

PLANNING COMMISSION RESOLUTION NO. 16-3553

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRVINE, CALIFORNIA, APPROVING PARK PLAN (FILE NO. 00662863-PPP) FOR A PROPOSED 243 UNIT AGE-QUALIFIED RESIDENTIAL PROJECT WITHIN VESTING TENTATIVE TRACT MAP 17996; LOCATED IN PLANNING AREA 40 (CYPRESS VILLAGE); FILED BY IRVINE COMPANY COMMUNITY DEVELOPMENT

WHEREAS, an application for Park Plan 00662863-PPP has been filed to establish the community and neighborhood park requirements for development proposed within Vesting Tentative Tract Map (VTTM) 17996 consisting of 243 age-qualified residential condominiums located in Planning Area 40; and

WHEREAS, the project site is generally bounded by State Route 133 (SR-133) to the west, Marine Way to the south, Ridge Valley to the east, and Pinehurst to the north; and

WHEREAS, the proposed Park Plan is based upon a population generation of 2.25 persons per unit with a density ranging between 12.6 to 31.0 du/acre (totaling 105 units), and 2.75 persons per unit with a density ranging between 6.6 to 12.5 du/acre (totaling 138 units); and

WHEREAS, the proposed Park Plan has been developed based upon a population of 616 residents within this project; and

WHEREAS, the project is required to provide 1.23 acres of community parkland dedication and 1.85 acres of neighborhood parkland; and

WHEREAS, the project proposes to satisfy community park obligations through the payment of an in-lieu fee; and

WHEREAS, the project proposes to satisfy neighborhood park obligations through the provision of land and improvements; and

WHEREAS, the project is consistent with the City's General Plan, Irvine Municipal Code, Irvine Zoning Ordinance, and the Irvine Park / Public Facility Standards Manual; and

WHEREAS, the subject Park Plan is considered a project pursuant to the State of California Environmental Quality Act (CEQA); and

WHEREAS, a Program Environmental Impact Report (SCH No. 200071014) was prepared for the Planning Area 12/40 General Plan Amendment and Zone Change and certified by the City of Irvine City Council as adequate; and

WHEREAS, on October 19, 2016, the Community Services Commission of the City of Irvine considered information presented by the applicant, the Community Development Department, and other interested parties at a duly noticed public meeting and recommended Planning Commission approval; and

WHEREAS, the Planning Commission of the City of Irvine has considered information presented by the Community Development Department, the applicant, and other interested parties at a duly noticed public hearing held on November 17, 2016.

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

SECTION 1. Pursuant to Sections 15162 and 15168 of the State CEQA Guidelines, this project is covered by a previously certified Program Environmental Impact Report (EIR) for the Planning Area 12/40 General Plan Amendment and Zone Change, which serves as a Program EIR for the proposed project (SCH No. 200071014). The effects of the project were examined in the Program EIR and all feasible mitigation measures and alternatives developed in the Program EIR are incorporated into this project, and no new mitigation measures are required. The EIR is, therefore, determined to be adequate to serve as the environmental document for this project and satisfies all requirements of CEQA.

SECTION 2. Pursuant to Fish and Game Code Section 711.4, all required Fish and Game filing fees have been paid subsequent to certification of the Program EIR for the Planning Area 12/40 General Plan Amendment and Zone Change.

SECTION 3. The findings required to be made by the Planning Commission as set forth in Chapter 2-22 of the Zoning Ordinance have been made as follows:

A. The proposed Park Plan is consistent with the City's General Plan.

The Park Plan complies with the General Plan in that it provides for the community and neighborhood park level requirements generated by the project's population. Community level park obligations will be satisfied by payment of an in-lieu fee. Neighborhood park obligations are met by the provision of one private park area and private improvements. Therefore, the Park Plan is consistent with the City's General Plan.

B. The proposed Park Plan is consistent with the Community Parks Master Plan.

Based on the projected population of 616 residents, the proposed development is required to provide 1.23 acres of community parkland. This requirement is satisfied through payment of an in-lieu fee equivalent to the value of 1.23 acres of land. Therefore, the proposed Park Plan is consistent with the Community Parks Master Plan.

C. The proposed Park Plan is consistent with the local park code.

The Park Plan identifies the location, size, intended improvements, and amount of park credit requested for the proposed private park area. Based on a project population of 616 residents, the project is required to provide 1.23 acres of community parkland and 1.85 acres of neighborhood parkland. Community park obligations will be met through payment of in-lieu fees equivalent to 1.23 acres of land. Neighborhood park obligations will be met through a combination of land dedication of 0.98 acres for a private park and improvement values equivalent to 0.87 acres of land. Therefore, the plan is consistent with the local park code.

D. For parks receiving park dedication credit, the proposed Park Plan is consistent with the Irvine Park/Public Facility Standards manual.

The project is requesting 0.98 acres of neighborhood park dedication credit for a private park. The park includes a recreation building, swimming pool, spa, pool deck, shade structures, barbeque patio, outdoor lounge, bocce courts, outdoor fitness deck, pedestrian paseo and 39 on-site parking spaces. Because the park is intended to serve the recreational needs of its residents (aged 55 years and above), the park does not include a playground. Therefore, the Park Plan is consistent with the Irvine Park and Public Facilities Standards manual.

E. For developments affordable for households of low and moderate income requesting a park dedication reduction, the proposed Park Plan is consistent with the criteria set forth in Irvine Code section 5-5-1004.D., F., and G.

No reduction in park dedication requirements has been requested in this project; therefore, this finding does not apply.

F. If the proposed Park Plan affects land located within the Coastal Zone, the proposed Park Plan will comply with the provisions of the land use plan of the certified local coastal program.

The project is not located in the coastal zone; therefore, this finding does not apply.

G. The proposed Park Plan is in the best interests of the public health, safety and welfare of the community.

The Park Plan is consistent with the General Plan and Zoning Ordinance. The proposed plan includes a private park with on-site amenities and improvements. The park provides a variety of active and passive recreational opportunities to residents living within the proposed gated age-qualified development. Design and construction of the private park will be in

accordance with City standards. Additionally, conditions are included requiring payment of in-lieu fees to satisfy the public community park obligations. Therefore, the proposed park plan is in the best interests of the public health, safety and welfare of the community.

SECTION 4. That the Secretary to the Planning Commission of the City of Irvine shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 5. Based on the above findings the Planning Commission of the City of Irvine **DOES HEREBY RECOMMEND PLANNING COMMISSION APPROVAL OF 00662863-PPP** subject to all applicable Plans, Programs, and Policies (PPP), Project Design Features (PDF), and Mitigation Measures (MM) as identified in the Program EIR for the proposed project (SCH No. 200071014) Planning Area 12/40 General Plan Amendment and Zone Change EIR (SCH# 200071014), and subject to the following conditions:

PRIOR TO THE ISSUANCE OF GRADING PERMITS

Standard Condition 2.18

PARK CONSTRUCTION PHASING

Prior to the issuance of the first residential precise grading permit (with the exception of model homes), the applicant shall submit a park construction and phasing schedule to the Director of Community Development and obtain approval of the schedule from the Director of Community Services. The park construction and phasing schedule shall include the following information:

- a. Number and types of residential units to be built and estimated population count.
- b. Lot numbers and size of each public and private park.
- c. Improvements to be built within each park.
- d. A phasing plan specifying when each park will commence and complete construction.

Condition 2.26

PARK DESIGN REQUIRED

Prior to the issuance of a precise grading permit, the applicant shall submit and receive approval of Park Design plans for the private courtyard park area.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

Standard Condition 3.11

PARK DESIGN CONSISTENCY

Prior to the issuance of a building permit for any park, the applicant shall demonstrate that all related construction plans are consistent with approved Park Design _____ - PPD.

Standard Condition 3.12

PRIVATE PARK RESERVATION

Prior to the issuance of building permits on land required as a private park by local and/or state development standards, the applicant shall submit and the Directors of Community Development and Community Services shall have approved an instrument reserving such required park land in perpetuity.

Standard Condition 3.20

CONSTRUCTION SITE SECURITY

Prior to the issuance of the first building permit, a Construction Site Security Plan, per the Irvine Uniform Security Code, Section 5-9-521, shall be approved by the Chief of Police. Said plan shall be incorporated into the plan set approved for building permits.

Condition 3.27

COMMUNITY PARK IN-LIEU FEE

Prior to the issuance of the first residential building permit, the applicant shall pay the required community park in-lieu fee for all project units. This fee shall be deposited into an account designated by the City of Irvine's Fiscal Services Division for funding of community parks to serve this project, including the Orange County Great Park, as determined by the City Manager.

Condition 3.28

PARK PHASING

Prior to issuance of the first residential building permit, except for model homes, on any lot within VTTM 17996, construction of the private neighborhood park shall begin.

PRIOR TO THE EXONERATION OF SECURITY

Standard Condition 5.4

PRIVATE PARK RESERVATION

Prior to the exoneration of any security for a private park, the applicant shall submit to the Director of Community Development a copy of the recorded instrument reserving in perpetuity any private park.

MISCELLANEOUS

Standard Condition 6.1

DISCRETIONARY CASE CHARGES

The applicant is responsible for paying all charges related to the processing of this discretionary case application within 30 days of the issuance of the final invoice or prior to the issuance of building permits for this project, whichever occurs first. Failure to pay all charges shall result in delays in the issuance of required permits or may result in the revocation of the approval of this application.

Standard Condition 6.2

LEGAL ACTION – HOLD HARMLESS

In accordance with the provisions of Section 5-5-114 of the Irvine Municipal Code and Government Code Section 66474.9, the applicant shall defend, indemnify, and hold harmless the City of Irvine and its agents, officers and employees from and against any claim, action, or proceeding against the City agency or its agents, officers or employees to attack, set aside, void, or annul an approval by the City, including, without limitation, an action by an advisory agency, appeal board or legislative body concerning this discretionary approval. This defense and indemnification shall include the payment of all legal costs incurred on behalf of the City in connection with the application, and the defense of any claim, action or proceeding challenging the approval. The City will promptly notify the applicant of any claim, action, or proceeding and will cooperate fully in the defense. In the event a legal challenge to the discretionary approval is successful, and an award of attorney fees is made to the challenger, the applicant shall be responsible to pay the full amount of such an award.

Condition 6.19

PARK MODIFICATIONS

The subsequent Park Design application shall not delete or reduce any creditable improvement, including land area, as shown in the approved Park Plan without first obtaining approval of a Park Plan Modification in accordance with Section 2-22-10 of the Irvine Zoning Ordinance. The addition of amenities, however, for credit or not is not subject to the Park Plan modification process, and will be reviewed in conjunction with the City's consideration of the Park Design application.

Condition 6.20

PARK LAYOUT

The layout shown on the approved Park Plan is conceptual only and may change through the City's review of the subsequently required Park Design application. A Park Plan Modification shall not be required should the park site layout change.

PASSED AND ADOPTED by the Planning Commission of the City of Irvine at a regular meeting held on the 17th day of November, 2016, by the following vote:

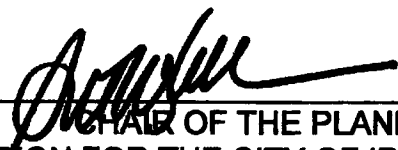
AYES: 4 **COMMISSIONERS:** Bartlett, Duong, Smith, Kuo

NOES: 1 **COMMISSIONER:** Gaido

ABSENT: 0 **COMMISSIONERS:**

ABSTAIN 0 **COMMISSIONERS:**

Unless an appeal is filed prior to the expiration of the fifteen-day appeal period at 5 p.m. on Friday, December 2, 2016, this approval shall become effective on December 3, 2016.



**CHAIR OF THE PLANNING
COMMISSION FOR THE CITY OF IRVINE**



**SECRETARY OF THE PLANNING
COMMISSION FOR THE CITY OF IRVINE**