

3.11 GENERAL DEVELOPMENT REGULATIONS

The following general regulations shall apply to new development and the reuse of existing structures and facilities, unless specific exceptions are described elsewhere in the Specific Plan.

3.11.1 Access

Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private street or easement, or recorded reciprocal access agreement. See below for further circulation standards.

3.11.2 Antennae and Satellite Dish Standards

All provisions of the Tustin City Code and Irvine City Code, as applicable, shall apply.

3.11.3 Encroachments Into Required Setbacks

- The following are allowed to encroach no more than 4 feet into required setbacks subject to compliance with the Uniform Building Code:
 - Architectural features
 - Eaves
 - Fireplaces
 - Mechanical equipment
 - Steps and staircases (open)
- Covered patio trellis, or canopies, unenclosed on at least two sides, may encroach into the required side or rear yard setback provided they do not cover more than 50 percent of the private yard or open space area on a residential property and comply with the Uniform Building Code related to distance requirements between adjacent structures.
- Location of swimming pools and/or a spa shall conform with applicable City regulations.

3.11.4 Enforcement of EIS/EIR Mitigation Measures

Recent amendments to Section 21081.6 of the Public Resources Code, as applicable, shall apply. The amendments provide that measures to mitigate or avoid significant effects on the environment shall be fully enforceable through permit conditions, agreements, or other measures. The EIS/EIR mitigation measures are contained in the EIS/EIR for the project.

3.11.5 Fences and Walls

All provisions of the Tustin and Irvine City Code, where applicable, shall apply to the construction of walls, fences, and hedges in the Specific Plan, with the exception that maximum established heights within the City of Tustin may be exceeded when higher walls are required as noise mitigation (acoustical barriers) based on City Noise Ordinance, subject to Community Development Department approval. Any planter, fence, or wall within the streetside setback may not exceed 3.5 feet in height. Fences and walls shall also be designed to not restrict vehicular sight distance and visibility at roadway intersections per City of Tustin and Irvine standards, as applicable.

The use of barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, roof, or hedge within any land use designation is prohibited, unless required by any law or regulation of the City of Tustin or Irvine, federal government, or agency thereof, as applicable.

3.11.6 Financing Program

Prior to recordation of the first final map in a planning area, the subdivider shall enter into an agreement with the City to participate in a financing program for required infrastructure. The agreement shall provide for granting of credit to the subdivider for a certificate of occupancy, improvements required, or a condition of approval on this project to the extent that the cost of such improvements may be included in any such financing program.

3.11.7 Fumes, Odors, Vapors, Gases and Other Forms of Air Pollution

If any use which produces odors, toxic gases, or noxious matter in such quantities as may be readily detectable at any point outside the property lines of the premises, and/or may become a public nuisance or hazard, the use shall be modified to prevent such emissions. Emissions shall be in compliance with the South Coast Air Quality Management District standards.

3.11.8 Grading

All earthwork shall be conducted in accordance with the City of Tustin Grading Ordinance and manual, and grading requirements within the City of Irvine. Grading permits shall consider consistency with the urban design concept. Compliance with National Pollutant Discharge Elimination System (NPDES) regulations related to storm drain runoff from construction sites as implemented in the City of Tustin and Irvine shall be required.

3.11.9 Hazardous Materials

To ensure that the use, handling, storage, and transportation of hazardous materials comply with the California Government Code and Health and Safety Code, all provisions of the Tustin and Irvine Hazardous Materials Codes and Fire Codes shall apply.

3.11.10 Height Determinations

Building height shall be determined from the finished grade within five (5) feet of the structure to the highest point of the structure, excluding chimneys and vents.

3.11.11 Interim Use Provisions

Interim uses shall be permitted in all Planning Areas subject to the requirements and evaluation criteria specified in Chapter 4, Section 4.2.6. In addition to the provisions in Section 4.2.6, the following list of potential Interim Uses shall be used as a guide for determining whether or not a proposed interim use shall be allowed.

- Agricultural uses of the same or similar characteristics as practiced at the time of base closure determination, exclusively within Planning Areas 5, 7, 8, 11, 14 and 15.
- Commercial uses
- Driver's training, excluding speed events
- Educational uses
- Emergency staging and supply areas and related services
- Equipment and vehicle storage, with proper screening
- Facilities for special recreation and craft activities

- Indoor/outdoor sales facilities providing for periodic events such as swap meets and auctions
- Industrial uses other than permitted uses, conducted in an existing building
- Long term site toxic clean-up facilities, equipment and operations
- Nursery stocking, storage and wholesaling
- Office uses
- Other uses determined by the Community Development Director to be similar in character and impact to the categories specified in this Section and to the permitted and conditional uses identified for each Planning Area. Any use determination decisions in the City of Irvine shall comply with applicable provisions of the Irvine Zoning Code.
- Special fund raising event facilities which support periodic or temporary events (e.g., education fairs, community fairs, custom/ antique auto shows, etc.)

3.11.12 Landscaping/Screening

- In all land use designations, all landscaping shall conform to the landscape guidelines contained in this Plan or, in the case of questions not covered in the Specific Plan, the City of Tustin Landscape and Irrigation Guidelines or Irvine guidelines, as applicable.
- All commonly owned property and landscape setback areas exclusive of structural improvements shall be landscaped and maintained in a weed free condition with a combination of trees, shrubs and ground cover. Landscaping shall be provided with automatic irrigation systems, in accordance with the City of Tustin Landscape and Irrigation Guidelines or Irvine guidelines, as applicable.
- An opaque screen consisting of one or a combination of berms, masonry walls and landscaping integrated into an aesthetic pattern shall be installed along site boundaries where residential uses abut arterial or secondary highways, with the aggregate height of berms and walls not to exceed six (6) feet, eight (8) inches, or higher as may be required and approved to mitigate noise impacts. Screening shall also be installed along commercial or commercial/business site boundaries which immediately abut areas designated for residential uses. The type of appropriate screening will be determined during site plan review.

- Screening shall be installed along all parking areas abutting streets. The screening shall be a minimum height of thirty-six (36) inches.
- Screening shall consist of one or any combination of the following components:
 - Walls, including retaining walls - a wall shall consist of concrete, stone, brick, tile or similar type of masonry material.
 - Berms - a berm shall be constructed of earthen materials and shall be landscaped according to an approved plan.
 - Evergreen or deciduous trees or shrubs consistent with the landscape guidelines contained in the Specific Plan.
- All property landscaping shall be properly maintained in a healthy, weed free condition.
- Landscaping/screening at intersections shall be designed in such a manner as to not restrict vehicular sight distance in accordance with current City of Tustin and Irvine standards/guidelines, as applicable.

3.11.13 Lighting

All lighting shall be designed and located to confine direct rays and glare to the boundaries of a parcel. No lighting shall blink, flash, or be of unusually high intensity or brightness. Security lighting shall be provided as required by the Uniform Security Code.

3.11.14 Maintenance and Completion of Open Space, Amenities, Landscaping, and Manufactured Slopes

No lot or dwelling unit in a development shall be sold or a Certificate of Occupancy issued, unless a corporation, homeowner's association, assessment district or other approved entity has been legally formed with the right to assess all those properties which are jointly owned or benefited to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, landscaping or slope maintenance landscaping, private streets, and utilities. Conditions, Covenants, and Restrictions (CC&R's) shall be developed and recorded for said development subject to the review and approval of the applicable City Attorney. The recorded CC&R's shall permit the enforcement by the applicable City, if required. No lot or dwelling unit shall be sold unless all approved and required open space, amenities, landscaping, or other improvements, or approved phases thereof, have been completed or completion is assured by a development

agreement or financing guarantee method approved by the City of Tustin or City of Irvine, as applicable.

3.11.15 Mechanical Equipment

Compressors, air conditioning units, vents, exhausts, or similar mechanical equipment located outside a building shall comply with the following:

- All such equipment shall be screened from view from any abutting street, highway or adjacent use. Screening shall be an integral part of the overall architectural design of the project. The top of any screening shall be a minimum of six inches above the top of any mechanical equipment.
- All mechanical equipment shall be maintained in a clean and proper condition to prevent breakdown that might release noxious or toxic materials or create excessive noise, and to avoid accumulation of litter, filth and materials which would be noxious or unsafe.

3.11.16 Noise Control

Plans for noise attenuation of residential units located near arterial highways and railroad rights-of-way, which ensure that interior and exterior noise levels do not exceed state requirements and local City of Tustin and Irvine noise ordinances, as applicable, shall be submitted for review and approval prior to building permits being issued to accommodate reuse and/or subdivision approval for residential development, whichever occurs first.

All uses shall be subject to provisions of the City of Tustin or City of Irvine noise ordinance, as applicable.

3.11.17 Outside Storage

All uses shall be conducted within a completely enclosed building, except for off-street parking, loading, approved temporary uses, any outdoor dining space specifically permitted in conjunction with eating establishments, and approved nursery accessory uses. Minor ancillary outdoor storage (service vehicle parking, materials storage, or limited equipment assembly associated with a permitted use) may be located outside a building in certain Planning Areas as an accessory use conditional use, provided that there is solid screening and there are no negative noise or aesthetic impacts on adjacent properties.

3.11.18 Park Provisions

Requirements and standards contained in the City of Tustin subdivision ordinance will be utilized in reviewing public or private park proposals per park in-lieu fee obligations.

The area of the Specific Plan within the City of Irvine will be subject to the requirements and standards of the City of Irvine's Local Park Code.

3.11.19 Refuse Collection Areas

All outdoor refuse collection facilities shall be screened visually from streets and highways. Collection areas shall be shielded from view in all directions, either within a building or within a solid masonry wall of sufficient height to conceal materials temporarily accumulated for collection. The enclosure shall be designed to complement the main building materials. Adequate facilities and containers shall be provided to accomplish refuse recycling and handling of toxic materials, including source-separated materials as may be required by city ordinance. Innovative designs of storage, handling and transfer equipment are encouraged to achieve maximum recycling levels.

3.11.20 Roof Mounted Solar Collector Panels

Roof mounted solar collector panels shall be flush surface mounted where possible and painted to match roof surface color. Where panels cannot effectively perform if flush mounted, justification in the form of efficiency calculations may be submitted to the City of Tustin or Irvine for consideration of alternative mounting configurations.

3.11.21 Streets and Highways

- All streets and highways shall conform to street and highway standards detailed in this Specific Plan. However, existing local streets and roadways on the base that do not meet the standards detailed in this Specific Plan, may be permitted to remain as private streets, subject to the review and approval of the City Engineer.
- Portions of any lot within any future right-of-way shown in this Specific Plan shall not be occupied by new structures, other than those encroachments normally permitted in rights-of-way. Such encroachments are defined in the General Regulations section. All other required setbacks, yards, and open spaces shall be calculated on the basis of established or future rights-of-way. Future right-of-way lines shall be considered to be lot lines for purposes of determining such setbacks, yards and open spaces.

- Dedication of right-of-way shown in the Specific Plan shall be required as determined necessary by the City Engineer or as a condition of approval of any development.
- Access points to individual development sites shall be subject to acceptance by the City Engineer.
- Access onto major arterials, due to their regional significance coupled with high traffic volumes and speeds will of necessity warrant a higher degree of access restrictions than would be applied to lower level arterial roadways.
- Installation of curbs, gutters, bikeways, sidewalks, street paving, street lighting, and street trees shall be subject to the provisions of the Tustin City Code. Installation shall be provided by a developer and/or costs shall be assigned to each development lot or parcel in accordance with a cost-benefit formula determined by the City Engineer, or otherwise determined as a result of a negotiated Development Agreement.
- All street and highway design will be in accordance with the City of Tustin and City of Irvine design standards, where applicable; however, deviations consistent with the Specific Plan design character and intent may be proposed and approved during subsequent design or development review by the respective jurisdiction.
- On-street parking shall be prohibited along all arterial and local collector streets within the Specific Plan area
- Advanced Transportation Technology shall be accommodated to the extent practicable, and any applications shall be documented.

3.11.22 Temporary Uses

Temporary uses shall be regulated pursuant to the Tustin City Code and Irvine City Code, as applicable.

3.11.23 Trellis

Refer to applicable provisions of Subsection 3.11.3.

3.11.24 Utilities

- All utility lines serving a new development, with the exception of interim uses, shall be placed underground by the developer in accordance with the city's policies for locating utilities underground.
- Existing utility lines shall also be placed underground with development, where feasible and as required by the City of Tustin or Irvine, as applicable.
- No structures shall be permitted to be developed over active pipelines, abandoned lines, or utility easements, except where approved by the City Engineer.
- All utility line and connection costs to the backbone infrastructure/utility system (water supply, sanitary sewer facilities, reclaimed water supply, storm drainage and other utilities) needed to serve individual projects shall be the responsibility of the new user/owner, or as otherwise determined as a result of a negotiated development agreement or lease.
- All water supply, sanitary sewer facilities, reclaimed water supply, storm drainage and other facilities shall be provided in accordance with adopted master plans of the respective service providers. Costs shall be assigned to each development lot or parcel in accordance with a cost-benefit formula established by the LRA, based on estimated engineering construction costs, or as otherwise determined as a result of a negotiated development agreement.
- Dedication and delineation of five IRWD water well sites as described in Section 2.9 will be required along Barranca Parkway including any necessary maintenance, pipeline and access easements subject to approval of the LRA as to their location and design and IRWD abandonment and release of property and easement rights along Red Hill Avenue. It is anticipated that these well sites would impact Planning Areas 11, 12, 14 and 19 and shall be defined in conjunction with any new development within each of these Planning Areas.
- An offer to dedicate 20 feet of additional right-of-way for the Barranca channel to OCFCD shall be made with said terms subject to approval of the LRA prior to any new development on parcels adjacent to the Barranca Channel in Planning Areas 11, 12, 14, and 18.
- An offer to dedicate 25 feet of additional right-of-way for the Santa Ana channel to OCFCD shall be made with said terms subject to

approval of the LRA prior to any new development on parcels adjacent to the channel in Planning Area 15.

3.11.25 Vibration

No vibration associated with any use shall be permitted which is discernable beyond the boundary line of the property, unless the vibration does not negatively impact an adjacent property.

3.12 SIGNAGE

This section establishes regulations and guidelines for project identification signage throughout the Specific Plan area. The intent is to achieve a visually coordinated and appealing signage system that provides identity to the site and promotes effective identification for the range of uses within the Specific Plan. Specific Plan area signage/monumentation will occur at key designated thematic intersections as shown in the Community Structure Plan (Figure 2-15). Signs identifying arrival to the City of Tustin may occur within the public right-of-way in locations shown on Figure 2-5.

3.12.1 General Provisions

- A.** All signs in the City of Tustin shall conform to the provisions contained in the Tustin Sign Code, unless otherwise contained in this section. Whenever the regulations contained herein conflict with the regulations of the Tustin Sign Code, the Specific Plan regulations shall take precedence. Signs in the City of Irvine shall conform with the Irvine Sign Code.
- B.** A sign permit shall be applied for and received from the Department of Community Development prior to constructing, erecting, altering, replacing, moving, or painting any sign, except for signs exempt from a permit according to the Sign Code. Permit applications shall be accompanied by information as required for a standard sign plan or master sign plan, pursuant to the Sign Code.
- C.** A master sign plan is required for new development or reuse projects within the Specific Plan area involving multi-use sites and multi-tenant centers or buildings. A master sign plan is also required for the Golf Village (PA 15). The purpose of a master sign plan is to encourage coordinated and quality sign design on sites where a large number of signs will occur. In addition, the master sign plan should include on-premises directional/information signs to facilitate smooth internal circulation.