

23161 Mill Creek Waiver List

Item	City Objective Design Standards	City Code	Description	Waiver Request	Justification	Proposed Design
1		MXU Zoning 9-30.040 Development Standards	15' minimum building rear setback	Reduce setback to 10'	Without a reduced setback, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	10' minimum rear setback
2		MXU Zoning 9-30.040 Development Standards	5' minimum building interior side setback	Reduce setback to 5'	Without a reduced setback, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	5' minimum side setback
3		MXU Zoning 9-30.040 Development Standards	20' minimum parking lot front setback	Reduce setback to 3.5'	Without a reduced setback, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	3.5' minimum front setback from garage face to curb.
4		MXU Zoning 9-30.040 Development Standards	10' minimum building separation	Reduce to 6'	Without reducing building to building separation, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	6'-6" building separation for duplex units
5		MXU Zoning 9-30.040 Development Standards	10% minimum private open space	Remove requirement	Without reducing the minimum private open space acreage, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	
6		MXU Zoning 9-30.040 Development Standards	10% minimum landscape coverage	Remove requirement	Without reducing the minimum landscape coverage, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	
7	2.1.1 Maximum Block Size		Maximum allowed block length of 800' or perimeter length of 2,800'	Remove requirement	A block wall length requirement makes the required density physically infeasible and a waiver is needed to construct this project.	Longest dimension exceeds 800' without mid block connection.
8	2.1.2 Mid-Block Connection		Required if block lengths exceeds maximum Block Length or Perimeter Length per 2.1.1 Minimum building width must be 20' and a pedestrian path of 8' must be provided	Remove requirement	A block wall length requirement makes the required density physically infeasible and a waiver is needed to construct this project.	No mid-block connection proposed
9	2.2.2 Pedestrian Connections		Primary entries to buildings or units shall be connected to a public sidewalk or publicly accessible pathway with a pedestrian pathway Entrances serving 1-2 units must have a minimum width of 4'	Remove requirement	Pedestrian connections in front of all buildings makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	4' sidewalk provided to portions of the units where achievable. Entrances serving units are 3' minimum.
10	2.5.1 Public Open Space	MXU Zoning 9-30.040 Development Standards	Required for projects greater than 2ac Minimum public open space shall be 1/4 of the minimum open space required. 10% of site area required as private open space per city code	Remove requirement	A public open space requirement makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	No public open space proposed.
11	2.5.2 Common Open Space	MXU Zoning 9-30.040 Development Standards	50% of required open space is required as common open space. 10% of site area required as private open space per city code	Remove requirement	A common open space requirement makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	0.24 ac required as common open space. No common open space proposed
12	2.8.1 Pedestrian Pathways		All on-site buildings, entries, facilities, amenities, and vehicular and bicycle parking areas shall be internally connected with a minimum 4' wide pedestrian pathway or pathway network. At least two amenities that include trellises and/or benches shall be provided on any pedestrian path longer than 200	Remove requirement	A pedestrian pathway requirement makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	4' sidewalk provided to portions of the units where achievable. Entrances serving units are 3' minimum.
13		9-44.060 Design standards for parking facilities	A(4) Direct access to a parking lot or parking stall from a public roadway shall be prohibited, except for low-density residential uses	Remove requirement	The project is working to add parking where feasible. Adding parking stalls at the entry roundabout was suggested to add parking to the project.	Parking lot accessed directly off Mill Creek Dr
14		9-44.060 Table 9-44.A Number of parking stalls required	0.3 unassigned stalls required per dwelling unit	Meet State Density Bonus parking ratio, remove unassigned parking requirement	A parking stall requirement of 0.3 unassigned stalls per dwelling unit makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	100 spaces provided which is a combination of garage spaces, driveways and open guest parking stalls. Combined assigned and unassigned provided parking meets minimum required.
15		9-44.060 Table 9-44.D Number of parking stalls required	10' x 20' minimum garage dimension	Modify to allow encroachment for trash and water heaters	By restricting trash and water heater encroachment into the garage minimum dimension, the development would be physically infeasible and a waiver is needed to construct this project.	Trash and water heater encroach into minimum dimension
16		OCPW Std 1107	Local street: 40' minimum curb to curb with 8' sidewalk+parkway both sides	Modify to match City of Irvine Private Way	A reduced street width of 26' curb to curb will allow the development to meet the required density. Without this waiver this project would be physically infeasible. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	26' curb to curb with sidewalk on one side proposed.
17		OCPW Std 1107	Guard gate: 40' curb to curb with 8' sidewalk+parkway both sides; 100' minimum stacking distance	Modify to match City of Irvine Private Way, reduce stacking distance to 95'	A reduced minimum stacking distance is required to make this project physically feasible. A waiver is needed to construction this project.	95' stacking distance provided
18	2.7.1.1 Short-Term Bicycle Parking		Short-term bicycle parking shall be provided at a rate of one space per 10 dwelling units	Remove requirement	A short term bicycle parking requirement makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	4 bicycle spaces required, none provided.
19		9-40.100 Fences, walls, and hedges	Perimeter tract walls which are adjacent to a public street shall have articulated planes by providing, at a minimum for every one hundred (100) feet of continuous wall, an eighteen (18) inch deep by eight foot long landscaped recession. Walls should be constructed with pilasters provided at every change in direction, every five feet difference in elevation and at a minimum of every twenty-five (25) feet of continuous wall. Fences, walls, and hedges within the front yard setback shall not exceed 42" in height. The height of retaining walls in the front yard shall be less than 30" in height. The total wall height, including the retaining wall, shall not be greater than 42"	Remove requirement	A fence, wall and hedge requirement (9-40.100) makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	MSE planted wall proposed along street, no landscaped recessions proposed.  No pilasters proposed.  20' high MSE wall with 5' fence on top proposed

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20		9-44.060 Design standards for parking facilities	G(11) Where a parking lot abuts a residential use it shall be provided with an extensive buffer consisting of a minimum five foot wide planter and six foot high solid masonry wall/fence with screening vegetation planted in conjunction with the wall. Where the parking lot is across from a residential area, it shall be provided a landscaped berm and wall combination to screen the lot. H. Paving shall be required for all permanent parking, access, and loading facilities. Decorative paving, colored concrete, and asphalt surfacing materials shall be used and shall conform to the city's adopted standards and requirements.	Remove requirement	The requirement reduces the overall density such that the project is infeasible and a waiver is needed to build the project as designed, including the affordable housing.	Tubular steel fence proposed around parking lot  No enhanced paving proposed
21	2.3.1.2 Floor to Floor Height of Active Uses		Ground floor shall have a minimum floor-to floor height of 12'	Reduce to 9'	Increase in floor height is required to maximize the building design to make up for loss market rate homes in building affordable housing.	9'-1"
22	2.7.1.2 Long-Term Bicycle Parking		At least one long-term bicycle storage space is required for each unit. 36 required	Reduce to 0/unit	The requirement reduces the overall density such that the project is infeasible and a waiver is needed to build the project as designed, including the affordable housing.	No long-term bicycle parking spaces provided
23	3.1 Massing		Buildings shall employ the specified massing strategies of modulation, roof form, or projections	Remove requirement	Removing this requirement is required to maximize the building design to make up for loss market rate homes in building affordable housing.	
24	3.2.1 Step backs		Buildings above 2 stories or 35' are required to have a minimum of 30% of the frontage stepped back a minimum of 10'.	Remove requirement	The City's Objective Design Standards 3.2.1 - We need to fully maximize the ability to utilize the full square footage of the building footprint in the second and third floors to make up the loss of our overall square footage of market rate homes in building affordable housing.	No step backs proposed.
25	3.5.1 Window Alignment		Windows in opposing units, facing each other and located within 40 feet of each other, shall be offset by a minimum 20 feet.	Remove requirement	The City's Objective Design Standards 3.5.1 - Window Alignment and spacing from adjacent buildings make the required density physically infeasible and a waiver is needed to construct this project. The proposed reduced offset spacing allows us to achieve the higher density which will allow us to build affordable units.	Triplex units are 14' apart minimum; no window offset proposed. Duplex units are 6'-6" apart minimum, slight/no window offsets for duplex units.
26	3.8.1 Façade Composition		Each building façade greater than 100' in length shall include a minimum of two (2) distinct façade compositions. For every additional 100' of building façade, an additional 1 distinct façade composition is required		Removing this requirement is required to maximize the building design to make up for loss market rate homes in building affordable housing.	
27	3.9.1 Entrance Types		Primary building entrances for all residential buildings shall face a public sidewalk or publicly accessible pathway. Types of pedestrian entrance frontages specified shall be applied to buildings	Remove requirement	The City's Objective Design Standards 3.9.1 - Entrance Types make the required density physically infeasible and a waiver is needed to construct this project. The proposed changes to the sidewalk requirements to primary building entrances will allow us to achieve a higher density which will allow us to build affordable units.	One duplex unit and one triplex unit per module face side yards.  None of the listed entrance frontages proposed.
28	3.9.3 Parking & Access		The garage door is required to be located a minimum of 1' behind the primary façade.	Remove requirement	The City's Objective Design Standards 3.9.3 -garage door requirement make the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	All duplex buildings have garage doors in front of the primary façade.
29		MXU Zoning 9-30.040 Development Standards	35' maximum building height	Increase to 37'	Increase in building height is required to maximize the building design to make up for loss market rate homes in building affordable housing.	Project proposes 37' tall building