

Exhibit A

CHAPTER 3-18. MULTI-FAMILY RESIDENTIAL AND RESIDENTIAL MIXED-USE DEVELOPMENT OBJECTIVE DESIGN STANDARDS

Sec. 3-18-1. Purpose and intent.

The purpose of this chapter is to provide the public, building and design professionals, and decision-makers with objective design criteria for new multi-family residential and residential mixed-use developments in the City.

(Ord. No. 24-18, Exh. A, 11-26-24)

Sec. 3-18-2. Applicability.

A. The Objective Design Standards apply to all new construction projects that meet the following criteria:

1. Multi-family Residential Projects: A project consisting of multi-family residential uses with two or more dwelling units at a density equal to or greater than 15 units per acre, including detached and attached condominiums.
2. Residential Mixed-Use Projects: A project featuring a combination of residential and other uses where at least two-thirds of the square footage of the development is designated for residential uses at a density equal to or greater than 15 units per acre.

B. All other project types, including detached single-family residential projects located on a single-ownership parcel, Accessory Dwelling Units, and commercial-only projects are not subject to the Objective Design Standards, but must satisfy existing development standards set forth in the Irvine Zoning Ordinance. Projects proposing exterior renovations that were approved in accordance with Objective Design Standards shall remain in compliance with all standards established in the Objective Design Standards Manual. Projects proposing additions or enlargements to an existing residential or residential mixed-use project meeting the applicability requirements above shall require the expansion areas to comply with applicable criteria for the proposed design feature within the Objective Design Standards Manual.

(Ord. No. 24-18, Exh. A, 11-26-24)

Sec. 3-18-3. Incorporation of the Multi-family Housing and Residential Mixed-Use Development Objective Design Standards Manual by reference.

The City of Irvine's Multi-family Residential and Residential Mixed-Use Development Objective Design Standards Manual ("Manual") is incorporated by reference into this chapter. The Multi-family Residential and Residential Mixed-Use Development Objective Design Standards Manual shall be treated as if contained within the City's Zoning Ordinance.

(Ord. No. 24-18, Exh. A, 11-26-24)

Sec. 3-18-4. Additional provisions.

A. Eligible projects must comply with all other objective standards in the Zoning Ordinance for topics on which this chapter is silent.

B. The City of Irvine maintains multiple regulatory documents that contain design direction for multi-family residential and residential mixed-use development projects, including the General Plan, Irvine Municipal Code, Zoning Ordinance, and site-specific master plans. In the case of a conflict between an Objective Design Standard in the Manual and an objective standard in another regulatory document, except for an existing and vested master plan, conditional use permit, or any underlying entitlement for residential and residential mixed-use development, the standard in the Manual shall prevail.

(Ord. No. 24-18, Exh. A, 11-26-24)

Sec. 3-18-5. Exceptions and exemptions.

All projects described in Section 3-18-2 are required to comply with the Objective Design Standards outlined in the Manual. However, an applicant may request up to three (3) minor exceptions/exemptions if they are unable to meet certain Objective Design Standards or may request to enter into an Alternative Standards Agreement to apply substitute standards in lieu of the Objective Design Standards outlined in the Manual.

A. This provision allows for limited discretionary review and flexibility for projects that may have a physical site constraint or propose an alternative architectural solution to a specific standard(s).

B. Requests shall be made by the applicant in writing to the Director of Community Development ("Director") as part of the entitlement application (conditional use permit, master plan, or other application).

C. The Director has decision-making authority over exception/exemption and Alternative Standards Agreement requests. The decision of the Director may be appealed to the Planning Commission in accordance with the procedures established in Chapter 2-5.

D. Exception/exemption or Alternative Standards Agreement request. The written justification for each exception/exemption or Alternative Standards Agreement request must identify the design standard(s) requested to be waived and how the request meets the applicable findings listed below:

1. Exception/exemption findings. The Director shall consider the request and information provided and make findings to approve or deny the request. An exception/exemption(s) shall be granted only if both of the following findings are made:

a. The project meets the intent of the design standard(s) under consideration to be waived, or a similar design standard is implemented in substitution.

b. The project meets the minimum density required (15 dwelling units/acre) with the inclusion of the proposed exception/exemption(s).

2. Alternative Standards Agreement findings. The Director shall consider the request for an Alternative Standards Agreement upon finding that:

a. The strict compliance with the Objective Design Standards in the Manual is not necessary to achieve the purpose and intent of this section;

- b. The project meets the minimum density required (15 dwelling units/acre) with the application of the Alternative Design Standards Agreement;
 - c. The Alternative Design Standards Agreement is in a form approved by the Director and City Attorney, in each of their sole discretion; and
 - d. The project possesses compensating design and development features that offset impacts associated with the modification, waiver, or substitution of the Objective Design Standards in the Manual.
3. Density bonus. Density Bonus Law allows for increased density and reductions in required development standards (i.e., concessions/incentives and waivers) for residential projects that meet certain affordability requirements. The exception/exemption and Alternative Standards Agreement processes set forth in this section are in conjunction with the concessions/incentives and waiver process permitted under Density Bonus Law (Government Code Section 65915) and/or other applicable state laws. If an applicant requests a concession/incentive and/or waiver under Density Bonus Law for an Objective Design Standard in this Manual, it would also be counted as one (1) of the three (3) allowed waivers for the purposes of exceptions/exemptions under this section.

(Ord. No. 24-18, Exh. A, 11-26-24)

Sec. 3-18-6. Modification of the Objective Design Standards Manual.

- A. General requirement. Each modification shall be listed at the end of the Objective Design Standards Manual. The list shall include the approval body, the approval date, and any approval record number (i.e., resolution number). Each modification shall also be reflected on the bottom of the subject page that was modified. For example, a minor modification to Page 1 of the document shall indicate 'Modified by Director of Community Development January X, XXXX' at the bottom of Page 1.
- B. Minor modification. Minor modifications include modifications to: 1) comply with changes in state law; 2) ensure consistency with policies, goals, and objectives of the City as declared by the City Council; and 3) revise existing standards established in the Manual. Examples of minor modifications include adjustment of a numeral requirement or addition of language to clarify existing standards. Minor modifications shall not result in a significant change to any design standard. Minor modifications shall be reviewed by the Director and any approved minor modifications to the Manual be issued via an Approval Memorandum.
- C. Major modification. Major modifications include modifications that result in the addition or removal of standards within the Manual. Any modification that results in a significant change to a design standard shall also be considered a major modification. Major modifications shall be reviewed by the Planning Commission and any approved major modifications to the Manual be issued via Resolution at a noticed public hearing.

(Ord. No. 24-18, Exh. A, 11-26-24)

Sec. 3-18-7. Coordination with Records.

The Manual shall be kept on file with the Records Division of the City Clerk's Office and posted on the City's website. Each time the Manual is revised, an electronic copy, with the revision date on the

bottom of the page, shall be sent by the Community Development Department to the Records Division and the updated version posted on the City's website.

(Ord. No. 24-18, Exh. A, 11-26-24)

Sec. 3-18-8. Severability.

Should any section, subsection, sentence, clause, or phrase of the ordinance codified in this chapter be held for any reason to be invalid or unconditional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The City Council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any part thereof be declared invalid or unconditional.

(Ord. No. 24-18, Exh. A, 11-26-24)