

6. Significant Unavoidable Adverse Impacts

Chapter 1, *Executive Summary*, contains Table 1-1, which summarizes the impacts; Programs, Plans and Policies (PPP); Project Design Features (PDF); mitigation measures; and levels of significance before and after mitigation. While PPPs, PDFs, and mitigation measures would reduce the level of impact, the following impacts would remain significant, unavoidable, and adverse after mitigation measures are applied:

6.1 AIR QUALITY

IMPACT 5.2-1: REGIONAL POPULATION, HOUSING, AND EMPLOYMENT GROWTH PROJECTIONS IN THE IRVINE BUSINESS COMPLEX WERE NOT ACCOUNTED FOR IN THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S AIR QUALITY MANAGEMENT PLAN.

The impacts associated with Impact 5.2-1 are lower with the integration of PPPs and PDFs in the proposed project than they would otherwise be, but the PPPs and PDFs are not sufficient to lower the impacts to below a level of significance without the imposition of feasible mitigation measures. However, no additional feasible mitigation measures are available to reduce short-term air pollutant emissions or long-term air pollutant emissions below the SCAQMD regional thresholds so that the project would not significantly contribute to the nonattainment designation of the South Coast Air Basin to ensure AQMP consistency. Consequently, Impact 5.2-1 would remain **significant and unavoidable**.

IMPACT 5.2-2: CONSTRUCTION EMISSIONS ASSOCIATED WITH BUILDOUT OF THE IRVINE BUSINESS COMPLEX WOULD GENERATE SHORT-TERM EMISSIONS THAT EXCEED THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S REGIONAL SIGNIFICANCE THRESHOLDS FOR VOC, NOX, CO, PM₁₀, AND PM_{2.5}, AND WOULD SIGNIFICANTLY CONTRIBUTE TO THE NONATTAINMENT DESIGNATIONS OF THE SOUTH COAST AIR BASIN FOR O₃ AND PARTICULATE MATTER (PM₁₀ AND PM_{2.5}).

The impacts associated with Impact 5.2-2 are lower with the integration of PPPs and PDFs into the proposed project than they would otherwise be, but the PPPs and PDFs are not sufficient to lower the impacts to below a level of significance without the imposition of feasible mitigation measures. Due to the potential magnitude of emissions from individual development projects and overlap of different development projects in the IBC, construction emissions would continue to individually or cumulatively exceed the SCAQMD regional thresholds. Consequently, Impact 5.2-2 would remain **significant and unavoidable**.

IMPACT 5.2-3: BUILDOUT OF THE IRVINE BUSINESS COMPLEX WOULD GENERATE LONG-TERM STATIONARY- AND MOBILE-SOURCE EMISSIONS THAT EXCEED THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S REGIONAL SIGNIFICANCE THRESHOLD AND SIGNIFICANTLY CONTRIBUTE TO THE NONATTAINMENT DESIGNATIONS OF THE SOUTH COAST AIR BASIN FOR O₃ AND PARTICULATE MATTER (PM₁₀ AND PM_{2.5}).

The impacts associated with Impact 5.2-3 are lower with the integration of PPPs and PDFs identified in Section 5.15, Global Climate Change, into the proposed project than they would otherwise be, but the PPPs and PDFs are not sufficient to lower the impacts to below a level of significance without the imposition of feasible mitigation measures. In particular, PPPs and PDFs in Section 5.15, Global Climate Change, would reduce purchased energy use and water use, and encourage use of alternative transportation to reduce area and mobile sources of air pollution associated with the



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project. However, operational phase emissions would continue to exceed the SCAQMD regional significance thresholds. Consequently, Impact 5.2-3 would remain **significant and unavoidable**.

IMPACT 5.2-4: PROJECT-RELATED CONSTRUCTION ACTIVITIES COULD EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS OF NO_x, PM₁₀, AND PM_{2.5}.

The impacts associated with Impact 5.2-4 are lower with the integration of PPPs and PDFs – particularly, PPP 2-3 and PDF 2-6 – into the proposed project than they would otherwise be, but the PPPs and PDFs are not sufficient to lower the impacts to below a level of significance without the imposition of feasible mitigation measures. In particular, PDF 2-4 and PDF 2-5 would reduce NO_x from construction equipment exhaust. However, no additional feasible mitigation measures are available to reduce elevated levels of NO_x, PM₁₀, and PM_{2.5} at nearby sensitive receptors. Due to the potential magnitude of emissions from individual development projects, construction activities would potentially exceed the SCAQMD localized significance thresholds. Consequently, Impact 5.2-4 would remain **significant and unavoidable**.

IMPACT 5.2-6: DEVELOPMENT OF RESIDENTIAL USES WITHIN THE IRVINE BUSINESS COMPLEX COULD BE LOCATED WITHIN THE CALIFORNIA AIR RESOURCE BOARD'S RECOMMENDED BUFFER DISTANCES FROM I-405 OR EXISTING DISTRIBUTION CENTERS, CHROME PLATERS, DRY CLEANERS, OR GAS STATIONS.

Freeways

PDF 2-1 and PDF 2-2 would ensure that residents within the IBC would not be exposed to indoor levels of toxic air contaminants that exceed the ambient concentrations in the project vicinity, which are 830 to 1,233 in a million in the IBC area (SCAQMD 2008). PDF 2-3 would ensure that playgrounds, athletic fields, and other public active-use outdoor recreational areas within the IBC would not be located within 500 feet of the freeway. However, development applications for residential structures may include outdoor private-use active areas, such as swimming pools. No mitigation measures are feasible that would reduce exposure of people to elevated concentrations of air pollutants within 500 feet of a freeway in an outdoor environment. Consequently, Impact 5.2-6 would remain **significant and unavoidable**.

6.2 LAND USE AND PLANNING

IMPACT 5.8-2: PROJECT IMPLEMENTATION COULD POTENTIALLY BE IN CONFLICT WITH AN APPLICABLE ADOPTED LAND USE PLAN. [THRESHOLD LU-2]

As described above, the proposed project was reviewed by ALUC and the City and determined to be consistent with AELUP and Caltrans health and safety standards and PDF 6-1 has been incorporated into the project. In addition, the ALUC has determined that the 2851 Alton Parkway and Martin Street Condos projects are consistent with the adopted AELUP. However, the revised project, other pending projects, and potential future projects pursuant to the IBC Vision Plan and Overlay Zoning Code have not yet been before ALUC for a determination of consistency, as ALUC typically does not conduct such reviews until the City of Irvine Planning Commission hearings are scheduled. If ALUC determines that the proposed project as revised, or potential future projects are not found to be consistent with the AELUP, and the Irvine City Council disagrees and overrides this finding by a two-thirds vote, a significant unavoidable adverse impact would result and a Statement of Overriding Considerations would be required.

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6.3 NOISE

IMPACT 5.9-1: CONSTRUCTION ACTIVITIES COULD RESULT IN TEMPORARY NOISE INCREASES IN THE VICINITY OF THE PROPOSED PROJECT.

PPP 9-1 and PDF 9-2 would minimize noise from construction activities to the extent feasible by requiring that activities be limited to the hours set forth in the City of Irvine Municipal Code and that stationary source equipment be placed as far as feasible from adjacent noise-sensitive land uses. In addition, mitigation measure 9-1 would require preparation of a construction noise mitigation plan prior to issuance of grading permits that identifies ways to mitigate construction noise. However, because new development may occur near noise-sensitive land uses and could generate substantial noise levels for an extended period of time, impacts are considered potentially significant. The magnitude of impact would depend of the location and schedule of the new development and construction equipment. Impact 5.9-1 would remain **significant and unavoidable**.

IMPACT 5.9-2: CONSTRUCTION OF THE PROPOSED PROJECT MAY GENERATE PERCEPTIBLE LEVELS OF VIBRATION AT ADJACENT VIBRATION-SENSITIVE LAND USES.

PPP 9-1 and PDF 9-2 would minimize impacts associated with perceptible levels of vibration annoyance by requiring that activities be limited to the hours set forth in the City of Irvine Municipal Code and that stationary-source equipment be placed as far as feasible from adjacent vibration-sensitive land uses. In addition, PDF 9-1 would ensure that less-vibration-intensive equipment or construction techniques be used. However, because new development may occur near noise-sensitive land uses and could generate substantial vibration levels for an extended period of time, impacts are considered potentially significant. The magnitude of impact would depend of the location of the new development and construction equipment. Impact 5.9-2 would remain **significant and unavoidable**.

IMPACT 5.9-3: PROJECT-RELATED VEHICLE TRIPS WOULD SUBSTANTIALLY INCREASE AMBIENT NOISE AT NOISE-SENSITIVE RECEPTORS IN THE VICINITY OF THE PROJECT SITE ON MCGAW AVENUE BETWEEN JAMBOREE ROAD AND MURPHY AVENUE AND CUMULATIVELY ON VALENCIA AVENUE BETWEEN NEWPORT AVENUE AND RED HILL AVENUE, WARNER AVENUE BETWEEN SR-55 AND RED HILL AVENUE, MCGAW AVENUE BETWEEN JAMBOREE ROAD AND MURPHY AVENUE, BIRCH STREET BETWEEN MESA DRIVE AND BRISTOL STREET. [THRESHOLDS N-1 AND N-3]

No mitigation measures are available to reduce impacts associated with a substantial increase in traffic noise generated by project-related traffic and the project's contribution to cumulative growth in traffic levels. Consequently, Impact 5.9-3 and cumulative impacts would remain **significant and unavoidable**.

IMPACT 5.9-5: NOISE-SENSITIVE LAND USES COULD BE EXPOSED TO NOISE LEVELS THAT EXCEED 65 DBA CNEL FROM TRANSPORTATION OR STATIONARY SOURCES OF NOISE.

PPP 9-2 would require that an acoustic study be prepared to achieve the City of Irvine's interior and exterior noise standards. While interior noise levels are required to achieve 45 dBA CNEL for residential structures and 55 dBA CNEL for commercial structures, exterior noise levels may continue to exceed the 65 dBA CNEL noise compatibility criteria for the City despite exterior noise attenuation (i.e., walls and/or berms). PDF 9-3 would require that occupancy disclosure notices for units with patios and/or balconies that do not meet the 65 dBA CNEL standard are provided to all future tenants for new developments that have outdoor noise-sensitive areas. However, exterior noise compatibility would be significant at noise-sensitive outdoor areas (e.g., residential patios and outdoor areas, such as tot-lots, swimming pools, or athletic fields). No feasible mitigation measures are available to reduce impacts associated with a substantial increase in traffic noise generated by project-related traffic and the project's contribution to cumulative noise impacts associated with increases in traffic levels. Consequently, Impact 5.9-5 would remain **significant and unavoidable**.



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6.4 TRAFFIC

IMPACT 5.13-1: BUILDOUT OF THE IBC PURSUANT TO THE PROPOSED PROJECT WOULD GENERATE ADDITIONAL TRAFFIC VOLUMES AND IMPACT LEVELS OF SERVICE FOR THE EXISTING AREA ROADWAY SYSTEM.

Although every effort was made, through site analyses and aerial imagery evaluation to ensure that all recommended improvements are physically feasible, there are intersections where improvements may not be feasible due to cost, right-of-way concerns, or community opposition. For these intersections a Statement of Overriding Considerations will be required.

City of Irvine

- *Intersection #145: Jamboree Road and Michelson Drive*

This intersection has a project related significant impact under the 2015 and Post-2030 Approved Project scenarios, and a cumulative deficiency under the Post-2030 Pending scenarios. Recommended improvements are the same in both 2015 and Post-2030 and include the addition of a third eastbound left and restriping of the southbound approach to get a third southbound left from the southbound through movement. With this improvement, the intersection returns to an acceptable LOS under all scenarios. The recommended triple eastbound and southbound left turn improvements are contrary to City standards due to safety and operational concerns associated with the vehicles turning within appropriate receiving lanes. In addition, as noted previously, the City believes that the triple turn movements would not provide the operational improvements intended due to the proximity of downstream destinations and likely distribution of traffic in the triple left turn lanes. In addition, there are physical constraints associated with the proposed improvements, including Southern California Edison (SCE) 220kV transmission lines along the west side of Jamboree Road and SCE substation located at the southeast corner of this intersection. These physical hinder the ability to implement the improvements necessary to mitigate the identified project impacts.

With completion of the improvements described in Mitigation Measure 13-1, the significant impacts to local roadways associated with the proposed project would be fully mitigated with the exception the Jamboree Road/Michelson Drive intersection.

Cities of Costa Mesa, Newport Beach, Santa Ana, and Tustin Intersections and Arterial Segments

Inasmuch as the primary responsibility for approving and/or completing certain improvements located outside of Irvine lies with agencies other than the City of Irvine (i.e., City of Newport Beach, City of Tustin, City of Santa Ana, City of Costa Mesa, and Caltrans), there is the potential that significant impacts may not be fully mitigated if such improvements are not completed for reasons beyond the City of Irvine's control (i.e., the City of Irvine cannot undertake or require improvements outside of Irvine's jurisdiction). Should that occur, impacts relating to traffic generated by the project would remain significant. The impacted facilities that fall within this category include the improvements identified in Tables 5.13-24 through 5.13-26.

To provide as much assurance as possible that the necessary resources will be available to allow the adjacent Cities to implement necessary traffic improvements, The City of Irvine has committed to the creation of a development fee program associated with development in the IBC study area. This program will contribute to the improvement of facilities within Irvine and a fair-share to improvements outside the City of Irvine. The City is committed to working with the adjacent Cities to identify the most appropriate improvement strategies for their facilities and acknowledges the fair-share cost of improvements to those facilities. Consistent with that objective, the City recently committed to provide the City of Newport Beach with \$3.65 million toward traffic improvements that will improve circulation within and adjacent to the IBC. However, the adjacent Cities have full jurisdiction toward implementing the identified improvements under their jurisdiction.

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Caltrans Main-Line Segments and Ramps

State highway facilities within the study area are not within the jurisdiction of the City of Irvine. Rather, those improvements are planned, funded, and constructed by the State of California through a legislative and political process involving the State Legislature; the California Transportation Commission (CTC); the California Business, Transportation, and Housing Agency; the California Department of Transportation (Caltrans); and OCTA. Recent funding opportunities designated by OCTA's Renewed Measure M provides the vehicle for designated improvements on the freeway facilities within the study area and were analyzed at their recommended buildout in the IBC Vision.

To provide as much assurance as possible that the necessary resources will be available to allow CalTrans to implement necessary traffic improvements, the City of Irvine has committed to the creation of a development fee program associated with development in the IBC study area. This program is specifically in place to contribute to the improvement of facilities within Irvine and a fair-share to improvements outside the City of Irvine. The City is committed to working with Caltrans to identify the most appropriate improvement strategies for their facilities and acknowledges the fair-share cost of improvements to those facilities. However, Caltrans has full jurisdiction toward implementing the identified improvements under their jurisdiction.

While potential impacts to the freeway mainline segments and ramps have been evaluated, implementation of the transportation improvements to Caltrans facilities listed above is the primary responsibility of Caltrans. While Caltrans has recognized that private development has a role to play in funding fair share improvements to impacts on the I-405 and SR-55, neither Caltrans nor the State has adopted a program that can ensure that locally-contributed impact fees will be tied to improvements to freeway mainlines and only Caltrans has jurisdiction over mainline improvements. Because Caltrans has exclusive control over state highway improvements, ensuring that developer fair share contributions to mainline improvements are actually part of a program tied to implementation of mitigation is within the jurisdiction of Caltrans. However, a number of programs are in place in Orange County to improve and upgrade the regional transportation system. These include the Transportation Corridor Agencies (TCA) Corridor program, the State Transportation Improvement Program (STIP), Caltrans Traffic Operations Strategies (TOPS), State Highway Operation and Protection Program (SHOPP), and the Orange County Transportation Authority (OCTA) Measure M program. State and federal fuel taxes generate most of the funds used to pay for these improvements. Funds expected to be available for transportation improvements are identified through a Fund Estimate prepared by Caltrans and adopted by the California Transportation Commission (CTC). These funds, along with other fund sources, are deposited in the State Highway Account to be programmed and allocated to specific project improvements in both the STIP and SHOPP by the CTC. However, if these programs are not implemented by the agencies with the responsibility to do so, the project's freeway/tollway ramp and mainline impacts would remain significant and unmitigated.

Consequently, Impact 5.13-1 would remain **significant and unavoidable**.



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