

85-203-2

ATTACHMENT A
POTENTIAL IBC REVISIONS
CITY COUNCIL ACTION OF MARCH 18, 1985

REVISED
JULY 30, 1985

29-4

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ITEM ONE

COUNCIL DIRECTION

"Providing for a system of transfer of development rights (TDR'S) which would allow corporate, and all other users to obtain additional development points by acquiring development points from other projects which have received, but not yet utilized, development points under the present ordinance."

DISCUSSION OF TDR'S IN GENERAL

Simply described, transfer of development rights is a process by which the right to develop a parcel of land is separated from the land itself. The development rights can be sold to another party and used on a different parcel of land. Usually, a TDR system is proposed with specific areas for preservation of agricultural or environmentally sensitive land, and with areas in which development is encouraged. The objective is to shift the development potential from land threatened with undesirable use to land where development would be more suitable.

Generally, jurisdictions have used TDR'S to provide some equity in their land use decisions to preserve open space and historical sites. With the use of a TDR system, landowners with property too sensitive to be developed can still realize a value from their property by the sale of the development rights allocated to that site.

Prior to adoption of a TDR program, a jurisdiction should become aware of several primary considerations surrounding TDR's. First, the TDR program must be based upon a sound and legally justifiable land use plan. TDR's are merely a tool used to carry out that plan. Second, a key to the success of TDR's is the marketability of the development rights themselves. In order for the program to function, there needs to be a market for the development rights either at present or in the foreseeable future. Marketability of the TDR's provides an incentive for transfers to occur.

Finally, consideration should be given to some of the hindrances to adopting a TDR program. Obstacles might include the complex task of creating a program that is supported by the development community, and yet will serve the goals of the land use plan. Also, additional resources and personnel may be required of the agency to develop, to carry through adoption, and finally, to implement a TDR program.

A general account of TDR programs should note the following four basic steps for its implementation:

1. Creation of a specific district.
2. Specification of the total number of TDR's to be issued, what form they will take, and in which area they will be used. As well, there needs to be a development plan for the district.
3. Allocation of development rights to land owners.

4. Formulation of a method of transfer of development rights with the two most common being either an open market system whereby landowners and developers come to private agreement on price, or establishment of a government agency to run a development rights "bank" where TDR's are bought and sold. In any TDR program, some provision must be made for legally recording all transfers. This is important not only to keep a record of the number and location of the TDR's, but also to protect future landowners who may unknowingly purchase property for which the development rights have already been transferred.

The above discussion is only an overview of the major issues surrounding TDR's. A planning agency can best make a careful evaluation of the specific benefits and drawbacks for their own community.

DISCUSSION OF TDR'S RELATIVE TO IRVINE BUSINESS COMPLEX (IBC)

Irvine Business Complex is built-out on paper. This is to say that the 15,000,000 square feet that became available for development in the 1982 IBC zone change are technically no longer available. By July 1984, the city had already approved that square footage in the form of conditional use permits and master plans for corporate headquarters expansion. Currently there are more than a dozen projects, representing millions of square feet, submitted to the city without development points. By providing for a system of transfer of development rights, some projects would be able to move forward.

Goals and Objectives of A System of TDR for IBC

1. To allow the transfer of development points from one site to another within IBC.
2. To provide an orderly means by which developers may acquire the additional development points needed to seek project approval.
3. To provide a system whereby property owners may divest themselves of development points allocated to their site.
4. To allow the city to monitor and to continue to control the amount of development in IBC.

Mechanics of the System

1. Alternative area to be involved in the TDR system
 - a. The geographical area of IBC; approximately 2,500 acres in size (refer to attached map).
 - b. The portion of IBC south of the properties facing Main Street.
 - c. Some other sub-area or district of IBC other than the whole 2,500 acres.
2. Unit of measure to be transferred:
 - a. Development points are the units of measure. Each site in IBC has a baseline limit of .25 floor area ratio (FAR) of intensity as allowed in the current IBC zoning.

- b. The number of units, or development points is finite because it is based upon the capacity of the circulation system serving IBC.
- c. The relationship between development points and FAR should be regulated in the TDR system in such a way that only the points above the baseline are available for transfer. This would ensure that no site would be left without points, unless some arrangements can be made to make it a benefit if the land remains vacant.

3. Method of transfer of development rights

a. Open market:

Buying and selling of available points would be between parties at whatever market price they agreed upon, with the transaction legally recorded.

b. Government controlled:

Points relinquished would revert back to a "pool" maintained by the agency, with transactions legally recorded.

ANALYSIS

Most TDR programs currently in use are for the preservation of open space/agricultural lands or of historical buildings. This involves moving development rights from one geographical district labeled a preservation area (PA) to another district called a development areas (DA). Rights are relinquished or sold for transfer from a PA and bought or added for use in the DA. Therefore, a TDR program developed for IBC would be a departure in that only one geographical district would be identified for both giving and receiving development rights. The purpose in this single district TDR is to allow development points to be transferred from one site to another within IBC, while not increasing the overall density of the zone.

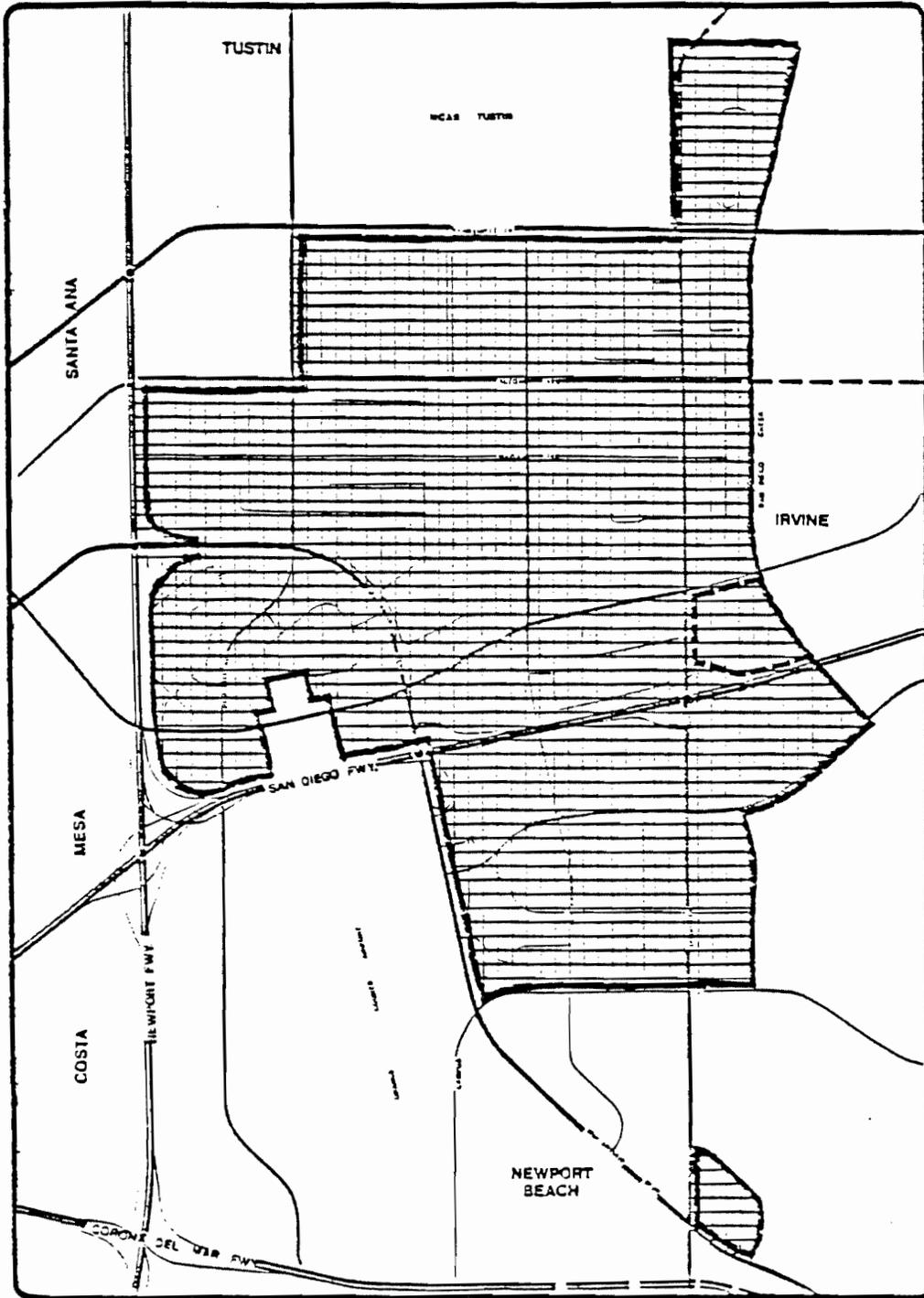
There are a number of projects already submitted to the city for which no development points are available. Accordingly, any TDR program that is adopted needs to address the issue of what to do about projects without points. Following are two features that could be included in the program: allocation of additional square footage to IBC beyond what has been approved, or some significant incentives for relinquishment of points held, but as yet unused by developers. Many of those reserved points are held in approved conditional use permits (CUP'S). Requiring a portion of the IBC development fees to be paid at the time of CUP approval would encourage that projects approved will be immediately built. Another way to eliminate speculative projects is to reduce the length of time a CUP is valid from three years to 18 months.

The chief intent of a TDR program for IBC would be to revive development potential without increasing the density and thereby exceeding the circulation system capacity.

RECOMMENDATION

The issues of transfer of development rights be investigated by staff and the IBC Task Force and the City Council be advised as to whether or not such a system should be developed as part of an IBC zone change. (5-0 Planning Commission)

Attachment: Map of Irvine Business Complex



	<p>AREA LOCATED WITHIN THE IRVINE BUSINESS COMPLEX</p>	<p>IIC WEST PLANNED COMMUNITY DIST CITY BOUNDARY</p>
<p>SOURCE:</p>	<p>ACRES 5 25</p> <p>0 1000 2000 3000 FEET</p>	

CITY OF IRVINE

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ITEM TWO

COUNCIL DIRECTION

"Amending the ordinance to provide that points which become available when conditional use permits expire be reserved for University IBC expansion."

DISCUSSION

Although it is important to recognize and analyze proposed University industrial/commercial/office development on University owned lands adjacent to IBC, a decision was made during the development of the original IBC ordinance to exclude the University land. At that time, the University indicated a desire sometime in the future to develop their lands in private uses, however, no definite plan existed. Due to the many questions regarding use, regulatory control, and market needs of the University lands, it was decided to address the proposal when and if it became a real project.

At this time it appears that UCI is continuing to explore potential alternatives for the use of their lands adjacent to IBC, but to our knowledge no definite proposal or approved land use plan exists. When UCI finalizes their plans, we would suggest that they be subjected to the same type of analysis and review that is required of any land use proposal by any land owner.

RECOMMENDATION

The IBC zoning ordinance not be revised to reserve IBC points for UCI expansion from expired previously approved conditional use permits in IBC. (4-0-1 abstention Planning Commission)

ITEM THREE

COUNCIL DIRECTION

"Whether or not the basic system in the IBC ordinance recommending retail, hotel and restaurants should be revised."

DISCUSSION

Uses which generate revenue to the City over and above property taxes can be granted, under the IBC ordinance, a reduction in the number of development points assigned to the project. The type of uses that were envisioned are retail stores, gas stations, restaurants and hotels. Theaters and other forms of commercial recreation could also be included if, at a later date, the City enacted an entertainment tax.

Credit is granted to projects based on number of points assigned to the use, multiplied by 1.2 points credit. The amount of credit points that can be applied to additional development for the project is calculated by subtracting the points assigned to the use from the total credit points.

For example: A 5,000 square foot restaurant.

<u>Restaurant Sq. Ft.</u>		<u>Point Ratio Per Sq. Ft.</u>	=	<u>Total Points</u>	x	<u>Points Credit Ratio</u>	=	<u>Total Points Credit</u>
5,000	x	1.5	=	7,500	x	1.2	=	9,000

The amount of points that can be applied to other development:

$$9,000 - 7,500 = 1,500 \text{ points}$$

or, 500 square feet of office development which amounts to 10% of the restaurant's square footage.

In the case of a hotel, the amount of credit is 5% of the square footage because the hotel point ratio of .75 per square foot is one-half of the general commercial ratio of 1.5. Therefore, the amount of additional office development allowed with the credit is small and does not add substantially to the overall development.

For example: A 500,000 square foot hotel.

<u>Hotel Sq. Ft.</u>		<u>Point Ratio Per Sq. Ft.</u>	=	<u>Total Points</u>	x	<u>Points Credit Ratio</u>	=	<u>Total Points Credit</u>
500,000	x	0.75	=	375,000	x	1.2	=	450,000

The amount of points that can be applied to other developments:

$$450,000 - 375,000 = 75,000$$

or, 25,000 square feet of office development which amounts to 5% of the hotel's square footage.

The revenue-producing use credit was included in the IBC ordinance for two basic reasons: to encourage a mixture of land uses within the complex, and to encourage uses which generate funds for the City.

At this time, it is difficult to determine if the granting of credit encourages a mixture of land uses in the complex. The large projects which have been approved by the City have included hotels and restaurants in their designs. The inclusion of these uses is probably due to marketing incentives as tenant amenities, rather than credit incentives. Approved small office developments have not included the mixture of land uses.

The City received \$1,163,000 in fiscal year 1984 from the three existing hotels in IBC in transient occupancy tax. Three other hotels are near completion or under construction at this time. Also, two additional hotels have been approved. The City could receive an estimated \$3,000,000 per year from these hotels. The City also receives sales tax revenue from restaurants and general commercial uses.

RECOMMENDATION

The IBC ordinance provisions that encourage hotel, retail and restaurant developments not be revised. (5-0 Planning Commission)

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ITEM FOUR

COUNCIL DIRECTION

"Determine the feasibility of utilizing a development agreement to resolve issues which have arisen."

DISCUSSION

The concept of development agreements is relatively new. In 1979, California enacted legislation authorizing local governments to enter into binding agreements with respect to development project approvals. This legislation was mainly intended to alleviate the longstanding problem of uncertainties in the multi-level governmental approval processes for complex and long-term development projects. The intent was to assure a developer that once he started a project, he would be permitted to complete it as approved, regardless of any intervening changes in local ordinance, regulations, or the makeup of the local governing body.

A development agreement is a formal and legally enforceable document that sets out a long-term arrangement for the development of a specific project. Essentially, it says that as long as the developer performs according to the term of the agreement, the implementation of the project shall be permitted by the government. State laws and City of Irvine enabling legislation also requires that any development agreement be in conformance with the general plan and zoning. This requirement would, therefore, eliminate the use of a development agreement to interpret or amend the zoning ordinance to resolve issues which have recently occurred in IBC.

It is possible, however, to use a development agreement after or in conjunction with the approval of a specific development project to preserve long term development rights if it is in the best interest of both the City and the developer. Existing laws, ordinances, and procedures provide for the use of development agreements for this purpose.

RECOMMENDATION

That no changes in development agreement resolutions or procedures are necessary to provide for their usage in IBC. (5-0 Planning Commission)

ITEM FIVE

COUNCIL DIRECTION

"Whether changing only the existing ordinance, interpretation of same, or policy requires environmental documentation and the nature of such documentation."

DISCUSSION

As long as the development ceiling is not increased, the previous environmental documents will be sufficient and a previous EIR determination may be appropriate. This is because the traffic study prepared for the previous EIR used worst case traffic generation rates to analyze traffic impacts on the City's circulation network.

If the language of the ordinance is changed which only results in a procedure change and does not increase development potential, a negative declaration may be a sufficient environmental determination.

Another item which must be kept in mind in making a decision with regard to projects is that as projects are reviewed by staff, depending upon the results of specific studies which will be prepared as part of the project, i.e., traffic studies, should environmental effects of these projects be identified which were not originally considered as part of previous environmental documentation, the City may have to require that a supplemental EIR be prepared which will incorporate the traffic impacts of that particular project into the EIR, and develop site specific mitigation measures appropriate to eliminate the significant effects associated with the project, or require that the approval body adopt findings and a statement of overriding consideration as part of the project approval process.

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ITEM SIX

COUNCIL DIRECTION

"Make recommendations and determine the legality of charging fees at the time of obtaining a conditional use permit as opposed to drawing a building permit."

DISCUSSION

The IBC ordinance and fee resolution establishes the square footage fees to be paid and require that they be paid to the City at the time of the first building permit is issued. Large projects and all projects above the baseline limit in IBC require a conditional use permit (CUP) approved by the Planning Commission. The developer, after approval of the CUP, has three years to obtain building permits.

Two basic concerns have been expressed regarding this procedure:

1. CUP's have been obtained which tie up development opportunities without having definite plans to proceed with construction.
2. The three year life of CUP's delays payment of IBC fees thus delaying construction of necessary circulation improvements.

The payment of all or a portion of the IBC fees at time of approval of the CUP would assure that the project is a real, as opposed to speculative, project therefore not tying up development rights unnecessarily. On the other hand, the IBC fees are substantial and it may be unreasonable to collect them this early in the process. Final structural and architectural designs do not start until the CUP is obtained and take up to one year to complete. Construction on a large project takes approximately 18 months.

Questions also arise as to the purpose of IBC fees. If the fees continue to be directly related to the traffic generated for a specific project and are to be applied towards the construction of circulation improvements to mitigate the traffic effects, it would appear to be inconsistent to collect fees at the time of CUP that are non-refundable. If the fees are refundable, there is no real purpose served by collecting them at the time of CUP.

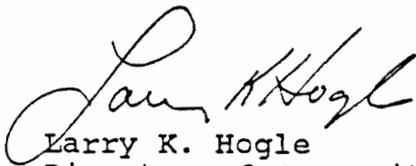
RECOMMENDATION

That the IBC ordinance not be revised to require IBC fees to be paid earlier in the process. (5-0 Planning Commission)

July 30, 1985

TO: PLANNING COMMISSION
FROM: DIRECTOR OF COMMUNITY DEVELOPMENT
FOR: PLANNING COMMISSION MEETING OF AUGUST 1, 1985
SUBJECT: INDUSTRIAL LEAGUE OF ORANGE COUNTY PROPOSED
ALTERNATIVES FOR THE IBC CORPORATE HEADQUARTER
PROVISION

On July 24, 1985, the Director of Community Development received a copy of the letter addressed to Mayor David Baker from the Industrial League of Orange County (ILOC). Attached to the letter were three proposals labeled Attachment A, B and C. This letter and attachments were sent to the Commission along with the regular packet on Wednesday July 24, 1985. However, staff did not have sufficient time to prepare a detail analysis of Attachments A, B and C in time for the mail out. Subsequently, staff has analyzed the subject attachments and have incorporated the analysis as part of the attachments.



Larry K. Hogle
Director of Community Development

SW:bd

4A

ATTACHMENT "A"

1. Permit use of Comprehensive Plan entitlements for the uses otherwise permitted in the Mixed-Use zones in which the properties are located, upon issuance of a CUP.

2. Make no changes in Comprehensive Plan entitlements, for which no CUP is secured.

3. Continue to allow owners of sites which were owned and occupied by corporate headquarters users on June 22, 1982, as well as any other owner within IBC, to provide traffic mitigation above the .35 FAR within IBC under the current provisions of Section V.E.-736.5.C.3.d of the IBC Ordinance. This could be done individually or collectively through the use of joint development agreements by these owners.

4. Proceed with the Industrial League of Orange County Special IBC Committee study to develop the ultimate solution for IBC within whatever time frame is required to determine ultimate holding capacity, required circulation improvements and costs.

[This solution operates within the existing 15 million square foot cap, without any additional exposure to adverse traffic impacts or environmental processes. It also permits owners of corporate headquarter sites in 1982 who did not seek a Comprehensive Plan entitlement approval to secure their own entitlements, if they can provide adequate traffic mitigation, without an adverse traffic impact.]

STAFF COMMENTS

This proposal would allow the conversion of the existing approved corporate headquarter users to convert their corporate headquarter entitlements for mixed use development. The proposal is basically the same as zone change 85-ZC-0099 except that it eliminates the time period for existing corporate headquarters to file conditional use permits for converting the entitlements.

Also, it should be pointed out that Item 3 of this proposal is currently allowed under the present ordinance and is not creating any new right for corporate headquarter users who did not file comprehensive plans with the city.

ATTACHMENT "B"

1. The City will reopen, for a period of sixty days, the time for filing applications for Comprehensive Plan Entitlements under a process substantially the same as the July '82 - April '83 process. This new filing period will be for present owners of sites which on June 22, 1982 were owned and occupied by corporate headquarter users as defined in the IBC ordinance, and who didn't file a Comprehensive Plan by April 22, 1983.
2. The City will provide the option for use of Comprehensive Plan Entitlements for mixed use purposes. Holders of Comprehensive Plan Entitlements may obtain mixed use entitlement upon:
(i) final approval by the City of an ordinance which provides Comprehensive Plan Entitlements for owners filing under paragraph 1, (ii) final approval by the City of the additional improvements needed under paragraph 4, and (iii) the filing of an application for a conditional use permit (without any time limit within which to file for such a conditional use permit). Existing filings and processing by those owners who also file under paragraphs 1 and 2 will not be affected.
3. Unless an application for a conditional use permit is filed, Comprehensive Plan Entitlements obtained in the 1982-'83 filing period remain unchanged, with no conditions upon the continued right to use those entitlements.
4. Those applicants who file under paragraphs 1 and 2 shall share in the cost of a study to determine the circulation improvements (in addition to those specified in the final fee resolution) which would be necessary to accommodate the additional traffic impact created by the new filings under paragraph 1 and shall submit that determination to the City for findings under Section V.E.-736.5.C.3.d of the existing IBC Ordinance. (That Section permits the City to issue a CUP for a project exceeding the baseline limit of intensity when an applicant identifies circulation improvements which will mitigate the traffic impact to an ambient level of .35 FAR.) The cost of the study would be shared in the manner described in paragraph 6.
5. For the entitlements sought under paragraph 1, the City shall make the findings under Section V.E.-736.5.C.3.d.

6. The costs of the additional circulation improvements shown to be needed by the City's findings under paragraph 5 shall be determined after the filing of Comprehensive Plans under paragraph 1. Those costs shall be paid by collecting for the mixed use square footage the same IBC fee which is levied for Comprehensive Plan Entitlements now in effect. To the extent those fees are insufficient to pay for the additional traffic mitigation measures required for the mixed use square footage under paragraphs 1 and 2, the costs of those extraordinary mitigation measures would be prorated. That proration would be on a square footage basis over the total number of square feet for which applications for mixed use entitlements are approved by the City under paragraph 2. That total number of square feet shall consist of (i) the new mixed use square footage, plus (ii) the mixed use portion of the square footage of those currently holding Comprehensive Plan Entitlements. However, the maximum contribution by all mixed-use Comprehensive Plan Entitlement holders shall be limited to no more than Three Dollars (\$3.00) per square foot of that entitlement, with the balance (if any) being paid by each owner for mitigation measures required for that owner's specific site. Such additional costs shall be prorated among applicants who have obtained CUPs to convert Comprehensive Plan Entitlements to mixed use at the same time those costs are determined by the City, with semi-annual adjustments and reimbursements thereafter to allow for (i) construction costs changes and (ii) future Comprehensive Plan Entitlement holders who come within this provision.

7. The City will proceed with the Industrial League of Orange County study to develop the ultimate solution for IBC within whatever time frame is required to determine ultimate holding capacity, circulation improvements required, and costs.

STAFF COMMENTS

This proposal would allow the conversion of existing corporate headquarter's entitlements to mixed use only if other non-entitled corporate headquarter users were allowed to file comprehensive plans and obtain approval with the understanding they too can convert their entitlements to mixed use.

ATTACHMENT "C"

1. The City shall not initiate action to revise the present IBC Ordinance to allow those corporate users who did not originally apply for corporate expansion entitlement an additional opportunity to file a master plan, conditional use permit and secure entitlement.

2. The City shall deny zone change 85-ZC-0099 which allows the conversion of existing corporate headquarter entitlements to be used as mixed use development.

3. The City shall approve zone change 85-ZC-0097 amending Section V.E.-736.0 of the City of Irvine Ordinance which clarifys the existing provision pertaining to corporate headquarters users and establishes procedures on the reallocation of development points.

STAFF COMMENTS

This is staff's position and is presented in the staff report.

4E

MAY 28, 1985

TO: PLANNING COMMISSION
FROM: DIRECTOR OF COMMUNITY DEVELOPMENT
FOR: PLANNING COMMISSION MEETING OF JUNE 6, 1985
SUBJECT: CONSIDERATION OF POTENTIAL IBC REVISION RELATING TO CORPORATE HEADQUARTERS WHO DID NOT APPLY FOR CORPORATE EXPANSION ENTITLEMENTS.

RECOMMENDATION:

Recommend that the City Council not initiate action to revise the present IBC Ordinance to allow those corporate users who did not originally apply for corporate expansion entitlement an additional opportunity to file a master plan, conditional use permit and secure entitlement.

HISTORY:

The City Council on March 18, 1985 directed a number of staff actions relating to the Irvine Business Complex, IBC. The specific direction addressed in this report was for staff to investigate and provide recommendations regarding:

"Providing a specific period of time for corporate headquarters users who would have been able to file for corporate headquarters entitlements during the original nine month period, the opportunity to file a master plan, conditional use permit, and secure entitlement."

During the consideration of the IBC ordinance by the City Council in May 1982, concern was expressed by major corporate headquarters that some means of providing for their future corporate expansion plans should be addressed in the ordinance. The IBC ordinance as adopted makes provisions for corporate headquarters users to expand their corporate sites to an FAR of 0.5 (65,340 development points). Corporate users proposing to use the provision had several requirements to meet:

1. They were required to submit documentation acceptable to the Director of Community Development showing that the business qualifies as a corporate headquarters user and that it was in existence as of June 22, 1982.

2. They must have submitted a comprehensive plan for the overall development of the corporate headquarters site by April 22, 1983.

Under the corporate headquarters user provision of the IBC ordinance, eight comprehensive plans for expansion were submitted by existing corporate headquarters users:

<u>SITE</u>	<u>SQUARE FOOTAGE</u>
1. MPC Industries	52,493
2. Fluor Corporation	1,518,005
3. Allergon Pharmaceuticals	400,000
4. American Hospital Supply	1,624,000
5. Landsdale and Carr	14,666
6. Parker Hannifin	759,467
7. Parker Bertea	327,136
8. Uniloc	23,614
TOTAL	4,719,381

Handwritten note:
4/22/85
See attached

The ordinance also required that all development approved for corporate expansion be subtracted from the 15,000,000 square feet of additional office development allowed by the ordinance and circulation system improvements.

At the March 18, 1985 City Council meeting on IBC, several of the corporate entities with corporate expansion entitlement asked to be allowed to convert their corporate expansion points to mixed use development. During this and subsequent discussions, the equity question of those corporate users who did not apply for corporate expansion points in 1982 or 1983 because they were selling their property or had no intent to expand their corporate site was raised. If these corporate users would have had any understanding that they had the possibility of converting corporate expansion points, would they have applied? Is it equitable to allow the eight approved corporate expansion sites to convert their points to mixed use development without giving other corporate users the same opportunity? How many corporate users in IBC would have been able to apply for corporate expansion points?

The City Council directed staff to investigate this issue and gave the specific direction quoted at the beginning of this History Section.

ANALYSIS:

To determine how many sites might qualify as a corporate headquarters as defined in the ordinance, and also were in

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existence on June 22, 1982, a survey was conducted by mail. The attached letter and questionnaire were sent to the approximately 650 IBC property owners of record. Information requested on the questionnaire included square footage existing on site by category, the property size, and site occupant on June 22, 1982. By using the information supplied by the sixty-six respondents to the mail survey, staff has made some calculations. A tabulation of the results is as follows:

- | | |
|---|-------------|
| 1. Letters and questionnaires mailed out:
approx. | 650 |
| 2. Responses received: | 66 |
| 3. Corporate Headquarters in existence on
June 22, 1982:
(does not include the three respondents
who filed master plans by April 22, 1983) | 63 |
| 4. Total additional square footage above the
15 million required to accommodate the 63
corporate headquarters should they elect to
file master
plans: | 4.4 million |

The 4.4 million square footage figure was determined by adding subtotals A, B and C as explained below:

Subtotal A: This subtotal was calculated by inserting the square footages supplied by survey respondents into the formula below in order to determine the square footage available for development. That available square footage is the difference between what square footage exists on site now and the maximum square footage allowed, which is a .5 floor area ratio (FAR) for corporate headquarters expansion. The formula used to calculate the available square footage for each site is:

Maximum sq. ft.: _____ (acres x 21,780 sq. ft.,
which is .5 FAR)
Existing sq. ft.: _____ (office + research/development
sq. ft. added to industrial
sq. ft. which has been divid-
ed by 3)
Available sq. ft.: _____ (remaining sq. ft. after
existing sq. ft. are sub-
tracted from the maximum
from the maximum sq. ft.
allowed)

After the available square footage for each site was determined, the numbers were added to produce subtotal A: 3,669,157 square feet. Fifty-nine sites are included in this subtotal.

Subtotal B: This subtotal differs from Subtotal A only in that it was calculated from returned questionnaires that did not include square footage numbers. Therefore, an assumption was made that they are already developed to the baseline .25 FAR. The available square footage would be the difference between the assumed .25 FAR and the allowed maximum of .5 FAR for corporate expansion. The same formula was used to reach subtotal B as was used for subtotal A, except that acreage was multiplied by 10,890 sq. ft. which represents the difference between the assumed .25 FAR and the maximum allowed .5 FAR. Four properties were figured in this manner to produce subtotal B: 93,239 square feet.

Subtotal C: This subtotal was determined from sites that had not returned surveys, but that were identified by staff as possible corporate headquarters. The square footage available for development was assumed to be the difference between .25 FAR and the maximum .5 FAR which would be allowed if the corporate master plan filing period were re-opened. This category included nine properties and produced subtotal C: 703,386 square feet.

Based upon the results of the mail out questionnaire study, an additional 4.4 million square feet would be required to allow entitlement of all the master plans which could potentially be submitted if the filing period were reopened. This 4.4 million square feet is in addition to the 15 million square feet made available in the 1982 zone change.

The addition of 4,400,000 square feet of office to IBC will significantly impact the circulation system. An extensive upgrade of the circulation system was approved when the IBC ordinance which allowed the additional 15,000,000 sq. ft. of office was adopted. Even with these extensive improvements, certain intersections still do not function properly if all approved development occurs. The addition of 4,400,000 square feet of development - a 29.3 percent increase over the 15,000,000 square feet of additional office accommodated by the improved circulation system - would have a significant effect on the circulation system.

The 4,400,000 square feet of development is obviously an estimate but is an estimate developed from a data base which did not previously exist. Although an extensive variance from this figure will undoubtedly occur if ordinance and entitlement actions are implemented - variances plus and minus - the magnitude is obviously significant in its potential effect on the circulation system.

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If the City Council does not concur with the staff recommendation and directs the development of an ordinance amendment, the following procedures will apply:

1. Development of an ordinance amendment to IBC with all appropriate hearings by the Planning Commission and City Council.
2. Revision of the IBC EIR - the potential increase of office development is a significant change.
3. Update of all traffic analysis and determination of possible changes to circulation system to accommodate the increased development.
4. Revision of the IBC fee system.

Based on previous actions in IBC, it is estimated that the above process would take approximately nine months.

CONCLUSION:

The proposal under consideration increases development levels and impacts the circulation system of IBC significantly. Staff therefore recommends that the development of such an ordinance amendment not be implemented.

Submitted by:

LARRY K. HOGLE
Community Development

LKH:bn

Attachments

cc: IBC Task Force
ILOC Task Force
Larry Hoffman
Jim Taylor
IBC Cup Submittals
IBC Interest List
Ed Moore, Senior Planner, Environmental Services
Tom Minor, CPS
Victor Carniglia, Senior Planner, Current Planner
IBC Staff
IBC Village File
Jim Erickson
City Council (6)

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JUNE 6, 1985

TO: PLANNING COMMISSION
FROM: DIRECTOR OF COMMUNITY DEVELOPMENT
FOR: PLANNING COMMISSION MEETING OF JUNE 6, 1985
SUBJECT: CONVERSION OF EXISTING CORPORATE HEADQUARTERS ENTITLEMENTS TO MIXED USE DEVELOPMENT, IRVINE BUSINESS COMPLEX, ZONE CHANGE 85-ZC-0099.

RECOMMENDATION:

Adopt the attached resolution recommending to the City Council denial of zone change 85-ZC-0099, a proposal to amend the Irvine Business Complex zoning ordinance to allow the conversion of existing corporate headquarters entitlements to be used for mixed use development (refer to Attachment 3).

REQUEST:

On March 18, 1985 the City Council directed staff to initiate a zone change for the Irvine Business Complex that would allow all existing corporate headquarters entitlements to be used for mixed use purposes if a conditional use permit is filed to perfect these rights within a specific period of time.

PROJECT DESCRIPTION:

Staff has prepared the appropriate wording for the conversion of existing corporate headquarter entitlements to be used for mixed use development (refer to Exhibit 1 of Attachment 3).

Subsection h has been proposed to Section V.E-736.5.C.2. which states that the existing qualified corporate headquarters users may convert their corporate headquarters entitlement to be used for mixed use development purposes if they file an application for a conditional use permit within twelve months of the effective date of this ordinance. Also, they would be required to comply with the same requirements all other conditional use permit applicants followed for approval. The provision for local circulation improvements and payment of circulation fees would also be required.

CEQA:

Pursuant to Section 6 of the City of Irvine CEQA procedures and Section 15153 of the State Environmental Guidelines, Irvine Business Complex EIR 81-ER-0048 and supplemental EIR 85-ER-0065 has previously been prepared, certified and considered which adequately addresses the general environmental setting of the proposed project, its significant environmental impacts and the alternatives and mitigation measures related to each significant environmental effect for the proposed project and no additional environmental document need be prepared. This notice was posted for public review from May 22, 1985, to June 21, 1985 and the project can be heard after June 21, 1985.

222-1093/#47

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ANALYSIS OF ISSUES

Issue 1: Inequity To Corporate Headquarter Users Who Chose Not To File Master Plans.

The Corporate headquarter provision was created to allow the existing corporate headquarter users in the Irvine Industrial Complex - West to reserve development entitlement for their corporate headquarter expansion. This proposed zone change will allow the eight corporate headquarters users who met the requirements of the corporate headquarter provision and filed master plans with the city to use their corporate headquarter entitlements for mixed use development. Staff believes this creates an inequity to those corporate headquarter users who failed to file a master plan with the city within the required time period. The corporate headquarter users who failed to file, may have made this choice based on the understanding that the entitlements were exclusively for corporate headquarter expansion. With this knowledge they may have declined to file a master plan because they had no intention in the future of expanding their corporate headquarter facility, they planned to sell their Irvine facility or they wanted to use their property for mixed use development.

Issue 2: Reopen The Time Period To File For Master Plans For Qualified Corporate Headquarter Users.

In order to counter the inequity caused by this zone change the City could choose to reopen the time period for qualified corporate headquarter users with the understanding that the corporate headquarter entitlement could be used for mixed use development. The corporate headquarter survey that was conducted by staff estimates the additional square footage required if the time period to file master plans is reopened is 4.4 million square feet. Given the difficulty in obtaining accurate information from a survey of this type, the actual square footage could range from 2 million to 6 million square feet.

Issue 3: Impacts In Reopening Filing Period.

If the City reopened the filing period for qualified corporate headquarter users additional environmental documents will be required to document the additional 4.4 million square feet. Any environmental analysis would include a traffic study. The IBC supplemental EIR that has been prepared, documents that the circulation system designed for the buildout of IBC will be functioning at capacity and that any additional circulation improvements that would increase the square footage in the complex would be costly to implement. The City could either accept further circulation impacts to the system caused by the additional estimated 4.4 million square feet or could identify additional circulation improvements. The question then becomes; Who pays for these improvements? If the City can identify additional improvements, is it equitable to raise the Irvine Business Complex Circulation fee for all development to fund the additional circulation improvements? This would mean that developers who designed and began their projects under one set of assumptions and cost estimates will be required to increase their cost to pay for the additional square footage. If a separate fee schedule is created for the additional square footage, the cost of these improvements may be prohibitive.

Issue 4: Inequity To Those Who Have Submitted Development Proposals And Are Waiting For Entitlement.

Currently there are seventeen projects submitted to the City for development in IBC which can not be approved because the development limits has been reached. Some of these projects have been waiting over a year for available points. If the City allows

existing corporate headquarter entitlements to be used for general office development and reopens the time period for corporate headquarter users to file master plans, the possibility for development of those waiting is further reduced. Not only will the existing corporate headquarter users be allowed to develop before this group but an estimated 4.4 million square feet of other corporate users will also be allowed to develop.

CONCLUSION:

Staff recommends the Planning Commission recommend to the City Council denial of zone change 85-ZC-0099 which allows the conversion of existing corporate headquarter entitlements to be used as mixed use development. The recommendation for denial is based on the inequity to those who could have filed master plans but did not do so because of knowledge they had at the time of the decision that corporate headquarters entitlements could not be used for mixed use development. Also, that reopening the time period to file master plans for qualified corporate headquarter users would result in either undermining the integrity of the circulation system or additional circulation improvements identified which will need to be funded in a fair and realistic manner. Finally, the zone change should be denied because those who have submitted development proposals and are waiting for entitlements will have their development opportunity further reduced.

Prepared by: Sue Whittaker, Planner I, 660-3751

Submitted by:



LARRY K. HOGLE
Director of Community Development

Attachments

1. Vicinity Map
2. Zone Change Initial Study
3. Resolution Recommending the City Council deny 85-ZC-0099

cc: IBC Task Force
ILOC Task Force
Larry Hoffman
Jim Taylor
Jim Erickson
IBC CUP submittals
IBC Interest List
Ed Moore, Senior Planner Environmental Services
Tom Minor, CPS
Victor Carniglia, Senior Planner, Current Planning
IBC staff
File: 85-ZC-0099
IBC Village file

JUNE 6, 1985

TO: PLANNING COMMISSION
FROM: DIRECTOR OF COMMUNITY DEVELOPMENT
FOR: PLANNING COMMISSION MEETING OF JUNE 6, 1985
SUBJECT: IRVINE BUSINESS COMPLEX ZONING AMENDMENT ZONE CHANGE
~~85-ZC-0097~~ CORPORATE HEADQUARTERS PROVISION

RECOMMENDATIONS:

1. Recommend to the City Council to adopt the attached resolution of approval for Zone Change 85-ZC-0097 amending the Irvine Business Complex Zoning Ordinance Section 736.0 to clarify the existing provision pertaining to corporate headquarters users and to establish procedures on the reallocation of development points (refer to Attachment 3).

REQUEST:

The City of Irvine is requesting approval of a zone change for the Irvine Business Complex. The proposed zone change clarifies the existing Irvine Business Complex Zoning Ordinance in that it refines the definition of a qualified corporate headquarter use, clarifies the continued availability of corporate headquarters development and the specific right to transferability of corporate headquarters base line development points under certain circumstances and provisions for the reallocation of development points for certain projects under certain specific circumstances.

The Irvine Business Complex (IBC) zoning ordinance includes a provision for corporate headquarters in Section V.E. 736.5. C.2. Under this provision for uses which were in existence prior to July 22, 1982, and met the following definition, corporate headquarters uses were granted a baseline limit of 65,340 gross development points per acre.

"A parcel or group of contiguous parcels occupied by a single business, where this location serves as the regional, national or international office of the business. Manufacturing, research or distribution activities may also occur on the site, but this location must serve as a focal point for the business operations within a sizeable geographic area."

Eight corporate headquarters users filed master plan for corporate headquarters expansion under the corporate headquarter provision. These corporate headquarter users met the definition, submitted documentation showing the business qualified as being in existence prior to July 22, 1982, and filed a master plan prior to April 22, 1983.

During the last few months, questions have been raised concerning the corporate headquarters provision. The City Council requested a City Attorney's opinion concerning staff's interpretation of the corporate headquarter provision. In the City Attorney's opinion of February 20, 1985, the City Attorney stated that certain questions raised could not be answered because the ordinance did not address these issues. The issues

which were raised concerned what happens to corporate headquarters development points that are not utilized by the qualifying corporate headquarters and the transfer of corporate headquarters points to a new owner.

On March 18, 1985, at a special meeting of the City Council concerning the IBC corporate headquarter provision, the City Council directed staff to continue to enforce the IBC ordinance as it relates to corporate headquarters in accordance with staff's interpretation and directed staff and the City Attorney to initiate a cleanup amendment to the ordinance.

CEQA STATUS:

Pursuant to Section 6 of the City of Irvine CEQA procedures and Section 15153 of the State Environmental Guidelines, Irvine Business Complex EIR 81-ER-0048 has previously been prepared, certified and considered which adequately addresses the general environmental setting of the proposed project, its significant environmental impacts and the alternatives and mitigation measures related to each significant environmental effect for the proposed project and no additional environmental document need be prepared. This notice was posted for public review from March 29, 1985, to May 13, 1985, and the project can be heard after May 13, 1985.

ANALYSIS OF ISSUES:

The attached City Council ordinance indicates in bold type, the revised portions of Section 736.5. The following analysis is a summary of these revisions:

Issue 1: Clarification of Qualifying Corporate Headquarters Use Rather Than Corporate Headquarters Site:

The use of the word "site" has caused confusion in the interpretation of the ordinance. The corporate headquarters site does not qualify under the provision but the corporate headquarters user's does. Therefore, the word "site" is being replaced by the word "use" which clarifies the original intent of the City Council in adopting this provision.

Issue 2: Clarification of Master Plan Entitlements to be Used for Corporate Headquarters Expansion:

Wording has been added to subsection 2.(b), "for the expansion of their corporate headquarter use."

The original intent of this provision was to allow existing corporate headquarters who qualified under Section 736.S.C.2.b to file master plans with the City for expansion of their corporate headquarters. Therefore, wording has been added to clarify this intent.

Issue 3: Corporate Headquarters Uses Qualify at the Time of Application for Building Permit:

A subparagraph has been added to Section V.E. 736.5.C.2. Subparagraph (e) establishes that corporate headquarters users must qualify as a corporate headquarters use, as defined in 736.S.C.2.a., at the time of application for a building permit for their corporate headquarter expansion. It further clarifies how corporate headquarters users may meet the definition, even if the site has been used on an interim basis as a multi-business use.

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This subparagraph has been added because it clarifies the ordinance on when a corporate headquarters user qualifies and establishes procedures to follow for the application of building permits for the use of corporate headquarter master plan baseline points.

Issue 4: Development of Non-Qualifying Uses:

Subparagraph (f) has been added to Section V.E. 736.5 which further clarifies how the ordinance would regard a situation in which non-qualifying uses occurred on a previously qualified corporate headquarters site.

This subparagraph establishes that in the situation where non-qualifying development such as a hotel use occurs on a previously qualified corporate headquarter site, the corporate headquarter user would no longer qualify to use the baseline points. However, the subparagraph also establishes that if a legal parcel is created which separates the non-qualifying use from the corporate headquarters use, the corporate headquarters user could still qualify on the corporate headquarters parcels. The points attributed to the area of the non-qualifying parcel would be subtracted from the previous baseline limit, thus establishing a new baseline limit for corporate headquarters expansion.

For Example: A ten acre corporate headquarter site.

$$10 \text{ acres} \times 65,340 \text{ points} = 653,400 \text{ pts.}$$

If a separate 2 acre parcel is created for a hotel development.

$$8 \text{ acres} \times 65,340 \text{ points} = 522,720 \text{ pts.}$$

This results in a reduction of 130,680 pts. from the previously approved master plan, or a reduction in 43,560 sq. ft. of corporate headquarter office expansion ($130,680 \div 3$).

Issue 5: Transferability of Corporate Headquarter Entitlement:

Subparagraph (g) has been added in order to establish that corporate headquarter entitlements run with the land and are transferable if the successors and assigns who qualify as corporate headquarter users per the definition in Section V.E. 736.5.C.2.a. The successor and assigns do not need to have been in existence in Irvine as of June 22, 1982, (b.1.) or have submitted a comprehensive plan by April 22, 1983, (b.2) because it is assumed in order to be a corporate headquarter site, these procedures have already occurred.

The subparagraph also establishes that in the situation where property is assigned or transferred to a person or entity which does not qualify as a corporate headquarter user then the corporate headquarter entitlements are relinquished.

Issue 6: Reallocation of Available Development Points:

Subparagraph E has been added to Section V.E. 736.5 which establishes six circumstances in which points are relinquished in order to be reallocated for subsequent development applications in accordance with the same manner points were originally available, or subsequent revisions of Section V.E. 736.

1. If development of non-qualifying uses on a previously qualified corporate headquarters site or if the transfer of a qualified corporate headquarters site to a non-qualifying user then the points shall be relinquished.
2. Voluntary relinquishment of corporate headquarter's development points above the .25 FAR baseline. The voluntary relinquishment shall be effective upon the filing of a written statement with the City Clerk executed by the appropriate officers of the corporate headquarters, stating the amount of points being relinquished.
3. Approved conditional use permits are given three years from the date of validity to be issued a building permit or the conditional use permit expires. In the event a conditional use permit expires, the points allocated to the project will be relinquished.
4. If a building permit is not acted upon within six months, the building permit expires. In the event the building permit expires, thus resulting in an invalid conditional use permit. The number of points shall be relinquished.
5. In the event that a CUP is modified, resulting in a reduced number of points allocated for the project, the remaining points shall be relinquished.
6. In the event, a building permit for the site is issued which results in a reduced number of points than originally allocated, then the remaining points shall be relinquished.

CONCLUSION:

Staff recommends that the Planning Commission recommend to the City Council to adopt the attached resolution of approval and zone ordinance amendment, because the purpose of these amendments is to clarify the intent of the City Council in originally adopting the provisions of the Irvine Business Complex as they relate to corporate headquarters.

Report prepared by: Sue Whittaker, Planner I, 660-3751

Submitted by:

LARRY K. HOGLE
Director of Community Development

SB/LKH:dma

Attachments:

1. Vicinity Map
2. Zone Change, Initial Study
3. Resolution recommending the City Council Approve 85-ZC-0097

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Planning Commission
June 6, 1985
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cc: Sue Whittaker
Victor Carniglia
Ed Moore
IBC Task Force and Interest List
ILOC Task Force
Roger Grable, City Attorney
City Council (6)

201-585/#20

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D. Requirement for Provision of Area-Wide Improvements:

1. Area-wide improvements shall be divided into the following categories:

- a. **"A" group:** This group includes all improvements needed to bring the current circulation system serving the Irvine Business Complex, as of the effective date of this ordinance, up to that shown in the circulation element of the city's general plan as depicted in exhibit 736-1 [following this section V.E-736].
- b. **"B" group:** Improvements in addition to those required to implement the city's general plan which would expand the capacity of the circulation system serving the Irvine Business Complex. The "B" group is further subdivided into the following categories:
 - (1) Improvements which have been identified as feasible by a resolution of the city council. For purposes of this ordinance, it is assumed that, if these improvements were constructed along with the "A" group improvements, the circulation system which would result could accommodate development equivalent to an average 0.35 FAR in office-type development throughout the Irvine Business Complex.
 - (2) Improvements which have not been identified as feasible by city council resolution.

2. An applicant's responsibility for area-wide improvements shall be determined as follows:

- a. Commencing with the effective date of these regulations (July 22, 1982), the community development department shall maintain a record of the ambient level of development in the Irvine Business Complex. The ambient level shall include the square footage in existing buildings and in proposed projects which have received approval of a conditional use permit or, in those cases where a conditional use permit is not required, have cleared zoning compliance review. In doing the initial count, the square footage in existing buildings and in projects approved prior to adoption of this ordinance shall be translated into gross development points using the ratios specified in section V.E-736.5.B.1. Projects which are added to the record after adoption of this ordinance, in accordance with section V.E-736.6.D.2.c., shall be translated into net development points using the procedure stated in section V.E-736.5.B.2.

In addition to existing and approved projects, the ambient level shall include 65,340 points per acre for the total acreage within all corporate headquarters sites for which comprehensive plans have been filed under the provisions of section V.E-736.5.C.2.d(2).

The point total shall be divided by 3, which translates the total building square footage in the Irvine Business Complex into its equivalent in office square footage.

The community development department shall also maintain a record of the net land area in the Irvine Business Complex in square feet. Net land area shall exclude all public and private streets and any easements that prohibit surface use of the property. The community development department shall calculate the average floor area ratio for the Irvine Business Complex as follows:

$$\frac{\text{total "office" sq. ft. in IBC}}{\text{net land area in sq. ft. for IBC}} = \text{average FAR in IBC}$$

- b. As each project proposal is submitted, the community development department shall add the floor area shown on the site plan to the ambient level on record as of the date of submittal. The department shall then calculate the average FAR for the Irvine Business Complex using the new ambient level. If the average does not exceed 0.35 FAR, the applicant must comply with section V.E-736.6.D.3. If the average exceeds 0.35 FAR, the applicant must comply with section V.E-736.6.D.4.
 - c. Upon approval of a conditional use permit or, in those cases where a conditional use permit is not required upon clearance of zoning compliance review, the community development department shall revise the ambient level on record to reflect the square footage added to the Irvine Business Complex by this approval.
 - d. The community development department shall also revise the ambient level on record if building square footage in the Irvine Business Complex is reduced through demolition of structures when such demolition has been authorized by a city permit, or if existing buildings are converted to lower intensity uses.
3. *Projects within the average 0.35 FAR:* Applicants who propose projects within the average 0.35 FAR for the Irvine Business Complex shall be responsible for circulation improvements on the following basis:
- a. Projects which are at or within the baseline limit specified in section V.E-736.5.B.1. with respect to net development points shall provide their proportionate share of the "A" group improvements. To comply with this requirement, applicant shall pay a fee as provided below:
 - (1) The community development department shall maintain a list of the improvements included in the "A" group. This list shall also show the amount of capacity provided by each improvement during the 3-hour PM peak period. This capacity shall be expressed in terms of square footage of office-type development which could be accommodated. This capacity shall be translated into development points by multiplying the square footage by 3.
 - (2) The community development department shall determine the total number of development points which could be accommodated by the "A" group improvements and the total cost of these improvements. This determination shall be reviewed and approved by the city council. Based on this determination, the cost per point for funding the "A" group improvements shall be calculated by dividing the total cost by the total number of points accommodated.
 - (3) Applicants proposing projects within the baseline limit with respect to net development points shall pay a fee for each net development point attributable to their projects. This fee shall be established by the city council and shall be based on the cost per point calculated in section V.E-736.6.D.3.a(2). This fee shall be referred to as the "A" rate.

The number of points for which fees must be paid can be reduced in cases where an applicant proposes to demolish an existing structure or structures on the project site. Such reductions shall be in accordance with section V.E-736.6.H.

If credit is being granted for an existing building on the project site, as provided in section V.E-736.6.H., then the applicant shall pay the "A" rate for any net points remaining after credit for existing square footage is deducted.

- b. Projects which exceed the baseline limit specified in section V.E-736.5.C.1. with respect to net development points but which would not cause the average FAR for the Irvine Business Complex to exceed 0.35 shall be responsible for their proportionate share of the "A" group and "B" group improvements. Applicants shall pay the "A" rate, explained in section V.E-736.6.D.3.a(3), for the points below the baseline limit for the project site. Fees charged for any net points in excess of this limit shall be calculated as follows:
- (1) The community development department shall maintain a list of the improvements included in the "B" group. This list shall also show the amount of capacity provided by each improvement during the 3-hour PM peak period. This capacity shall be expressed in terms of square footage of office-type development which could be accommodated. This capacity shall be translated into development points by multiplying the square footage by 3.
 - (2) The community development department shall determine the total number of development points which could be accommodated by the "B" group improvements and the total cost of these improvements. This determination shall be reviewed and approved by the city council. Based on this determination, the cost per point for funding the "B" group improvements shall be calculated by dividing the total cost by the total number of points accommodated.
 - (3) The city council shall establish a fee based on the cost per point calculated in section V.E-736.6.D.3.b(2). This fee shall be referred to as the "B" rate. Applicants shall pay the "B" rate for net points attributable to their projects in excess of the baseline limits for the project site.

The number of points for which fees must be paid can be reduced in cases where an applicant proposes to reuse or to demolish an existing structure or structures on the project site. Such reductions shall be in accordance with section V.E-736.6.H.

If credit is being granted for an existing building on the project site, as provided in section V.E-736.6.H., then the number of points for which the "A" rate is paid is the difference between the credit granted and the baseline limit for the project site. The "B" rate must be paid for any remaining points.

4. *Projects which cause the average FAR to exceed 0.35:* Applicants who propose projects which cause the average FAR for the Irvine Business Complex to exceed 0.35 FAR shall be responsible for circulation improvements on the following basis:
 - a. Applicants shall pay the "A" rate, explained in section V.E-736.6.D.3.a(3), for the points below the baseline limit for the project site. If credit is being granted for an existing building on the project site, as provided in section V.E-736.6.H., then the number of points for which the "A" rate is paid is the difference between the credit granted and the baseline limit for the project site.

- b. The development points in excess of the limit specified in section V.E-736.6.D.4.a. shall be translated into their equivalent in office square footage by dividing by 3. The number of points remaining above this limit can be reduced in cases where an applicant proposes to reuse or demolish a structure or structures on the project site. Such reductions shall be in accordance with section V.E-736.6.H. Applicants must identify specific circulation improvements which provide sufficient capacity to accommodate the equivalent office square footage. These improvements must be in addition to those identified as feasible by a resolution of the city council.

The effectiveness of the proposed improvements shall be evaluated by the manager of transportation services. Improvements cannot be used to comply with this section unless the manager determines that they will mitigate the development in excess of the limits stated in section V.E-736.6.D.4.a. If improvements exist which are effective in mitigating the development proposed beyond the baseline, the project can be approved subject to the provision of these improvements, and to the findings required by section V.E-736.5.C.3.d. Applicants may pay fees in place of actual construction of the improvements subject to the approval of the manager of transportation services. Fees for this purpose shall be calculated in accordance with section V.E-736.6.E.

If improvements do not exist which mitigate the development proposed beyond the baseline limit, the project cannot be approved.

- E. *Applicability of Fees for Areawide Improvements:* Any project in the Irvine Business Complex for which building permits are issued after the effective date of these regulations (July 22, 1982) must comply with the fee requirements stated in section V.E-736.6. Fees required by section V.E-736.6 shall be paid prior to the issuance of building permits or as specified by procedures adopted by the city council and in effect at the time building permits are issued.
- F. *Payment of Fees in Lieu of Construction of Local Improvements:* In cases where applicants are required to provide local circulation improvements under the provisions of this ordinance, they may pay fees equivalent to the construction cost of these improvements rather than building them subject to the approval of the manager of transportation services. To determine the appropriate fee, the applicant shall submit an estimate of the construction cost for each required improvement. The manager of transportation services shall verify the estimated construction cost, or if they disagree with the applicant's estimate, shall revise the estimate. The fees paid by the applicant shall equal the cost accepted by the city as accurate.
- G. *Construction of Areawide Improvements in Lieu of Payment of Fees:* In cases where applicants are required to pay fees for areawide circulation improvements under the provisions of these regulations, they may construct improvements, which are included in the list "A" group or "B" group improvements maintained by the community development department and which are equivalent in cost to the fees owed, rather than paying the fee subject to the approval of the manager of transportation services. The applicant shall submit an estimate of the construction cost for each improvement they propose to construct. The manager of transportation services shall verify the estimated construction cost, or if they disagree with the applicant's estimate, they shall revise it. The value of the proposed improvements must equal or exceed the required fee in order for the manager of transportation services to approve the applicant's request to substitute construction of improvements for payment of fees.

- H. *Credit for Existing Square Footage in Determining Circulation Fees:* In cases where an existing structure is located on the site of a proposed project, credit can be granted for the existing building square footage for purposes of calculating fees for circulation improvements, or for determining how much road capacity must be provided by the applicant to accommodate the new development. The procedure for granting credit shall be as follows:
1. The applicant shall submit a floor plan of the existing building(s) which illustrates what uses occupied the building prior to the project proposal. The community development department shall check if its records show that the appropriate approvals were granted for the establishment of these uses. The department shall calculate the number of net development points attributable to the approved uses in the existing buildings using the ratios specified in section V.E-736.5.B.1.
 2. For project proposals within the average 0.35 FAR, as determined by section V.E-736.6.D.2., the points attributable to the existing building(s) can be deducted from the net development points assigned to the proposal before calculating the fees which must be paid for areawide circulation improvements. How these fees are calculated is specified in section V.E-736.6.D.3.a. or b. depending on whether or not the project is within the baseline limit or exceeds this limit.
 3. For project proposals that cause the average FAR to exceed 0.35, as determined by section V.E-736.6.D.2., the net points attributable to the existing building(s) can be deducted from the net development points assigned to the proposal before determining how much road capacity the applicant must add to mitigate the traffic impact of the new development. The requirements which the applicant must meet with respect to construction of area-wide circulation improvements are described in section V.E-736.6.D.4.b.
 4. Requests for credit for existing building square footage shall be reviewed and approved by the director of community development for projects which do not require a conditional use permit and by the approval authority for projects requiring a use permit. Credit can only be retained by the applicant if they obtain the appropriate permits from the city for any interior alterations or demolition of buildings. Any demolition must proceed prior to the issuance of any building permits for new structures on the site, or in accordance with a phasing plan approved by the director of community development.
- I. *Exemptions From Fees:* The following types of uses shall be exempt from payment of fees for circulation improvements.
1. Square footage within a building that provides services to employees such as cafeterias, employee lounges, and recreational areas. The square footage to be exempted shall be for the use of employees of the business at which they are located and shall not be open to the general public. Determination of whether or not a proposed use qualifies for this exemption shall be made by the director of community development. This exemption can only be granted if the property owner enters into an agreement with the city ensuring that the square footage remains in the exempt use.
 2. Square footage used for child care centers facilities. Determination as to whether or not a facility qualifies for this exemption shall be made by the director of community development. This exemption can only be granted if the property owner enters into an agreement with the city ensuring that the square footage remains in the exempt use.

CITY COUNCIL ORDINANCE NO. 85-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 85-ZC-0098 AMENDING SECTION 736.0 OF THE CITY'S ZONING ORDINANCE TO ALLOW THE CREATION OF A DEVELOPMENT PRIORITY LIST AND APPLICATION PROCEDURE WHICH ESTABLISHES AN ORDER FOR PROCESSING DEVELOPMENT PROPOSALS WHEN DEVELOPMENT POINTS BECOME AVAILABLE WITHIN THE .35 AVERAGE FLOOR AREA RATIO FOR THE IRVINE BUSINESS COMPLEX, FILED BY THE CITY OF IRVINE

WHEREAS, an application for a zone change was filed by the City of Irvine, amending Section 736.0 to establish a development priority list and application procedure for the Irvine Business Complex; and

WHEREAS, all available development points have been allocated to projects pursuant to the regulations of the Irvine Business Complex Zoning Regulations; and

WHEREAS, points may become available in the future either through the reallocation of points pursuant to the provisions of the Irvine Business Complex Regulations or through an amendment to the Irvine Business Complex Regulations permitting additional development above the limits previously established; and

WHEREAS, applications have been made for conditional use permits for additional projects for which development points are not currently available; and

WHEREAS, the City of Irvine is required to act on these projects within a specified period of time pursuant to the provisions of the California Government Code; and

WHEREAS, the projects for which conditional use permit applications are now pending currently serve as the priority list for the reallocation of points in the event that they become available in the future; and

WHEREAS, the time limits established by State law preclude the continued utilization of applications for conditional use permits as the development priority list.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRVINE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to Section 6 of the City of Irvine CEQA Procedures and Section 15153 of the State Environmental Guidelines Irvine Business Complex (81-ER-0048) has previously been prepared, certified and considered which adequately addresses the general environmental setting of the proposed project, its significant environmental impacts, and the alternatives and mitigation measures related to each significant environmental effect for the proposed project and no additional environmental document need be prepared. The City Council has reviewed and considered the information contained in the previous environmental impact report prior to recommending the approval of this project.

SECTION 2. The following has been found to be potentially significant environmental effects of the development of the Irvine Business Complex:

1. Traffic levels could exceed local and regional system capacity if an accelerated pace of development occurs over a short time span and a lag in actual construction of needed system improvements occurs.
2. Future development could lead to an unavoidable deteriorating traffic flow on Main Street at its intersections with Jamboree, MacArthur and Red Hill.

SECTION 3. The benefits of the project have been balanced and considered against its possible unavoidable environmental risks and against the project alternatives identified in the final environmental impact report and those benefits are found to be overriding in that, among other considerations:

1. The project provides for the best utilization of the land.
2. The project's environmental effects represent a reduction over those associated with previous planned community district regulations.
3. The project will allow continued growth of employment opportunities adjacent to largely existing residential areas in southeast Orange County.
4. The project and associated mitigation measures will establish a process for the long-term systematic review of the local circulation system, its operation and needs.
5. The project will establish a system for funding local circulation system improvements.
6. The project recognizes the directs support of a study, by the City of Irvine and surrounding communities, of the area-wide circulation system and its needs.

SECTION 4. That in accordance with Section V.E-802.4, the findings required by the City of Irvine Zoning Ordinance for approval at zone changes have been made as follows:

1. The proposed zone change is consistent with the City of Irvine General Plan, or any amendment approved concurrently with the zone change, because the proposed zone change meets General Plan Objectives A-4 in that the regulation of intensity of traffic generating uses through the Zoning Ordinance will occur.
2. The proposed zone change is consistent with the intent and objectives of this Division (Section V.E-100), because the priority list proposed will assist in coordinating the orderly development of land uses in the City.
3. The finding requiring the proposed zone change to be consistent with any applicable concept plan is not applicable, because a concept plan was not required when the Irvine Business Complex was planned.

4. The proposed zone change is in the best interests of the health, safety, and welfare of the community because it provides for an orderly development of the Irvine Complex without increasing the average FAR above .35.
5. The finding requiring 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 is not applicable because no development will occur in conjunction with this zone change.

SECTION 5. Section V.E-736.5 is hereby amended to add subparagraph F. to read as follows:

V.E-736.5.F. Development Priority List.

1. In the event conditional use permits have been approved which utilize all or substantially all of the points available for development in excess of the baseline intensity limit set forth in Sections V.E-736.5.C.1. or C.2. a priority list shall be established in accordance with the provisions of this section for the purpose of allocating points which may become available pursuant to the provisions of Section V.E-736.5.E.
2. The priority list for the allocation of development points as set forth in paragraph 1. above shall be established as follows:
 - a. Applicants with an application for a conditional use permit on file with the Community Development Department for development above the baseline intensity limits shall have 30 days from the effective date of this ordinance to submit to the Director of Community Development a letter signed by the appropriate officers or agents of the applicant requesting the withdrawal of the conditional use permit and to file an application for inclusion on the Irvine Business Complex development priority list.
 - b. On September 1, 1985, the Director of Community Development shall establish a priority list for development based on the order of the filing dates of the withdrawn conditional use permits. After all the withdrawn conditional use permits have been given an order of priority, new applications for inclusion on the development priority list will be included on the priority list in the order established by the date the development priority list case was filed and accepted as complete.
 - c. The following information shall be submitted as a part of the development priority list application:
 - (1) A completed application form.
 - (2) Plans, to scale, including site plans showing approximate building locations, parking areas on-site circulation, and building heights.
 - (3) A deposit/fee as required by resolution of the City Council.
 - (4) A letter of justification describing the project.

- (5) Other information as required by the Director of Community Development.
- d. After four years from the date the application for development priority was filed and accepted as complete, if development points are not available for the project, the applicant will be notified and the project removed from the development priority list.
- e. The Director of Community Development shall keep a record of development points that are subject to allocation pursuant to the provisions of Section V.E-736.5.E. or are made available by amendment of this Section V.E-736.5. When enough development points accumulate to be allocated to the next application on the priority list, the Director of Community Development shall notify the applicant. The applicant shall have 45 days from the date of notice to file an application for a conditional use permit for development in excess of the baseline limits set forth in Sections V.E-736.5.C.1. or C.2. and have the application accepted as complete. In the event the conditional use permit is approved, the points will be allocated in accordance with the approved conditional use permit. If the conditional use permit is disapproved, the next application shall be notified, if sufficient points are available for the next applicant's project, and the next application shall then have the same opportunity to apply for a conditional use permit for the allocation of the development points.
- f. Applicants for conditional use permits not withdrawn pursuant to (a) above shall not be entitled to placement on the development priority list in accordance with the filing date of the conditional use permit but may apply for addition to the priority list in accordance with subsection (b) above. Conditional use permit applications not withdrawn shall proceed to public hearing and disposition in accordance with established City procedures. The only exception to the foregoing shall be applications for conditional use permits for development above the baseline intensity limits for which the time for acting on such applications pursuant to Government Code Section 65950 et seq. expire prior to the effective date of this ordinance. Applicants for such projects shall be entitled to apply for inclusion on the development priority list pursuant to (a) above and shall be entitled to a priority based upon the filing date of the conditional use permit even though the conditional use permit may have been withdrawn by the applicant or denied by the City due to the lack of available development points.

SECTION 6: The purpose of this amendment to the Irvine Business Complex Zoning regulations is to implement the intent of the existing provisions of such regulations.

PASSED AND ADOPTED by the City Council of the City of Irvine at an adjourned meeting held on the 25th day of June, 1985.


DAVID G. SILLS
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, NANCY C. LACEY, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing ordinance was duly adopted at an adjourned meeting of the City Council of the City of Irvine, held on the 25th day of June, 1985, by the following roll call vote:

AYES:	5	COUNCILMEMBERS:	Agran, Baker, Miller, Wiener and Sills
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None


CITY CLERK OF THE CITY OF IRVINE

AFFIDAVIT OF POSTING

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

I, Nancy C. Lacey, City Clerk of the City of Irvine, HEREBY DO CERTIFY that on the 8th day of July, 1985, I caused to have posted the foregoing true and correct copy of Ordinance No. 85-19 of the City of Irvine in the following public places in the City:

1. Bulletin Board in Walnut Village Shopping Center, Culver and Walnut, Irvine
2. Bulletin Board in University Park Shopping Center, Culver at Michelson, Irvine
3. Bulletin Board in Northwood Shopping Center, Irvine Boulevard at Yale, Irvine

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City Council of the City of Irvine, California, the 8th day of July, 1985.


CITY CLERK OF THE CITY OF IRVINE

CITY COUNCIL RESOLUTION NO. 85-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CITY COUNCIL RESOLUTION 84-121 ESTABLISHING A FINAL FEE FOR FUNDING CIRCULATION IMPROVEMENTS IN THE IRVINE BUSINESS COMPLEX

WHEREAS, the City Council has adopted zoning regulations for the Irvine Business Complex (81-ZC-0060); and

WHEREAS, a Final Environmental Impact Report (81-ER-0048) was prepared and certified pursuant to the provisions of the CEQA; and

WHEREAS, a Final Supplemental Environmental Impact Report has been prepared pursuant to the requirements of the California Environmental Quality Act, Guidelines thereto, and City adopted procedures and was circulated for public review from March 15, 1985 to April 15, 1985; and

WHEREAS, following review and consideration of the FEIR as supplemented, comments received from the public both oral and written, staff responses to comments received during the public review period, and other substantial evidence in the record, the City Council has certified the adequacy, accuracy, objectivity, and completeness of the FEIR as supplemented, in adopting Resolution No. 85-68 on June 11, 1985; and

WHEREAS, one of the purposes of the zoning regulations for the Irvine Business Complex is to limit the intensity of development in the Irvine Business Complex so that traffic generated by this development is within the capacity of the circulation system serving the Irvine Business Complex; and

WHEREAS, a second purpose of the zoning regulations is to insure that improvements to the City's circulation system, needed as a result of development approvals in the Irvine Business Complex, will be provided; and

WHEREAS, a third purpose of the zoning is to prevent development in the Irvine Business Complex from becoming a financial drain on the City's resources; and

WHEREAS, in order to carry out these purposes, certain provisions have been included in the zoning regulations which must be implemented by the City Council; and

WHEREAS, these provisions include establishing final fee for construction of circulation improvements.

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

SECTION 1: Pursuant to Sections 6 & 8 of the City of Irvine CEQA Procedures and Section 15153 and 15163 of the State Environmental Guidelines, the previous EIR for the Irvine Business Complex as revised by the Supplemental EIR has been prepared, certified and considered which adequately addresses the general environmental setting of the proposed project, its significant environmental impacts, and the alternatives and

mitigation measures related to each significant environmental effect for the proposed project. The City Council, having final approval authority over this project, has reviewed and considered the information contained in the previous environmental impact as revised by the supplemental report prior to approval of this project.

SECTION 2: Changes or alterations have been incorporated into the project which mitigate or avoid certain of the significant environmental effects thereof. Pursuant to Sections 15091 and 15092 of the State CEQA Guidelines, all significant environmental effects and corresponding mitigation measures together with the requisite findings and facts related thereto have been comprehensively set forth in Exhibit A, which is incorporated herein by reference as though specifically set forth herein. Conditions have been adopted as part of this project which incorporate all of the mitigation measures identified in the EIR.

SECTION 3: The benefits of the project have been balanced and considered against its possible unavoidable environmental risks and against the project alternatives identified in the final environmental impact report and those benefits are found to be overriding, all as set forth in Exhibit A.

SECTION 4: Section 1(b) of City Council Resolution 84-121 is hereby amended to read as follows:

- a. Boundaries of the final fee district: All property within the Irvine Business Complex, as shown in Exhibit 1 (attached hereto and incorporated herein by this reference), is included in the final fee district.
- b. Final fee schedule: The zoning ordinance for the Irvine Business Complex divides the area-wide improvements needed into two groups: 1) those which would bring the current circulation system (as of the date the Irvine Business Complex zoning was adopted) up to that required under the original IC-west zoning i.e., "A" group; and 2) improvements required for the Irvine Business Complex Zoning i.e., "B" group.

The list of improvements in the "A" group and "B" group shall be as shown in Exhibit 2 (attached hereto and incorporated herein by this reference). The "A" rate shall be \$1.05 per development point; and the "B" rate shall be \$2.10 per development point with the following exception:

The following projects which had site design approved prior to the adoption of the Irvine Business Complex zoning ordinances shall pay circulation fees at the following rate: The "A" rate shall be \$.71 per development point; and the "B" rate shall be \$1.10 per development point. This reduced rate shall only apply to the square footage shown on these approved site designs and shall continue to apply even if changes in project or applicant names occur or revisions to the site designs listed are necessitated by final site layouts or designs by means of revised site designs, conditional use permits or other means provided for in City ordinances.

<u>Applicant</u>	<u>Site Design Numbers of Projects</u>
Koll	80-SD-0632, 80-SD-0720, 80-SD-0743, 81-SD-0829
Douglas	81-SD-0832
Trammel-Crow	81-SD-0867, 81-SD-0873
Carter	81-SD-0846
Irvine Company	79-SD-0449, 79-SD-0502

The "A" and "B" rate shall be adjusted upward to reflect the California Construction Price Index as of April 1, 1985 (Long Beach Index). All rates are subject to escalation based on the California Construction Price Index as of April 1, 1985. This rate shall be adjusted on an annual basis.

- c. **Applicability of final fee:** The requirement to pay fees for circulation improvements shall apply to any project in the Irvine Business Complex for which building permits are issued after the effective date of the zoning ordinance, July 22, 1982. This provision applies to permits for new structures, additions, and conversion of buildings from one use to another. The method used for calculating how much a specific project must pay in fees for circulation improvements shall be as stated in the Irvine Business Complex Zoning Ordinance, using the "A" and "B" rates stated in Section 2.b of this resolution.

In cases where an existing structure is located on the site of a proposed project, and this structure is being demolished, credit can be granted for the building square footage being removed for the purpose of calculating fee as specified in Section 736.6H of the Irvine Business Complex ordinance. In cases where an existing building is being converted from one use to a different use, the square footage in the building shall be translated into development points based upon existing use and based upon the proposed uses. These two amounts shall be compared. If the new uses result in a higher number of development points, then fees shall be paid only on a difference in the number of points.

- d. **Payment of the final fee:** The fee shall be paid at the time of issuance of the first building permits.

In cases where the developer has bonded or provided surety for fees due prior to adoption of this fee resolution (June 11, 1985), the Director of Community Development shall adjust the amount owed to reflect the final fee schedule and the total amount shall be paid to the City within six (6) months of the adoption of this resolution (December 11, 1985), or issuance of certificates of use and occupancy permit, whichever comes first.

- e. **Prioritization of Circulation Improvements:** The Technical Advisory Committee will prepare a report to the Irvine Business Complex Task Force on an annual basis. This report will make recommendations on prioritizing the circulation improvements to be built within the upcoming five year period. The report shall incorporate the latest information on projected development, traffic volumes and anticipated fee revenues. The Irvine Business Complex Task Force shall evaluate this report and make recommendations on the prioritization of improvements to the Transportation Commission and Planning Commission for final review and approval by the City Council.

- f. Credit for the construction of area wide circulation improvements: The value of circulation improvements constructed by a developer may be credited against the amount of final fees due if the Transportation Commission determines that it is desirable for the area wide improvements to be constructed in conjunction with the development of the project. The applicant shall then submit an estimate of the construction cost for each improvement they propose to construct. The Manager of Transportation Services shall verify the estimated construction costs, or if they disagree with the applicant's estimate, the applicant shall revise it. Credit shall only be approved for improvements that are identified as being funded by the final fee (see Exhibit 2 to this resolution).

Funds spent by a developer on area wide circulation improvements, identified in Exhibit 2, that were required by the zoning regulations adopted under zone change 80-ZC-0055 or 80-ZC-0057, are eligible for credit towards fees imposed by the Irvine Business Complex zoning regulations on development of these sites.

- g. Credit for the dedication of right-of-way: The value of any land dedicated for the construction of improvements identified as being funded by the final fee may be credited against the amount of final fees due if it is determined by the Transportation Commission it is desirable for the area-wide improvement to be constructed in conjunction with the development project. The value of the dedicated land shall be determined by an independent third party appraisal. This appraisal shall be paid for by the applicant.

PASSED AND ADOPTED by the City Council of the City of Irvine at an adjourned meeting held on the 11th day of June, 1985.

DAVID G. SILLS
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, NANCY C. LACEY, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at an adjourned meeting of the City Council of the City of Irvine, held on the 11th day of June, 1985, by the following roll call vote:

AYES:	5	COUNCILMEMBERS:	Agran, Baker, Miller, Wiener and Sills
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None


CITY CLERK OF THE CITY OF IRVINE

FINDINGS OF FACT AND A STATEMENT OF OVERRIDING
CONSIDERATIONS PERTAINING TO THE CITY COUNCIL'S
ADOPTION OF A FINAL FEE AND CIRCULATION IMPROVEMENT
LIST FOR THE IRVINE BUSINESS COMPLEX AND GENERAL PLAN
AMENDMENT (85-GP-0032) INCLUDING CERTAIN OF THESE
IMPROVEMENTS WITHIN THE CIRCULATION ELEMENT OF
THE GENERAL PLAN

It is the policy of the State of California and the City of Irvine, as provided in the provisions of the California Environmental Quality Act of 1970, as amended, and the provisions of Title XIV, California Administrative Code, Guidelines for Implementation of the California Environmental Quality Act of 1970 (hereinafter "CEQA" and "Guidelines," respectively), that the City shall not approve a project unless any significant environmental effects of the project have been reduced to an "acceptable level" within the meaning of Sections 15091 and 15093 of the Guidelines.

The City is proposing the enactment of a circulation improvement fee and establishment of circulation improvement list for the Irvine Business Complex as required by the adopted zoning regulations for IBC; and

A Final Environmental Impact Report (81-ER-0048) has been prepared and supplemented (84-ER-0065) pursuant to the requirements of the California Environmental Quality Act, Guidelines thereto, and City adopted procedures.

Following review and consideration of the FEIR, comments received from the public both oral and written, staff responses to comments received during the public review period, and other substantial evidence in the record, the City Council has certified the adequacy, accuracy, objectivity, and completeness of the FEIR in adopting Resolution No. 85-68 on June 11, 1985.

Section 21081 of CEQA and Sections 15091 of the Guidelines require that the City Council make one or more of the following findings in approving a project for which a FEIR has been completed identifying one or more significant effects of the project, along with statements of fact supporting each finding:

FINDING 1 - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the FEIR.

FINDING 2 - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FINDING 3 - Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR.

Section 15093 (a) of the Guidelines requires the City Council to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

EXHIBIT A

Section 15093 (b) requires, where the decision of the City Council allows the occurrence of significant effects which are identified in the FEIR but are not at least substantially mitigated, the City must state in writing the reasons to support this action based on the FEIR or other information in the record.

Based upon is review and consideration of the FEIR and other substantial evidence in the record, the City Council of the City of Irvine has made the following findings pursuant to Section 15091 of the CEQA Guidelines:

1. Findings and facts in support of findings for significant environmental effects associated with the development of IBC. The FEIR prepared for IBC discusses all potential impacts associated with the buildout of IBC based upon currently available information and projections for the future. The environmental issues evaluated, and the mitigation measures adopted both by the present action and by previous approvals to reduce the effects of the project are set forth in Attachment 1, which is hereby incorporated in this document. After incorporation if all feasible mitigation measures noted in Attachment 1, the City Council has found that the following significant effects associated with the development contemplated for IBC are unavoidable:

The following arterials and intersections are projected to be over capacity at full development of the Complex. The FEIR has determined that the cause of these overcapacity conditions is the result of several factors beyond development solely within IBC.

Arterials

- a. Redhill Avenue - North of Alton Parkway
- b. Myford Avenue - North of Irvine Center Drive
- c. Jamboree Extension - Barranca to Irvine Center Drive
- d. Jamboree Road - Alton to Barranca, and I-405 to Main Street
- e. MacArthur Boulevard - I-405 to Main, and Michelson to I-405
- f. Harvard Avenue - Michelson to Main, and Irvine Center Drive to Walnut
- g. Culver Drive - I-405 to Main Street

Intersections

- a. Redhill at Barranca/Dyer
- b. Jamboree at Barranca
- c. Jamboree at Alton
- d. MacArthur at Main

Circulation improvements in the form of overcrossings have been identified in the FEIR as potential mitigation for the several intersections, among these are the intersections at Jamboree/Alton and Redhill/Barranca. After considering intersection improvements at these locations, the City Council has determined not to include them in the final list of improvements because of specific economic and aesthetic considerations. Table P of the FEIR (Supplement EIR page 67) shows the results of the cost benefit analysis for the proposed overcrossings. This analysis concludes that the Jamboree/Alton overcrossing is not cost effective (-\$200,000) on an annual basis. It also shows that of the remaining overcrossings with a positive cost ratios, the Redhill/Barranca overcrossing is the lowest (+\$200,000). Such cost savings are not considered sufficient to offset the negative visual aspects of the proposal, as discussed on pages 28-34 of the FEIR, even after implementation of

measures designed to improve the visual character of these structures. Therefore, the City Council has determined that these two overcrossings are infeasible based upon their cost and/or their overall environmental effects, and have not been included within the final circulation improvement list.

2. Statement of Overriding Considerations. The City Council of the City of Irvine has found that the mitigation measures identified in FEIR and summarized in Attachment 1, will when implemented, mitigate or substantially reduce all significant impacts discussed in the FEIR. Nonetheless, the City Council of the City of Irvine has also found that certain significant environmental effects of the project are unavoidable even after the incorporation of all feasible mitigation measures with the exception of those listed above. For such effects, the City Council has balanced the benefits of the proposed project against such unavoidable environmental risks in determining whether or not to approve IBC. In this regard, the City Council hereby finds that all feasible mitigation measures with the exception of those listed above as identified in the FEIR and Attachment 1 have been and will be implemented with the project, and that any remaining significant unavoidable effects are acceptable due to the following specific economic, social and other considerations, based upon the facts set forth above, in the FEIR, and in the public record of the consideration of this project:

1. The project provides for the best utilization of the land;
2. The project's environmental effects represent a reduction over those associated with the previous planned community district regulations for IBC (IC-West);
3. The project will allow continued growth of employment opportunities adjacent to largely existing residential areas in southeast Orange County;
4. The project and associated mitigation measures will establish a process for the long-term systematic review of the local circulation system, its operation and needs;
5. The project will establish a system for funding local and area wide circulation system improvements (as currently proposed);
6. The project recognizes and directs support of a study, by the City of Irvine and surrounding communities, of the area wide system and its needs;
7. The project establishes new opportunities for the construction of housing near employment within the Irvine Business Complex, and provides development incentives, especially for units priced in the affordable range.

Any of the foregoing specific economic, social and other considerations constitute benefits of the completion of IBC sufficient to outweigh the public costs and unavoidable significant impacts caused by the project as described in the FEIR.

IRVINE BUSINESS COMPLEX
MITIGATION MATRIX

EIR ISSUE	MITIGATION MEASURES	SOURCE	IMPL
LAND USE	1. Amend General Plan Land Use Element	FEIR	GP ap
	2. Amend Planned Community Regulations	FEIR	Zoni 1982
	3. Require conditional use permits for residential development in the mixed use district	FEIR	Zoni
	4. Prohibit industrial and commercial activities injurious to health, safety, or welfare of persons residing or working in the Complex	FEIR	Zoni
	5. Replant materials removed during roadway widening projects within remaining landscape strip.	SEIR	Impr
	6. Texture and landscape vertical walls of overcrossings	SEIR	Impr
WATER RESOURCES	7. Require erosion control plans.	FEIR	IBC Stan
	8. Require compliance with the Grading Ordinance	FEIR	UBC,
	9. Prohibit discharge of industrial wastes	FEIR	Muni Sect
	10. Require submittal of drainage plans	FEIR	Subd
	11. Control fertilizers/pesticides and irrigation runoff	FEIR	Land
	12. Require routine maintenance of Parking lots and streets.	FEIR	IBC Stan
TRAFFIC & CIRCULATION	13. Circulation improvements listed in FEIR, Table I. (As revised by the improvements under measure 20)	FEIR	Inte
	14. Establish an IBC Circulation Improvement Program for local and areawide circulation improvements	FEIR	IBC Tent Revi

Notes: FEIR - IBC Final EIR Certified June 8, 1982
SEIR - IBC Supplemental EIR

IRVINE BUSINESS COMPLEX
MITIGATION MATRIX
(Cont.)

EIR	ISSUE	MITIGATION MEASURES	SOURCE	IMPL.
		15. Implement a Traffic Signal Improvement Program	FEIR	Tent
		16. Conduct an areawide traffic study with other public agencies	FEIR	Coor w/ag Deve
		17. Implement a Sidewalk Improvement Program for IBC	FEIR	Irvi
		18. Park-N-Ride Projects	FEIR	O.C.
		19. Public Transit Transfer Terminal Projects	FEIR	Fin
		20. Circulation improvements listed in SEIR Table M	SEIR	
AIR QUALITY		21. Implement dust control measures	FEIR	IBC Sta Per
		22. Support Air Quality Management Plan measures	FEIR	Cou sup mea
		23. Housing near employment centers	FEIR	Zon
		24. AQMD approval of pollution generating equipment	FEIR	AQM
NOISE		25. Restrict hours of construction activities	FEIR	Noi
		26. Additional restrictions on activities within 1000' of existing residents	FEIR	CUP
		27. Acoustical reports required for residential uses to assure compliance with City noise standards	FEIR	Gen Sta Ord
		28. Aircraft noise notification statements required for residential uses	FEIR	Ten
		29. Continued enforcement of City's Noise Ordinance	FEIR	Noi
		30. Careful review of residential CUP's for Noise considerations	FEIR	CUP

Notes: FEIR - IBC Final EIR Certified June 8, 1982
SEIR - IBC Supplemental EIR

IRVINE BUSINESS COMPLEX
MITIGATION MATRIX
(Cont.)

EIR ISSUE	MITIGATION MEASURES	SOURCE	IMPL
ENERGY	31. Require developers to consider energy as part of project planning	FEIR	Gen Sta Map
	32. Require developer submittal of energy conservation information to homeowners	FEIR	Ten
	33. Assure compliance with Title 24 Regulations	FEIR	Bui
	34. Encourage design features which maximize solar heating, wind cooling and natural lighting	FEIR	CUP
	35. Encourage cogeneration in association with industrial uses	FEIR	Ene
PUBLIC SERVICES & FACILITIES			
John Wayne Airport:	36. Support the County and SCAG in search for a new general aviation airport	FEIR	Cou
	37. Support expansion of John Wayne Airport as environmental effects are reduced	FEIR	Tra
	38. FAA review of projects in accordance with Federal Aviation Regulations, Part 77	FEIR	CUP
	39. Consider additional PC note advising developers of Part 77 requirements	FEIR	Sta
Fire Protection:	40. Adherence to adopted building and fire codes	FEIR	Bui
	41. Refer CUP's for development approaching 1.0 to IRWD to assure adequate fire flow	FEIR	CUP
Public Safety:	42. Require adherence to Uniform Security Code	FEIR	Si rev

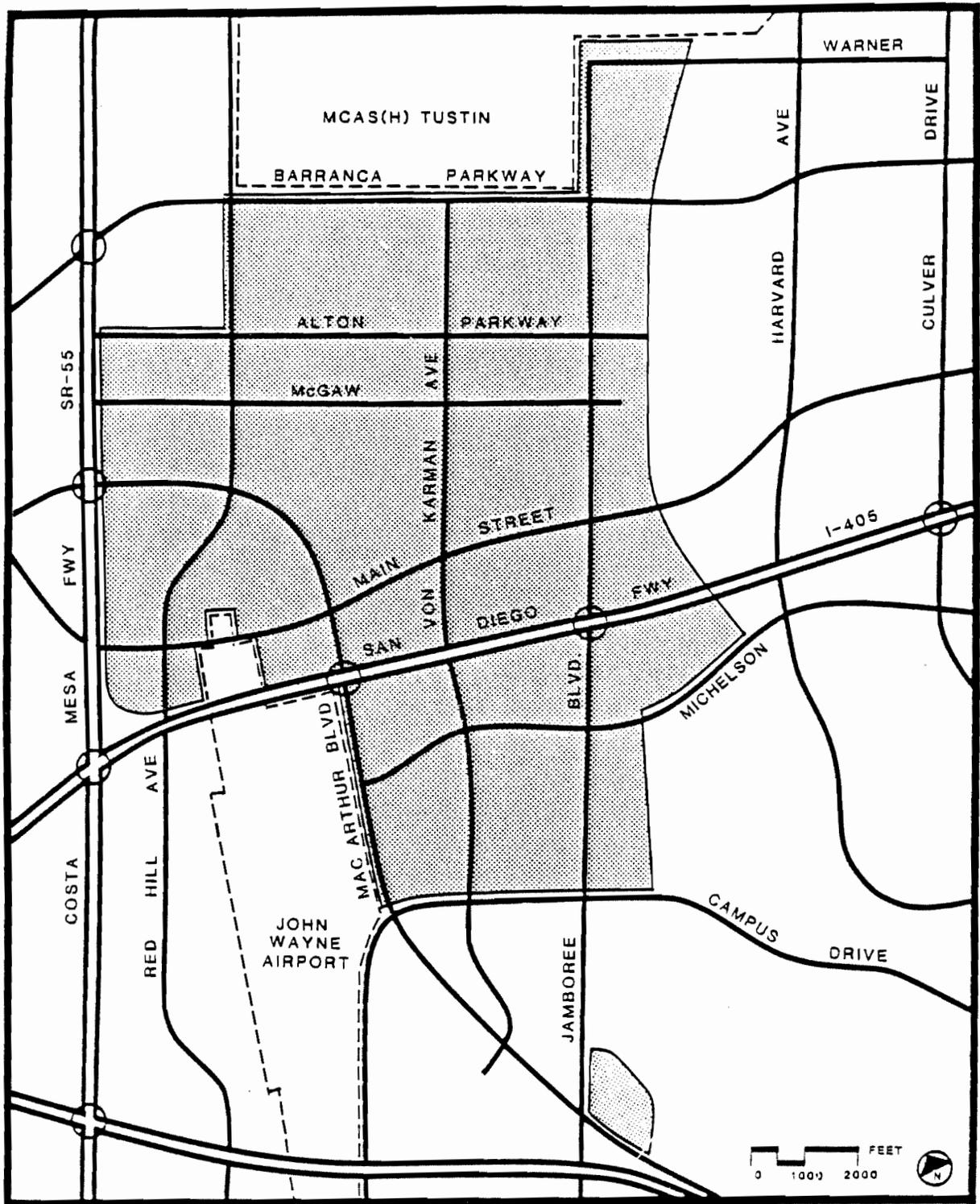
Notes: FEIR - IBC Final EIR Certified June 8, 1982
SEIR - IBC Supplemental EIR

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IRVINE BUSINESS COMPLEX
MITIGATION MATRIX
(Cont.)

EIR	ISSUE	MITIGATION MEASURES	SOURCE	IMPL
		43. Require consultation with the City's crime prevention unit	FEIR	Tent Desi
	Electrical & Natural Gas:	Refer to measures listed under "Energy"		
	Water & Sewers:	44. Continue annual evaluation of potable water availability	FEIR	City
		45. Continue requiring homebuyers be supplied water conservation information	FEIR	Tent
		46. Continue to require water and sewer line installation in accordance with applicable regulations	FEIR	Imp Rev Cit
		47. Encourage use of reclaimed water	FEIR	Cit
		48. Implement water conservation measures for landscaping	FEIR	Land
	Schools:	49. Consider requiring school districts to certify availability of facilities as part of CUP approval	FEIR	CUP
		50. Investigate transferring students to Irvine Schools	FEIR	Cit
		51. Consider establishing satellite schools as part of large residential projects	FEIR	Cit
		52. Require residential developers to ensure transportation for students	FEIR	CUP
	Housing:	53. Require 15% of all new units be affordable	FEIR	Spe Sta
		54. Provide office development bonus for development residential units	FEIR	Zon
		55. Continue implementation of the City's Housing Element	FEIR	Cit

Notes: FEIR - IBC Final EIR Certified June 8, 1982
SEIR - IBC Supplemental EIR



IRVINE BUSINESS COMPLEX - VICINITY MAP
 CITY OF IRVINE

IMPROVEMENTS TO BE FUNDED BY THE
FINAL FEE

A. Group Improvements

- Widen Red Hill Ave. to six lanes overcrossing I-405	2.1
- Construct four lanes Alton Ave./S.R. 55 overcrossing	1.1
- Add third westbound through lane on Barranca Pkwy. between Jamboree Blvd. and Red Hill Ave.	1.2
- Realign and construct Barranca Pkwy. to four lanes from Jamboree Blvd. to Culver Dr.	.4
- Widen Michelson Dr. to four lanes between west of San Diego Creek Channel to Harvard Ave.	.5
- One third of cost to construct Jamboree Blvd. extension as a six lane expressway from I-5 to Barranca Pkwy. Grade separations at Walnut Ave., Irvine Center Dr., Barranca Pkwy., and Michelle Dr., overcrossing at Moffette Dr.	9.2
	<u>\$14.5</u> Million

B. Group Improvements

- Reconstruct interchange in Myford Rd. and I-5	.6
- Widen Walnut Ave. to six lanes between Harvard Ave. and Jamboree Blvd.	.8
- Widen Jamboree Blvd. to eight lanes between Barranca Rd. to Michelson Dr.	2.1
- Widen I-405 overcrossing at Jamboree Blvd. to eight lanes	1.1
- Extend Armstrong Ave. to MacArthur Blvd.	.6
- Widen MacArthur Blvd. to eight lanes between S.R. 55 and Douglas Ave.	4.9

NOTE: Cost Chargeable to
IBC (in \$ million).
Cost Estimates as of
April 1, 1985

- Widen MacArthur Blvd. overcrossing I-405 to eight lanes 1.6
- Widen Von Karman Ave. to six lanes between Main St. and Michelson Dr. 3.9
- Add fourth through lanes on westbound and eastbound Barranca Pkwy./Dyer Rd. from S.R.. 55 through Jamboree Blvd. Move bike trail to off-street, north side of Barranca Rd. between Jamboree Blvd. and Red Hill Ave. 6.9
- Widen Main St. to six lanes between Sunflower Ave. and Harvard Ave. 7.0
- Widen Barranca Pkwy. from four to six lanes between Harvard Ave. and Culver Dr. 1.0
- Widen Alton Ave. from four lanes to six lanes between Jamboree Blvd. and Culver Dr. 1.8
- Two-thirds of cost to construct Jamboree Blvd. extension as a six lane expressway from I-5 to Barranca Pkwy. Grade separations at Walnut Ave., Irvine Center Dr., Barranca Pkwy., and Michelle Dr., overcrossing at Moffette Dr. 18.3

"CONCEPT" MITIGATION MEASURES

- Intersection Improvements 2.0
- Transportation Management Program, Administration, and Planning Studies 2.0
- Reserve for I-405 Access Improvements 7.5
- Landscaping for Arterials in IBC 2.0
- *Construct intersection improvements at Jamboree Blvd. and Main St. 6.0

\$70.1
Million

TOTAL "A" AND "B" GROUP

= \$84.6
Million

***NOTE:** This improvement is not approved as a grade separation but as intersection improvement beyond the improvements identified as conditions of approval on conditional use permits. In the event a grade separation is required at this intersection the funding will be in place for the project.

D. Requirement for Provision of Area-Wide Improvements:**1. Area-wide improvements shall be divided into the following categories:**

- a. **"A" group:** This group includes all improvements needed to bring the current circulation system serving the Irvine Business Complex, as of the effective date of this ordinance, up to that shown in the circulation element of the city's general plan as depicted in exhibit 736-1 [following this section V.E-736].
- b. **"B" group:** Improvements in addition to those required to implement the city's general plan which would expand the capacity of the circulation system serving the Irvine Business Complex. The "B" group is further subdivided into the following categories:
 - (1) Improvements which have been identified as feasible by a resolution of the city council. For purposes of this ordinance, it is assumed that, if these improvements were constructed along with the "A" group improvements, the circulation system which would result could accommodate development equivalent to an average 0.35 FAR in office-type development throughout the Irvine Business Complex.
 - (2) Improvements which have not been identified as feasible by city council resolution.

2. An applicant's responsibility for area-wide improvements shall be determined as follows:

- a. Commencing with the effective date of these regulations (July 22, 1982), the community development department shall maintain a record of the ambient level of development in the Irvine Business Complex. The ambient level shall include the square footage in existing buildings and in proposed projects which have received approval of a conditional use permit or, in those cases where a conditional use permit is not required, have cleared zoning compliance review. In doing the initial count, the square footage in existing buildings and in projects approved prior to adoption of this ordinance shall be translated into gross development points using the ratios specified in section V.E-736.5.B.1. Projects which are added to the record after adoption of this ordinance, in accordance with section V.E-736.6.D.2.c., shall be translated into net development points using the procedure stated in section V.E-736.5.B.2.

In addition to existing and approved projects, the ambient level shall include 65,340 points per acre for the total acreage within all corporate headquarters sites for which comprehensive plans have been filed under the provisions of section V.E-736.5.C.2.d(2).

The point total shall be divided by 3, which translates the total building square footage in the Irvine Business Complex into its equivalent in office square footage.

The community development department shall also maintain a record of the net land area in the Irvine Business Complex in square feet. Net land area shall exclude all public and private streets and any easements that prohibit surface use of the property. The community development department shall calculate the average floor area ratio for the Irvine Business Complex as follows:

$$\frac{\text{total "office" sq. ft. in IBC}}{\text{net land area in sq. ft. for IBC}} = \text{average FAR in IBC}$$

- b. As each project proposal is submitted, the community development department shall add the floor area shown on the site plan to the ambient level on record as of the date of submittal. The department shall then calculate the average FAR for the Irvine Business Complex using the new ambient level. If the average does not exceed 0.35 FAR, the applicant must comply with section V.E-736.6.D.3. If the average exceeds 0.35 FAR, the applicant must comply with section V.E-736.6.D.4.
 - c. Upon approval of a conditional use permit or, in those cases where a conditional use permit is not required upon clearance of zoning compliance review, the community development department shall revise the ambient level on record to reflect the square footage added to the Irvine Business Complex by this approval.
 - d. The community development department shall also revise the ambient level on record if building square footage in the Irvine Business Complex is reduced through demolition of structures when such demolition has been authorized by a city permit, or if existing buildings are converted to lower intensity uses.
3. *Projects within the average 0.35 FAR:* Applicants who propose projects within the average 0.35 FAR for the Irvine Business Complex shall be responsible for circulation improvements on the following basis:
- a. Projects which are at or within the baseline limit specified in section V.E-736.5.B.1. with respect to net development points shall provide their proportionate share of the "A" group improvements. To comply with this requirement, applicant shall pay a fee as provided below:
 - (1) The community development department shall maintain a list of the improvements included in the "A" group. This list shall also show the amount of capacity provided by each improvement during the 3-hour PM peak period. This capacity shall be expressed in terms of square footage of office-type development which could be accommodated. This capacity shall be translated into development points by multiplying the square footage by 3.
 - (2) The community development department shall determine the total number of development points which could be accommodated by the "A" group improvements and the total cost of these improvements. This determination shall be reviewed and approved by the city council. Based on this determination, the cost per point for funding the "A" group improvements shall be calculated by dividing the total cost by the total number of points accommodated.
 - (3) Applicants proposing projects within the baseline limit with respect to net development points shall pay a fee for each net development point attributable to their projects. This fee shall be established by the city council and shall be based on the cost per point calculated in section V.E-736.6.D.3.a(2). This fee shall be referred to as the "A" rate.

The number of points for which fees must be paid can be reduced in cases where an applicant proposes to demolish an existing structure or structures on the project site. Such reductions shall be in accordance with section V.E-736.6.H.

If credit is being granted for an existing building on the project site, as provided in section V.E-736.6.H., then the applicant shall pay the "A" rate for any net points remaining after credit for existing square footage is deducted.

- b. Projects which exceed the baseline limit specified in section V.E-736.5.C.1. with respect to net development points but which would not cause the average FAR for the Irvine Business Complex to exceed 0.35 shall be responsible for their proportionate share of the "A" group and "B" group improvements. Applicants shall pay the "A" rate, explained in section V.E-736.6.D.3.a(3), for the points below the baseline limit for the project site. Fees charged for any net points in excess of this limit shall be calculated as follows:

- (1) The community development department shall maintain a list of the improvements included in the "B" group. This list shall also show the amount of capacity provided by each improvement during the 3-hour PM peak period. This capacity shall be expressed in terms of square footage of office-type development which could be accommodated. This capacity shall be translated into development points by multiplying the square footage by 3.
- (2) The community development department shall determine the total number of development points which could be accommodated by the "B" group improvements and the total cost of these improvements. This determination shall be reviewed and approved by the city council. Based on this determination, the cost per point for funding the "B" group improvements shall be calculated by dividing the total cost by the total number of points accommodated.
- (3) The city council shall establish a fee based on the cost per point calculated in section V.E-736.6.D.3.b(2). This fee shall be referred to as the "B" rate. Applicants shall pay the "B" rate for net points attributable to their projects in excess of the baseline limits for the project site.

The number of points for which fees must be paid can be reduced in cases where an applicant proposes to reuse or to demolish an existing structure or structures on the project site. Such reductions shall be in accordance with section V.E-736.6.H.

If credit is being granted for an existing building on the project site, as provided in section V.E-736.6.H., then the number of points for which the "A" rate is paid is the difference between the credit granted and the baseline limit for the project site. The "B" rate must be paid for any remaining points.

4. *Projects which cause the average FAR to exceed 0.35:* Applicants who propose projects which cause the average FAR for the Irvine Business Complex to exceed 0.35 FAR shall be responsible for circulation improvements on the following basis:
 - a. Applicants shall pay the "A" rate, explained in section V.E-736.6.D.3.a(3), for the points below the baseline limit for the project site. If credit is being granted for an existing building on the project site, as provided in section V.E-736.6.H., then the number of points for which the "A" rate is paid is the difference between the credit granted and the baseline limit for the project site.

- H. *Credit for Existing Square Footage in Determining Circulation Fees:* In cases where an existing structure is located on the site of a proposed project, credit can be granted for the existing building square footage for purposes of calculating fees for circulation improvements, or for determining how much road capacity must be provided by the applicant to accommodate the new development. The procedure for granting credit shall be as follows:
1. The applicant shall submit a floor plan of the existing building(s) which illustrates what uses occupied the building prior to the project proposal. The community development department shall check if its records show that the appropriate approvals were granted for the establishment of these uses. The department shall calculate the number of net development points attributable to the approved uses in the existing buildings using the ratios specified in section V.E-736.5.B.1.
 2. For project proposals within the average 0.35 FAR, as determined by section V.E-736.6.D.2., the points attributable to the existing building(s) can be deducted from the net development points assigned to the proposal before calculating the fees which must be paid for areawide circulation improvements. How these fees are calculated is specified in section V.E-736.6.D.3.a. or b. depending on whether or not the project is within the baseline limit or exceeds this limit.
 3. For project proposals that cause the average FAR to exceed 0.35, as determined by section V.E-736.6.D.2., the net points attributable to the existing building(s) can be deducted from the net development points assigned to the proposal before determining how much road capacity the applicant must add to mitigate the traffic impact of the new development. The requirements which the applicant must meet with respect to construction of area-wide circulation improvements are described in section V.E-736.6.D.4.b.
 4. Requests for credit for existing building square footage shall be reviewed and approved by the director of community development for projects which do not require a conditional use permit and by the approval authority for projects requiring a use permit. Credit can only be retained by the applicant if they obtain the appropriate permits from the city for any interior alterations or demolition of buildings. Any demolition must proceed prior to the issuance of any building permits for new structures on the site, or in accordance with a phasing plan approved by the director of community development.
- I. *Exemptions From Fees:* The following types of uses shall be exempt from payment of fees for circulation improvements.
1. Square footage within a building that provides services to employees such as cafeterias, employee lounges, and recreational areas. The square footage to be exempted shall be for the use of employees of the business at which they are located and shall not be open to the general public. Determination of whether or not a proposed use qualifies for this exemption shall be made by the director of community development. This exemption can only be granted if the property owner enters into an agreement with the city ensuring that the square footage remains in the exempt use.
 2. Square footage used for child care centers facilities. Determination as to whether or not a facility qualifies for this exemption shall be made by the director of community development. This exemption can only be granted if the property owner enters into an agreement with the city ensuring that the square footage remains in the exempt use.

CITY COUNCIL ORDINANCE NO. 85-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 85-ZC-0098 AMENDING SECTION 736.0 OF THE CITY'S ZONING ORDINANCE TO ALLOW THE CREATION OF A DEVELOPMENT PRIORITY LIST AND APPLICATION PROCEDURE WHICH ESTABLISHES AN ORDER FOR PROCESSING DEVELOPMENT PROPOSALS WHEN DEVELOPMENT POINTS BECOME AVAILABLE WITHIN THE .35 AVERAGE FLOOR AREA RATIO FOR THE IRVINE BUSINESS COMPLEX, FILED BY THE CITY OF IRVINE

WHEREAS, an application for a zone change was filed by the City of Irvine, amending Section 736.0 to establish a development priority list and application procedure for the Irvine Business Complex; and

WHEREAS, all available development points have been allocated to projects pursuant to the regulations of the Irvine Business Complex Zoning Regulations; and

WHEREAS, points may become available in the future either through the reallocation of points pursuant to the provisions of the Irvine Business Complex Regulations or through an amendment to the Irvine Business Complex Regulations permitting additional development above the limits previously established; and

WHEREAS, applications have been made for conditional use permits for additional projects for which development points are not currently available; and

WHEREAS, the City of Irvine is required to act on these projects within a specified period of time pursuant to the provisions of the California Government Code; and

WHEREAS, the projects for which conditional use permit applications are now pending currently serve as the priority list for the reallocation of points in the event that they become available in the future; and

WHEREAS, the time limits established by State law preclude the continued utilization of applications for conditional use permits as the development priority list.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRVINE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to Section 6 of the City of Irvine CEQA Procedures and Section 15153 of the State Environmental Guidelines Irvine Business Complex (81-ER-0048) has previously been prepared, certified and considered which adequately addresses the general environmental setting of the proposed project, its significant environmental impacts, and the alternatives and mitigation measures related to each significant environmental effect for the proposed project and no additional environmental document need be prepared. The City Council has reviewed and considered the information contained in the previous environmental impact report prior to recommending the approval of this project.

SECTION 2. The following has been found to be potentially significant environmental effects of the development of the Irvine Business Complex:

1. Traffic levels could exceed local and regional system capacity if an accelerated pace of development occurs over a short time span and a lag in actual construction of needed system improvements occurs.
2. Future development could lead to an unavoidable deteriorating traffic flow on Main Street at its intersections with Jamboree, MacArthur and Red Hill.

SECTION 3. The benefits of the project have been balanced and considered against its possible unavoidable environmental risks and against the project alternatives identified in the final environmental impact report and those benefits are found to be overriding in that, among other considerations:

1. The project provides for the best utilization of the land.
2. The project's environmental effects represent a reduction over those associated with previous planned community district regulations.
3. The project will allow continued growth of employment opportunities adjacent to largely existing residential areas in southeast Orange County.
4. The project and associated mitigation measures will establish a process for the long-term systematic review of the local circulation system, its operation and needs.
5. The project will establish a system for funding local circulation system improvements.
6. The project recognizes the directs support of a study, by the City of Irvine and surrounding communities, of the area-wide circulation system and its needs.

SECTION 4. That in accordance with Section V.E-802.4, the findings required by the City of Irvine Zoning Ordinance for approval at zone changes have been made as follows:

1. The proposed zone change is consistent with the City of Irvine General Plan, or any amendment approved concurrently with the zone change, because the proposed zone change meets General Plan Objectives A-4 in that the regulation of intensity of traffic generating uses through the Zoning Ordinance will occur.
2. The proposed zone change is consistent with the intent and objectives of this Division (Section V.E-100), because the priority list proposed will assist in coordinating the orderly development of land uses in the City.
3. The finding requiring the proposed zone change to be consistent with any applicable concept plan is not applicable, because a concept plan was not required when the Irvine Business Complex was planned.

4. The proposed zone change is in the best interests of the health, safety, and welfare of the community because it provides for an orderly development of the Irvine Complex without increasing the average FAR above .35.
5. The finding requiring 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 is not applicable because no development will occur in conjunction with this zone change.

SECTION 5. Section V.E-736.5 is hereby amended to add subparagraph F. to read as follows:

V.E-736.5.F. Development Priority List.

1. In the event conditional use permits have been approved which utilize all or substantially all of the points available for development in excess of the baseline intensity limit set forth in Sections V.E-736.5.C.1. or C.2. a priority list shall be established in accordance with the provisions of this section for the purpose of allocating points which may become available pursuant to the provisions of Section V.E-736.5.E.
2. The priority list for the allocation of development points as set forth in paragraph 1. above shall be established as follows:
 - a. Applicants with an application for a conditional use permit on file with the Community Development Department for development above the baseline intensity limits shall have 30 days from the effective date of this ordinance to submit to the Director of Community Development a letter signed by the appropriate officers or agents of the applicant requesting the withdrawal of the conditional use permit and to file an application for inclusion on the Irvine Business Complex development priority list.
 - b. On September 1, 1985, the Director of Community Development shall establish a priority list for development based on the order of the filing dates of the withdrawn conditional use permits. After all the withdrawn conditional use permits have been given an order of priority, new applications for inclusion on the development priority list will be included on the priority list in the order established by the date the development priority list case was filed and accepted as complete.
 - c. The following information shall be submitted as a part of the development priority list application:
 - (1) A completed application form.
 - (2) Plans, to scale, including site plans showing approximate building locations, parking areas on-site circulation, and building heights.
 - (3) A deposit/fee as required by resolution of the City Council.
 - (4) A letter of justification describing the project.