

CITY COUNCIL ORDINANCE NO. 20-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE (00810360-PZC) TO ZONING ORDINANCE CHAPTER 9-36 OF THE IRVINE ZONING ORDINANCE RELATED TO THE TRIP GENERATION RATE FOR RETAIL DEVELOPMENT IN PLANNING AREA 36 THE IRVINE BUSINESS COMPLEX; FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT

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

WHEREAS, the City of Irvine Community Development Department has initiated Zoning Ordinance Amendment 00810360-PZC; and

WHEREAS, Zone Change 00810360-PZC will improve the functionality of the Zoning Ordinance by updating the retail trip generation rate for development in the Irvine Business Complex contained in the Zoning Ordinance; and

WHEREAS, Zone Change 00810360-PZC is considered a "project" as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, Pursuant to Section 4 of the City of Irvine California Environmental Quality Act (CEQA) procedures and Article 5 of the CEQA Guidelines, the proposed project is covered by the General Rule Exemption [Section 15061(b)(3) of the CEQA Guidelines], for projects where it can be seen with certainty that the activity in question will have no significant effect on the environment; and

WHEREAS, the Planning Commission of the City of Irvine has considered information presented by staff and other interested parties at duly noticed public meeting held on February 20, 2020; and

WHEREAS, the City Council of the City of Irvine considered information presented by the Community Development Department at a duly-noticed public hearing held on March 24, 2020.

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

SECTION 1. That the above recitals are true and correct and are incorporated herein.

SECTION 2. Pursuant to Section 4 of the City of Irvine California Environmental Quality Act (CEQA) procedures and Article 5 of the CEQA Guidelines, the proposed project is covered by the General Rule Exemption [Section 15061(b)(3)], for projects where it can be seen with certainty that the activity in question will have no significant effect on the environment.

SECTION 3. The City Council finds that the findings required by Section 2-38-7 of the City of Irvine Zoning Ordinance for adoption of a Zone Change have been made as follows:

- A. The proposed Zone Change is consistent with the City of Irvine General Plan.

The purpose of the Zone Change is to update the retail trip generation rate for development in the Irvine Business Complex to reflect changes in customer behavior since the rate was originally adopted in 1992.

- B. The proposed Zone Change is consistent with any applicable Concept Plan.

There is no Concept Plan associated with this project.

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

This project is not required to dedicate open space because there is no development associated with the Zone Change.

- D. The proposed Zone Change is in the best interest of the public health, safety, and welfare of the community.

The Zone Change is in the best interest of the community's health, safety, and welfare as it updates retail trip generation rates to allow more accurate assessment of traffic impacts from existing and new retail development, without affecting total planned development within the Irvine Business Complex.

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

The proposed project does not include any specific development. The update to the retail trip generation rate for the Irvine Business Complex will not result in any additional development beyond what has been included in the General Plan and Zoning Ordinance.

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

The project does not include any development within the coastal zone.

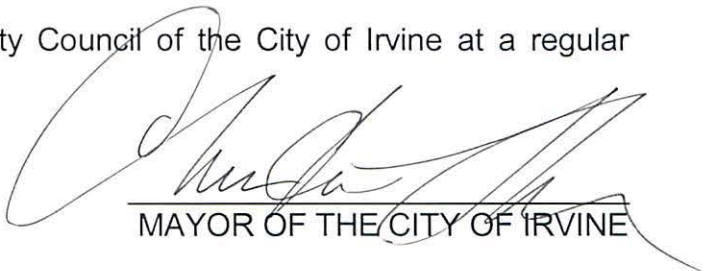
SECTION 4. That the City Clerk shall enter this Ordinance into the book of original Ordinances.

SECTION 5. All ordinances and provisions of the Irvine Municipal Code and sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 6. If any section, subsection, sentence, clause or phrase of the proposed regulations for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this Ordinance or any of the remaining portions hereof. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

NOW, THEREFORE, Based on the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE Zone Change 00810360-PZC, amending the City of Irvine Zoning Ordinance as outlined in Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 28th day of April, 2020.


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 M. PERRY, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing ordinance was introduced for first reading on the 24th day of March, 2020 and duly adopted at a regular meeting of the City Council of the City of Irvine held on the 28th day of April, 2020.

AYES: 5 COUNCILMEMBERS: Carroll, Fox, Khan, Kuo and Shea

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None

ABSTAIN: 0 COUNCILMEMBERS: None



CITY CLERK OF THE CITY OF IRVINE

EXHIBIT A

Sec. 9-36-8. - Irvine Business Complex land use development intensity value database.

- A. *Intent of this section.* It is the intent of this section to define the policies used to maintain a land use and development intensity value database for monitoring and regulating the types of land uses and intensity for each property in the Irvine Business Complex.
- B. The Director of Community Development shall maintain a land use and development intensity value database for the Irvine Business Complex.
1. The IBC land use and development intensity value database shall specify the quantity, in gross square footage, dwelling units and hotel rooms as defined by the Zoning Code, for all existing, approved and zoned development in the planning area by legal parcel and according to the following general land use categories:
 - a. Office.
 - b. Industrial.
 - c. Retail.
 - d. Hotel.
 - e. Residential.
 - f. Zoning potential.
 - g. Miniwarehouse.
 - h. Hotel, extended stay.
 2. The land use and development intensity value database shall specify the corresponding a.m., p.m. and average daily development intensity values allocated for both existing and build-out conditions for each legal parcel in the planning area, which correspond to the traffic intensity levels (vehicle trips) analyzed in and mitigated by the final program environmental impact report for the 2010 IBC Vision Plan project.

Development intensity value allocations for a.m. and p.m. represent a five-day average weekday, and may vary plus or minus 10 percent each day. These allocations shall be based upon the following trip factors:

Use	A.M.	P.M.	Average Daily	Unit
Office	.0013	.00138	.01377	sq. ft.
Industrial	.00045	.00042	.00462	sq. ft.
Retail	.00157**	.00432	.05208**	sq. ft.
Hotel	0.42	0.68	10.00	room
Residential	0.50	0.52	6.30	du*
Zoning potential	.0013	.00138	.01377	sq. ft.
Miniwarehouse	0.00029	.00027	.00304	sq. ft.
Hotel, extended stay	0.38	0.42	5.14	Room

*Dwelling unit.

** Based on the revision to the Retail Trip Generation Rate approved by City Council on March 24, 2020, all existing retail centers and DIV budgets approved under the prior retail trip generation rate are not revised automatically. Only at the time an expansion is proposed would the existing DIV budget and the proposed DIV budget needed for the expansion be analyzed (with the updated retail trip generation rate now accounted for) to determine the need for additional DIV acquisition and transfer. This process would require discretionary action, consistent with the Modification process described in Section 2-19 of the Zoning Ordinance. The “surplus” trips/DIVs that may result from this process are non-transferable and may not be converted to other land uses at the retail center. These DIVs must remain on the site but would be available for continued retail expansion.