

# Chapter 1.0

## Introduction

### 1.1 Type of EIR

This Program Environmental Impact Report (PEIR; State Clearinghouse House [SCH] No. 2023070463) has been prepared consistent with Section 15168 of the California Environmental Quality Act (CEQA) Guidelines to address potential environmental effects associated with implementation of the City of Irvine (City) 2045 General Plan Update (project).

As described in Section 15168 of the CEQA Guidelines, program level environmental review documents are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. The project that is the subject of this PEIR consists of a comprehensive update to the existing General Plan and updates to the City's Land Use and Zoning Maps and Zoning Ordinance, which will serve as the long-term policy documents guiding future development. The purpose of this program level PEIR is intended to inform decision-makers and the general public of the potential significant environmental impacts of the project. This program level EIR also considers the availability of mitigation measures as required by Section 15126.4 of the State CEQA Guidelines to minimize the project's significant impacts and evaluates reasonable alternatives to the project that may reduce or avoid one or more significant environmental effects as required by Section 15126.6 of the CEQA Guidelines.

### 1.2 List of Project Approvals

The project would require City Council approval of the following project components:

- 2045 General Plan Update
  - Land Use Element (Update)
    - Incorporates existing Irvine Business Complex Element
    - Incorporates existing Growth Management Element
  - Circulation Element (Update)
  - Conservation and Open Space Element (Update)
    - Incorporates existing Parks and Recreation, Public Facilities and Services, and Cultural Resources Elements
  - Safety Element (Update)
    - Incorporates existing Seismic Safety Element
  - Noise Element (Update)
  - Environmental Protection and Climate Action Element (New)
    - Incorporates existing Integrated Waste Management Element
    - Incorporates existing Energy Element

Additionally, the project would require approval of the following discretionary actions:

- Adopt a General Plan Amendment updating the General Plan elements and City's Land Use Map.
- Adopt a Zone Text Amendment to revise applicable sections of the Zoning Ordinance affected by the residential and residential mixed-use overlay program.
- Adopt a Zoning Map Amendment to illustrate the proposed overlay program.
- Certify the PEIR.
- Adopt the Mitigation Monitoring and Reporting Program.
- Adopt the Statement of Overriding Considerations.

## 1.3 Statement of Legal Authority

The City is the Lead Agency for the project pursuant to Article 4 (Sections 15050 and 15051) of the State CEQA Guidelines. The Lead Agency, as defined by State CEQA Guidelines Section 15367, is the public agency which has the principal responsibility and authority for carrying out or approving a project. The analysis and findings in this document reflect the independent, impartial conclusions of the City.

## 1.4 Responsible/Trustee Agencies

State law requires that all EIRs be reviewed by Responsible and Trustee Agencies. A Responsible Agency, defined pursuant to State CEQA Guidelines Section 15381, includes all public agencies other than the Lead Agency which have discretionary approval power over the project. A Trustee Agency is defined in Section 15386 of the State CEQA Guidelines as a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California. Implementation of the project would require subsequent actions or consultation from Responsible or Trustee Agencies. A brief description of some of the primary Responsible or Trustee Agencies that may have an interest in the project is provided below.

### 1.4.1 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) has jurisdiction over development in or affecting the navigable waters of the United States. All permits issued by the USACE are subject to consultation and/or review by the U.S. Fish and Wildlife Service (USFWS) and the U.S. Environmental Protection Agency (U.S. EPA). Streambeds and drainages occurring in the City may contain wetlands, which may be classified as jurisdictional waters of the United States. No permits from USACE are required at this time; however, development that could occur with implementation of the project may require review and/or USACE permits in the future.

### 1.4.2 California Department of Transportation

Multiple California Department of Transportation (Caltrans) facilities are located within or adjacent to the City. State Route 55 (SR-55) runs adjacent and outside of the northern edge of the City limits (east and west direction). State Route 73 (SR-73) runs adjacent to the western edge of the City limits.

State Route 241 (SR-241) is a toll road that runs adjacent to the eastern edge of the City limits. State Route 133 (SR-133) bisects the City (east and west direction), and Interstate 5 (I-5) and Interstate 405 (I-405) splits at the southern boundary of the City from I-5 and continues through the center of the City in the north and south direction. No permits from Caltrans are required at this time; however, Caltrans approval would be required for any encroachments or construction of facilities in a Caltrans right-of-way associated with future development within the City.

### **1.4.3 California Department of Fish and Wildlife**

An Agreement Regarding Proposed Stream or Lake Alteration (Streambed Alteration Agreement) with an agency or private party proposing to alter the bed, banks, or floor of any watercourse/stream, is under the authority of the California Department of Fish and Wildlife (CDFW) pursuant to Section 1600 et seq. of the California Fish and Game Code. The purpose of Code Sections 1600-1616 is to protect and conserve fish and wildlife resources that could be substantially adversely affected by a substantial diversion or obstruction of natural flow of, or substantial change or use of material from the bed, bank, or channel of, any river, stream, or lake. Streambeds and other drainages occurring within the City may contain wetlands. No permits from CDFW are required at this time; however, future development that could occur with implementation of the project may require review and/or Streambed Alteration Agreements in the future.

### **1.4.4 California Regional Water Quality Control Board - Santa Ana Region**

The California Regional Water Quality Control Board (RWQCB) - Santa Ana Region regulates water quality through the federal Clean Water Act Section 401 certification process and oversees the National Pollutant Discharge Elimination System (NPDES), to protect water resources and control pollutants in runoff. The RWQCB is responsible for implementing permitting, compliance, and other activities to reduce pollutants in municipal, construction, and industrial storm water runoff. No permits from RWQCB are required at this time; however, future development that could occur with implementation of the project may require review and/or Section 401 certifications.

### **1.4.5 Orange County Airport Land Use Commission**

The Airport Land Use Commission (ALUC) is governed by the Public Utilities Code Section 21670 and has a basic responsibility to assist local agencies in ensuring compatible land uses in the vicinity of all airports in the County. The ALUC reviews land use proposals near civilian and military airports and other land use issues which have a potential impact on airport operations. As a Responsible Agency, the Orange County ALUC would review future development proposals within the City, as applicable, and make "consistency determinations" with the provisions and policies set forth in the Airport Environs Land Use Plan for John Wayne Airport (Orange County Airport Land Use Commission, 2008) as well as with the General Plan Update. While ALUC is not an implementing agency in the manner of local governments and does not issue project permits, each local agency having jurisdiction over any area within the airport planning areas is required to submit its general plans for that area to the ALUC for a consistency/inconsistency determination prior to adoption by the local agency in

accordance with the Government Code for the State of California, Section 65302.3 and Public Utilities Code Section 21676.

## 1.4.6 California Coastal Commission

The California Coastal Act of 1976 established the California Coastal Commission to regulate the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the Coastal Commission or the local government.

The project would require an amendment to the City's Local Coastal Program to ensure consistency between the land use updates included as part of the project and the Local Coastal Program. The Local Coastal Program amendment is required to be reviewed and processed by the California Coastal Commission, a process that would start immediately following project approval. Once approved, any future development under the project that would be located within the coastal zone would be required to comply with development standards and applicable policies in the City's Local Coastal Program.

## 1.5 PEIR Scope

The scope of analysis for this PEIR was determined by the City as a result of initial project review, consideration of agency and public comments received in response to the Notice of Preparation (NOP), which was circulated on July 21, 2023, and a scoping meeting was held virtually via video conferencing on Tuesday, August 1, 2023. The NOP circulated for analysis of the project, related letters received, and comments made during the scoping meeting are included as Appendix A of this PEIR.

The comments received during the NOP period generally included resident concerns over an increase in residential density on existing infrastructure, public services, and traffic congestion, requests from local developers to include analysis for sites suited for higher density development, and concurrence from the local cultural resource focused non-profit organization regarding culturally sensitive areas identified in the NOP. In addition, the Department of Conservation, California Geologic Survey identified recommendations concerning geologic issues related to the project area. The Irvine Unified School District provided enrollment and capacity data with a request for analysis to focus on impacts to capacity, need for future facilities, and on transportation and greenhouse gas emission impacts. The Orange County ALUC also provided comment on the airport review process for future development, including applicable regulations to include in the EIR, and noted that per Section 21676 of the Public Utilities Code, the ALUC must review the adoption or amendment of a general plan prior to local agency adoption.

A brief overview of each PEIR chapter is provided below:

**Executive Summary:** Summarizes the PEIR by providing an overview of the project, analysis of the potentially significant environmental impacts that could result from the project, a list of mitigation

measures identified to reduce or avoid such impacts, a review of the alternatives to the project, including the identification of an environmentally superior alternative to the project.

**1.0 Introduction:** Provides an overview of the applicable legal authority, introduces the purpose for the PEIR and explains the PEIR process and the intended uses of the PEIR.

**2.0 Environmental Setting:** Provides a description of the project's regional context, location, and existing physical characteristics and land use within the City. More detailed descriptions of the environmental context pertaining to specific environmental topics are provided in each section of Chapter 4: Environmental Analysis.

**3.0 Project Description:** Provides a detailed description of the project, including the purpose and objectives of the project and descriptions of each component of the project.

**4.0 Environmental Analysis.** Analyzes the environmental impacts of the project. Impacts are organized by the following topic areas:

- 4.1 Aesthetics
- 4.2 Air Quality
- 4.3 Biological Resources
- 4.4 Cultural and Tribal Cultural Resources
- 4.5 Geology and Soils
- 4.6 Greenhouse Gas Emissions
- 4.7 Hazards and Hazardous Materials
- 4.8 Hydrology/Water Quality
- 4.9 Land Use and Planning
- 4.10 Noise
- 4.11 Population/Housing
- 4.12 Public Services and Recreation
- 4.13 Transportation
- 4.14 Utilities and Service Systems
- 4.15 Wildfire

Each topic area respectively provides a contextual description of the project's environmental setting, significance criteria, methodology, and potential impacts (project-level and cumulative).

**5.0 CEQA Mandated Analysis:** Summarizes the project's significant and unavoidable environmental impacts, significant irreversible environmental changes, and growth-inducing impacts per State CEQA Guidelines Section 15065 Mandatory Findings of Significance.

**6.0 Effects Found Not to be Significant:** This chapter identifies all the issues determined in the scoping and preliminary environmental review process to be not significant based on CEQA criteria, and briefly summarizes the basis for these determinations. These topics include agricultural and forestry resources, energy, and mineral resources.

**7.0 Project Alternatives:** This chapter presents a reasonable range of alternatives to the project and includes the following:

- A discussion of the environmental impacts associated with each alternative,
- A comparison of the relative impacts of each alternative to those of the project,
- A discussion of the relationship of each alternative to the project's objectives, and
- Identification of the environmentally superior alternative.

**8.0 References:** Lists documents incorporated by reference, and other information sources (documents and websites) relied upon in the preparation of the PEIR and identifies the persons and organizations that contributed to the preparation of the PEIR.

**9.0 List of Preparers:** Lists persons involved in the preparation of the PEIR.

Technical appendices, used as a basis for portions of the environmental analysis in the PEIR, have been summarized in the PEIR, and are included as attachments to the PEIR.

## 1.6 PEIR Intended Use and Review Process

### 1.6.1 PEIR Intended Use

This document is intended to be used by the City, as Lead Agency, in evaluating the project and to ensure compliance with applicable regulations and mitigation framework included in this PEIR. As a PEIR, this document is intended to be used by the City when acting on subsequent applications for consideration of future development within the City.

### 1.6.2 PEIR Process

The PEIR review and certification process occurs in two basic stages. The first stage is the Draft PEIR, which offers agencies and the public the opportunity to comment on the document. The second stage is the Final PEIR, which provides the basis for approving the project.

#### 1.6.2.1 Draft PEIR

In accordance with Sections 15085 and 15087(a)(1) of the State CEQA Guidelines, upon completion of the Draft PEIR a Notice of Completion is filed with the State Office of Planning and Research and Notice of Availability of the Draft PEIR is issued in a newspaper of general circulation in the area.

The Draft PEIR is distributed for review to the public and interested and affected agencies for the purpose of providing comments "on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated" (Section 15204, State CEQA Guidelines). The Draft PEIR was circulated for public review for a period commencing March 15 through April 29, 2024 (Public Review Period). The Draft PEIR and all related appendices have been made available for public review and inspection

during the Public Review Period at City Hall, located at 1 Civic Center, Irvine, California, and on the following webpages:

- <https://www.cityofirvine.org/community-development/current-environmental-reviews>
- <https://www.cityofirvine.org/community-development/events-irvine-2045>

Copies of the Notice of Availability of the Draft PEIR were also available at the City's three public library branches at the following locations:

- Heritage Park, located at 14361 Yale Avenue
- University Park, located at 4512 Sandburg Way
- Katie Wheeler, located at 13109 Old Myford Road

### **1.6.2.2 Final PEIR**

Following public review of the Draft PEIR, the City will provide written responses to comments per State CEQA Guidelines Section 15088 and will consider all comments in making its decision whether to certify the Final PEIR. Responses to the comments received during public review, associated revisions to the Draft PEIR sections, a Mitigation Monitoring and Reporting Program, Findings of Fact, and a Statement of Overriding Considerations (if applicable for any impacts identified in the Draft PEIR as significant and unmitigated), will be prepared and compiled as part of the Final PEIR.

The culmination of this process is a public hearing where the City Council will determine whether to certify the Final PEIR as being complete and in accordance with CEQA. The Final PEIR will be available for public review at least 10 days before the City Council makes a recommendation or final determination, in order to provide commenters the opportunity to review the written responses to the PEIR comment letters.

### **1.6.3 Subsequent Environmental Review**

As allowed in State CEQA Guidelines Section 15168, Program EIR, future development proposals will be reviewed by the City in light of the Final PEIR. The PEIR and subsequent project review process, defined in Section 15168 of the State CEQA Guidelines, allows a PEIR to serve as the basis for environmental review of subsequent projects. Sections 15182 and 15183 of the State CEQA Guidelines provide additional review guidance for projects proposed in accordance with an adopted specific plan, or consistent with an adopted community plan, general plan, or zoning.

If any future site-specific projects have potentially significant adverse environmental effects that were not examined in this PEIR, an Initial Study shall be prepared for that project, leading to the preparation of a Mitigated Negative Declaration, Focused EIR, Supplement or Subsequent to this PEIR, or other appropriate environmental documentation. When additional environmental documentation for a new project is necessary, this PEIR may be incorporated by reference to address regional context, secondary effects, cumulative impacts, alternatives, and other factors that apply to the program as a whole.