives. Developers are only eligible for the menu option alternatives under the following circumstances:

- An applicant proposes development in the Hillside Planning Areas 1, 2, 6, 17, 18, 22, or 27 where development of affordable housing is impacted by the increased cost of development in hillside areas.
- An applicant proposes a zone change and/or General Plan amendment to change the land use designation from High, Medium, or Medium-High Residential Density to Low or Estate Density.
- The planning area is predominately (over 75 percent of the entitlement) developed.
- The planning area does not have a City-approved affordable housing program.
- The undeveloped residential areas have a zoning designation of Estate, Low, and/or Medium Density.
- The undeveloped residential areas have a zoning designation of Estate, Low, and/or Medium Density.
- Financial or processing incentives are not available to bridge the gap of developing affordable housing within the planning area.

5.3.8.2 Alternatives

If a development meets any of the requirements established above, the developer is eligible to take advantage of one or more of the following menu options to satisfy the affordable housing requirement:

- Convert existing market-rate housing to affordable housing for a period of at least 30 years.
- Extend the term of affordability for affordable units for a period of at least 40 years.
- Pay in-lieu fees.
- Transfer control of units to a nonprofit housing agency.
- Transfer off-site credits for affordable units not provided on the site.
- Provide alternative housing.
- Dedicate land for affordable housing.
- Perform an alternative option acceptable to the City.

5.3.8.3 Incentives

To assist in compliance with the inclusionary housing requirement, the City offers the following incentives:

- Credits based on the unit level of affordability and number of bedrooms.
- Density bonus pursuant to State Density Bonus law.
- One or more density bonus incentives pursuant to State Density Bonus law, including regulatory concessions, and/or State parking standards.
- Marketing of for-sale inclusionary units through the Irvine Community Land Trust.
- Financial assistance if excess affordable units are provided.
- Reduction in overall inclusionary requirements if an increased number of lower-income units are provided.

Before adoption of the Inclusionary Housing Ordinance in 2003, the City's affordable housing needs were addressed through affordable (inclusionary) housing goals outlined in its 2000 General Plan. Although the previous affordable (inclusionary) housing goals did not require developers of new residential construction to provide affordable units, the City was able to secure 1,123 affordable units through partnership with the Irvine Company, a major landowner in Irvine. Since the adoption of the City's Inclusionary Housing Ordinance in 2003, an additional 2,111 affordable units have been constructed, and 433 affordable units have been entitled.

It is important to note that the adoption of the Inclusionary Housing Ordinance did not slow housing production in the City. While housing prices soared during those years, that trend was primarily a result of an inflated market triggered by the abundance of creative and highly leveraged mortgage financing schemes.

In today's market, the average subsidy required for an affordable housing unit is over \$500,000 according to the average per-unit subsidy requested on awarded Low Income Housing Tax Credits to affordable housing projects in the region. This is an increase from an average subsidy of \$180,000 per unit in 2012 at the time the City prepared and adopted the 5th Cycle Housing Element Update. Chapter 4, At-Risk Affordable Housing, of this Housing Element provides an analysis of the per-unit cost to develop affordable housing in the City.

Because prices and rents have also grown substantially with the costs of developing affordable housing, these prices and rents are typically high enough to absorb the additional costs resulting from the inclusionary requirement. Therefore, the cost of overall housing development is not impacted to the extent of making a market-rate housing project infeasible to date. As described

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above, the City offers a range of options and incentives to ensure the inclusionary housing policy does not unduly constrain housing development in the City.

5.3.9 Codes and Enforcement and On-/Off-Site Improvement Standards

5.3.9.1 Codes and Enforcement

In 2001, the State of California consolidated its building codes into the California Building Standards Code, which is contained in Title 24 of the California Code of Regulations. The City most recently adopted the 2019 California Building Code; Green Building Standards Code; and Electrical, Mechanical, Plumbing, Fire, Energy, Historical, and Uniform Housing Codes.

Code Enforcement has a staff of eight people. Most are inspectors with expertise in code enforcement and capable of investigating any type of complaint. Staff enforces a variety of codes, including the following:

- California Building Codes.
- Zoning Ordinance.
- Municipal Codes.
- Uniform Fire Code, Uniform Housing Code, and Building Code, including Americans with Disabilities Act (ADA) accessibility requirements.

Code Enforcement responds to complaints concerning all types of properties in the City. However, complaints related to housing in Irvine typically involve the following:

- Hoarders.
- Short-term rentals.
- Signage.
- Life/safety issues.
- Property maintenance issues.
- Drainage.
- Illegal home occupation.
- Construction without permits.
- Inoperative vehicles.

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- Noise.
- Water quality violations involving paint spills, oil spills, raw sewage, washing debris into gutters, draining pool into gutters, and storm drains.

Code Enforcement staff responds to approximately 60 new residential complaints and participates in hundreds of active investigations each month. Enforcement procedures place emphasis on voluntary compliance. On the average, Code Enforcement administers the following:

- 600 residential courtesy notices and notices of violation per year.
- 30 administrative citations per year.

5.3.9.2 On-/Off-Site Improvement Standards

The City's Standards and Design Manuals are a series of documents that include Design Standards, Engineering Standard Plans, the Landscape Manual, Landscape Standard Plans, the Park Standard Manual, and Traffic Plan Sheets. These plans are intended to ensure uniform design and provide guidance to those preparing improvement plans for the City. Irvine's Standards Plan establishes varying standards for residential streets, depending on the design and scope of the project. The Standards Plan identifies three types of residential streets—local streets, private ways, and private courts:

- **Local Street:** These are the streets most common in a residential development. Minimum width required is 36 feet.
- **Private Way:** A low-speed roadway for general circulation in residential neighborhoods to access residential units, garages, and parking areas. Average daily traffic on a private way cannot exceed 850 trips. Minimum width required is 28 feet.
- **Private Court:** A low-speed, low-volume, dead-end traveled way in residential neighborhoods to access residential garages and parking areas. Average daily traffic on a private court cannot exceed 120 trips. Minimum width required is 22 feet.

The City has established landscape requirements that apply to all developments except single-family detached residential developments. These regulations establish a minimum percentage of a site, which must be landscaped. All landscaped areas are required to be maintained in a healthy and growing condition and must be free of weeds and debris. For attached residential units, the City requires a minimum of one 15-gallon tree for every 30 feet of interior boundary on all building sites. The trees must be located in a minimum five-foot-wide planting area. The Irvine Zoning Ordinance also requires a building setback of 10 to 25 feet from any local street.

Solid waste collection standards apply to all attached residential developments, except for residences in Planning Area 4, an area that was annexed to the City in 1994 after entitlements had previously

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been granted by Orange County. A minimum of one outdoor solid waste collection bin per 12 dwelling units is required by the City, 50 percent of which must be for recyclable materials. Each solid waste bin must have at least one recycling bin located adjacent or in close proximity to it.

As a condition of tentative map approval, the City requires a developer to dedicate land, make improvements, and/or pay fees for the purpose of developing new or rehabilitating existing park and recreational facilities. Improvements include site grading, automatic irrigation systems, adequate drainage, lawn, shrubs, trees, concrete walkways, and walkway lighting. A developer of residential subdivisions is required to dedicate parkland or pay fees in lieu at the rate of five acres per population of 1,000. To encourage the construction of low- and moderate-income housing, the City has modified the park dedication policy for developers of affordable housing to the following:

- Affordable housing developers may reduce the dedication standard to a minimum of 3.5 acres per population of 1,000.
- To qualify for this reduction developers must show that the reduction in park dedication will help lower the cost of construction of the affordable units, that the new rental units will be guaranteed for low-income households for a minimum of 30 years, and that projects for family units will be within 0.5 mile of a publicly maintained park and/or school playground.

Other on-site improvements can be waived for affordable housing as a processing incentive and has been done in the past. Possible incentives include the following:

- Priority/expedited processing for all entitlement and ministerial permits required for development of the project.
- Adjustments in development standards, such as setbacks requirements, landscaping requirements, parking requirements, and building heights.

5.3.9.3 Constraints on Housing for People with Disabilities

State law requires that each local jurisdiction assess its local governmental constraints relating to the construction and improvement of housing for people with disabilities.

Zoning and Land Use Policies and Practices

The City has a total of 30 licensed residential care facilities, including the following:

- Six adult residential care facilities ranging in capacity from three people to six people.
- 20 residential care facilities for seniors ranging in capacity from six people to 180 people.
- One continuing care contract residential care facility for seniors with capacity of 399 people.
- Three social rehabilitation facilities, each with a capacity of six people.

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Currently, housing facilities for people with disabilities are regulated in the Zoning Ordinance under Residential Care Facilities and Home Care Facilities. There is no local requirement for proximity between two special needs housing sites. The requirements of the California Health and Safety Code, Section 1520.5, are enforced by the California Department of Social Services, Health and Human Services Agency. The law requires that residential facilities be separated by a minimum of 300 feet to avoid over-concentration.

Residential care facilities often provide care to people with disabilities, including those with physical and mental disabilities. California law states that people who require supervised care are entitled to live in normal residential settings and preempts cities from imposing many regulations on residential care facilities. California Health and Safety Code, Section 1500 et seq., establishes that residential care facilities serving six or fewer people be (1) treated the same as any other residential use, (2) allowed by right in all residential zones, and (3) subject to the same development standards, fees, taxes, and permit procedures as those imposed on the same type of housing in the same zone. Consistent with State law, the City permits small residential care facilities that serve six or fewer clients in every residential zone that permits single-family units. Larger facilities would fall under the definition of boarding houses or convalescent homes. Boarding houses are conditionally permitted in the Estate Density, Low Density, Medium Density, Medium-High Density, High Density, and Multi-Use zones.

The Housing Plan includes the following program to address potential constraints related to these uses:

Program PP-I.1: Update the City's Zoning Ordinance and Policies Related to Emergency Shelters, Low-Barrier Navigation Centers, Transitional and Supportive Housing, and Group Care Facilities to Comply with Current Laws.

Reasonable Accommodations

Any property owner or developer can submit an application to modify an existing structure or build a structure that would provide accommodations for persons with disabilities. The City has not received an application for accommodations to date. Additionally, there is no separate application or discretionary process for this application. Any property owner or developer who wishes to submit an application would first be asked to meet with the City's building official and a designated plan checker. Following this meeting, the building official would render a decision within approximately two weeks and the application would be granted as long as the construction and/or improvement would not violate State and local building codes. Chapter 8 (Housing Plan) includes a program (Program PP-H.3 - Establish Written Procedures for Reasonable Accommodation) involving the City developing and establishing specific written procedures for requesting and granting a reasonable accommodation for housing for persons with disabilities.

Definition of Family

Some local governments may illegally attempt to restrict access to housing for households failing to qualify as a “family” by the definition specified in the local government’s municipal code. Specifically, a restrictive definition of “family” that limits the number of and differentiates between related and unrelated individuals living together may illegally limit the development and siting of group homes for people with disabilities, but not for housing families that are similarly sized or situated. The City’s Zoning Ordinance does not define a “family.”

Building Codes

Building procedures within the City are also required to conform to the California Building Code, as adopted in the City’s Municipal Code. Standards within the Building Code include provisions to ensure accessibility for people with disabilities. These standards are consistent with the ADA and Title 24. No local amendments that would constrain accessibility or increase the cost of housing for people with disabilities have been adopted.

The City encourages the participation of homebuilders in the Universal Design Program, which is a voluntary program. The program encourages participating homebuilders to offer universal design features that simplify life by making homes and associated living environments more usable by more people including children, aging populations, and people with disabilities. Some of the features that are offered include grab bars in the bathroom, roll-in showers, wider interior doors, lever door hardware, visual alarms and visual doorbells, and lower countertop heights. The City describes the program on its website and provides links with more detailed information.

Reasonable Accommodation Procedures

Reasonable accommodation refers to flexibility in standards and policies to accommodate the needs of people with disabilities. The City’s zoning and building codes and its approach to code enforcement allow for special provisions that meet the needs of people with disabilities without the need for variances. Specifically, for example, parking requirements are reduced for senior housing, assisted living facilities, and congregate care facilities.

Accessory uses such as wheelchair ramps are permitted within all residential districts as incidental structures related to the residence. Most reasonable accommodation requests to increase accessibility of existing properties are handled through the building permit process.

The City has established procedures in the Building Code to provide the City’s Building Official with the administrative authority to grant an exception to regulations related to accessibility or adaptability when such regulations create a hardship and equivalent provisions are provided. As part of the building permit application, an applicant can request reasonable accommodation. The Building Official will act upon the request with no formal hearing process before any board being required. The City provides materials at public counters to inform residents of this service.

Review of Programs

The City has several programs and services in place to meet the needs of its population with disabilities. The City’s Office of Disability Services provides information and support services to people with disabilities who live or work in the City. Programs and services offered include the following:

- Social/recreational activities.
- Resources and referral services.
- Disability awareness events.
- Informational seminars.
- Inclusion and accommodation services for City sponsored classes, programs, and activities.
- Access reporting, which forwards resident complaints regarding community accessibility to the appropriate City department for swift investigation and resolution.
- Transportation services through the TRIPS program, which provides low-cost, wheelchair-accessible transportation to Irvine seniors and adults with disabilities who are unable to drive due to a physical or cognitive disability.

In addition to the Office of Disability Services, the Irvine Residents with Disabilities Advisory Board (IRDAB) was established by the City Council in 1990 to ensure that residents with disabilities have equal access to community life in Irvine. IRDAB consists of up to 14 voluntary members, with 51 percent of the board required to be a person with a disability or directly related to a person with a disability. Meetings are open to the public and are held the first Tuesday of every month (with the exception of July and December) at the Sweet Shade Ability Center.

The mission of IRDAB is as follows:

- Identify and recommend programs and services that would meet the social, physical, and emotional needs of residents who have disabilities, regardless of age.
- To provide advocacy and support programs related to community needs.
- To propose recommendations to City departments.
- To work collaboratively with community organizations that have an impact on residents with disabilities.

The City currently has two all-affordable apartment complexes for those with physical disabilities: Mariposa Villas and Villa Hermosa Apartments. Additionally, seven out of 165 affordable units in the Woodbridge Manor apartment complex are designated specifically for seniors with

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disabilities. The units are on the ground floor and feature wheelchair-accessible bathrooms and lower countertops in the kitchen.

The City partnered with multiple agencies to facilitate the development of Mariposa Villas, which is an accessible 40-unit apartment complex that is affordable to Very Low-Income households. Mariposa Villas is currently home to over 60 people with disabilities.

The City collaborated in 2008 with AbilityFirst, a nonprofit organization serving children and adults with physical and developmental disabilities, in the development of a 24-unit apartment complex, Villa Hermosa. The complex features 14 one-bedroom and nine two-bedroom rental units built specifically for lower-income individuals with disabilities and one two-bedroom unit for a manager. Funded partly through \$900,000 in City-awarded CDBG and HOME funds, the units incorporate many accessibility features affording residents with disabilities the opportunity to live comfortably in their own homes. Total public funding for the project is estimated at \$5.2 million with combined contributions from the City, Orange County, the State of California, and the U.S. Department of Housing and Urban Development.

5.4 Zoning for a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of housing types for all economic segments of the population. The City's residential, mixed-use, and commercial zones allow for a wide variety of housing types. Table 5-13, Permitted Residential Uses by Zone, summarizes the housing types permitted in the City within zoning categories that permit residential development.

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Table 5-13. Permitted Residential Uses by Zone

Residential Uses	Exclusive Agriculture	Development Preserve Conservation/ Open Space Reserve	Preservation	Recreation	Water Bodies	Landfill Overlay	Golf Course Overlay	Orange County Great Park	Estate Density Residential	Low Density Residential	Medium Density Residential	Medium-High Density Residential	High Density Residential	Multi-Use	Neighborhood Commercial	Community Commercial	Urban Commercial Zone	Lower Peters Canyon Regional Commercial ***	IBC Mixed Use	IBC Multi-Use	IBC Industrial	IBC Residential	General Industrial	Medical And Science	Business Park	Institutional	Trails & Transit Oriented Development
Accessory Uses (95)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P(5)	P	P	P	P	P	P	P	P	P	P	P
Boarding House	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	C	C	C	C	C	X	X	X	**	X	X	X	X	X	X	X	X	X	C (Prohibited ARDA transfer)
Caretaker's quarters	P	P	P	P	P	C	P	P	N/A	N/A	N/A	N/A	N/A	X	X	X	**	P	C	C(34)	P	N/A	P	P	N/A	N/A	P (Prohibited ARDA transfer site)
Child care center	X	N/A	X	X	X	X	X	C	C	C	C; P (PA 4)	C	C	C	C	C(5)	**	P	C	C(29)	C	C(29)	C	C(69)	C	C	C
Convalescent home	X	X	X	X	X	X	X	X	X	C	C	C	C	C	C(12)	C(5)	**	C	C	C(30)	X	C(30)	X	C(71)	X	C	C (Prohibited ARDA transfer site)
Day care centers/facilities	X	X	X	X	X	X	X	X	X	N/A	P (PA 4 only)	P (PA 4 only)	X	P (95) (PA 4 only)	X	P (PA 4 only)	**	P (PA 4 only)	X	X	X	X	X	X	X	P (PA 4 only)	X
Emergency Shelter	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	**	X	X	P	X	X	P	P	P	P	X
Home care	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	**	X	P	X	X	P(36)	X	X	X	X	P (Prohibited ARDA transfer site)
Large family child care permit	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	**	X	P	X	X	X	X	X	X	X	N/A
Mobilehomes ("manufactured structures")	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	**	X	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	P ₉ ; C*	
Residential, accessory dwelling unit	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	**	X	X	X	X	X	X	X	X	X	P (Prohibited ARDA transfer site)
Residential care facility	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X	X	**	X	C	X	X	C	X	C(71)	X	C	C (Prohibited ARDA transfer site)
Residential, cluster	X	X	X	X	X	X	X	X	N/A	P (PA 4 only)	P (PA 4 only)	N/A	C(5) (PA 4 only)	X	X	**	X	X	X	X	X	X	X	X	X	X	X
Residential, conventional detached	X	X	X	X	X	X	X	X	N/A	P (PA 4 only)	P (PA 4 only)	N/A	N/A	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Residential shelter	X	X	X	X	X	X	X	X	P	P	P	P	P	X	X	**	X	C	X	X	P(32)	X	X	X	P	C (Prohibited ARDA transfer site)	
Residential, nonprofit/institutional	X	X	X	X	X	X	X	X	N/A	P (PA 4 only)	P (PA 4 only)	N/A	P (PA 4 only)	X	P (PA 4 only)	**	P (PA 4 only)	X	X	X	X	X	X	C***	P	X	X
Residential, attached	X	X	X	X	X	X	X	X	P	P	P	P	P	C(16/66)	X	X	C (PA 33 only)	X	C(93)	C(93)	X	C(33)	X	X	X	X	P (Prohibited ARDA transfer site)
Residential, planned unit developments	X	X	X	X	X	X	X	X	N/A	C (PA 4 only)	C (PA 4 only)	N/A	N/A	X	X	**	X	X	X	X	X	X	X	X	X	X	X
Residential, single-family detached	X	X	X	X	X	X	X	X	P	P	P	P	P	C(86)	X	X	X	X	X	X	X	C(33)	X	X	X	X	P (Prohibited ARDA transfer site)
Senior housing	X	N/A	X	X	X	X	X	X	X	C	C	C	C	C(86)	X	X	**	X	X	X	X	C(33)	X	X	X	C(46)	C (Prohibited ARDA transfer site)
Short-term rentals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	**	X	X	X	X	X	X	X	X	X	X
Single-room occupancy	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C (PA 33 only)	P	C	X	C	X	X	C	X	X	X
Sober living facilities	X	X	X	X	X	X	X	X	X	X	P(65) (PA 4 only)	P(65) (PA 4 only)	P(65) (PA 4 only)	P(65) (PA 4 only)	X	X	**	X	X	X	X	P(65)	X	X	X	P(65)	C (Prohibited ARDA transfer site)
Supportive Housing (small)	X	X	X	X	X	X	X	X	X	P	P	P	P	P (95)	X	X	**	X	X	X	X	P(95)	X	C***	X	C	X
Supportive Housing (large)	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X	X	**	X	C	X	X	C	X	C***	X	C	X
Transitional Housing (small)	X	X	X	X	X	X	X	X	P	P	P	P	P	P(95)	X	X	**	X	X	X	X	P(95)	X	C***	P	C	X
Transitional Housing (large)	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	X	**	X	C	X	X	C	X	C***	C	C	X

5.4.1 Single-Family Housing

Single-family residences are permitted in the following zones: Estate Density Residential, Low Density Residential, Medium Density Residential, Medium-High Density, High Density, and Trails and Transit-Oriented Development on non-Amended and Restated Development Agreement (ARDA) transfer sites. Single-family residences are conditionally permitted in Multi-Use and IBC Residential zones.

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5.4.2 Multifamily Housing

Multifamily housing, under the residential, cluster land use is permitted in the following zones: Medium Density Residential and Medium-High Density. It is conditionally permitted in the Multi-Use zone.

Multifamily housing, under the residential, planned unit developments land use is conditionally permitted in the following zones: Medium Density Residential and Medium-High Density.

5.4.3 Mobile Homes/Mobile Home Parks

The City's Zoning Code defines a mobile home as follows:

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but is not limited to, the definition of "mobile home," as set forth in regulations governing the Mobile Home Safety and Construction Standards Program, 924 CFR 3282.7(a).

Mobile homes are permitted subject to a building permit, if over two years, a CUP is required, in the following zones: Exclusive Agricultural (AE), Development Reserve, Conservation/Open Space Reserve, Preservation, Recreation, Golf Course Overlay, Orange County Great Park, Estate Density Residential, Low Density Residential, Medium-High Density, High Density, Multi-Use, Neighborhood Commercial, Community Commercial, IBC Mixed Use, IBC Multi-Use, IBC Industrial, IBC Residential, General Industrial, Medical and Science, Business Park, Institutional, and Trails and Transit-Oriented Development zone on non-ARDA transfer sites.

Mobile homes are conditionally permitted in the following zones: Landfill Overlay Zones and in the Urban Commercial Zone's Planning Area 33.

5.4.4 Farmworker and Employee Housing

Pursuant to the California Employee Housing Act (Section 17000 of the California Health and Safety Code), specifically Section 17021.5, any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure within a residential land use designation. Employee housing for six or fewer people must be permitted wherever a single-family residence is permitted. To comply with State law, no conditional use permit or variance can be required. Additionally, in accordance with California Health and Safety Code, Section 17021.6, any employee housing consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to California Health and Safety Code, Section 17021.8, shall be deemed an agricultural land use. Except as provided in Section 17021.8, housing is an activity that differs in any other way from an agricultural use. No CUP, zoning variance, or other discretionary zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the

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same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

Properties with the 1.1 Exclusive Agriculture zoning designation allow for caretaker units on site. The City will continue to comply with the requirements of state law (as described above), the Housing Plan contains Program PP-A.2 to update the City's General Plan (including Land Use Element), and Zoning Ordinance to consistent with state law, including the provisions regarding employee housing.

In addition to the above provisions, zoning is available for housing for farmworkers through the variety of other housing types encouraged in the Zoning Code, including multi-family, SRO, manufactured housing, and ADUs.

5.4.5 Single-Room Occupancy

Single-room occupancies are secure residential units that include communal or individual kitchens and communal or individual bathroom facilities. They are permitted in Lowers Peters Canyon Regional Commercial.

They are conditionally permitted in the following zones: Community Commercial, Urban Commercial Zone, IBC Mixed Use, IBC Industrial, and Medical and Science.

5.4.6 Emergency Shelters and Low-Barrier Navigation Centers

Senate Bill 2, enacted in October 2007, requires local governments to identify one or more zoning categories that allow emergency shelters (year-round shelters for people experiencing homelessness) without discretionary review. The statute permits the City to apply limited conditions to the approval of ministerial permits for emergency shelters. For instance, off-street parking requirements cannot exceed what is required for residential and commercial uses in the same zone. The current parking requirement for emergency shelters is one space per four beds, plus one space per employee, which exceeds requirements within the current zones allowing emergency shelters. However, Program PP.I-1 (Update the City's Zoning Ordinance and Policies Related to Emergency Shelters, Low-Barrier Navigation Centers, Transitional and Supportive Housing, and Group Care Facilities to Comply with Current Laws) will bring the City's Zoning Code in compliance with State law.

The identified zone must have sufficient capacity to accommodate at least one year-round shelter and accommodate the City's share of the regional unsheltered homeless population. According to the 2019 point-in-time count for Irvine, 127 people experiencing unsheltered homelessness were living in the City. The City's Zoning Code allows emergency shelters by right in the following zones: IBC Multi-Use, General Industrial, Medical and Science, Business Park, and Institutional.

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Adopted in 2019, AB 101 defines a Low-Barrier Navigation Center as “a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” Low-Barrier shelters may include options such as allowing pets, permitting partners to share living space, and providing storage for residents’ possessions.

AB 101 requires jurisdictions to permit Low-Barrier Navigation Centers that meet specified requirements by right in mixed-use zones and other nonresidential zones permitting multifamily residential development. The bill also imposes the following timelines for cities to act on an application for the development of a Low-Barrier Navigation Center:

- Within 30 days of receiving an application for a center, a city must notify the applicant whether the application is complete.
- Within 60 days of a completed application, a city must act on the application.

The provisions of AB 101 are effective until they sunset in 2026.

5.4.7 Transitional and Supportive Housing

State law requires transitional and supportive housing to be defined as a residential use and subject only to the same regulations as comparable residential uses. The City’s Zoning Code provides definitions for Transitional and Supportive Housing in small and large sizes. The definitions are as follows:

- **Transitional Housing – Small:** As defined by the California Health and Safety Code, Section 50675.2, as amended, as housing provided to individuals or families consisting of six or fewer people experiencing or near homelessness for an extended period that generally incorporates social services and counseling programs intended to assist in the transition to self-sufficiency through the attainment of a stable income and permanent housing. Transitional housing units may be detached, attached, or multi-unit residential structures. Boarding houses are not included in this definition.
- **Transitional Housing – Large:** As defined by the California Health and Safety Code, Section 50675.2, as amended, as housing provided to families consisting of seven or more people experiencing or near homelessness for an extended period that generally incorporates social services and counseling programs intended to assist in the transition to self-sufficiency through the attainment of a stable income and permanent housing. Transitional housing units may be detached, attached, or multi-unit residential structures. Boarding houses are not included in this definition.
- **Supportive Housing – Small:** Housing occupied by a target population of six or fewer people, with no limit on length of stay, that makes available on-site and/or off-site services

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such as job training, life skills training, childcare, educational programs, and healthcare services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Residents are made aware of any off-site services offered and may be provided transportation to such services. A target population means people with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Act (California Welfare and Institutions Code, Section 4500) and may include, among other populations, adults, emancipated youth, families, families with children, seniors, young adults aging out of the foster care system, individuals exiting institutional settings, veterans, and people experiencing homelessness.

- **Supportive Housing – Large:** Housing occupied by a target population of seven or more people, with no limit on length of stay, that makes available on-site and/or off-site services such as job training, life skills training, childcare, educational programs, and health services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Residents are made aware of any off-site services offered and may be provided transportation to such services. A target population means people with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Act (California Welfare and Institutions Code, Section 4500) and may include, among other populations, adults, emancipated youth, families, families with children, seniors, young adults aging out of the foster care system, individuals exiting institutional settings, veterans, and people experiencing homelessness.

As shown in Table 5-13, small transitional housing is permitted in the following zones: Estate Density Residential, Low Density Residential, Medium Density Residential, Medium-High Density, Multi-Use, IBC Residential, and Business Park. Small transitional housing is conditionally permitted in the following zones: Institutional and in the Medical and Science Zone’s Planning Area 17. Large transitional housing is conditionally permitted in zones Estate Density Residential, Low Density Residential, Medium Density Residential, Medium-High Density, High Density, Multi-Use, IBC Mixed Use, IBC Residential, Business Park, and Institutional; in the Urban Commercial Zone’s Planning Area 33; and in the Medical and Science Zone’s Planning Area 17.

Small supportive housing is permitted in the following zones: Low Density Residential, Medium Density Residential, Medium-High Density, High Density, Multi-Use, and IBC Residential. Small supportive housing is conditionally permitted in the following zones: Institutional, in the Urban Commercial Zone’s Planning Area 33, and in the Medical and Science Zone’s Planning Area 17. Large supportive housing is conditionally permitted in zones Low Density Residential, Medium

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Density Residential, Medium-High Density, High Density, Multi-Use, Mixed Use, IBC Residential, and Institutional; in the Urban Commercial Zone’s Planning Area 33; and in the Medical and Science Planning Area 17.

AB 2162 (2018) further requires supportive housing projects of 50 units or fewer to be permitted by right in zones where multi-family and mixed-use developments are permitted when the development meets certain conditions. AB 2162 also prohibits minimum parking requirements for supportive housing within 0.5 mile of public transit.

The Housing Plan in this Housing Element (Chapter 8) includes Program PP.I-1 (Update the City’s Zoning Ordinance and Policies Related to Emergency Shelters, Low-Barrier Navigation Centers, Transitional and Supportive Housing, and Group Care Facilities to Comply with Current Laws) to bring the City’s Zoning Code in compliance with State law.

5.4.8 Accessory Dwelling Units

An ADU is an attached or detached residential unit that provides complete independent living facilities for one or more people. A junior accessory dwelling unit (JADU) is an ADU contained entirely within a single-family residence.

Recent State legislation, including AB 68, AB 881, AB 587, AB 671, and Senate Bill 13, modified the way local jurisdictions are allowed to regulate ADUs and JADUs. This legislation promotes the construction of new ADUs and JADUs and limits the ways cities can regulate their design. Further, under new State law, all jurisdictions must expand the zones and circumstances under which ADUs and JADUs are allowed. Irvine’s existing ADU Ordinance is generally consistent with 2017/18 State ADU legislation, which has been superseded by 2019 and 2020 State ADU legislation. Therefore, Irvine is deferring to the current State laws when reviewing, processing, and approving all ADU building permit applications. To date, City staff has processed all ADU and JADU applications in a timely manner and has not denied any building permit application.

The current City permit and processing of ADUs requires the applicant to provide documentation to substantiate that they are the owner of the property and to apply for a building permit under that process, and all applicable divisions/departments review the plans submitted in accordance with State law requirements and limitations. More specifically, the parties that review the permit include the City’s Building and Safety, Planning, and Public Safety departments, as well as the Orange County Fire Authority (OCFA). Generally, Planning staff review the ADU application for consistency against the State ADU regulations, Building and Safety and OCFA staff review the application against pertinent Building and Fire Codes to the extent allowed by State ADU laws. Public Safety staff review the application against pertinent Security Code requirements for addressing and wayfinding for emergency response purposes. The permitting process for ADUs is the same as for any building permit and entirely handled electronically through the Irvine

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Ready! permitting system. The building permit process is detailed in Section 5.3.6.2 of this chapter of the Housing Element (Timelines for Permit Procedures).

The Housing Plan in this Housing Element (Chapter 8) contains the following program to reduce constraints related to ADUs:

- **PP-C.2:** Establish ADU Policies to Comply with Changes in State Law.
- **PP-C.3:** Remove Barriers for ADUs.
- **PP-C.4:** Plan to Encourage and Incentivize ADUs.

5.5 Senate Bill 35

The City has not adopted written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and is deferring to and complying with the existing statute absent written procedures. However, Program PP-B.7, as described in Chapter 8 (Housing Plan), designates a program for the City to complete this legal requirement.

5.6 Reductions to Constraints

The City intends to address the constraints identified here as described in Chapter 8 (Housing Plan) of this Housing Element.

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