CITY COUNCIL ORDINANCE NO. 12-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00490447-PZC TO ESTABLISH A NEW LETTER DESIGNATION ("E") WITHIN THE 2.2 LOW DENSITY RESIDENTIAL ZONING DISTRICT; REZONE THE SUBJECT PROPERTY FROM 6.1 INSTITUTIONAL TO 2.2E LOW DENSITY; AND AMEND RELATED MAPS, TEXTS, TABLES, AND EXHIBITS OF THE CITY'S ZONING ORDINANCE FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MICHELSON DRIVE AND ROSA DREW LANE IN PLANNING AREA 20 (UNIVERSITY PARK)

WHEREAS, the Irvine Unified School District has determined that the property previously operated as an elementary school is surplus land; and

WHEREAS, William Lyon Homes has submitted an application for Zone Change 00490447-PZC requesting the following:

Zoning Code Chapter 1-1-2

- Rezone the subject property from 6.1, Institutional to 2.2E, Low Density Residential on the Official Zoning Map of the City of Irvine.

Zoning Code Chapter 3-37-13

- Add "2.2E" to the list of zoning categories shown in Section 3-37-13.A for University Park (Planning Area 20).
- Establish the letter "E" as a sub-category of the 2.2 zoning district that would only apply within Planning Area 20 (University Park).
- Add a 3,300-square foot minimum site size requirement for the 2.2E zone
- Establish 30-feet as the maximum building height for the 2.2E zone.
- Add Footnote 6 to read "see special development requirements contained in Chapter 9-20-7 for permitted and conditionally permitted uses located within the 2.2E zoning district" and apply this footnote to Section 3-37-13.C and 3-37-13.D.
- Add Footnote 7 to read "see special development requirements contained in Chapter 9-20-7 for improvements to properties visible to either Michelson Drive and/or Rosa Drew Lane within the 2.2E zoning district" and apply this footnote to Section 3-37-13.I for Interior Boundary If Adjacent To Residential Uses, Side and Rear; and for Interior Boundary If Adjacent To Nonresidential Uses, Side and Rear.

Zoning Code Section 9-20-3

- Revise the Land Use zoning map contained in Section 9-20-1 for the project site from 6.1 Institutional to 2.2E Low Density Residential.
- Revise the statistical analysis contained in Chapter 9-20-3 by decreasing the maximum square footage for the Institutional – Educational Facilities entry by 38,871 square feet and updating subtotal and total columns as appropriate.
- Revise the statistical analysis contained in Chapter 9-20-3 by adding a new line entry to the Residential Low Density subheading consisting of the zoning number 2.2E and a maximum unit count of 55 and updating subtotal and total columns as appropriate.
- Add special development requirements to Chapter 9-20-7 of the Zoning Code that identify the principal permitted land uses allowed on property zoned 2.2E in University Park (Planning Area 20).
- Add special development requirements to Chapter 9-20-7 of the Zoning Code that address additions on properties that back or side onto Michelson Drive and Rosa Drew Lane.
- Add special development requirements to Chapter 9-20-7 of the Zoning Code that address placement of a perimeter project wall along Michelson Drive.
- Amend other tables, figures, text, and exhibits throughout the Zoning Code in support of the proposal where appropriate.

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

WHEREAS, Zone Change 00490447-PZC replaces an Institutional zoning district with a Low Density Residential zoning district and related maps, statistical, tables and exhibits for the sole purpose of developing 55 single family detached dwelling units; and

WHEREAS, Zone Change 00490447-PZC is considered a "project" as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, an Environmental Impact Report (EIR) was prepared for the proposed development associated with a General Plan Amendment, Zone Change, Vesting Tentative Tract Map, and Master Plan applications; and

WHEREAS, the Planning Commission of the City of Irvine considered information presented by staff, the applicant, and other interested parties at a public hearing held on January 19, 2012, and recommended approval of the Zone Change; and

WHEREAS, the City Council of the City of Irvine has considered the Planning Commission's recommendation and information presented by City staff, the applicant, and other interested parties at public hearing held on February 28, 2012.

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

SECTION 1. Pursuant to Section 15161 of the State CEQA Guidelines, a final Environmental Impact Report (SCH #2010051011, 00498428-PCLE) has been

prepared which adequately addresses the general environmental setting of the proposed project, its significant environmental impacts, alternatives, and mitigation measures related to each significant impact. The EIR was circulated for a 45-day public comment period from December 22, 2010 to February 7, 2011.

SECTION 2. The applicable mitigation measures identified in the final EIRs Mitigation Monitoring and Reporting Program have been incorporated into the project or identified as requirements of the project. These measures mitigate any potential significant environmental effects thereof.

SECTION 3. That pursuant to Section 15205 of the State CEQA Guidelines, the Planning Commission reviewed and considered the final Environmental Impact Report in making its recommendation on the project.

SECTION 4. The City Council makes the following findings as required by Section 2-38-7 of the Zoning Code for approval of a Zone Change:

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

The zone change will change the land use designation of the subject property from "6.1 Institutional" to "2.2E Low-Density Residential" zoning district. The zone change will allow for the development of up to 55 single family detached homes on an 8.47-acre site and will increase the maximum number of dwelling units to 2,809 for Planning Area 20.

The proposed 2.2E Low Density Residential zoning district is consistent with the Medium Residential General Plan land use category because the density range allowed by the Low Density zone is within the larger density range permitted in the Medium Density land use designation. The zone change will assign development intensity to the 2.2E Low Density zoning district in Planning Area 20, which will also be reflected in the applicable General Plan tables. All changes are consistent with the concurrent changes that will take place to the General Plan.

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

There is no Concept Plan adopted for Planning Area 20 (University Park).

C. The proposed zone change meets all the requirements set forth within Division 8 for the dedication of permanent open space through a specified phased implementation program for affected planning areas and zoning districts.

This project is not required to dedicate open space because it is located outside an affected open space implementation district.

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

The zone change will allow for the development of up to 55 single family detached homes on an 8.47-acre site. The proposed development is an infill project with existing residential uses surrounding the project site. Furthermore, the proposed residential development is compatible with existing surrounding land uses in the vicinity. The request will result in a land use that is appropriate for the property given its location, orientation, access, and context.

The applicant is requesting a Zone Change to establish the letter "E" as a sub-category of the 2.2E Low Density Residential zoning district that would be specific to this project only and reflected in Section 3-37-13 and Chapter 9-20. This designation would allow minimum site size requirements to be 3,300-square feet instead of 4,000-square feet and would establish certain use limitations on the project site as well as specific provisions for additions to units that back or side on either Michelson Drive and/or Rosa Drew Lane.

Potential impacts of the zone change application have been analyzed in the final environmental impact report. As a result of this analysis, mitigation measures (MM) have been developed to ensure that all environmental impacts are reduced to a level of insignificance, including any potential impacts to the public health, safety, and welfare.

E. Based upon information available at the time of approval, adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection, fire protection/emergency medical care, vehicular circulation, and school facilities will be available to serve the area affected by the proposed zone change when development occurs.

The project site is located in a mature and fully developed residential village. All infrastructure necessary to serve the project site is provided to the immediate area and will need to be extended only as necessary to provide connections into the project site and to each structure proposed for development.

F. If the proposed zone change affects land located within the coastal zone, the proposed zone change will comply with the provisions of the land use plan of the certified local coastal program.

The project site is not within nor will it affect land located within the coastal zone.

SECTION 5. Based on the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE Zone Change 00490447-PZC amending the City's Zoning Code as identified in Exhibit A, and made a part here to, as follows:

A. Rezone the subject property from 6.1, Institutional to 2.2E, Low Density Residential on the Official Zoning Map of the City of Irvine located at Chapter 1-1-2 of the Zoning Code.

B. Add “2.2E” to the list of zoning categories shown in Section 3-37-13.A for University Park (Planning Area 20).

C. Establish the letter “E” as a sub-category of the 2.2 zoning district that would only apply within Planning Area 20 (University Park) to Chapter 3-37-13.

D. Add a 3,300-square foot minimum site size requirement for the 2.2E zone in Chapter 3-37-13.E.

E. Add 30-feet as the maximum building height for the 2.2E zone in Chapter 3-37-13.G.

F. Add Footnote 6 to read “see special development requirements contained at Chapter 9-20-7 for permitted and conditionally permitted uses located within the 2.2E zoning district” and apply this footnote to Section 3-37-13.C and 3-37-13.D.

G. Add Footnote 7 to read “see special development requirements contained at Chapter 9-20-7 for improvements to properties visible to either Michelson Drive and/or Rosa Drew Lane within the 2.2E zoning district” and apply this footnote to Section 3-37-13.I for Interior Boundary If Adjacent To Residential Uses, Side and Rear; and for Interior Boundary If Adjacent To NonResidential Uses, Side and Rear.

H. Revise the Land use zoning map (Section 9-20-1) for the project site from 6.1 Institutional to 2.2E Low Density Residential.

I. Revise the statistical analysis contained in Chapter 9-20-3 by decreasing the maximum square footage for the Institutional – Educational Facilities entry by 38,871 square feet and updating subtotal and total columns as appropriate.

J. Revise the statistical analysis contained in Chapter 9-20-3 by adding a new line entry to the Residential Low Density subheading consisting of the zoning number 2.2E and a maximum unit count of 55 and updating subtotal and total columns as appropriate.

K. Add special development requirements to Chapter 9-20-7 of the Zoning Code that identify the principal permitted land uses allowed on property zoned 2.2E in University Park (Planning Area 20).

L. Add special development requirements to Chapter 9-20-7 of the Zoning Code that address additions on properties that back or side onto Michelson Drive and Rosa Drew Lane.

M. Add special development requirements to Chapter 9-20-7 of the Zoning Code that address placement of a perimeter project wall along Michelson Drive.

N. Amend other tables, figures, and text throughout the Zoning Code in support of the proposal where appropriate.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 28th day of February 2012.

_____
MAYOR OF THE CITY OF IRVINE

ATTEST:

_____
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, SHARIE APODACA, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on February 28, 2012, and duly adopted at a regular meeting of the City Council of the City of Irvine, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

CITY CLERK OF THE CITY OF IRVINE

ATTACHMENT 13

Sec. 3-37-13. - 2.2 Low Density Residential.

A. *Intent.* This category allows zero to 6.5 dwelling units per net acre, which is approximately equivalent to the general plan Low Density category of zero to five dwelling units per gross acre. Attached and conventional housing, as well as other appropriate uses such as churches and child care centers, are allowed.

(2.2A ~~and~~, 2.2B, and 2.2E) University Park (Planning Area 20)

(2.2C) Westpark (Planning Area 14)

(2.2D) Orchard Hills (Planning Area 1)

B. *Intensity standard.*

0—6.5 dwelling units per net acre

2.2C: 0—6.9 dwelling units per net acre (Westpark)

2.2D: 0—31.0 dwelling units per net acre (Planning Area 1). Individual project densities in 2.2D may exceed 6.5 dwelling units/net acre. However, no individual project may exceed 31.0 dwelling units/net acre and the overall density within all of 2.2D cannot exceed 6.5 dwelling units/net acre. For individual residential projects within 2.2D, the development standards to be applied shall depend on the actual net density of the individual residential product as follows:

1. For projects from 0 to 6.5 dwelling units per net acre, Section 3-37-13 development standards shall apply.

2. For projects from 6.6 to 12.5 dwelling units per net acre, Section 2-37-14 development standards shall apply.

3. For projects from 12.6 to 31.0 dwelling units per net acre, Section 3-37-15 development standards shall apply.

C. *Permitted uses.* [1, 6]

1. Accessory use.

2. Agriculture (interim use).

3. Home care.

4. Home occupation permit.

5. Information center.

6. Large family child care permit.

7. Manufactured structure (up to two years).

8. Model home sales complex.

9. Park.

10. Public park facility (only in public parks).

11. Residential shelter.

12. Residential, attached.

13. Residential, second unit.

14. Residential, single-family detached.

15. School, public.

16. Wireless Communication Facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3

D. *Conditional uses.* [2, 6]

1. Boarding house.

2. Child care center.

3. Church.[3]

4. Community facility.

5. Convalescent home.

6. Manufactured structure (over two years).

7. Recreational vehicle storage, private.

8. Residential care facility.

9. School, private.[4]

10. Senior housing.

11. Utility building and facility.

E.	*Minimum site size*	4,000 square feet 2.2D: 3,000 square feet 2.2E: 3,300 square feet
F.	*Maximum site coverage*	50%
G.	*Maximum building height*	35 feet 2.2E: 30 feet
H.	*Minimum site landscaping*	Not applicable to Low

				Density Residential
I.	*Building setbacks[5] from:*			
		Freeways, transportation corridors		50 feet
		Major highways		50 feet
		Primary highways		42 feet
		Secondary highways:		
			In nonresidential areas	35 feet
			In residential areas	25 feet
		Commuter highways and local streets		15 feet 2.2A: 20 feet 2.3C: 15-foot average, 10-foot minimum (Westpark)
		North-south San Diego Creek ROW		2.2C: 50-foot minimum parking setback with 65-foot average setback; 65-foot building setback with 75-foot average setback (Westpark)
		East-west San Diego Creek ROW		2.2C: 30 feet (Westpark)
		Private drives		10 feet
		Interior boundary if adjacent to residential uses:		
			Side	5 feet[7]
			Rear	10 feet[7]
		Interior boundary if adjacent to nonresidential uses:		
			Side	10 feet[7]
			Rear	10 feet[7]
		Building to building		6 feet

[1]Some permitted uses may have to conform to or fulfill conditions of approval imposed in conjunction with previous discretionary approvals. Additionally, a master plan application may need to be processed (see chapter 2-17).

[2]A master plan application may be required in addition to a conditional use permit (see chapter 2-17).

[3]A church that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit (CUP).

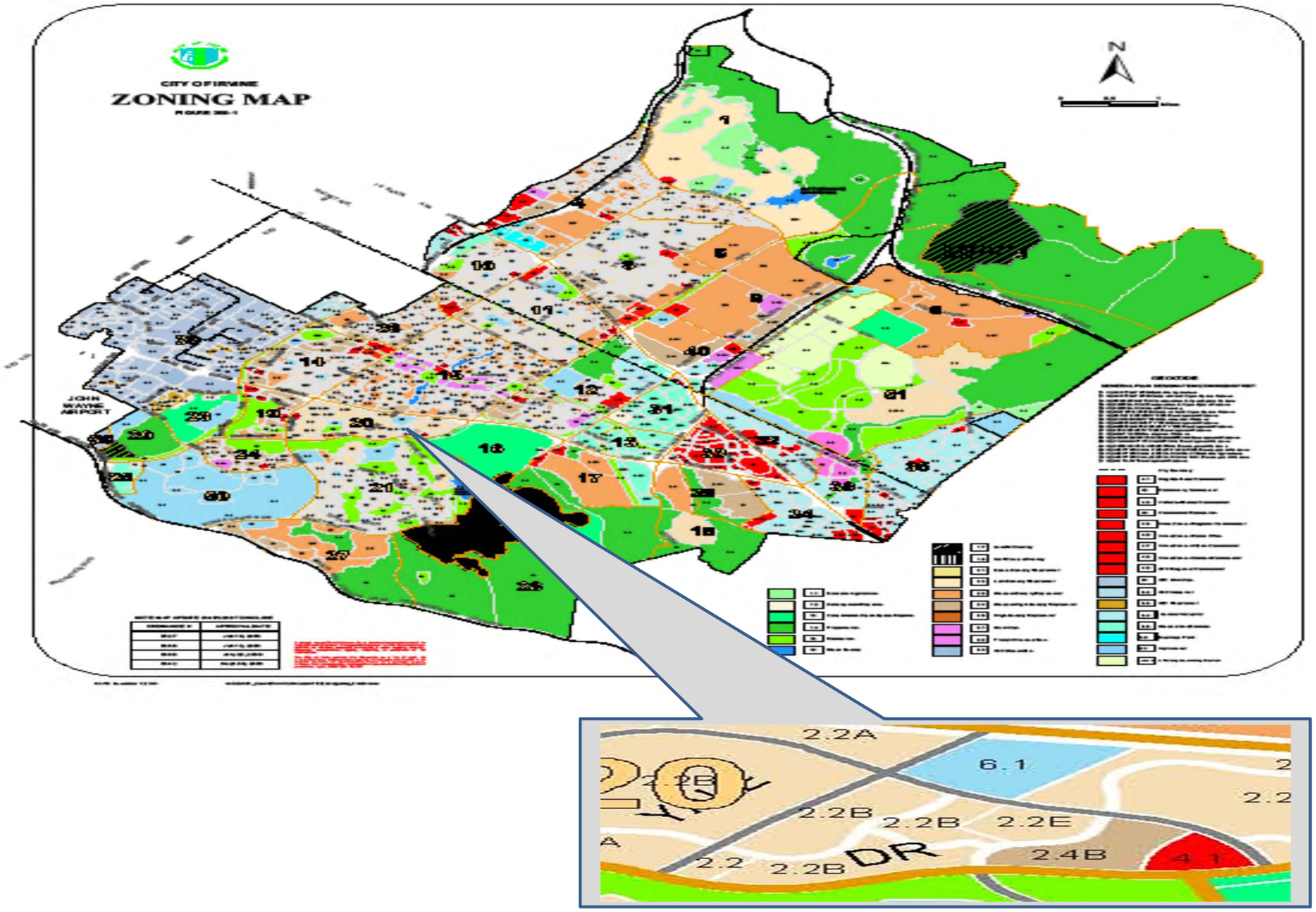
[4]A private school for adults (18 years and older) that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit.

[5]Exceptions to these building setback requirements appear on the setback exceptions matrix in section 3-27-2.

[6]See Special Development Requirements contained in Chapter 9-20-7 for permitted and conditionally permitted uses located within the 2.2E zoning district.

[7]See Special Development Requirements contained in Chapter 9-20-7 for improvements to properties visible to either Michelson Drive and/or Rosa Drew Lane within the 2.2E zoning district.

(Code 1976, § V.E-325.2.2; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, § 6, 11-24-92; Ord. No. 93-7, 6-22-93; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 94-15, § 3, 12-13-94; Ord. No. 94-16, 12-13-94; Ord. No. 95-3, § 3B, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-7, § 4, 7-11-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 95-12, § 3, 9-12-95; Ord. No. 95-16, § 2, 10-10-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 05-12, § 6, 6-28-05; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 09-02, § 3, 3-24-09)


CITY OF IRVINE
ZONING MAP
N
JOHN WAYNE AIRPORT
2.2A
6.1
2.2B
2.2B
2.2E
2.4B
2.2
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CHAPTER 9-20. - PLANNING AREA 20 (UNIVERSITY PARK)

Sec. 9-20-1. - Land use zoning map.
Sec. 9-20-2. - Introduction.
Sec. 9-20-3. - Statistical analysis.
Sec. 9-20-4. - Land use regulations.
Sec. 9-20-5. - Development standards.
Sec. 9-20-6. - Reserved.
Sec. 9-20-7. - Special development requirements.

Sec. 9-20-1. - Land use zoning map.

(See Planning Area 20 map following section 9-20-7.)

(Code 1976, § V.E-820.1; Ord. No. 92-3, 4-14-92; Ord. No. 95-4, 5-9-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-20-2. - Introduction.

Planning Area 20, University Park, is centrally located in the City. Boundaries include Culver Drive to the west, Interstate 405 (San Diego Freeway) to the north, and University Drive to the east and south.

(Code 1976, § V.E-820.2; Ord. No. 92-3, 4-14-92; Ord. No. 95-4, 5-9-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-20-3. - Statistical analysis.

				Building Intensity Standard	
Land Use Category/ General Plan		Zoning	Zoning Number	Maximum Number of Dwelling Units	Maximum Square Feet
Commercial:					
	Neighborhood Commercial	Neighborhood Commercial	4.1		173,542
Open Space:					
	Recreation	Recreation	1.5		
Institutional:					
	Educational Facilities	Institutional	6.1		~~155,078~~ 116,207
	Public Facilities	Institutional	6.1		34,000
Residential:					
	Low Density	Low Density	2.2A 2.2E	354 55	
	Medium Density	Medium Density	2.3B	98	

		Medium Density	2.2/2.2B	1,619	
	Medium-High Density	Medium Density	2.2B	387	
		Medium-High Density	2.4B	296	
	Medium Density	Institutional	6.1		40,000
PLANNING AREA TOTAL				~~2,754~~ 2,809	~~402,620~~ 363,749

(Code 1976, § V.E-820.3; Ord. No. 92-3, 4-14-92; Ord. No. 95-4, 5-9-95; Ord. No. 95-22, § 3, 11-28-95; Ord. No. 10-04, § 3, 4-13-10)

Sec. 9-20-4. - Land use regulations.

See section 3-3-1 (Land use matrix).

(Code 1976, § V.E-820.4; Ord. No. 92-3, 4-14-92; Ord. No. 95-4, 5-9-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-20-5. - Development standards.

See chapter 3-37 (Development Standards).

(Code 1976, § V.E-820.5; Ord. No. 92-3, 4-14-92; Ord. No. 95-4, 5-9-95; Ord. No. 95-22, § 3, 11-28-95)

Sec. 9-20-6. - Reserved.

Sec. 9-20-7. - Special development requirements.

See division 3 for applicable general development requirements.

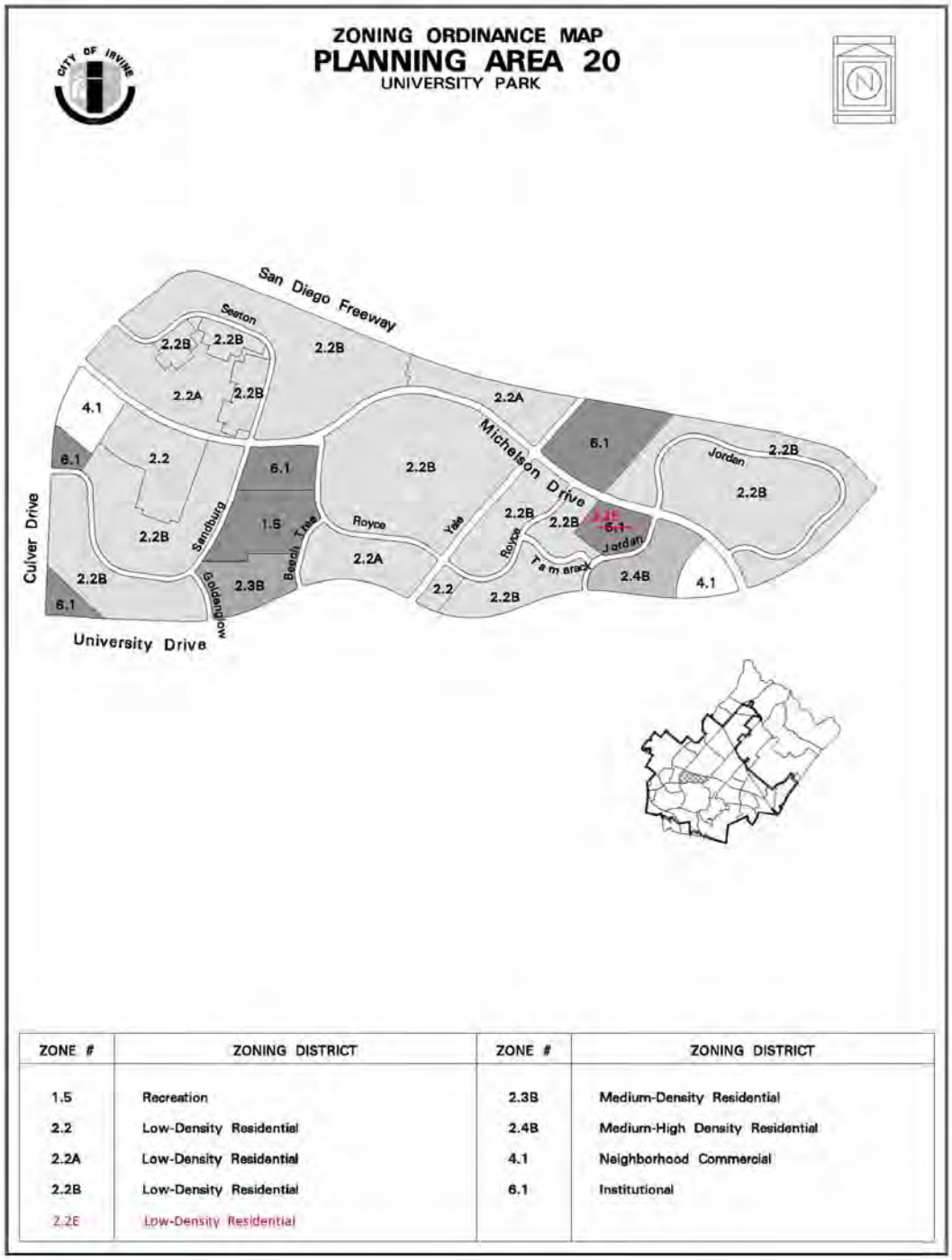
For properties within the 2.2E zone, principal permitted land uses shall be detached single-family residence and private neighborhood park. Accessory land uses such as, but not limited to, home occupations, second units, and family day care facilities and other uses as may be authorized pursuant to State or Federal law are also allowed.

Properties adjacent to Michelson Drive and/or Rosa Drew Land within the 2.2E zone shall provide architectural treatments and articulated rear elevations (i.e., changes in horizontal and/or vertical building planes).

Within the 2.2E zone, an articulated perimeter project wall shall be provided and positioned such that a 40-foot average landscape setback is provided between 35- and 45-feet behind the ultimate Michelson Drive curb face.

(Code 1976, § V.E-820.6; Ord. No. 92-3, 4-14-92; Ord. No. 95-4, 5-9-95; Ord. No. 95-22, § 3, 11-28-95)

Planning Area 20, University Park



ZONE #	ZONING DISTRICT	ZONE #	ZONING DISTRICT
1.5	Recreation	2.3B	Medium-Density Residential
2.2	Low-Density Residential	2.4B	Medium-High Density Residential
2.2A	Low-Density Residential	4.1	Neighborhood Commercial
2.2B	Low-Density Residential	6.1	Institutional
2.2E	Low-Density Residential		