

CHAPTER 2-22. - PARK PROCEDURE^[2]

Footnotes:

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Editor's note— Ord. No. 98-11, § 3, adopted October 13, 1998, amended the Code by repealing former ch. 2-22, §§ 2-22-1—2-22-11, and adding a new ch. 2-22, §§ 2-22-1—2-22-11. Former ch. 2-22 pertained to similar subject matter, and derived from the Code of 1976, §§ V.E-215.1—V.E-215.10; Ord. No. 92-3, adopted April 14, 1992; and Ord. No. 94-7, adopted June 14, 1994.

Sec. 2-22-1. - Intent.

- A. The intent of the park plan and park design requirement is to address and resolve the major issues associated with the development of public and private parks at the earliest stages in the development of a project and/or planning area (e.g., tentative map, Master Plan, conditional use permit, park plan or park design).
- B. When a tentative map is submitted, the requirements for a park plan shall be incorporated into the tentative map.
- C. When a Master Plan or conditional use permit is submitted and park dedication credits and/or the dedication of park land is involved, the requirements for a park design shall be incorporated into the Master Plan or conditional use permit.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-2. - Park plan.

A park plan shall be required for the design and development of all parks, including parks that do not receive park credit. A park plan shall be submitted and processed concurrent with the tentative map in accordance with the subdivision ordinance. Each park plan shall:

- A. Identify the location, size, and ownership of all proposed parks.
- B. List and describe the intended improvements and the requested amount of credit for park improvements/amenities for each park.
- C. Include a park phasing plan when more than one park is proposed in a subdivision.
- D. Identify the number of units within a project, any master homeowners' associations, and sub-associations where parks are located to indicate the level of accessibility for all recreational facilities.
- E. Identify its relationship to the park system for the entire planning area if the park plan does not incorporate an entire planning area as defined by the Zoning Code.
- F. If desired, for developments affordable for households of low and moderate income as defined in the City of Irvine General Plan—Housing Element, include a request for a reduction in the park dedication standard as defined by Irvine Code Section 5-5-1004.G.
- G. Identify any units located behind privacy gates.

- H. Include park dedication requirements for community and neighborhood parks per the approved zoning and Irvine Code Section 5-5-1004.C.

A park plan may include any additional information as required for park design applications listed in Section 2-22-5.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-3. - Park plan application requirements and approval authority.

- A. The property owner or authorized agent of the property owner, the City Council, Community Services Commission, Planning Commission and Director of Community Development may initiate a park plan application.
- B. The information listed below is required at the time a park plan application is submitted to the Community Development Department:
 - 1. A complete development case application signed by the property owner or its authorized representative.
 - 2. A deposit or fee as set forth by resolution of the City Council.
 - 3. Letter of justification which includes the following:
 - a) A description of the proposed project and how it will satisfy the findings set forth in Section 2-22-7.
 - b) Park dedication requirements for community and neighborhood parks per the approved zoning and Irvine Code Section 5-5-1004.C.
 - c) A statement explaining how the park plan will comply with Irvine Code Section 5-5-1004.D through F.
 - d) A request to receive park dedication credit for park and recreational land or improvements/amenities, if applicable.
 - e) A park phasing plan specifying when each park will be developed to best serve the residents of the subdivision per Irvine Code Section 5-5-1004.E.4, if applicable.
 - f) The required level of accessibility for all proposed parks and how accessibility will be maintained in perpetuity if any park is proposed to be located behind privacy gates.
 - g) A request to receive a park dedication reduction for development of new units affordable for households of low and moderate income per Irvine Code Section 5-5-1004.G, if applicable.
 - 4. Information required for a public meeting and/or hearing as determined by the Director of Community Development (see Chapter 2-23).
 - 5. Information as required by the City of Irvine park plan information sheet.
 - 6. Other information as required by the Director of Community Development.
- C. Park plan approval authority. Upon recommendation of the Community Services Commission, the Planning Commission shall be the final approval authority for any park plan.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-4. - Park design.

A park design shall be required to specify the design for the development of all parks, including the Orange County Great Park.

The size, location, ownership, and improvements/recreational amenities of a park shall be determined at the tentative map stage. A park design may be submitted and processed along with a Master Plan, conditional use permit, or separately. A park design may be submitted for a portion of portion of an approved Master Plan or conditional use permit. Each park design application shall address the following:

- A. Existing and planned development on adjoining and proximate parcels;
- B. Thematic architecture and landscaping;
- C. Location of proposed buildings;
- D. Arrangement of uses proposed on-site;
- E. Access to the project site;
- F. On-site pedestrian and vehicular patterns;
- G. Distribution and amount of parking;
- H. Identification and mitigation of project impacts from park(s) development; and
- I. Consistency with the approved park plan or Master Plan.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-5. - Park design application requirements and approval authority.

- A. The property owner or authorized agent of the property owner may initiate a park design for a private park; the City Council, Community Services Commission, Planning Commission, and Director of Community Development may initiate a park design for a public park.
- B. The information listed below is required at the time a park design application is submitted to the Community Development Department:
 1. A complete development case application signed by the property owner or its authorized representative.
 2. A deposit or fee as set forth by resolution of the City Council.
 3. A letter of justification describing the proposed project and explaining how it will satisfy the findings set forth in Section 2-22-7.
 4. Fully dimensioned, scaled site plan showing building and/or structure locations; service and loading areas; access points and parking areas; on-site circulation; athletic courts and fields; other facilities and equipment; location and type of fencing.
 5. Landscape plan showing the landscape theme and location of all landscaped areas.
 6. Building elevations showing the building height, exterior materials and architectural theme.
 7. A statement explaining how the park design will comply with Irvine Code Section 5-5-1004.D through F.
 8. Information required for public meeting and/or hearing (see Chapter 2-23).
 9. Other information as required by the City of Irvine park design information sheet.
 10. Other information as required by the Director of Community Development.
- C. *Park design approval authority.*

1. The Director of Community Development shall have the review and approval authority for park designs for all public and private parks (whether receiving park credit or not), except as stated under Items 2, 3 and 4 below. The Director of Community Development may refer any park design subject to his/her approval to the Community Services Commission or Planning Commission for review and action.
2. The Community Services Commission shall have the final review and approval authority for park designs for public parks equal to or greater than one acre in size, except as stated under Item 3 below, and except within the Orange County Great Park.
3. The Planning Commission shall have the final approval authority for park designs for private parks, when the park design application is submitted in conjunction with a Master Plan or conditional use permit.
4. The City Council shall have the review and approval authority for park designs pertaining to the Orange County Great Park.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-6. - Hearing and notice.

- A. Public notice shall be required for both public meetings and hearings in accordance with Chapter 2-23.
- B. *Park plan.*
 1. The Community Services Commission shall hold at least one public meeting and shall recommend to the Planning Commission approval, denial, or approval in modified form of the park plan application containing a public park component as defined in Section 2-22-3.C above. A recommendation of approval or approval in modified form shall be based on the findings in Section 2-22-7.
 2. The Planning Commission shall hold at least one public hearing and shall by resolution approve, deny, or approve in modified form any park plan request, based on the findings in Section 2-22-7.
- C. *Park design.*
 1. For park design approval by the Planning Commission, at least one public hearing shall be held in conjunction with the Master Plan or conditional use permit in accordance with Chapter 2-23. The Planning Commission by resolution shall approve, conditionally approve, or deny the park design based on the findings in Section 2-22-7.
 2. For park design approval by the Community Services Commission, at least one public hearing shall be held in accordance with Chapter 2-23. The Community Services Commission shall approve, conditionally approve, or deny the park design based on findings in Section 2-22-7.
 3. For park design approval by the Director of Community Development, no public hearing shall be required. The Director of Community Development shall approve, conditionally approve, or deny the park design based on findings in Section 2-22-7.
 4. For park design approval by the City Council (Orange County Great Park), no public hearing shall be required in conjunction with the consideration of the park design application. However, at least one public hearing shall be held in conjunction with the Master Plan or conditional use permit under which the park design is or will be proposed. The City Council shall approve, conditionally approve, or deny the park design based on findings in Section 2-22-7.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-7. - Findings.

- A. In order to approve a park plan, the Planning Commission shall find that:
1. The proposed park plan is consistent with the City's General Plan.
 2. The proposed park plan is consistent with the community parks Master Plan
 3. The proposed park plan is consistent with the Local Park Code.
 4. For parks receiving park dedication credit, the proposed park plan is consistent with the park/facility standards manual.
 5. For developments affordable for households of low and moderate income requesting a park dedication reduction, the proposed park plan is consistent with the criteria set forth in Irvine Code Section 5-5-1004.D, F, and G.
 6. If the proposed park plan affects land located within the coastal zone, the proposed park plan will comply with the provisions of the land use plan of the certified local coastal program.
 7. The proposed park plan is in the best interests of the public health, safety and welfare of the community.
- B. In order to approve a park design, the appropriate approval authority shall find that:
1. The proposed park design is consistent with the approved park plan or Master Plan.
 2. For parks receiving park dedication credit, the proposed park design is consistent with the park/facility standards manual.
 3. The proposed park design is in the best interests of the public health, safety and welfare.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-8. - Appeal.

An action of the Director of Community Development or the Planning Commission approving, denying or conditionally approving in modified form a park plan or park design may be appealed in accordance with Chapter 2-5. An action by the City Council approving a park design within the Orange County Great Park shall be final.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-9. - Effective date, time limits and extension.

- A. Director of Community Development, Community Services Commission, or Planning Commission action on a park plan or park design shall become effective 15 calendar days after the date of the decision unless appealed to the City Council. See Chapter 2-5 for further information. An action by the City Council approving a park design within the Orange County Great Park shall become effective immediately.
- B. A park plan and a park design shall expire and become void three years following the date on which it becomes effective unless:

1. A building permit consistent with the park plan and/or park design is issued and construction is commenced and diligently pursued toward completion; or
2. A permit is issued authorizing occupancy of the site or structure; or
3. The site is occupied if no building permit or certificate of occupancy is required.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-10. - Modifications.

Proposed modifications to park plans, park designs, or existing parks which meet any one of the following criteria shall be processed as a major modification:

- A. For park plans, park designs, and existing parks: a proposed change in ownership from private to public or vice versa.
- B. For park plans: Any change that would result in an overall reduction of recreational opportunities within the park plan area as a whole, including, but not limited to:
 1. Any reduction in the total dedicated park land acreage in the adopted park plan as a whole.
 2. Any deletion or reduction in size of an amenity that received park credit and/or replacement of an amenity that received park credit with another amenity of lesser value, where such change results in a reduction of the total park improvement credit in the park plan as a whole.
 3. Any deletion or reduction in size of a major recreational amenity within the park plan as a whole. Major amenities include, but are not limited to, pool(s), multi-purpose room or other assembly space(s), fitness center(s), tot lot(s), and fields or courts.
 4. Moving of park land or recreation area acreage, a park amenity, or a portion of a park amenity from one park to another within the park plan and replacement of an amenity with another amenity of equal or higher value may be processed as a minor modification within the discretion of the Director of Community Development, except as provided under provision D below.
- C. For park designs and existing parks:
 1. Any change that would result in overall reduction of recreational amenities within the park or recreation area, including, but not limited to:
 - a. Any reduction in the park acreage.
 - b. Any deletion or reduction in size of an amenity that received park credit, and/or replacement of an amenity that received park credit with another amenity of lesser value, where such change results in a reduction of the total park improvement credit for the park.
 - c. Any deletion or reduction in size of a major recreational amenity, including but not limited to pool(s), assembly space(s) such as multipurpose room, fitness center(s), tot lot(s), and any fields or courts.
 2. For park designs and existing parks, where there are existing residences within 200 feet from the park boundary, a major change also includes, but is not limited to, any change in size; replacement of an amenity with another amenity of unequal value; or the addition or deletion of an amenity, where such change could create a significant impact to the residences within 200 feet of the park facility. An example of a major modification would be addition of a shade structure, picnic/cook tables or group BBQs that creates a significant on-site and/or off-site parking impact.

3. Any change to an existing park's amenities that, at the discretion of the Director of Community Development, would negatively impact the existing residential neighborhood.

D. Proposed modifications that meet any of the criteria listed in Section 2-19-2 shall be processed as a major modification.

Except for the foregoing, all proposed modifications are minor modifications. The Director of Community Development shall have the authority to determine whether a proposed modification to an approved park plan or park design is major or minor.

The Director of Community Development shall review and approve minor modifications on parks. Major modifications shall be reviewed and approved by the approval authority specified in Sections 2-22-3.C and 2-22-5.C.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 09-02, § 3, 3-24-09; Ord. No. 10-03, § 3, 4-13-10; Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)

Sec. 2-22-11. - Enforcement and revocation.

Failure to comply with any park plan or park design condition is a violation of this chapter subject to the enforcement and revocation procedures set forth in Chapter 2-10. A park plan or park design may be revoked upon failure to comply with any of the conditions or terms of approval or if any law or ordinance is violated in connection with the park plan or park design approval.

(Ord. No. [15-86](#), § 3(Exh. A), 8-11-15)