

MINUTES

CITY COUNCIL ADJOURNED REGULAR MEETING August 30, 2011

City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

An adjourned regular meeting of the Irvine City Council was called to order at 4:07 p.m. on August 30, 2011 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

Present:	5	Councilmember:	Larry Agran
		Councilmember:	Steven Choi
		Councilmember:	Jeffrey Lalloway
		Mayor Pro Tempore:	Beth Krom
		Mayor:	Sukhee Kang

PLEDGE OF ALLEGIANCE

Mayor Kang led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kang requested a moment of silence for Justice David Sills, the presiding justice of the 4th District Court of Appeal, who also served as an Irvine City Councilmember from March 1976 until late September 1985.

CITY MANAGER'S REPORT

There was none.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Pro Tem Krom announced the Orange County Great Park's 2011 Flights & Sounds Summer Festival, saluting the City of Irvine's 40th Anniversary, will conclude this weekend.

Mayor Kang made the following announcements:

- The City of Irvine will observe the 10th Anniversary of September 11 on Sunday, September 11 at 4 p.m. at Northwood Community Park at the site of the Northwood Gratitude and Honor Memorial. For information, visit cityofirvine.org.
- The City of Irvine's 40th Anniversary Photo Contest closes a week from today, on Tuesday, September 6th, at 5 p.m. Photos will be judged in five categories that represent the best of Irvine. For more information or to enter the contest, visit cityofirvine.org.

ADDITIONS AND DELETIONS

There were none.

1. PUBLIC HEARINGS

1.1 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, GENERAL PLAN AMENDMENT, AND ZONE CHANGE IN PLANNING AREAS 30 & 51 (GREAT PARK NEIGHBORHOODS)

City Manager Joyce introduced Barry Curtis, Manager of Planning Services and Tim Gehrich, Deputy Director of Community Development; who presented the staff report and responded to questions. Additional staff members called upon during discussions included: Jeff Melching, Assistant City Attorney; Mark Asturias, Manager of Housing; Kurt Mowry, consultant; Mike Ellzey, Chief Executive Officer; and Cliff Wallace, Deputy Chief Executive Officer.

Mayor Kang opened the public hearing at 4:38 p.m.

The following individuals spoke in support of the proposed project:

Emile Haddad, Chief Executive Officer, Five Point Communities
Patrick Strader, Starpoint Ventures, who provided a Great Park Neighborhoods presentation.
Thomas H. Neilsen, resident
Lucy Dunn, Chief Executive Officer, Orange County Business Council
Kerry Vandell, Professor, University of California at Irvine
Mariam Bergeson, Chair, Great Park Foundation

ACTION: Moved by Councilmember Lalloway, seconded by Councilmember Choi, and unanimously carried to close the public hearing at 5:19 p.m.

City Council discussion included: the magnitude of the Great Park Neighborhood project, historical events leading to the current project proposal, clarification of the Supplemental Environmental Impact Report, mitigation of Irvine Unified School District impacts of proposed school locations, clarification of park acre calculations relative to residential units, implications of proposed recommendations on the appeals filed by the applicant, clarification of the environmental and sustainability features of the development, tax increment timeline and projections, park entrance improvements, building development schedule, illustration of trail connectivity and transit plans, qualifying factors of available funds for transit oriented projects, implications of an amended canyon proposal, and clarification of the Adjacent Landowner Agreement terms.

ACTION: Main motion moved by Mayor Kang, seconded by Councilmember Lalloway, to:

ACTION:

- 1) Adopt RESOLUTION NO. 11-97 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2002101020, 00527796-PCLE) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR MODIFICATIONS TO THE PREVIOUSLY APPROVED DEVELOPMENT OF 4,894 DWELLING UNITS AND 6,585,594 SQUARE FEET OF NON-RESIDENTIAL DEVELOPMENT FOR THE GREAT PARK NEIGHBORHOODS DEVELOPMENT, FILED BY HERITAGE FIELDS EL TORO, LLC; LOCATED IN PLANNING AREAS 30 AND 51 as amended to include the following revisions per the errata memo dated August 30, 2011:
 - a) Correct the State Clearinghouse Number in the Supplemental EIR resolution title to state: 20202101020.
 - b) Delete the current Section 5 and replace with: "SECTION 5. As documented in the SEIR and the Certified EIR, the Modified Project's impacts to Air Quality, like those for the Approved Project, have been determined to be significant and unavoidable even after mitigation. Like the Approved Project, the Modified Project's short-term construction-related mass emissions of VOC, NOX, CO, PM10 and PM2.5, and its long-term emissions of VOC, NOX, CO and PM2.5 would exceed the applicable thresholds and

result in significant and unavoidable impacts, even with adoption of all feasible mitigation measures. The specific impacts are summarized in Exhibit A to this Resolution. The City Council finds that each of these effects is acceptable and adopts the required Findings of Fact and Statement of Overriding Considerations (attached as Exhibit A hereto and incorporated herein)."

- c) Modify current Section 6 as follows: "SECTION 6. Although the Final SEIR identifies certain significant environmental effects that would result if the Modified Project is approved, most environmental effects can feasibly be avoided or mitigated. ~~and will be avoided or mitigated by the imposition of the Mitigation Measures included in the Final EIR and subject to the Mitigation Monitoring Program (attached as Exhibit B) incorporated herein and adopted hereby by the City Council. The applicable plans, programs and policies, project design features and mitigation measures, included in the SEIR as Table 1-3, and the applicable plans, programs, policies, project design features and mitigation measures from the Certified EIR, all of which (some of which have been modified or amended to update for changed conditions) are all attached as Exhibit B (Mitigation, Monitoring and Reporting Program) and incorporated herein, have been incorporated into the Modified Project or identified as requirements of the Modified Project.~~"
- d) Add: "SECTION 6. As documented in the SEIR and the Certified EIR, one of the Modified Project's impacts to Population and Housing, similar to that for the Approved Project, has been determined to be significant and unavoidable even after mitigation. The Modified Project will have a significant and unavoidable impact on the jobs/housing balance in Irvine, although its impact will be somewhat reduced in severity as compared to the Approved Project's impact. This specific impact is summarized in Exhibit A to this Resolution. The City Council finds that this effect is acceptable and adopts the required Findings of Fact and Statement of Overriding Considerations (attached as Exhibit A hereto and incorporated herein)."
- e) Delete the current Section 7 and replace with, "SECTION 7. As documented in the SEIR and the Certified EIR, the Modified Project's impacts to Transportation/Traffic have been determined to have the potential to be significant and unavoidable, even after mitigation, but only if certain mitigation measures requiring improvements that are within the responsibility and jurisdiction of a public agency over which the City of Irvine has no control, are

not implemented for reasons beyond the City of Irvine's control. The specific impacts are summarized in Exhibit A to this Resolution. The City Council finds that each of these effects is acceptable and adopts the required Findings of Fact and Statement of Overriding Considerations (attached as Exhibit A hereto and incorporated herein)."

- f) Revise the following phrase in Sections 8 to read, "based on the ~~above findings~~ attached as Exhibit A."
 - g) Exhibit A (Page 8) – Replace the first paragraph Under the Previous Environmental Documentation, 2003 OCGP EIR, "The 2003 OCGP EIR was certified by City of Irvine in May 2003. The project analyzed in that EIR consisted of the following actions: (1) Annexation, General Plan Amendment, Pre-Zoning (prior to annexation), and Zoning of unincorporated portion of Planning Area 51; (2) Annexation of unincorporated portion of Planning Area 35 (James A. Musick Branch Jail ^[1] and the Irvine Ranch Water District Parcel); (3) General Plan Amendment and Zone Change for Planning Area 30; and (4) a Development Agreement (which has since been amended and restated) that vested approval of certain overlay uses in favor of the Applicant."
- 2) Adopt RESOLUTION NO.11-98 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00517351-PGA TO AMEND THE GENERAL PLAN TABLES A-1 AND A-2 TO REFLECT SHIFTS OF INTENSITY BETWEEN LOW DENSITY AND MULTI-USE CATEGORIES WITHIN PLANNING AREA 51, AMEND APPROPRIATE FIGURES TO REFLECT THE RELOCATION OF RIDGE VALLEY AND "O" STREETS, AND REVISE VARIOUS TEXT AND FIGURES TO RECOGNIZE A CHANGE FROM THE 8.1 LIFELONG LEARNING DISTRICT TO 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT FOR THE GREAT PARK NEIGHBORHOODS DEVELOPMENT; FILED BY HERITAGE FIELDS EL TORO, LLC IN PLANNING AREAS 30 AND 5151 as amended to include the following revisions per the errata memo dated August 30, 2011:
- a) Modify the third "WHEREAS" on Page 1 of the resolution to read, "Add 1,269 units to the ~~Additive category~~ Density Bonus Units Column to reflect the density bonus units allowed per State Law;"
 - b) Add to the resolution: "WHEREAS, the Amended and Restated Development Agreement among the City of Irvine, the Irvine Redevelopment Agency, and Heritage Fields contains a paragraph that allows Heritage Fields, after the General Plan

Amendment becomes effective, to consent in writing to the General Plan Amendment, and if Heritage Fields so consents, the General Plan Amendment will become a part of Heritage Fields' vested rights under the Amended and Restated Development Agreement;"

- c) Exhibit A – Modify Footnote 26 of General Plan Table A-1 to read, "~~The Density Bonus Agreement by and between the City of Irvine and the property owner recorded on September 9, 2009 approval of the Master Affordable Housing Plan and Density Bonus Application by the City of Irvine on November 6, 2008~~ vests property owner's right to develop 1,269 density bonus units, for a total of 4,894 units in PAs 30 and 51. Up to 1,269 of the density bonus units included in PA 51 can be transferred to PA 30, upon the completion of further environmental review."
 - d) Exhibit A – Modify General Plan Figure L-2 to remove the incorrect references to the Auto Center in Planning Area 30 as designated for agriculture.
- 3) Introduce for first reading and read by title only ORDINANCE NO. 11-12 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00516294-PZC TO CHANGE THE 8.1 LIFELONG LEARNING DISTRICT TO THE NEW 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT, REZONE THE 8.1A LIFELONG LEARNING DISTRICT TO THE NEW 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT, REZONE PORTIONS OF THE 1.5 RECREATION, 1.8 GOLF COURSE OVERLAY, 1.9 GREAT PARK, 2.2 LOW DENSITY RESIDENTIAL ZONES TO THE NEW 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT, REZONE A PORTION OF THE 8.1 LIFELONG LEARNING DISTRICT TO 1.9 GREAT PARK, REZONE A PORTION OF THE 8.1 LIFELONG LEARNING DISTRICT TO 1.1 AGRICULTURE, RELOCATE INTENSITY BETWEEN THE 3.2 TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT TO THE NEW 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT, AND REVISE VARIOUS TEXT AND FIGURES TO RECOGNIZE A CHANGE FROM THE 8.1 LIFELONG LEARNING DISTRICT TO 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT FOR THE GREAT PARK NEIGHBORHOODS DEVELOPMENT; FILED BY HERITAGE FIELDS EL TORO, LLC; LOCATED IN PLANNING AREAS 30 AND 51, as amended to include revisions a and b, per the errata memo dated August 30, 2011; and conditions c through h below:
- a) Add to the ordinance: "WHEREAS, the Amended and Restated

Development Agreement among the City of Irvine, the Irvine Redevelopment Agency, and Heritage Fields contains a paragraph that allows Heritage Fields to, after the Zone Change becomes effective following the second reading of the Zone change ordinance, consent in writing to the Zone Change, and if Heritage Fields so consents (~~following the second reading of the Zone Change ordinance~~), the Zone Change will become a part of Heritage Fields' vested rights under the Amended and Restated Development Agreement;"

- b) Exhibit A – Correct Footnote ***** in Chapter 9-51-3 (Statistical Analysis) of the Zoning Ordinance to state: "This number ~~does not~~ includes the 1,269 density bonus units granted pursuant to state law, Section 2-3, and City Council Resolution No. 08-2926, which may be located within Planning Area 51 pursuant to an approved subdivision map."
- c) *Edge Conditions* - Prior to the grading of development pads within those Development Districts adjacent to the Great Park, the applicant shall submit a Pre-Application, for the review and approval by the Director of Community Development that provides a detailed design for the edge conditions where the development abuts the Great Park. The design detail should demonstrate an attractive edge between the private development and the public Park. Private residential development is encouraged and preferred to face outward toward the park and provide for architectural cohesion between the two land uses.
- d) *Transit* - Prior to the recordation of the first residential tract map in the District 1 North or South, 4, or 7 of the Great Park Neighborhoods development, the applicant shall prepare, fund, and work in cooperation with the City to develop a transit study, consistent with the City's 30-year Transit Vision Plan approved by the City Council in April 2009, ensuring that a route for the I-Shuttle is identified. At a minimum, the route should circulate along "O" Street and Irvine Boulevard and the developer shall identify strategic shuttle stop locations based upon developer's approved Master Plans. The applicant will continue to work cooperatively with the City, the Irvine Company, and other agencies to help identify and secure funding through OCTA.
- e) *Charging Stations for Electric Vehicles* - To the extent feasible, the applicant shall install electric vehicle charging stations at the commercial retail components of the project in District 1 North and District 4. The parking spaces in these centers will include electric vehicle charging devices.
- f) *Preservation of Ash Trees along Trabuco* - The developer of the Great Park Neighborhoods shall preserve in good health, the

existing Ash Trees along Trabuco Road until such time as grading occurs in that area or additional development that would otherwise impact the trees.

- g) *Reciprocal Use of Recreational Amenities* - Prior to the issuance of the first building permit for any dwelling unit other than model homes, in either District 1 North, 1 South, 4, 7, or 8, whichever occurs first, the applicant shall provide evidence to the Director of Community Development of a framework for a reciprocal use agreement for recreational amenities among the various Development Districts. The use agreement shall be finalized and executed to incorporate each subsequent District prior to the issuance of the first building permit for any dwelling unit other than model homes in that subsequent District.
 - h) *Orange Bike Program* - The developer shall incorporate a bike share program into their development program that takes advantage of, and expands upon, the "Orange Bike Program" being implemented by the Great Park Corporation with an emphasis on connecting the Great Park Neighborhoods to the Great Park. The bike share program shall tap into marketing opportunities for other existing programs that exist regionally, such as the one that currently exist at the University of California, Irvine. In addition, the program shall be promoted through the developer's home sales program.
- 4) Authorize and direct staff to complete and document an Adjacent Landowner Agreement between the City and Heritage Fields El Toro, LLC with terms substantially consistent with the term sheet included in the staff report and to use best efforts to return to the City Council for consideration of the Agreement at the September 13, 2011 City Council meeting.

The original motion carried as follows:

AYES: 3 COUNCILMEMBERS: Choi, Lalloway and Kang
 NOES: 2 COUNCILMEMBERS: Agran and Krom
 ABSENT: 0 COUNCILMEMBERS: None

ACTION: Prior to the roll call on the main motion a substitute motion was made by Mayor Pro Tempore Krom, seconded by Councilmember Agran, to:

- 1) Adopt RESOLUTION NO. 11-97— A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2002101020, 00527796-PCLE) AND MITIGATION MONITORING

AND REPORTING PROGRAM FOR MODIFICATIONS TO THE PREVIOUSLY APPROVED DEVELOPMENT OF 4,894 DWELLING UNITS AND 6,585,594 SQUARE FEET OF NON-RESIDENTIAL DEVELOPMENT, FILED BY HERITAGE FIELDS EL TORO, LLC; LOCATED IN PLANNING AREAS 30 AND 51 subject to the changes in the errata memo dated August 30, 2011

- 2) Adopt RESOLUTION NO. 11-98 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00517351-PGA TO AMEND THE GENERAL PLAN TABLES A-1 AND A-2 TO REFLECT SHIFTS OF INTENSITY BETWEEN LOW DENSITY AND MULTI-USE CATEGORIES WITHIN PLANNING AREA 51, AMEND APPROPRIATE FIGURES TO REFLECT THE RELOCATION OF RIDGE VALLEY AND “O” STREETS, AND REVISE VARIOUS TEXT AND FIGURES TO RECOGNIZE A CHANGE FROM THE 8.1 LIFELONG LEARNING DISTRICT TO 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT FOR THE GREAT PARK NEIGHBORHOODS DEVELOPMENT; FILED BY HERITAGE FIELDS EL TORO, LLC IN PLANNING AREAS 30 AND 51 subject to the changes in the errata memo dated August 30, 2011
- 3) Continue the first reading of the Zone Change Ordinance to September 13, 2011, and complete the Adjacent Landowner Agreement between the City and Heritage Fields El Toro, LLC in the interim.

The substitute motion failed as follows:

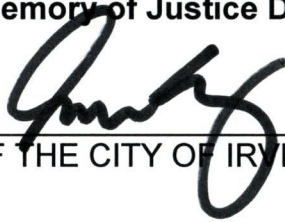
AYES:	2	COUNCILMEMBERS:	Agran and Krom
NOES:	3	COUNCILMEMBERS:	Choi, Lalloway and Kang
ABSENT:	0	COUNCILMEMBERS:	None

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Moved by Mayor Pro Tem Krom, seconded by Councilmember Choi, and unanimously carried to adjourn the meeting in memory of Justice David Sills at 9:46 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

September 13, 2011