

2. Response to Comments

LETTER A15a – Remy, Thomas, Moose and Manley, Attachment A (5 pages)

ATTACHMENT A

Comment letter regarding
RDEIR from the City of Tustin



2. Response to Comments

Community Development Department

February 16, 2010

Bill Jacobs, AICP
Principal Planner
City of Irvine
Community Development Department
P.O. Box 19575
Irvine, CA 92623-0575



SUBJECT: RECIRCULATED DRAFT EIR FOR CITY OF IRVINE IBC VISION PLAN/MIXED USE OVERLAY ZONE

Dear Mr. Jacobs:

Thank you for the opportunity to provide comments on the Recirculated Draft Environmental Impact Report (RDEIR) for a City-initiated project that consists of a General Plan Amendment to establish a cap of 15,000 dwelling units (plus 2,038 density bonus units, for an overall 17,038 units) for the Irvine Business Complex (IBC) area, an IBC Mixed Use Community Vision Plan, IBC Residential Mixed Use Overlay Zone, a program of various infrastructure improvements, new urban park standards, design guidelines, and other discretionary actions.

The following comments are noted for your use in revising the DEIR:

1. Appendix N-1 of the RDEIR is the traffic study, Appendix N-2 is a compilation of the worksheets and data utilized for the analysis, and Chapter 5.13 is the Transportation and Traffic Analysis section of the RDEIR. It is somewhat surprising to see that a newer version of the Irvine Transportation Analysis Model (ITAM 8.4) has been developed and is being used for the traffic analysis, but that the assumptions and inputs into ITAM 8.4 have not been disclosed in any of the RDEIR documents. The City consistently expressed concern with the use of ITAM 8.1 and the resultant traffic forecast volumes generated by the model. The use of ITAM 8.4 raises similar questions since we have not been afforded an opportunity to review any of the features, inputs, or results generated by this version of ITAM. The ADT volumes reported in the analysis sections appears to be closer to the OCTAM 3.3 model, but we cannot confirm its consistency or validation. The Notice of Availability for this project indicates that the RDEIR contains minor revisions to the Project Description and a new traffic study based on negotiations with various stakeholders with an interest in the IBC. However, as explained further below, the revised traffic model has raised several new issues along with previous concerns.

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| 2. In Section 5.13.1.5. Existing Conditions: It states that for the existing conditions, "the City of Irvine's traffic model, the Irvine Transportation Analysis Model (ITAM) 8.1 was applied to forecast future traffic conditions for the study area." It appears from this statement that there may have been a mix of models used for different conditions. If this quoted statement is incorrect, and ITAM 8.4 was used for all scenarios, including existing conditions as well as future year scenarios, then the RDEIR must be corrected to reflect this fact. | A15a-2 |
| 3. Table 5.13-10 lists the Study Area Committed Roadway Improvements. This table does not mention the MCAS Tustin Settlement Agreement mitigation improvements, nor are they mentioned anywhere within the document, but they are shown in the ICU worksheets in Appendix N-2 in the 2030 scenarios without any explanation. If these mitigation improvements remain necessary and if they are assumed to be in place at buildout (or sooner), then the RDEIR must provide additional information regarding the implementation of these improvement, including the source(s) of funding and the timing of implementation. | A15a-3 |
| 4. In the RDEIR the City of Irvine intends to downgrade seven arterial roadways through a General Plan amendment (Appendix N-1, Section ES.1.6). These are shown on the MPAH and as such, the OCTA MPAH Amendment Process will need to be followed to reclassify these streets. | A15a-4 |
| 5. Jamboree Road is proposed to be reclassified from a 10-lane arterial to an 8-lane arterial between Barranca Parkway and McGaw Street. However, in Table 1-2 of the Executive Summary, it identifies the addition of a fifth northbound through lane on Jamboree Road as project mitigation at intersection #136, Jamboree Road/Barranca Parkway. Explain how this is going to be achieved. Also explain whether this proposed mitigation is inconsistent with the proposed downgrading of Jamboree. | A15a-5 |
| 6. The mitigation improvement at intersection #138, Jamboree Road/Alton Pkwy is to add a fifth northbound through lane on Jamboree Road. Again, this needs an explanation of how this works on an 8-lane roadway, as is proposed as part of the downgrading of Jamboree's MPAH designation. | A15a-6 |
| 7. In Table 2.9: Study Area Committed Roadway Improvements, of the traffic study, please revise the improvements shown for Red Hill Avenue between Edinger Avenue and Barranca Parkway. Pursuant to the Red Hill Avenue Study, prepared by Irvine in conjunction with Tustin, Red Hill Avenue is planned to be 8-lanes in this section of roadway. This needs to be shown throughout the analysis including the ICU worksheets. The intersection of Red Hill/Carnegie (#754) is shown as deficient in the 2030 scenarios. However, the four through lanes on Red Hill Avenue are not shown in the ICU analysis. All of the | A15a-7 |



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intersections along Red Hill Avenue between Edinger Avenue and Barranca Parkway need to be re-checked for consistency with the arterial classifications.

A15a-7
cont'd.

8. The analysis indicates that the daily projected ADT's for the Post 2030 cumulative baseline no project scenario (Figure 5.1) are substantially lower than the OCTAM 3.3 forecast volumes for the 2035 scenario. Since it is reported that the ITAM 8.4 is consistent with OCTAM, the forecast volumes should be similar. Please explain the discrepancy in results produced by Irvine's and the County's traffic models.

A15a-8

9. Throughout the traffic analysis for all scenarios, Newport Avenue between Edinger Avenue and Valencia Avenue needs to be shown as a 6-lane divided arterial. This roadway was constructed in 2007/2008 and is open to traffic. This configuration will affect the ICU analysis.

A15a-9

10. In Chapter 6.4.5 of the Traffic Study, improvements are identified for locations in Tustin. However, due to the modeling discrepancies and lack of reliable information there may be other locations where impacts are not shown. We are not convinced, based upon some of the above questions and comments, that the traffic analysis is reliable. This may necessitate discussions to work through the modeling process.

A15a-10

11. After Tustin is satisfied with the modeling results, it will be appropriate for revised mitigation exhibits and cost estimates to be submitted for impacted locations in Tustin. It is noted that the RDEIR now lists some impacted Tustin locations that were not included in the original DEIR. Absent revised mitigation exhibits, conceptual costs of these improvements should be included in the RDEIR.

A15a-11

12. In Chapter 9.0 References: It should be noted that the MCAS Tustin reference is the Traffic Study for the April 17, 2006, MCAS Tustin Specific Plan/Reuse Plan. The traffic information provided by the City of Tustin for use in this analysis and for comparative comments was derived from the noted reference.

A15a-12

13. Page 5.12-1 – The RDEIR should indicate the distance from Bill Barber Community Park to the farthest potential locations of residential development in the Irvine Business Complex, as only a portion of the residential development would be within the indicated 0.5 mile.

A15a-13

14. The RDEIR should include a study that analyzes how far residents in a suburban community are willing to travel to reach a community park. Otherwise, there is no justification to the claim that Bill Barber Park is close enough to adequately serve as a community park for the entire Irvine Business Complex. As a

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comparison, the study should also analyze the distances from other Irvine residential neighborhoods to their nearest community parks.

A15a-14
cont'd.

15. Page 5.12-8 – The RDEIR indicates that there were 1.3 persons per dwelling unit in the Irvine Business Complex, based on the 2000 Federal Census. Although it is stated in the RDEIR that surveys conducted in 2005 and 2007 yielded higher persons per household estimates and that these estimates are not legally binding for determining parkland dedication requirements under the Quimby Act, the RDEIR needs to consider the potential environmental impacts resulting from an increased demand for parkland pursuant to the California Environmental Quality Act, which would allow the use of data from other credible sources. The 2005 and 2007 surveys conducted by Alfred Gobar Associates clearly demonstrate that the 2000 Census figure is no longer valid for determining potential recreational impacts. Furthermore, the number of housing units upon which the Census figure was derived in 2000 is significantly less than the housing unit counts in 2005 and 2007, given the number of housing units that were constructed and occupied between 2000 and 2007.

A15a-15

16. Page 5.12-11 – Table 5.12-5 lists existing parks and recreational facilities that are in close proximity to the Irvine Business Complex, but not located in Irvine. However, the table does not identify the parkland proposed at Tustin Legacy in the city of Tustin. Approximately 280 acres of parkland is planned at Tustin Legacy pursuant to the MCAS Tustin Specific Plan. These parks will feature state of the art facilities and will be attractive to residents from nearby areas that are deficient in parkland, such as the Irvine Business Complex. Therefore, the proposed Tustin Legacy parkland should be identified in Table 5.12-5, and the project evaluated in the RDEIR needs to include additional parks for the IBC that will adequately serve the residents of the IBC such that these residents will not cause the parks at Tustin Legacy to be overutilized or contribute to an accelerated deterioration of the Tustin Legacy parks over time.

A15a-16

Thank you again for the opportunity to provide comments on the Recirculated Draft EIR for the City of Irvine Business Complex Mixed Use Community Vision Plan and Overlay Zone. The City of Tustin requests that the City of Irvine revise the Recirculated DEIR and again recirculate the document for public review and comment rather than proceeding directly with the preparation of the Final EIR. In any event, the City of Tustin would appreciate receiving all additional environmental documents with the responses to our comments when they become available and all future public hearing notices with respect to this project.

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A15a. Response to Comments from City of Tustin – Remy, Thomas, Moose and Manley, Attachment A: Community Development Department, dated February 16, 2010.

- A15a-1 See responses to Comments A15-74 and A15-93.
- A15a-2 The typo-graphical error in the RDEIR has been corrected to reflect that ITAM 8.4 was used for all traffic analyses conducted. The traffic study correctly identifies the use of ITAM 8.4
- This section describes the current state of the existing land uses and circulation system within the study area. The City of Irvine’s traffic model, the Irvine Transportation Analysis Model (ITAM) ~~8.4~~ 8.4 was applied to forecast future traffic conditions for the study area.
- A15a-3 See responses to Comment A15-66 and A15-67.
- A15a-4 Comment noted. See response to Comment A15-68.
- A15a-5 The improvement at intersection #136 Jamboree and Barranca is not inconsistent with the downgrading of Jamboree between Barranca Parkway and McGaw Avenue from a 10-lane facility to an 8-lane facility. The improvement of a fifth northbound through lane is designated only at the intersection itself. The proposed improvement at the intersection will include the conversion of the existing northbound free-right turn lane to a standard right-turn lane and a fifth northbound through lane that extends past the intersection and transitions back to existing conditions north of the intersection. The analysis of the arterial roadway capacity along Jamboree between McGaw and Barranca as an 8-lane facility was conducted and no arterial deficiencies were identified.
- A15a-6 At intersection #138 Jamboree and Alton, the build-out baseline condition assumes a fifth northbound through lane at the approach to the intersection itself. This is a committed improvement identified as a mitigation measure in the Tustin Legacy EIR. The intersection improvement is not inconsistent with the proposed downgrade of Jamboree between McGaw and Barranca. The analysis of the arterial roadway capacity along Jamboree between McGaw and Barranca as an 8-lane facility was conducted and no arterial deficiencies were identified.
- A15a-7 See Response to Comment A15-66.
- A15a-8 In order to assess the changes to the physical environment from existing baseline environmental conditions in accordance with CEQA Guidelines Section 15126.2 (a ground-to-plan analysis), the build-out Post-2030 No Project scenario analyzed future regional growth but did not analyze any future land use growth within the IBC. Projected build-out ADT volumes resulting from this analysis are expected to be lower than those observed in the regional OCTAM 3.3 build-out forecasts which assume build-out of all areas including the IBC area. See also responses to Comments A15-74 and A15-93.
- A15a-9 Newport Avenue between Edinger and Valencia is correctly assumed to be a 6-lane facility in the traffic model (ITAM 8.4); however, it is incorrectly reflected as a 4-lane arterial in the arterial analysis and will therefore be re-analyzed and traffic study tables updated to reflect the assumed 6-lane condition under both existing and future scenarios. Reanalysis of this segment results in the removal of the identified daily ADT deficiency under interim and build-out conditions in the traffic study and these results will be documented in the FEIR. This does not affect the conclusions or mitigation strategies identified in the traffic study.



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The Intersection ICU analysis at this location, Newport and Edinger, as it is based on the intersection lane configuration provided by the City of Tustin for the interim year and build-out analysis, assumes the widening and future improvements on Newport Avenue. The forecast results at this location are consistent with the future build-out and operation of the intersection.

- A15a-10 See responses to Comments A15-74 and A15-93.
- A15a-11 See responses to Comments A15-74 and A15-93. The City of Irvine is committed to working with the City of Tustin on the proposed traffic mitigations (cost estimates and preliminary engineering layouts) in Tustin as identified in the RDEIR and Traffic Study; however, this level of detail will not be included in the EIR.
- A15a-12 Comment is hereby noted and will be forwarded to the appropriate City of Irvine decision makers for their review and consideration.
- A15a-13 Community Parks are publicly owned and maintained by the City of Irvine. As such, community parks are available to residents Citywide. In general, a typical service area radius for community parks is two miles. As such, this would allow the majority of the IBC area residents to be served by Col. Bill Barber Park Memorial Community Park. The portion of the IBC between Teller and Campus would be just outside this radius. For this reason, the City is looking at community park opportunities south of Interstate 405 as part of the Vision Plan project.
- A15a-14 See comment A15a-3. The typical service area radius for a community park is two-miles. Distances to parks are shown in Tables 5.12-1, 5.12-2, and 5.12-5. This service radius is consistent with other community parks in the City. Furthermore, lead agencies are not required to generate their own original research; however, where specific information is currently, available the analysis includes that information (CEQA Guidelines Section 15144). It should be noted that page 5.12-5 identifies the Bill Barber Marine Corps Memorial Park as a recreational facility that serves the IBC Vision Plan Area.
- A15a-15 See response to Comment A15-37 and A15-38 regarding persons per household estimates. The Alfred Gobar surveys had a response rate between 5 and 10 percent. Therefore, the use of the adopted population factor of 1.3 persons per household from the 2000 Federal Census for this project is considered more accurate and is justified.
- A15a-16 The RDEIR lists exiting parks to serve the needs of IBC residents, consistent with CEQA Guidelines Section 15126.2 (a ground-to-plan analysis) in the RDEIR. The planned completion date for the Tustin legacy parks is unclear, particularly with respect to the planned neighborhood park in the Columbus Grove neighborhood. This park was scheduled to be built as part of the portion of this neighborhood within the City of Tustin, however, the homes have been completed without this park, and the City of Irvine is aware of complaints from Columbus Grove residents over not having a park, and asking the City of Irvine to improve the vacant piece of property adjacent to their neighborhood for use as a park for Tustin residents.

In addition, the number of units built at Tustin Legacy without a park in place to support them suggests that Tustin residents would likely be using closer City of Irvine public facilities for their community park needs

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The 280 acres of proposed parkland planned at Tustin Legacy is noted. As this parkland is planned and not existing, this parkland is not included in Table 5.12-5. As discussed in Impact 5.12-1, there are several parks in Irvine that are in closer proximity than the parks in the surrounding cities (see Tables 5.12-1 and 5.12-2), it is the project would have a significant impact on the surrounding city's parks and recreational facilities.

A15a-17 Comment noted. See response to Comment A15-118. The City of Tustin will be notified of all future public hearings regarding the IBC Vision Plan project.



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LETTER A15b – Remy, Thomas, Moose, and Manley, Attachment B (29 pages)

ATTACHMENT B

Comment letter regarding RDEIR from the
City of Tustin's traffic consultant,
Smith Engineering and Management,
dated February 11, 2010



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SMITH ENGINEERING & MANAGEMENT

February 11, 2010

City of Irvine
Department of Community Development
Attn: Bill Jacobs, AICP, Principal Planner
One Civic Center Plaza, P.O. Box 19575
Irvine, CA 92623-5975

Subject: Vision Plan and Mixed Use Overlay Zoning Code Project Recirculated
Draft Environmental Impact Report – State Clearinghouse #
2007011024

Dear Mr. Jacobs:

On behalf of the City of Tustin (hereinafter the "City"), I have reviewed Recirculated Draft Environmental Impact Report (hereinafter the "RDEIR") for the Irvine Business Complex (IBC) Vision Plan and Mixed Use Overlay Zoning Code (hereinafter the "Project"). I previously commented on the original Draft Environmental Impact Report (hereinafter the "DEIR") for this Project in a letter dated May 12, 2009, a letter that the RDEIR now refers to as part of a grouping designated Letter A11. My qualifications to perform this review are thoroughly documented in the May 12, 2009 letter and my professional resume attached thereto. My detailed comments on the subject RDEIR follow.

Changes in the Traffic Analysis from the Original DEIR Are Not Adequately Explained

Please explain all the differences in traffic analysis methodology, trip generation and other data assumptions and circulation network assumptions between the original DEIR traffic study and the one presented in the RDEIR. This includes information for the traffic analysis zones (TAZs) outside the IBC boundaries and for the external stations to the ITAM model as well as the validation and refinement procedures and results embodied in the ITAM 8.4 traffic model (which representatives of the City of Tustin have not been given the opportunity to review). We note here that outside legal counsel for the City of Tustin requested the above information under the Public Records Act from the City of Irvine. The City of Irvine replied in a letter dated 2-10-10 from Jill M. Schroder, CRM, Municipal Records Manager, refusing to provide trip data for the ITAM external

A15b-1

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stations. This letter stated as follows: "With regard to your request for trip information for all ITAM 8.4 external stations for all traffic analysis scenario runs of the model, please be advised that public records within the specific compilation of data that you request do not exist, as that information is stored as raw traffic model data." This is comparable to claiming that a Microsoft Word document does not exist as a public record because it is stored on a computer rather than in paper copy. In our 43 years of experience dealing with traffic forecast models, we have never encountered a traffic model software that could not quickly and efficiently print out trip end summaries by trip purpose for all zones in the model including the external stations or, for that matter, actual zone-to-zone trip tables, by purpose, for all zones including external stations. The denial of the ability to furnish this information is unreasonable and unfounded. Please comply with the data request.

A15b-1
cont'd.

As grounds for this request, we note that the results of the RDEIR traffic study are vastly different than the original DEIR. Consider the following examples:

- The Post-2030 With Project analysis in the original DEIR found that 18 specific intersections would operate at unacceptable Level-Of-Service (LOS) in the PM peak hour. However, the RDEIR analysis finds that for the Post-2030 With Project scenario, only 14 intersections would operate at unacceptable LOS. However, 8 of the locations found to be deficient in the original DEIR traffic analysis are not among those so identified in the RDEIR traffic analysis. And 4 new locations not identified as deficient in the original DEIR traffic study are now identified as being in unacceptable condition in the RDEIR. *So there is a difference of 12 deficient intersections between the original DEIR and the RDEIR for this scenario.* Moreover, in the AM peak hour, both the DEIR and the RDEIR found 6 intersections deficient. However, 2 intersections identified as such in the DEIR are not so identified in the RDEIR and 2 intersections not so identified in the DEIR are disclosed in the RDEIR. *So there is a difference of 4 intersections, identified as deficient.*
- For the arterial segment Average Daily Traffic (ADT) analysis, also in both instances for the Post-2030 With Project scenario, the original DEIR identifies 26 arterial segments as operating at unacceptable LOS; the RDEIR so identifies only 21. However, of those arterial segments identified as deficient in the DEIR, 12 are not so identified in the RDEIR; meanwhile, the RDEIR identifies as deficient 7 other intersections not so identified in the DEIR. *So there is a net difference of 19 road segments identified as deficient between the two studies.*
- In the freeway mainline segment analysis, for the AM peak, also in both instances for the Post-2030 With Project Scenario, the original DEIR identifies 17 freeway segments as operating at unacceptable LOS while the RDEIR traffic analysis identifies 24 locations at unacceptable LOS.

A15b-2

A15b-3

A15b-4

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Recognizing that the RDEIR reporting combines 3 of the deficient segments reported into the DEIR as a single deficient section, *there is a net of 15 different freeway mainline sections reported as deficient between the two studies* (5 sections deficient in the DEIR not so in the RDEIR; 12 sections deficient in the RDEIR not so in the DEIR. For the PM peak, for the same comparable scenarios, the original DEIR reports 8 freeway mainline segments operating at deficient LOS; the RDEIR reports 24 freeway mainline segments at unacceptable LOS. However, 5 of the deficient mainline segments reported in the original DEIR are not so reported in the RDEIR. Meanwhile, 21 locations not reported as deficient in the original DEIR are reported as deficient in the RDEIR. Hence, there is a *net difference between the studies of 26 freeway mainline segments reported as deficient in the PM peak.*

A15b-4
cont'd.

- In the freeway ramp analysis, for the AM peak, also in both instances for the Post-2030 With Project Scenario, the original DEIR identifies 28 freeway ramps as operating at unacceptable LOS while the RDEIR identifies only 13 as unacceptable. However, 22 of the specific ramps identified as deficient in the original DEIR are not so identified in the RDEIR while 7 ramps identified as deficient in the RDEIR are not so identified in the original DEIR. Hence, *for the AM period, there is a net difference of 29 ramps identified as deficient between the DEIR and the RDEIR.* For the PM peak in the same Post-2030 With Project scenario, the original DEIR identifies 13 ramps as operating at unacceptable LOS; the RDEIR identifies 19. However, 10 of the deficient ramps identified in the DEIR are not among those identified in the RDEIR; 16 of the ramps identified as deficient in the RDEIR are not among those identified as deficient in the original DEIR. So *for the PM peak, there is a net difference of 26 ramps identified as deficient between the DEIR and the RDEIR.*

A15b-5

These are vast differences in findings that go to the fundamental purposes of the traffic study. Since neither the definition of the Project nor the traffic generation within IBC have been meaningfully changed between the DEIR and the RDEIR, these vast differences in the traffic results must reflect changes between the DEIR traffic analysis and the RDEIR traffic analysis including, but not limited to:

- a) traffic generation assumed in the ITAM model's traffic analysis zones outside IBC and its' external stations,
- b) traffic network assumptions including linkages, capacities and travel speeds, differences in trip distribution patterns,
- c) differences in analysis procedures including differences in traffic forecast "refinement processes", traffic LOS analysis procedures or ADT to peak hour relationships.

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None of this is to say that either the original DEIR traffic study or the RDEIR is "right" or "wrong". However, in the face of the vast differences in results, the public has sound reason to question whether the RDEIR findings with respect to traffic are reliable. The RDEIR must provide a coherent, detailed and illuminative description of all the factors that contribute to the differences between its traffic study and that of the original DEIR exist. The explanation for the analysis must be transparent so that the public and concerned agencies can understand the RDEIR's results. The copious information in the RDEIR appendices is incomplete. It is also, in some instances, unintelligible to the layman. The absence of any explanation for the substantial differences in traffic analysis results is insufficient under CEQA.

A15b-6
cont'd.

The Traffic Data Input To the RDEIR's Air Quality Analysis Is Obsolete, Rendering the Air Quality Analysis Inadequate

We examined the RDEIR's air quality analysis and supporting appendix for consistency with the RDEIR's new traffic study. At pdf pages 87 thru 89 plus 95 of the RDEIR Appendix G ¹, the document indicates that the interim year analysis is for 2013 (the year of the now obsolete traffic forecasts in the original DEIR), not for 2015 (the RDEIR's interim forecast year). Also, the dates in the lower right hand corners of the referenced pages indicate the work was prepared (or printed out) on March 4, 2009, a date prior to circulation of the original DEIR. Consistent entries of 2013 for the interim analysis years on the referenced pages suggest they are not typographical errors.

It might theoretically be argued that at the macro scale of the air quality analysis documented on the referenced pages, the changes in the traffic inputs from the DEIR's 2013 traffic analysis to the RDEIR's 2015 traffic analysis are immaterial to the air quality outcome. However, given the very substantial changes between the original DEIR traffic forecasts and those in the RDEIR, such a facile explanation would be purely speculative and would need to be backed up by quantified technical analysis. Even if true for the broad area analyses documented in the pages noted above, it certainly is not true for the air quality projections of the CALINE analysis which are site-specific to particular intersections. We observe that RDEIR Appendix G pdf pages 13 and 14, which are the traffic inputs to the site-specific air quality analyses, are also dated March 4, 2009, meaning they come from the obsolete DEIR traffic study, not the RDEIR traffic study. We note that, elsewhere herein, we extensively document that the RDEIR's new site-specific traffic projections are significantly different than the old ones from the original DEIR. Hence, all parts of the RDEIR's air quality analysis that rely upon traffic inputs must be redone, using data from the RDEIR's traffic study.

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¹ The pages of RDEIR Appendix G are not sequentially numbered, so the reference to pdf page numbers must suffice.



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The RDEIR's Analysis of the MPAH Projects Is Inadequate

The RDEIR analysis of the value of the MPAH improvements is excessively simplistic and rigid, employing a narrow criterion of benefit that fails to measure the full usefulness of the MPAH improvements. In addition, the RDEIR analysis considers the consequences of the MPAH improvements at each road segment, intersection, freeway segment and freeway ramp as individual isolated entities and, as a consequence, it fails to consider the systematic value of the MPAH improvements. Finally, the RDEIR only considers the group of MPAH projects as a whole; it fails to evaluate whether some components of the MPAH improvement group have more value than others.

The RDEIR's sole criterion for valuing the net effects of the MPAH improvements is the numbers of locations where those improvements, in aggregate, at the post 2030 level of development in conjunction with the Vision Plan land use development project, cause more individual road segments, intersections, freeway segments and freeway ramps, each considered in isolation from the others, to change from unacceptable LOS to acceptable LOS or vice-versa. This is too simplistic and narrow a criterion. For example, if the MPAH measures improve LOS from say LOS D to LOS B at several intersections, this is a substantial benefit to the affected public but it isn't accounted in the RDEIR's method of valuing the benefit of the MPAH measures. The RDEIR analysis of the MPAH improvements should consider all levels of perceptible improvement or worsening, to wit:

- Consider how many road segments, intersections, freeway segments and freeway ramps are improved (or worsened) at a level perceptible to the driving public (though not at a level that changes the LOS designation). This category would also include those locations that are changed at a level perceptible to the driving public though remaining in an unacceptable LOS range.
- Consider how many road segments, intersections, freeway segments and freeway ramps are improved (or worsened) at a level that changes conditions by a whole LOS rating (though not changing conditions from unacceptable to acceptable or vice-versa).
- In addition to considering how many road segments, intersections, freeway segments and freeway ramps are improved (or worsened) at a level that changes conditions from unacceptable to acceptable or vice-versa, consider changes that do not cross the acceptability criterion but that are of a magnitude indicative of a significant alteration of functionality (for instance, a condition deeply into LOS F versus one that is marginally across the threshold of LOS F).

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- In the case of facilities already operating at unacceptable levels of service in the Post-2030 No Project condition, consider changes that lower V/C with the Post-2030 With-Project MPAH Network back to or below that in the Post-2030 No Project condition (where the V/C in the Post-2030 With-Project Constrained Network is higher) to have a benefit similar to that of returning V/C to an acceptable level of service. This is justified by the RDEIR's criterion that considers, in cases where a facility is already operating at an unacceptable level of service, that a project's impacts are fully mitigated by a measure that simply returns V/C to the level prevalent in the corresponding No Project condition.

In addition, the RDEIR's MPAH analysis should:

- Consider whether the deficiencies that appear as the outcome of certain MPAH projects could and should be easily and logically eradicated with refinement measures that can easily and would ordinarily be incorporated within the scope of the particular MPAH component project. For apparently impacted sites that are located outside the immediate project areas of any of the MPAH projects but that could be readily mitigated through other minor improvements, define and implement those measures.
- Consider the interactive effects of adjacent locations analyzed. For instance, the RDEIR analysis of MPAH should consider whether the difference in conditions on particular freeway on-ramps is enough to affect whether or not ramp traffic will queue back into upstream intersections, thereby causing the LOS there to deteriorate from that predicted in the ICU analysis or whether or not the difference at an off-ramp will cause that ramp to queue back onto the freeway mainline segment, thereby causing LOS to drop precipitously from the calculated LOS on the mainline and seriously compromising safety.

More careful and thoughtful analysis of the information already generated in the RDEIR can do these things or can be used to pinpoint locations where more detailed queuing analysis is appropriate (and supply the input data to the queuing analysis procedures).

To demonstrate that the MPAH analysis results presented in the RDEIR, if more carefully examined, support a conclusion completely opposite from the one the RDEIR has reached, we performed a more detailed evaluation of the MPAH analysis data. Instead of solely considering as meaningful those situations where comparison of the 2030 Vision Plan Project and proposed roadway network versus that of the 2030 Vision Plan land use plus MPAH network resulted in one having acceptable LOS while the other had unacceptable LOS,

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we ranked the outcome of the V/C-LOS performance comparison into seven categories as shown on the following table.

Neutral	No perceptible change in V/C-LOS
Perceptible Benefit and Perceptible Worsening	V/C changed enough (better or worse) to be perceptible to driving public, but not so much as to change LOS. Within the better LOS ranges (A – D) this is interpreted as a change of at least 0.05 V/C. Within LOS E and F ranges, this is the 0.01 to 0.02 LOS range the affected local jurisdictions employ as a threshold of significant impact.
Substantial Benefit and Substantial Worsening	V/C changed enough (better or worse) to change the LOS designation, though not from unacceptable category to acceptable or vice versa.
Highly Substantial Benefit and Highly Substantial Worsening	V/C changed enough (better or worse) to change LOS designation from unacceptable to acceptable or vice versa. Also, within unacceptable range, V/C changed so extensively as to significantly change functionality of operations at the location considered or changed with MPAH to return V/C to the No Project level when V/C is higher with the Constrained Network.

A15b-9
cont'd.

Road Segment Analysis

The RDEIR finds that, in the Post-2030 With-Project condition and with the MPAH Network improvements assumed, two road segments that would be in unacceptable condition in the Post-2030 With-Project condition and with the Constrained Network assumptions in place would be improved to acceptable conditions. One of the deficient segments improved to acceptable conditions was identified as a significant impact of the Project. The RDEIR also notes that one road segment that is in acceptable condition in the Post-2030 With-Project condition and with the Constrained Network assumptions in place is worsened to unacceptable conditions in the Post-2030 With-Project condition and with the MPAH Network improvements assumed. The RDEIR later concludes that the value of these changes in conditions, together with changes in conditions on freeway ramps, freeway mainline segments and at road intersections do not justify implementation of the MPAH improvements.

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However, if one applies the above rating system to the comparative data presented on RDEIR Appendix N-1 Table 7.8, the following findings are disclosed:

- 5 road segments are Highly Substantially Benefited; only 1 road segment is at a Highly Substantially Worsened.
- 17 road segments are scored Substantially Benefited versus only 3 scored Substantially Worsened.
- 28 road segments are scored Perceptibly Benefited versus only 7 scored Perceptibly Worsened.
- As expected, with so many road segments considered over a large area, many of them remote from the locations of the MPAH improvements, a large number are not perceptibly affected (Neutral). A total of 214 of the 275 road segments represented on the Table are scored Neutral.

The net result, 50 road segments benefited (5 Highly Substantially, 17 Substantially and 28 Perceptibly) versus 11 worsened (1 Highly Substantially, 3 Substantially and 7 Perceptibly) indicates a very strong net benefit from the MPAH measures, contrary to the findings of the RDEIR conclusion.

The one road segment that changes from acceptable to unacceptable performance is the segment of Alton Parkway between Daimler Street and Red Hill Avenue. This segment of Alton is the road segment connecting directly to the proposed Alton Avenue overcrossing of SR 55 on the west and the proposed widening of Alton from Red Hill to Jamboree on the east, both of which are MPAH measures in the RDEIR analysis. The problem on this segment should be viewed as one of an incomplete conceptual scoping of the Alton overcrossing project or Alton widening project rather than as a negative consequence of the MPAH improvements. Alton has a curb-to-curb width of approximately 70 feet at the Daimler end of the segment and about 80 feet along most of its' length to Red Hill, so it should be a simple and low cost matter to restripe to a lane configuration that averts the apparent deficiency. This item should not be regarded as a sound reason for failure to implement the MPAH projects.

Intersection Analysis

The RDEIR's evaluation of the content of its' comparative analysis of intersections the Vision Plan versus MPAH road systems that is presented on Table 7.10 of Appendix N-1 is that there would be 5 intersections that improve from unacceptable conditions to acceptable ones and 5 other intersections that worsen from acceptable conditions to unacceptable ones. On this simple basis, it concludes that the MPAH measures have no systematic value overall to

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A15b-11

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intersections in the study area. However, if one applies the above rating system to the comparative data presented on RDEIR Table 7.10, the following findings are disclosed:

- 18 of the intersections are scored Perceptibly Benefited versus only 7 scored Perceptibly Worsened.
- 26 intersections are scored Substantially Benefited versus only 7 scored Substantially Worsened.
- 13 intersections are scored Highly Substantially Benefited versus only 6 scored Highly Substantially Worsened.
- As expected, with so many intersections considered over a large area, many of them remote from the locations of the MPAH improvements, a large number are not perceptibly affected (Neutral). A total of 146 of the 223 intersections represented on the Table are scored Neutral.

A15b-11
cont'd.

The net result, 57 intersections benefited (13 Highly Substantially, 26 Substantially and 18 Perceptibly) versus 20 worsened (6 Highly Substantially, 7 Substantially and 7 Perceptibly) indicates a very strong net benefit from the MPAH measures, contrary to the findings of the RDEIR conclusion.

At several of the intersections where the data on Table 7.10 indicates the MPAH measures would worsen conditions, that conclusion is spurious, most often because the intersection would logically be modified as a concomitant feature of an MPAH project, since the intersection is located within the limits of the project or on its immediate threshold. Hence, the problem is one of inadequately refined project definitions for the 1992 IBC Plan and Zoning mitigation measures, not a deficiency caused by the MPAH projects. Examples include:

- The intersections of Halladay East and Halladay West with Alton are located at the immediate western threshold of the proposed Alton-S.R. 55 overcrossing, one of the MPAH projects. The RDEIR indicates that conditions at these intersections would worsen respectively "highly substantially" and "substantially" as the result of the MPAH projects. This is a predictable outcome based on their proximity to the overcrossing project, which would attract traffic to this area of Alton. Given that proximity and predictability, it is entirely expected that as project definition and design for the overcrossing project advanced, necessary improvements to maintain operations at acceptable levels at these intersections would be incorporated in the project. The approaches to the intersections have sufficient curb-to-curb width so that simple restriping will be sufficient to maintain adequate conditions at these intersections, consequently resulting in negligible additional cost to the overcrossing project. All that is needed is a little more careful and sensible design of the project scoping and details.

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- The intersection of Alton with Von Karman sits at the crossroads of two of the MPAH measures that are analyzed for deletion in the RDEIR – the widening of Von Karman to 6 lanes from Barranca to Michelson and the widening of Alton to 6 lanes from Red Hill to Jamboree. The RDEIR finds that operations at this intersection would deteriorate from acceptable to unacceptable conditions in the P.M. peak as a consequence of the MPAH measures. However, it is nonsensical and inconceivable for the RDEIR to presume that this intersection would not be widened as necessary within the scope of the two widening projects that intersect there in order to maintain intersection operations in acceptable conditions. In fact, the right of way and building setbacks at the intersection appear to anticipate such improvement.
- The RDEIR projects that the intersection of Red Hill and Alton would deteriorate to unacceptable LOS condition with the implementation of the MPAH measures. This intersection is at the intersection of two MPAH measures, the widening of Alton from Red Hill to Jamboree and the widening of Red Hill from Barranca to Main. It is also directly in between the Alton widening and another MPAH measure, the proposed Alton overcrossing of SR 55. It is inconceivable that improvements to maintain this intersection at an acceptable level of service would not be included within the scope of one of the two MPAH widening projects.
- The RDEIR projects that the intersection of Von Karman with Michelson would deteriorate to unacceptable LOS with implementation of the MPAH projects. This intersection is the south limit of the proposed widening of Von Karman to 6 lanes, one of the MPAH measures. It is inconceivable that the detailed scoping and design of that widening project would not include improvements necessary to maintain its' terminus intersection at an acceptable level of service. Right of way and setback provisions at this location appear sufficient for necessary intersection improvements to take place.
- The RDEIR predicts that the intersections of Redhill Avenue at Paularino Avenue and Red Hill at Baker Street would deteriorate to unacceptable levels of service with implementation of the MPAH measures. These two intersections are located in the City of Costa Mesa, respectively slightly less than and slightly more than a mile south of the south limit of the MPAH measure widening Red Hill as far south as Main provide important undercrossings of and ramps to SR 55 for development located west of John Wayne Airport. Inspection reveals that there is sufficient curb-to-curb width at both of these locations such that acceptable operations could be maintained through lane restriping. In these cases, the superficial nature of the RDEIR's analysis of the effects of the MPAH measures unreasonably elevates an important detail that needs to be

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taken care of into a purportedly major reason for not implementing the MPAH measures.

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Freeway Ramp Analysis

The RDEIR comparative analysis of freeway ramp performance with and without the MPAH measures is presented on Table 7.12. The RDEIR examines the performance results, evaluating this data solely in terms of the inappropriately narrow consideration of whether unacceptable performance conditions are eliminated or induced. It finds that the MPAH improvements eliminate unacceptable conditions on 2 ramps and result in unacceptable conditions on 1 ramp. Its proceeds from this finding to the ultimate conclusion that the MPAH measures do not provide sufficient benefit to justify implementing them.

As in the intersection analysis, we examined the comparative ramp performance data in RDEIR Table 7-12 of Appendix N-1 using the same valuation protocol as described above. The results follow:

- As might be expected given the size of the study area and the many ramps evaluated that are quite remote from the MPAH improvement sites, 66 of the 98 ramps in the Table experienced effects rated Neutral.
- Adding the MPAH measures were projected to result in Perceptible Benefit to 20 of the ramps while resulting in Perceptual Worsening to only 1 ramp.
- Adding the MPAH measures were projected to result in Substantial Benefit to 4 ramps while not resulting in Substantial Worsening on any ramp.
- Adding the MPAH measures were projected to result in Highly Substantial Benefit to 6 ramps while resulting in Highly Substantial Worsening on only 1 ramp.

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The net result, 30 ramps benefited (20 perceptibly, 4 substantially and 6 highly substantially) with conditions on only 2 ramps worsened (1 perceptibly, 1 highly substantially) indicates a very strong net benefit from the MPAH measures, contrary to the RDEIR's conclusion. We note that Appendix N-1 Table 7-12 did not include the Post-2030 No Project analysis, so it did not disclose which locations already in unacceptable condition the MPAH measures may have mitigated back to the Post-2030 No Project levels from worse V/C under the Post-2030 With-Project Constrained Network scenario. Hence, the benefits of the MPAH measures may have been greater.

In addition to the above, the superficial nature of the RDEIR's evaluation fails to recognize important reasons for implementing the MPAH improvements. Examples include:

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- At the I-405 southbound off ramp to Jamboree, the RDEIR's own results show that queuing under the Post-2030 With-Project Constrained Network projections would likely extend back into the freeway mainline lanes, having compounding adverse operational and safety consequences. Under the Post-2030 With-Project MPAH network, the ramp queuing would not likely extend back into the freeway mainline lanes. The RDEIR fails to perform the queuing analysis that would be an appropriate follow-up to the indications of the data and gives no recognition to this significant difference in favor of the MPAH measures.
- At the I-405 northbound off ramp to MacArthur, the RDEIR's own results show that queuing under projections would likely extend back into the freeway mainline lanes, having compounding adverse operational and safety consequences. Under the Post-2030 With-Project MPAH network, the ramp queuing would be less likely to extend back into the freeway mainline lanes. The RDEIR fails to perform the queuing analysis that would be an appropriate follow-up to the indications of the data and gives no recognition to this significant difference in favor of the MPAH measures.
- At the SR 55 southbound on ramp from Baker Street in Costa Mesa, the on ramp deficiency projected in the RDEIR for the Post 2020 With-Project Constrained Network scenario is likely to cause ramp traffic to queue back into and obstruct the ramp intersection with Baker. The RDEIR projections show that this would not occur in the scenario with the MPAH measures. However, the RDEIR fails to perform the queuing analysis that would be an appropriate follow-up to the indications of the data and gives no recognition to this significant difference in favor of the MPAH measures.
- At the SR 55 northbound on ramp from Paularino Avenue in Costa Mesa, the on ramp deficiency projected in the RDEIR for the Post-2030 With-Project Constrained Network scenario is likely to cause ramp traffic to queue back into and obstruct the ramp intersection with Paularino. The RDEIR projections show that this is less likely to occur or would occur considerably less frequently in the scenario with the MPAH measures. However, the RDEIR fails to perform the queuing analysis that would be an appropriate follow-up to the indications of the data and gives no recognition to this significant difference in favor of the MPAH measures.
- At the SR 55 southbound off ramp to MacArthur Boulevard, the projection data in the RDEIR indicates that off ramp traffic is likely to queue back into the freeway mainline lanes, having compounding adverse operational and safety consequences whereas the RDEIR projections indicate this is likely to occur considerably less extensively and frequently in the scenario with

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the MPAH measures. However, the RDEIR gives no recognition to this significant difference in favor of the MPAH measures.

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- At the SR 73 northbound on ramp from Campus Drive, the RDEIR data shows that in the AM, ramp traffic is likely to queue back into the ramp intersection with Campus in the Constrained Network scenario, but that this is less likely to occur or would occur considerably less frequently in the scenario with the MPAH measures. However, the RDEIR fails to perform the queuing analysis that would be an appropriate follow-up to the indications of the data and gives no recognition to this significant difference in favor of the MPAH measures.

A15b-24

Freeway Mainline Segment Analysis

In considering a total of 60 freeway mainline segments in the study area, the RDEIR finds that, under its narrow valuation criterion, one freeway segment improves and one deteriorates.

However, if one applies the above rating system to the comparative data presented on RDEIR Table 7.11 of Appendix N-1, the following findings are disclosed:

- 21 freeway mainline segments are Perceptibly Benefited whereas only 2 mainline segments are Perceptibly Worsened.
- 2 freeway mainline segments are substantially benefited whereas none are substantially worsened.
- 3 freeway mainline segments are highly substantially benefited whereas only 2 are highly substantially worsened.

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Overall 26 freeway mainline segments are benefited at some level, 4 are worsened and 30 are neutrally affected. We note that Appendix N-1 Table 7-11 did not include the Post-2030 No Project analysis, so it did not disclose which locations already in unacceptable condition the MPAH measures may have mitigated back to the Post-2030 No Project levels from worse V/C under the Post-2030 With-Project Constrained Network scenario. Hence, the benefits of the MPAH measures may have been greater.

As with the case of road segments, intersections, and freeway ramps, these results show very strong benefit to freeway mainline segments from the MPAH measures. This is in direct contradiction to the conclusions of the RDEIR based on its' unreasonably narrow valuation criterion.

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Summary Re MPAH Evaluation

In summary, valuing the MPAH improvements by more comprehensively relevant criteria results in a finding that 163 of the road segments, freeway segments, ramps and intersections would be benefited at a perceptible level or more significantly; only 37 locations would be worsened at a perceptible level or more significantly. Hence, contrary to the finding in the RDEIR, there is a very significant benefit to the MPAH improvements. The RDEIR's finding that the MPAH mitigations do as much harm as good is exposed as an illusion created by unreasonably narrow evaluation criteria.

As we note at the outset of this section, the fundamental flaw in the RDEIR evaluation of the MPAH improvements is that it solely values the improvements as being effective or ineffective based on whether or not conditions on the roadway cross the threshold between acceptability and unacceptability. This is the equivalent of saying it is suitable for all of the components of the street and highway system to deteriorate to the transition point to LOS F (or the transition point to LOS E where E is regarded as unacceptable) but not over the transition point. In reality, neither LOS E or LOS F are desirable at all. It is desirable that facilities operate at LOS D or better and that those which are in LOS E or LOS F operate at as low a V/C ratio as possible.

It must be realized, of course, that the so-called package of MPAH improvements are actually the sub-set of uncompleted mitigation measures for the 1992 Plan and Zoning that the City of Irvine now no longer wishes to implement. Those mitigation measures were proposed as mitigation for the deterioration of service on the roadway network caused by the *whole development* of the 1992 IBC Plan and Zoning. Those measures were, even back in 1992, incomplete in mitigating the full traffic impacts of the IBC Plan and Zoning since the City certified the EIR after finding significant and unavoidable traffic impacts and adopting a statement of overriding considerations. Whether it is because the original 1992 traffic mitigations were incomplete or because non-IBC traffic has grown more extensively than anticipated in 1992, the unconstructed 1992 mitigations now grouped as the MPAH improvements should not be expected to solve all the deficiencies now disclosed in the current analysis nor should they be dismissed because they do not do so.

The RDEIR has produced a mountain of traffic analysis data and presented it in attractive formats, creating the illusion of a thoughtful analysis of the MPAH improvements. But once the inadequacies of the evaluation criteria are understood, it becomes evident that the RDEIR's MPAH analysis is no more than a transparent attempt to jettison and evade the responsibility for those portions of the 1992 mitigation program that the City of Irvine no longer wishes to

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implement.² Irvine hasn't supported with substantial evidence its decision to delete these mitigation measures and has not demonstrated that these measures are "no longer necessary."

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The RDEIR's Estimates of the Trip Generation of the Residential Land Use Component in IBC Is Understated

The RDEIR's analysis of traffic generation (as well as its' analysis of parkland needs) has been based on an assumption of an average occupancy of 1.3 persons per dwelling unit in IBC, derived from the 2000 U.S. Census. Subsequent studies of the IBC residential occupancy density performed on behalf of the City of Irvine in 2005 and 2007 by Alfred Gobar Associates after many more residential units had been built in IBC than at the time of the 2000 Census indicated considerably higher residential unit occupancy densities.

The RDEIR traffic study's socioeconomic trip generation rates for many trip types, including 'home based work trip productions', 'home based shop trip productions', 'home based other trip productions', 'home based university trip productions', 'home based school trip productions' and 'other based work trip productions', are all functions of either population or employed residents, as can be seen on RDEIR Appendix N-1, page 12, Table 2.1. The assumptions of both population and employed residents in each traffic analysis zone are directly driven by the assumptions of person occupancy per dwelling unit. Significantly higher person-occupancy per dwelling unit translates directly to significantly higher trip generation for traffic analysis zones where residential units are located.

A15b-27

The RDEIR's disregard of the evidently more reliable IBC residential occupancy data from the Gobar surveys for the less representative data from the 2000 census understates project trip generation (leading to potential failure to disclose impacts, the severity of impacts and the extent of mitigation needed) is an unreasonable 'cherry-picking' of data to bias the results toward ones the City prefers (less Project traffic impacts) and is not consistent with the good faith effort to disclose impacts that CEQA demands.

The RDEIR Fails To Adequately Mitigate Impacts Disclosed

Existing + Project Conditions

The RDEIR discloses traffic impacts in the Existing + Project scenario but declines to mitigate them on the grounds that the impact conditions are "theoretical". This rationalization is ridiculous since any traffic forecast, including

A15b-28

² We also observe that there are many more sophisticated methods for evaluating the effectiveness of a major highway improvement program that are not reflected in the RDEIR's analysis or our comments here.

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the future land use and socioeconomic variables input to it and the procedures of trip distribution and route assignment, is theoretical. If being "theoretical" is an accepted basis for being exempt from mitigation requirements, then any traffic impact disclosed through a traffic forecast is similarly exempt from mitigation. In point of fact, the Existing + Project scenario is less theoretical than future year scenarios the City of Irvine prefers to rely on. At least the Existing traffic (which accounts for the vast majority of all traffic) in the Existing + Project scenario is actual measured traffic. In the future year scenarios the City of Irvine prefers to rely on traffic estimates, including the representation of existing traffic, that are theoretically synthesized.

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The RDEIR fails to conform to CEQA requirements to disclose and implement feasible mitigation for all significant impacts of the project and to define a project's impacts from the baseline of the environmental conditions as they exist at the time of the Notice of Preparation.

Intersections

The RDEIR identifies a significant project traffic impact at the intersection of Jamboree and Michelson but declares the needed mitigation infeasible because of physical constraints and cost considerations. However, the physical constraints are not a reasonable basis for overriding considerations since the constraints were substantially created by the City of Irvine's own approval of the HCG development project adjacent to the intersection of Jamboree and Michelson, an approval in 2009 with waivers of setback from plan lines that was done with knowledge that this could constrain necessary traffic mitigation measures. The City of Irvine cannot use constraints it created as a justification for declaring the mitigation infeasible. In addition, the HCG development project is the subject of a pending lawsuit brought by the City of Tustin and the City of Newport Beach. Irvine has discretion to rescind the approvals for this project, thereby removing a physical constraint to mitigating disclosed impacts to Jamboree and Michelson.

A15b-29

Similarly, the City of Irvine cannot reasonably cite cost of this intersection mitigation improvement as a justification for declaring the mitigation infeasible. The RDEIR has made no disclosure of a cost estimate to overcome the physical constraints and construct the proposed intersection mitigation. Moreover, through Vision Plan, the City of Irvine proposes to free itself of the obligation to widen several miles of arterial roadways (see MPAH Projects) that it committed to construct as part of the mitigation in the 1992 IBC Plan and Zoning EIR. Compared to the cost savings on the 1992 mitigation measures now proposed to be excised from the mitigation program, the cost to overcome the physical constraints and construct the intersection mitigation at Jamboree and Michelson

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is minor, akin to small pocket change. The City should require that the Jamboree-Michelson intersection mitigation be implemented.

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Freeway Mainline and Ramp Systems

The RDEIR identifies the fact that the Project would have a number of significant impacts on freeway segments and freeway ramps in both the 2015 and Post-2030 analyses. But it treats these as if they were independent and isolated traffic problems. RDEIR Figures 5.13-33 and 5.13-34 display the 2015 Cumulative With Project freeway and ramp deficiencies for the AM and PM peaks respectively; Figures 5.13-48 and 5.13-49 display the same type deficiencies for the Post-2030 Cumulative With Project development scenario. On the figures, particularly the ones for the Post-2030 Cumulative With Project development scenario, the freeway and ramp system that rings the IBC on three sides and splits it into north and south sectors have such extensive red markings (indicative of deficient conditions) that it appears the color red is merely intended to distinguish the freeway/ ramp system from the surface roadway system. In fact, the deficiencies indicated on the freeway and ramp system are so extensive as to constitute a paralysis of the system during the peak hours. The RDEIR is deficient in failing to draw this conclusion of broad area paralysis. We note that the RDEIR projects these deficiencies to exist despite the fact that the Post-2030 analysis assumes completion of all freeway and ramp improvements that OCTA and Caltrans have currently identified in their programs.

A15b-30

The RDEIR identifies the Project's significant adverse traffic impacts on the freeway mainline and ramp system as significant and unavoidable. Procedurally, this befits the circumstances where the traffic impacts are on facilities over which the City of Irvine has no direct jurisdictional ability to implement mitigation. However, the RDEIR must have made a good faith effort to define and implement feasible mitigation. It has not done so. The RDEIR simply parrots conventional wisdom that further freeway mainline improvements are infeasible, and identifies its mitigation strategy as "coordinating" with OCTA and Caltrans, and paying fair shares of whatever mitigations those agencies might conjure up. Delegating to Caltrans and OCTA the responsibility to identify mitigation measures for the City's Project is simply an evasion of responsibility for a good faith effort to identify feasible mitigation. Furthermore, the vague promise of 'coordinating' with Caltrans is an improper deferral of mitigation.

A good faith effort on the part of the RDEIR to identify feasible mitigations to the Project's significant freeway system impacts would, at a minimum, involve a reasonable reconnaissance level engineering study to define at a conceptual engineering level what further mitigation measures, beyond the improvements already assumed, might be feasible. The RDEIR provides no evidence that such a reconnaissance/conceptual engineering effort has been made. It cannot simply

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assume that because Caltrans and OCTA have not announced any freeway/ramp improvement proposals, that the RDEIR's obligations to define feasible mitigations is simply to "coordinate" and wait for Caltrans to figure out more improvements.

Furthermore, it is quite evident that one of the ways to mitigate the Project's significant freeway impacts is to implement the so-called MPAH Projects, the arterial widenings, freeway overcrossings and HOV ramps that are major remaining parts of the mitigation program that Irvine committed to as the result of the 1992 Plan and Zoning EIR, improvement commitments that Irvine now wishes to jettison. The analysis of the MPAH improvements herein, based on the data in the RDEIR, clearly shows that the MPAH improvements have significant mitigative effects on the freeway and ramp system. It shows that peak hour conditions on 30 freeway ramps and 26 freeway mainline segments are benefited while only 2 ramps and 4 mainlined segments are worsened as the result of the MPAH projects. These improvements are, with few exceptions, under direct control of the City of Irvine in its own jurisdiction. Thus, Irvine must implement the MPAH improvements as part of the mitigation of extensive freeway and ramp system impacts caused by the Vision Plan project.

A15b-30
cont'd.

The Residential Portion of the Project, as Defined in the RDEIR, Continues To Be a Piecemealed Part of the Residential Transformation of the IBC Likely To Take Place by the Planning Horizon of Post-Year 2030

Our comments on the now labeled Comments A11-110 through A11-112 pointed out in detail that the existing, under-construction, approved and pending residential projects that the DEIR assumed would be built out by 2013 would comprise 85 percent of the Project's 15,000 residential unit cap, and that at anything like the presumed absorption rate of units, the entire cap would be built out by 2015, leading to the reasonable deduction that the Project's stated residential cap of 15,000 was an understatement of the residential transformation likely to take place by the Post-2030 scenario, and hence is a piecemealing of the likely residential transformation.

A15b-31

The RDEIR responds by stating:

- Since the crash of the housing market, demand for new housing in IBC has severely declined, so much so that the RDEIR no assumes the interim buildout year (when all the under construction, approved and pending units would be built-out) to be 2013, but 2015 instead,
- Due to the housing market crash, it is unlikely that the full 15,000 unit cap would be absorbed by 2015, and
- Referring the reader to Section 3 of the RDEIR.

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This response is a denial of the obvious. The RDEIR continues to assume that 85 percent of the units allowed under the 15,000 cap will be built by just 5 years from now (2015). At the absorption rate for that to happen, the rest of the units under the cap would be absorbed within a couple years thereafter so there is no fundamental difference in what can be deduced from the assumptions in the RDEIR versus the DEIR. Although the RDEIR rightly recognizes the recent severe slackening in absorption of housing units, what it characterizes as a "housing market crash" is really a crash of the financial and lending markets; there is no slackening in the underlying demand for housing.

A15b-31
cont'd.

The RDEIR land use section makes clear that the 15,000 unit residential cap originated purely by City Council direction; it was not the product of a technical analysis of how many units might feasibly be developed by Post-2030 buildout on sites in IBC that might be reasonably be available for and suitable for re-use as residential sites. If the 15,000 unit cap is reached much sooner than Post-2030, as the evidence here still suggests it will, the Council can simply issue another direction to raise the cap and piecemealing will have become confirmed. Such a scenario would repeat the pattern of piecemeal development since the 1992 IBC PEIR was certified.

Future Residential Development Components of the Project Are Still Assumed in Unrealistically Small Concentrations. This Results in the RDEIR Understating Potential Traffic Impacts of the Project

In our comments on the original DEIR we observed that the assumed distribution of new residential units that are not part of then currently known projects was at considerably less density than in the 'known' (that is, existing, under construction, approved, and in process) residential development in IBC and that this dispersal as assumed would lead to less disclosure of localized traffic concentrations and impacts, than if the remaining residential units were assumed to be distributed in higher concentrations more typical of the known projects.

The RDEIR responds by referencing the commenter to Section 3.3.2.6 of the RDEIR's Land Use Chapter. Upon review of this material and the RDEIR's revised Appendix F, we find the following facts. The RDEIR disperses the 3,950 residential units under the proposed residential cap that are not part of now known developments into 17 traffic analysis zones. If the units in each TAZ were considered an individual development, the average development size would be 232 units, or 313 if each 'development' achieved maximum numbers of density bonus units. By comparison, the existing, under construction and approved residential developments in IBC average 408 units per development or 428 per development if density bonus units are considered. Although the average concentration of units-per-development assumed in the RDEIR is closer to that of the existing, under construction and approved residential developments in IBC than was the case in the original DEIR, the RDEIR's assumptions are still

A15b-32

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significantly lower than actual development experience, and this understatement of unit concentrations will tend to result in failure to disclose traffic impacts.

As we noted in our original comments on this subject, the assumption of significantly lower numbers of units per development than in the residential developments that have been approved to date is unreasonable and likely to cause the RDEIR's failure to disclose the actual traffic impacts of residential concentrations. This is especially true given the elimination of the maximum density restrictions for the IBC and the establishment of a 30 units-per-acre minimum density.

This section of our original comment on the DEIR concluded with the suggestion (now designated Comment A11-114) that what the analysis should include a sensitivity analysis testing alternate locations of these units, with the units' concentrated in clusters comparable to the average number of units in currently known residential developments in IBC. The RDEIR's response is a completely irrelevant reply about a sensitivity analysis of domestic water supply and wastewater collection systems. Please perform the actually suggested traffic sensitivity analysis described above. And please provide a cogent and relevant reply to this comment.

A15b-32
cont'd.

The DEIR Fails To Assess the Impact of Transfer of Development Rights (TDR)

In comments on the NOP and the original DEIR, representatives of the City of Tustin requested that the traffic study explicitly evaluate the impacts of TDR in concert with the Vision Plan Project. The RDEIR's response to our May 12, 2009 comment on the absence of a thorough analysis of TDR in the original DEIR (a comment now labeled A11-116) is as follows:

"The DEIR has been revised to address the commenter's comments as shown in Section 5.13, *Transportation and Traffic*, of the Recirculated DEIR. The proposed project's traffic study has also been undated accordingly (see Appendix N).

A15b-33

This reply creates the illusion of being responsive to the comment. However, the actual sole reference to TDR in RDEIR Section 5.13 is a single paragraph, specifically Section 5.13.1.2. This paragraph describes Irvine's TDR procedure (already understood by the commenter), asserts that the "trip budgets" for the IBC area will be maintained in the aggregate (again a matter that was not at issue in the comment), notes that the TDRs involved in pending projects are reflected in the RDEIR traffic study, and states that the details of the TDRs in those pending projects are summarized in Appendix J to the traffic study (apparently referring to Appendix J of Appendix N-1 to the RDEIR).

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The final 2 (non-blank) pages of Appendix J of Appendix N-1 are comprised of tables tracking the trip budgets of pending projects involving TDR (as well as the trip budgets of "sending sites"). This material is generally irrelevant to the comment.

What is missing from the RDEIR traffic analysis that has been repeatedly requested in comments and is the subject of a court order is this: a thorough and meaningful analysis of Vision Plan with and without TDR. All of the traffic analysis scenarios contain an admixture of TDR. There is no such thing as a Post-2030 With Project / No TDR scenario to use as a baseline for comparison.

None of the hypothetical projects that the City has identified for purposes of the DEIR involves TDR (except possibly within the same traffic analysis zone where it could have no possible effect on the external circulation system. Hence, the DEIR traffic analysis provides no attempt at an indication of what the traffic impacts of the Project would be with TDR versus without it. This could easily have been done. A "With Project / No TDR" scenario could have been created by removing the TDR units from pending proposals and creating an additional hypothetical residential site or sites with an equivalent number of units to the foregone TDR units. A representative "with Project / With TDR" scenario could have been created by leaving as currently proposed those pending developments that have TDR, and concentrating the 3950 balance of the proposed cap units on a lesser number of hypothetical sites where the units are assumed to be located to create an average development size of 363 units per site (about 11 TAZ sites instead of the 17 assumed in the RDEIR). TDRs as necessary to develop that number of units on the reduced number of sites would be assumed. The TDR sending sites could be assumed to be the sites that the RDEIR analysis designates as "fixed sites" that have the largest unused trip budgets. Such an analysis should be done to make the RDEIR adequate as well as consistent with the City's response on the NOP.

A15b-33

The other aspect of TDR that has been of concern to the City of Tustin and that is not addressed in the RDEIR traffic study relates to the "sending sites" of TDR trips (the sites from which unused trip budgets are transferred away). Many of the sites that have excess trip budgets are, in a physical sense, fully built-out with modern buildings that are not likely to be redeveloped or further developed by anytime soon beyond Year 2030. The RDEIR has already acknowledged this in its' analysis of land use optimization in Chapter 3 and Appendix F, characterizing many of the sites with excess trip budgets as "fixed projects" in recognition that they are unlikely to be redeveloped or further developed in the planning horizon. The excess trip budgets for these sites can only become real trips in a Post-2030 scenario wherein other sites with obsolete buildings are redeveloped at intensities that exceed the trip budgets for their own sites and the shortfall is made up by transfer through TDR of the excess trip budgets from the "fixed project" sites that cannot realistically be redeveloped to use them. Hence, the

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trip generation of the unused trip budgets of sites designated “fixed projects” in the land use optimization analysis should be assumed not to occur in the Post-2030 With Project / No TDR scenario.

A15b-33
cont'd.

The RDEIR should include an analysis as described above.

The RDEIR's Effort To Comply With CEQA Guidelines 15125(a) Is Inadequate. The RDEIR's Compilation of Traffic Impacts Based on a Flawed Hypothetical Compilations of Future Baselines Understates Project Traffic Impacts.

Our comment letter of May 12, 2009 pointed out that CEQA Guidelines § 15125 (a) states that the ordinary baseline for assessing a project's impacts is the environmental conditions that exist at the time of the NOP. We also pointed out that, although the DEIR did perform an analysis of how the Project would alter and impact the existing traffic environment, the DEIR did not satisfy CEQA's requirement to disclose mitigation for those impacts.

The RDEIR responds to our comment, now labeled Comment A11-118 by stating that “the Recirculated DEIR has been revised at the request of the commenter to evaluate and address impacts associated with the change in the physical existing environmental conditions”. However, although the RDEIR incorporates revised traffic forecasts resulting in somewhat different disclosures of impact in a comparison of the Existing + Project scenario to the existing conditions, it still declines to mitigate the traffic impacts of the Project relative to existing traffic conditions. It so declines under new reasoning³: (1) that the Existing + Project scenario is a hypothetical condition, the analysis of which is only intended to give an “early glimpse” of the potential impacts of the Project, a theoretical exercise to assess where project trips are likely to concentrate and impact the circulation system, and (2) that the Project is not responsible for mitigation of impacts from the Existing Conditions with Project scenario. However, this strained rationalization does not comport with CEQA Guidelines § 15125 (a), which clearly states that the ordinary baseline for measurement of environmental impacts is the environmental conditions that exist at the time of the NOP.

A15b-34



As with the original DEIR, the RDEIR's traffic analysis improperly constructs the future traffic scenarios. The RDEIR claims, in Section 4.1 of the Appendix N-1 traffic study, that the 2015 'No Project' and 'With Project' scenarios were developed “using the existing conditions as a baseline”. However, there is no

³ The reasoning in the original DEIR was that since the Project would not be built out until the post-2030 era, its impacts should only be analyzed in the context of the post-2030 roadway network conditions. That reasoning was demolished by our comment pointing out that about 85 % of the real change involved in the Project, the swapping of certain numbers of residential units for certain trip-equivalent square footages of office or industrial uses, was forecast to be complete by the near-term interim forecast year (2013 for the DEIR; now 2015 for the RDEIR).

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actual direct connection to the existing traffic conditions baseline. Both 2015 traffic scenarios are entirely synthetic and the composition is flawed. They are based on presumed traffic generating properties of generalized land use categories and socio-econometric trip generation variables related to land use. The RDEIR tracks the transition between quantities of land use in the various categories in the existing condition and that in the 2015 scenarios in detail (as it subsequently does the transitions in land use quantities to the Post-2030 scenarios). The problem is that in the existing condition, some of the land use, particularly older obsolete office and industrial facilities, is either vacant, heavily underutilized or utilized in ways far less traffic intense than the typical uses in the general land use category (example: the industrial or warehouse building used for temporary dead storage of unused construction equipment). These underutilized buildings contribute little traffic in the existing traffic condition. When full trip generation rates are applied to vacant or heavily underutilized properties, the traffic generated by obsolete, underutilized properties is vastly overstated and the baseline linkage to the existing traffic condition (and any shred of compliance with Guidelines §15125 (a)) is lost. The trip generation, and hence traffic conditions, of the 2015 No Project Baseline scenario is artificially bloated. And since most of the office and industrial uses that are swapped for residential and retail in the 'With Project' scenario are properties that are vacant or underutilized, rather than uses generating traffic at normal occupancy levels, the comparisons of "With Project" to "No Project" scenarios understate the traffic differentials and impacts the Project causes.

A15b-34
cont'd.

The RDEIR Post-2030 Traffic Analysis Continues to Assume Prior Completion of Traffic Improvements in Other Cities that are not Fully Funded

As stated on page 147, Section 5.2 of Appendix N-1, the RDEIR traffic study assumes as a background condition to the Post-2030 traffic analysis the completion of certain traffic improvements in the cities surrounding IBC that are included in the General Plans of those cities. However, many of these assumed improvements are unfunded and are likely to remain unfunded and unconstructed unless there are funding contributions paid by outside sources to contribute the fair share portion of cost of the improvement that is necessitated by traffic growth from projects outside the jurisdiction of the city in which the General Plan traffic improvement is located. By unrealistically assuming that these improvements in other jurisdictions are already in place in the Post 2030 baseline roadway network, the RDEIR shields the Vision Plan Project from being found to have impacts contributing to the necessity for these improvements and from making fair share payments to mitigate its impacts. The RDEIR should instead reassess the Project's Post-2030 traffic impacts assuming the unfunded improvements in neighboring jurisdictions are not in place, identifying Project traffic impacts in the unimproved condition and fair share contributions toward implementing the identified mitigations.

A15b-35

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This comment was elaborated on in our comments of May 12, 2009 on the original DEIR; the comment on the topic is now labeled as Comment A11-119 in the RDEIR. The RDEIR replies to the comment with the following formulaic statement, creating the illusion that it has been responsive to the comment:

"The DEIR has been revised to address the commenter's comments as shown in Section 5.13, *Transportation and Traffic*, of the Recirculated DEIR. The proposed project's traffic study has also been updated accordingly (see Appendix N).

A15b-35
cont'd.

In fact, nowhere does RDEIR Section 5.13, Appendix N or any other section of the RDEIR or its appendices directly address the subject comments. As noted above, please reassess the Project's Post-2030 traffic impacts assuming the unfunded improvements in neighboring jurisdictions are not in place, identifying Project traffic impacts in the unimproved condition and fair share contributions toward implementing the identified mitigations.

Traffic Mitigation Measures Purported to Mitigate Significant Project Traffic Impacts In Tustin Are Inadequate and the RDEIR's Cost Estimates For Them are Understated

In discussions between the cities of Irvine and Tustin related to the original Vision Plan DEIR, Tustin representatives carefully reviewed the mitigation measures and the City of Irvine's estimated costs for those mitigation measures. Following is a summary of Tustin's comments on this topic that were made as part of our May 12, 2009 comments on the DEIR. The comments on this topic are now sequentially labeled A11-120 through A11-125.

In general, Tustin found Irvine's cost estimates for proposed mitigation measures in Tustin about 20% lower than the City of Tustin estimates for this work. Specific items that appear low are the "electrical" components including modification of traffic signals, relocations of street lights, and relocation of utility boxes, meters and vaults. Comments pertaining to site-specific mitigation proposals included need to reflect right-of way costs, need for more extensive physical length and or width of proposed added lanes, and potential need to accelerate certain mitigation measures the City of Tustin had not planned to implement until 2030 forward to the interim forecast year.:

A15b-36

The RDEIR replies to each of the six detailed comments with the same formulaic statement, creating the illusion that it has been responsive to the comment:

"The DEIR has been revised to address the commenter's comments as shown in Section 5.13, *Transportation and Traffic*, of the Recirculated DEIR. The proposed project's traffic study has also been updated accordingly (see Appendix N)."

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In fact, nowhere does RDEIR Section 5.13, Appendix N or any other section of the RDEIR or its appendices directly address the subject comments. These comments must be addressed directly and in good faith. Leaving these comments unaddressed or inadequately addressed undermines the evidence supporting Irvine's conclusions regarding the effectiveness of proposed and planned mitigation measures.

In addition, in the case of intersections in Tustin or in shared jurisdiction with Tustin that are newly identified as having project traffic impacts by the RDEIR, the City of Irvine has not produced preliminary engineering drawings or cost estimates for the mitigation measures comparable to those that were provided for impacted locations in conjunction with the original DEIR for Vision Plan. Mitigation has only been defined at crude narrative conceptual detail that does not permit sufficient analysis to know whether the mitigation will be effective or feasible and is insufficient to gain a reasonable sense of costs. Moreover, as noted elsewhere herein and in separate letters from Tustin officials, neither the RDEIR nor the City of Irvine acting independently have been provided with sufficient materials about the new ITAM 8.4 model (including the related assumptions, data inputs, validation and post-processing procedures) to judge whether or not the RDEIR has adequately disclosed traffic impacts and mitigation needs in Tustin. Consequently, the City of Tustin reserves the right to make further comments regarding the adequacy of impacts and mitigation measures once the details of the workings of the ITAM 8.4 model have been reasonably disclosed.

A15b-36
cont'd.

The RDEIR Fails To Provide Information Needed To Establish The Reasonableness of Its Traffic Forecast and Analysis Procedures Despite Response-To-Comment Indicating Compliance With Prior Requests

The City of Tustin continues to have concerns that the RDEIR's traffic forecasts, procedures and results, that form the basis of the RDEIR's findings regarding traffic impacts and mitigation, are unreliable and inadequate. The RDEIR continues to be deficient as an informational document because details of traffic analysis procedures are not sufficiently described to demonstrate whether an adequate traffic analysis has been performed

A15b-37

The City of Tustin has repeatedly expressed its concerns regarding adequacy and reasonableness of the Vision Plan Project traffic analysis traffic forecast model assumptions, input data and refinement procedures in comments on the NOP(s), the original DEIR and on the EIRs for other IBC developments, and in informal working meetings between the staff's of the three cities concerning the traffic study for the original DEIR. The concerns relate to numerous facets of the traffic analysis procedures that are detailed in our comment letter of May 12,

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2009, in comments that are now designated comments A11-127 through A11-134, and in other letters of comment on the original DEIR by Tustin officials.

The RDEIR replies to these highly detailed technical comments with variations of these formulaic responses:

"The DEIR has been revised to address the commenter's comments as shown in Section 5.13, *Transportation and Traffic*, of the Recirculated DEIR. The proposed project's traffic study has also been updated accordingly (see Appendix N)."

"The traffic study has been revised in response to comments made by the commenter and is included in Appendix N of the Recirculated DEIR."

"Please refer to Appendix N of the Recirculated DEIR for a complete copy of the revised traffic study."

However, no part of RDEIR Section 5.13, Appendix N or any other part of the RDEIR and its' appendices clearly responds to the issues and questions these comments pose. Nowhere in the RDEIR are the complete ITAM model assumptions, input data, validation details, refinement procedures and complete records of refinement adjustments documented.⁴ The fact the RDEIR traffic analysis relies upon a new version of the ITAM traffic model, ITAM 8.4, which City of Tustin representatives have had no opportunity to inspect intensifies the need for complete documentation of all those details of the traffic forecast analysis.

Perhaps the City of Irvine would prefer that the City of Tustin would accept on faith the reasonableness of the assumptions, procedures, validation, inputs, outputs and adjustments of the ITAM model as applied in the RDEIR traffic analysis. However, the RDEIR is under obligation to provide, in appendices, information sufficient to permit reviewing agencies and members of the public to make assessment of the reasonableness and thoroughness of the analysis on which findings of significant environmental impacts are based. CEQA Guidelines § 15147, provides:

"The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly

⁴ We note that the RDEIR Appendix N-2 does provide zonal trip generation information and the zonal land use information on which the trip generation is based. But even this is incomplete because the information is only for zones within IBC, not for the portions of other jurisdictions within the traffic study model area and for its' external stations. In addition, the socioeconometric data input to the trip generation equations is lacking.

A15b-37
cont'd.



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technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review."

A15b-37
cont'd.

As the paragraphs above make evident, the RDEIR has failed to comply with this section of the CEQA Guidelines in numerous critical instances. Please document the requested information in the RDEIR.⁵

Contribution of Accessory Retail Business to the Project's Traffic Impacts Is Still Not Assessed

Our comment on the original DEIR, now designated as A11-136, observed that the City's recently adopted Ordinance 09-02 providing that 100 percent of the trip generation that would ordinarily be estimated for retail business in a category designated "Accessory Retail Business" would be presumed internally captured from the development(s) to which they are accessory. In other words, they are presumed to have zero trip generation onto the street and highway network. Our comment noted that the authoritative reference source on internal trip capture, *Trip Generation Handbook*, published by the Institute of Transportation Engineers, indicates the likely trip capture for accessory retail in a residential complex is only about 24.5⁶ percent of the trips to and from the retail and about 12.5⁷ percent of trips to and from the accessory retail in an office complex. Hence, the contribution to traffic of any accessory retail business in residential or office development under the IBC Vision Plan and Mixed Use Overlay Zoning Code would be understated 75.5 to 87.5 percent, thus leading to failure to disclose its traffic impacts. The RDEIR, in fact, does not acknowledge any traffic generated by an undisclosed amount of retail businesses that may be introduced to the IBC as "Accessory Retail Businesses."

A15b-38

The RDEIR responds to Comment A11-136 by stating that "a *description and analysis regarding the recently adopted Accessory Retail Business designation has been incorporated into Chapter 4, Environmental Setting of the Recirculated DEIR.*" The following is the totality of the content of the so called "description and analysis" of the Accessory Retail Business designation in RDEIR Chapter 4.

⁵ We note that special counsel to the City of Tustin has submitted a request to Irvine, under the Public Records Act, for this missing information.

⁶ Average of 38 percent of trips inbound to retail from residential and 11 percent of trips outbound from retail to residential.

⁷ Average of 22 percent of trips inbound to retail from office and 3 percent of trips outbound from retail to office.

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"In March 2009, the City adopted a Zoning Code provision to allow for accessory retail uses throughout the City. While this Citywide measure is consistent with the goals of the Vision Plan for the development of mixed uses and reducing vehicle trips, the amount and type of accessory retail permitted by right within a project is narrowly defined in the Zoning Code as to not generate additional trips beyond those associated with the primary use. Retail that does not meet the Zoning Code definition for accessory retail would be subject to the City's current discretionary and environmental review processes. For purposes of the IBC Vision Plan, the utilization of the accessory retail use designation has been assumed, although that assumption does not, by definition, yield any additional traffic generation."

A15b-38
cont'd.

As is evidenced in this content, there actually was no analysis to support the finding that accessory retail uses would generate no traffic onto the street system. The City simply determined that by fiat. Our comment that that traffic impacts of accessory retail uses in IBC are substantially understated remains unrefuted.

Conclusion

This completes my current comments on the Vision Plan RDEIR. As documented in the detailed comments above, the RDEIR traffic analysis and documentation is inadequate and must be revised and recirculated again in draft status.

A15b-39

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President



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A15b. Response to Comments from City of Tustin – Remy, Thomas, Moose and Manley, Attachment B: Smith Engineering and Management, dated February 11, 2010.

- A15b-1 Differences between ITAM 8.1 and ITAM 8.4 used for the RDEIR analysis include: minor modifications to the project description, land use quantities, arterial and freeway networks, and intersection lane configurations; regrouping of land use categories; update of the model based year from 2005 to 2008; the change in interim year analysis from 2013 to 2015. All requested data pertaining to ITAM 8.4 used for the traffic analysis has been provided to the City of Tustin. See also response to Comment A15-1.
- A15b-2 The changes in the traffic results are reflective of the modifications as provided in response to Comment A15b-1. Differences in traffic results are reasonable and to be expected given these factors.
- A15b-3 See response to Comment A15b-2.
- A15b-4 See response to Comment A15b-2. For freeway mainline segments and ramps, a methodology based on V/C analysis was codified between the City of Irvine and Caltrans for use on this project. A summary of this agreed methodology is included in Chapter 2 of the Traffic Study (Appendix N to the RDEIR). This methodology is different from the HCS methodology used to identify deficiencies on freeway mainlines and ramps in the original DEIR. As agreed between the City and Caltrans and documented in Chapter 2 of the Traffic Study, the HCM analysis was performed for those locations identified as a project impact.
- A15b-5 See response to Comment A15b-4.
- A15b-6 See responses to Comments A15b-2 and A15b-4. Information provided in the RDEIR Appendices including the Traffic Study (Appendix N to the RDEIR) and appendix to the traffic study is complete and intelligible. All factors that affect the traffic study results are disclosed and explained in the traffic study
- A15b-7 The RDEIR incorrectly included the Air Quality Appendix to the DEIR. Appendix C to this FEIR includes the correct Air Quality Appendix to the FEIR. The RDEIR URBEMIS modeling output sheets reflect the data included in the RDEIR.
- A15b-8 The intent of the MPAH alternative build-out scenario analysis is two-fold:
- 1) To provide a reasonable sensitivity analysis that provides Irvine and adjacent jurisdictions with the information necessary to downgrade or upgrade facilities in their General Plan build-out configuration using reasonable and accepted methodologies for impact identification and mitigation such as Irvine's Traffic Impact Analysis Guidelines and adjacent jurisdictions' adopted methodologies; and
 - 2) To begin the County MPAH Amendment process for downgrading MPAH arterials may require preparation of a Cooperative Study with OCTA, Irvine and affected jurisdictions. The MPAH sensitivity analysis provides a tool to determine locations where, under an MPAH network, traffic redistribution may occur and additional and/or different improvements may be required to bring deficient locations to acceptable LOS. Assuming the build-out of one unfunded facility over another, as suggested in the comment, is not the charge of the IBC Vision Plan project. Rather, the MPAH analysis provides insight as to whether or not certain facilities should be built out to their MPAH configuration given funding constraints that exist. Section 5.13, Transportation and Traffic, and Chapter 7 of the Traffic Study (Appendix N to



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the RDEIR) identifies the locations that become deficient or acceptable under the MPAH scenario in comparison to the build-out of the constrained network. The build-out of the MPAH network is costly and does not contribute substantial benefits to the network.

- A15b-9 See response to Comment A15b-8. The conclusions made in the alternative build-out MPAH network analysis are based on reasonable and accepted methodologies and practices used to identify deficiencies, impacts and mitigation measures. These conclusions are appropriate and will remain unchanged. Additional discussion will be included in the MPAH section regarding possible localized benefits to building the MPAH network; however, the final conclusions will be the same.
- A15b-10 See responses to Comment A15b-8 and A15b-9. The conclusions from the roadway analysis are presented in the MPAH section of the Section 5.13, Transportation and Traffic, and the Traffic Study (Appendix N to the RDEIR), Chapter 7. As noted in the section, there are two locations that deteriorate with the build-out of the MPAH network; however these deficiencies are caused by the localized traffic increases related to the SR-55 Alton Overcrossing project, an MPAH network improvement. Without the increase in traffic attracted to the Alton crossing of SR-55, these improvements are unnecessary. There are no roadway segments that deteriorate or improve to acceptable or unacceptable levels of service under the MPAH build-out scenario.
- A15b-11 See responses to Comment A15b-8 and A15b-9.
- A15b-12 See responses to Comment A15b-8, A15b-9 and A15b-10.
- A15b-13 The MPAH network analysis assumed an intersection configuration at Von Karman & Alton consistent with the MPAH designations for these arterial roadways. Due to the redistribution of traffic when the MPAH network is assumed (versus a constrained network), the sensitivity analysis indicates that specific intersection approach improvements above and beyond the typical configuration assumed for the MPAH designations may be required to bring the intersection to acceptable LOS.
- A15b-14 See response to Comment A15b-13 as this response applies similarly to the intersection of Red Hill and Alton.
- A15b-15 See response to Comment A15b-13 as this response applies similarly to the intersection of Von Karman and Michelson.
- A15b-16 The IBC Vision Plan project is not proposing any changes in MPAH designation along Red Hill Avenue south of Main Street. Under the constrained network, both Red Hill and Paularino Avenue and Red Hill and Baker Street (both located south of Main Street in Costa Mesa) operate at LOS D in the PM Peak Hour (0.88 & 0.90, respectively). The additional traffic resulting from the added capacity on Red Hill Avenue between Main and Barranca in Irvine (proposed change in MPAH designation) causes these locations to operate at LOS E (0.91 & 0.92, respectively). This is not a determining factor for implementing these improvements; rather, it is part of the overall assessment that there is not a substantial net benefit to the circulation system by implementing the MPAH improvements as it relates to project impacts.
- A15b-17 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of

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environmental analysis, but will be evaluated as part of the Project Report level of the CEQA analysis. See also response to Comment A15-102.

- A15b-18 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of environmental analysis.
- A15b-19 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of environmental analysis.
- A15b-20 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of environmental analysis.
- A15b-21 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of environmental analysis.
- A15b-22 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of environmental analysis.
- A15b-23 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of environmental analysis.
- A15b-24 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of environmental analysis.
- A15b-25 See responses to Comment A15b-4, A15b-8 and A15b-9. The RDEIR evaluates impacts in accordance with the degree of specificity required (CEQA Guidelines Section 15168). The queuing analysis suggested by the commenter is inappropriate for the programmatic level of environmental analysis.
- A15b-26 See responses to Comments A15b-8 and A15b-9.
- A15b-27 See response to comment A15-37.
- A15b-28 Project-related significant impacts for the 2008 Existing Plus Project scenario are discussed in the RDEIR and Traffic Study in Chapter 6 (Appendix N to the RDEIR). Mitigation measures are proposed for these improvements. The impacts are considered theoretical in that it is impossible for the entire project to be built instantly without requisite circulation system improvements as new projects come in. For the identified projects that will be constructed by



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2015 (which include the seven projects referenced in the comments), the 2015 improvements are identified. In other words, an analysis of the project buildout without the planned and funded circulation system improvements yields a set of impacts that cannot occur. The Traffic Study and RDEIR will be revised to clarify this point. The project related significant impacts as well as mitigation strategies are proposed for the Existing Plus Project scenario as required by CEQA and the project will contribute a fair share (or full share for Irvine intersections) for improvements that are identified under interim year and build-out conditions, with the expected circulation improvements under those analysis years.


- A15b-29 See response to Comment A15-32 and A15-99. The mitigation improvement at intersection #145, Jamboree and Michelson that would bring this location to acceptable LOS is infeasible because of the operational constraints of triple left turn lanes, not the available capacity at the intersection. The Traffic Study (Appendix N of the RDEIR) conducted a preliminary feasibility assessment associated with traffic improvements. Right-of-way acquisitions were considered to be a constraint and the least preferred mitigation strategy because they would require the relocation of, and compensation for, business and residences. Cost was not considered as the primary factor when determining whether the improvement was infeasible the intersection of Jamboree and Michelson.
- A15b-30 See responses to Comments A15-103, A15b-4, A15b-8 and A15b-9. The freeway and ramp deficiencies identified in Section 5.13, Transportation and Traffic, and the Traffic Study (Appendix N to the RDEIR) are consistent with the expected operation of freeway facilities in the peak hours through Caltrans' own operations guidelines. As documented in the Traffic Study, not all freeway facilities identified as deficient have a project-related significant impact. The freeway impacts are being overridden in the RDEIR, as the City of Irvine has no jurisdiction over Caltrans or improvements on the freeway facilities. The purpose of the traffic study is to identify significant impacts and appropriate mitigation. The coordination with Caltrans for identifying appropriate mitigation measures for the significantly impacted freeway facilities is ongoing and a strategy will be in place prior to the implementation of the 12,000th residential unit, as documented in the RDEIR. The City is not deferring mitigation, but rather, is in discussions with Caltrans to create a list of feasible mitigation strategies for which the City will contribute its fair share, consistent with CEQA Guidelines. Given that Caltrans has no identifiable fee program, or other plan to mitigate at these locations, the City has exceeded its obligations in making available a fair share toward future improvements. See response to Comment O6-12.
- A15b-31 The number of residential units expected to be constructed by 2015 is based on the tracking of units by the City in the IBC database and is reasonable. The project is not planning piecemeal analysis, rather a conservative assumption that a certain amount of development will take place by 2015 with all the associated impacts, followed by the remaining development under the 15,000 unit cap.
- A15b-32 The commenter appears to conclude that the City's analysis of the distribution of potential future units is flawed, as it would result in future projects with smaller numbers of units than existing and approved projects in the IBC. The City laid out a specific, quantifiable methodology for distribution of future land uses, all within the existing intensity limitations, and with no additional TDR's assumed outside of an originating TAZ. We understand that projects with fewer units may occur but the commenter provides no substantial evidence or justification for indicating this would have a significant adverse environmental impact.
- A15b-33 Build out of the Vision Plan requires conversions of development currently assigned to non-residential use categories to development assigned to a residential use category. As a result,

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the request for the creation of a “Vision Plan without TDR” scenario, as requested by the commenter is not possible. The commenter also criticizes the use of TDRs within traffic analysis zones. The City developed a set of reasonable assumptions concerning future TDRs and applied those assumptions in the traffic analysis. The fact that the commenter would have preferred a different set of assumptions does not create a requirement to do a further traffic analysis. However, if and to the extent the assumptions utilized by the City of Irvine prove incorrect, then an analysis of the impact of the differences between current assumptions and future realities will have to be conducted in a manner consistent with CEQA and the CEQA Guidelines.

To the extent the commenter requests a further and/or different analysis of future conditions, there is no requirement in CEQA that such an analysis be performed. (See CEQA Guideline 15204(a) [“When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR”].) In this instance, the City of Irvine has provided a 200+ page traffic analysis in the main body of the RDEIR, combined with a comprehensive technical appendix (with further sub-appendices thereto). The City of Irvine has further conducted multiple meetings with Tustin in an effort to identify and address all concerns.

With respect to sending sites, the TDR’s assumed in the RDEIR represent those for which specific TDR applications are in process. While some sites with excess intensity have been classified as “fixed” for purposes of the land use assumptions, intensity transfers from these sites are not precluded in the future. Additional traffic analysis would be necessary should such a transfer be proposed

- 
- A15b-34 See responses to Comments A15-84 and A15b-28. The phrase from the traffic study “using existing conditions as a baseline” identifies that the existing counts were used in ITAM to forecast future traffic growth. Existing conditions are based on existing traffic counts and not on an evaluation of the vacancy rates in the office buildings within the IBC Vision Plan area. The model has been validated for interim year 2015 analysis and provides the No Project and With Project interim year conditions within the IBC Vision Plan area.
- A15b-35 See responses to Comments A15-66 and A15-68. Typical analyses of buildout conditions assume an adjacent Cities’ build-out of their General Plan, both the build-out of land uses and the circulation network that supports those land uses. Project impacts and mitigation measures for this project were identified based on a conservative analysis that assumed build-out of all local and regional land uses, but with a constrained network in order to reassess all unfunded 1992 IBC EIR improvements.
- A15b-36 See response to Comment A15a-11.
- A15b-37 See responses to Comments A15-74, A15-93 and A15a-1. All requested information related to ITAM 8.4 has been provided to Tustin. The City of Irvine intends to include the layouts and cost estimates for all feasible mitigation measures as part of the IBC Nexus Fee Study.
- A15b-38 See response to Comments A15-8 through A15-11
- A15b-39 Comment is hereby noted and will be forwarded to the appropriate City of Irvine decision makers for their review and consideration.

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LETTER A15c – Remy, Thomas, Moose and Manley, Attachment C (12 pages)

ATTACHMENT C

Comment memorandum regarding RDEIR
from the City of Tustin's parks consultant,
Hogle-Ireland, dated February 16, 2010



2. Response to Comments



HOGLE-IRELAND
INC.
A Land Planning & Development Consulting Firm

MEMO

Date: February 16, 2010

To: Bill Jacobs, Principal Planner, City of Irvine

Cc: Jason Holder - Remy, Thomas, Moose and Manley, LLP

From: Hogle-Ireland, Inc.

Subject: Analysis and Comments on RDEIR for the City of Irvine IBC Vision Plan and Mixed Use Overlay Zoning Code Project

Introduction

The following summarizes our review of the Recirculated Draft Environmental Impact Report (RDEIR) for the City of Irvine IBC Vision Plan and Mixed Use Overlay Zoning Code Project. As directed by the City of Tustin, our review of the RDEIR focuses primarily on section 5.12 Recreation and a review of the City of Irvine's Response to Comments prepared in response to the Hogle-Ireland memo re: Vision Plan DEIR dated May 13, 2009 [herein referred to as "Memo"].

I. Response to Comments

- A. The RDEIR responses A11-138, 140, 141, 142, 144, 145, 147, 149, 150, 151, and 152 simply state:

"The DEIR has been revised to address the commenter's comments as shown in Section 5.12, Recreation, of the Recirculated DEIR." (pages 2-262, 2-263, 2-264)

This is an inadequate response to the comments provided. It does not attempt to explain how the comments have been addressed, nor where specifically in the Recreation section responses can be found. The following are just some of the comments that the City failed to respond to adequately with the above responses:

- Comment II.B, which requested that the DEIR evaluate the potential environmental impacts of the nine proposed recreation facilities, describe the amount of parkland that is to be dedicated in conjunction with these projects, and disclose whether that parkland is adequate in meeting the needs of the development.
- Comment II.H, which requested that the DEIR explain how existing funds have been planned to be used, how funds to be collected from the nine pending projects are planned to be used, what population the Bill Barber park is currently serving and what capacity it has (if any) to serve the IBC planning area.
- Comment II.I, which: (1) requested that the DEIR appropriately address the existing shortage of parkland as a baseline condition for analysis of cumulative impacts, (2) stated that the use of the population factor of 1.3 persons per household results in a flawed analysis with a net deficiency of parkland, (3)

A15c-1

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stated that the conclusion that a cumulative impact related to the provision of recreation facilities will not occur is not supported by the available data, and (4) commented that the DEIR must discuss any cumulative impact to other jurisdictions' recreational facilities (local and regional facilities) particularly when substantial evidence showing that the facilities are being utilized by City of Irvine residents has been presented.

A15c-1
cont'd.

The City should explain how they have attempted to respond to these individual comments and/or where specifically they have addressed them in the Recreation section so that any interested party can readily review the revisions to the DEIR and the adequacy of the revisions can be effectively determined. To the extent these responses and the revisions to the RDEIR do not address our previous comments, we reiterate those comments and request an adequate response.

II. RDEIR Review and Analysis

A. The RDEIR still fails to appropriately analyze impacts to existing recreation facilities.

The RDEIR has been revised to include a table providing the location, distance from IBC boundary, size, and amenities/facilities for neighborhood parks (Table 5.12-2). Previously the DEIR only included this information for the community parks (Table 5.12-1). Despite the addition of this information, the RDEIR still does not discuss the relationship of these various park facilities to the project nor does the RDEIR address the baseline environmental conditions with respect to the existing uses of these park facilities.

A15c-2

Neighborhood Parks

The RDEIR acknowledges that there are no public neighborhood parks within the IBC. Further, the RDEIR indicates that the neighborhood parks listed in Table 5.12-2 serve residents of IBC. However, no analysis is provided. The RDEIR fails to quantify the estimated populations that these facilities serve, does not describe existing utilization of these parks and their facilities, or estimate what capacity those parks have (if any) to serve the IBC planning area. As discussed in more detail in comments II.E and II.F below, the RDEIR should include this discussion in order to assess the adequacy of these park facilities to serve the existing and future IBC residents.

A15c-3

The map below provides an estimate of the populations surrounding the neighborhood parks listed in Table 5.12-2. The populations were derived from 2000 census block group data and indicate that there is a total population of 22,916 people within a 0.5 mile radius from these parks (excluding existing IBC residents). Table 5.12-2 indicates that these neighborhood parks total 30.7 acres.



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Map by: Hogle-Ireland Inc.
Data Sources: 2000 Census, City of Irvine, ESRI

LEGEND

Irvine City Boundary

Irvine Business Complex

2000 Census Block Groups

Neighborhood Parks

1/2 Mile Park Service Area

{1162} Block Group Populations within Park Service Area

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Using the City of Irvine's neighborhood park requirement standard of 3 acres per 1,000 residents, a total of 68.7 acres of neighborhood parks should actually be provided to adequately serve this population ¹. Based on this 2000 population estimate, there is an existing shortage of approximately 38 acres of neighborhood parks in this area, which is adjacent to the IBC. The shortage is likely more severe considering the population growth in Irvine generally, and in the IBC specifically since 2000. This suggests that continued reliance upon these existing neighborhood park facilities to provide for the recreational needs of additional IBC residents is inappropriate — existing adjacent neighborhood park facilities are already not adequate to serve both the existing surrounding populations and existing IBC residents.

Again, the population estimate provided above does not include the existing IBC residents. These additional residents, who have moved to the IBC following Irvine's approval of numerous residential projects since 2000, increase the existing shortage of adequate neighborhood park acreage. The RDEIR Project Description states that there are 5,011 existing residential units, 1,892 under construction, and 2,552 approved under the existing General Plan, within the IBC area. Using the City of Irvine's population generation factor of 1.3 persons per household ², the existing IBC population alone would generate a need of 19.5 acres of neighborhood parkland in an area that currently contains no neighborhood park facilities ³. Applying the Alfred Gobar survey figure of 1.65 persons per household, the existing IBC population would generate a need of 24.8 acres (see also comment II.D) ⁴.

Therefore, in order to adequately address the impact on existing recreational facilities, the RDEIR must include a discussion of the existing populations served by the neighborhood parks in areas adjacent to the IBC, existing utilization of park facilities, and capacity (if any) of these parks to serve residents from the IBC, and the anticipated increase in the IBC's residential population that will be caused by the Vision Plan.

Community Parks

The RDEIR includes Table 5.12-1 which provides information on all 18 community parks within the City of Irvine. However, the RDEIR still does not provide a complete discussion of the relationship of these parks to the project, despite our previous comments to Irvine requesting this analysis. The only relationship that is addressed for these parks is the distance they are located from the IBC. The relevance of these distances is not addressed.

The 2000 census estimates that the population in the City of Irvine was 143,072. Based on the City's community park standard requirement of 2 acres per 1,000 residents, the City would require a total of 286.1 acres of community parks. The

¹ 22,916 population 3 acres/1,000 persons = 68.7 acres

² As discussed below, applying the factor of 1.3 residents per household results in an under-estimation of IBC residents.

³ 5011 (existing population) x 1.3 persons/household = 6514.3 x 3 acres/1,000 persons = 19.5 acres of neighborhood parkland

⁴ 5011 (existing population) x 1.65 persons/household = 8268.15 x 3 acres/1,000 persons = 24.8 acres of neighborhood parkland

A15c-3
cont'd.



A15c-4

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California Department of Finance estimates that in 2009 the population in the City of Irvine was 212,793 (a population increase of almost 70,000 people since 2000). If you use the 2009 population estimate, the actual community park requirement would be 425.6 acres. Table 5.12-1 indicates that the City has a total of 326.8 acres of community parks. Therefore, there is an existing shortage of 98.8 acres of community parks on a citywide basis.

Additionally, the RDEIR indicates that there are no community parks within the IBC, but states that Bill Barber park is located 0.5 miles east of the IBC and that Alton Athletic park is located 1.3 miles east of the IBC. As indicated above, however, the RDEIR fails to explain what populations the parks currently serve, what the existing utilization of their facilities are, who they are designed to serve, and how they relate to the project. The current shortfall in community parks in Irvine as a whole suggests that Bill Barber park and other community parks do not have capacity to serve additional IBC residents.

A15c-4
cont'd.

The City of Irvine should prepare an analysis, similar to the analysis provided above for neighborhood parks, that quantifies the existing population served by Bill Barber park and other community parks, describes utilization of the parks, and capacity (if any) of these parks to serve residents from the IBC and the anticipated increase in the IBC's residential population that will be caused by the Vision Plan. The population analysis should be based on the most up-to-date population estimates and persons per household figures in order to provide an accurate assessment.

B. The RDEIR fails to appropriately analyze impacts on surrounding cities parks and recreational facilities

The Recreation section does not provide a complete discussion or analysis of the impacts on surrounding cities' parks and recreational facilities. The RDEIR lists existing parks and recreational facilities from the cities of Newport Beach, Costa Mesa, Santa Ana, and Tustin located "close" (0.6 to 2.09 miles) to the IBC (Table 5.12-5). However, the information provided is incomplete. Magnolia Tree Park in the City of Tustin is a 4.2 acre park and Centennial Park in the City of Tustin is an 8.0 acre park. In addition, the analysis provides an expanded discussion and comparison of Newport Beach and Irvine's recreational amenities, but does not do the same for Costa Mesa, Santa Ana, and Tustin. Despite this incomplete analysis, the Recreation section concludes that:

A15c-5

"Due to the fact that there are several parks in Irvine that are in closer proximity than the parks in the surrounding cities, it is unlikely that the project would have a significant impact on the surrounding city's parks and recreational facilities." (page 5.12-11)

Distance should not be the sole factor for determining impact on surrounding cities parks and recreational facilities. In order to appropriately assess the impact on surrounding cities, the analysis must address the estimated population the facilities serve and provide a comparison of amenities/facilities to determine if adequate

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facilities are provided by the Irvine parks. As discussed in comment II.A, the neighborhood parks (Table 15.1-2), although located somewhat closer to the IBC than the Tustin parks ⁵, are already impacted by the existing populations that surround them. In addition, as discussed in comment II.A, the population being served and existing utilization of the community parks (i.e. Bill Barber and Alton Athletic Park Contrary) have yet to be addressed. Therefore, contrary to the above statement in the RDEIR, this would suggest that there could be a significant impact on the surrounding cities' parks and recreational facilities.

A15c-5
cont'd.

In addition, the analysis should also include a discussion of potential impacts to proposed parks and recreation facilities. For example, the Tustin Legacy project located immediately adjacent to the IBC proposes the following park facilities:

Proposed Tustin Legacy Park	Acreage	Distance from IBC boundary (miles)	Proposed Amenities/Facilities
Regional Park	84.5	0.7	The park will have an historic emphasis, and include outdoor recreation and the adaptive reuse of a number of existing buildings. The park, which is currently being planned may also contain general purpose turf areas, extensive tree forestation, ballfields, meandering paths for walking and bicycling, tot lots, courts for basketball, volleyball, and tennis and commercial recreational uses and concessions. Existing buildings within the park site may be reused to provide park programs, recreational classes, training, educational and interpretive programs, park maintenance/administration, animal shelter, park ranger office, snack bar, children's playhouse, and garage facility.
Community Park	24.1	1.0	Anticipated to contain a wide range of recreational facilities including softball, football, soccer, tennis, basketball, racquetball, and volleyball facilities. The park will also contain picnic areas, community center buildings, multi-purpose rooms, and supporting uses.
Community Park	46	approximately 1.0 mile or less	Anticipated to contain a wide range of recreational facilities including softball, football, soccer, tennis, basketball, racquetball, and volleyball facilities. The park will also contain picnic areas, community center

A15c-6



⁵ The neighborhood parks and the two community parks are located within 0.5 to 1.3 miles from the IBC. The two Tustin parks listed in Table 5.12-5 are located within 2 miles from the IBC.

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			buildings, multi-purpose rooms, and supporting uses.
Neighborhood Park #1	5	.15	Anticipated to contain some combination of active areas including ball fields, multi-purpose fields, game courts, tot lots, and picnic facilities, as well as passive open space areas. Ancillary structures, such as restrooms, will also be permitted. Pedestrian and bicycle access will also be provided to surrounding residential areas.
Neighborhood Park #2	5	.60	Anticipated to contain some combination of active areas including ball fields, multi-purpose fields, game courts, tot lots, and picnic facilities, as well as passive open space areas. Ancillary structures, such as restrooms, will also be permitted. Pedestrian and bicycle access will also be provided to surrounding residential areas.
Additional parkland and open space	115	Unknown	Unknown

A15c-6
cont'd.

These park facilities are located just as near or even closer to the IBC than the neighborhood parks and community parks referenced on page 5.12-1 of the RDEIR. In addition, the community park and regional park are planned to provide a greater amount of amenities/facilities than Irvine's neighborhood parks and therefore are likely to be utilized by IBC residents. The proposed parks associated with the Tustin Legacy project were identified in the Tustin Legacy EIR/EIS and therefore should have been identified and addressed in the RDEIR. The RDEIR must include a complete analysis and a comparison of the existing and proposed Tustin facilities against the recreational facilities in Irvine that are intended to serve IBC residents.

C. Inconsistencies in project component description

The proposed IBC Element (Appendix C) states that a new community park south of the 405 freeway, at least six new neighborhood parks, and a community/civic building should be provided within the IBC.

The description provided in the Recreation section is not consistent with the Element. The Recreation section states that:

"The element also advocates at least four additional public or private Neighborhood Parks should be provided in the IBC." (page 5.12-6)

This is not consistent with the six neighborhood parks referenced in the IBC Element found in Appendix C. In addition, the Recreation section acknowledges that the

A15c-7

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Element states that a new community/civic building should be provided, but fails to mention that a new Community Park should be provided south of the 405 freeway.

A15c-7
cont'd.

D. Failure to use appropriate persons per household ratio

The RDEIR states that:

"Based on the City's Subdivision Ordinance (Sec. 5-5-1004) each dwelling unit generates 1.3 persons, for the purpose of calculating park requirements. This is based on federal census data (2000) and is employed pursuant to the Quimby Act (Cal. Gov. Code Section 66477). A survey of IBC residents was conducted in 2005 and 2007 by Alfred Gobar Associates, which yielded higher persons per household estimates; however figures obtained in this manner are not legally binding under state law for use in determining park and dedication requirements. An update to the park and dedication ordinance will occur after the 2010 federal census, which will ensure that future projects comply with the most up-to-date population data for calculating park requirements." (page 5.12-8)

A15c-8

This explanation does not provide an adequate reason to disregard the results of the Alfred Gobar Associates survey for the purposes of estimating and planning for future parks in the IBC. The RDEIR should apply the 1.65 persons per household figure provided in the Alfred Gobar surveys for estimating and planning future parks for the following reasons:

- Page N-6, N-7 of the IBC Element states "Alfred Gobar Associates performed a survey of the current residents of the IBC in 2005 and an additional survey of residents and employees within the IBC in 2007. All IBC residents currently reside in higher density apartment and condo-style dwellings. The characteristics of these existing households are seen to predict fundamental demographic traits (household size, number of cars, number of children, etc.) of future residents expected to reside in new, higher density housing planned in the IBC area." These surveys were commissioned by the City of Irvine to help guide and support the Vision and future development of the IBC. The data in these surveys provided the basis for planning the whole of the IBC and therefore should also be used for planning adequate parks in the IBC, which is a component of the Vision and IBC Element.
- The RDEIR acknowledges that the 1.3 persons per household is dated. It states that "An update to the park and dedication ordinance will occur after the 2010 federal census, which will ensure that future projects comply with the most up-to-date population data for calculating park requirements." This statement acknowledges that the 1.3 persons per household figure is dated and that the park and dedication ordinance will need to be updated. Further, it recognizes that future projects will have to comply with the most up-to-date population data. This provides a good reason to use the most up-to-date persons per household information to estimate future park requirements rather than relying upon old census data and an ordinance that will be updated in the coming year. This would ensure a good faith effort is being made to address future park planning for the IBC. The information provided in the Gobar surveys provides

A15c-9

A15c-10



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more up-to-date persons per household data than the 2000 census and should be used to estimate future park requirements. In addition, the Gobar surveys specifically targeted the IBC in order to provide a true understanding of the "fundamental demographic traits" of the area and therefore are an ideal source for this data. Continued use of the 1.3 persons per household figure would result in inadequate park dedication requirements for pending and future IBC projects.

A15c-10
cont'd.

- The RDEIR does not rely on the 2000 Census to address future planning and analysis of population, housing, employment, traffic, air quality, and noise. The population and housing section indicates that OCP-2006 is used as a reference point for discussing "population, housing, and employment growth throughout this Draft EIR". In addition the RDEIR states that "It should be noted that although OCP-2006 data were used for the discussion of population, housing, and employment growth in this section, OCP-2004 were used for the traffic analysis and noise and air quality analyses that incorporated traffic data." This RDEIR discussion reveals an inconsistency in the document's approach to use of using the most up-to-date, available data (i.e. relying on 2000 census data to assess parks and recreation demand and impacts, while using more recent demographic factors for other impact topics). The inconsistent methodologies employed in various sections of the RDEIR must be resolved and the Recreation section must be updated so that it too relies on the most recent population data.

A15c-11

The RDEIR states that:

"The proposed project would potentially add a total of 5,985 units and 1,598 density bonus units (7,583 total), generating approximately 9,858 residents according to the City's Subdivision Ordinance. Based on the park Code, the project would generate a need for a total of 49.3 acres of parkland at buildout, with 19.7 acres of community parkland and 29.6 acres of neighborhood parkland." (page 5.12-8)

The RDEIR should include a discussion of the potential population and parkland demand using the 1.65 persons per household figure developed by the Gobar survey. Failing to use the more recent figure will result in inadequate mitigation of impacts to recreation caused by the Vision Plan project. Using the 1.65 figure, the population estimate for the IBC would be approximately 12,512 residents ⁶. Based on the park code, this population would generate a need for 62.6 acres of parkland at buildout, with 25 acres of community parkland and 37.6 acres of neighborhood parkland ⁷. The RDEIR fails to recognize and address the parkland requirements for the additional anticipated IBC residents.

A15c-12

E. Potential Future Development discussion

The RDEIR states that,

A15c-13

⁶ 7,583 units x 1.65 persons/household = 12,512

⁷ 12,512 residents x 5 acres/1,000 persons = 62.6 acres of total parkland, 12,512 residents x 2 acres/1,000 persons = 25 acres of community parkland, 12,512 residents x 3 acres/1,000 persons = 37.6 acres of neighborhood parkland

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"The City is also currently seeking adequate sites within the IBC for construction of a public community-level park. Funds from the general IBC community park account would be used for purchase of the site and construction of the park. Since there is insufficient available land in the IBC for a community-level park the City is investigating opportunities adjacent to the IBC where more land for such a use may be available and convenient to nearby residents." (page 5.12-10)

If the City has already determined there is insufficient land available within the IBC for a community park, it is not clear why the RDEIR states that they are seeking adequate sites within IBC. These statements in the RDEIR are internally inconsistent and must be resolved. Additionally, if a determination has been made that there is insufficient land available within the IBC for a community park there is already a conflict with the IBC Element which states that a new community park should be provided in the IBC south of the 405 freeway. The RDEIR must address this conflict. Moreover, by acknowledging insufficient available land for a community park within the IBC, the City admits implementation of adequate mitigation through in lieu fees is infeasible.

A15c-13
cont'd.

F. Park commitments are still unclear

As described in comment II.E above, the RDEIR does not consistently and clearly explain whether the City is seeking a community park site within the IBC or adjacent to the IBC. A community park within the IBC would best mitigate the impacts caused by increased residential use within the IBC, as such a park would be in close proximity to the residents it would serve.

In addition, the RDEIR states that "Any future projects in the IBC would be required to meet the community park requirements by payment of in-lieu fees." The RDEIR, however, does not explain how (see comment II.G, below) or when the community park will be provided. The RDEIR must address when the community park will be provided and this must correspond with the timing of residential development to ensure that IBC residents will be properly served and that other recreation facilities will not be impacted.

To be adequate, a similar analysis should be provided for the public neighborhood parks. The RDEIR states,

"Neighborhood park requirements have been met in the past by in-lieu fees and/or incorporating on-site recreational amenities such as swimming pools, fitness centers, community rooms, and tot lots. Actual amenities provided within future development would be determined through the Park Plan process. For neighborhood park requirements not met on-site, remaining in-lieu fees would be allocated to the general IBC neighborhood park account to be used to provide and/or improve neighborhood parks available to IBC residents." (page 5.12-10)

To date, no public neighborhood parks have been provided in the IBC. The RDEIR indicates that,

"To supplement on-site neighborhood recreational facilities in the IBC, the City is attempting to create additional neighborhood-oriented park space in the IBC, as indicated

A15c-14



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by the four generalized neighborhood park spaces outlined in Figure 3-4, IBC Vision Plan Framework. These neighborhood level spaces would either be developed by the City using neighborhood park in-lieu fees collected from IBC projects, or be developed for public use as part of private mixed-use developments, in which developers would receive park credit for creating public open space on the project site. Specific park locations have not yet been determined at this time.” (page 5.12-10)

There is not a clear commitment or plan to ensure that these neighborhood parks are provided to correspond with new development and to ensure that other recreation facilities are not impacted. The RDEIR needs to address how and when the public neighborhood parks would be provided. This includes addressing the adequacy of in-lieu fees (see comment II.G) to acquire land within the IBC and the timing for providing these neighborhood parks so as not to impact other recreation facilities. In addition, the above statement indicates that the City is attempting to create additional neighborhood-oriented park space as indicated by the four generalized neighborhood park spaces. This appears to be in conflict with the IBC Element which states that there should be six neighborhood parks provided in the IBC (see comment II.C, above).

A15c-14
cont'd.

G. Adequacy of mitigation fees

The RDEIR states that “Within the IBC, Community Park dedication would only be provided through payment of in-lieu fees at the required two acres per 1,000...” (page 5.12-6). The RDEIR, however, fails to address the feasibility of acquiring the necessary parkland. The RDEIR itself indicates that there is a lack of vacant land within and surrounding the IBC. Developed, underutilized properties are most likely the properties that will need to be targeted for a new community park to serve the IBC. Therefore, the RDEIR must address whether or not the in-lieu fees, which are based on vacant land acquisition, are sufficient to purchase developed, underutilized properties in the area. This should include a complete analysis, including estimated land costs and an assessment of the amount of fees necessary to purchase the land. The assessment should also address timing of parkland development, which will influence anticipated land costs and requirements for fee collection.

A15c-15

2. Response to Comments

A15c. Response to Comments from City of Tustin – Remy, Thomas, Moose and Manley, Attachment C: Hogle-Ireland, dated February 16, 2010.

A15c-1 See response to Comments A15-28, A15-35, and A15-37. An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a specific plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific recreation facilities (CEQA Guidelines Section 15146). Specific park locations and designs are unknown at this time. As noted in the Section 5.12, Recreation, of the RDEIR, all new residential development will be required to provide park facilities at a rate of five acres per 1,000 population, which is typical, and in some cases, greater than the park dedication rates for other jurisdictions in the South County. Bill Barber Park currently serves a population of approximately 20,000 within a two-mile service area radius, consistent with other community parks within the City. Community Park in-lieu fees collected from new residential development in the IBC have been used to provide its share of amenities at Bill Barber Park, or have been banked for planning, acquisition, and development of a park site south of Interstate 405.

The amount of parkland required for the pending projects is included in Table 5.12-4 in the RDEIR. All park fees are paid directly to the City Cashier prior to the issuance of any residential building permits for the building site or sites from which fees are to be derived. These fees are used only for developing new or rehabilitating existing park or recreational facilities to serve the subdivision. Bill Barber Park is listed in Table 5.12-1. Lead agencies are not required to generate their own original research; however, where specific information is currently available the analysis includes that information (CEQA Guidelines Section 15144).

See response to Comment A15-38. The Alfred Gobar surveys had a response rate between 5 and 10 percent. Therefore, the use of the adopted population factor of 1.3 persons per household from the 2000 Federal Census for this project is considered more accurate and is justified.

A15c-2 See response to Comment A15c-1. Impacts on surrounding park facilities are discussed on pages 5.12-10 through 5.12-12. Neighborhood parks, described in Table 5.12-2, are located in the Village of Westpark, directly adjacent to the IBC Vision Plan area, and therefore, provide additional amenity space beyond those provided in neighborhood parks within the IBC Vision Plan area. These parks serve a population of over 19,000 between the Westpark and IBC Vision Plan area. The neighborhood parks within the IBC Vision Plan area normally provide amenities on site, and not open to the public. Athletic fields, amenities not found in IBC neighborhood parks, are provided in both Bill Barber Park as discussed in response to comment A15c-1, and additional athletic fields are available in Westpark as outlined below (percentages indicate portions of facilities shared with Irvine Unified School District [IUSD]):



2. Response to Comments

		<i>Needed</i>	<i>Provided</i>	<i>Surplus/Deficit</i>
<u>Soccer, Unlighted</u>				
1 per 4,250	(20% City)	0.9 fields	Have 2	Extra 1
	(80% IUSD)	3.7 fields	Have 4	Extra 0
<u>Soccer, Lighted</u>				
1 per 8,500	(90% City)	2.1 fields	Have 3	Extra 1
	(10% IUSD)	0.2 fields	Have 0	Extra 0
<u>Ball Diamonds, Unlighted</u>				
1 per 2,500	(20% City)	1.5 fields	Have 3	Extra 2
	(80% IUSD)	6.3 fields	Have 5	Minus 1
<u>Ball Diamonds, Lighted</u>				
1 per 5,000	(75% City)	2.9 fields	Have 4	Extra 1
	(35% IUSD)	1.0 fields	Have 0	Minus 1

A15c-3 See response to Comment A15c-1, A15-37, and A15c-2. Lead agencies are not required to generate their own original research; however, where specific information is currently, available the analysis includes that information (CEQA Guidelines Section 15144). The commenter's assumptions regarding required park acreage is incorrect, and no documentation of their calculations for population by census group was provided for the City of Irvine to validate. In accordance with CEQA Guidelines Section 15384 substantial evidence must include facts, reasonable assumptions predicated upon facts and expert opinion supported by facts.

The City's park standards, pursuant to the Quimby Act, allow for an actual reduction in park acreage with the provision of an equivalent level of on-site recreational amenities based on a current land appraisal to evaluate comparative amenity costs. The actual amount of neighborhood park land acreage in the IBC is less than the three acres per 1,000 required by code, since the neighborhood parks are fully improved with an equivalent level of amenities rather than just remaining as vacant land to be developed later. The commenter incorrectly states that no neighborhood park acreage is provided, where the RDEIR clearly states that neighborhood park facilities and amenities are provided, but are not public.

As detailed in Section 5.12, development pursuant to the IBC Vision Plan and Zoning Code would be required to submit a Park Plan application to establish park dedication requirements, to be provided, the amount of in-lieu fees, if any, and the allocation of those fees. These fees are used only for developing new or rehabilitating existing park or recreational facilities. Because in-lieu fees would mitigate impacts to park facilities by contributing to the expansion/improvement of park facilities within proximity to residents within the IBC, no significant impacts were identified. Furthermore, the IBC Vision Plan is adjacent to the San Diego Creek and the San Joaquin Freshwater Marsh, which is part of a larger open space system that provides regional parkland needs. The IBC Vision Plan would create an interconnected system of streets, bikeways, and trails connecting residential development to the wider system of open space, which helps satisfy the community's parkland demand.

2. Response to Comments

A15c-4 See response to Comment A15c-1, A15c-2, and A15c-3 regarding parkland demand. See response to Comment A15-38 regarding population estimates. The recreation section reiterates that Bill Barber Park serves the community park needs for the IBC population. The other community parks listed serve to indicate that there are large community parks throughout the City which serve similar population centers.

A15c-5 Distance is not the sole factor for determining the impact on surrounding cities parks and recreational facilities. The City is in agreement, the City of Irvine provides park facilities at a rate of five acres per 1,000. The City of Tustin has a citywide rate of three acres per 1,000. The approach to assessing parkland impacts is based on the availability of recreational amenities and the proximity of recreational amenities proximate to users. There is a multitude of parkland opportunities within the IBC Vision Plan area, within the City, and within proximity to the IBC Vision Plan area outside the area. Remaining parkland needs would be met through payment of in-lieu fees that are used for developing new or rehabilitating existing parkland and on-site recreational amenities provided within the residential developments. In addition, the proposed project would provide new recreational facilities that would exceed compliance with the City's park dedication standards as a result of creation of the interconnected system of streets, bikeways, and trails connecting residential development to the wider system of open space. Therefore, no significant impacts were identified.

In addition, the City of Tustin has built a large number of homes within the Tustin Legacy project without completing the necessary park facilities. The opening of the a new community park in Tustin Legacy was just opened as these responses are being prepared, and according to the Orange County Register ("Tustin's Citrus Ranch Park is Open to the Public," Feb. 27, 2010, this new park gives the City of Tustin a total park acreage of 2.6 per 1,000. Even with the construction of the final community park at Tustin legacy, the article notes that the City's park acreage would be 3.5 per 1,000, which is 1.5 per 1,000 less than that required by the City of Irvine.)

The neighborhood park in the Tustin portion of Columbus Grove has not yet been constructed, causing Tustin residents to use Sweet Shade Park in the City of Irvine portion of Columbus Grove, and to request the City of Irvine develop the vacant property along Harvard Avenue for a park for their use.

A15c-6 Future parks proposed as part of the Tustin Legacy project are noted. See also response to Comment A15-3 and A15c-5. The sample table is beneficial for Specific Plan level projects, normally completed by one major developer, and the nature of the proposed amenities are known. However, with the multiple-levels of ownership and the uncertainty of how different sites will develop, such an analysis would be speculative. The City's park standards outline the menu of options available for various neighborhood amenities.

A15c-7 The correct statement should be that four public neighborhood parks should be provided and a new community park site to serve the IBC should be provided south of Interstate 405, as shown on Figure 3-4 of the RDEIR.

A15c-8 See response to Comment A15-37 and A15-38 regarding the Alfred Gobar Surveys. The Alfred Gobar surveys had a response rate between 5 and 10 percent. Therefore, the use of the adopted population factor of 1.3 persons per household from the 2000 Federal Census for this project is considered more accurate and is justified.

A15c-9 See response to Comment A15-37 and A15-38 regarding the Alfred Gobar Surveys. The Alfred Gobar surveys had a response rate between 5 and 10 percent. Therefore, the use of the



2. Response to Comments

adopted population factor of 1.3 persons per household from the 2000 Federal Census for this project is considered more accurate and is justified.

- A15c-10 See response to Comment A15-37 and A15-38. The City of Irvine, as required by Government Code Section 66477 derives the average persons per household (city wide) based on the most recent Federal Census, with those factors codified in Municipal Code Section 5-5-1004-D. The City uses the 1.3 residents per unit value to estimate population, based on the approved 2000 Federal Census for the densities from 31.1 to 50 dwelling units per acre. This population generation rate has been adopted by the City consistent with state law relative.
- A15c-11 See response to Comment A15-37 and A15-38. Persons per household in the City is derived from the 2000 Federal Census. However, total population and employment projections are based on the Orange County Council of Governments (OCCOG) most recent update to the Orange County Projections (OCP). The City of Irvine acknowledges the use of regional data for population projections- a standards practice for all CEQA analysis of this issue- for consistency with regional planning efforts, and local data where required by law, in this case the Quimby Act. We would note that the Tustin Base Reuse EIR (SCH 94071005) (Chapter 3.2, Socioeconomics) even uses both local and OCP data for population and housing analysis).
- A15c-12 See response to Comment A15-37 and A15-38. The City uses the 1.3 residents per unit value to estimate population, based on the approved 2000 Federal Census for the densities from 31.1 to 50 dwelling units per acre.
- A15c-13 See response to Comment A15c-3 and A15c-5. Community parks are designed to serve more than one planning area. The City of Irvine acknowledges this misunderstanding by reiterating that while a site within the IBC is unlikely, the City is pursuing sites south of Interstate 405 in and adjacent to the IBC Vision Plan area for open space and/or community building facilities. The City denies, however, the assertion by the commenter that implementation of adequate mitigation through collection of in-lieu fees is infeasible. The City has the ability to use these fees to plan for and develop alternative community park facilities that meet the intent and requirements of the Quimby Act.
- A15c-14 See responses to comments A15c-1, A15c-5, and A15c-7. There is a multitude of parkland opportunities within the IBC Vision Plan area, within the City, and within proximity to the IBC Vision Plan area outside the area to satisfy parkland needs. Remaining parkland needs would be met through payment of in-lieu fees that are used for developing new or rehabilitating existing parkland and on-site recreational amenities provided within the residential developments. In addition, the proposed project would provide new recreational facilities that would exceed compliance with the City's park dedication standards as a result of creation of the interconnected system of streets, bikeways, and trails connecting residential development to the wider system of open space. Therefore, no significant impacts were identified. As detailed in Section 5.12, development pursuant to the IBC Vision Plan and Zoning Code would be required to submit a Park Plan application to establish park dedication requirements, to be provided, the amount of in-lieu fees, if any, and the allocation of those fees.
- A15c-15 See response to Comment A15c-13 and A15-61. There is a multitude of parkland opportunities within the IBC Vision Plan area, within the City, and within proximity to the IBC Vision Plan area outside the area to satisfy parkland needs. Remaining parkland needs would be met through payment of in-lieu fees that are used for developing new or rehabilitating existing parkland and on-site recreational amenities provided within the

2. Response to Comments

residential developments. In addition, the proposed project would provide new recreational facilities that would exceed compliance with the City's park dedication standards as a result of creation of the interconnected system of streets, bikeways, and trails connecting residential development to the wider system of open space. Therefore, no significant impacts were identified.



2. Response to Comments

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2. Response to Comments

LETTER A15d – Remy, Thomas, Moose and Manley, Attachment D (21 pages)

ATTACHMENT D

Excerpts from 1992 IBC PEIR



2. Response to Comments

The El Toro U.S.M.C.A.S. is located to the northeast of IBC, although aircraft noise from the station is not anticipated to affect the IBC project site. Commercial, office and industrial facilities, much like those in the IBC, are adjacent to the IBC boundary.

C. BACKGROUND AND HISTORY

Since the 1960's, the Irvine Business Complex (IBC) has transitioned from a low rise industrial complex to a major regional business center. With its emergence as a major business center, pressures to convert the existing light industrial uses within the complex to office uses grew. With this transition came significant traffic impacts. In order to gain control of the increasing traffic impacts, the City Council approved a rezoning of the complex in 1982 (for which a Final Environmental Impact Report was certified).

In order to encourage a mix of land uses and to partially mitigate traffic impacts, the 1982 ordinance established a development credit system allowing additional development for projects that provided a mix of uses. The land use intensity regulations in the 1982 zoning ordinance were based upon the projected traffic impacts. The 1982 EIR identified specific mitigation measures to address the impacts of development anticipated within the IBC. Between 1982 and 1985, substantial development activity occurred in the IBC which deviated from the pattern and distribution of development known in 1982. In 1985, a Supplemental EIR was certified which incorporated the new land use information and identified specific funding mechanisms to implement the circulation improvements necessary to accommodate changed development patterns as identified in the 1985 EIR. This remains the most recent comprehensive traffic mitigation analysis for IBC, as intensity increases approved as part of GPA-16, discussed below, deferred any additional IBC-wide traffic mitigation to the IBC Rezoning effort.

In 1987, the City discovered that the IBC approvals exceeded the level studied in the 1989 Supplemental EIR. After completing a detailed analysis of existing ordinance provisions and determining that approved development exceeds infrastructure capacity, the City Council enacted Interim Urgency Ordinances in 1987 in an attempt to limit development within the IBC to a level more commensurate with the existing and projected transportation system.

In 1988, the City initiated a rezoning effort to address many issues that inadvertently resulted from, or were not resolved during previous efforts. A list of goals and objectives for the project was prepared and submitted to the City Council. The concept of creating an "Urban Village" in the IBC stemmed from these goals and objectives to promote a more effective mix of land uses in an integrated urban pattern.

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2. Response to Comments

Following an extensive series of preliminary investigations, existing conditions analyses, and intensive planning and design efforts relating to the "Urban Village Concept," a "Composite Sketch Plan" for IBC was submitted on September 25, 1989. The Urban Village scenario was to be analyzed as the "Preferred Alternative".

In late 1989, the City adopted the Conservation Open Space General Plan Amendment (GPA-16), which established a maximum development intensity limit in the IBC of 48.25 million gross square feet of Business/Industrial uses and 3,571 units of residential development. Although based on the analyses conducted for the GPA-16 impacts that were identified related to the type and intensity of development within the IBC, no additional mitigation measures beyond the 1985 Supplemental EIR were proposed. Identification of a mitigation program was deferred to the current IBC effort, which was then underway. Currently, citywide interim zoning regulations are in effect to ensure that necessary revisions and amendments to the City's Zoning Ordinance (including the IBC) are completed to reflect the provisions of the General Plan.

In March of 1990, staff was given new direction by the City Council to prepare and analyze additional land use alternatives for initial review before the City Council.

Following extensive public discussions and review (including two publicized community workshops), the City determined that there is an essential set of issues related to the IBC. This relates to issues that require immediate attention and resolution. These are issues related to the excess approvals, and the inconsistencies between the Zoning Ordinance, the General Plan and the Circulation Improvements.

To ensure that the issues are addressed as part of the IBC Rezoning effort, with consideration for the order of their expediency, the City Council approved a work program for the Rezoning on October 23, 1990. A public scoping meeting was held by the City on February 20, 1991, to receive further input on the EIR and project. In May and June of 1991, the City of Irvine Planning Commission and City Council held public hearings on the IBC General Plan Amendment (GPA) and Rezoning Project and considered the Draft EIR that analyzed the environmental impacts of the proposed GPA and Rezoning. Due to concerns raised by the community and the neighboring jurisdictions, as well as issues raised by the City's Transportation and Planning Commission and the City Council, the City Council directed staff to revise the proposed Rezoning and GPA and to recirculate the Draft EIR which analyzes the environmental impacts of the revised GPA and Zone Change. As each legal parcel within the IBC will be allocated a total "Trip Budget", development within each parcel will be limited to generate the allocated trips. The Program EIR to be

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IRV 003448



2. Response to Comments

prepared at this time will address the impacts of the IBC Rezoning (addressing issues of immediate concern).

In May and June of 1992, the Planning Commission and the City Council of the City of Irvine held public hearings on the IBC GPA/Zone Change project and considered the recirculated Draft Program EIR that analyzed the environmental impacts of the proposed GPA and Rezoning. Due to concerns raised by small business and property owners within the IBC, the City Council formed an IBC Ad-Hoc Committee to address these concerns. The Ad-Hoc Committee consisted of representatives from the City Council, the Planning Commission, the Transportation Commission, the Irvine Chamber of Commerce, the Industrial League of Orange County, small business and property owners, and City staff members. Based on discussions within the Ad-Hoc Committee and direction received from the City Council, the following revisions were incorporated in the IBC GPA/Zone Change project:

Development Potential: The establishment of development potential for vacant and under-utilized parcels is based on a formula that recognizes existing development along with a reasonable potential for additional development for all parcels which are currently below a 0.25 Floor to Area Ratio (FAR) in office trips. This change could allow 2,764 million more square feet of additional office development potential, or 3,814 PM peak hour trips. This increase in the trip maximum will allow for more flexibility for the future development of parcels which currently have under a 0.25 FAR in office trips.

Occupancy Level: Based on additional information and analysis of historical and projected economic conditions, for non-residential development at buildout (Post-2010), a realistic projection of the maximum potential occupancy has been assumed. The occupancy level considered for analysis is 85% compared to 92% under the previous proposal. The revised assumption is deemed to be a more realistic projection based on data supplied by real estate brokers familiar with the development and business community within IBC (see Appendix J, OCCUPANCY LEVEL DATA).

Transfer of Development Rights (TDR): The IBC Zoning Ordinance will include a TDR mechanism that will allow for transfer of trips between parcels/sites in the IBC subject to a discretionary review process. The proposal also calls for the establishment of a TDR Fee to supplement the funding of circulation improvements. This TDR mechanism will allow for a percentage of the sales of the development

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rights to come back to the City, to be used for IBC roadway mitigation costs (see Appendix B, PROPOSED ZONING ORDINANCE).

Funding Programs and Development Phasing: A re-evaluation of the cost and revenue assumptions to identify funding needs has resulted in ways to reduce the funding shortfall by evaluating contingency needs and funding opportunities from other agencies. The revised funding analysis identifies alternate funding sources including consideration of readily available funds to address any potential shortfall such as Transfer of Development Rights Fees (see Appendix D, FUNDING PROGRAM).

The aforementioned changes constitute a mid-course correction for the IBC GPA/Zone Change project and are not considered to be of a significant nature.

The EIR will assess project impacts in each specified environmental issue area, and will suggest mitigation measures and/or alternatives to reduce those impacts to acceptable levels. As allowed by Section 15168 of State CEQA Guidelines, a Program EIR will be prepared. Impacts and mitigation measures will be identified for the IBC as a whole (at "Program" level of analysis), as well as anticipated benefits and impacts of recommended transportation improvement mitigation measures. Subsequent activities will be examined in the light of the Program EIR to determine whether any additional environmental documentation must be prepared.

D. PROJECT CHARACTERISTICS

The IBC General Plan Amendment and Rezoning Project includes a Zone Change (88-ZC-0135), General Plan Amendment (7234-GA), and the establishment of a Circulation Mitigation Program and revised Funding Program including a Fee Program.

Based upon the proposed zoning concept, the Planning Area will be divided into three districts. The Multi-Use District will be comprised of all portions of the planning area south of Barranca Parkway. Parcels with existing or previously approved residential projects will be zoned residential and will constitute the Residential District in the IBC. Residential development within IBC will be limited to the existing and previously approved projects. No additional residential units beyond the existing and approved projects will be allowed within IBC. The Industrial District will include the area north of Barranca Parkway, commonly known as the Construction Circle area



2. Response to Comments

As each legal parcel within the IBC will be allocated a total "Trip Budget", development within each parcel will be limited to generate the allocated trips. Projects can use the total allocated AM and PM trips to propose various types of non-residential land uses. The proposed zoning concept provides additional flexibility to developers in terms of the selection of land uses. As a result, it is anticipated that certain land use compatibility issues may arise as developers introduce a variety of land uses throughout the IBC. To ensure that land use compatibility issues are considered while the IBC retains its mixed use character, the City will ensure that thorough environmental analysis is conducted on project proposals. In addition, the proposed zoning ordinance specifies master plan, conditional use permit or other discretionary review processes to ensure that all aspects of proposed projects, including land use compatibility, are analyzed. Appendix B is the proposed IBC Zoning Ordinance which includes the details of land use regulations, development intensity, development standards and special development standards within the IBC.

Included in the proposed IBC Zoning Ordinance is a mechanism for Transfer of Development Rights (TDR's). The TDR mechanism allows for the transfer of trips from parcel-to-parcel and site-to-site within the IBC boundaries. Each TDR application will be required to complete a discretionary review process to allow identification of all potential impacts of the TDR, and propose appropriate mitigation. The applicant will be required to submit a traffic study to identify and address any potential traffic impacts on the circulation system to a level of insignificance. All TDR applications will also be required to be associated with a project, so as to eliminate the "Banking" of development potential on sites which have no plans to utilize the additional potential. A TDR Fee has ~~will~~ also ~~been~~ established to ~~that would~~ supplement the Funding Program for the implementation of circulation improvements (see Appendix B, PROPOSED ZONING ORDINANCE).

The purpose of the project will be to amend the present General Plan and Zoning intensity standard of approximately 48.255 million gross square feet of Business/Industrial uses and 3,571 units of Residential uses, with estimated actual existing, approved and projected development of approximately 55.818 million gross square feet of non-residential development and 3,896 residential units (this is the "Preferred Alternative" addressed in the project traffic study). A slight increase in the maximum residential units is proposed as compared to the Current General Plan (refer to Table 1, IBC LAND USE SUMMARY). The proposed project (with respect to zoning, land use and square footage) will include the existing projects and approvals (approvals include all Vesting Maps, Development Agreements, Conditional Use Permits, Master Plans, Zoning Compliances, and building permits for projects within the IBC) that are near completion or that have already been approved. The project will also allow for a 0.25 Floor Area Ratio (FAR) of office

2. Response to Comments

equivalent development for vacant/under-utilized parcels. Under-utilized parcels are those which are currently developed to less than 0.25 FAR of office equivalency. The project includes transportation improvements and an associated phasing and fee program to provide acceptable levels of service. Traffic modelling for IBC is planned to assume a 15% commuter trip reduction for Transportation Demand Management (TDM) measures (rail transit will not be assumed although it will be included as a mitigation). The project includes the following land use provisions and key elements:

Zone Change (88-ZC-0135)

The intent of this rezoning is to establish a mitigation program that is capable of addressing the impacts of all existing and approved development including development resulting from a maximum of 0.25 FAR on vacant and under-utilized parcels. Under-utilized parcels are those which are currently developed to less than a 0.25 FAR of office-equivalent development, based on the proposed land uses for each parcel.

To fulfill this purpose, a draft Zoning Ordinance has been prepared that regulates development intensity based upon the amount of existing built, approved and development potential of up to 0.25 FAR of office equivalency on vacant and under-utilized parcels. The parcel-specific zoning will be implemented and monitored through the establishment of Trip Budgets which correspond to the total trip generation of the buildout of the existing, approved and projected land uses within each parcel. Thus, based on the new zoning regulations and the revised intensity limit (both square footage and trip maximums), a parcel-based system has been created that links land uses and intensities with the projected traffic and other impacts.

Included in the proposed IBC Zoning Ordinance is a mechanism for Transfer of Development Rights (TDR's). The TDR mechanism allows for the transfer of trips from parcel-to-parcel and site-to-site within the IBC boundaries. Each TDR application will be required to complete a discretionary review process to allow identification of all potential impacts of the TDR, and propose appropriate mitigation. The applicant will be required to submit a traffic study to identify and address any potential traffic impacts on the circulation system to a level of insignificance. All TDR applications will also be required to be associated with a project, so as to eliminate the "Banking" of development potential on sites which have no plans to utilize the additional potential. A TDR Fee has ~~been~~ also ~~been~~ established to ~~that would~~ supplement the Funding Program for the implementation of circulation improvements (see Appendix B, PROPOSED ZONING ORDINANCE).

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JN 28662-3

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2. Response to Comments

The proposed total development intensity and its allocation to the individual parcels within the IBC is based upon a Database compiled by the City's Community Development Department. The database, following an extensive public review process, was approved by the City Council in January 1991, and identifies the total square footage in existing, approved and remaining potential, as well as the trip maximums based on the legal parcel boundary. On a parcel-by-parcel basis for the entire IBC, the new zoning will amend development intensity as well as land use regulations within IBC. Modification of outdated areas of the zoning ordinance will be implemented and the revised General Plan intensity cap will be documented in the zoning ordinance through the zone change (see Appendix B, PROPOSED ZONING ORDINANCE).

General Plan Amendment (Project No. 7234-GA)

The project will update the General Plan regarding maximum allowable building intensity standards (in both total square footage, and also trips generated by parcel) in the IBC, and will reflect any changes to the land use designations and circulation system necessitated by the rezoning. The General Plan building intensity standard will be increased to approximately 55,818 million gross square feet of business and industrial uses and would generate 63,346 AM trips, 76,055 PM trips and 811,296 average daily trips (ADT), as compared to its present building intensity standard of 48,255 million gross feet which generates 60,292 AM trips, 71,212 PM and 748,966 ADT. The project permits 3,896 residential units which would generate 1,949 AM trips, 2,027 PM trips, and 24,545 ADT, of which 403 units are existing, and are generating a total of 201 AM trips, 209 PM trips, and 2,494 ADT (refer to Table 2, IBC TRIP GENERATIONS BY LAND USE). The General Plan Amendment will amend the Building Intensity Standards in the Land Use Element Figures A-7 (INDUSTRIAL INTENSITY STANDARDS) and A-10 (RESIDENTIAL INTENSITY), Objective A-4 (INTENT OF THE GPA AND ZONE CHANGE), the Housing Element Figures C-1 (GENERAL PLAN POTENTIAL RESIDENTIAL DEVELOPMENT) and C-2 (DWELLING UNIT RANGE), and Objective C-7 (IMPLEMENTING ACTION), and the Circulation Element Figure D-5 (ARTERIAL HIGHWAY DESIGNATION). Also, please refer to Appendix C, SUMMARY OF REVISIONS FOR GENERAL PLAN AMENDMENT. The Circulation Element will require an amendment for the segment of Redhill Avenue between Main Street and MacArthur Boulevard from "Primary" to "Major" arterial (other road widenings are occurring on major arterials and therefore will not require a Circulation Element Amendment).

2. Response to Comments

Table 1

IBC LAND USE SUMMARY

LAND USE	EXISTING (as of 7-15-92)	*CURRENT GENERAL PLAN AND ZONING	IBC GPA AND REZONING
Office	23.033 million S.F.	39.209 million S.F.	32.019 million S.F.
Retail	1.197 million S.F.	1.524 million S.F.	2.051 million S.F.
Hotel	1.571 million S.F.	2.732 million S.F.	2.580 million S.F.
Industrial/Warehouse	14.046 million S.F.	4.790 million S.F.	14.097 million S.F.
Residential (Dwelling Units)	403 D.U.	3,571 D.U.	3,896 D.U.**
"Zoning Potential"			5.072 million S.F.***
TOTAL	39.846 million S.F. 403 D.U.	48.255 million S.F. 3,571 D.U.	55.818 million S.F. 3,896 D.U.

TOTAL NET INCREASE

Over Existing Conditions: 15.972 million SF (3,493 DU)
Over Current General Plan: 7.563 million SF (325 DU)

S.F. = Square Feet
D.U. = Dwelling Units

Source: City of Irvine

* Note: Current General Plan and Zoning Ordinance Land Uses are consistent with modelling assumptions for traffic, noise and air quality. Specific land uses and corresponding building intensities for buildout projects are not legislated in the City's General Plan and Zoning Ordinance.

** Note: Includes the 87 dwelling units in the McGraw Apartments and the 360 density bonus dwelling units for Park Place Apartments.

*** Note: Zoning Potential was calculated using a 0.25 FAR office equivalency for each parcel currently developed to less than a 0.25 FAR office equivalent.

2. Response to Comments

Traffic Improvement Mitigation Program and Funding Program

The project also includes a circulation improvement Mitigation Program, and a Funding Program including a Fee Program to implement the necessary circulation improvements within IBC. The Mitigation Program specifies the physical nature and priority of the necessary circulation improvements. The Funding Program including a Fee Program is based on traffic forecasts contained in Appendix F, TRAFFIC STUDY, and preliminary cost estimates for critical transportation improvements needed to achieve acceptable Levels of Service. The total cost for transportation improvements is estimated at approximately \$222.5 million. The Funding and Fee Programs are included in Appendix D, FUNDING PROGRAM.

Land Use Database

The proposed development building intensity standard within IBC of 55.818 million square feet of non-residential development and 3,896 residential units, resulting in 63,346 AM trips, 76,035 PM trips, and 811,296 ADT, is based on the following (see Table 1, LAND USE SUMMARY, Table 2b and Exhibit 4, MAJOR IBC PROJECTS, and Appendix E, LAND USE DATABASE):

39.846 million square feet Existing
48.255 million square feet Current General Plan
55.818 million square feet TOTAL MAXIMUM PERMITTED

Major IBC Projects

The following is a brief description of the ten (10) projects within the IBC that have been approved or are near completion. For additional information regarding the Major IBC Projects (the big 10), refer to Section IV.B, LAND USE, under "IBC Major Projects".

Douglas Plaza: The Douglas Plaza project is situated along the southern boundaries of the IBC and is bordered by MacArthur Boulevard on the west, Campus Drive on the south and Von Karman Avenue on the east. The project includes approximately 1,799,630 SF (square feet), consisting of approximately 1,600,935 SF of office, 68,300 SF of retail, 153,720 SF of hotel, and 86 dwelling units.

2. Response to Comments

Table 2a

IBC TRIP GENERATIONS BY LAND USE

LAND USE	1992 PROJECTED EXISTING	CURRENT GENERAL PLAN	IBC GPA AND REZONING PROJECT
Office	28,871 AM trips 30,716 PM trips 306,248 ADT	51,071 AM trips 54,462 PM trips 542,887 ADT	41,624 AM trips 44,186 PM trips 440,902 ADT
Retail	3,046 AM trips 8,334 PM trips 100,555 ADT	3,871 AM trips 10,604 PM trips 127,974 ADT	5,213 AM trips 14,278 PM trips 172,249 ADT
Hotel	975 AM trips 1,579 PM trips 23,190 ADT	1,409 AM trips 2,278 PM trips 33,480 ADT	1,625 AM trips 2,629 PM trips 38,640 ADT
Industrial/ Warehouse	6,058 AM trips 5,637 PM trips 62,712 ADT	2,156 AM trips 2,011 PM trips 22,129 ADT	6,345 AM trips 5,919 PM trips 65,125 ADT
Residential	201 AM trips 209 PM trips 2,539 ADT	1,785 AM trips 1,857 PM trips 22,496 ADT	1,949 AM trips 2,027 PM trips 24,545 ADT
"Zoning Pot"			6,590 AM trips 6,996 PM trips 69,835 ADT
TOTAL	39,151 AM trips 46,475 PM trips 495,244 ADT	60,292 AM trips 71,212 PM trips 748,966 ADT	63,346 AM trips 76,035 PM trips 811,296 ADT

TOTAL NET INCREASE

Over 1992 Projected Existing Conditions:

24,195 AM trips
29,560 PM trips
316,052 ADT

Over Current General Plan:

3,054 AM trips
4,823 PM trips
62,330 ADT

AM = Peak morning hour trips generated

PM = Peak evening hour trips generated

ADT = Average Daily Trips generated

GPA = General Plan Amendment

Source: City of Irvine

2. Response to Comments

Table 2b.

MAJOR IBC PROJECTS

PROJECT NO.	PROJECT	EXISTING S.F.	LAND USE	BUILD OUT S.F.
1.	DOUGLAS PLAZA	862,865	office	1,600,935
		43,957	retail	68,300
		153,720	hotel	153,720
		0	Indust/Wrhs	15,000
		1,060,542	Total	1,799,630 86 D.U.
2.	KOLL EAST	122,288	office	437,000
		25,260	Indust/Wrhs	0
		147,548	Total	437,000
3.	PARK PLACE	1,965,215	office	3,699,194
		0	retail	324,700
		0	hotel	160,000
		33,000	Indust/Wrhs	0
		1,989,215	Total	4,183,894 1,802 D.U.
4.	MOLA	0	office	497,070
		0	retail	240,080
		0	hotel	373,840
		0	Total	1,110,990 1,119 D.U.
5.	LAKESHORE TOWERS	407,789	office	810,000
		6,000	retail	113,440
		413,789	Total	923,440
6.	KCI WHITE	576,814	office	751,511
		7,500	retail	7,500
		584,314	Total	856,041
7.	KCI BLACK	888,628	office	1,087,810
		33,642	retail	33,642
		336,700	hotel	336,700
		1,258,970	Total	1,458,152

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2. Response to Comments

Table 2b.
(Continued)

MAJOR IBC PROJECTS

PROJECT NO.	PROJECT	EXISTING S.F.	LAND USE	BUILD OUT S.F.
8.	KCI NORTH	1,422,502	office	2,302,420
		176,750	retail	191,982
		420,310	hotel	895,745
		58,336	Indust/Wrhs	77,281
		--	zon.pot.	108,257
		2,186,155	Total	3,575,685
9.	JAMBOREE CENTER	1,699,386	office	1,840,000
		3,267	retail	23,000
		423,500	hotel	423,500
		2,126,153	Total	2,286,500
		10.	CENTURY CENTER	525,118
2,604	retail			23,750
86,500	hotel			86,500
86,000	Indust/Wrhs			0
--	zon.pot.			21,477
700,222	Total			992,421
GRAND TOTAL		10,466,908 S.F. 0 D.U.	17,623,753 S.F. 3,007 D.U.	

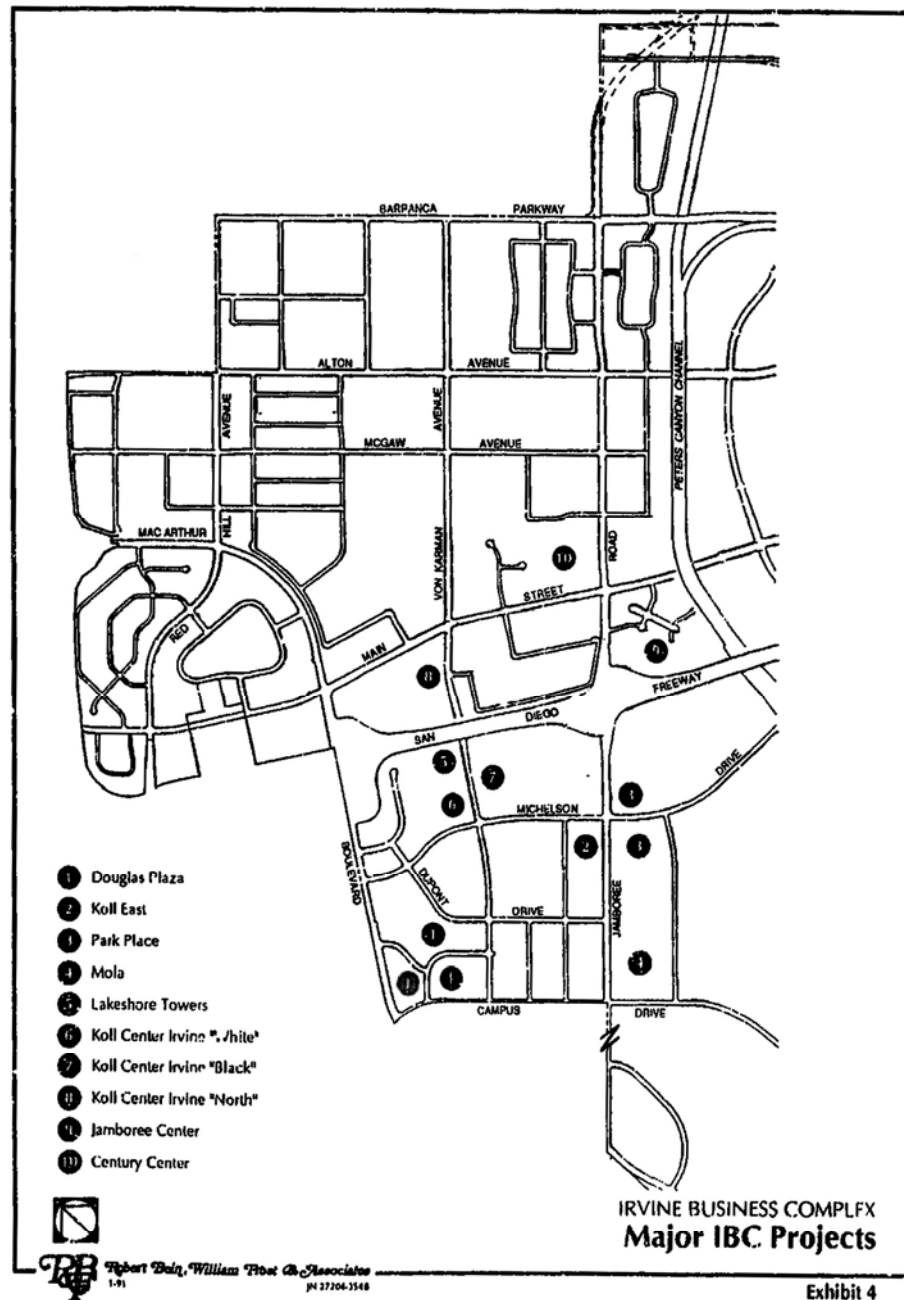
**NET INCREASE PROPOSED: 7,156,845 S.F.
3,007 D.U.**

KCI = Koll Center Irvine
S.F. = Square Feet
D.U. = Dwelling Units
Indust/Wrhs = Manufacturing/Warehouse/Service Industrial Uses
Zon. Pot. = Zoning Potential (assumed to be office)

Source: City of Irvine

Note: Several industrial developments will also be permitted to expand their existing facilities within the IBC (including, but not limited to Allegan Corporation, Baxter and Kendall/McGraw), the McGraw Apartments which include 87 D.U., as well as the 360 D.U. for the Park Place Density Bonus.

2. Response to Comments



IRV 003459

2. Response to Comments

Koll East: The Koll East project is situated directly west of the Park Place project and is bordered by Teller Avenue on the west, Michelson Drive on the north, and Jamboree Boulevard on the east. The project includes approximately 437,000 SF, which will all be designated for office uses.

Park Place: The Park Place project is located on the eastern boundary of the IBC, directly south of the I-405, and lies between Jamboree Boulevard on the west and the San Diego Creek Channel on the east. A portion of the project is south of Michelson Drive, bound on the east by Carlson Avenue. The project is to include approximately 4,183,894 SF, consisting of approximately 3,699,194 SF of office, 324,700 SF of retail, 160,000 SF of hotel and 1,802 dwelling units (1,442 dwelling units, plus 360 Density Bonus dwelling units).

Mola: The Mola project is situated directly south of the Park Place project, with its western boundaries along Jamboree Boulevard and its eastern boundaries along Carlson Avenue. The project will include approximately 1,110,990 SF, consisting of approximately 497,070 SF of office, 240,080 SF of retail, 373,840 SF of hotel and 1,119 dwelling units.

Lakeshore Towers, Koll Center Irvine "White", and Koll Center Irvine "Black": These projects are located in the west central area of the IBC. The Lakeshore and the Koll Center "Black" projects are bordered by the I-405 Freeway on the north, and are divided by Von Karman Avenue on the east and west, respectively. The Koll Center "White" is bordered by the Lakeshore Towers project on the north, Von Karman Avenue on the east, and Michelson Drive on the south.

The Lakeshore Towers Project consists of approximately 923,440 SF, with approximately 810,000 SF for office and 113,440 SF for retail. The Koll Center "White" project consists of approximately 856,041 SF, with approximately 751,511 SF for office, 7,500 SF for retail and 97,030 SF of undesignated use (assumed as office). The Koll Center "Black" project consists of approximately 1,458,152 SF, which includes approximately 1,087,810 SF of office, 33,642 SF of retail and 336,700 SF of hotel.

Koll Center Irvine "North": The Koll Center Irvine "North" project is located directly north of the Lakeshore Towers project and is bordered by Main Street on the north, Von Karman Avenue on the east and the I-405 Freeway on the south. The project includes approximately 3,575,685 SF, consisting of approximately 2,302,420 SF of office, 191,982 SF of retail, 895,745



2. Response to Comments

SF of hotel, 77,281 SF of industrial/warehouse and 108,257 SF for "zoning potential" (assumed as future office).

Jamboree Center: The Jamboree Center project is located along the eastern boundary of the IBC, directly north of I-405, and lies between Jamboree Road on the west and the San Diego Creek on the east. This Project will include a total of approximately 2,286,500 SF, consisting of approximately 1,840,000 SF of office, 23,000 SF of retail, and 423,500 SF of hotel.

Century Center: The Century Center project is located in the central eastern area of the IBC and is bordered by Jamboree Boulevard on the east and Main Street on the south. The project includes approximately 992,421 SF, which includes approximately 860,694 SF of office, 23,750 SF of retail, 86,000 SF of hotel, and 21,477 SF of "zoning potential" (assumed as future office).

Additionally, application for the McGaw residential project, which will include 87 dwelling units within the IBC, was deemed complete prior to January 1, 1991, and is included as an approved project within the IBC.

E. PROJECT OBJECTIVES

Objectives of the Irvine Business Complex (IBC) Rezoning Project include the following:

- Establish a traffic mitigation Phasing Plan and revised Fee Program and/or alternatives to a revised Fee Program.
- Revise the present General Plan/Zoning Interim Building Intensity Standard of 48.255 million gross square feet with estimated actual existing and approved development of approximately 55.818 million gross square feet.
- Allow for a maximum 0.25 FAR of office equivalent development for all vacant parcels and parcels that are currently built under 0.25 FAR of office equivalent development (under-utilized parcels).
- Provide consistency between the City's Zoning Ordinance, the General Plan, and the circulation improvements within the IBC.

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JN 28662-3

IRV 003461

2. Response to Comments

F. PROJECT PHASING

In order to meet the objectives of the IBC Project, the Project includes the Program EIR for the IBC rezoning which will address impacts and feasible mitigation measures to reduce such impacts.

Actual phasing for the IBC Rezoning Project has not been determined as the project involves an area-wide Zone Change and General Plan Amendment and does not include individual detailed development plans for parcels within IBC. However, there are several existing agreements, entitlements, or approvals that are near completion or are already approved which are expected to be substantially built out within 5 to 15 years. The total IBC development cap may not be realized for 20 years or more.

G. AGREEMENTS, PERMITS AND APPROVALS

Agreements and approvals will be required as a part of the IBC Rezoning Project. Following distribution of the Draft EIR, a 45-day public review period is provided for public comment, in accordance with CEQA.

At the end of the 45-day review period and following responses to comments on the Draft Program EIR, the Irvine City Council will determine the adequacy of the Final EIR following public hearings and a recommendation by the Planning Commission. The Final EIR includes the revised Draft EIR, comments received during the 45-day public review period, and responses to the comments. Following a determination that the Final EIR is adequate and certification of the EIR by the City Council, a Notice of Determination will be issued by the City should the project be approved.

The following is a list of responsible agencies and the associated approvals and agreements anticipated to be required for the proposed project:

<u>Responsible Agency</u>	<u>Agreement/Approval</u>
City of Irvine City Council	▪ Final EIR Certification
	▪ Zone Change

HI1-21

JN 28462-3

IRV 003462



2. Response to Comments

- * General Plan Amendment (Land Use, Housing and Circulation)
- * Phasing Plan
- * Reduced Fee Program

NOTE: Individual projects within IBC will require a separate review and approval process, including appropriate environmental documentation.

III-22

JN 28662-3

IRV 003463

VI.I. INVENTORY OF UNAVOIDABLE SIGNIFICANT IMPACTS

A. CIRCULATION AND TRAFFIC

The IBC Rezoning Project will have a significant impact on traffic and circulation within and surrounding the IBC. Although mitigation measures will help reduce impacts to the extent feasible, several intersections and road segments within and surrounding the IBC will not meet City performance criteria, which is considered a significant impact as a result of the IBC General Plan Amendment and Rezoning Project. Implementation of the above mentioned transportation measures and existing ordinances/programs relative to transportation management with the intent of reducing the single occupant vehicle, will further reduce this significant impact, but are not anticipated to avoid significant intersection and roadway capacity deficiencies.

B. LAND USE

Project implementation will result in a General Plan Amendment and Zone Change for the IBC, which will permit significant additional intensity over specific areas within IBC and the current General Plan land uses in zoning districts. ~~Due to Skypark Circle's geographic relationship with John Wayne Airport, this area will continue to be impacted by commercial and private aircraft overflight, as it lies within a major air traffic corridor. Significant impacts may remain with respect to crash hazards in the Skypark Circle vicinity, due to Skypark's close proximity to John Wayne Airport and several areas within the IBC may be impacted by right-of-way acquisition necessary for proposed road improvements.~~

D. PUBLIC SERVICES AND UTILITIES

The following identifies issues which maintain a level of significance after mitigation.

The potential buildout of the IBC will result in the need for additional public park and educational facilities. Although parkland dedication and/or fees will meet minimum City requirements, school facility fees will contribute toward financing new district educational facilities, and a commitment from SAUSD/TUSD/IUSD that enrollment will be provided, project implementation of non-residential and residential development may result in significant impacts (depending on the nature of future development approvals).

VIII-1

JN 28662-8

IRV 003732



2. Response to Comments

As there are presently no schools within the IBC boundaries, SAUSD estimates the student population generated from the proposed 3,536 dwelling units is a significant impact to the District. Although required developer fees will substantially reduce this impact, the lack of schools within the IBC is considered an unavoidable adverse impact with the proposed zoning.

E. RELEVANT PLANNING

Other than physical impacts discussed in other sections, no significant relevant planning impacts are anticipated with implementation of the required plan amendments.

F. AIR RESOURCES

The proposed IBC GPA and Rezoning Project exceeds the regional forecasts by representing a significant cumulative amount of air emissions.

G. NOISE

Noise produced as a result of the IBC Rezoning would not significantly alter the noise environment in the area. However, during evening and late night periods of low ambient noise, truck noise would be distinctly perceptible to an observer located outdoors. With interior and exterior noise mitigation to residential units adjacent to Main Street through Westpark, and Barranca Parkway through Planning Area 38, cumulative noise levels will be brought to a level of insignificance. However, from second story units with the windows open, individual trucks may still be clearly heard. With windows closed, interior noise levels due to trucks should be largely unnoticed.

Significant aircraft attributed to John Wayne Airport and MCAS(H) Tustin will continue to be a major existing noise source for areas throughout the IBC.

H. WATER RESOURCES

Implementation of the above mitigation measures are expected to reduce any adverse impacts associated with flood control and water quality to a less than significant level. Significant impacts will remain, however, due to potential dam inundation (although the likelihood of dam failure is considered low).

VIII-2

JN 28662-8

IRV 003733

2. Response to Comments

I. PUBLIC HEALTH AND SAFETY

Implementation of the recommended mitigation measures, as well as those within site specific studies, are anticipated to reduce potential impacts to less than significant levels.

J. BIOLOGICAL RESOURCES

With implementation of recommended mitigation measures, no significant impacts are anticipated to biological resources.

K. CULTURAL RESOURCES

Although certain previously unidentified cultural resources may be damaged during future grading activity, required mitigation measures are anticipated to reduce potential impacts to less than significant levels.

L. EARTH RESOURCES

The proposed mitigation measures provide for appropriate geotechnical investigations and incorporation of necessary land use design changes into the project at subsequent levels of review. These actions can reduce seismic hazards to levels currently acceptable to the City. Despite these actions, locally significant structural and infrastructure damage can be expected as the result of a major earthquake centered near the project area.

M. POPULATION AND HOUSING

No significant impacts are anticipated regarding housing and employment in the IBC upon project implementation. Adherence to the Housing Element of the City's General Plan, which is aimed at the provision of adequate housing supplies, including lower-cost housing will help ensure adequate housing availability within the City and IBC.

VIII-3

JN 28662-8

IRV 003734



2. Response to Comments

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2. Response to Comments

A15d. Response to Comments from City of Tustin – Remy, Thomas, Moose and Manley, Attachment D: Excerpts from 1992 IBC PEIR, dated Year 1992.

A15d-1 Comment is hereby noted and will be forwarded to the appropriate City of Irvine decision makers for their review and consideration.



2. Response to Comments

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2. Response to Comments

LETTER A15e – Remy, Thomas, Moose and Manley, Attachment D (3 pages)

ATTACHMENT E

Memorandum from LSA Associates, Inc. to
Irvine planner Pamela Sapetto, dated
December 5, 2000



2. Response to Comments

18/11

GOVERNMENT SOLUTIONS

349 717 7942 P.05/07

12/15/00 (1/15/00) (1/15/00) (1/15/00)

Mala Centre Entitlement History

Land Use	Size	Units	Total ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Approved Mola Centre ¹									
Office	482.57	TSP	6,923	526	125	651	154	512	666
Family Restaurant	15.75	TSP	3,164	169	132	301	92	81	173
High Quality Restaurant	15.75	TSP	1,506	6	1	7	43	20	63
High Quality Restaurant w/Entertainment	20.00	TSP	1,912	8	1	9	55	25	80
Retail	21.60	TSP	3,264	11	4	15	103	116	219
Health Club	90.00	TSP	3,600	86	38	144	194	130	324
Theatre	2,600	Seats	4,680	0	0	0	260	104	364
Motel	450	Rooms	4,500	113	77	190	185	122	307
Residential	1,119	DU	7,050	112	448	560	492	213	705
Day Care	8.00	TSP	63	5	4	9	3	3	6
Total Mola Centre Entitlement			36,664	1,836	850	1,886	1,581	1,326	2,907
Todman Apartments									
Residential	563	DU	3,643	51	236	287	236	113	349
Total Todman Apartments			3,643	51	236	287	236	113	349
Phase I Campus Centre ²									
Office	252.00	TSP	3,330	233	70	303	66	223	289
Retail/Commercial	10.00	TSP	380	8	8	16	15	15	30
Total Phase I Campus Centre			3,710	241	78	319	81	238	319
Campus Centre Buildout ³									
Office	252.00	TSP	3,330	233	70	303	66	223	289
Retail/Commercial	7.00	TSP	267	6	5	11	10	11	21
Motel	250	Rooms	2,175	100	68	168	103	88	191
Restaurant	8.00	TSP	1,240	63	63	126	70	60	130
Apartments	538.00	DU	3,461	48	225	273	225	107	332
Total Campus Centre Buildout			10,473	450	431	881	474	489	963
Total Used Trips			17,826	742	345	1,487	791	840	1,631
Trips Remaining On-Site			10,838	294	105	399	790	486	1,276

¹ Mala Centre Traffic Impact Analysis, February 24, 1988.

² Kell Center South Interior Phase I Access Study, December 10, 1999.

³ Draft Campus Centre Traffic Impact Analysis, October 12, 2000.

12/15/00 (1/15/00) (1/15/00) (1/15/00)

C-09-001799

2C-09-001303

2. Response to Comments

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2. Response to Comments

A15e. Response to Comments from City of Tustin – Remy, Thomas, Moose and Manley, Attachment E: Memorandum from LSA Associates, Inc., to Irvine Planner Pamela Sapetto, dated December 5, 2000.

A15e-1 Comment is hereby noted and will be forwarded to the appropriate City of Irvine decision makers for their review and consideration.



2. Response to Comments

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