



Main Office:
310 - 798-2400

Direct Dial:
310-798-2405

Carstens, Black & Minter LLP
700 N. Pacific Coast Highway, Suite 200
Redondo Beach, CA 90277
www.cbcearthlaw.com

Douglas P. Carstens
Email Address:
dpc@cbcearthlaw.com

March 25, 2026

Mayor Larry Agran and
Irvine City Council
1 Civic Center
Irvine, CA

VIA EMAIL:

larryagran@cityofirvine.org
jamesmai@cityofirvine.org
MikeCarroll@cityofirvine.org
williamgo@cityofirvine.org
melindaliu@cityofirvine.org
bettymartinez@cityofirvine.org

kathleentreseder@cityofirvine.org
irvinecitycouncil@cityofirvine.org
clerk@cityofirvine.org
cm@cityofirvine.org
jmelching@rutan.com

Re: Proposed Zone Change 00976603-PZC to Amend Section 9-12-7 of the Irvine Zoning Ordinance

Honorable Mayor Agran and City Council Members:

We write on behalf of Orange Tree Master Homeowners Association and Save Irvine Open Space (SIOS)¹ concerning the above-entitled proposed zone change. It is invalid because it is inconsistent with the Open Space Element of the General Plan and violates Initiative Resolution 88-1. The Open Space Element includes the Conservation/Open Space Dedication Program (COSDP) incorporated into the General Plan, consistent with the directive of the Irvine citizenry when it approved Initiative Resolution 88-1 and the Open Space Memorandum of Understanding Implementing Initiative Resolution 88-1 between the City of Irvine and The Irvine Company, executed on September 26, 1988.

¹ Orange Tree Master Homeowners Association represents a community of over 1000 homes located on Irvine Center Drive immediately adjacent to the Oak Creek Golf Club. SIOS is made up of area residents concerned about the preservation of existing designated open space areas in Irvine.

The COSDP contains the Implementing Actions Program (see Conservation and Open Space Element Objective L-1, p. L-8) for the methods and procedures by which the City would receive open space land in return for compensating development rights provided to the Irvine Company. In the case of Planning Area 12, the applicable Implementing District is “O,” which is a subset of Planning Area 12 and does not include the former “Traveland” property adjacent to the I-5 freeway.

Within District O, the amount of Preservation Acres is 176 gross acres, and the development intensity includes 4,050 dwelling units, 1,575,000 square feet of commercial intensity, and 2,372,931 square feet of industrial intensity on an estimated 552 acres. Under the COSDP, the conveyance of the 176 gross acres was required to be in the form of an open space easement, limiting its use to golf course and customary and appurtenant facilities, to the City. Also, in accordance with the terms of the COSDP, this easement is to be accepted no sooner than ninety days following issuance of building permits for 75% of the development in District O or completion of development in the District, whichever first occurs. Assuming an accurate accounting of the development and the obvious build-out condition of District O, this threshold has now been met.

The COSDP does not contain provisions for an alternative way to satisfy the open space land conveyance requirements by the landowner. The finding by the Planning Commission that just because the subject site’s General Plan land use designation of Preservation is being maintained, the zone change is consistent with the General Plan is erroneous. The implementation procedures contained in the COSDP must be given equal consideration to the respective land use designations shown on exhibits in the General Plan.

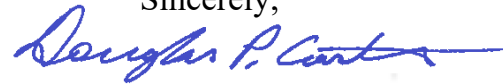
The proposal by the applicant to provide an alternative to the 176 gross acres dedication requirement must be the subject of a General Plan Amendment with full CEQA review so that decision makers are afforded all the facts concerning the impacts of the added development contemplated by the landowner on the balance of the land it desires to develop. Based upon public announcements made by the Company, it intends to increase the number of dwelling units currently allowed in District O from 4,050 to as many as 9,050 dwelling units and reduce the 176 gross acres to a minimum of 50 acres.

Finally, given the purpose and intent of Initiative Resolution 88-1 and the facts of the Pala Band case (*Pala Band of Mission Indians v. Board of Supervisors of San Diego*

City of Irvine
March 25, 2026
Page 3

County (1997) 54 Cal.App.4th 565, 577)², the City Council must submit any proposed changes to replace Open Space Preservation O with housing to the voters of Irvine.

Sincerely,



Douglas P. Carstens

² As our July 17, 2025 letter to you described, in the *Pala Band* case the voters were presented, in the form of Measure C, specific instructions on how to amend the General Plan and Zoning Ordinance including an attached map exhibit showing the location of designated land use changes in the General Plan. In the *Pala Band* case the voters were asked to approve the location of a landfill and recycling center. Similarly, in Initiative Resolution 88-1, Irvine voters were asked to approve specific open space preservation areas and development areas specifically designated as such on an attached map. Initiative Resolution 88-1 Section 2 entitled “Conservation and Open Space and Land Use Map Changes” could not be more clear. It reads: “*The City’s General Plan shall be amended to reflect the changes shown on the Conservation and Land Use Map attached hereto as Exhibit ‘A.’*” Section 10 of the initiative in *Pala Band* provided “[t]his measure may be amended or repealed only by a majority of the voters voting in an election thereon.” (*Pala Band, supra*, 54 Cal.App.4th at 572.)