

CITY COUNCIL ORDINANCE NO. 24-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00938046-PZC TO AMEND CHAPTER 5-9 OF THE IRVINE ZONING ORDINANCE TO EXPAND THE RESIDENTIAL AND RESIDENTIAL MIXED USE OVERLAY DISTRICT TO INCLUDE FOCUS AREA 1 IN SUPPORT OF THE COMPREHENSIVE 2045 GENERAL PLAN UPDATE

WHEREAS, the City of Irvine Community Development Department has initiated a Zone Change to amend Chapter 5-9, *Residential and Residential Mixed-Use (RRMU) Overlay District*, and update the Zoning Map within the Irvine Zoning Ordinance; and

WHEREAS, on August 13, 2024 in compliance with Government Code Sections 65580 and 65300.5, the Irvine City Council approved, by a vote of 4-0 (Vice Mayor Agran dissenting), a comprehensive update to the City of Irvine General Plan (File No. 00921398-PGA; "2045 General Plan Update") and the first reading of Ordinance No. 24-13 a zone change to update the City of Irvine Zoning Ordinance (File No. 00928638-PZC) ("Ordinance No. 24-13") (collectively referred to as "the Project") to ensure consistency with the adopted and certified 2021-2029 Housing Element; and

WHEREAS, the 2045 General Plan identifies three primary focus areas for potential change and new growth, including Focus Area 1 – the Greater Irvine Business Complex Area, Focus Area 2 – the Greater Spectrum Area, and Focus Area 3 – the Great Park Neighborhoods Transit Village District; and

WHEREAS, as part of Ordinance No. 24-13, Chapter 5-9, *Residential and Residential Mixed-Use (RRMU) Overlay District*, was added to the Zoning Ordinance and applies to two of the three focus areas (Focus Areas 2 and 3). The new chapter includes accompanying development standards to allow residential and residential mixed-use development as an opportunity on existing non-residential zoned sites in support of the updated Land Use Element and adopted and certified 2021-2029 Housing Element; and

WHEREAS, this Ordinance would amend the RRMU Overlay District to include Focus Area 1 (the Greater Irvine Business Complex - Planning Areas 19 and 36), consistent with the updated Land Use Element of the General Plan and adopted and certified 2021-2029 Housing Element; and

WHEREAS, the zone change included in this Ordinance will also establish a "Residential Incentive Program" unique to Focus Area 1, which includes development standards encouraging the development of affordable housing in this area of the City in support of the General Plan and consistent with Programs PP-A.2, A.3, C.1, G.3, and L.1 in the adopted and certified 2021-2029 Housing Element; and

WHEREAS, Focus Area 1 has been identified for an increased capacity of up to 15,000 dwelling units and generally falls within the planning boundary established by the Airport Land Use Commission for Orange County (ALUC) in the 2008 John Wayne Airport Environs Land Use Plan (AELUP), and as such, any changes to the General Plan or Zoning Ordinance regulations related to Focus Area 1 must be submitted to ALUC for its review pursuant to Public Utilities Code Section 21676; and

WHEREAS, the zone change contained in this Ordinance is a "project" as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Section 15168 of the CEQA Guidelines, a Program Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2023070463) was prepared to analyze, inter alia, the 2045 General Plan Update and corresponding zoning changes related to all three Focus Areas, including the changes in this Ordinance, all of which are needed to address state law, including requirements to facilitate the development of up to 57,656 new residential units needed to accommodate the City's Regional Housing Needs Assessment, as established in the adopted and certified 2021-2029 Housing Element; and

WHEREAS, CEQA requires a public review and comment period when an EIR is prepared that for a project; and

WHEREAS, a Notice of Availability regarding the release of the Draft EIR was published in the Orange County Register, a newspaper of general circulation, as well as in seven other multi-lingual newspapers, posted at designated City bulletin boards, sent to interested individuals via electronic communication, posted on the City of Irvine website, and posted on the City of Irvine social media accounts; and

WHEREAS, the Draft Program EIR was released for public review and comment for a period of 45 days, beginning March 15, 2024, and concluding April 29, 2024; and

WHEREAS, on April 25, 2024, notice of the May 16, 2024, Planning Commission public hearing was posted at designated City bulletin boards and published in the Irvine World News; and

WHEREAS, on May 2, 2024, the Planning Commission of the City of Irvine considered information presented by Community Development Department and other interested parties at a public meeting; and

WHEREAS, on May 16, 2024, the Planning Commission considered information presented by the Community Development Department and other interested parties at a duly noticed public hearing and, after considering staff's presentation, the public testimony, and all the supporting documents, the Planning Commission considered a motion to approve the 2045 General Plan Update and corresponding zone changes. However, that motion resulted in a 2-2-1 "tie" vote, and thus, the motion did not pass; and

WHEREAS, following the denial of the motion to approve the General Plan Update, a motion was made to forward the Planning Commission's split (2-2-1) decision on whether to recommend approval of the zone change to the City Council for the Council's consideration. That motion passed 3-1-1; and

WHEREAS, on July 4, 2024, notice of the July 23, 2024, City Council public hearing was posted at designated City bulletin boards and published in the Irvine World News; and

WHEREAS, on July 23, 2024, the City Council of the City of Irvine opened the public hearing and considered information presented by the Community Development Department and other interested parties at a duly noticed public hearing and voted in favor (4-0-1, with Mayor Khan absent) to continue the item to August 13, 2024, according to staff's recommendation; and

WHEREAS, on July 23, 2024, the City Council held a public hearing on a separate item, wherein the City Council directed staff to agendize the City's notice of intention to overrule ALUC's inconsistency determination at the August 13, 2024, City Council meeting; and

WHEREAS, on August 13, 2024, the City Council of the City of Irvine considered information presented by the Community Development Department and other interested parties at a duly noticed public hearing, and approved (4-1, with Vice Mayor Agran dissenting) the 2045 General Plan Update, conducted a first reading of Ordinance No. 24-13 containing a zone change that implemented development standards unique to Focus Areas 2 and 3 and created Chapter 5-9 of the Irvine Zoning Ordinance, and certified the EIR for the Project; and

WHEREAS, on August 13, 2024, the City Council of the City of Irvine considered, as a separate item, information presented by the Community Development Department and approved (4-1, with Vice Mayor Agran dissenting) a resolution outlining the City's intention to overrule ALUC's inconsistency finding related to the 2045 General Plan and associated zone changes and the AELUP; and

WHEREAS, on September 10, 2024, the City Council of the City of Irvine conducted the second reading of Ordinance No. 24-13 and adopted the ordinance by a 4-1 vote (Vice Mayor Agran dissenting); and

WHEREAS, on August 14 and 15, 2024, notices of the City's intention to overrule ALUC were sent to ALUC and the California Department of Transportation, Division of Aeronautics via email and certified mail; and

WHEREAS, on September 9, 11, and 13, 2024, the California Department of Transportation, Division of Aeronautics and ALUC sent response letters reaffirming ALUC's inconsistency determination due to concerns over the placement of housing in Focus Area 1; and

WHEREAS, on September 19, 2024, notice of the October 8, 2024, City Council public hearing was posted at designated City bulletin boards and published in the Irvine World News; and

WHEREAS, on October 8, 2024, the City Council of the City of Irvine considered information presented the Community Development Department and the public at a duly noticed public hearing and voted to overrule ALUC's inconsistency determination related to the 2045 General Plan and corresponding zone change; and

WHEREAS, the City Council of the City of Irvine considered information presented the Community Development Department and the public related to the proposed zone change at a duly noticed public hearing held October 8, 2024.

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

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

SECTION 2. The zone change application consists of amendments to the text and Zoning Map within an existing chapter of the Irvine Zoning Ordinance, as shown in Exhibits A and B, attached hereto, and incorporated herein by reference.

SECTION 3. Pursuant to Section 15168 of the CEQA Guidelines, a Final Program EIR, Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for General Plan Amendment 00921398-PGA and Zone Changes 00938046-PZC and 00928638-PZC were prepared for the project and were certified by the City Council of the City of Irvine August 13, 2024.

SECTION 4. The corresponding General Plan amendment and Final Program EIR and all supporting documents are online, and on file and available for public review at 1 Civic Center Plaza, Irvine, CA 92606.

SECTION 5. The City Council hereby makes the following findings, as required by Section 2-38-7 of the Irvine Zoning Ordinance, to approve Zone Change 00938046-PZC:

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

The proposed zone change application is consistent the Irvine General Plan and has been initiated in support of General Plan Amendment 00921398-GPA, which comprehensively updated the City of Irvine General Plan to address changes in the existing setting, in state laws and regulations, and in community values since the General Plan was last comprehensively updated in 2000. The zone change also addresses state law requiring the City to update the General Plan and Zoning Ordinance to implement the development capacity outlined in

the adopted and certified 2021-2029 Housing Element. The zone change would specifically amend the RRMU Overlay District to include Focus Area 1, consistent with the land use plan and regulatory framework established in the updated Land Use Element of the General Plan that was approved on August 13, 2024, as well as the adopted and certified 2021-2029 Housing Element. The zone change also introduces a process, the Residential Incentive Program, which is specific to Focus Area 1 and allows the City to issue development intensity values (DIVs) from a City-controlled distribution system, at no cost, to an applicant of a residential or residential mixed-use project that provides 17% of the total units as affordable units. This program will serve to improve upon the requirements of the existing inclusionary housing ordinance with the intent of increasing opportunities for affordable housing. Therefore, the zone change will be consistent with the General Plan.

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

The proposed zone change does not propose the addition of any new concept plans or changes to existing concept plans. Rather, the zone change would amend the RRMU Overlay District to include Focus Area 1, which would allow for the future development of residential and residential mixed uses the Greater IBC area in support of the 2045 General Plan and provide a Residential Incentive Program with the intent of increasing the production of affordable housing. Therefore, the proposed zone change would not result in inconsistencies with any applicable concept plans.

- 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.

The proposed zone change would not conflict with the requirements set forth in Division 8 for the dedication of permanent open space through a specified phased implementation program for affected planning areas and zoning districts because the zoning change proposes to amend the RRMU Overlay District in the Zoning Ordinance to include Focus Area 1. The zone change is intended to implement the 2045 General Plan, as amended by General Plan Amendment 00921398-PGA, which does not require or propose the dedication of open space because there is no development associated with the project. Therefore, the zone change would not conflict with requirements set forth within Division 8.

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

The proposed zone change is in the best interest of the public health, safety, and welfare of the community because the zoning change proposes to amend the RRMU Overlay District in the Zoning Ordinance to include Focus Area 1, which would encourage new residential and residential mixed-uses in the Greater IBC area, which is urban in nature and is currently designated for and characterized by medium- to high-density residential and mixed-use development. This area is also supported by other nearby land uses such as schools, parks, retail centers, and employment opportunities and is well served by transit.

By supporting infill development in the Greater IBC area, the zone change would promote sustainable land use practices and would increase the City's housing stock to meet the market demand and affordable housing needs in a way that complements nearby development without detracting from the quality of life that currently exists. Furthermore, while the EIR found that implementation of the 2045 General Plan and associated zone change would result in significant and unavoidable impacts with respect to the following issues areas: air quality (air quality plan consistency; criteria pollutants; sensitive receptors), cultural resources (historic resources), geology and soils (paleontological resources), greenhouse gas (emissions; policy consistency), noise (ambient noise; vibration), and transportation (vehicle miles traveled), the Project would lower VMT emissions and would support the City's goal of promoting sustainable land use patterns.

The Statement of Overriding Considerations approved by the City Council of Irvine August 13, 2024, outlines the overall Project benefits, including improving the general welfare of the community. Namely, the addition of new residential units at varying affordability levels would serve to provide additional housing opportunities within the community. The zone change would also comply with State housing laws, which would avoid detrimental community impacts associated with a decertified/noncompliant Housing Element, including fines, litigation, and other potential consequences. Therefore, the zone change will not be detrimental to the public health, safety, and welfare of the community. Furthermore, all future development that may result from this zone change will be required to comply with all applicable subdivision, building and safety, noise, and other related codes and ordinances therefore ensuring protection of the community's health, safety, and welfare. Therefore, the proposed zone change is in the best interest of the public health, safety, and welfare of the community.

- 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 zone change itself does not propose any development that would result in increased demands for sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection, fire protection/emergency medical care, vehicular circulation, and school facilities. As demonstrated by the EIR, impacts with respect to each of these facilities would be less than significant or less than significant with mitigation and/or adherence to applicable federal, state, and local regulations. Furthermore, while roads, police protection, fire protection/emergency medical care, and school facilities are already available to accommodate development facilitated by the project, such facilities will also be further evaluated at the time future projects are proposed to ensure adequate capacity for future development facilitated by the zoning change. Where necessary, improvements to existing facilities or the construction of new facilities may be required. Therefore, the proposed zone change would not result in the inadequate capacity of sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection, fire protection/emergency medical care, vehicular circulation, and school facilities.

- 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 proposed zone change would apply to Focus Area 1, which covers Planning Areas 19 and 36. A portion of Planning Area 36 is located within the Coastal Zone and is covered under the City's Local Coastal Program. As such, a Local Coastal Program Amendment is required and would be initiated immediately following approval of the zone change.

SECTION 6. The 2045 General Plan Update and corresponding zone change(s), and all supporting documents, are online and on file and available for public review at 1 Civic Center Plaza, Irvine, CA 92606.

SECTION 7. The City Clerk of the City Council of the City of Irvine 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.

SECTION 8. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irvine hereby declares that the City Council would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, sub-divisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional, invalid, or ineffective.

NOW, THEREFORE, based on the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE Zone Change 00938046-PZC, as shown in Exhibits A and B, attached hereto.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 22nd day of October 2024.


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, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing ordinance was introduced for first reading on the 8th day of October 2024, and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 22nd day of October 2024.

AYES:	4	COUNCILMEMBERS:	Carroll, Kim, Treseder, and Khan
NOES:	1	COUNCILMEMBERS:	Agran
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None


CITY CLERK OF THE CITY OF IRVINE

CHAPTER 5-9 – RESIDENTIAL AND RESIDENTIAL MIXED-USE OVERLAY DISTRICT (RRMU)

Sec. 5-9-1. – Purpose.

The Residential and Residential Mixed-Use (RRMU) Overlay establishes three focused districts (the Greater Irvine Business Complex, the Greater Spectrum Area, and the Great Park Neighborhoods Transit Village District) that are intended to allow selected Planning Areas of the City identified in the City of Irvine 2021-2029 Housing Elements Site Inventory as potential areas to accommodate a portion of the City's unmet Regional Housing Needs Allocation (RHNA). Traditionally, the districts within the RRMU Overlay are zoned for non-residential uses but are areas that are optimized for the integration of residential, mixed-use, and residential serving uses due to their proximity to employment centers and transit. The RRMU Overlay would protect existing uses allowed in the Planning Areas, while also allowing residential and residential mixed-use within the Overlay, providing the greatest level of flexibility for developers and landowners.

The RRMU Overlay implements the goals and objectives as defined in the Land Use and Housing Elements of the General Plan.

Sec. 5-9-2. – Applicability.

All proposed residential and residential mixed-use development/redevelopment, subdivisions, and new residential land uses within the RRMU Overlay that expressly elect to use the additional rights provided by the RRMU Overlay shall comply with all applicable requirements of this chapter. The rights and requirements (including development standards and procedures) of the RRMU Overlay do not apply to, nor otherwise limit or restrict in any manner, any other proposed development/redevelopment, subdivision, existing buildings or structures, permitted and conditionally permitted uses, and/or other existing or proposed land uses and structures located within the RRMU Overlay.

Sec. 5-9-3. – Regulating plan and districts.

- A. *Purpose.* This section establishes the districts applied to property within the RRMU Overlay. The Planning Areas within the RRMU Overlay are consistent with the Land Use Element of the General Plan. The districts provide guidelines for new residential and residential mixed-use development/redevelopment within the RRMU Overlay.
- B. *Districts established.* The following districts are established for the purposes of the RRMU Overlay District and are applied to property within the Overlay boundaries. Existing current underlying zoning designations for these districts, as included in Chapters 9-12, 9-13, 9-19, 9-31, 9-32, 9-33, 9-36, and 9-51, remain unchanged.
 1. *Greater Irvine Business Complex Area RRMU Overlay District:* Planning Area 36 (Irvine Business Complex)* and Planning Area 19 (Rancho San Joaquin)**
 2. *Greater Spectrum Area RRMU Overlay District:* Spectrum 7 portion of Planning Area 12 (Oakcreek), Planning Area 13 (Irvine Spectrum 4), Planning Area 31 (Irvine Spectrum 6), Planning Area 32 (Irvine Spectrum 3), and Planning Area 33 (Irvine Spectrum Center)

3. *Great Park Neighborhoods Transit Village RRMU Overlay District: Planning Area 51 (Great Park Neighborhoods)*

* The RRMU Overlay shall not apply to the portion of Planning Area 36 that is within the California Coastal Zone until a Local Coastal Plan Amendment has been approved by the California Coastal Commission.

**Does not include the Rancho San Joaquin Golf Course or Racquet Club of Irvine.

Figure 1: Greater IBC Area RRMU Overlay District



Figure 2: Greater Spectrum Area RRMU Overlay District

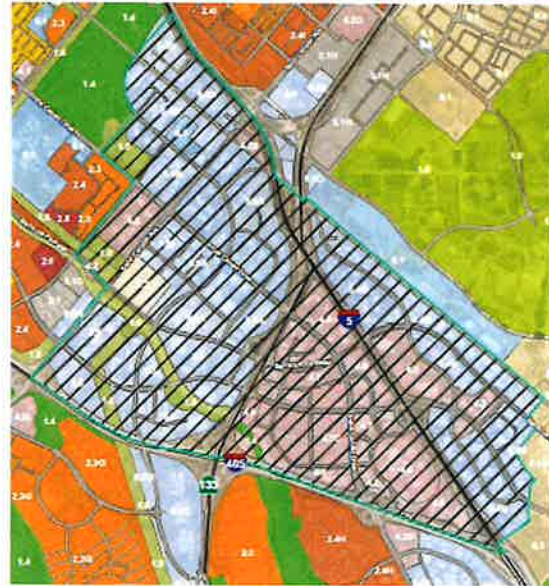
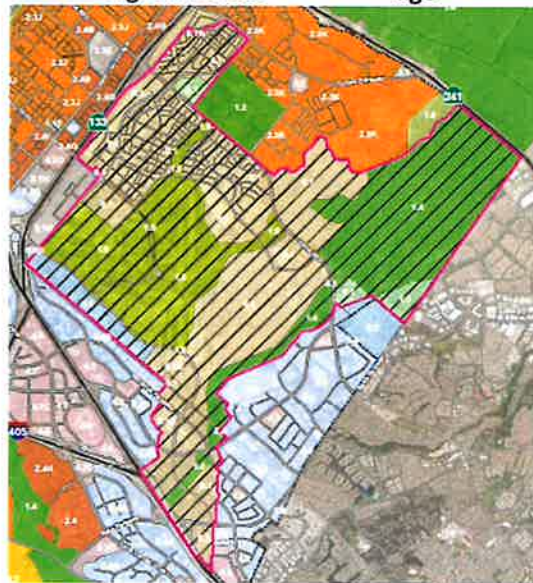


Figure 3: Great Park Neighborhoods Transit Village RRMU Overlay District



Sec. 5-9-4. – Review procedure for Residential and Residential Mixed-Use Overlay

The Planning Commission shall approve, conditionally approve, or disapprove development projects for up to a total of 23,610 residential units in accordance with the provisions of this chapter. Following the approval of the 23,610th residential unit, the City Council shall be the final approval authority, following receipt of a Planning Commission recommendation, for the approval, conditional approval, or disapproval of development projects containing residential units. The Planning Commission shall not recommend, and the City Council shall not approve any Project that exceeds a total of 23,610 residential units unless it receives an affirmative demonstration that establishes clearly and convincingly that such approval is essential to the satisfaction of State law housing mandates, and that the proposed Project is the least intrusive means of meeting such State law housing mandates.

In order to implement the policies of the City of Irvine for the development of projects in the RRMU Overlay District, an applicant shall submit an application for a master plan per Section 2-17. Additionally, for any Project that exceeds a total of 23,610 residential units, an applicant shall submit such additional studies and analyses as are deemed necessary in the discretion of City staff, the Planning Commission, or the City Council to make the demonstration required in the preceding paragraph.

Where applicable law related to the review and approval of residential and mixed-use development projects precludes the application of certain standards or requirements of this Chapter, those standards or requirements shall not apply. Where Planning Commission review is prohibited by applicable law, the Director of Community Development or designee shall serve as the review and approval authority.

Sec. 5-9-5. – Special development requirements.

- A. *Proximity Village, General Plan.* The RRMU Overlay is intended for residential and residential mixed-use projects to cluster in nodes around local services and should be consistent with the proximity village City vision outlined in the General Plan. Small scattered residential projects are discouraged within the RRMU Overlay. Mixed-use is encouraged and can be vertical or horizontal in design. Residential supporting uses such as, but not limited to, retail, office, restaurants, and community facilities are encouraged. Where appropriate to the development, new, smaller, non-arterial streets within the RRMU Overlay shall encourage mobility.
- B. *Density.* Minimum average density of 50 dwelling units per acre. A deviation from the minimum density shall be granted upon a demonstration that ownership or rental housing (whichever is proposed) at the applicable location is not feasible at a density of 50 dwelling units per acre. Separately and additionally, to the extent permitted by applicable law, a deviation may be granted in the discretion of the approval body for projects that are able to provide a significant and specific public benefit in addition to the provision of housing and affordability as otherwise required by this Zoning Ordinance, provided that the deviation shall not result in a specific and adverse effect to health or safety. Requests for minimum density deviations shall be included with the master plan required by Section 5-9-4 of this Chapter and shall be reviewed concurrently therewith.
- C. *Accessory retail.* For all project sites located more than one-fourth mile from existing resident serving non-residential uses, applicants for residential and residential mixed-use developments of 250 units or more shall provide accessory retail and/or resident-serving non-residential square footage that occupies 10 percent or less than the total area of the principal use. Should accessory retail and/or resident-serving non-residential uses not be provided, applicants shall

provide documentation which demonstrates the omission of is necessary to physically accommodate the minimum density required by this Chapter, or that the inclusion of accessory retail would result in a specific and adverse effect to health or safety.

D. *Compatibility standards.* Uses in the RRMU Overlay shall be compatible to the fullest extent permitted by applicable law. The RRMU Overlay mixed-use environment is an urbanized area, therefore land use compatibility issues are expected to occur. Therefore, applicants for new residential and/or residential mixed-use development entitled pursuant to the RRMU Overlay shall submit data and information requested by the Director of Community Development or designee, for the City to evaluate compatibility with surrounding uses with respect to issues, including, but not limited to the following:

1. Noise.
2. Odors.
3. Truck traffic and deliveries.
4. Hazardous materials handling/storage.
5. Air emissions.
6. Soil/groundwater contamination.

E. *Irvine Business Complex – Residential Incentive Program.*

1. In the Irvine Business Complex (Planning Area 36), the IBC land use and development intensity value (DIV) database specifies the quantity, in gross square footage, dwelling units and hotel rooms as defined by the Zoning Ordinance, 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 DIV database shall specify the corresponding a.m., p.m., and average daily DIVs allocated for both existing and build-out conditions for each legal parcel in the planning area. Information specific to the development intensity value database can be found in Section 9-36-8.
3. Pursuant to program 2021-2029 Housing Element program PP-H.2: “Monitor and Adjust Fees, Incentives, and Processes”, the City will establish a “Residential Incentive Program” specific to the IBC. The City will issue DIVs from a City controlled distribution system, at no cost, for residential and/or residential mixed-use projects that provide a minimum 17% affordability for the base number of units proposed. The “Residential Incentive Program” DIVs shall only be utilized for the residential component of a mixed-use program. Residential serving non-residential uses, including but not limited to retail, restaurants, and qualifying community facilities, 50,000 square feet or less and proposed on site and as part of a

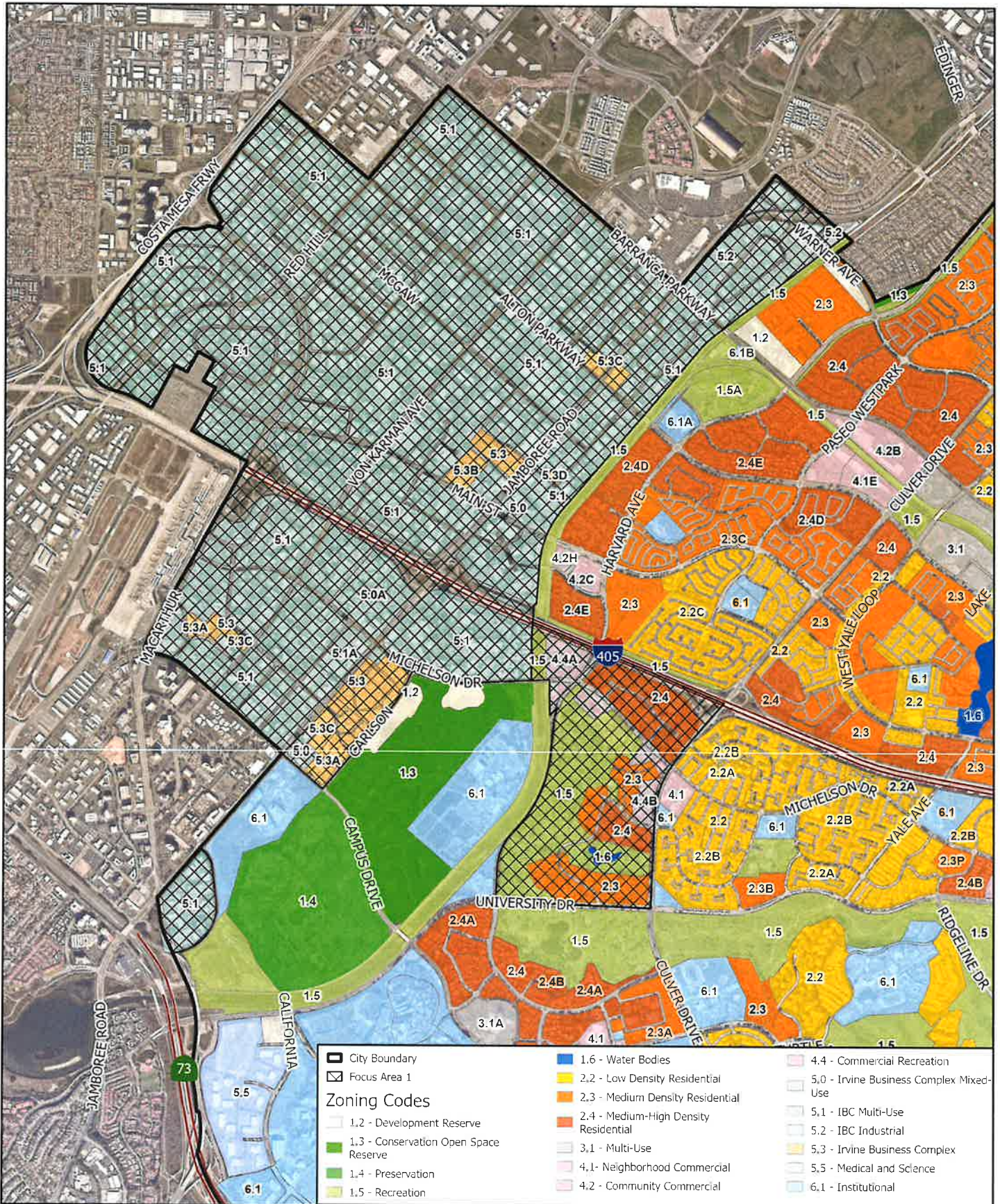
residential mixed-use project shall be exempt from the DIV requirements. Pursuant to the “Residential Incentive Program”, projects shall:

- a. Provide a minimum 17% affordability at the following income levels:
 - i. 7% very low income (Health and Safety Code § 50105)
 - ii. 6% low income (Health and Safety Code § 50079.5, 25 Cal. Code Regs. § 6928)
 - iii. 4% moderate (Health and Safety Code § 50093) – specific workforce units (81 to 100% moderate)
 - iv. These affordability levels are alternative and enhanced to the affordability levels otherwise required by Section 2-3-4.
 - b. Utilize on-site DIV budget prior to requesting additional DIVs under the Residential Incentive Program.
 - c. The Planning Commission would authorize approval of the Residential Incentive Program DIVs at the time of project review (master plan) and based on the recommendation from Community Development staff.
 - d. Residential Incentive Program DIVs are non-transferable and would expire with a master plan and would return to the Residential Incentive Program DIV City controlled distribution system.
 - e. Any change to the project’s affordability would require additional review and may require the forfeiture of the Residential Incentive Program DIVs.
 - f. Projects that do not provide a minimum 17% affordability combined for very low, low, and workforce moderate income levels at the identified category breakdown would be required to acquire DIVs directly from a private owner/developer.
 - g. Projects that are not requesting Residential Incentive Program DIVs are required to adhere to the minimum levels of affordability generally applicable to projects in the City set forth in Section 2-3-4.
- F. All other requirements related to the provision of affordable housing set forth in Chapter 2-3 shall apply to all projects in the RMMU Overlay.

Sec. 5-9-6. – Other standards.

This Chapter applies concurrently with all other applicable zoning standards (including those specific to underlying districts in the Overlay as they apply to those districts). This Chapter does not modify or supersede such underlying zoning except to permit the development of residential and mixed-use projects at the densities and intensities as provided herein. Without limiting the generality of the foregoing provisions, residential and/or residential mixed-use development entitled pursuant to the RRMU Overlay shall be allowed to exceed (and shall not be counted toward) development intensity and square footage maximums, maximum number of dwelling units, maximum vehicle trips, and other traffic limitations established by the General Plan, the Zoning Ordinance, Municipal Code, any statutory development agreement, and/or other agreement with or in favor of the City.

If the City adopts citywide Objective Design Standards, such standards shall apply to projects throughout the City and within the RRMU Overlay if and to the extent otherwise permitted in the absence of the RRMU Overlay. In the absence of such adopted City-wide standards, the applicable design standards from the physically closest zone permitting development at the same density and use as the development proposed shall apply to development in the RRMU Overlay.



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Zoning Focus Area 1

EXHIBIT B



14

0 0.25 0.5 Miles

CC ORDINANCE NO. 24-17

