

CITY COUNCIL ORDINANCE NO. 15-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING FIRST AMENDMENT TO DEVELOPMENT AGREEMENT 00605222-PDA FOR THE CENTRAL PARK WEST DEVELOPMENT, LOCATED AT THE NORTHWEST CORNER OF MICHELSON DRIVE AND JAMBOREE ROAD IN PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)

WHEREAS, an application was filed by Lennar requesting approval of the First Amendment to the Development Agreement for the Central Park West project located at the northwest corner of Michelson Drive and Jamboree Road; and

WHEREAS, the First Amendment to the Development Agreement vests modifications to the Master Plan, Affordable Housing Plan and Park Plan for the project which were approved by the Planning Commission; and

WHEREAS, City Council Resolution No. 82-68 established procedures and requirements for the consideration of Development Agreements in accordance with Govt. Code Article 2.5 Development Agreements, Section 65865; and

WHEREAS, City Council Resolution No. 82-68 requires a hearing by the Planning Commission, after which it shall make a recommendation to the City Council; and

WHEREAS, the Planning Commission has considered information presented by staff, the applicant, and other interested parties at a public hearing held on November 6, 2014, and has recommended approval of the First Amendment to the Development Agreement; and

WHEREAS, the City Council of the City of Irvine has considered information presented by City staff, the applicant, and other interested parties at a public hearing held on January 27, 2015

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

SECTION 1. Pursuant to Section 15163 of the State CEQA Guidelines, the City Council has heretofore certified a Final Supplemental Environmental Impact Report (SEIR) which was prepared for this project and which adequately addresses the general environmental setting of the proposed project, its significant environmental impacts, alternatives and mitigation measures related to each significant impact. The modifications to the Master Plan, Affordable Housing Plan and Park Plan remain consistent with the scope of the project analyzed by the SEIR, as determined by the

Planning Commission on November 6, 2014 and no additional mitigation measures are required.

SECTION 2. The applicable mitigation measures identified in the Final Supplemental Environmental Impact Report (SEIR) Mitigation Monitoring and Reporting Program have been incorporated into the project or identified as requirements of the project. These measures mitigate any potential significant environmental effects thereof.

SECTION 3. Pursuant to Section 15205 of the State CEQA Guidelines, the City Council has reviewed and considered the Final Supplemental Environmental Impact Report (SEIR) in making its recommendation on the project.

SECTION 4. That the findings required by City Council Resolution No. 82-68 regarding the City Council's determination as to whether the First Amendment to the Development Agreement proposed:

SECTION 5. The findings required by City Council Resolution 82-68 for City Council approval of Development Agreements have been met as follows:

1. The Development Agreement is consistent with the objectives, policies and general land uses and programs specific in the General Plan and any applicable specific plan;
This amendment to Development Agreement 00330616-DA is consistent with the Irvine General Plan in that the uses and development intensities described as the Master Plan vesting by the Development Agreement corresponds to the land uses and maximum square footage as regulated in the General Plan for Planning Area 36. As there are no applicable specific plans affecting the subject site, that portion of the required finding is not applicable. Therefore, the proposed Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.

The proposed amendment to Development Agreement 00330616-DA does not increase the intensity of development on the site and is generally consistent with the vested Master Plan for the project. The proposed revisions retain residential and retail uses within the site, both of which are permissible uses within the General Plan and Zoning designations for the project site. Therefore, the amendment is consistent with the applicable General Plan and Zoning Ordinance regulations.

3. The Development Agreement is in conformity with public convenience, general welfare and good land use practice.

The development vested by the amendment to the Development Agreement includes 1,275 residential units, 26,888 square feet of retail and the elimination of 90,000 square feet of office. The circulation system has been analyzed and determined to be adequate to accommodate the intensity of development without adverse impacts. Conditional Use Permits are required to facilitate the program specified in the Master Plan and specific development proposals will be analyzed and any identified adverse impacts will be mitigated through the discretionary entitlement process.

4. The Development Agreement will not be detrimental to the health, safety and general welfare.

All future development of the project site is required to comply with all applicable local, state and federal regulations regarding health and safety matters. The project is also required to be developed in accordance with mitigation measures developed for the project by the Supplemental Environmental Impact Report addressing factors such as noise, air quality, hazards and hazardous materials. The Development Agreement does not exonerate the applicant from compliance with regulations to protect health, safety and welfare. Therefore, the proposed amendment to the Development Agreement and subsequent development will not be detrimental to the health, safety and welfare.

5. The Development Agreement will not adversely affect the orderly development of the property or preservation of property values.

The amendment to the Development Agreement will not adversely affect the orderly development of property or the preservation of property values in that it promotes a mixed-use development intended to create new housing and retail opportunities in proximity to employment centers and allows for the completion of the Central Park West project in a manner consistent with current economic conditions. Specific development proposals within the project are subject to the granting of Conditional Use Permits and will be reviewed to ensure they do not result in any adverse impacts on any existing residential units within the site or on surrounding retail, office and industrial uses. Therefore, the amendment to the Development Agreement will not adversely affect the orderly development of the property or the preservation of property values.

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

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 10th day of February 2015.


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, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the 27th of January 2015 and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 10th day of February 2015.

AYES:	5	COUNCILMEMBERS:	Krom, Lalloway, Schott, Shea and Choi
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None


CITY CLERK OF THE CITY OF IRVINE