
LAND USE ELEMENT

APPENDIX A

Irvine Ballot Measure "C": Initiative Resolution No. 88-1 An Initiative Resolution of the City of Irvine Directing the Amendment of the Conservation and Open Space Element and the Land Use Element of the General Plan

IMPLEMENTATION ACTION PROGRAM

This program integrates the Land Use and Conservation Open Space Elements together through the development entitlement process. The purpose of the program is to provide for the permanent protection of significant, large scale conservation and open space areas for public ownership. A summary of the Phased Dedication Program is provided in Figure 4.

a. Phased Dedication and Compensation Development Program. The policies set forth in the Program are to be considered integral components of both the Conservation and Open Space Element and the Land Use Element of the General Plan. The Program shall integrate the Land Use and Conservation and Open Space Elements together by establishing a program which links the dedication of conservation and open space areas to the development entitlement process. The purpose of the Program is to provide permanent protection of open space by means of public ownership.

With the completion of the Program described below, all major open space preservation areas (under the ownership of The Irvine Company or its successors) that are required to assure the appropriate balance of development and open space will be secured.

Other conservation and open space areas and development areas not under the ownership of The Irvine Company or its successors will, through subsequent planning processes (i.e. General Plan Amendments, Zone Changes, Concept Plans, and subdivision applications), be required to assure the appropriate balance of development and conservation and open space areas as outlined in the Land Use and Conservation and Open Space Elements and their respective goals, objectives, and implementing actions.

b. Dedication/Development Program. The portions of the City directly involved in this

dedication/development program have been divided into separately lettered "Districts" containing both open space lands for ultimate conveyance to the City and corresponding development areas, as shown on Figure 1. The open space lands and development areas of a District are, in some cases, not contiguous. The Irvine Company or its successors in interest ("TIC") shall convey the open space lands (consisting of Preservation Areas, minor preservation areas, and Spines as depicted on Figure 1 by the letter references "P" and "S" respectively, and collectively referred to in this Implementation Actions program as "conveyance areas") within a District to the City or other appropriate public agency as reasonably approved by the City so that they may be preserved as open space in return for the completion of development on other land in the same District owned by TIC (referred to in this Implementation Actions Program as "development areas"), more particularly as shown on Figures 1 and 2, consistent with the following procedures. The City shall undertake such actions as are necessary to secure for TIC the right to develop development areas in the manner set forth herein, and pursuant to a mutually agreeable development schedule. Upon request by TIC, the City shall enter into development agreements, or approve vesting maps, for these purposes.

c. Map Interpretation. All boundaries on Figure 1 are conceptually delineated and are not intended to be exact. Gross acreages of conveyance areas and development areas stated

in Figure 2 are estimated and include some lands which ultimately may not be part of the Implementation Actions Program, e.g., roadways, utilities and other public facilities. Preservation Areas are assumed to include any necessary edge treatments, fuel modification areas, and manufactured slopes located at the boundary between development and Preservation Areas ("transition zone"). The precise boundary of the conveyance areas and abutting development areas, and the precise acreage to be offered for conveyance, are to be determined by mutual agreement at subsequent stages of development.

d. **Two-Part Conveyance.** As illustrated on Figure 3, offers of conveyance may be made in two parts. The first part shall contain, to the greatest extent possible, substantially all of the Preservation Area and shall be offered for conveyance at the time specified in Implementing Action e below, but Preservation Area lands abutting potential development areas may be excluded from the first part. The boundaries of the second part shall be defined and offered for conveyance upon the recordation of final maps for development abutting the area to be dedicated. Where appropriate, the transition zone may be offered for conveyance as open space easements.

e. **Preservation Area Conveyance.** Concurrent with the recordation of the first final tract map within a development area of each District shown on Figure 1 (except District H), an offer of conveyance for all the conveyance areas within the District shall be recorded. Each offer will provide that it may be accepted no sooner than ninety days following issuance of building permits for 75% of the development in the District as indicated on Figure 2 ~~40~~ or completion of development in the District, whichever occurs first.

f. **Offer of Conveyance.** Each offer will be subject to non-monetary encumbrances, easements, liens, restrictions and title exceptions of record or apparent which do not prevent use of the conveyance areas consistent with the uses set forth in Conservation Open and Space Element Appendix L: Implementing Action d of Objective L-8(4) and Zoning Ordinance Section V.E-711 (Jeffrey Road Open Space Spine), Conservation Open and Space Element Appendix L: Implementing Action d of Objective L-8(3) and Zoning Ordinance Section V.E-715 (Planning Area 12 Preservation Area), and the definition of

Preservation Areas set forth earlier in this element as may be applicable to the conveyance area as identified in Figure 1, and consistent with intent of this Program, and the adjacent conveyance requirements.

Offer of Conveyance Requirements for Policy f.

1. The offer shall provide for conveyance of title by grant deed subject to land use restrictions and/or open space easements assuring that the conveyed land shall be used in perpetuity consistent with the intent of the dedication and the purposes to be served by Open Space Spines and Preservation Areas, with corresponding means of enforcement. Lands reserved for road, transportation, transit, drainage, flood control, water, sewer and utility purposes by public agencies may be excluded from the offer at TIC's discretion.

2. Mineral rights and water rights (excluding the right of surface entry) will be reserved by TIC on conveyed lands. TIC shall make full written disclosure with respect to toxic or hazardous substances which in its knowledge were stored on or deposited in the land to be dedicated. Road, transportation, transit, flood control, drainage, water, sewer, and utility easements necessary to accomplish development in adjoining areas and/or to accomplish planned facilities by public agencies and utilities will be reserved by TIC on conveyed lands. Easements will be reserved on conveyed lands if necessary to preserve or facilitate agricultural uses on adjoining Preservation Areas not yet conveyed.

3. The enhancement of habitat areas by The Irvine Company, particularly riparian habitat, shall be allowed in conveyed Preservation Areas consistent with applicable standards and procedures for purposes of environmental impact mitigation in development areas.

4. The City or other appropriate public agency shall accept the offer within two years after all other conditions to acceptance have been satisfied. However, acceptance may be delayed beyond two years by mutual agreement of the City and TIC.

g. Transferability of Dwelling Units.
Subject

to Zoning Ordinance Section V. E-718, the total number of residential dwelling units in Planning Areas 17, 18, 22, 26 and 27 may not exceed 10,600. These dwelling units may be freely transferred by TIC among the aforementioned planning areas without the need for any amendment to the City's General Plan. Any transfer which increases the number of dwelling units allowed in a Planning Area by more than 15% above the amounts designated in Figure 2 of the General Plan, or greater percentage may be subject to review as part of the subdivision process. It is the intent of this provision to allow a total of 10,600 dwelling units (except as modified in Zoning Ordinance Section V.E-718) to be constructed in these Planning Areas, to be measured cumulatively by actual permits as issued.

h. Incomplete Development. The development areas shown on Figure 1 are believed to be free of environmental constraints which would require development in such areas to be limited or which otherwise would render development infeasible. If, however, governmental or developmental standards or requirements constrain development within the development areas of a District due to extraordinary biotic, geologic or other hazard (but excluding MCAS El Toro operations), archaeological or paleontologic constraints or limitations, the City shall transfer the development opportunities eliminated by such standards or conditions to other mutually acceptable locations.

Additionally, if governmental or developmental standards or requirements constrain development within the development areas of a District due to health or safety constraints attributable to USMCAS El Toro operations the City and The Irvine Company will seek to transfer the portion of the development opportunities reduced by such additional standards, regulations or conditions to other mutually acceptable locations. If another mutually acceptable location cannot be agreed upon, the City and the Irvine Company will meet and confer on appropriate adjustments to the Implementation Action Program.

If the total allowable development in any district is not constructed because the landowner (TIC) and or developer elects not to build to the allowable development intensity, except as provided in Zoning Ordinance Section V.E-718, the City shall not

be required to transfer that balance/difference elsewhere.

i. Additional Open Space Requirements. No additional open space dedication exactions may be imposed on any land owned by TIC, its successors or assignees, within the City or its Sphere of Influence (excluding unincorporated lands presently designated as agriculture in the Irvine General Plan in Planning Areas 5, 6, 8 and 9, which are not a part of this Program) except as ordinarily required on a project by project basis for compliance with provisions of the City's subdivision ordinance (for example, Quimby Act requirements, village edges and building setbacks).

However, if for reasons other than those governed by Implementing Action h above TIC, its successors or assignees request intensification of the land uses beyond the land use intensities set forth in Figure 2, the City reserves the right to require additional open space dedication exactions.

j. Open Space Improvements. No conditions will be attached to any land owned by TIC, its successors or assignees, requiring improvements to or maintenance of Preservation Areas conveyed under this program except for habitat enhancement as provided in Implementing Action f(3) above, for "transition zone" improvements as provided in Implementing Action b above, and for utilities and infrastructure necessary to serve The Irvine Company development.

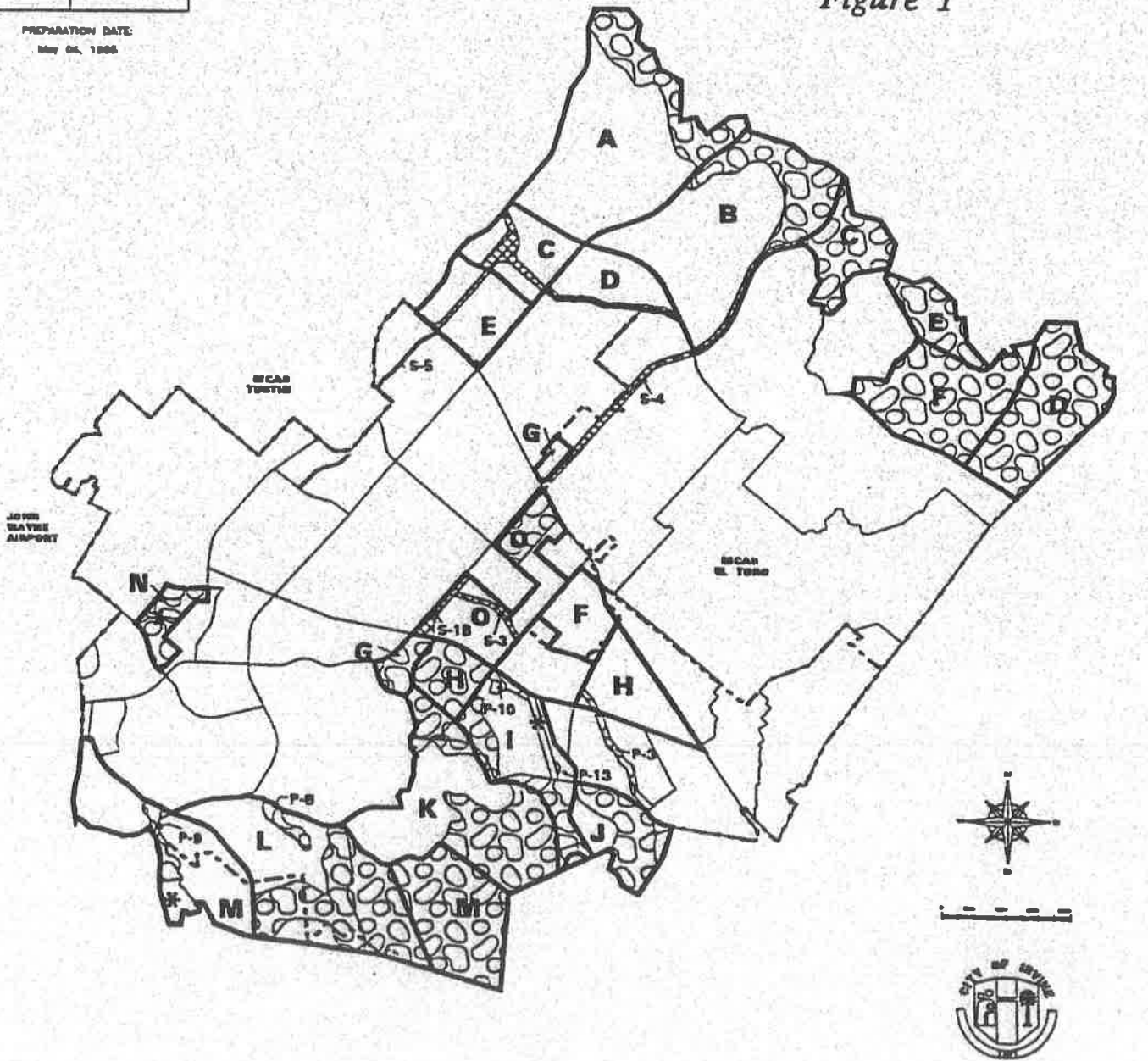
No conditions will be attached to any land owned by The Irvine Company, its successors or assignees, requiring improvements to or maintenance of the Jeffrey Open Space Spine as defined in paragraph n below, except for utilities and infrastructure necessary to serve Company development and also the permanent trail construction in accordance with the City's 1985 "Guidelines For Bicycle Facilities in Irvine" (excluding grade separations solely used for trail systems) in the spine adjacent to the development. Improvements will be made to the Jeffrey Open Space Spine by the City which are compatible with and complementary to adjoining development. The Jeffrey Open Space Spine will serve as the Village Edge for the adjoining development areas, and no further Village Edge dedications or improvements will be required for adjoining development areas.

DATE	RESOLUTION #
8/10/83	83-128
4/7/85	85-37

PREPARATION DATE:
May 06, 1988



IMPLEMENTATION DISTRICTS

Figure 1

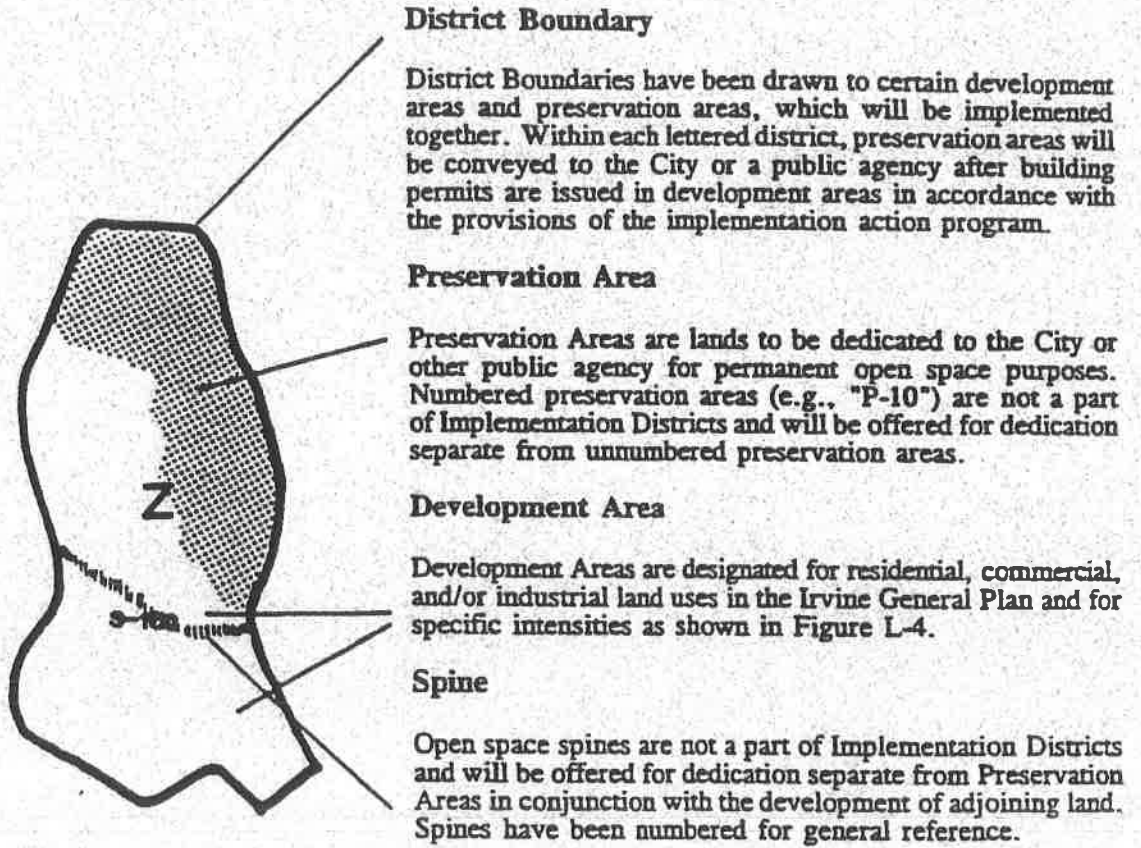


MAP INTERPRETATION

- All boundaries on Figure 8 are conceptually delineated and are not intended to be exact.
 - Green acreages of conveyance areas and development areas stated in Figure 10 are estimated and include some lands which ultimately may not be part of the Implementation Actions Program, e.g., roadways, utilities and other public facilities.
 - Preservation Areas are assumed to include any necessary edge treatments, fuel modification areas, and manufactured slopes located at the boundary between development and Preservation Areas (Transition Areas).
 - The precise boundary of the conveyance area and starting development area, and the precise acreage to be offered for conveyance, are to be determined by mutual agreement at subsequent stages of development.
- * NOTE: Areas with asterisk or number are not a part of implementation district.

- City Sphere of Influence
- City Boundary
-  Preservation Area
-  Spine

**FIGURE 1A
IMPLEMENTATION DISTRICT LEGEND**



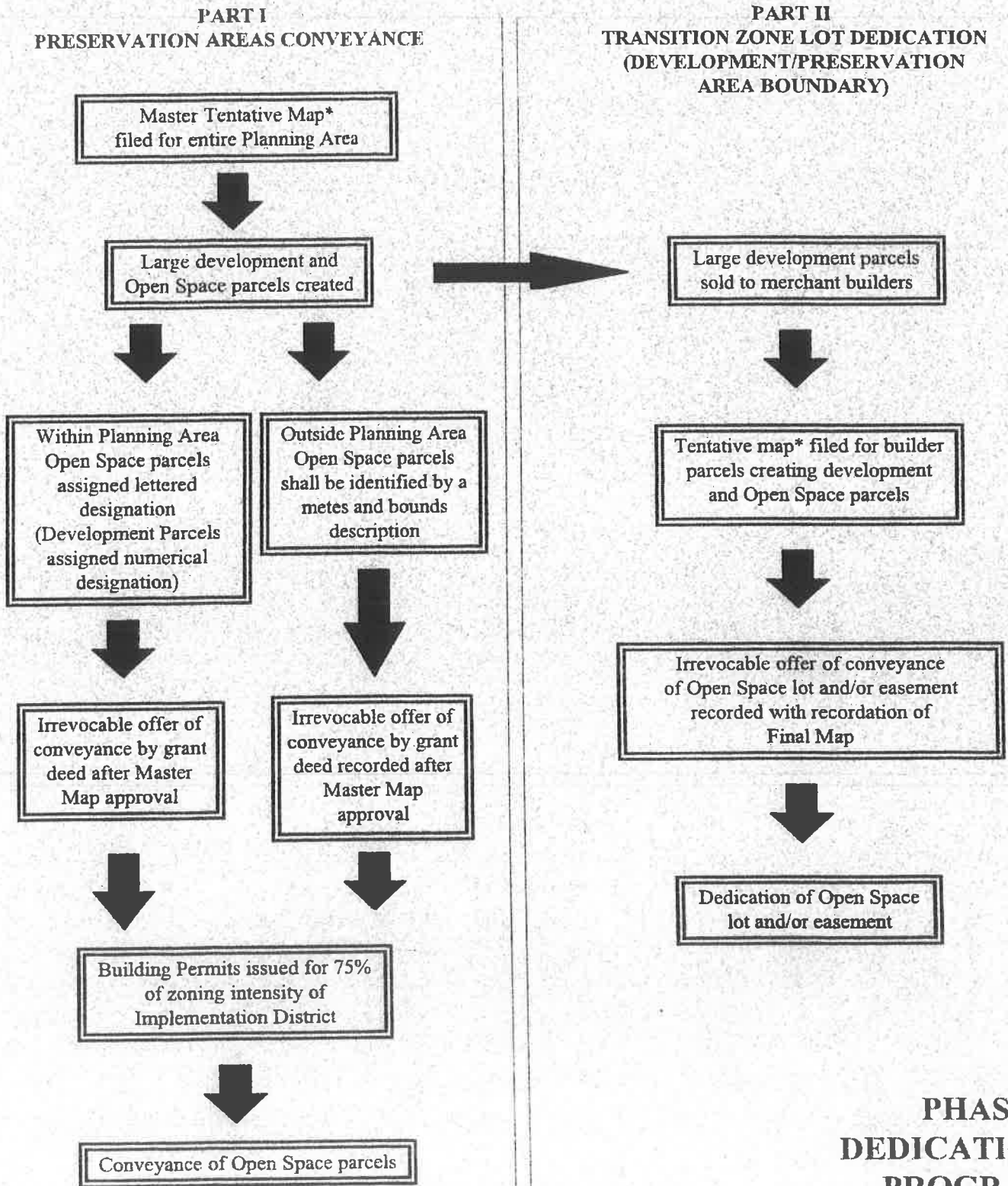
Note: Areas shown with an asterisk are not a part of the Implementation District.

**FIGURE 2
IMPLEMENTATION ACTION PROGRAM
DEVELOPMENT INTENSITY AND DEDICATION AREA
BY DISTRICT**

DISTRICT	DU'S	COMMERCIAL SQ. FT.	INDUSTRIAL S.F.	DEVELOPMENT ACRES	PRESERVATION ACRES ¹
A	4,627	23,769	0	1,532	530
B	3,286	0	0	1,441	487
C	3,900	255,077	0	410	532
D	2,885	23,769	0	551	961
E	4,745	72,680	0	615	350
F	0	0	4,700,000	361	1,266
G	0	786,000	0	68	50
H	0	1,514,000	0	N/A	275
I ²	2,030	300,000	910,000	588	589
J ²	750	0	0	205	445
K ²	2,360	0	0	888	837
L ²	3,460	0	0	907	1,054
M ³	2,000	600,000	0	588	1,088
N	1,000	0	0	25	192
O	4,050	1,575,000	2,372,931	552	176

1. All acres are estimates of gross acres and are subject to refinement. Acreage will be refined and allocated to specific land use categories in subsequent planning processes. Preservation Areas on this exhibit do not include Spines and Minor Preservation Areas as described in Appendix A, Implementation Action Program (b).
2. The distribution of dwelling units among these planning areas may be adjusted according to provisions of Appendix A, Implementation Action Program (h).
3. These figures may be adjusted according to the provisions of the Zoning Ordinance Development Standards for Planning Area 26.

**FIGURE 3
TWO-PART SUBDIVISION PROCESS**



*NOTE: Vesting map optional

**PHASED
DEDICATION
PROGRAM**

FIGURE 4
LAND USE AND CONSERVATION/OPEN SPACE
PHASED DEDICATION PROGRAM

