

INITIATIVE RESOLUTION 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 IRVINE GENERAL PLAN

WHEREAS, the City Council of the City of Irvine has determined that an opportunity exists to establish significant open space areas for the benefit of the citizens of the City of Irvine and, with the cooperation of the major landowner, to achieve public ownership of significant portions of that open space by transferring development opportunities from these open space areas to other areas which can better accommodate development in exchange for the transfer of the open space to the public; and

WHEREAS, the City Council has determined that such a major issue ought to be subject to the electoral process and has therefore submitted this resolution directing the amendments of the Conservation and Open Space Element and Land Use Element of the Irvine General Plan to the voters of the City of Irvine for their approval.

THE PEOPLE OF THE CITY OF IRVINE HEREBY RESOLVE AS FOLLOWS:

Section 1. Purposes and Intent

It is the intent of this resolution that the City of Irvine establish a program to implement and accomplish the following objectives, consistent with the following Sections of this initiative resolution, and to assure that the conservation and open space areas designated in this resolution for public ownership will be obtained through the provision of a phased dedication and compensating development opportunities program as described herein.

- a. To consolidate important conservation and open space areas into large contiguous areas that may be integrated into local and regional open space areas.
- b. To establish a network of open space spines linking the consolidated conservation and open space areas.
- c. To assure the preservation of conservation and open space areas through a phased dedication and compensating development opportunities program, acceptable to the City and the owner of the land involved, which transfers development opportunities from conservation and open space areas and consolidates them in appropriate development areas.

Section 2. Conservation and Open Space and Land Use Map Changes

The City's General Plan shall be amended to reflect the changes shown on the Conservation and Open Space and Land Use Map attached hereto as Exhibit "A".

Section 3. Conservation and Open Space General Plan Policies

The City Council shall incorporate, as a minimum, the following conservation and open space policies into the General Plan for the conservation and open spaces areas shown on Exhibit "A":

- a. Mitigation of adverse biotic habitat impacts through the programmatic enhancement of other, more significant open space resources shall be encouraged.
- b. Roads, transit related facilities, arterial highways, transportation corridors, and utilities and other necessary infrastructure may be located in preservation areas.
- c. Prior to transfer to public ownership, agricultural uses in preservation areas shall be permitted uses.
- d. The designation of specific preservation areas and development opportunities in the Conservation and Open Space Element and Land Use Element are made to implement a planning principle of clustering development within an open space system, and special development criteria shall be adopted which allows realization of such development opportunities within hillside areas.

Section 4. Phased Dedication and Compensating Development Opportunities Program Directives

The City Council shall adopt a phased dedication and compensating development opportunities program in the General Plan in accordance with the following components.

a. Phased Dedication Program

The policies set forth in the Phased Dedication 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 Phased Dedication 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 Phased Dedication Program is to provide permanent protection of open space by means of public ownership.

With the completion of the Phased Dedication Program, all major open space preservation areas required to assure the appropriate balance of development and open space will be secured. No additional open space dedication exactions will be imposed except as ordinarily required for compliance with provisions of the City's subdivision ordinance on a project by project basis.

b. Compensating Development Opportunities Program

The City Council shall establish a Program for acquisition of conservation and open space areas by transferring development opportunities from the conservation and open space areas to appropriate development areas in the following manner:

1. Development potential in the upper Lomas de Santiago Hills reaches of the Santiago Hills (Lomas Ridge) shall be shifted to areas in the northern foothills and flatlands, and;
2. Development potential in Quail Hill (Village 16), portions of Villages 12 and 17, portions of Shady and Bommer Canyons (Village 22) and portions of the San Joaquin Marsh Area (Village 19) shall be shifted to Villages 12, 13, 17, 18, 19, 25, 26 and 33.

The Program shall be implemented consistent with the following guidelines:

1. The Program shall be the subject of an agreement between the City and the landowner prior to implementation.
2. Open space spines shall generally be dedicated in conjunction with development of adjoining lands.
3. Relatively isolated preservation areas may be dedicated in conjunction with development of adjoining lands.
4. The major preservation areas shall be incrementally dedicated in phases in conjunction with development of the development areas.

Section 5. Required City Actions in Support of the Conservation and Open Space Element and Land Use Element Amendments

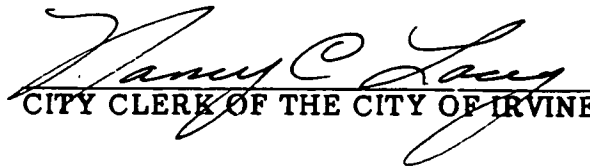
The City Council is hereby directed to take appropriate actions to assure the following:

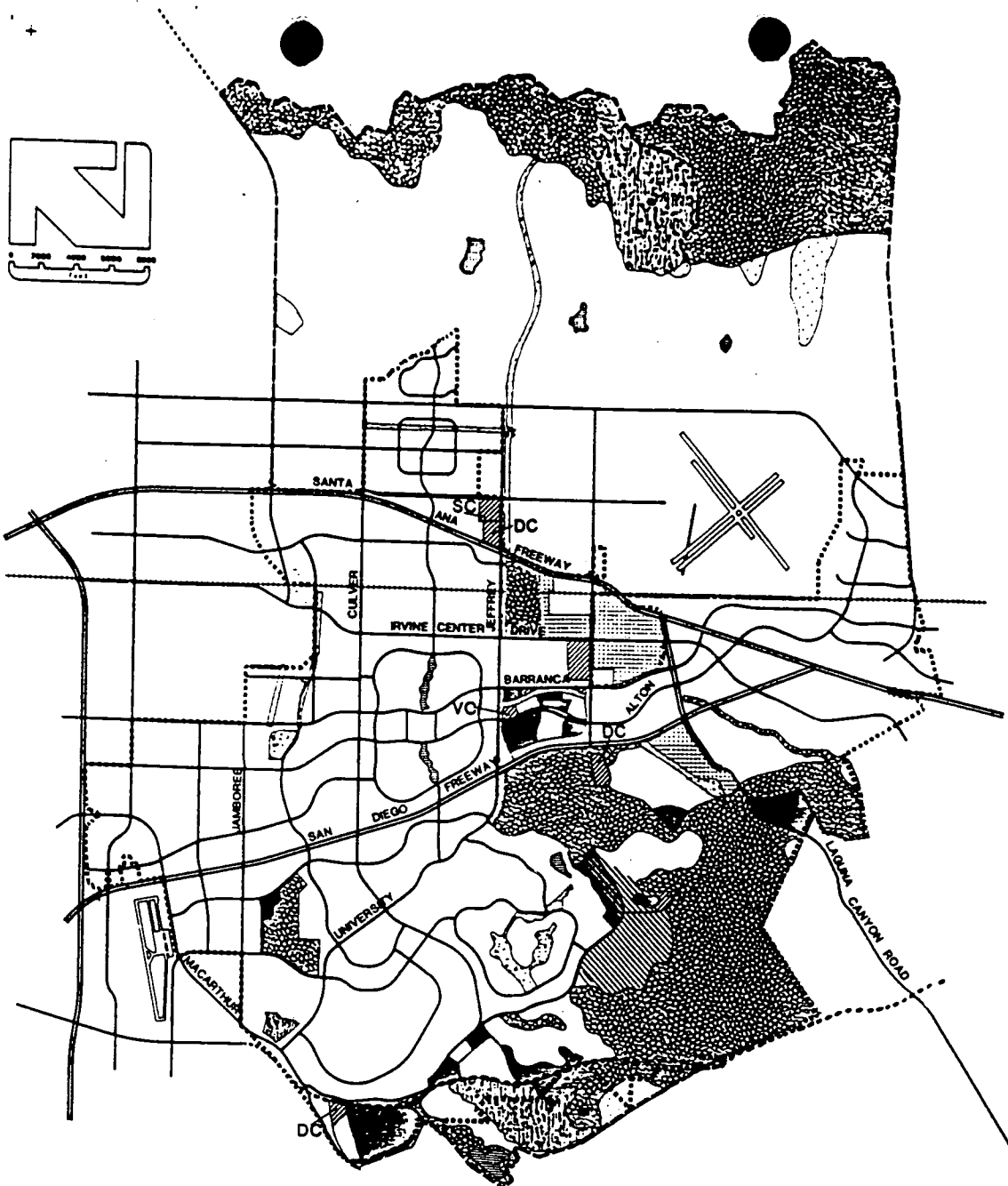
1. Amendment of any General Plan elements necessitated by this measure, by December 15, 1988.
2. Implementing and monitoring actions required to assure conformity of City zoning and subdivision ordinance with the General Plan amendments enacted pursuant to this measure shall be completed on or before June 30, 1989. These actions shall implement the phased dedication and compensating development opportunities program and revisions pursuant to the amendments of the Conservation and Open Space Element and Land Use Element.

ADOPTED by vote of the people of the City of Irvine on June 7, 1988, as certified by the Orange County Board of Supervisors on the 21st day of June, 1988.

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, NANCY C. LACEY, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Resolution was adopted by the voters of the City of Irvine as an initiative measure at an election held on June 7, 1988, as certified by the Orange County Board of Supervisors on the 21st day of June, 1988, and that the Resolution became effective on June 7, 1988.


CITY CLERK OF THE CITY OF IRVINE



CONSERVATION/OPEN SPACE ELEMENT AND LAND USE ELEMENT AMENDMENTS

AMENDMENT AREAS (SHOWN AS PATTERNS):

CONSERVATION/OPEN SPACE	RESIDENTIAL	COMMERCIAL
- Preservation - Recreation - Water Bodies - Agriculture - Golf Course Overlay - Landfill Overlay	- Rural (Less than .1 DU/Acre) - Estate (0.1 to 1.0 DU/Acre) - Low (1.0 to 5 DU/Acre) - Medium (5 to 10 DU/Acre) - Medium-high (10 to 25 DU/Acre) - High (25 to 40 DU/Acre)	- VC-Village Commercial - DC-District Commercial - SC-Specialty Commercial
		GENERAL INDUSTRIAL
		MIXED USE
		INSTITUTIONAL

AREAS NOT A PART OF BALLOT MEASURE (SHOWN FOR REFERENCE):

- Open Space unchanged from current General Plan.
- White areas (undesignated) are subject to uses shown on current General Plan and except for Village Plan 33 are not a part of this measure.

NOTE: Circulation pattern is shown for reference only and is not a part of this ballot measure.

**MEMORANDUM OF UNDERSTANDING
IMPLEMENTING
INITIATIVE RESOLUTION 88-1**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this 26th day of September, 1988, by and between the City of Irvine (hereinafter "City"), a California municipal corporation, and The Irvine Company (hereinafter "Landowner").

STATEMENT OF PURPOSE

A. At the June 7, 1988, General Municipal Election, the voters of City enacted Initiative Resolution 88-1, entitled "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 Irvine General Plan" (hereinafter the "Open Space Initiative").

B. The Open Space Initiative contains the following stated objectives:

- a. To consolidate important conservation and open space areas into large contiguous areas that may be integrated into local and regional open space areas.
- b. To establish a network of open space spines linking the consolidated conservation and open space areas.
- c. To assure the preservation of conservation and open space areas through a phased dedication and compensating development opportunities program, acceptable to the City and the owner of the land involved, which transfers development opportunities from conservation and open space areas and consolidates them in appropriate development areas.

C. In furtherance of its stated objectives, the Open Space Initiative directs the City Council for City to amend the General Plan to incorporate the provisions of the Open Space Initiative, including a phased dedication and compensating development program acceptable to the City Council and the Landowner, on or before December 15, 1988.

D. Given this direction and deadline, and in order to carry out the will of the people as expressed through the passage of the Open Space Initiative, designated representatives of the City have met with the Landowner, which owns the open space areas to be dedicated to the City under the Open Space Initiative, in an attempt to identify the necessary components of a mutually acceptable phased dedication and compensating development program meeting the requirements of the Open Space Initiative, supporting measures required to assure and monitor the successful implementation of that program, and a process and timetable for processing that program for adoption on or before December 15, 1988.

E. Based upon those meetings, City and Landowner have now reached the following understandings concerning the components of a phased dedication and compensating development program meeting the stated objectives, terms and provisions of the Open Space Initiative, supporting measures required to assure and monitor the successful implementation of that program, and a process and timetable for their adoption.

UNDERSTANDINGS

NOW, THEREFORE, City and the Landowner agree that the following describes the understandings of the parties for carrying out the intent and requirements of the Open Space Initiative:

1. In order to provide compensating development necessary to obtain the dedications of the open space areas depicted in the Open Space Initiative, it will be necessary for the City to amend the Conservation and Open Space, Land Use, and Circulation Elements of its General Plan as required to entitle development in the development areas of the Districts depicted on Exhibit 1 to Attachment A to this MOU (entitled "Implementing Actions Program"), in accordance with the uses and intensities/densities of use listed on Exhibit 2 of Attachment A. The amendments shall be consistent with the terms and provisions of this MOU and its Attachments.

2. The phased dedication and compensating development program to implement the Open Space Initiative shall be as described in Attachment A. Attachment A includes those policies and requirements deemed by the City and Landowner to be minimally required for the successful implementation of the Open Space Initiative through a program that correlates dedications of open space areas with development in corresponding development areas on a District basis, as shown on the district map and statistical table attached as Exhibits 1 and 2 respectively to Attachment A.

3. As stated in its Section 1, an intent of the Open Space Initiative is to preserve important conservation and open space resources through a program that consolidates large, contiguous open space areas under public ownership by permitting development to occur in other areas of the City deemed to be of lesser open space value, rather than by pursuing stringent, localized, isolated open space preservation policies. Therefore, in addition to the policies and requirements contained in Attachment A, the City and Landowner agree that the following supporting measures are required to assure the feasibility of successfully implementing that program:

(a) adoption of Attachment B to this MOU (entitled "Hillside Development Criteria") as the hillside development criteria to be applied within any portions of a development area within the City's existing hillside district;

(b) adoption of a resolution consistent with Attachment C to this MOU (entitled "Modification of Resolution #571") to supersede City Council Resolution #571; and

(c) adoption of Attachment D to this MOU (entitled "Biotic Resources Program") as part of the biotic habitat program of the City. The Master Environmental Assessment, when adopted, shall also have to conform to the Biotic Resources Program.

4. City and the Landowner agree that Attachments A and D to this MOU shall be processed as amendments to the City's General Plan, and that Attachments B and C to this MOU shall be adopted as implementing ordinances/resolutions of the City, consistent with the processing and milestone chart attached to this MOU as Attachment E (entitled "Implementation Timetable and Process Chart"). The City shall meet with the Landowner to refine the sequence for and balance among types of future development in the City consistent with other goals and planning objectives of the City, in order to identify a schedule for processing future development applications in the City, and in turn achieving the open space dedications called for in the Open Space Initiative.

5. Although not a part of the Open Space Initiative, the City and Landowner have discussed the possibility of achieving early occasional public access to the northern extension of the proposed Jeffrey Open Space Spine into the Lomas Ridge area, in conjunction with the City's consideration of Planning Area 38. As a matter in addition to the Open Space Initiative, then, the Landowner agrees that concurrent with the recordation of the first final tract map for Planning Area 38, the Landowner shall implement a program allowing early public access over the existing haul road at the northern extension of the proposed Jeffrey Open Space Spine (depicted in Attachment F) consistent with the criteria specified in Attachment F to this MOU (entitled "Haul Road Access Terms and Conditions"). In addition, (a) the City and Landowner will meet and confer on the possible disposition of any funds derived from Proposition 70, particularly as they may be used to obtain an earlier conveyance of the Jeffrey Open Space Spine, and (b) with respect to the San Joaquin Marsh, Landowner will meet and confer with the City and the University of California to discuss means of facilitating unified management of the Marsh.

6. Landowner and City acknowledge that the City cannot and does not contractually bind itself by this MOU to amend the general plan, or to adopt or amend any resolution, ordinance, or policy of the City. Before the general plan amendment, or any other resolution, ordinance or policy contemplated by this MOU can be adopted by the City, the City must first complete those steps specified in Attachment E, and comply with all State and local laws applicable to such adoption. Nonetheless, the Open Space Initiative has directed the City Council to adopt a phased dedication and compensating development program acceptable to the City Council and Landowner, and to do so on or before December 15, 1988. In keeping with that direction and in order to meet that deadline, then, the City Council has negotiated this MOU with the Landowner in order to determine what the necessary elements of such a program should be to be acceptable to the Landowner and the City Council, and to define the parameters of such a program for purposes of public hearings and fiscal and environmental review, all with the intent that, absent discovering significant information not considered in the negotiation process, the program ultimately adopted by the City Council will conform to this MOU and its Attachments.

7. The City acknowledges that the Landowner has found the terms and provisions of the phased dedication and compensating development program, consisting of the Attachments to this MOU, acceptable to it only on the conditions that the program consist of each of these Attachments, without significant modification, and that the program is in turn implemented by the City without delay. In the event that the City for whatever reason in the future does not allow the further implementation of this program at any point, the Landowner reserves the right thereupon to challenge the application of any element of the program, or the program generally, to it and its property, and City agrees Landowner's right so to challenge the program, or any of its elements, however, adopted by the City, shall accrue as of the date that the City does not allow further implementation.

8. All references in this MOU to a Planning Area or Village correspond to the Planning Areas as numbered on Exhibit 3 to the Implementing Actions Program.

Executed this 26th day of September, 1988.

"CITY"
CITY OF IRVINE, A MUNICIPAL
CORPORATION

BY: Larry Agran
MAYOR OF THE CITY OF IRVINE

ATTEST:

Nancy C. Lacey
CITY CLERK OF THE CITY OF
IRVINE

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY, CITY OF IRVINE

"LANDOWNER"
THE IRVINE COMPANY

BY: [Signature]
Gary H. Hunt
Senior Vice President

BY: [Signature]
Peter D. Zeughauser
Assistant Secretary



IMPLEMENTATION ACTIONS PROGRAM

a) 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 Exhibit 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 Exhibit 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 Exhibits 1 & 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 of TIC, the City shall enter into development agreements, or approve vesting maps, for these purposes.

b) Interim Preservation Area Management. Prior to transfer to public ownership, agricultural uses as defined in the City's existing agricultural zoning ordinances and other uses consistent with the Preservation category will be allowed in Preservation Areas, consistent with the definitions in paragraph p below. Agricultural uses on the frontal slopes of Quail Hill (P-11 and P-12 as shown on Exhibit 1) will be limited to cattle grazing. Landform, vegetation, and drainage modifications pursuant to all allowable uses will be permitted except in riparian vegetation areas. Riparian vegetation will not be significantly modified, except as necessary to provide fire protection, access roads, and flood control, drainage, water, sewer and utility facilities, and except where habitat is to be enhanced as part of a mitigation program approved by the California Department of Fish and Game. The City will facilitate the interim preservation of the land by entering into Williamson Act contracts if requested by TIC. TIC may convey land or easements in Preservation Areas to public agencies and utilities for road, transportation, transit, drainage, flood control, water, sewer and utility purposes.

c) Open Space Spine Conveyance. Conveyance of designated Open Space Spines shown as S-1B, and S-3, on Exhibit 1 and the minor Preservation Areas P-3, P-8, P-9, P-10, and P-13 as shown on Exhibit 1 shall be made consistent with paragraph f below in conjunction with the recordation of final tract maps for adjoining development.

Conveyance of Open Space Spine S-1A as shown in Exhibit 1 shall be made consistent with paragraph f below in conjunction with the recordation of the final tract map for District O.

The Peters Canyon and Hicks Canyon Open Space Spines as defined by mutual agreement between the Company and City (generally shown as S-5 and S-6 on Exhibit 1) shall be conveyed consistent with paragraph f below in conjunction with the recordation of final tract maps for adjoining development.

d) Preservation Area Conveyance. Concurrent with the recordation of the first final tract map within a development area of each District shown on Exhibit 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 Exhibit 2 or completion of development in the District, whichever first occurs.

e) District H Conveyance. Concurrent with the issuance of the first building permit for development exceeding the equivalent of 6,200 points as computed under the Irvine Center Development Agreement executed in August 1983, an offer of conveyance for all of the conveyance areas within District H shall be recorded. The offer will provide that it may be accepted no sooner than ninety days following issuance of building permit for 1,350,000 (i.e., 75% of 1,800,000) square feet of gross floor area of additional development over and above the equivalent of the 6,200 points. The establishment of this measurable point in the development of the development areas of District H when the conveyance of the open space lands may be accepted shall in no way be interpreted to modify the rights of the landowner under the Irvine Center Development Agreement executed in August 1983 (including development above the maximum point total referenced in that Agreement that may be authorized by Note 3 of Exhibit C1 to that Agreement).

f) Offer of Conveyance. Each offer will be subject to nonmonetary 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 (n), (o) and in (p) below as may be applicable to the conveyance area as identified in Exhibit 1, and consistent with the intent of this Program, and to the following:

- (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) Map Interpretation. All boundaries on Exhibit 1 are conceptually delineated and are not intended to be exact. Gross acreages of conveyance areas and development areas stated in Exhibit 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.

h) Two-Part Conveyance. As illustrated on Exhibit 4, 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 Section d above, 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.

i) Transferability of Dwelling Units. Subject to paragraph r below, 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 Table A-4 of the General Plan, or such greater percentage as 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 paragraph r) to be constructed in these Planning Areas, to be measured cumulatively by actual permits as issued.

j) Incomplete Development. The development areas shown on Exhibit 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), archaeologic 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 paragraph i above the City shall not be required to transfer that balance/difference elsewhere.

k) Limestone Regional Park. In recognition that the Preservation Areas within District D, E and F are also within or adjacent to the County of Orange's proposed Limestone Regional Park, the Preservation Areas within Districts D, E and F shall be conveyed to a public agency acceptable to the City and the County of Orange in order that the land shall eventually be integrated into and become a functional part of Limestone Regional Park, including integrated operations and maintenance which meet the open space objectives of the City.

l) 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 paragraph j above TIC, its successors or assignees request intensification of the land uses beyond the land use intensities set forth in Exhibit 2, the City reserves the right to require additional open space dedication exactions.

m) 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 Section f(3) above, for "transition zone" improvements as provided in Section g above, and for utilities and infrastructure necessary to serve 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.

n) Jeffrey Open Space Spine. The Jeffrey Open Space Spine will provide a continuous open space edge of variable width along the eastern side of the ultimate alignment of Jeffrey Road. Except for utilities and general plan roadway improvements, surface uses will be limited to trails and associated passive public recreation and park and ride facilities. It will be composed of the following gross areas generally depicted on Exhibit 5.

PARCEL S-1B

Between I-405 and the Barranca Parkway, the spine shall total 14 gross acres. The width of the spine at the southern end, abutting the Edison ROW-1 shall be greater than the average width of Parcel S-1B.

EDISON ROW-2 AND 3

The spine for the portion of Jeffrey Road adjacent to the existing Edison right-of-way shall lie within that right-of-way.

PARCELS S-1A AND S-1C

Between I-5 and Barranca Parkway, the spine shall be 16 gross acres. A park and ride facility may be located in the spine. Should a park and ride facility be located in the spine, The Irvine Company may convey that portion of the spine needed for the facility to Caltrans or other appropriate public agency.

PARCEL S-4

Between I-5 and the Preservation Area in the Lomas de Santiago Ridge, the spine will average 300 feet in width. The Company acknowledges the importance of completing the link of the Jeffrey Spine between the I-5 Freeway and the Lomas de Santiago Hills. The Company agrees to include plans for the spine with future development programs (either in the County or the City) for the land easterly of this spine in Planning Areas 6 and 9 and, pursuant to acceptable dedication agreements with the appropriate jurisdiction, provide offers of dedication for the spine. The City acknowledges and affirms its intention to cooperate in and coordinate planning efforts to arrive at mutual agreement on appropriate land use designations for this area pursuant to the Annexation Policy Agreement between the Company and the City dated February 8, 1984.

o) Preservation Area in Planning Area 12. The specified Preservation Area in Planning Area 12 shall be dedicated to the City for public open space purposes in accordance with the Implementation Action Program. (See Exhibit 5) a park and ride facility may be located in the Preservation Area. Should a park and ride facility be located in the Preservation Area, The Irvine Company may convey that portion of the Preservation Area needed for the facility to Caltrans or other appropriate public agency.

Prior to conveyance, agriculture may continue on this site at the discretion of the landowner. An agricultural preserve contract will be made available if requested by the landowner.

Golf course is a permitted use in the preservation area in Planning Area 12 subject to the City's approval of such use and provided the landowner conveys an open space easement, limiting its use to golf course and customary and appurtenant facilities, to the City. Conveyance of such an easement satisfies any dedication requirement of the Implementation Action Program.

Should the City elect to apply a golf course designation to this area subsequent to the receipt of such land in accordance with the Implementation Action Program, the prior landowner will be offered an exclusive right at no cost for such right, to operate the golf course as a for profit facility open to the public.

p) Definition of Preservation Areas.

Intent: The protection and maintenance of existing natural resources.

Purpose: Preservation Areas are lands that contain visually significant ridgelines, biotic communities of high significance, geologic constraints and cultural resources. These lands have been judged viable for permanent preservation in a natural state with little or no modification; they have also been amassed in a manner which, overall, has been judged to be more protective of natural resources than could be achieved on an incremental basis with individual development projects.

Permitted

Uses: Passive public recreation (such as tent camping, hiking, biking, and equestrian trails), biotic gardens, cattle grazing, scientific research and other public uses compatible with the natural amenities of these lands; transportation corridors, arterial highways, utilities, transition zones, fuel modification, habitat enhancement, drainage and flood control facilities and other infrastructure designed so as to minimize any adverse environmental impacts. All residential, commercial, and industrial uses are strictly prohibited (Preservation Areas in Planning Area 12 are exempted from this commercial prohibition.) Passive recreation activities such as riding, hiking, picnicking and camping may be operated as a regional park concession by a limited commercial venture under contract to the City.

q) Definition of Golf Course Overlay. The golf course overlay shown on the Land Use Map allows the option of golf courses within any area of the underlying residential land use categories at the sole discretion of the landowner.

r) Special Policies for Planning Area 26. Within the mixed use and/or district commercial area, in addition to the 10,600 dwelling units reserved in paragraph i above, up to 800 dwelling units will be allowed in lieu of commercial development. For each dwelling unit provided, the total allowable commercial development will be reduced by an amount equivalent to the traffic generated by the dwelling unit (in average daily vehicle trips).

Office uses will be allowed in the district commercial area, provided that district commercial uses are located in the mixed use area.

s) Circulation Conditions to Allow an Incremental Increase of Development in Planning Area 33. The "Incremental Increase" as defined below of one million eight hundred thousand (1,800,000) square feet (Gross Floor Area) (1) of development shall be permitted in Planning Area 33 (Irvine Center) (2) contingent upon the following:

- (1) Adoption of an extension of the facility currently known as State Route 133 (The Laguna Freeway) northerly of the I-5 freeway in the City of Irvine's Circulation Element of the General Plan.
- (2) Creation and adoption of a traffic management program with the following components:

- A. Consolidation of traffic management programs under a single management body for the non-residential/non-retail development in Planning Areas 12, 13, 17, 32 (Irvine Technology Center), 33 (Irvine Center), and 34 (Irvine Research Center). Development in Planning Area 35 (Irvine Industrial Center, East) is not required to participate in this transportation management program, although it is intended that the management body actively pursue participation of employment sites in Planning Area 35.
- B. The goal for the consolidated traffic management program shall be to reduce by 20% vehicle trips generated by the above referenced development during the p.m. peak hour. (2)
- C. There shall be a program to monitor and report on the achievement of the vehicle trip reduction goals through use of the annual report published by the management body.

The Incremental Increase (1) shall include General Commercial development above the development authorized under the Irvine Center Development Agreement executed in August 1983 (including development, above the maximum point total referenced in that Agreement, that may be authorized by Note 3 of Exhibit C1 to that Agreement). Of the Incremental Increase, 600,000 square feet (GFA) (3) may be for retail uses. With the exception of the foregoing limitation, the exact mix of uses and their physical distribution within the Planning Area shall be directed by the principles embodied in the Irvine Center Development Agreement.

Concurrent with subsequent zoning ordinance changes that are necessary to implement this paragraph s, the zoning for Planning Area 33 (Irvine Center) shall be changed to include the Incremental Increase. The contingency requiring creation and adoption of a transportation management program shall be met when the single management body has been formed, established, and is in operation. The 20% reduction referred to in section (2)B above is only a goal for the transportation management program, and its achievement is not a contingency to development of the Incremental Increase.

The traffic reduction goal set forth in section (2)B above does not supersede existing requirements included in the existing zoning for the Irvine Medical Science Complex (Planning Area 13) or The Irvine Technology Center (Planning Area 32).

The Irvine Spectrum Transportation Management Association, Spectrumotion, may serve as the management body which is eligible to fulfill the requirement cited above in Section 2.A.

The Irvine Company shall not be exempted from submitting additional traffic analyses to determine if modifications will be necessary to approved traffic lane configurations for roadways within Planning Area 33. Part of this assessment can include whether additional right-of-way reservation will be necessary to accommodate the revised intensity standard for Planning Area 33.

Footnotes -

- (1) The additional allowed increment of 1,800,000 square feet (GFA) is equivalent to 1,565,000 Gross Leasable square feet.

- (2) The 20% reduction is intended to be measured as a reduction of 20% of the p.m. peak hour vehicle traffic that is generated by all development within the subject Planning Areas excluding residential development, hotels and sites that include 50% or greater of retail development. The benchmark for the traffic reduction goal shall be based upon the generation rates listed on Exhibit 6.
- (3) The additional allowed increment of 600,000 square feet (GFA) is equivalent to 522,000 Gross Leasable square feet.



2008


**DISTRICT
BOUNDARY**

DISTINCT BOUNDARIES HAVE BEEN DRAWN TO INDICATE
THE VARIOUS AREAS AND ARE BEING DRAWN AS
MUCH AS BE POSSIBLE TO TODAY. IN EACH
LETTERED DISTRICT, THERE ARE TWO AREAS, ONE WILL
BE CONVERTED TO THE CITY AND A PUBLIC OFFICE WILL
BUILDING BE THERE AS WELL AS IN THE OTHER. THERE ARE
TWO IN ACCORDANCE WITH THE MAIN SIGNS OF THE
WORLD AND THE ACTING GOVERNMENT.

**PRESERVATION
AREA**

THESE SPACES ARE AS ARE LANCED TO BE DEDICATED TO THE CITY OR OTHER PUBLIC AGENCY FOR OR MANAGEMENT OPEN SPACE PURPOSES. UNLESS THE SPACES ARE LANCED TO BE DEDICATED TO OTHER PURPOSES, THEY ARE NOT A PART OF THE CITY'S OPEN SPACE. THE CITY WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SPACES. THE CITY WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SPACES. THE CITY WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SPACES.

DEVELOPMENT

DEVELOPMENT AREAS ARE DESIGNATED FOR RESIDENTIAL, COMMERCIAL, AND/OR INDUSTRIAL LAND USES IN THE OVERALL GENERAL PLAN AND FOR SPECIFIC INTERESTS AS SHOWN ON EXHIBIT 2.

9 SPINE

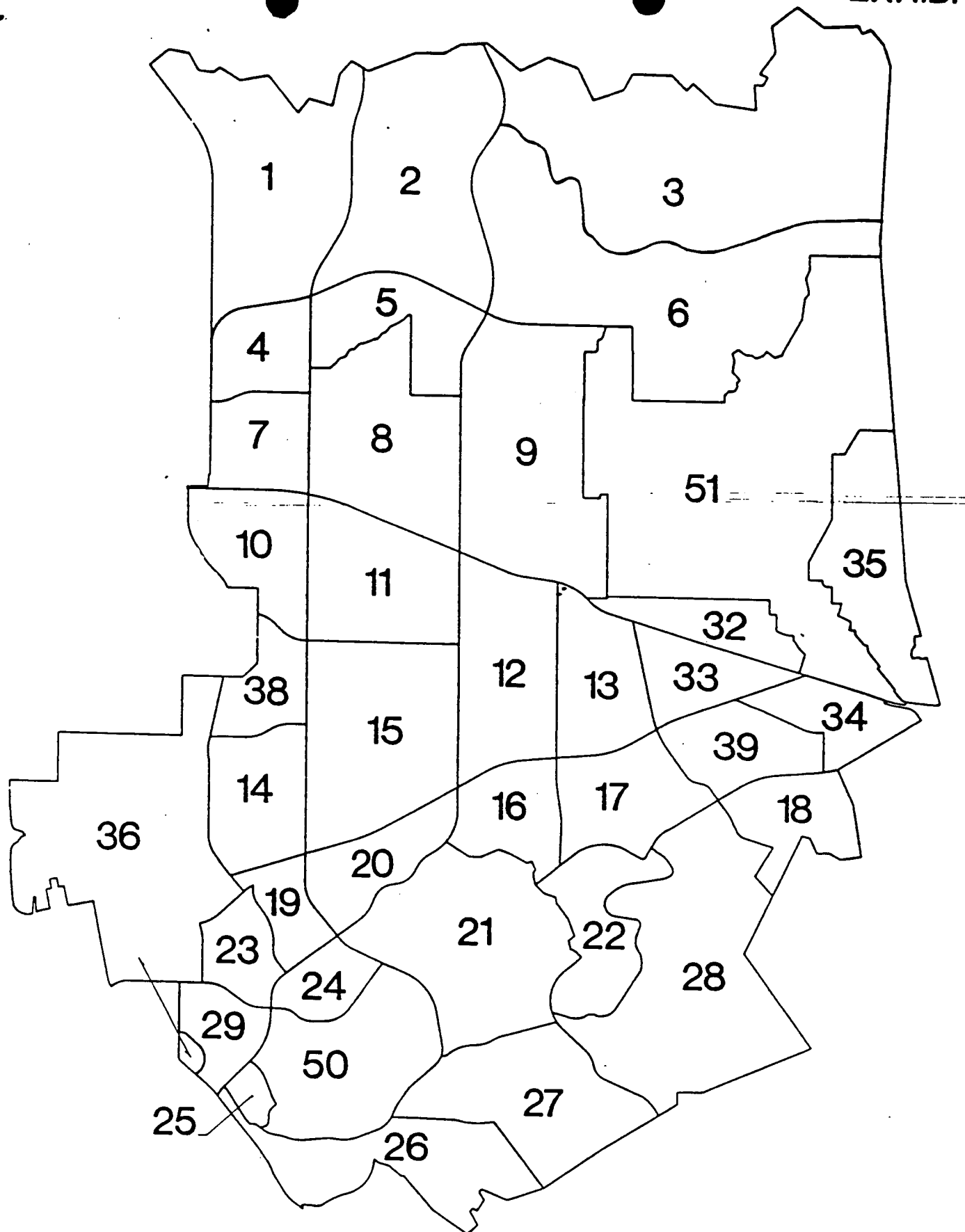
OFFICE SPACE SPACES ARE NOT A PART OF IMPLEMENTATION DISTRICTS AND WILL BE OFFERED FOR DEDICATION SEPARATE FROM THE SITUATION AREAS IN CONNECTION WITH THE DEVELOPMENT OF ADOLESCENT LAND SPACES HAVE BEEN PLANNED FOR THE SAME REFERENCE

DEVELOPMENT INTENSITY AND DEDICATION AREA BY DISTRICT

<u>DISTRICT</u>	<u>DWELLING UNITS</u>	<u>COMMERCIAL TSF</u>	<u>INDUSTRIAL TSF</u>	<u>DEVELOPMENT ACRES</u>	<u>PRESERVATION AREA ACRES*</u>
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	500,000	0	68	27
H	0	1,800,00	0	NA	298
I	2,030	300,000	910,000	588	589
J	750	0	0	205	445
K	2,360	0	0	888	837
L	3,460	0	0	907	1,054
M	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

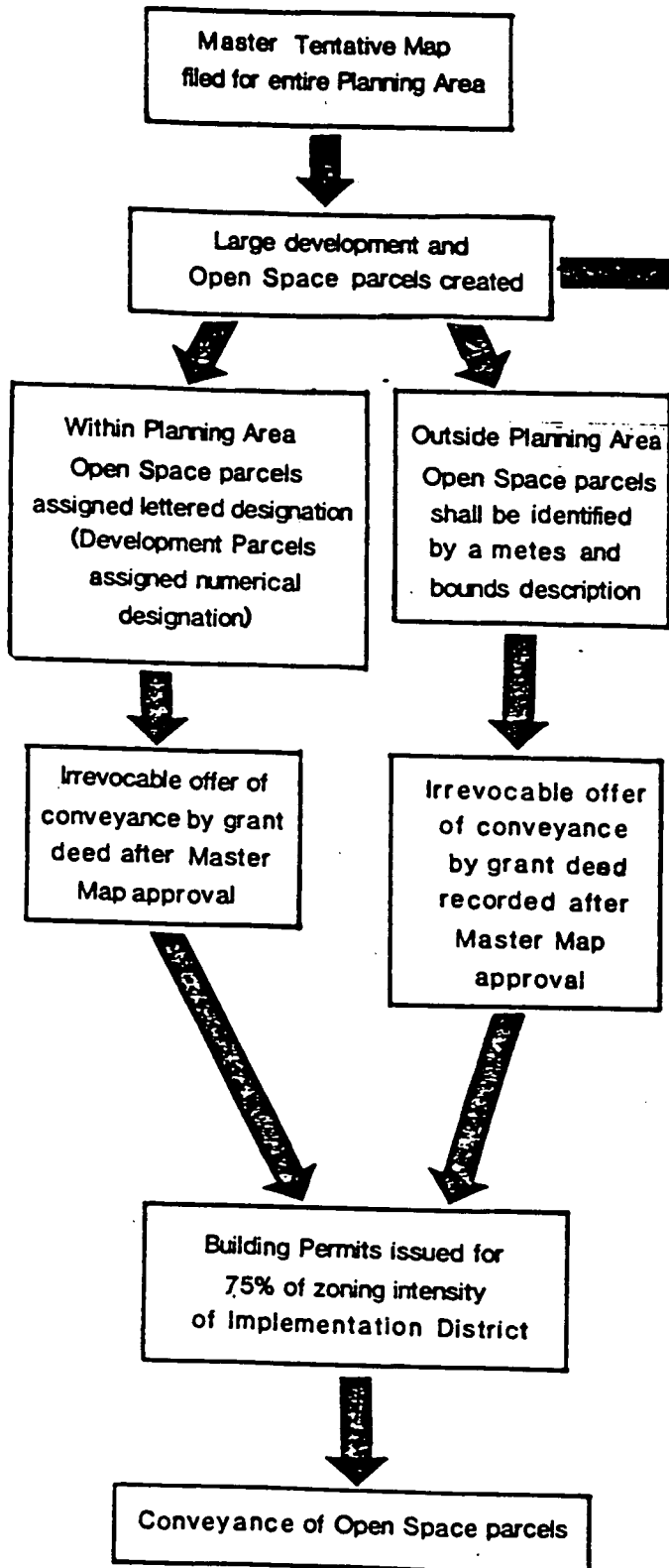
*All acres are estimates of gross acres and are subject to change. Acreages will be refined and allocated to specific land use categories in the General Plan Amendment and in subsequent planning documents. Preservation Areas on this exhibit do not include Spines and Minor Preservation Areas as described in Section C) of Attachment A.

**These figures may be adjusted according to the provisions of Section r) of Attachment A.

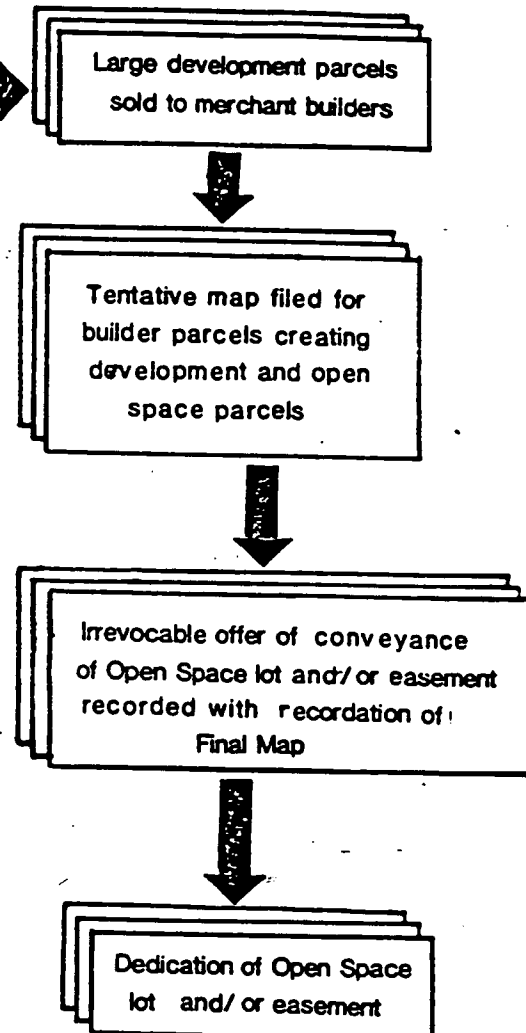


LAND USE ELEMENT & CONSERVATION/OPEN SPACE ELEMENT
PHASED DEDICATION PROGRAM: Two part subdivision process

PART I
PRESERVATION AREAS CONVEYANCE



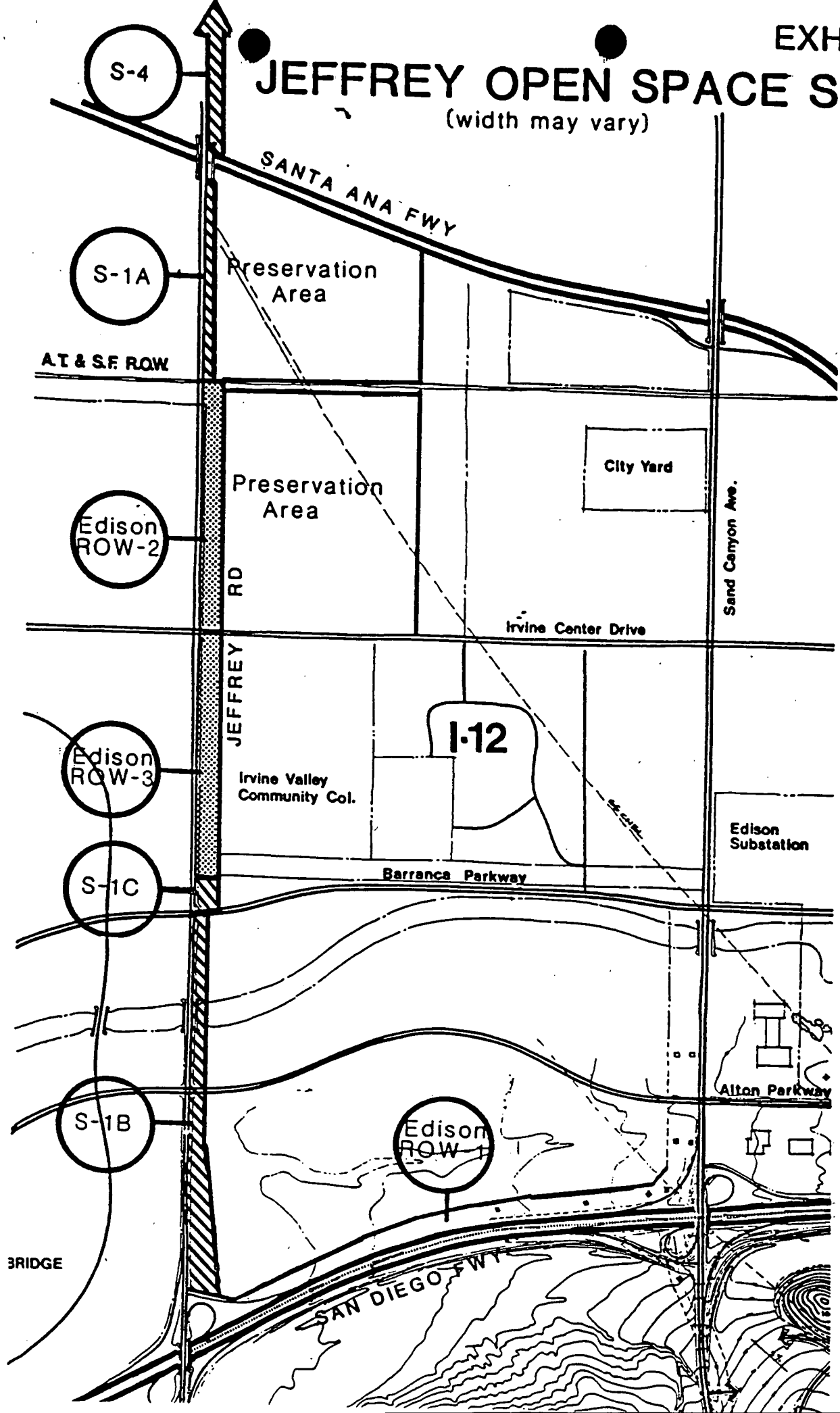
PART II
TRANSITION ZONE LOT DEDICATION
(DEVELOPMENT/PRESERVATION AREA BOUNDARY)



NOTE: Vesting map optional

JEFFREY OPEN SPACE SPINE

(width may vary)



CITY OF IRVINE
RECOMMENDED TRIP GENERATION

<u>ITAP CODE</u>	<u>LAND USE DESIGNATION</u>	<u>UNITS OF MEASUREMENT</u>	<u>PM PEAK HOUR RATE</u>			
			<u>4:30</u> <u>IN</u>	<u>5:50</u> <u>OUT</u>	<u>4:45</u> <u>IN</u>	<u>5:45</u> <u>OUT</u>
48	General Office	TSF	.36	1.13	.34	1.06
52	Medical Office	TSF	1.10	2.50	1.03	2.35
54	Manufacturing*	TSF				
55	Warehouse*	TSF				
56	Research/Development*	TSF	.22	.90	.21	.85
81	Govt./Civic Center	TSF	1.10	2.50	1.03	2.35
84	Hospital	Bed				

*Subject to final verification prior to adoption of the C.O.S. GPA

The Irvine Company will pay 1/2 up to \$15,000 for any required study needed for this verification.

CITY OF IRVINE HILLSIDE DEVELOPMENT GUIDELINES

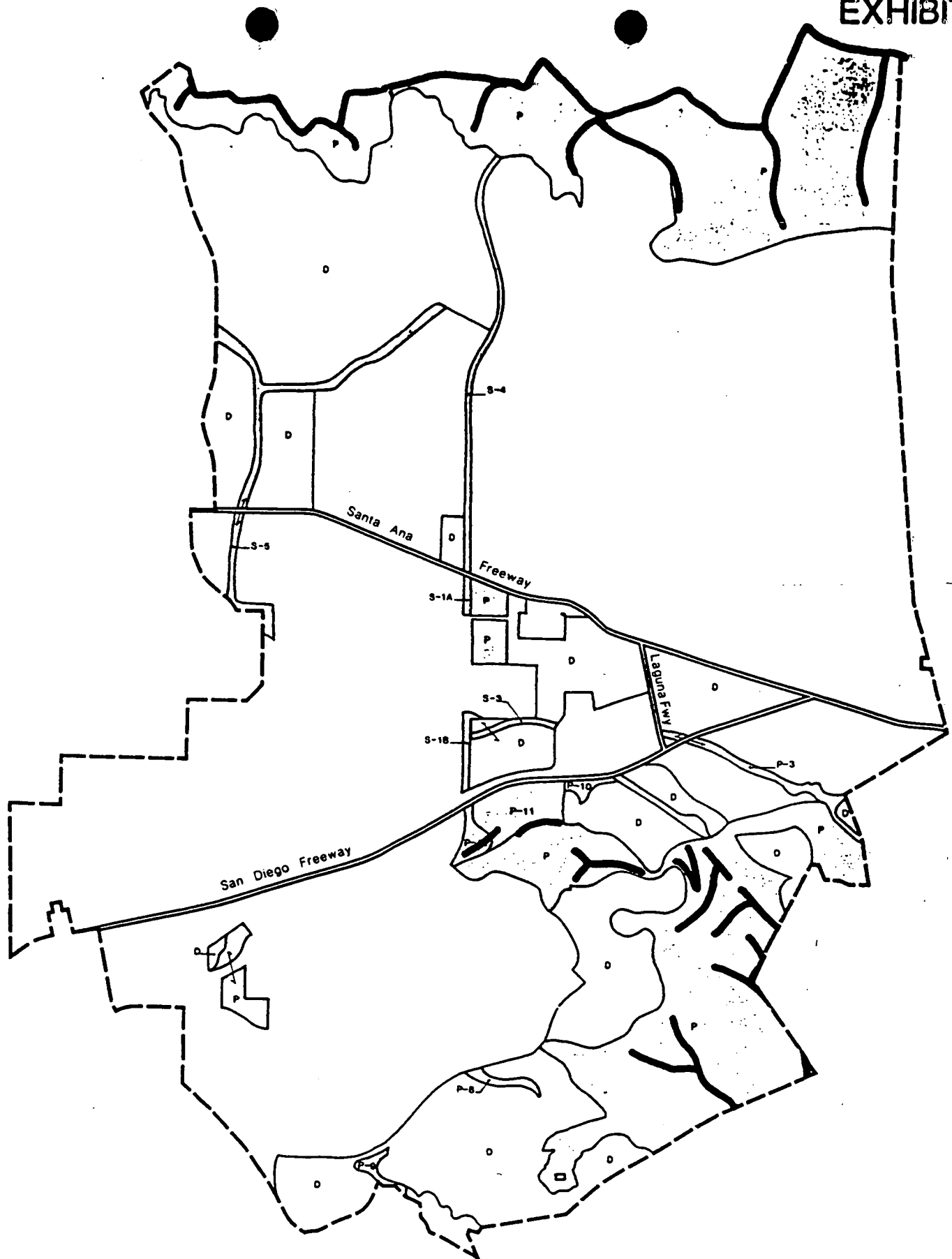
I. DEFINITIONS.

- A. Natural Slope:** the physical characteristic of a given area of undisturbed land which will be determined by the formula in I.B below.
- B. Average Existing Slope:** $S = \frac{100 \times I \times L}{A}$
- S= Average existing slope
I= Contour intervals in feet
L= Sum of length of contours in feet excluding drainage courses, rock outcroppings and all permanent open space within the project area.
A= Total square feet in a project area excluding drainage courses, rock outcroppings and all permanent open space within the project area.
- C. Project Area:** a geographic area to be defined in a concept plan or master tentative map with boundaries generally related to existing landforms, such as plateaus, bowls, draws, etc. and within one general plan land use category.
- D. Development Area:** the total of all project areas within a planning area defined in the General Plan and excluding Preservation Areas.
- E. Mass Grading:** the movement for redistribution of large quantities of earth over large areas. Disruption of the majority of the on-site surface terrain is common. Modifications or elimination of minor natural landforms may result.
- F. Major Ridgelines:** those ridgelines which are illustrated on Exhibit A.
- G. Local and Collector Roadways:** the equivalent of local and collector roads defined in the Irvine General Plan.

II. SLOPE ANALYSIS PROCEDURES

In the hillside district, the following sequence of tasks will be completed in conjunction with a concept plan or master tentative map:

1. Delineate project areas on a contour map.
2. Delineate drainage courses, rock outcroppings and all permanent open spaces within project areas on a contour map.
3. Calculate the average existing slope for each project area in accordance with I.B. above.
4. Assign a slope zone to each project based on the average existing slope.



MAJOR RIDGELINES

MAJOR RIDGELINES

PRESERVATION AREAS



III. LOCATION AND CHARACTER OF DEVELOPMENT

- A. Development is permitted in all slope zones. The following shall serve as general guidelines for four established slope zones to ensure that development will complement the overall character of the landform. In order to permit the extension of a logical design concept, the guidelines for one zone may be applied to limited portions of an adjacent zone.

Slope Zone	Average Existing Slope	General Guidelines
1.	Less than 10%	This is not a hillside condition. No special site planning, grading, architectural, and/or landscaping techniques are required.
2.	10%-19.9%	Mass grading will occur and existing landforms will be modified. Grading will reflect the overall character of the hills. Level building sites will be permitted.
3.	20%-29.9%	Mass grading will occur and existing landforms will be modified. Level and split level building sites will be permitted. Special site planning, grading, and/or landscaping techniques will be required to ensure that the development reflect the overall character of the hills.
4.	30% and greater	Grading will occur and existing landforms will be modified. Split level building sites will be permitted. Special site planning, grading, architecture, and/or landscaping techniques will be required to ensure that the development reflects the overall character of the hills.

- B. Major ridgelines are identified on Exhibit A and will be preserved as open space. The top of structures will be positioned below the top elevation of any adjoining major ridgeline. Ridgelines not identified as "major" may be developed as consistent with other applicable hillside development guidelines contained herein.
- C. Development shall be permitted in identified seismic or geologic hazard areas (General Plan seismic response areas 4 and 5), natural springs, perched water tables, faults, fracture zones and where bedding planes project out of the slope subject to the City's review and acceptance of a detailed geologic or soils engineer's report which identifies mitigation measures required for safe development of the site.
- D. Development shall be located to preserve and protect significant historical, archaeological and paleontological sites in accordance with the policies of the General Plan. The significance of historical, archaeological, and paleontological sites shall be determined through the environmental assessment process.

IV. GRADING

- A. Re-vegetation of cut and fill slopes shall be required according to the guidelines in the Landscaping section herein (V).
- B. Within "transition zones" as defined in the conservation and open space element, the following shall apply:
 - The overall slope, height and grade of any cut and fill slope shall be in character and scale with the natural terrain in the Preservation Area to be dedicated.
 - Where feasible, the toes and tops of all slopes in excess of 10 feet in vertical height and visible from public areas shall be rounded with curves in proportion to the total height of the slope.
 - Any dwelling unit shall be located a minimum of 10 feet from the toes and tops of all slopes which are over 10 feet in vertical height and which abut dedicated Preservation Areas.
- C. Manufactured slopes shall be contour graded or screened by landscaping in accordance with the following techniques:
 - The angle of graded slopes which are visible shall be gradually adjusted to the angle of adjoining natural terrain.
 - Graded slopes shall be vegetated and shall reflect the form of existing contours.
 - The toes and tops of visible graded slopes in excess of 10 feet in vertical height shall be screened by landscaping or rounded in proportion to the height of the slope where drainage and geotechnical stability permit such rounding.
 - The horizontal contours of graded slopes shall be screened by landscaping or curved in a continuous, undulating fashion.
- D. Except for road and utility construction in accordance with approved plans and agricultural uses, grading will be prohibited until a tentative tract or parcel map has been approved for the area. Grading for borrow or disposal of earth outside of tract boundary may be approved by the Planning Commission provided plans conform to an approved Planning Area level conceptual grading plan and residents in the area have been advised in advance.
- E. Grading plans will include mitigation measures that reduce to acceptable safety levels underground water seepage which may occur because of increased irrigation or landform alteration.
- F. Conceptual grading plans shall be submitted in accordance with the provisions of Section V.E-248 of the existing Hillside Development Overlay District.

V. LANDSCAPING

- A. Where feasible, all landscaped common areas shall use recycled water when permanent irrigation is required and the supply of recycled water supply is adequate.

- C. Grading for local and collector roadways shall comply with Section IV.C. herein.
- D. Those portions of Bake Parkway and Sand Canyon Avenue which are located within or abut Preservation Areas shall be contour graded and vegetated in accordance with the following techniques where feasible:
 - ° The angle of graded slopes shall be gradually adjusted to the angle of adjoining natural terrain.
 - ° Graded slopes shall be vegetated with plants similar to or complementary with the adjoining natural plants.
 - ° Graded slopes shall reflect the form of existing contours. Horizontal contours shall be curved in a continuous, undulating fashion.
 - ° The toes and tops of graded slopes in excess of 10 feet in vertical height shall be rounded in proportion to the height of the slope where permitted by drainage and geotechnical stability.

IX. FIRE PROTECTION

- A. Hillside development within "high" or "extreme" fire hazard zones, as determined through the environmental review process, shall be designed to reduce fire hazards in accordance with the requirements of the Orange County Fire Marshall.

X. OPEN SPACE/DEVELOPMENT BOUNDARY

- A. Access to special, endangered, rare or fragile plant and animal habitats shall be limited, with public access carefully managed to prevent disruption of the area's natural values.
- B. Public access to public resources shall be provided, where appropriate, in accordance with the requirements of the Subdivision Ordinance (sec. V.F-504). Conflicts between public access to public resources and the need for security and privacy of residents will be minimized.
- C. At the boundary between development and Preservation areas ("transition zones") provisions will be made for fuel modification zones in accordance with the Fire Protection Guidelines. Maintenance of these fuel modification zones shall be the responsibility of the respective maintenance district, community association or other appropriate agency. Areas in fuel modification zones subject to public access or use should be the responsibility of an appropriate public agency.

- B. All cut and fill slopes shall be vegetated. Landscape and irrigation plans shall be submitted for approval in accordance with the provisions of the Hillside Development Overlay District.

VI. DRAINAGE

- A. Interceptor ditches shall be established only where necessary above cut/fill slopes and the intercepted water conveyed to a stable channel or natural drainageway with adequate capacity.
- B. Road designs shall be such that water on roadways is prevented from flowing off the roadway in an uncontrolled fashion.
- C. Natural drainageways shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to minimize channel erosion.
- D. Runoff from areas of concentrated impervious cover (e.g., roofs, driveways, roads) shall be conveyed to a natural drainageway or drainage structure with sufficient capacity to accept the discharge without undue erosion. The effects of new drainage patterns on existing systems shall be accounted for in the design of the project drainage plan.
- E. Sediment catchment basins and other erosion/siltation control devices shall be constructed and maintained in accordance with an overall erosion control plan approved by the City.
- F. The overall drainage system shall be completed and made operational at the earliest practical time during construction.

VII. VIEWS

- A. Homes will be oriented to allow view opportunities, although such views may be limited. Residential privacy should not be unreasonably sacrificed.
- B. Any significant public vista areas and view corridors to Preservation Areas from arterial highways to be protected will be identified at the time of zone change in accordance with the provisions of Section V.E-248 of the existing Hillside Development Overlay District. Public vista areas and view corridors within project areas are not required to be protected.

VII. ROADWAYS

- A. Variations in the City's established roadway standards shall be carefully considered for reduction in slope zones 2, 3, and 4 where safety and circulation considerations justify.
- B. Sidewalks should only be required in slope zones 2, 3, and 4 only when other means of safe and convenient pedestrian circulation are not available and then only in accordance with a carefully conceived total pedestrian circulation plan.

MODIFICATION OF RESOLUTION #571

The intent of Resolution #571 was to assure that traffic circulation impacts caused by future development in Planning Areas 16, 17, and 22 would be minimized in Turtle Rock (Planning Area 21) and University Park (Planning Area 20). Because the City has adopted an amendment to its general plan deleting Michelson drive as an arterial roadway linking University drive and Sand Canyon Avenue, and has reduced the allowable intensity of future development in Planning Area 16, existing Resolution #571 has served its purpose and is no longer required. Therefore, the City Council shall adopt a resolution superseding City council Resolution #571. The superseding resolution shall:

- 1) affirm the City's intent not to approve arterial connection of Bonita Canyon Road with Sand Canyon Avenue, thereby creating a direct connection with MacArthur Boulevard, until Sand Canyon Avenue is extended to the San Joaquin Hills Transportation Corridor or San Joaquin Hills Road; and
- 2) permit development to proceed in Planning Areas 17 and 22 so long as the permitted development and related infrastructure does not require construction of Bonita Canyon Road as an arterial connection to Sand Canyon Avenue prior to the extension of Sand Canyon Avenue to the San Joaquin Hills Transportation Corridor or San Joaquin Hills Road.

BIOTIC RESOURCES

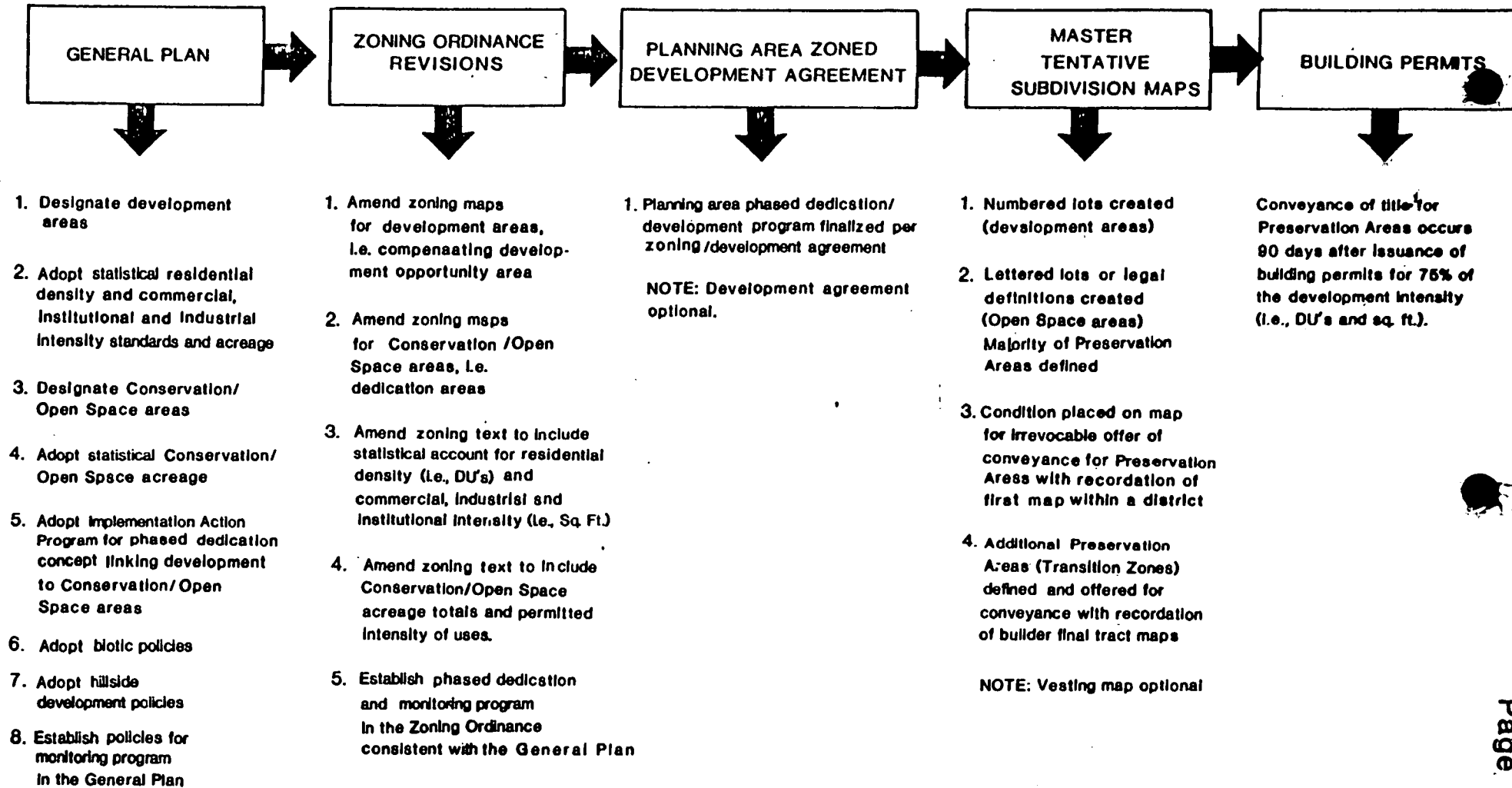
- a. The Conservation and Open Space Element is intended to preserve those natural resource areas in the Master Environmental Assessment (MEA) which are the most viable and significant. The protection of large, contiguous Preservation Areas containing the uses set forth in the Implementation Actions Program in Attachment A is deemed, on balance, to better protect natural resources than the protection of small, isolated open spaces within individual development projects. The Conservation and Open Space Element through the Implementation Actions Program will preserve the following specific MEA biotic resource areas and will accomplish the specific recommended MEA mitigation measures for the following resource areas depicted on the Biotic Resources Map.
1. Buffer Areas 15, 16, 17, 18, 24, 26, 29, 31 and 32.
 2. Link between Habitat Areas 17 and 18.
 3. Locally Significant Riparian Habitats 25
 4. Locally Significant Freshwater Marsh Habitat 22
 5. Locally Significant Stands of Native Vegetation/Other vegetation 17, 32 and 34.
 6. Open Water/Shoreline with Local Values as Waterfowl Habitat 19, 20, 21, 23, and 30.
 7. Rare, Endangered and Unique Species Habitat 10, 11, 12 and 27.
 8. Regionally Significant Riparian Habitat 5, 7, 8, 9, 13 and 14.
 9. Regionally Significant Oak Woodland/Savannah Habitat 1, 2, 3, 4, 5 and 14.
 10. Regionally Significant Freshwater Marsh Habitat 7 and 9.
 11. Open Water/Shoreline with Regional Significance as Waterfowl Habitat 10 and 27.
 12. Prime Bird of Prey Foraging/Wintering Area 1 and 14.
 13. Prime Bird of Prey Nesting/Roosting Area 1 and 14.
 14. Major Wildlife Movement Corridor 1, 4, 5 and 14.
 15. Woodland/Brushland and Grassland Ecotone 1, 2, 3, 4, 5 and 14.
- b. The following resource policies shall apply to development areas located within areas identified on the Biotic Resources Map of the MEA in lieu of the provisions of the Biotic Element of the MEA.
1. The preservation objectives and recommendations to protect 20% of the resource area for Buffer Areas 16, 31, and 32 on the biotic Resources Map of the MEA will be achieved satisfactorily by the dedication of Preservation Areas in accordance with the procedures in the Implementation Actions

Program in Attachment A. Development areas located within Areas 16, 31 and 32 shall not be subject to any preservation, protection, requirements, measures, or mitigations set forth in the MEA for these Buffer Areas.

2. Development as shown on the Land Use Element Plan will be allowed in Marsh Area 6 and Habitat Area 13 on the biotic Resources Map of the MEA in recognition of the dedication of similar resources in the Preservation Area. Development areas located within Areas 6 and 13 shall not be subject to any preservation, protection, requirements, measures, or mitigations set forth in the MEA for these areas except that riparian/wetland habitat adversely impacted by such development will be mitigated in accordance with procedures established in an open space management and conservation plan.
 3. Development as shown on the Land Use Element Plan will be allowed in Buffer Area 28 on the Biotic Resources Map of the MEA provided that any significant adverse development impacts on habitat in Riparian/Wetland Area 9 will be mitigated. The final mitigation measures shall be established in an open space management and conservation plan. Such mitigation measures shall be developed with consideration for the type and resilience of the habitat, the specific type and design of development, and the effect of natural and man-made barriers in the area.
 4. The extent to which eucalyptus windrows identified as Area 33 on the Biotic Resources Map of the MEA should be integrated into future development is to be determined at the time of zone change.
- c. At the boundary between development and Preservation Areas, transition zones of variable width will be defined in the open space management and conservation plan (OSMCP) where landscaping, fuel modification, and/or grading are proposed in conjunction with development. Where appropriate, the OSMCP will also establish landscaping, grading and/or maintenance guidelines to mitigate any adverse development impacts on Preservation Area lands to be conveyed. The OSMCP may also contain procedures for the conveyance of land and or easements at subsequent levels of development approval pursuant to the Implementation Actions Program in Attachment A.
- d. Mitigation banks in the San Joaquin Marsh may be created for selected development in the City and its sphere of influence.
1. That portion of the Preservation Area in San Joaquin Marsh subject to the "Habitat Enhancement and Wetlands Program" (approximately 85 acres) will be dedicated to the University of California in accordance with said Program.
 2. That portion of the Preservation Area in San Joaquin Marsh not subject to the above program may be used as a mitigation bank for development impacts in development areas adjacent to the marsh and in other locations throughout the City. Riparian habitat within development areas may be modified subject to applicable State and Federal regulatory requirements of the Department of Fish and Game and mitigation for such modification may be accomplished off site in the San Joaquin Marsh.
- e. Significant riparian areas in Preservation Areas will be maintained as natural corridors and sources of shelter and water for wildlife.

- f. Intensive human use in Preservation Areas shall be located away from areas with rare or endangered species, including migratory bird species and rare plant species.
- g. The enhancement of habitat areas particularly riparian habitat shall be allowed in all Preservation Areas in mitigation for any development impacts in other areas. The City shall promote agreements between the California Department of Fish and Game and the landowner to accomplish the creation of new habitat in Preservation Areas consistent with applicable standards and procedures.

LAND USE AND CONSERVATION / OPEN SPACE PHASED DEDICATION PROGRAM



IMPLEMENTATION TIMETABLE & PROCESS

Notice of Preparation for
EIR Issued

June 21, 1988*

DEIR Distributed

Sept. 30, 1988*

Commission Hearings

Oct. 1, 1988 through*
Nov. 30, 1988

City Council Concurrent Approval:
C/OS, Land Use, & Circulation Elements
Hillside Development Criteria Resolution
Modification of Resolution 571
Adoption of Modified MEA in Conformance
with Biotic Resource Program

December 13, 1988

City Council Approval of Zoning
Ordinance Revisions and other
Implementing Actions

June 30, 1989

*These are target dates

HAUL ROAD ACCESS TERMS AND CONDITIONS

- ° Each entry shall be subject to a date and time specific Entry Permit, using Landowner's standard form, including without limitation an indemnification by City for all damages, injuries, and claims arising from or related to public entry under the Entry Permit, or City's failure to compel compliance with the terms of the Entry Permit.
- ° Per occurrence personal injury and property damage insurance shall be provided by City in an amount (not less than \$10 million) to be established by Landowner's risk management advisors, with the Landowner named as additional insured.
- ° Each entrant entering under the entry Permit shall be required by City to execute a release in favor of the Landowner and its tenants.
- ° The City shall provide police supervision over all entrants. The supervising police officer shall be directed to ensure that all persons entering onto the haul road have executed the required release form, and comply with all requirements of the Entry Permit.
- ° Entry shall be restricted to daytime hours on weekends and holidays only, and shall further be restricted to periods when there is no recognized fire danger.
- ° Entry shall not be allowed when the haul road is being used for hauling and other trucking operations.
- ° The City shall provide at least four weeks advance notice of its intent to allow public access under an Entry Permit.
- ° Entry shall be for pedestrian access only. No vehicles of any kind shall be allowed access (except for wheelchairs as required by handicapped persons).
- ° Access shall be limited to the haul road, from its connection with Jeffrey Ave. to the City's sphere of influence, as shown on Exhibit F-1 hereto.

HICKS CANYON HAUL ROAD
(Irvine Sphere of Influence)

