

**City of Irvine 2045 General Plan Update
Program Environmental Impact Report
SCH #2023070463**

Letters of Comment and Responses

The following letters of comment were received from interested parties, local agencies, state agencies, and individuals who attended a Transportation Commission Special Meeting during the public review period (March 15 to April 29, 2024) of the Draft PEIR. A copy of each comment letter along with corresponding staff responses is included here. Some of the comments did not address the adequacy of the environmental document; however, staff has attempted to provide appropriate responses to all comments as a courtesy to the commenter. Some of the comments received resulted in changes to the Draft PEIR text. These text changes are indicated by ~~strikeout~~ (deleted) and underline (inserted) markings in the Final PEIR text. Revisions to the Draft PEIR are intended to correct minor discrepancies and provide additional clarification. The revisions do not affect the conclusions of the document.

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Letter A

From: [Mike Chambers](#)
To: [GJUpdate 2045](#)
Subject: PEIR Report Comment...
Date: Friday, March 15, 2024 1:14:04 PM

CAUTION: EXTERNAL EMAIL

City of Irvine,

A-1 What a wonderful comprehensive report you have provided... Thank you. I am especially impressed with the thoroughness of the "Open Space" sections. I applaud the city for preserving these all-important areas for our quality of life!

Thanks again,
Michael Chambers
Chaplain, Counselor, Teacher at Saddleback Church
Powerchek@aol.com

A-1 Thank you for your comment. This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

Letter B

From: [Haibo Liu](#)
To: [GPUpdate 2045](#)
Subject: One suggestion about the public service.
Date: Friday, March 15, 2024 10:17:01 AM

CAUTION: EXTERNAL EMAIL

B-1

Dear Sir/Madam,

Last year, my family and I relocated from Van Nuys to Irvine. Upon settling in, we noticed the absence of a public shuttle service similar to Flyaway in Irvine. Discussing this with my coworkers, it became apparent that everyone is grappling with the heavy traffic between Irvine and LAX. There is a clear and pressing demand for a Flyaway station in Irvine.

We strongly advocate for the addition of a Flyaway station in Irvine. Such an initiative would not only alleviate the strain of traffic congestion but also potentially boost Flyaway's revenue. It will bring significant benefits to Irvine residents.

We kindly request that you give serious consideration to our suggestion.

Thanks for your time and consideration.

Best regards,

Haibo Liu (175 Interval, Irvine 92618 - Great Park residents)

B-1

Thank you for your comment. This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

Letter C

From: [Nissreen Qamhiyah](#)
To: [GP Update 2045](#); [Mayor Farrah Khan](#); [Tammy Kim](#); [Larry Agran Web](#)
Subject: Comment on the GP general plan
Date: Saturday, March 16, 2024 12:03:21 PM

CAUTION: EXTERNAL EMAIL

C-1

Hello,

My name is Nissreen a Qamhiyah. I would like to make a comment about the updated GP general plan.

- I would love to see an investment made in a high tech center for the youth. I would love to see this center create partnership with the technology companies in Irvine where they can train the youth on the technologies that they master. From coding to robotics. This would be an amazing addition to our community and to the city. And it will help create the next generation of entrepreneurs in all technology related fields.

- I have reviewed the plans, they are comprehensive. I was not able to find anything about the new proposed all wheel park. Which is very interesting, as all ideas must go through feasibility study before they are even considered. This one was not planned and was never studied and it was just presented to the public without any definition or details. Extremely concerning, why didn't this project follow the normal guidelines?

Best Regards,
Nissreen Qamhiyah

C-1

Thank you for your comment. This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

As a courtesy, we would like to inform you that the City is currently conducting a concept development and feasibility study for the new all-wheeled plaza at the Great Park. The City held a Community Listening & Feedback Community Town Hall on Thursday, February 29, 2024 at Portola Springs Community Park to collect community input on the all-wheeled plaza and solicited feedback via a community survey from February 29 to March 31.

Letter D

From: J. H. Zech
To: GPUUpdate 2045
Subject: Thoughts on Draft General Plan
Date: Sunday, March 17, 2024 6:00:03 PM

CAUTION: EXTERNAL EMAIL

- D-1 Dear General Plan Commission,
I'm James, a tech employee and resident of Woodbridge. I am glad to see the draft General Plan has been released. I've reviewed it and have some feedback I'd like to offer.
- D-2 **Land Use**

It is good to see that there is an emphasis on mixed use development, especially in IBC and Spectrum.
* I urge stronger language to push for high density mixed use at Irvine Station. It is not enough to zone for it and hope it will happen.
- D-3 * There is no mention of any focus for the gateway area acquired from All American Asphalt recently. This is a freshly undeveloped area, which Irvine only has a few of, so this should also be an opportunity to focus on mixed use development and affordable housing.
- D-4 * There aren't many details of changes to existing neighborhoods. Very gentle changes like Accessory Commercial Units (legalizing low impact garage / front yard businesses) can make areas more vibrant and walkable without drastic changes to the character.
- D-5 * Parking minimums contribute to more expensive housing and retail and reduce walkability and the accessibility of public transit. The plan should mention either a general reduction / elimination of minimums in the focus areas or a concrete strategy for when to reduce them for new developments.
- D-6 * Under California law, existing commercial zones can be reused for housing. Irvine ought to take advantage of this and consider that redevelopment of commercial centers into mixed use housing and commercial centers will be a big part of the future.
- Circulation**
The focus on public transit, walkability, and bike safety are good but could use more specificity and stronger language.
- D-7 * We need a vision for high capacity public transit on key corridors like IBC-Tustin Station-UCI and the greater spectrum to Irvine Station. This could be BRT, light rail, metro, etc but ought to be called out as a focus area.
- D-8 * The word "encourage" is used several times with regard to VMT mitigation, complete streets principles, and pedestrian and bike trails in new developments. "Encourage" means it's only a suggestion. Stronger language like "require" is needed to guarantee that these hopes become reality.
- D-9 * Irvine ought to commit to NACTO guidelines for street design to ensure that streets are safe for pedestrians and cyclists. This should also mean calling out specific strategies like protected intersections and banning right turns on red in intersections with high pedestrian volume.
- D-10 * Commit to traffic calming for streets around the focus areas to ensure safety and look at calming opportunities on the roads with the highest rates of collisions.
- D-11 * Thought should be given on how to add bike parking to existing developments
- D-12 * The sustainable mobility plan was also released recently, so this circulation plan should call it out and refer to the active transportation vision laid out in it
- D-13 * Multi-use paths should be part of the plan, but cycle tracks / protected bike lanes must also be going forward, as mixing ebikes and pedestrian traffic is not very safe
- D-14 I hope this feedback can help to make Irvine a more sustainable and safe city that's friendly to pedestrians, cyclists, and transit riders.
Sincerely,
James

- D-1 Thank you for your comment. This comment does not address the adequacy of the PEIR. However, please note the following related to issues brought forward in this comment letter:
- D-2 This comment is noted for the record and will be shared with City decision makers for their consideration.
- D-3 Future plans for development of the All American Asphalt facility are occurring independent of the General Plan Update process. All environmental and other project-related documents unique to that property will be released for public review in accordance with state and local guidelines and practices.
- D-4 As a broad, high-level policy document intended to guide policy decisions over the next 20 years, details related to accessory commercial units were not included in the General Plan Update. Such details would more appropriately be in the Zoning Ordinance and may be included in the Zoning Ordinance as a separate project at a future date. This comment is noted for the record and will be shared with City decision makers for their consideration.
- D-5 As a broad, high-level policy document intended to guide policy decisions over the next 20 years, the General Plan does not regulate parking minimums. Such details would more appropriately be in the Zoning Ordinance and may be included in the Zoning Ordinance as a separate project at a future date. As such, this comment is noted for the record and will be shared with City decision makers for their consideration.
- D-6 This comment is noted for the record and will be shared with City decision makers for their consideration.
- D-7 This comment is noted for the record and will be shared with City decision makers for their consideration.

LETTER

RESPONSE

	<p>D-8 The Circulation Element itself does not include VMT mitigation measures but does include policies related to VMT. VMT mitigation measures that are required are specifically outlined in Section 4.13, Transportation, of the Draft PEIR.</p> <p>D-9 Please note that the City is not a member city of the National Association of City Transportation Officials (NACTO), nor are NACTO guidelines regulatory requiring inclusion in the regulatory setting of the Circulation Element. This comment is noted for the record and will be shared with City decision makers for their consideration.</p> <p>D-10 As a broad, high-level planning document that will guide land use and circulation decisions over the next 20 years, the General Plan does not include reference to specific traffic calming measures within the focus areas. However, such measures are being explored as part of a separate City effort. For example, recommendations related to traffic calming measures are included in the City’s Local Roadway Safety Plan, Active Transportation Plan, and Sustainable Mobility Plan, and traffic calming measures are also considered as best practices for roadway projects. This comment will also be shared with City decision makers for their consideration.</p> <p>D-11 At the direction of the Planning Commission, the City is currently exploring requirements for bicycle parking within existing developments and will bring forward a separate proposal for consideration by the Planning Commission in 2024.</p> <p>D-12 This comment is noted for the record and will be shared with City decision makers for their consideration.</p> <p>D-13 Multi-use paths are identified in Figures 2 and 3 in the Circulation Element. Additionally, the City is working to increase cycle tracks and protected bikeways. This is noted in the Sustainable Mobility Plan referenced above.</p> <p>D-14 This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.</p>
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Letter E

From: [DAVID O](#)
To: [GPU Update 2045](#)
Subject: Comment
Date: Sunday, March 17, 2024 9:56:52 AM

E-1

CAUTION: EXTERNAL EMAIL

Regarding figure 4.4-1, building 45 years or older are outlined in red. I live on Banyan Tree, which is not shown in this category, and I can assure you it is as I've lived there for over 50 years.

What did I miss about the significance of "45 years or older"?

E-1

Figure 4.4-1 in Section 4.4.1.2 of the Draft PEIR presents the locations of historic resources within the City. These are resources that have been formally evaluated and determined to be historically significant. While buildings over 45 years of age may be considered by the State Historical Resources Commission for eligibility for listing as historic resources, not all such buildings will ultimately qualify for eligibility. As such, the building in question was not identified as a historic resource in the PEIR. Therefore, no changes have been made to the PEIR.

Letter F

F-1 **General Plan; Traffic Circulation, Trans. Comm Mtg 4/23/24: AI #2**
Good afternoon. My name is Susan Sayre and I have lived in Irvine for 43 years.

I have little faith in traffic studies predicting future traffic circulation and parking requirements. Irvine has a growing demand for housing. The 6th RHNA affordable housing Cycle alone requires Irvine to build 23,610 affordable housing units and that was an increase of an almost double the amount from the 5th cycle. Who knows what the number of affordable housing units the 7th cycle will require in 2030.

Traffic circulation is a problem now as is parking availability. Businesses often do not have sufficient parking for their customers and their employees. There are an insufficient number of handicapped parking spaces, and due to parking insufficiency, non-handicapped drivers park in handicapped parking. Handicapped parking laws do not appear to be adequately enforced. Charging station availability is inadequate both in shopping centers and in apartment, condo and other types of multiple housing units and the ones that are available are not adequately maintained and often are not functioning.

Irvine needs to plan for the future before the huge increase in traffic circulation and need for parking accessibility arrives from the construction of all these housing units by developing a multi route Irvine Connect Irvine Circulation Only Public Transportation Service that serves the entire city with a 20 minute shuttle frequency. The shuttles would be used by Irvine residents and out of town residents that work in Irvine as well as the tourists we are trying to attract to Great Park Venues. The system could be paid for in part by grants, businesses paying for monthly passes for employees, and by traffic mediation funding that the developers provide the city.

F-1 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

Letter G

From: [J. H. Zech](#)
To: [Transportation Commission](#); [GEUpdate 2045](#); [irvinecitycouncil](#)
Subject: Feedback for Upcoming General Plan Circulation Element Hearing
Date: Saturday, April 20, 2024 5:34:22 PM

CAUTION: EXTERNAL EMAIL

- G-1 Dear Transportation Commission,
There is an upcoming hearing on the circulation element of the general plan draft, and I wanted to offer some thoughts as a Woodbridge resident who works in tech in the Spectrum area.
- G-2 I mainly commute to the office either by bike or via the new iConnect shuttle.

Overall, I do see a lot of good elements focusing on bike and pedestrian infrastructure and transit, and I hope those are retained.
- G-3 First as a minor point, it would be good to replace instances of "commuter cycling" with "utilitarian cycling". As someone who cycles both for work and for errands, I feel it doesn't make sense to focus only on work trips. Bike infrastructure should accommodate both kinds of trips, especially since non commuting trips tend to be shorter which are easier to make into bike trips.
- G-4 I ride an ebike, and the lack of separation of space between bikes and pedestrians on class I trails is something that needs to be addressed. It slows down the ebikes but is also dangerous for pedestrians. Where space is available, separation should be the standard.
- G-5 Outside of trails, a greater focus should be put on on-street protected bike lanes with physical separation from traffic. There are plenty of complaints about ebike and pedestrian interactions on sidewalks, and to solve this, on street bike lanes need to be made safe. Related to that,
- G-6 currently the Yale bridge over the 405 is a pedestrian and cycling bridge, but the plan on page C34 states that the city intends to make it a collector road. Residents soundly opposed this last time and it would take away one of the only car free spaces to cross the 405. I ask that this line be removed.
- G-7 Going between Irvine Station and anywhere is uncomfortable due to the highway and lack of bike infrastructure. A pedestrian and cycling bridge over the I-5 between Spectrum Center and Ada would unlock a new safe pathway and pave the way to making Irvine Station well connected to actual destinations in Irvine.
- G-8 And speaking of Irvine Station connections, as Transit Oriented Development is being planned near there, we need to put the transit there too. The iConnect shuttle going there is a good start, but a train station being served by a single frequent bus is insufficient. The station should become a hub of Irvine transportation and multiple routes should converge there. The city should look at multiple options including BRT and light metro to expand on services. And any street based transit needs to have signal priority mentioned in the circulation element so that it isn't slowed by traffic.

And beyond Irvine Station, the city should have a comprehensive plan on how to build transit as it builds more housing. It cannot be an afterthought that results in most people driving

- G-1 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.
- G-2 This comment is noted for the record and will be shared with City decision makers for their consideration.
- G-3 This comment is noted for the record and will be shared with City decision makers for their consideration. However, it should be noted that the City is working to implement separated bikeways, as established in the Sustainable Mobility Plan (available here: <https://legacy.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=35361>).
- G-4 This comment is noted for the record and will be shared with City decision makers for their consideration. It should be noted that the inclusion of the policy related to the Yale bridge over I-405 is required to remain in the General Plan as this policy was the result of a ballot initiative passed by Irvine residents in 1990. Removal of this policy would require repeal by a citywide vote..
- G-5 This comment is noted for the record and will be shared with City decision makers for their consideration.
- G-6 This comment is noted for the record and will be shared with City decision makers for their consideration.
- G-7 This comment is noted for the record and will be shared with City decision makers for their consideration.
- G-8 As a point of clarification, the City uses Vehicle Miles Traveled (VMT) as its metric for evaluating transportation impacts in accordance with the California Environmental Quality Act (CEQA) and Senate Bill 743. The Circulation Element acknowledges the use of VMT as a threshold and notes the City's use of Level of Service as a local policy used to determine transportation infrastructure improvements outside of the CEQA process. However, the commenter's suggestion to use VMT as the standard has been noted for the record and will be forwarded to the decision-makers for their consideration.

LETTER

RESPONSE

everywhere or a token gesture of a single bus every hour on a limited schedule. Irvine needs fast and frequent transit that connects the whole city. The city should identify all corridors that need transit, evaluate how much capacity is needed, and commit to building transit that meets those needs in tandem with housing development.

On a holistic level, I see the plan still plans to rely on Level of Service metrics, which prioritizes a myopic perspective on traffic that leads to endless road widenings that make spaces more pedestrian hostile. Instead, the city ought to use Vehicle Miles Traveled as a metric and work to reduce the amount of traffic overall, which would lower congestion while increasing safety for other modes rather than making it a zero-sum game.

I hope these thoughts can help improve the circulation element.

Sincerely,
James

Letter H

From: [John Brock](#)
To: [GPUdate 2045](#); [Transportation Commission](#); [irvinecitycouncil](#)
Subject: feedback on draft Circulation Element
Date: Monday, April 22, 2024 8:47:47 PM

CAUTION: EXTERNAL EMAIL

Hi all,

H-1 My name is John Brock, and I'm a resident of Irvine. I recently read through the draft Circulation Element for the new General Plan, and want to share some feedback with you. Overall, I think it's a good start, and I'm especially excited about the parts that emphasize pedestrian and cycling infrastructure, mixed-use development, transit, and transit-oriented development. As nice as Irvine is, I think its biggest shortcomings are the lack of walkability and the large amount of traffic, and so it's important that the new General Plan addresses these issues (especially since the city's population is only going to increase over the coming decades).

H-2 My biggest criticism of the draft Circulation Element is that it doesn't go far enough: the language should be stronger and more committed in places (I list some near the end of this email), and I think there should be specific concrete benchmarks to aim for. For example, the document would benefit from committing to specific numbers for mode share and cycling level-of-stress.

The Circulation Element is also vague about how the City of Irvine Standard Plans will interact with Complete Streets, both of which are referenced in the document. Additionally, I think the Circulation Element should refer to NACTO standards. For example, the large corner radii in much of Irvine are detrimental to pedestrian safety, allowing cars to make turns at high speed while also increasing the distance pedestrians have to cross the street. Embracing NACTO standards would help avoid problems like this.

H-3 I also want to call out policy (p) and (q) under Goal 2, which seem to be about building a bridge on Yale over the 405 to carry cars. I'm opposed to replacing what's currently a pleasant cycling/pedestrian bridge with a bridge for cars. This would be a significant waste of money and time. Such a project would cause an increase in the total amount of traffic while also disincentivizing walking and biking. The city tried to build a bridge for cars here in the 1980s and failed due to community opposition. Given the increased interest in cycling and walkability in the last 40 years, I think opposition to a new bridge for cars is going to be even higher today.

H-4 What follows are some specific call-outs by page number:

1. C-17: Mentions the Anteater Express as connecting to Diamond Jamboree and the Spectrum, but I don't think this is true anymore? Didn't those routes get canceled?
2. C-21: Map is too low res to be readable.
3. C-23: Map is too low res to be readable.
4. C-24: Map is too low res to be readable.
5. C-25: Map is too low res to be readable.
6. C-26: Under "Economic Development", "increasing need for primarily retail centers" should be amended to say "increasing need for retail centers, mixed-use, and TOD".

H-1 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

H-2 This comment is noted for the record and will be shared with City decision makers for their consideration. However, it is important to note that the Circulation Element is a broad, long-range planning/policy document that will guide future decisions in the City over the next 20 years. Specific thresholds/metrics or City Standards Plans are typically not included in a General Plan as such items are subject to change over the next two decades. Furthermore, the City is not a member city of NACTO, nor are NACTO guidelines regulatory requiring discussion in the Circulation Element.

H-3 This comment is noted for the record and will be shared with City decision makers for their consideration. It should be noted that the inclusion of Policies (p) and (q) related to the Yale bridge over I-405 is required to remain in the General Plan as this policy was the result of a ballot initiative passed by Irvine residents in 1990. Removal of this policy would require repeal by a citywide vote.

H-4 The suggested edits to the Circulation Element are noted for the record and will be shared with City decision makers for their consideration. It should be noted that car parking is prohibited in bike lanes Citywide. The City is also creating protected bikeways, as planned in the Sustainable Mobility Plan, which would further improve issues related to car parking in bike lanes.

Mixed-use and TOD would serve a lot of retail needs while also reducing traffic, so I don't want the focus to be just on retail centers.

7. C-32: "Maintain and, if feasible and needed, increase existing levels of funding allocated for transit improvements to supplement multi-modal travel." Amend to just say "Increase existing levels...". It seems clear to me that there's no "if" necessary: transit improvements are desperately needed and getting funding is a necessity.
8. C-35: "Implement pedestrian and cyclist infrastructure and enhancements to existing facilities, including..." should explicitly mention bike racks/storage among the other items listed
9. C-35, policy (b): "require" instead of "encourage".
10. C-36: Implementation measures should include providing tree cover for intermittent shade and giving pedestrians signal priority at crosswalks. Shade is especially important: I love walking through Woodbury because there's lots of shade; walking through the GP neighborhood is much worse because there isn't much tree cover.
11. C-37: This page mentions cycling to commute or for recreation, but it should also mention utility cycling. For example, many people bike not for fun or to commute, but instead to run errands.
12. C-37: Implementation measures could include something about preventing car parking in bike lanes.
13. C-41: "Consider designating excess right-of-way areas..." should be amended to say "Designate excess right-of-way areas...". I don't see a reason not to commit here.
14. C-41, Goal 7: I think this should mention BRT & LRT explicitly.

Despite these criticisms, I really appreciate how forward looking a lot of the draft Circulation Element is, and I hope my input above is helpful. Thanks for all your hard work!

--
John Brock

Letter I



C.C.R.P.A.
Preservation That Matters For The Good Future

P.O. Box 54132
Irvine, CA 92619-4132

California Cultural Resource Preservation Alliance, Inc.
An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.

April 26, 2024

City of Irvine Community Development Department
Attn: General Plan Update
P.O. Box 19575, Irvine CA

VIA email

Re: Draft Program Environmental Impact Report (DEIR) for the City of Irvine General Plan Update

I-1 Thank you for the opportunity to comment on the DEIR for the City of Irvine General Plan Update. I concur with the information regarding the presence of historic resources, archaeological resources, and tribal cultural resources. With the caveat that no specific developmental projects have been identified at this time and it is not possible that every future project could fully mitigate potential impacts, I concur with the determination that with the implementation of mitigation measures 1-7 early in the development review process would reduce potential impacts on these resources to a level less than significant.

Further I commend the City for including Goal 4 of the updated Conservation and Open Space Element which aims to maintain historical resources as part of the City's land use pattern.

Sincerely,

Patricia Martz, Ph.D.
President

I-1 Thank you for your comment. This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

Letter J

From: [Adriana Maestas](#)
To: [GPUupdate 2045](#)
Subject: Some concerns/citizen feedback
Date: Monday, April 29, 2024 3:37:30 PM

CAUTION: EXTERNAL EMAIL

I'm an Irvine resident/voter.

J-1 Your draft says that the University of Southern California has an extension facility in Irvine. I don't think that's the case anymore since the USC facility on Michelson has been closed for several years. You might want to double check to see if what you have on page I-8 is true about USC having an Extension facility in Irvine.

J-2 Big hole in this general plan update -- no health considerations mentioned or planning for the environment and how the City of Irvine's built environment impacts resident health. The built environment does affect the health of residents, which is why bikeability and walkability are important. For all of the planning Irvine has done, the developers and leadership have created a sprawling suburbia where residents have to get in their car to conduct basic business, to find dining and entertainment, etc. in one of the many strip malls with the same kind of stores/businesses. Irvine is very hostile to cyclists and pedestrians. The city's general plan should have some mention of the health and well being of residents and how it is tied to a more walkable and pedestrian friendly city, given that the health and wellbeing of residents are connected to our overall economic productivity.

The new general plan needs to connect the dots between city planning and resident health. As it appears now, there seems to be zero vision for how to improve Irvine's environment and infrastructure to maximize residents' quality of life so they don't have to spend so much time in traffic and/or isolated in their cars. I'm hopeful that a new general plan will champion more active transportation given the good weather we have most of the year. We spend so much money to live in Irvine, yet the built environment remains in a 1980s/early 1990s styled suburbia, where you are pretty much forced to drive most places or wait for infrequent public transportation options.

Thank you.

Adriana Maestas

J-1 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

J-2 Health considerations have been considered and discussed throughout the General Plan Update, with a specific focus on building healthy communities in the proposed Environmental Protection and Climate Action Element. The Circulation Element also addresses the safety of pedestrians and bicyclists and includes a number of goals, objectives, policies, and implementation measures aimed at improving the safety of all circulation network users.

Letter K

From: J. H. Zech
To: GPUpdate 2045; Planning Commission; irvinecitycouncil
Subject: Thoughts on Land Use Element of General Plan Update
Date: Monday, April 29, 2024 3:39:10 PM

CAUTION: EXTERNAL EMAIL

K-1 Dear Planning Commission,
I have looked over the land use element for the GP update and wanted to offer some thoughts.

K-2 The city is heading in the right direction when it comes to walkability, and dense, transit oriented development. So as to continue in that direction, I urge the city to go for the full alternative on the planned housing allocation of 55k units. This will enable more people to live closer to amenities and jobs, thereby reducing VMT and also improving conditions for walkable and transit oriented neighborhoods.

K-3 Where I do see some concerns is the vague language and a few missing features regarding these walkable neighborhoods.

The land use element mentions proximity villages and mixed use neighborhoods, but never explicitly mentions vertical mixed use with different floors being dedicated to different uses so as to better integrate different uses. We shouldn't let vague language through and have everything end up as strip malls adjacent to developments. Irvine can do better.

There is also no specific mention of setback reductions. Having low setbacks from the street is key to making a space walkable and for foot traffic to be viable to businesses. The city should add commitments to reduce setbacks in IBC, Spectrum, and Great Park.

The report suggests that parking is not a one size fits all solution, and while that is true, it is framed in a way such that it assumes everyone even in the most dense and walkable areas will be car dependent so parking minimums should remain high. This is in fact imposing a one size fits all solution, and the city should add language clarifying that minimums should be reduced or eliminated where appropriate, because less parking makes an area more accessible by foot, bike, and transit and saves very valuable space in these dense neighborhoods.

K-4 While it is good that most of the changes are focused on the 3 focus areas, small changes can make a positive difference in existing neighborhoods. Neighborhoods that will not be redeveloped anytime soon can be made more walkable by allowing low impact accessory commercial units from front yards, garages, and back yards with no parking requirements to discourage driving there. It would support opportunities for entrepreneurship and build a sense of community.

K-5 I hope these thoughts can contribute to a stronger land use element for Irvine's future.

Sincerely,
James, tech employee from Woodbridge

K-1 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

K-2 This comment is noted for the record and will be shared with City decision makers for their consideration.

K-3 These suggestions are noted for the record and will be shared with City decision makers for their consideration. However, it is important to note that as a high-level, land use document that is intended to shape development over the next 20 years, the General Plan Land Use Element does not include vertical mixed-use development standards, setbacks standards, or parking standards. Such standards are typically included within the Zoning Ordinance. The goals, objectives, policies, and implementation actions within the General Plan Update will be used to develop future City actions, which could include Zoning Ordinance updates related to each of these standards. It is additionally noted that the Land Use Element does allow for and encourage mixed-use development but would encourage both vertical and horizontal mixed-use development.

K-4 This comment is noted for the record and will be shared with City decision makers for their consideration. As previously noted, standards related to accessory retail are more appropriately included in the City's Zoning Ordinance and may be included as part of a separate project proceeding at a future date.

K-5 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

Letter L

From: [John Brock](#)
To: [GPI Update 2045; Planning Commission; irvinecitycouncil](#)
Subject: feedback on Land Use Element
Date: Monday, April 29, 2024 4:20:53 PM

CAUTION: EXTERNAL EMAIL

Hi all,

L-1

My name is John Brock, and I'm a resident of Irvine. I'm writing to provide feedback on the Land Use Element draft for the new General Plan. Overall, I think it's a great start, and I'm excited to see how the Spectrum and IBC develop over the coming years. I also want to express strong support for the proposed construction of 55,395 net new housing units, as described in the Land Use Element and recommended by the Transportation Commission.

However, some of the language around TOD and mixed-use development is a bit unclear and reads as guarded, and so I'd like to see some of that language sharpened up. For example, wording like "a *modified* form of TOD" or a Land Use Element that "*customizes* the concept of TOD" seems like hedging. I want the commitment to mixed-use development and TOD to be strong and unambiguous.

The issue that stands out the most to me is that there are multiple mentions of developing retail centers in mixed-use developments, and no mention of *vertical* mixed use. The multiple mentions of retail centers worries me because what I don't want is mixed-use consisting of residences across a street from what are essentially strip malls and parking spaces. I'd instead like to see vertical mixed-use explicitly mentioned and encouraged, along with other kinds of mixed-use. To maximize walkability, charm, and overall pleasantness, I want to see residences, retail, and offices all integrated together and intermingled, like having residences above ground-floor storefronts.

It's critical that TOD and mixed-use areas have small or even zero setbacks, but there's not much discussion of setbacks in the Land Use Element. It does say that the IBC mixed-use overlay zone specifies a hierarchy of street setbacks, but I couldn't find the actual details of this anywhere online. I also couldn't find anything in the Land Use Element about setbacks in the Spectrum or Great Park focus areas. The Land Use Element needs to call out explicitly that minimum setbacks in these areas should be very small or even eliminated.

Similarly, parking minimums should be reduced or eliminated. Austin has done this with some success, and I'd prefer that the market decide what's appropriate here, rather than forcing developers to satisfy yet another regulation that makes it more expensive to build housing.

The Land Use Element references "Objective Design Standards" as something the city is developing for the focus areas, but I couldn't find anything about this online. The details of these design standards will be very important, and so I think it's critical that the Land Use Element provide some more information here, or at least describe where readers of the Land Use Element can find more information. For example, what's the process for developing those standards, who is involved, how can the public provide feedback, what's the timeline, etc. If that information isn't available anywhere right now, then the Land Use Element should at least provide a timeline for when that info will be available.

L-1

This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. See responses to specific comments below.

It should be noted that the City will encourage mixed use development within the three focus areas through the proposed Residential and Residential Mixed Use (RRMU) Overlay. This overlay includes language pertaining to the formation of proximity villages (the customized concept of TOD), which are intended to encourage residential and residential mixed uses around local services. Proximity villages would likely be developed within the three focus areas, where development is encouraged. The overlay also requires projects to include accessory retail and resident serving non-residential uses under certain circumstances, which would further support the City's goal of encouraging mixed use development. Furthermore, the Land Use Element allows for mixed uses, and specifically encourages such uses in the Multi Use land use designation.

The suggestions in this comment are noted for the record and will be shared with City decision makers for their consideration. However, it is important to note that as a high-level, land use document that is intended to shape development over the next 20 years, the General Plan Land Use Element does not include details related to setbacks and parking minimums. Such standards are set forth in the Zoning Ordinance. Updates to the Zoning Ordinance may occur in the future and could support stated goals and policies in the General Plan update.

Last, the City is currently in the process of developing Objective Design Standards and intends to bring those before the City decision makers at or before the end of 2024. All materials associated with the Objective Design Standards will be made available for public review and comment in advance of the public hearings to consider adoption of such standards.

LETTER

RESPONSE

L-2 Another issue: the word "shade" doesn't appear at all in the Land Use Element. Providing shade for pedestrians is extremely important. For example, a common criticism of the Great Park is that it lacks sufficient trees and structures for providing shade. Walking through the shaded streets and paths of Woodbury is a joy. Walking through the largely unshaded Great Park neighborhood becomes unpleasant after even a short walk during the middle of the day.

L-3 What follows are some specific call-outs by page number:

1. LU-5: For "A modified form of TOD may be suitable for the Greater Spectrum Area", change "may be" to "is". It's also unclear what "modified" means here. TOD is a broad concept, so I don't think it's meaningful to modify it. This reads as equivocation. Let's commit!
2. LU-6: Proximity villages should explicitly refer to mixed-use development, including vertical mixed use. People want restaurants, corner stores, coffee shops, and other businesses a short walk down the block, not in totally separate retail centers. I don't think the Land Use Element should be overly prescriptive about what type of mixed use to use, but there's been a lack of vertical mixed use in Irvine to our detriment, so mentioning it as one of the encouraged possibilities is important.
3. LU-22: "Object Design Standards". As I mentioned earlier in my email, this seems important, but there's virtually no information about it.
4. LU-59: Policy (h): "Incorporate the following components in each residential planning area: a mixture of housing types and densities, a variety of public and private facilities, activity nodes; and open space areas." This should also mention retail and office spaces since those are a core part of mixed-use development.
5. LU-60: Policies for Goal 2 should include incorporating vertical mixed use.
6. LU-62: Policy (a) includes a bullet point, "Allowing retail uses without conditional use permits in strategic areas with housing growth and along major thoroughfares." This should be allowed along non-major thoroughfares, too. People want to walk and bike to places in their neighborhood; walking and biking along major roads is often unpleasant at best, unsafe at worst.
7. LU-68: "Encourage mixed-use development and compact urban design principles...". The word "encourage" isn't strong enough. At the very least, it would be helpful for the Land Use Element to at least list some examples of specific, credible methods of encouragement for the city to pursue.
8. LU-70: Policy (e): What is an example of a "parking solution" that incentivizes creative site planning and neighborhood design? It's unclear to me what this is talking about, and an example would help.

L-4 Despite my criticisms above, I want to be clear that I like the Land Use Element overall, and I really appreciate the work that the city has put into this document. I hope my input above is helpful. Thanks for all your hard work!

--
John Brock

L-2 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

L-3 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. These suggestions are noted for the record and will be shared with City decision makers for their consideration.

Please note that the modified TOD term refers to the proximity village land use concept outlined in the Land Use Element and proposed RRMU Overlay, as discussed above. The proposed RRMU Overlay will encourage mixed-use development by requiring residential and residential mixed-use projects uses to provide accessory retail and/or resident serving nonresidential uses for residential uses. Therefore, the proposed RRMU Overlay will encourage mixed-use development in support of the proximity village concept.

See the above response related to the timing of the Objective Design Standards.

L-4 This comment is noted for the record and will be shared with the City decision makers for their review and consideration.



Letter M

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April 29, 2024

City of Irvine Community Development Department
Attn: General Plan Update
PO Box 19575
Irvine, CA 92623-9575

Via Electronic Mail
gupdate2045@cityofirvine.org

**Re: Draft General Plan Update and Environmental Impact Report
Comments on behalf of Climate Action Campaign**

To Whom It May Concern:

M-1

Please accept these comments on behalf of our client, Climate Action Campaign (“CAC”), regarding the City of Irvine’s (“City”) General Plan Update (“Project”) and associated California Environmental Quality Act (“CEQA”) documents. While the City’s goal of achieving greenhouse gas (“GHG”) emission reductions through a Climate Action and Adaption Plan (“CAAP”) is laudable, the piecemeal approach to the City’s approval process (including the premature, de facto approval of significance thresholds) raises serious concerns about the City’s commitment to early, concrete action in the race to zero. As proposed, the Project does not comply with CEQA and will result in significant avoidable GHG impacts.

M-2

A. The City’s CAAP Should Be Developed Contemporaneously with the General Plan and Is a Feasible Mitigation Measure

Though the Project’s draft Environmental Impact Report (“DEIR”) acknowledges a CAAP is forthcoming, it fails to capitalize on the GHG reductions available therefrom. The CAAP reduction targets will be “informed by the state targets of 40 percent below 1990 levels by 2030 (per the 2022 California Air Resource Board Scoping Plan and SB 32) and 85 percent below 1990 levels by 2045 (per AB 1279).”¹ Thus, the CAAP provides an opportunity for the City to address and mitigate its GHG emissions – including the Project’s emissions. The DEIR nonetheless fails to analyze the CAAP as a feasible, practical, and effective mitigation measure.²

The City has instead opted to delay development of the CAAP, finding the Project will result in significant and unavoidable GHG emissions.³ “A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.”⁴

¹ DEIR, p. 4.6-10.

² *Napa Citizens for Honest Gov’t v Napa County Bd. of Supervisors* (2001) 91 Cal. App. 4th 342, 365; *Concerned Citizens of S. Cent. L.A. v Los Angeles Unified Sch. Dist.* (1994) 24 Cal. App. 4th 826, 841.

³ DEIR, p. 4.6-30.

⁴ *Environmental Council of Sacramento v City of Sacramento* (2006) 142 CA4th 1018, 1039.

M-1

This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. See responses to specific comments below.

M-2

The City’s Climate Action and Adaptation Plan (CAAP) is underway; however, due to State mandates to adopt land use changes to implement the City’s Housing Element by February 2025, the General Plan and the CAAP cannot be combined and completed on the same schedule. The GPU is subject to a state mandate from the California Department of Housing and Community Development to implement the City’s Regional Housing Needs Assessment allocation and associated General Plan Update and corresponding zoning changes by February 15, 2025. However, the City is continuing to evaluate the benefits of a CAAP.

While there are benefits to preparing a GPU and CAAP concurrently, it is not a mandate and the City has taken every effort to incorporate policies and actions within the General Plan to support GHG reductions.

Furthermore, Section 4.6.5.1.a of the Final PEIR has been revised to provide further clarification on why the 2019 GHG emissions inventory provides an adequate baseline for evaluating potential impacts associated with GHG emissions:

The 2019 GHG emission inventory reported in Tables 4.6-5 and 4.6-6 establishes the baseline Citywide emissions. This inventory was completed as part of development of the City’s Draft CAAP and represents the best available source of existing emissions in the City, with detailed methodologies included in Appendix E. The 2019 emissions inventory establishes the baseline emissions in the City for purposes of this PEIR. Furthermore, the 2045 emissions forecast detailed in Tables 4.6-5 and 4.6-6 similarly represents the best available GHG emissions projections for the City. Although the emission inventory and buildout projections detailed in Tables 4.6-5 forecasts detailed in Table 4.6-5 forecasts did not account for land use allowances under the General Plan Update, the forecasts are conservative because the General Plan Update would allow for residential land uses to occur primarily within areas currently designated for nonresidential development. As a result, due

The City can and should commit to an enforceable CAAP which will result in the necessary reductions to align with state targets *now*. Such a feasible mitigation measure is not only in the City’s interest (to streamline future individual project approvals) but also comports with the Office of Planning and Research (“OPR’s”) General Plan guidance:

[R]egardless of approach, it is preferable to create the plan to reduce GHG emissions concurrently with or closely following a general plan update. There are a number of benefits of aligning a GHG reduction strategy, such as a CAP, with a general plan update including:

1. Allowing local governments to include a wider range of mitigation measures in the GHG reduction strategy, especially those that are related to land use and transportation;
2. Allowing projects to take advantage of a wider range of CEQA streamlining measures;
3. Streamlining environmental review for the GHG reduction strategy itself; and
4. Ensuring that the CAP and general plan use a consistent set of baseline conditions and growth assumptions, which can save effort for planners.⁵

Notably, the CAAP 2019 GHG inventory found the “three following categories were responsible for the majority of the City’s GHG emissions: on-road transportation, building energy, and solid waste sectors.”⁶ The General Plan impacts all three of these categories of emissions, including on-road transportation, which is the City’s largest source of emissions (over half).⁷ The City’s failure to draft the CAAP contemporaneously with the Project will frustrate the City’s ability to make land use decisions that further the City’s GHG-reduction strategies, especially those aimed at reducing VMT and on-road transportation impacts.

Because the CAAP is essential to reducing the City’s GHG emissions to an insignificant level and meeting the 2030 and 2045 reduction targets, it must be prepared now and incorporate enforceable, mandatory GHG reduction measures.

M-3 **B. The Project Improperly Incorporates SCAQMD De facto Significance Thresholds**

Instead of meaningfully addressing GHG emissions, the DEIR relies wholesale on one purported mitigation measure: future development would be evaluated using the SCAQMD thresholds.⁸ By incorporating mitigation measure GHG-1 into the Project, the DEIR improperly establishes a significance level for future projects.

⁵ OPR General Plan Guidance, Chapter 8, Climate Change, p. 224.
⁶ DEIR, p. 4.6-10.
⁷ DEIR, p. 4.6-3.
⁸ DEIR, p. 4.6-20.



M-2 (cont.)

to market conditions and new allowances for residential uses, it is anticipated that buildout of the General Plan Update would result in a shift of existing unbuilt commercial capacity to residential land uses. Adding residential capacity within the City would improve the jobs to housing balance and potentially reduce the number of long commutes that are characteristic of the City’s existing employment centers, which could reduce emissions estimates for on-road transportation, the greatest source of GHG emissions in the City. Because the General Plan Update would primarily add residential capacity on sites currently designated for nonresidential use, the 2019 GHG inventory and projections can be considered a reasonable, and potentially conservative, measure of GHG emissions at buildout of the General Plan Update.

M-3 The City does not currently have adopted thresholds of significance for GHG emissions. Therefore, as lead agency, the City has selected an appropriate threshold within the PEIR that is based on the South Coast Air Quality Management District (SCAQMD) Threshold as appropriate methodology to evaluate GHG emissions. The SCAQMD threshold is supported by expert analysis and supporting evidence as referenced here: [https://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](https://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2).

As stated on page 4.6-8 of the Draft PEIR, “...the Guidance Document provides substantial evidence supporting the approaches to significance of GHG emissions that can be considered by the lead agency in adopting its own threshold.”

Use of the SCAQMD methodology does not preclude the City from adopting GHG thresholds in the future. The City would apply the SCAQMD threshold to all applicable projects, not only to projects where the SCAQMD is lead agency as referenced in the comment.

Impacts related to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs **would be considered significant and would require mitigation to identify potential measures that would reduce GHG emissions below the applicable SCAQMD thresholds.**⁹

Though most lead agencies rely on the CAPCOA suggested screening threshold of 900 metric tons of carbon dioxide equivalent, the Project does not, likely because its “hypothetical” project #1 will result in 2,938 MTCO₂e per year.¹⁰ The DEIR relies instead on the SCAQMD (interim) threshold, which only applies where SCAQMD is the lead agency and where “stationary source equipment associated with these projects are either at BACT or must comply with source-specific rules that reduce criteria pollutants and/or air toxics.”¹¹ Moreover, the SCAQMD screening threshold captures 90 percent of reported annual *natural gas consumption of stationary sources from 2006 to 2007*.¹² This outdated metric accounts for 90 percent of projects over which SCAQMD had jurisdiction as the lead agency. The City’s land use jurisdiction covers a greater diversity of projects with a different emissions profile. Thus, the CAPCOA threshold is more appropriate for municipal lead agencies and is employed throughout the state.

The latest CARB Scoping Plan confirms a more aggressive approach to GHG reductions is necessary.¹³ “Despite much progress, California still has some of the worst air pollution in the nation, especially in the San Joaquin Valley and the Los Angeles Basin, which is driven by the continued use of fossil fuel-powered trucks and cars.”¹⁴

In addition, use of the SCAQMD thresholds is inconsistent with the City’s proposed Environmental Protection and Climate Action (“EPCA”) Element. EPCA Goal 2 is to ensure application of policies and measures that support environmental justice.¹⁵ To implement this goal, and the related objective of mitigation environmental health risks in EJ communities, the City will require developers to analyze potential pollution risks and mitigation strategies.¹⁶ EPCA Goal 3 is to reduce GHG emissions in Irvine to create a more sustainable and resilient community.¹⁷ To implement this goal, the EPCA Element suggest policies to incentivize low-emission and alternative transportation modes.¹⁸ Goal 8 is to mitigate the impacts of climate change.¹⁹ The EPCA is replete with additional goals, policies, objectives, and implementation

⁹ DEIR, p.4.6-29, emphasis added.

¹⁰ DEIR, p. 4.6-19; <https://www.ourair.org/wp-content/uploads/CAPCOA-CEQA-and-Climate-Change.pdf>

¹¹ SCAQMD, Interim GHG CEQA Thresholds, p. 5, available at [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2)

¹² *Id.* at p. 6.

¹³ 2022 CARB Scoping Plan, p. 1, available at <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>

¹⁴ *Id.*, p. 11.

¹⁵ EPCA, p. 23.

¹⁶ EPCA, p. 24.

¹⁷ EPCA, p. 25.

¹⁸ *Id.*

¹⁹ *Id.*, p. 31.



M-3 (cont.)

In addition to the requirements outlined in mitigation measure GHG-1, the City has existing and proposed policies supporting GHG emissions reductions detailed in Section 4.6.2.3 of the PEIR. Specifically, the EPCA Element includes objectives and policies supporting reductions in GHG emissions and energy consumption (refer to Section 4.6.2.3.h).

Regarding natural gas, the GPU does not preclude future implementation of Statewide strategies to achieve carbon neutrality and shift toward all electric homes, nor does it preclude the City from considering policies that support electric buildings as part of the CAAP or other regulatory efforts. Furthermore, all new construction is subject to current building and energy codes including mandatory CALGreen requirements which requires electrical outlets at major appliances to facilitate transition to electric.

In addition, the EPCA Element of the GPU has incorporated a substantial policy framework to support GHG emissions reductions that would complement the forthcoming CAAP. Implementation of the EPCA Element would further the City’s goal of reducing GHG emissions associated with future development under the project to the maximum extent feasible.

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measures that rely on GHG emission reductions. However, by adopting an improper threshold through the General Plan Update process, the City will miss a critical opportunity to reduce GHG emissions and mitigate impacts – especially impacts to the most vulnerable populations in disadvantaged communities. A more appropriate set of thresholds, especially formulated for lead agencies that are not air districts, was recently developed by the Bay Area Air Quality Management District (“BAAQMD”). The BAAQMD’s CEQA significance thresholds require that the “project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development)” to support a determination that climate impacts will be less than significant.²⁰ The BAAQMD’s reasoning for this threshold is equally applicable here:

For the building sector to achieve carbon neutrality, natural gas usage will need to be phased out and replaced with electricity usage, and electrical generation will need to shift to 100-percent carbon-free sources...**Retrofitting an existing building to replace natural gas infrastructure with electrical service is far more difficult and expensive than simply building a new all-electric building** (CEC 2021; E3 2019). For California to successfully eliminate natural gas usage by 2045, it will need to focus available resources on retrofitting existing natural gas infrastructure. **This task will become virtually impossible if we continue to build more natural gas infrastructure that will also need to be retrofit within the next few years.**

The “no natural gas” design element applies to all building types (i.e., residential and nonresidential). **If the project includes appliances or equipment on-site that combust natural gas supplied by natural gas infrastructure, then the GHG emissions from the project would cause a significant and unavoidable impact.** This design element is specific to natural gas being supplied by piped infrastructure, as **extending the natural gas infrastructure for such projects “locks in” GHG emissions for decades to come and is therefore inconsistent with achieving carbon neutrality...**²¹

Two of the City’s top three GHG emission contributors are nonresidential and residential building energy.²² Clearly a transition to renewables and away from natural gas will have a measurable impact on the City’s emissions. Therefore, the City’s reliance on inapplicable, outdated, and unsupported thresholds as a mitigation measure here will only exacerbate the Project’s GHG impacts and frustrate the City’s ability to achieve its stated EPCA and CAAP goals.

²⁰ Bay Area Air Quality Management District 2022 CEQA Guidelines, Chapter 6, p 6-3. Available at: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>

²¹ *Id.* at p. 6-4, emphasis added.

²² EPCA, p. 14.



M-4 **1. Thresholds of Significance Must be Supported by Substantial Evidence and Be Adopted in a Public Process**

A CEQA threshold of significance draws a line between environmental impacts that are significant and those that are not. A threshold of significance must be supported by substantial evidence.²³ Substantial evidence is “enough relevant information...to support a conclusion.”²⁴

Determining whether an environmental impact is “significant” is critical to CEQA’s purpose and structure.²⁵ Significance determinations govern the level of environmental review required before project approval. If there is substantial evidence to support a fair argument that a project will have one or more significant impacts, the lead agency must prepare an environmental impact report; if not, the agency may prepare a negative declaration.²⁶ Most importantly here, significance determinations also dictate *whether mitigation is required*; agencies must incorporate feasible mitigation measures or adopt alternatives only for impacts deemed significant.²⁷

The determination of whether an impact is significant “calls for careful judgment...based to the extent possible on **scientific and factual data**.”²⁸ Agencies may adopt a “threshold of significance,” which is an “identifiable quantitative, qualitative, or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant” and compliance with which means the effect normally will be less than significant.²⁹

Here, adoption of the new threshold of significance by way of a mitigation measure is improper.³⁰ Notably, the City’s existing CEQA guidance notes:

Currently, there is no statewide GHG emissions threshold that has been used to determine potential GHG emissions impacts of a project. Threshold methodology and thresholds are still being developed and revised by air districts in the state. Therefore this environmental issue remains unsettled and should be evaluated on a case-by-case basis.³¹

Thereafter, the CEQA Manual “identifies” the South Coast AQMD Working Group GHG emission threshold screening criteria (identical to those proposed as mitigation measure GHG-1

²³ CEQA Guidelines § 15064.7(b).

²⁴ CEQA Guidelines § 15384(a); see, *Center for Biological Diversity v. California Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 227-28.

²⁵ CEQA Guidelines § 15064(a).

²⁶ See Pub. Res. Code § 21100; Guidelines §§ 15063(b), 15064(a)(1).

²⁷ Pub. Res. Code §§ 21002, 21002.1(b), 21081; CEQA Guidelines §§ 15064(a)(2), 15091, 15126.4, 15126.6.

²⁸ Guidelines § 15064(b)(1), emphasis added.

²⁹ CEQA Guidelines § 15064.7(a).

³⁰ CEQA Guidelines § 15064.7(b).

³¹ CEQA Manual of Irvine, Volume II, p. 3.8-4



M-4 The City is not adopting a CEQA threshold of significance with the PEIR. As stated on page 4.6-13 of the PEIR, “Thresholds used to evaluate impacts to GHG emissions are based on applicable criteria in the CEQA Guidelines (California Code of Regulations Sections 15000-15387), Appendix G.”

Adoption of the project and certification of the Final PEIR will not change the City’s CEQA guidance quoted in this comment, which states that “this environmental issue remains unsettled and should be evaluated on a case-by-case basis.” Use of the SCAQMD methodology in the PEIR does not preclude the City from adopting its own GHG thresholds in the future.

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in the DEIR).³² Thus, the SCAQMD thresholds have not been adopted for general use in the City's current CEQA Manual and their adoption via a General Plan mitigation measure (without public disclosure and comment) is improper.³³

M-5 **C. The General Plan Update is Inconsistent with the 2022 CARB Scoping Plan**

The latest California Air Resources Board ("CARB") Scoping Plan emphasizes the need to reduce GHG emissions from the transportation sector:

Since the transportation sector is the largest source of GHG emissions and harmful local air pollution, we must continue to research and invest in efforts to deploy zero emissions technologies and clean fuels, and to reduce VMT.³⁴

However, the state is not on track to achieve the VMT reduction called for in the 2017 Scoping Plan and we will need to double down to achieve the even more ambitious target called for in the Scoping Plan Scenario.³⁵

Even under full implementation of Executive Order N-79-20 and CARB's Advanced Clean Cars II Regulations, with 100 percent ZEV sales in the light-duty vehicle sector by 2035, a significant portion of passenger vehicles will still rely on ICE technology.... Accordingly, VMT reductions will play an indispensable role in reducing overall transportation energy demand and achieving the state's climate, air quality, and equity goals.³⁶

To that end, the 2022 Scoping Plan calls for a 25 percent VMT reduction below 2019 levels by 2030 and 30 percent VMT reduction below 2019 levels by 2045.³⁷ According to the DEIR, the City VMT is projected to *increase* by 3.2 percent from 2019 to 2045.³⁸ As reflected in the Transportation analysis, VMT per service population (though decreasing with the Project), is far short of the 30 percent VMT reduction necessary to achieve the state's GHG reduction goals.³⁹

Further, as noted above, the General Plan and CAAP provide an invaluable opportunity to mitigate GHG impacts and ensure the City can meet its reduction goals. This is reflected in the 2022 Scoping Plan as well:

³² *Id.*

³³ The City's CEQA Manual is perhaps intentionally vague. In the event the City takes the position that the CEQA Manual already requires application of the SCAQMD thresholds, the City's reliance on these thresholds as a mitigation measure is also improper – as the mitigation measure would not be accomplishing anything new.

³⁴ 2022 CARB Scoping Plan, p. 100.

³⁵ 2022 CARB Scoping Plan, p. 117.

³⁶ *Id.*, p. 192.

³⁷ *Id.*, p. 72, 175, 194.

³⁸ DEIR, p. 4.6-15.

³⁹ DEIR, p. 4.13-25.



M-5 PEIR Tables 4.6-7 and 4.6-8 discuss project consistency with the 2017 and 2022 Scoping Plan demonstrating the project is consistent with applicable Scoping Plan policies. However, the analysis concludes in Section 4.6.6.2 that although the project would support GHG emission reductions, the City is not able to demonstrate whether the policy framework would be sufficient to meet state GHG emission reduction goals. Therefore, it is concluded that impacts related to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs would be considered significant. However, Section 4.6.5.1.a of the PEIR states the following:

As a result, due to market conditions and new allowances for residential uses, it is anticipated that buildout of the General Plan Update would result in a shift of existing unbuilt commercial capacity to residential land uses. Adding residential capacity within the City would improve the jobs to housing balance and potentially reduce the number of long commutes that are characteristic of the City's existing employment centers, which could reduce emissions estimates for on-road transportation, the greatest source of GHG emissions in the City.

Furthermore, the EPCA Element includes goals and policies that would further the City's goal of reducing GHG emissions associated with VMT. As detailed above, the DEIR did not conclude the project is consistent with the 2022 Scoping Plan.

[A]n important CEQA-related tool is mitigation—which can be used to further drive local action consistent with state climate goals. When a lead agency determines that a proposed project would result in potentially significant GHG impacts due to its GHG emissions or a conflict with state climate goals, the lead agency must impose feasible mitigation measures to minimize the impact.⁴⁰

Because transportation is the largest source of City GHG emissions, the City's failure to include policies and mitigation measures that significantly decrease VMT in a concurrent CAAP represents another missed opportunity to feasibly mitigate both climate and transportation impacts. Further, in light of the above, the DEIR's conclusion that the Project is consistent with the 2022 Scoping Plan is not supported by the evidence in the record.

M-6

D. Missing Emissions Will Likely Lead to Increased GHG Impacts

The DEIR includes quantified emission from 2019, which likely do not reflect a newly identified, significant source of GHG emissions. As much as 60-85 percent of national sulfuranyl fluoride emissions come from California, primarily in Los Angeles, Orange, and San Diego Counties.⁴¹ Once emitted, the gas spreads and stays for more than 40 years in the atmosphere, where it contributes to global warming.⁴² "Rising emissions are a concern since [sulfuryl fluoride] has a relatively long atmospheric lifetime and a high global warming potential."⁴³ Because the City's CAAP modelling likely did not take sulfuranyl fluoride into account, predicted Citywide GHG emissions are likely greater than anticipated. The DEIR fails to consider the Project's contribution to such emissions. Because the City's first reduction target (2030) is less than six years away, any failure to account for a significant source of emissions puts the City's ability to achieve its CAAP goals in jeopardy.

To ensure the City and DEIR appropriately account for, disclose, and mitigate the Project's GHG emissions, it must update its inventory and adopt mitigation measures and policies in the CAAP as soon as possible.

M-7

E. Conclusion

The DEIR fails to include all feasible mitigation measures, namely, the forthcoming CAAP. The lack of enforceable GHG reduction measures to be implemented at the Project, Citywide, and future development level is a fatal missed opportunity, compounded by the City's reliance on mitigation measure GHG-1. The City's adoption of unsupported and inapplicable thresholds of significance will frustrate its ability to obtain project-level contributions (and

⁴⁰ *Id.*, p. 270.

⁴¹ <https://scripps.ucsd.edu/news/california-leads-us-emissions-little-known-greenhouse-gas/#:~:text=California%20state%20known%20for,stem%20from%20the%20United%20States>

⁴² Gaeta, D.C., Mühle, J., Vimont, L.J. et al. California dominates U.S. emissions of the pesticide and potent greenhouse gas sulfuranyl fluoride. *Commun Earth Environ* 5, 161 (2024). <https://doi.org/10.1038/s43247-024-01294-x>

⁴³ DEIR, Appendix N, p. 1, emphasis added.

M-6 The California Air Resources Board (CARB) evaluated GHG emissions associated with sulfuranyl fluoride and issued their findings in the *Response to Petition to Regulate Sulfuryl Fluoride to Reduce the Use of the High Global Warming Potential Pesticide*, dated February 24, 2023. In their evaluation CARB stated the following:

Although sulfuranyl fluoride is a greenhouse gas, as acknowledged in the petition, sulfuranyl fluoride is not listed in Health and Safety Code section 38505, subdivision (g), which defines a list of "greenhouse gases" that CARB includes in the statewide GHG emissions inventory. CARB does not currently plan to adopt a regulation or to take other, non-regulatory steps to add sulfuranyl fluoride to that inventory. CARB has, to date, only included gases listed in Health and Safety Code section 38505, subdivision (g) in its inventory. Adding an unlisted greenhouse gas to the inventory would be a new step for CARB and would require further study and discussion with stakeholders and partner agencies. As to the requested phase-out of sulfuranyl fluoride: CARB lacks sufficient information at this time to determine whether a sulfuranyl fluoride phase-out is warranted given its use and overall impact on global temperature changes, the limited information available on cost-effective GHG emissions mitigation approaches, and the pest-control and economic consequences of phasing-out sulfuranyl fluoride. For that reason, CARB declines to initiate a regulatory process to phase-out sulfuranyl fluoride at this time.

Therefore, there is no requirement for the City to evaluate GHG emissions associated with sulfuranyl fluoride in the PEIR, and no changes addressing this comment have been made.

M-7 This comment is conclusory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. The City has provided responses to specific comments above.

CAC Comments: Irvine General Plan Update
April 29, 2024
Page 8 of 8

funding) toward its GHG reduction policies. Therefore, CAC urges the City to immediately develop a contemporaneous CAAP to ensure the City can meet its VMT, GHG reduction, and EPCA goals.

Thank you in advance for your consideration.

Sincerely,

COAST LAW GROUP LLP



Livia Borak Beaudin
Attorneys for CAC

Enclosures: OPR General Plan Guidance, Chapter 8



Letter N

N-1 Thank you for the opportunity to submit comments on the Draft City of Irvine 2045 General Plan Update.

These comments focus on the Conservation and Open Space Element and the comments are labeled by Page Number in the draft. Please let me know if you have any questions or whether we can clarify any of these comments.

N-2 CONSERVATION AND OPEN SPACE Draft March 2024:

COS-4 Figure 1 should be updated to reflect the Gateway Village development (that eliminated the original park area, and the addition of Gateway Preserve.

COS-6 Land Use Element - The NCCP is more than a "strategy". It should be additionally described here as a long-term regional multi-party conservation and development plan and associated permit from the federal and state wildlife regulatory agencies under both the state and

N-1 This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. See responses to specific comments below.

N-2 Suggested edits to the Conservation and Open Space Element do not address the adequacy of the PEIR, but will be forwarded to the decision makers for their review and consideration.

federal Endangered Species Acts, to which COI is a permit holder and is responsible for maintaining its enrolled lands compliant with the terms and conditions and obligations of the permit and Implementation Agreement. Most of the City's Open Space Preserve (with the exception of a section of Quail Hill) is enrolled in the NCCP/HCP.

COS- 8 See above. A much more accurate and thorough description of the NCCP/HCP is warranted as well as clearly noting the City's obligations as a permit holder. This section should also refer to Figure 3, and should state how many acres of the City's Open Space Preserve are enrolled in the NCCP/HCP. This section should also mention that the non-profit Natural Communities Coalition (NCC) is the primary coordinating entity for NCCP/HCP implementation and that as a permit holder, the City has a permanent seat on the organization's board. Also needing mention is that the NCCP/HCP Permit requires "no net loss of habitat value over time" as the standard of care for the City's lands enrolled in the Reserve.

COS-8 RRMPs – It should say the *implementation* of these plans is reviewed annually, rather than the plans themselves. It should mention that the City is obligated to provide the annual workplan and progress report as part of its duties under the NCCP/HCP permit.

COS-17 Limestone Canyon Regional Park and Whiting Ranch Regional Park are not in Irvine and are not part of the Irvine Open Space Preserve. They are owned and managed by the County of Orange. Suggest eliminating this section to avoid confusion, or mentioning these areas only as adjacent regional open space resources - not part of Irvine's General Plan.

COS-17 There are no wildlife corridors in the works for Shady and Bommer Canyon. The only major wildlife corridor currently proposed is the one being promoted by some environmental interests through the Great Park to the southeastern area of the City near Laguna Coast Wilderness Park.

COS-32 The introduction to this section should mention that Local Soil Composition has a primary determining influence over the types of habitats that occur there and therefore soil type distribution is a major component of planning related to the Conservation Element.

COS-35 Suggest eliminating the reference to "The Sinks in Limestone Canyon." This feature is not in Irvine, it is owned by the County of Orange, and is not part of the City's planning area or Open Space Preserve.

COS-37. The figure of 6,500 acres of Preserved Open Space is not accurate. The figure is closer to 7,000 acres. Also, the description of the access/use management of the City's Open Space should be clarified. Rather than saying "significant areas" are "limited", it is much more accurate to distinguish Managed Access areas from Daily Self Guided Access areas, and state that some areas of the City's Open Space Preserve are not open for daily self-guided access due to sensitive habitat conditions under the NCCP/HCP, while other areas are open for daily access including all the perimeter and regional trails in Bommer Canyon and Quail Hill, Serrano Ridge and Turtle Ridge, which connect to regional open space trails in Laguna Coast Wilderness Park and Crystal Cove State Park. Gateway Preserve will also be open for daily self-guided access. Areas that do not have daily self-guided access are nevertheless currently open for monthly Wilderness Access Days conducted by the City, as well as frequent volunteer docent-led hiking, biking, equestrian, and special subject activities and programs.

COS-42 Gateway Preserve is 711 acres. It is not accurate to state it will be a hub for regional active recreation. Since the Gateway Preserve is enrolled in the NCCP/HCP Reserve, recreation must be compatible and passive only. It is subject to the RRMP for the Northern Open Space

Preserve, which sets access and management policies and objectives. Also, it will not “seamlessly connect” to the northern open space areas outside the City. On the other side of the Toll Road, these lands include areas owned by the County of Orange that are not open for daily self-guided access like the Gateway Preserve will be. It is likely not wise to raise public expectations that Gateway will be an open access hub to everywhere. More accurate to say that “Gateway Preserve will be a regional Open Space resource in the North of Irvine similar to Bommer Canyon and Cattle Camp in the South and will offer the potential to connect to broader open space areas such as Limestone Canyon and the Cleveland National Forest subject to the access policies and programs of those areas not owned by the City.”

COS-42 should also be updated to reflect the current status of the developed land and the planning for the preservation and restoration areas in the Gateway area.

COS-51 Consider mentioning that the City’s habitat restoration efforts in both Bommer/Shady Canyons and the Gateway Preserve will contribute to its Climate Resilience objectives.

COS-55 Goal 2 and associated Objective and Policies are well stated. Policy (f) on COS-56 should insert the word “viable” between “impacts to” and “wildlife corridors”.

COS-60 Policy F, the name should be corrected to Loma Ridge, not Lomas Ridge. Add “with adjacent public landowners and managers.”

COS 61 – Add when feasible and suitable “and viable”

COS 68 – Policy (d), add “consistent with City’s Open Space management obligations and permit conditions such as the NCCP/HCP.

N-3

Thank you again for the opportunity to provide input on behalf of our organization as a long term partner in the management of Irvine’s Open Space Preserve.

Sincerely,

Michael O’Connell
 President & CEO
 Irvine Ranch Conservancy
 4727 Portola Parkway
 Irvine, CA 92620
mocconnell@irconservancy.org
 714-508-4750

N-3

This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.



Letter O

April 25, 2024

Alyssa Matheus
Principal Planner
City of Irvine
1 Civic Center Plaza
Irvine, CA 92606-5207

Via email: GPUupdate2045@cityofirvine.org

Re: Notice of Availability of a Draft Program Environmental Impact Report for the Irvine 2045 General Plan Update

Dear Ms. Matheus,

O-1

Irvine Ranch Water District (IRWD) has received the City of Irvine's Notice of Availability of a Draft Program Environmental Impact Report for the Irvine 2045 General Plan Update. IRWD notes that the City of Irvine (City) adopted its certified 2021-2029 Housing Element in May 2022, and that the City is required to update the appropriate elements of its General Plan to accommodate its Regional Housing Needs Assessment (RHNA) of 23,610 units. To ensure consistency with housing statute, including no-net loss and affirmatively furthering fair housing requirements, the 2021-2029 Housing Element identified adequate sites to accommodate 57,656 new residential units within the City. The 57,656 new residential units would be spread out between three focus areas and throughout the rest of the City. Focus Area 1 would consist of the Greater Irvine Business Complex Area and would propose increasing the total number of residential permitted by an additional 15,000 units. Area 2 would consist of the Greater Spectrum Area, where the residential intensity would be increased by an additional 26,607 units. Lastly, Area 3 would consist of the Great Park Neighborhood Transit Village and this focus area would increase the residential intensity by 5,252 residential units. Additionally, 8,526 new residential units would be allowed throughout the City, which also takes into account for 2,261 units associated with recently approved housing projects. IRWD further understands that the proposed project would be the implementation of the City's 2021-2029 Housing Element through the introduction of additional residential and/or mixed-use development throughout the City using overlay zones, which focuses on three focus areas that would promote higher density residential and residential mixed-uses. These overlay zones would allow greater flexibility for property owners and developers. IRWD also understands that adjustments will be made to the City's existing General Plan elements (excluding the Housing Element) because of the proposed project's implemented changes. Lastly, IRWD understands that the proposed project would also include non-residential land uses in the Irvine Great Park and an extension of the Ada roadway from

O-1

Section 4.14.2.2.p of the Final PEIR has been revised to state the following:

p. Model Water Efficient Landscape Ordinance

New development and retrofitted landscape water efficiency standards are governed by the Model Water Efficient Landscape Ordinance (MWELo). The MWELo is also referenced by Title 24, Part 11, Chapters 4 and 5 of the California Green Building Standards Code (CALGreen). All local agencies must adopt, implement, and enforce the MWELo or a local Water Efficient Landscape Ordinance (WELo) that is at least as effective as the MWELo.

its current terminus in the parking lot of the Irvine train station to meet future Marine Way extension north of the railroad tracks.

IRWD offers the following comments:

4.14 Utilities and Service System:

- Under the "4.14.2.2 State" subsection, IRWD suggests that the City include a discussion of implementation and enforcement of the Model Water Efficient Landscape Ordinance. IRWD further offers an excerpt for the City to use as a reference taken from the California Department of Water Resources:

New development and retrofitted landscape water efficiency standards are governed by the Model Water Efficient Landscape Ordinance (MWELO). The MWELO is also referenced by Title 24, Part 11, Chapters 4 and 5 CalGreen Building Code. All local agencies must adopt, implement, and enforce the MWELO or a local Water Efficient Landscape Ordinance (WELo) that is at least as effective as the MWELO.

Compliance with MWELO is incorporated into the proposed statewide outdoor water efficiency standards as part of the Conservation as a Way of Life regulation. The State Water Resources Control Board initiated the rulemaking process in August 2024 and is required to adopt the regulation by August 2024. Information on the rulemaking is available at:

https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/water_efficiency_legislation.html#reg-docs

IRWD appreciates the opportunity to review and comment on the Notice of Availability. If you have any questions or if you require additional information, please do not hesitate to contact me at (949) 453-5325 or Andy Uk, Environmental Compliance Analyst at (949) 453-5326.

Sincerely,



Fiona M. Sanchez
Director of Water Resources

cc: Kellie Welch, IRWD
Eric Akiyoshi, IRWD
Belisario Rios, IRWD
Andy Uk, IRWD



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Letter P

SENT VIA E-MAIL:

GPupdate2045@cityofirvine.org

amatheus@cityofirvine.org

Alyssa Mathcus, Principal Planner
City of Irvine
1 Civic Center Plaza
Irvine, California 92606

April 23, 2024

**Draft Program Environmental Impact Report (Draft PEIR) for the Proposed
City of Irvine 2045 General Plan Update (Proposed Project)
(SCH No. 2023070463)**

P-1 South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Irvine is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments organized by topic of concern.

South Coast AQMD Staff's Summary of Project Information in the Draft PEIR

Based on the Draft PEIR, the Proposed Project would update the General Plan Land Use Element to support the City's Regional Housing Needs Allocation (RHNA) allocation of 23,610 units.¹ The Proposed Project would also adopt a residential and residential mixed-use overlay zone to allow greater flexibility for proposed residential development projects to accommodate 57,656 new residential units.² The overlays would promote higher-density residential and mixed-use in three focus areas, in which the number of permitted residential units would be increased by an additional 1) 15,000 units in Focus Area 1, 2) 26,607 units in Focus Area 2, and 3) 5,252 units in Focus Area 3.³ The remaining 8,536 residential units would be accommodated outside the focus areas throughout the City.⁴

South Coast AQMD Staff's Comments on the Draft PEIR

P-2 *Additional Air Quality Mitigation Measures for NOx and PM Emissions from Construction*

Section 4.2 – Air Quality in the Draft PEIR discusses the mitigation measure (MM) AQ-1 that the Proposed Project “use construction equipment ... as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower.”⁵ However, in the event that the Proposed Project has construction spread throughout

¹ Draft PEIR, Page 3-3.
² *Ibid.*, Page 3-2.
³ *Ibid.*, Page 3-4 and 3-6.
⁴ *Ibid.*, Page 3-6.
⁵ *Ibid.*, Page 4.2-19.

P-1 This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. See responses to specific comments below.

P-2 The City concurs with this comment that Tier 5 technology may reduce emissions compared to Tier 3 and Tier 4 technology. However, as stated in this comment, implementation of Tier 5 technology will not begin until 2027 or 2028. Therefore, it would be speculative to reference Tier 5 technology at this time. Nonetheless, future development under the project determined to have potential air quality impacts related to air quality emissions would be required to use best available control measures at the time, which would include Tier 5 technology once it has been implemented. No revisions have been made per this comment.

Alyssa Matheus

April 23, 2024

the long-term development to reach full buildout, Tier 4 technology may not be the cleanest technology when construction occurs in the later years. According to the California Air Resources Board (CARB) Strategies for Reducing Emissions from Off-Road Construction Equipment, the implementation of off-road Tier 5 starting in 2027 or 2028 and the Governor's Executive Order in September 2020 requires CARB to develop and propose a full transition to Zero Emissions (ZE) by 2035.⁶ Considering the scope of the project, it is crucial to ensure that the levels of construction emissions, specifically NOx and PM10, remain less than the significance thresholds during the construction period for each proposed individual project. Moving towards achieving this goal, when feasible, involves opting for electric emission-free engines instead of diesel-fueled engines for construction equipment. This proactive choice not only aligns with environmental concerns but also demonstrates a commitment to minimizing the Proposed Project's environmental footprint. The abatement of NOx can also be pursued by enforcing greener construction activities, such as limiting the usage of older, dirtier engines in favor of adopting the latest available technologies or even incorporating exhaust retrofits, such as cutting-edge exhaust after-treatment techniques.

Emission Reductions from Health Risk Strategies

P-3

When certifying an EIR for a project, retain the authority to include any additional information deemed relevant to assessing and mitigating the environmental impacts. South Coast AQMD is concerned about the potential public health impacts of sitting sensitive populations within the proximity of existing air pollution sources (e.g., freeways and railroads). For this reason, prior to approving future development projects, the Lead Agency is recommended to consider the impacts of air pollutants on people who will live in a new project and provide effective mitigation. Additionally, South Coast AQMD suggests that the Lead Agency review and apply the guidance provided in 1) the California Air Resources Board (CARB) Air Quality Land Use and Handbook: A Community Health Perspective,⁷ which provides criteria for evaluating and reducing air pollution impacts associated with new projects involving land use decisions; and 2) CARB's technical advisory which contains strategies to reduce air pollution exposure near high-volume roadways.⁸

Many strategies are available for residential receptors to reduce being exposed to particulate matter, including, but not limited to, HVAC systems equipped with filters rated at a minimum efficiency reporting value (MERV) 13 or higher air filtration capabilities. In some cases, MERV 15 or better is recommended for building design, orientation, location, vegetation barriers, landscaping screening, etc. Enhanced filtration units are capable of reducing exposure. However, enhanced filtration systems have limitations. For example, filters rated MERV 13 or higher are able to screen out greater than or equal to 50% of DPM,⁹ but they have no ability to filter out volatile organic compound (VOC) emissions. Also, in a study that South Coast AQMD conducted

⁶ CARB. Going Zero. Available at: <https://ww2.arb.ca.gov/going-zero>

⁷ California Air Resources Board (CARB), Air Quality Land Use and Handbook: A Community Health Perspective, April 2005. Available at: https://ww2.arb.ca.gov/sites/default/files/2023-05/Land%20Use%20Handbook_0.pdf

⁸ CARB's Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways. Available at: https://ww2.arb.ca.gov/sites/default/files/2017-10/rd_technical_advisory_final.pdf

⁹ U.S. EPA, "What is a MERV rating?" Available at: <https://www.epa.gov/indoor-air-quality-iaq/what-merv-rating>

P-3

Section 4.7.2 of the PEIR acknowledges the risks associated with sitting sensitive populations within the proximity of existing air pollution sources. Consistent with the guidance provided in the California Air Resources Board (CARB) Air Quality Land Use and Handbook: A Community Health Perspective, mitigation measure AQ-3 states that "individual projects that may site new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 or more vehicles/day, the applicant shall prepare a Health Risk Assessment (HRA)." Mitigation measure AQ-3 goes on to state that if "the HRA shows that the incremental cancer risk and/or noncancer hazard index exceed the respective thresholds, as established by the SQAQMD at the time a project is considered (i.e., 10 in one million cancer risk and 1 hazard index), the project applicant will be required to identify and demonstrate that best available control technologies (including MERV filters) to reduce substantial exposure of sensitive receptors to TACs." Therefore, mitigation measure AQ-3 is consistent with this comment. No revisions have been made per this comment.

Alyssa Matheus

April 23, 2024

to investigate filters rated at MERV 13 or better in classrooms,^{10,11} a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary, including costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, the filters would not have any effect unless the HVAC system is running. Therefore, when in use, the increased energy consumption from each HVAC system should be evaluated in the Draft EIR. While the filters operate 100 percent of the time when the HVAC is in use while the residents are indoors, the environmental analysis does not generally account for the times when the residents are not using their HVAC and instead have their windows or doors open or are moving throughout the common space outdoor areas of the Proposed Project. Furthermore, when used filters are replaced with new filters, emissions associated with trucks delivering the new filters and waste disposal trucks transporting the used filters to disposal sites should be evaluated in the Draft EIR. Therefore, any presumed effectiveness and feasibility of a particular HVAC filter should be carefully evaluated in more detail based on supporting evidence before assuming they will sufficiently alleviate exposure to DPM emissions.

P-4 *South Coast AQMD Air Permits and Role as a Responsible Agency*

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, etc., air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD. In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Final EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project.

P-5 The Final EIR should also include calculations and analyses for construction and operation emissions for the new stationary and portable sources, as this information will also be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <http://www.aqmd.gov/home/permits>.

P-7 Conclusion
As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the

¹⁰ South Coast AQMD, Draft Pilot Study of High-Performance Air Filtration For Classroom Applications, October 2009. Available at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>
¹¹ International Journal of Indoor Environment and Health, Pilot Study of High-Performance Air Filtration for Classroom Applications, November 2012. Available at: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>

P-4 Section 3.4 of the PEIR of the PEIR states the following:

This evaluation is programmatic and does not evaluate the potential project-specific environmental impacts of individual development proposals that may be allowed under the project after its adoption. Subsequent projects would be reviewed by the City for consistency with the project and this PEIR, and adequate project-level environmental review would be conducted as required under CEQA.

Therefore, no new stationary and portable sources would be constructed with adoption of the PEIR. However, SCAQMD may serve as a Responsible Agency under CEQA for subsequent projects proposed after the PEIR is adopted.

P-5 At the program level of analysis conducted for the General Plan Update, it is not feasible to conduct site specific analyses of operational emissions associated with stationary and portable sources. Furthermore, the General Plan Update is implementing the City's RHNA requirements, which would allow for residential land uses to occur primarily within areas currently designated for nonresidential development. Residential uses emit fewer stationary and portable operational emissions, and the project would therefore likely reduce these types of emissions. Nonetheless, future development under the project would be subject to mitigation measure AQ-2, which would require individual projects that may exceed the daily operational emissions thresholds established by the SCAQMD to identify project-level mitigation and/or project design features that would reduce operational impacts to less than significant to the extent feasible. No revisions have been made per this comment.

P-6 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

P-7 This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. The City has provided responses to specific comments above and will make these responses publicly available ten days prior to certification of the Final PEIR.

Alyssa Matheus

April 23, 2024

environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA-IGR

Planning, Rule Development & Implementation

SW:DN

ORC240319-01

Control Number



Letter Q

AFFILIATED AGENCIES

April 29, 2024

*Orange County
Transit District*

Ms. Alyssa Matheus

*Local Transportation
Authority*

Principal Planner

*Service Authority for
Freeway Emergencies*

1 Civic Center Plaza

Irvine, CA 92606-5207

*Consolidated Transportation
Service Agency*

Via email: GPUUpdate2024@cityofirvine.org

*Congestion Management
Agency*

Subject: Notice of Availability of a Draft Program Environmental Impact Report – Irvine 2045 General Plan Update

Dear Ms. Matheus:

Q-1

The Orange County Transportation Authority (OCTA) appreciates the opportunity to review and comment on the City of Irvine (City) 2045 General Plan Update. The General Plan is an important guiding document for the City and OCTA has great interest in the future progress of this General Plan. The City contains numerous regionally significant transportation facilities that OCTA or the Southern California Regional Railroad Authority (Metrolink) has substantially invested in over the years. We encourage the City to continue to coordinate with our respective agencies to that end.

Q-2

During the March 12, 2024, Irvine City Council (Council) meeting, the Council directed the Irvine City Manager to oversee a comprehensive transit study to improve transit opportunities and evaluate the viability of a local Irvine transit authority. This General Plan Update should acknowledge that the aforementioned transit study is underway to determine the viability of establishing a local transit authority. It is also important to note that approximately 88 percent of Irvine employees commute into the City and that 73 percent of Irvine residents work outside of the City. OCTA encourages the City to understand the importance of regional transit travel patterns to the Irvine community and to support bus and rail transit improvements which will benefit both the community and region.

Q-3

According to the 2045 General Plan Update, a proposed residential overlay would help the City reach mandated Regional Housing Needs Allocation requirements. The proposed placement of the overlay in the Orange County Great Park community would allow for housing development near the proposed OCTA/Metrolink Orange County Maintenance Facility. This is a light maintenance facility intended for daily upkeep of trains (i.e. refueling, cleaning, restroom maintenance, etc.) and consistent with the terms of the purchase and sale

*Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)*

Q-1

This is an introductory comment and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. See responses to specific comments below.

Q-2

Please note that the transit study that is underway is not a part of the project. Conclusions and decisions resulting from the study are not yet available. As such, inclusion of a reference to this study is not appropriate in the General Plan Update, which is a broad, high-level planning document that is intended to guide policy decisions over the next 20 years. Information provided in this comment is noted for the record and will be shared with the City decision makers for their review and consideration. It is additionally noted that the General Plan Update includes numerous goals, objectives, policies, and implementation measures encouraging the use of transit and encouraging improvements to the transit network in support of the City and OCTA's goals to increase transit ridership and usage.

Q-3

These comments are noted for the record and will be shared with the City decision makers for their review and consideration.

Ms. Alyssa Matheus
April 29, 2024
Page 2

agreement between the City and OCTA. OCTA encourages the City to be mindful of such uses and future residents should be made aware of the proposed use.

OCTA is in the process of conducting preliminary engineering on the future OCTA/Metrolink Orange County Maintenance Facility. The ability for OCTA/Metrolink to successfully partner with the City is paramount to improving transit service and efficiency throughout the City and the region.

Another key transportation infrastructure within the City is the Irvine Metrolink Station. OCTA/Metrolink have plans to make improvements to the station that would facilitate transit opportunities. This station has the second highest ridership in Orange County and the proposed improvements would align with the 2045 General Plan goals and policies to improve public transportation. The City should strive to enhance accessibility and service to this critical transportation hub. We encourage the City to partner with OCTA and achieve these shared goals.

Furthermore, OCTA owns and operates the Irvine Sand Canyon Bus Base (Bus Base) located at 14736 Sand Canyon Road and 6671 Marine Way. The City has proposed a potential realignment project on Marine Way which would bisect the Bus Base. The functionality of this facility is critical to OCTA's operations. The City should be mindful of the importance of this facility and ensure current and future surrounding land uses do not preclude the facility from fulfilling its purpose.

Also, OCTA provides transportation options to Irvine through various programs including regional bus transit and local community shuttles (iShuttle). As the City evaluates its general plan, the City should evaluate pedestrian connections to streets and support suitable access to public transit to increase people's likelihood of walking or biking to transit.

As another topic of interest, the Draft Noise Element includes discussion on rail and transportation caused vibration and future noise contours in the City. It is important to note that the rail corridor existed and operated before the City's incorporation. OCTA encourages the City to fully consider and understand current rail and transportation operations in order to develop reasonable noise goals and policies for future transportation projects.

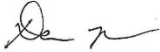
Finally, please see Attachment A for additional comments related to various technical issues as part of the Final Program Environmental Impact Report development. We encourage open communication with OCTA on any matters discussed herein.

Q-4

Ms. Alyssa Matheus
April 29, 2024
Page 3

Should you have any comments or questions, please contact me at (714) 560-5907
or at dphu@octa.net.

Sincerely,



Dan Phu
Manager, Environmental Programs

DP:tc

Attachment

Q-4

This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

2045 Irvine General Plan Update Comments

- Q-5 a) Across the General Plan Elements there is a recognition of the importance of a well-designed transportation system to reduce greenhouse gas emissions and prioritize walking, cycling, and public transit to alleviate congestion and foster sustainable transportation. Please note that OCTA is leading projects such as the Metrolink Orange County Maintenance Facility and the Irvine Metrolink Station improvements in support of improved regional rail services, which would assist the City in meeting General Plan Land Use goals. We encourage the City to partner with OCTA to support such projects towards achieving shared goals.
- Q-6 b) Throughout the General Plan Elements the map figures are difficult to read on a computer. Zooming in on a computer screen does not improve the quality and it is still difficult to make out numbers and words. Please include maps that are easily readable in all formats. A possible solution is to include foldout inserts if necessary.
- Q-7 c) In the Draft Land Use Element, starting on page LU-53, Focus Area 3, the Orange County Great Park (OCGP) includes a proposed Residential and Residential Mixed-use Overlay.
1. Metrolink Orange County Maintenance Facility
 - In the Irvine 2015 General Plan, there have been footnotes that are not included in the 2045 General Plan Update. Similarly, the current Zoning Ordinance Planning Area 51 Statistical Analysis (Section 9-51-3) indicates that there is 122,500 square feet set aside for institutional facilities which was reiterated in the 2015 General Plan and is quoted below. Please clarify why these footnotes have been removed when other footnotes were retained.
 1. Irvine 2015 General Plan Table A-1, Maximum Intensity Standards by Planning Area General Plan Footnotes, Footnotes 17 and 18 state the following:
 - 17. *The 1,233,000 square feet in Institutional/Public Facilities in Planning Area 51 includes 122,500 square feet for Orange County Transit Authority facilities; 300,000 square feet for County of Orange facilities; 263,000 square feet for warehousing for homeless providers; 468,000 square feet of institutional uses; 26,000 square feet of sports park; and 53,500 square feet of remote airport terminal.*
 - 18. *In order to develop at the maximum intensities for Planning Area 51, the property owner has entered into a development agreement, (recorded on July 12, 2005), which requires the dedication of land and the development or funding of infrastructure improvements in*

Q-5 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

Q-6 This comment has been noted for the record. The resolution of all maps and figures will be improved to ensure readability for both hardcopies and electronic copies posted online.

Q-7 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

It should also be noted that no changes to the existing footnotes are proposed at this time, as the City decision makers have not yet approved the Project or Reduced Project Alternative. As noted on page LU-82 of the Land Use Element, the Statistical Table will be updated following approval of the Project or Reduced Project Alternative. Changes to the table and all existing footnotes will be limited to those necessary to reflect the approved project. Similarly, staff will update statistical tables in the applicable Planning Area chapters of the Zoning Ordinance following a decision on the Project.

It should be noted that neither the Project or Reduced Project Alternative would result in changes to nonresidential square footages nor would the project amend the development agreement recorded on July 12, 2005, and no changes to Footnotes 17 or 18 would be required.

Comments related to the location of the bus base are noted for the record and will be forwarded to City decision makers.

Attachment A
Page 2

excess of the City's standard requirements, and the commitment to long-term maintenance of public facilities. This agreement was amended by the Amended and Restated Development Agreement adopted pursuant to City Council Ordinance 09-09.

- 2. OCTA owns and operates the Irvine Sand Canyon Bus Base at 14736 Sand Canyon Road and 6671 Marine Way. The City has a potential Marine Way realignment project that could bisect the Bus Base. The Bus Base is critical to OCTA operations and the City should be mindful and ensure that the current and future surrounding land uses do not preclude the facility from operations.
- Q-8 d) OCTA maintains the administration of the Master Plan of Arterial Highways (MPAH) and consistency of the Circulation Element with the MPAH is essential to the integrity of a functional regional roadway network. OCTA has an active amendment with Irvine on Red Hill Avenue which the City requires a Memorandum of Understanding (MOU) with the City of Santa Ana. The City is working towards another update of the General Plan pending the finalization of the MOU. Although because the MOU has not been finalized, the City's Circulation Element is currently consistent with the MPAH. However, OCTA staff is aware that there will be an inconsistency once the City's MOU with the City of Santa Ana is finalized. Please ensure that the Irvine General Plan Circulation Element is consistent with the MPAH.
- Q-9 e) In the Draft Circulation Element, page C-9, it appears that there is reference to the Metrolink Strategic Plan, which is located at this link: <https://metrolinktrains.com/globalassets/about/agency/strategic-plan/metrolink-strategic-plan-final--full-report--r.pdf> The LOSSAN Rail Corridor Agency Business Plan should also be referred, please see the plan at this link: https://www.octa.net/pdf/LOSSAN_Business_Plan_FY_24-25-FY_25-26.pdf
- Q-10 f) In the Draft Circulation Element, page C-16, the draft document states that "Metrolink operates trains along the Los Angeles to San Diego (LOSSAN) railroad right-of-way..." Please replace "right-of-way" with "corridor."

- Q-8 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. It should also be noted that an amendment to the Circulation Element will be prepared following the approval of the MOU by all affected parties related to the Red Hill Avenue MPAH amendment currently in-process.
- Q-9 This comment is noted for the record and will be shared with the City decision makers for their review and consideration.
- Q-10 This comment is noted for the record and will be shared with the City decision makers for their review and consideration.

Letter R



April 29, 2024

Sent via email: mpoynter@cityofirvine.org
gpupdate2045@cityofirvine.org

Marika A. Poynter
Manager of Planning Services
City of Irvine
1 Civic Center Plaza
Irvine, CA 92606-5207

Subject: Comments on the Draft Program Environmental Impact Report,
Irvine 2045 Focused General Plan Update

Dear Ms. Poynter:

R-1

Thank you for the opportunity to provide comments on the Draft Program Environmental Impact Report (Draft PEIR) for the 2045 Focused General Plan Update (Project). The Irvine Unified School District (District) appreciates the opportunity to review the Draft PEIR for potential environmental impacts on its schools and to work collaboratively with the City of Irvine (City) to maintain the District's reputation for high quality education.

Requested Collaboration

The District's comments are submitted in the spirit of continuing its strong partnership with the City to provide an excellent educational environment for the community. Given the residential densities envisioned, the already developed nature of the focus areas and the State's stringent school siting standards, we expect this will require the best efforts of all involved. The District's more specific requests for collaboration in this process are below:

- 1) The District seeks acknowledgement that the Project's approximately 40,000 additional dwelling units within the District's jurisdiction may create a significant demand for new and expanded school facilities. Our preliminary analysis of the anticipated demands, based on the project description, are provided in Table 2.
- 2) The City, District and development community must continue to work together through the concept plan process to reserve sufficient land for new schools. Historically the District has worked closely with the City and development community and has a long established process of identifying options for school sites within proposed developments which has allowed the District to conduct initial reviews for adequacy and avoid conflicts with the State's school siting requirements. This process has worked well and the District requests that this process be continued. Based on the District's preliminary understanding of the project, we anticipate that approximately four (4) elementary school sites may be needed to serve anticipated students in Focus Area 2 in order to adequately mitigate projected

BOARD OF EDUCATION

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IUSD ... providing the highest quality educational experience we can envision.

R-1

Introductory comment. See responses to specific comments below.

Ms. Marika Poynter
 Response to Notice of Preparation, Program Environmental Impact Report,
 Irvine 2045 Focused General Plan Update
 April 29, 2024
 Page 2



elementary impacts. The District requests that these four (4) potential locations be identified during the planning process.

- 3) In recognition that existing statutory fees are insufficient to fully fund school facilities, historically the District has worked with the City and development community to ensure that land and certain construction of new and expanded facilities are funded. The District will seek to continue this established process of working with the City and development community to provide sufficient funding for new and expanded school facilities, in addition to the statutory fees, in Focus Area 1, 2, 3 and remaining RHNA units.

R-2

Preliminary Analysis of Proposed Project

In response to the City’s Notice Of Preparation (NOP), the District provided student generation rates for grades K-6, 7-8, and 9-12, as shown in Table 1. The District requested that the Draft PEIR apply these generation rates to the number of dwelling units allowed under the Project to determine the total number of students generated and subsequently the number of students the District may be required to accommodate. The Draft PEIR omitted these calculations, and it did not consider the overcrowding that may occur if additional school facilities were not provided.

Table 1. Student Generation Rates

Product Type	K-6	7-8	9-12
High Density Multifamily (IBC)	0.040	0.007	0.017
High Density Multifamily (Spectrum)	0.086	0.016	0.026
Multifamily (Apartments)	0.133	0.038	0.056
Affordable (Apartments)	0.197	0.101	0.176
Single-Family Attached (Condos)	0.263	0.065	0.111
Single-Family Detached (Homes)	0.352	0.090	0.154

On page 4.12-30, the Draft PEIR states:

“Development of site-specific future housing would not directly result in sufficient demand to require construction of new school facilities, since each incremental housing development would pay its fair share toward anticipated facility needs. Therefore, the project would not result in substantial physical impacts associated with the provision of new or physically altered school facilities, and impacts would be less than significant.”

The District believes the statement above did not take into appropriate consideration the potential generation of students resulting from proposed residential projects. Demand for additional school facilities comes from the number of students generated by the Project. Statutory fees paid by development will help defray some of the costs of new and expanded schools but have historically been insufficient in supporting the total costs of housing the students generated from new development. The District requests

R-2

Tables 1 provided in this comment letter has been added to the Final PEIR as Table 4.12-4a. Tables 2 through 5 provided in this comment letter have been added to the Final PEIR as Tables 4.12-12 through 4.12-14. Section 4.12.5.1.c of the Final PEIR has also been revised to include the discussion of how the project would affect schools within each focus area provided in this comment. Refer to the Errata for exact changes that have been made to this section of the PEIR.

The quote from the Draft PEIR presented in this comment does not suggest that the project would not impact capacity, but the growth associated with the GPU would be incremental, which would provide the City and IUSD ample to time appropriately consider what additional facilities would be needed to accommodate future growth. The City looks forward to working with IUSD to adequately plan for future schools.

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that the City include the student generation information provided in Table 1 above and the related potential demand for expanded school facilities.

Table 2 through 5 below demonstrates the projected increase in the District’s student population generated under the Irvine 2045 Focused General Plan Update. The projected increased student population would require substantial investment in additional school facilities.

Table 2 applies the District’s student generation rates to the number of additional dwelling units included in each Focus Area.

Table 2. Projected Student Generation by Focus Area, Grade Level

Focus Area	Projected Housing Units	Projected Housing Units Within IUSD	K-6	7-8	9-12
Student Generation Rates (High Density Multifamily)			0.133 ¹	0.038 ¹	0.056 ¹
Area 1	15,000	7,500 ²	998	385	420
Area 2	26,607	26,607	3,539	1,011	1,490
Area 3	5,252	1,313–2,626 ³	175-349	50-100	74-147
Remainder Throughout City	8,536	3,092 ⁴	412	118	173
Total	55,395	39,825	5,298	1,614	2,230

¹ Multifamily (Apartments) student generation rates selected as detailed breakdown of unit types is unavailable.

² Assumes 50 percent of dwelling units are developed within IUSD boundaries.

³ Assumes 25 to 50 percent of dwelling units are developed within IUSD boundaries.

⁴ Assumes inclusions of PA 6, 8, 15, 20, 24, 34, 39, 40

Focus Area 1

Table 3 compares existing available student capacity of area schools against the Project’s estimated student generation. While capacity is anticipated to be available at existing middle and high schools, an overcapacity of 452 students is shown for the elementary schools. The District’s policy is to provide local neighborhood schools at the elementary level. The projected overcapacity may require expansion of one or more of the three (3) Area 1 elementary schools.

Table 3. Comparison of Available Capacity to Projected Student Generation – Area 1

Grade Level	Focus Area Schools	Combined Available Seating Capacity	Student Increase ¹	Available Capacity/ (Overcapacity)
Elementary Schools	Culverdale, Westpark, University Park	546	998	(452)
Middle Schools	Rancho San Joaquin, South Lake	411	385	26
High Schools	University, Woodbridge	816	420	396

¹ From Table 2.

Ms. Marika Poynter
 Response to Notice of Preparation, Program Environmental Impact Report,
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Focus Area 2

Table 4 compares existing available student capacity of area schools against the Project’s estimated student generation. The table shows that the projected elementary school population significantly exceeds the capacity for K-6 students by 3,497 students which equates to approximately four (4) additional elementary schools.

Based on a minimum size for elementary schools of 10 acres (California Code of Regulations, Title 5), the District will seek reservation of approximately 40 acres to accommodate the needed schools. Note, the State will require that school sites meet several other criteria as well, including health, safety and environmental standards.

The deficit in capacity for middle school students (774) may require expansion and boundary adjustments at one or more Area 2 middle schools.

The deficit in capacity for high school students (570) may require expansion and boundary adjustments at one or more Area 2 high schools.

Table 4. Comparison of Available Capacity to Projected Student Generation – Area 2

Grade Level	Focus Area Schools	Combined Available Seating Capacity	Student Increase ¹	Available Capacity/ (Overcapacity)
Elementary Schools	Cadence Park (K-6)	0	--	--
	Oak Creek	42	--	--
	Total - ES	42	3,539	(3,497)
Middle Schools	Cadence Park (7-8)	0	--	--
	South Lake	195	--	--
	Total - MS	237	1,011	(774)
High Schools	Portola, University, Woodbridge	920	1,490	(570)
	Total - HS	920	1,490	(570)

¹ From Table 2.

Focus Area 3

Table 5 compares existing available student capacity of area schools against the Project’s estimated student generation. As shown, the schools in Area 3 are projected to see less of a student population increase than the other two Focus Areas. The District will continue to evaluate this Focus Area as the Great Park Neighborhoods continue their residential buildout and will continue to work with its development partners on additional K-8 school facilities if necessary.

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Table 5. Comparison of Available Capacity to Projected Student Generation – Area 3

Grade Level	Focus Area 3 Schools	Combined Available Seating Capacity	Student Increase ¹	Available Capacity/ (Overcapacity)
K-8 Schools	Beacon Park, Cadence Park, Solis Park	350	225-349	125-1
High Schools	Portola	104	74-147	30-(43)

¹ From Table 2.

R-3 **Remaining RHNA Units**
 As shown in Table 2, an estimated 3,092 dwelling units would be developed within District, but outside the focus areas. This equates to an additional 412 elementary, 118 middle school and 173 high school students. Without more detail on where these dwelling units may be developed, it is not possible to estimate the potential impact on District schools.

R-4 The City should also explain that, as with the other public services, the impacts associated with construction of the new school facilities are within the analysis of construction impacts found throughout the Draft PEIR, including impacts to such topics as air quality and noise, and that construction of any new school facilities described above may require a project-specific environmental analysis under the California Environmental Quality Act to address any site-specific environmental concerns.

R-5 We welcome the opportunity to discuss these issues further. If you have any questions, please contact me at (949) 936-5305 or kelvinokino@iusd.org.

Sincerely,

Kelvin Okino
 Executive Director of Facilities and Construction
 Irvine Unified School District

cc: Mr. John Fogarty, Irvine Unified School District
 Mr. Jesse Barron, Irvine Unified School District

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R-3 This comment has been noted for the record. The City understands that development outside of the focus areas would increase demand for schools. However, as described in Section 4.12.5.1.c of the Final PEIR, future development would occur incrementally through 2045, based on market conditions and other factors, such that school services are not overburdened at any given time. Pursuant to California Government Code Section 65995, the individual applicants shall pay developer fees to the appropriate school districts at the time building permits are issued. Furthermore, Per AB 2626 and SB 50, school districts may impose a fee in conjunction with the construction of new commercial or residential buildings and for those projects that are adding square footage to an existing commercial or residential building. Alternatively, an applicant may enter into a school finance agreement with the school district to address mitigation to school impacts in lieu of payment of developer fees, a mechanism that is often employed to develop future schools needed as a result of large-scale residential development in the City. The agreement shall establish financing mechanisms for funding facilities to serve the students from the project. It should also be noted that any future schools that may eventually be necessitated would require separate environmental review and approval to determine potential impacts on District schools.

R-4 As stated in Section 4.12.5.2 of the PEIR, future public facilities, including schools, would require separate environmental review and approval. The required impact analysis and subsequent mitigation would be consistent with what is presented in Final PEIR, although exact details would be dependent upon site conditions for future school facilities, which are not known at this time.

R-5 This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. The City has provided responses to specific comments above.

Letter S

From: Kennedy, Joseph@CALFIRE
Sent: Wednesday, March 20, 2024 11:43 AM
To: Alyssa Matheus <AMatheus@cityofirvine.org>
Cc: Quintana, Jose@CALFIRE <Jose.Quintana@fire.ca.gov>
Subject: RE: Irvine Safety Element

S-1

Alyssa,
I have attached my initial informal review of the city of Irvine's Safety Element. Anything with a "No" of "Partial" has been highlighted in **GREEN**. I have also provided some recommendations that will help with the writing of a policy or help strengthen a policy that has been written. They are just recommendations and do not need to be used if you would like to word your policies a bit differently, they are just a tool to help you with this process. After a change has been made, please highlight in **YELLOW** with the page number it is found on in the Safety Element. We will continue with this process until we have all "Yes" which I don't foresee taking too long. I have also included, as an attachment, the recommended language regarding linking the LHMP and SE by reference. Please feel free to reach out with any questions you may have.
Joe

S-1

This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

General Plan Safety Element Assessment

Board of Forestry and Fire Protection



March 2024

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Purpose and Background

Upon the next revision of the housing element on or after January 1, 2014, the safety element is required to be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones. (Gov. Code, § 65302, subd. (g)(3).)

The safety element is required to include:

- Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
- Any historical data on wildfires available from local agencies or a reference to where the data can be found.
- Information about wildfire hazard areas that may be available from the United States Geological Survey.
- The general location and distribution of existing and planned uses of land in very high fire hazard severity zones (VHFHSZs) and in state responsibility areas (SRAs), including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
- The local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services. (Gov. Code, § 65302, subd. (g)(3)(A).)

Based on that information, the safety element shall include goals, policies, and objectives that protect the community from the unreasonable risk of wildfire. (Gov. Code, § 65302, subd. (g)(3)(B).) To carry out those goals, policies, and objectives, feasible implementation measures shall be included in the safety element, which include but are not limited to:

- Avoiding or minimizing the wildfire hazards associated with new uses of land.
- Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in the SRA or VHFHSZ.
- Designing adequate infrastructure if a new development is located in the SRA or VHFHSZ, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
- Working cooperatively with public agencies with responsibility for fire protection. (Gov. Code, § 65302, subd. (g)(3)(C).)

The safety element shall also attach or reference any fire safety plans or other documents adopted by the city or county that fulfill the goals and objectives or contains the information required above. (Gov. Code, § 65302, subd. (g)(3)(D).) This might include Local Hazard Mitigation Plans, Unit Fire Plans, Community Wildfire Protection Plans, or other plans.

There are several reference documents developed by state agencies to assist local jurisdictions in updating their safety elements to include wildfire safety. The Fire Hazard Planning, General Plan Technical Advice Series from the Governor's Office of Planning and Research (OPR), referenced in Government Code section 65302, subdivision (g)(3) and available at

1400 Tenth Street
Sacramento, CA 95814
Phone: (916) 322-2318

The Technical Advice Series is also available from the OPR website ([Technical Advice Series link](#)).*

The Technical Advice Series provides policy guidance, information resources, and fire hazard planning examples from around California that shall be considered by local jurisdictions when reviewing the safety element of its general plan.

The Board of Forestry and Fire Protection (Board) utilizes this Safety Element Assessment in the Board's review of safety elements under Government Code section 65302.5. At least 90 days prior to the adoption or amendment of their safety element, counties that contain SRAs and cities or counties that contain VHFHSZs shall submit their safety element to the Board. (Gov. Code, § 65302.5, subd. (b).) The Board shall review the safety element and respond to the city or county with its findings regarding the uses of land and policies in SRAs or VHFHSZs that will protect life, property, and natural resources from

1 * https://www.opr.ca.gov/docs/Final_6.26.15.pdf

unreasonable risks associated with wildfires, and the methods and strategies for wildfire risk reduction and prevention within SRAs or VHFHSZs. (Gov. Code, § 65302.5, subd. (b)(3).)

The CAL FIRE Land Use Planning team provides expert fire protection assistance to local jurisdictions statewide. Fire captains are available to work with cities and counties to revise their safety elements and enhance their strategic fire protection planning.

Methodology for Review and Recommendations

Utilizing staff from the CAL FIRE Land Use Planning team, the Board has established a standardized method to review the safety element of general plans. The methodology includes

- 1) reviewing the safety element for the requirements in Government Code section 65302, subdivision (g)(3)(A),
- 2) examining the safety element for goals, policies, objectives, and implementation measures that mitigate the wildfire risk in the planning area (Gov. Code, § 65302, subd. (g)(3)(B) & (C)), and
- 3) making recommendations for methods and strategies that would reduce the risk of wildfires (Gov. Code, § 65302.5, subd. (b)(3)(B)).

The safety element will be evaluated against the attached Assessment, which contains questions to determine if a safety element meets the fire safety planning requirements outlined in Government Code, section 65302. The reviewer will answer whether or not a submitted safety element addresses the required information, and will recommend changes to the safety element that will reduce the wildfire risk in the planning area. These recommended changes may come from the list of sample goals, policies, objectives, and implementation measures that is included in this document after the Assessment, or may be based on the reviewer's knowledge of the jurisdiction in question and their specific wildfire risk. By answering the questions in the Assessment, the reviewer will determine if the jurisdiction's safety element has adequately addressed and mitigated their wildfire risk. If it hasn't, any specific recommendations from the reviewer will assist the jurisdiction in revising the safety element so that it does.

Once completed, the Assessment should provide clear guidance to a city or county regarding any areas of deficiency in the safety element as well as specific goals, policies, objectives, and implementation measures the Board recommends adopting in order to mitigate or reduce the wildfire threat in the planning area.

General Plan Safety Element Assessment

Jurisdiction: Irvine	Notes: 1 st Review	CAL FIRE Unit: ORC/RRU	Date Received: 3/15/2024
County: Orange	LUPP Reviewer: J. Kennedy	UNIT CONTACT: N. Pivaroff	Date Reviewed: 3/18/2024

S-2

BACKGROUND INFORMATION SUMMARY

The safety element must contain specific background information about fire hazards in each jurisdiction. Instructions for this table: indicate whether the safety element includes the specified information. If YES, indicate in the comments where that information can be found; if NO, provide recommendations to the jurisdiction regarding how best to include that information in their revised safety element.

Required Information	Yes or No	Comments and Recommendations
Are Fire Hazard Severity Zones identified? <i>CAL FIRE or Locally Adopted Maps</i>	YES	SE pg. 42 Figure 15 Fire Hazard Severity Zones in Irvine
Is historical data on wildfires or a reference to where the data can be found, and information about wildfire hazard areas that may be available from the United States Geological Survey, included?	YES	SE pg. 41 Table 2. Historic Wildfires in Irvine (1948-2023) City of Irvine LHMP pg. 83 Past Events
Has the general location and distribution of existing and planned uses of land in very high fire hazard severity zones (VHFHSZs) and in state responsibility areas (SRAs), including structures, roads, utilities, and essential public facilities, been identified?	YES	SE pg. 44 Figure 16 Fire Hazard Physical Threat in Irvine SE pg. 43 Areas of Concentration. Figure 16 identifies 6 critical facilities and 1 facility of concern within the Very High FHSZ. While these areas have a high degree of vulnerability to wildfire, other areas of the City may also be susceptible due to ember cast.
Have local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services, been identified?	YES	SE pg. 14, Fire and Emergency Services. The City contracts with the Orange County Fire Authority (OCFA) to provide fire protection and emergency services in the community. OCFA is a regional fire service agency that serves 23 Orange County cities and all unincorporated areas and protects over 1.6 million residents from its 71 fire stations located throughout the county. ¹⁴ There are eleven (11) strategically located fire stations in the City of Irvine, which allow firefighters and paramedics to provide timely responses to emergencies and to efficiently respond to volume demand. ¹⁵

3

S-2

This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

LETTER

RESPONSE

S-3	Required Information	Yes or No	Comments and Recommendations	S-3	This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.
S-4	Are other fire protection plans, such as Community Wildfire Protection Plans, Local Hazard Mitigation Plans, CAL FIRE Unit or Contract County Fire Plans, referenced or incorporated into the Safety Element?	PARTIAL-Recommend changing language in SE removing reference to specific date of LHMIP. See attached reference document.	SE pg. 6, <i>Relationship to Other Elements and Plans</i> . Irvine has also prepared a federally certified Local Hazard Mitigation Plan (LHMP) and an adopted Emergency Operations Plan (EOP), both of which allow the City to become eligible for federal grant funding to mitigate the natural hazards discussed therein. SE pg. 60. The City's LHMP includes hazard mitigation actions related to natural and human-caused, seismic, geologic, flood, and urban and wildfire hazards, as well as risks related to drought and extreme heat, diseases and pests, and climate change. These hazard mitigation actions meet the requirements of Government Code Section 65302.15 and are incorporated by reference into the Safety Element.	S-4	This comment is noted for the record and will be shared with City decision makers for their consideration.
S-5	Are residential developments in hazard areas that do not have at least two emergency evacuation routes identified?	YES	SE pg. 8 Supporting Technical Studies. An Emergency Evacuation Route Analysis Appendix B) was prepared and incorporated into this Element. Additional policies were developed in response to the results of the analysis. SE pg. 192. <i>Appendix B Emergency Evacuation Route Analysis</i> .	S-5	This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.
	Have evacuation routes and their capacity, safety, and viability under a range of emergency scenarios been identified?	YES	SE pg. 8 Supporting Technical Studies. An Emergency Evacuation Route Analysis Appendix B) was prepared and incorporated into this Element. Additional policies were developed in response to the results of the analysis. SE pg. 57. <i>Emergency Evacuation Route Analysis</i> . A variety of hazard scenarios could require an evacuation in parts of Irvine. These emergency situations could be caused by either natural or human-made events, such as wildfires, floods, or earthquake. An Emergency Evacuation Route Analysis (Appendix B) was prepared to identify evacuation capacity and network connectivity in Irvine.		

Required Information	Yes or No	Comments and Recommendations
		SE pg. 192, Appendix B Emergency Evacuation Route Analysis, pgs. 13-20.

Is there any other information in the Safety Element regarding fire hazards in SRAs or VHFHSZs?

GOALS, POLICIES, OBJECTIVES, AND FEASIBLE IMPLEMENTATION MEASURES

The safety element must contain a set of goals, policies, and objectives based on the above information to protect the community from unreasonable risk of wildfire and implementation measures to accomplish those stated goals, policies, and objectives.

Instructions for this table: Critically examine the submitted safety element and determine if it is adequate to address the jurisdiction's unique fire hazard. Answer YES or NO appropriately for each question below. If the recommendation is irrelevant or unrelated to the jurisdiction's fire hazard, answer N/A. For NO, provide information in the Comments/Recommendations section to help the jurisdiction incorporate that change into their safety element revision. This information may utilize example recommendations from Sample Safety Element Recommendations and Fire Hazard Planning in Other Elements of the General Plan below, may indicate how high of a priority this recommendation is for a jurisdiction, or may include other jurisdiction-specific information or recommendations.

Section 1 Avoiding or minimizing the wildfire hazards associated with new uses of land

Questions	Yes or No	Comments and Recommendations
Does local ordinance require development standards that meet or exceed title 14, OCR, division 1.5, chapter 7, subchapter 2, articles 1-5 (commencing with section 1270) (SRA Fire Safe Regulations) and title 14, OCR, division 1.5, chapter 7, subchapter 3, article 3 (commencing with section 1299.01) (Fire Hazard Reduction Around Buildings and Structures Regulations) for SRAs and/or VHFHSZs?	YES	SE pg. 65 Objective S-4: Wildfire Hazards Policy K. Ensure that all new development and redevelopment in the Very High Fire Hazard Severity Zone is developed in compliance with minimum structural fire protection standards in the adopted edition of the California Fire and Building Codes, applicable state or local fire safety and defensible space regulations or standards, and any applicable fire protection or risk reduction measures identified in locally adopted plans.
Are there goals and policies to avoid or minimize new residential development in VHFHSZs?	YES	SE pg. 65 Objective S-4: Wildfire Hazards Policy M. Avoid expanding new residential development, essential public facilities, and critical infrastructure in areas subject to extreme threat or high risk, such as Very High Fire Hazard Severity Zones, or areas classified by the California Department of Forestry and Fire Protection as having an Extreme Threat

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Questions	Yes or No	Comments and Recommendations
		classification on Fire Threat Maps, unless all feasible risk reduction measures have been incorporated into project designs or conditions of approval. Example risk reduction measures include, but are not limited to, fuel modification zones or defensible space, structure hardening, enclosed foundations, and highly visible street signs and property addresses.
Has fire safe design been incorporated into future development requirements?	YES	SE pg. 65 Objective S-4: Wildfire Hazards Policy K. Ensure that all new development and redevelopment in the Very High Fire Hazard Severity Zone is developed in compliance with minimum structural fire protection standards in the adopted edition of the California Fire and Building Codes, applicable state or local fire safety and defensible space regulations or standards, and any applicable fire protection or risk reduction measures identified in locally adopted plans.
Are new essential public facilities located outside high fire risk areas, such as VHFHSZs, when feasible?	YES	SE pg. 65 Objective S-4: Wildfire Hazards Policy M. Avoid expanding new residential development, essential public facilities, and critical infrastructure in areas subject to extreme threat or high risk, such as Very High Fire Hazard Severity Zones, or areas classified by the California Department of Forestry and Fire Protection as having an Extreme Threat classification on Fire Threat Maps, unless all feasible risk reduction measures have been incorporated into project designs or conditions of approval. Example risk reduction measures include, but are not limited to, fuel modification zones or defensible space, structure hardening, enclosed foundations, and highly visible street signs and property addresses.
Are there plans or actions identified to mitigate existing non-conforming development to contemporary fire safe standards, in terms of road standards and vegetative hazard?	YES	SE pg. 65 Objective S-4: Wildfire Hazards Policy G. Encourage existing non-conforming development to update to contemporary fire safe standards (e.g., road standards, vegetative hazards).

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Questions	Yes or No	Comments and Recommendations
Does the plan include policies to evaluate re-development after a large fire?	YES	SE pg. 66 Objective S-4: Wildfire Hazards Policy T. Coordinate evaluations for redevelopment of areas that have been burned after a large fire.
Is fuel modification around homes and subdivisions required for new development in SRAs or VHFHSZs?	YES	SE pg. 64 Objective S-4: Wildfire Hazards Policy F. Encourage public and private landowners to minimize the risk of wildfire moving from wildland areas to developed properties or from property-to-property by increasing structural hardening measures (e.g., fire-rated roofing and fire-resistant construction materials and techniques), maintaining and improving defensible space on site, and supporting vegetation management in adjacent undeveloped areas.
Are fire protection plans required for new development in VHFHSZs?	YES	SE pg. 65 Objective S-4: Wildfire Hazards Policy K. Ensure that all new development and redevelopment in the Very High Fire Hazard Severity Zone is developed in compliance with minimum structural fire protection standards in the adopted edition of the California Fire and Building Codes, applicable state or local fire safety and defensible space regulations or standards, and any applicable fire protection or risk reduction measures identified in locally adopted plans.
Does the plan address long term maintenance of fire hazard reduction projects, including community fire breaks and private road and public road clearance?	YES	SE pg. 66 Objective S-4: Wildfire Hazards Policy U. Continue the long-term maintenance of fire reduction projects; including but not limited to, a roadside fuel reduction plan, defensible space clearances (including fuel breaks) around structures, subdivisions, and other developments in the Very High Fire Hazard Severity Zone.
Is there adequate access (ingress, egress) to new development in VHFHSZs?	YES	SE pg. 65 Objective S-4: Wildfire Hazards Policy I. Ensure future neighborhoods are designed with adequate fire access and evacuation egress in the event of an emergency. SE pg. 66 Objective S-4: Wildfire Hazards Policy R. Review development proposals and

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Questions	Yes or No	Comments and Recommendations
		coordinate with regional transportation agencies to ensure that multiple evacuation routes are available under a range of scenarios and identify alternative routes that are accessible to people without life-supporting resources.
Are minimum standards for evacuation of residential areas in VHFHSZs defined?	YES	<p>SE pg. 8 Supporting Technical Studies. An Emergency Evacuation Route Analysis Appendix B) was prepared and incorporated into this Element. Additional policies were developed in response to the results of the analysis.</p> <p>SE pg. 57. Emergency Evacuation Route Analysis. A variety of hazard scenarios could require an evacuation in parts of Irvine. These emergency situations could be caused by either natural or human-made events, such as wildfires, floods, or earthquake. An Emergency Evacuation Route Analysis (Appendix B) was prepared to identify evacuation capacity and network connectivity in Irvine.</p> <p>SE pg. 192. Appendix B Emergency Evacuation Route Analysis, pgs. 13-20.</p>
If areas exist with inadequate access/evacuation routes, are they identified? Are mitigation measures or improvement plans identified?	YES	<p>SE pg. 66. Objective S-4: Wildfire Hazards Policy Q. Ensure that private development subject to the California Environmental Quality Act evaluate hazard impacts to ensure adequate evacuation in the event of an emergency, and if required, develop standards for the protection of the community.</p> <p>SE pg. 192. Appendix B Emergency Evacuation Route Analysis pg. 5.</p> <p>The Emergency Evacuation Route Analysis utilizes updated data from the City's interactive web map of evacuation management zones (EMZs) and evacuation routes shown in Figure 1, Evacuation Management Zone Map.5 Roads within the City are evaluated for evacuation route proximity, safety, capacity, and viability using the assumptions described</p>

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Questions	Yes or No	Comments and Recommendations
		below and methodology described in Section 4.
Are there policies or programs promoting public outreach about defensible space or evacuation routes? Are there specific plans to reach at-risk populations?	YES	<p>SE pg. 66. Objective S-4: Wildfire Hazards Policy W. Encourage the continued development, implementation, and public awareness of fire prevention programs.</p> <p>Implementation Measures pg. 66.</p> <ul style="list-style-type: none"> -Expand the fire hazard prevention awareness campaign to residents in the High and Very High Fire Hazard Severity Zones, by providing information regarding defensible space and building retrofits. -Work with local businesses and organizations to conduct regular workplace emergency preparedness drills. -Work with Orange County Fire Authority on home and business preparedness assessments to assist residents and businesses in understanding and addressing their wildfire risk through methods, such as maintaining fire retardant landscaping and buffer zones in areas of high wildfire risk. - Continue to support annual wildfire readiness campaign. -Continue to educate the public on the importance of fire safety with information on topics including but not limited to defensible space, evacuation routes, and road clearance, with a focus on reaching at-risk, vulnerable populations.
Does the plan identify future water supply for fire suppression needs?	YES	<p>SE pg. 66. Objective S-4: Wildfire Hazards Policy O. Ensure future neighborhoods are designed with sufficient water pressure to maintain fire flow.</p>
Does new development have adequate fire protection?	YES	<p>SE pg. 66. Objective S-4: Wildfire Hazards Policy V: Maintain established response time standards for fire and life safety service.</p>

Section 2 Develop adequate infrastructure if a new development is located in SRAs or VHFHSZs.

Does the plan identify adequate infrastructure for new development related to:	Yes or No	Comments and Recommendations
Water supply and fire flow?	YES	<p>SE pg. 66. Objective S-4: Wildfire Hazards Policy O. Ensure future neighborhoods are designed with sufficient water pressure to maintain fire flow.</p> <p>SE pg. 66. Objective S-4: Wildfire Hazards Policy N. Ensure adequate water supply for fire suppression and ensure that the water supply is protected from wildfire impacts, including providing back-up power, with priority for solar and battery storage back-up supplies.</p> <p>SE pg. 66. Objective S-4: Wildfire Hazards Policy S. Coordinate with fire protection, emergency service, and water providers to reassess fire hazards and future availability of water supplies after wildfire events to adjust fire prevention and suppression needs, as necessary, for both short- and long-term fire prevention.</p>
Location of anticipated water supply?	YES	<p>SE pg. 66. Objective S-4: Wildfire Hazards Policy O. Ensure future neighborhoods are designed with sufficient water pressure to maintain fire flow.</p>
Maintenance and long-term integrity of water supplies?	YES	<p>SE pg. 66. Objective S-4: Wildfire Hazards Policy S. Coordinate with fire protection, emergency service, and water providers to reassess fire hazards and future availability of water supplies after wildfire events to adjust fire prevention and suppression needs, as necessary, for both short- and long-term fire prevention.</p>
Evacuation and emergency vehicle access?	YES	<p>SE pg. 65. Objective S-4: Wildfire Hazards Policy I. Ensure future neighborhoods are designed with adequate fire access and evacuation egress in the event of an emergency.</p>

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Does the plan identify adequate infrastructure for new development related to:	Yes or No	Comments and Recommendations
Fuel modification and defensible space?	YES	SE pg. 66. Objective S-4: Wildfire Hazards Policy U. Continue the long-term maintenance of fire reduction projects; including but not limited to, a roadside fuel reduction plan, defensible space clearances (including fuel beaks) around structures, subdivisions, and other developments in the Very High Fire Hazard Severity Zone.
Vegetation clearance maintenance on public and private roads?	YES	SE pg. 66. Objective S-4: Wildfire Hazards Policy U. Continue the long-term maintenance of fire reduction projects; including but not limited to, a roadside fuel reduction plan, defensible space clearances (including fuel beaks) around structures, subdivisions, and other developments in the Very High Fire Hazard Severity Zone.
Visible home and street addressing and signage?	YES	SE pg. 65 Objective S-4: Wildfire Hazards Policy K. Ensure that all new development and redevelopment in the Very High Fire Hazard Severity Zone is developed in compliance with minimum structural fire protection standards in the adopted edition of the California Fire and Building Codes, applicable state or local fire safety and defensible space regulations or standards, and any applicable fire protection or risk reduction measures identified in locally adopted plans. Implementation Measures pg. 66. Require that all signage, including home and street addressing remain visible.
Community fire breaks? Is there a discussion of how those fire breaks will be maintained?	YES	SE pg. 64 Objective S-4: Wildfire Hazards Policy F. Encourage public and private landowners to minimize the risk of wildfire moving from wildland areas to developed properties or from property-to-property by increasing structural hardening measures (e.g., fire-rated roofing and fire-resistant construction materials and techniques), maintaining and improving defensible space

Does the plan identify adequate infrastructure for new development related to:	Yes or No	Comments and Recommendations
		on site, and supporting vegetation management in adjacent undeveloped areas. SE pg. 66. Objective S-4: Wildfire Hazards Policy U. Continue the long-term maintenance of fire reduction projects; including but not limited to, a roadside fuel reduction plan, defensible space clearances (including fuel breaks) around structures, subdivisions, and other developments in the Very High Fire Hazard Severity Zone.

Section 3 Working cooperatively with public agencies responsible for fire protection.

Question	Yes or No	Comments and Recommendations
S-6 S-7 Is there a map or description of existing emergency service facilities and areas lacking service, specifically noting any areas in SRAs or VHFHSZs?	PARTIAL	Recommendation: Label specific emergency service facilities on Figure 16 <i>Fire Hazard Physical Threat in Irvin</i> pg. 44.
Does the plan include an assessment and projection of future emergency service needs?	YES	SE pg. 66. Objective S-4: Wildfire Hazards Policy V: Maintain established response time standards for fire and life safety service.
Are goals or standards for emergency services training described?	NO	Recommendation: Identify/describe goals and standards for emergency service training. <i>Recommend adding reference to OCFA personnel to Implementation Measures pg. 66. "Conduct regular emergency preparedness drills and training exercises for City staff."</i>
Does the plan outline inter-agency preparedness coordination and mutual aid multi-agency agreements?	YES	SE pg. 9. The two primary civic agencies responding to safety hazards in Irvine are the Irvine Police Department and the Orange County Fire Authority. The Irvine Police Department is located at City Hall. The City also has a contract with the Orange County Fire Authority (OCFA) for fire prevention and response services within the City. OCFA stations are scattered throughout the County, with approximately 11 locations in the City of Irvine.

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S-6 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

S-7 Policies S-1(a) and S-1(d) on page S-67 also identify goals for emergency preparedness and response training.

LETTER

RESPONSE

Question	Yes or No	Comments and Recommendations
		SE pg. 64 Objective S-4: Wildfire Hazards Policy B. Coordinate with surrounding municipalities And Orange County to enhance evacuation and emergency management protocols, agreements and processes.

Sample Safety Element Recommendations

These are examples of specific policies, objectives, or implementation measures that may be used to meet the intent of Government Code sections 65302, subdivision (g)(3) and 65302.5, subdivision (b). Safety element reviewers may make recommendations that are not included here.

A. MAPS, PLANS AND HISTORICAL INFORMATION

1. Include or reference CAL FIRE Fire Hazard Severity Zone maps or locally adopted wildfire hazard zones.
2. Include or reference the location of historical information on wildfires in the planning area.
3. Include a map or description of the location of existing and planned land uses in SRAs and VHFHSZs, particularly habitable structures, roads, utilities, and essential public facilities.
4. Identify or reference a fire plan that is relevant to the geographic scope of the general plan, including the Unit/Contract County Fire Plan, Local Hazard Mitigation Plan, and any applicable Community Wildfire Protection Plans.
5. Align the goals, policies, objectives, and implementation measures for fire hazard mitigation in the safety element with those in existing fire plans, or make plans to update fire plans to match the safety element.
6. Create a fire plan for the planning area.

B. LAND USE

1. Develop fire safe development codes to use as standards for fire protection for new development in SRAs or VHFHSZs that meet or exceed the statewide minimums in the SRA Fire Safe Regulations.
2. Adopt and have certified by the Board of Forestry and Fire Protection local ordinances which meet or exceed the minimum statewide standards in the SRA Fire Safe Regulations.
3. Identify existing development that do not meet or exceed the SRA Fire Safe Regulations or certified local ordinances.
4. Develop mitigation measures for existing development that does not meet or exceed the SRA Fire Safe Regulations or certified local ordinances or identify a policy to do so.

C. FUEL MODIFICATION

1. Develop a policy to communicate vegetation clearance requirements to seasonal, absent, or vacation rental owners.
2. Identify a policy for the ongoing maintenance of vegetation clearance on public and private roads.
3. Include fuel breaks in the layout/siting of subdivisions.
4. Identify a policy for the ongoing maintenance of existing or proposed fuel breaks.
5. Identify and/or map existing development that does not conform to current state and/or locally adopted fire safety standards for access, water supply and fire flow, signing, and vegetation clearance in SRAs or VHFHSZs.
6. Identify plans and actions for existing non-conforming development to be improved or mitigated to meet current state and/or locally adopted fire safety standards for access, water supply and fire flow, signing, and vegetation clearance.

D. ACCESS

1. Develop a policy that approval of parcel maps and tentative maps in SRAs or VHFHSZs is conditional based on meeting the SRA Fire Safe Regulations and the Fire Hazard Reduction Around Buildings and Structures Regulations, particularly those regarding road standards for ingress, egress, and fire equipment access. (See Gov. Code, § 66474.02.)
2. Develop a policy that development will be prioritized in areas with an adequate road network and associated infrastructure.
3. Identify multi-family housing, group homes, or other community housing in SRAs or VHFHSZs and develop a policy to create evacuation or shelter in place plans.
4. Include a policy to develop pre-plans for fire risk areas that address civilian evacuation and to effectively communicate those plans.
5. Identify road networks in SRAs or VHFHSZs that do not meet title 14, CCR, division 1.5, chapter 7, subchapter 2, articles 2 and 3 (commencing with section 1273.00) or certified local ordinance and develop a policy to examine possible mitigations.

E. FIRE PROTECTION

1. Develop a policy that development will be prioritized in areas with adequate water supply infrastructure.
2. Plan for the ongoing maintenance and long-term integrity of planned and existing water supply infrastructure.
3. Map existing emergency service facilities and note any areas lacking service, especially in SRAs or VHFHSZs.
4. Project future emergency service needs for the planned land uses.
5. Include information about emergency service trainings or standards and plans to meet or maintain them.
6. Include information about inter-agency preparedness coordination or mutual aid agreements.

Fire Hazard Planning in Other Elements of the General Plan

When updating the General Plan, here are some ways to incorporate fire hazard planning into other elements. Wildfire safety is best accomplished by holistic, strategic fire planning that takes advantage of opportunities to align priorities and implementation measures within and across plans.

LAND USE ELEMENT

Goals and policies include mitigation of fire hazard for future development or limit development in very high fire hazard severity zones.
Disclose wildland urban-interface hazards, including fire hazard severity zones, and/or other vulnerable areas as determined by CAL FIRE or local fire agency.
Design and locate new development to provide adequate infrastructure for the safe ingress of emergency response vehicles and simultaneously allow citizen egress during emergencies.
Describe or map any Firewise Communities or other fire safe communities as determined by the National Fire Protection Association, Fire Safe Council, or other organization.

HOUSING ELEMENT

Incorporation of current fire safe building codes.
Identify and mitigate substandard fire safe housing and neighborhoods relative to fire hazard severity zones.
Consider diverse occupancies and their effects on wildfire protection (group housing, seasonal populations, transit-dependant, etc).

OPEN SPACE AND CONSERVATION ELEMENTS

Identify critical natural resource values relative to fire hazard severity zones.
Include resource management activities to enhance protection of open space and natural resource values.
Integrate open space into fire safety planning and effectiveness.
Mitigation for unique pest, disease and other forest health issues leading to hazardous situations.

CIRCULATION ELEMENT

Provide adequate access to very high fire hazard severity zones.
Develop standards for evacuation of residential areas in very high fire hazard severity zones.
Incorporate a policy that provides for a fuel reduction maintenance program along roadways.

Sample language to link Safety Element to a Local Hazard Mitigation Plan to meet AB 2140 requirements

S-8

"The Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP) for the County/City of _____ planning area was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and followed FEMA's Local Hazard Mitigation Plan guidance. The LHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and mitigation actions are developed to reduce or eliminate hazard risk. The implementation of these mitigation actions, which include both short and long-term strategies, involve planning, policy changes, programs, projects, and other activities." (Include a link from this language to the current LHMP within the County's website)

Regarding the last sentence, we recommend that the language includes a link to the most current LHMP. This is because when the LHMP expires, compliance expires and you must link it to the next updated LHMP. If you include a link directly to the LHMP, you can simply replace the old with the new and re-link them. Since the general plan is usually included on the jurisdiction's website, you can also include a copy of the LHMP and link them together electronically.

S-8

This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

Letter T

From: Zacharissen, Judith@DOC
To: GPlUpdate 2045
Cc: OLRA@DOC; OPR State Clearinghouse
Subject: General Plan Draft PEIR - SCH No. 2023070463
Date: Friday, April 19, 2024 9:57:12 AM
Attachments: image001.png

CAUTION: EXTERNAL EMAIL

Dear Alyssa Matheus,

T-1 The California Geological Survey (CGS) has received the Draft Program Environmental Impact Report (PEIR) for the Irvine 2045 General Plan Update. This email conveys the following comments from CGS concerning geologic issues related to the project area:

T-2 1. Liquefaction and Landslide Hazards
 The draft PEIR addresses these hazards but includes a number of errors, omissions, or misrepresentations of geologic and seismic conditions.
 a. Figure 4.5-1, "Seismic Hazards," includes Earthquake Zones of Required Investigation (ZORI) mapped by CGS only for liquefaction hazard. However, CGS has also mapped ZORI for earthquake-induced landslide hazards within the boundaries of the City of Irvine. Figure 4.5-1 should be revised to show both of these seismic hazards. We note that Figure 4.5-2, which depicts deep-seated landslide susceptibility, is related to but different than earthquake-induced landslide hazard. For example, development in ZORI carries state-defined requirements for addressing the hazard. In addition, the first paragraph of Section 4.5.5.1.b states that, "Figure 4.5-2 identifies the areas of the City that are considered vulnerable to seismic induced landslides." This sentence should be revised, as the areas of deep-seated landslide susceptibility are not specifically areas subject to seismically induced landsliding.
 The combined extent of the relevant Earthquake Zones of Required Investigation Maps (EZRIM) can be viewed here: <https://maps.conservation.ca.gov/cgs/EOZApp/app/>

Individual Seismic Hazard Zone Reports, EZRIM, and associated GIS data are available for download here:
<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>

T-3 b. On page 4.5-4, the draft PEIR states, "Liquefaction zones may also contain areas susceptible to the effects of earthquake-induced landslides." This is incorrect. Liquefaction and earthquake-induced landslides, though both generated by seismic shaking, are two distinct hazards. And, in large part, they do not occur in the same location. So, in general, liquefaction hazard zones do not "contain" or overlap with earthquake-induced landslide hazard zones. This sentence should be revised to correct this misrepresentation.

T-4 c. In the first paragraph of Section 4.5.5.1.b, the last sentence, "Even these areas;[sic] however, are designated as having a moderately low risk of landslides due to seismic conditions, and a low likelihood of a landslide under other conditions," should be supported with evidence, which has not been provided in the text. If this information comes from an outside reference, a citation should be provided.

T-5 2. Ground Shaking Hazards
 The draft PEIR addresses this hazard but contains some issues that should be corrected or

T-1 This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. See responses to specific comments below.

T-2 A new Figure 4.5-2 Earthquake Induced Landslide Susceptibility has been added to Final PEIR and attached to the end of the responses to this letter. Figure 4.5-2 of the Draft PEIR referenced in this comment has been renumbered as Figure 4.5-3. With the addition of the new Figure 4.5-2 Earthquake Induced Landslide Susceptibility, the statement from Section 4.5.5.1.b of the PEIR quoted in this comment is now correct.

T-3 The statement quoted in this comment has been deleted from the Final PEIR. A new figure presenting earthquake induced landslide susceptibility has been added to Section 4.5.1.1 Surface Rupture of the Final PEIR. Deletion of this statement and addition of the new figure makes clear the distinction between earthquake-induced landslides and liquefaction. Page 4.5-4 of the Final PEIR has been revised as follows:
~~Liquefaction zones may also contain areas susceptible to the effects of earthquake induced landslides. This situation typically exists at or near the toes of existing landslides, downslope from rockfall or debris flow source areas, or adjacent to steep stream banks.~~

T-4 Section 4.5.5.1.b of the Final PEIR has been clarified to provide reference to the City's Local Hazard Mitigation Plan (LHMP), which is the source of this statement. This discussion has also been revised to discuss deep-seated landslide susceptibility based on information from the City's LHMP:
Even these areas; h-However, the City's LHMP documents that these areas are designated as having a moderately low risk of landslides due to seismic conditions, and a low likelihood of a landslide under other conditions. Additionally, the California Geological Survey has mapped deep seated landslide hazards, which uses a scale of landslide susceptibility that is based on slope steepness and the strength of the underlying rock, with 0 being no susceptibility and 10 being the highest susceptibility. Figure 4.5-3

clarified. In the middle of the second paragraph of Section 4.5.1.2, the consultants write that the Third Uniform California Earthquake Rupture Forecast (UCERF3) “provides the most recent assessment of the probability of a major earthquake on various faults between 2015 to 2044” and reports that the “San Joaquin Hills Fault, located within the City, has a 40 percent probability of a major earthquake occurring while the Newport-Inglewood Fault, located 8 miles from the City, has a 95 percent probability of occurring.” In the last sentence of the paragraph, the consultants write that “the likelihood of a powerful earthquake occurring along these faults [Newport-Inglewood and San Joaquin Hills] per the 2015 Third Uniform California Earthquake Rupture Forecast within the next 25 years is exceptionally low.” These two statements appear inconsistent, as 40% and 95% probabilities of occurrence could hardly be considered “exceptionally low.” CGS recommends the consultants review this section and the references that inform it and clarify the text to indicate consistently the level of hazard associated with ground shaking from these nearby earthquake sources. This text is repeated in Section 4.5.5.1.a, and should be addressed there as well.

T-6

3. Other

In the last paragraph of Section 4.5.2.3d (p. 4.5-12), the report mentions the “Northbridge” earthquake. This should be “Northridge.”

T-7

If you have any additional comments or questions, please feel free to call or email.

Thank you,
Judy Zachariassen



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 California Geological Survey
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T-4 (cont.)

identifies the deep-seated landslide susceptibility for Irvine. Areas in the foothills of the Santa Ana Mountains and San Joaquin Hills show the greatest susceptibility within the City.

See page 55 of the City’s LHMP, which is available online here: <https://online.flippingbook.com/view/792205/78/>

T-5

The probability of both earthquakes as presented in the Draft PEIR was off by two decimal points. Page 4.5-4 of the Final PEIR has been revised to state the following:

The San Joaquin Hills Fault, located within the City, has a ~~400.40~~ percent probability of a major earthquake occurring while the Newport-Inglewood Fault, located 8 miles from the City, has a ~~950.95~~ percent probability of a major earthquake occurring. The 2015 Third Uniform California Earthquake Rupture Forecast classifies the probability of an earthquake occurring on either of these faults as negligible.

These revisions have also been made to Section 4.5.5.1.a of the Final PEIR.

T-6

Section 4.5.2.3d (p. 4.5-12) has been revised as follows:
 The largest and most recent earthquake to occur within 100 miles of the City of Irvine was the 6.7 magnitude ~~Northridge~~ Northridge Earthquake in 1994 that occurred approximately 56 miles from the City. Additional earthquakes that have occurred within the region since the beginning of the twentieth century are presented in Table 4.5-2.

T-7

This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

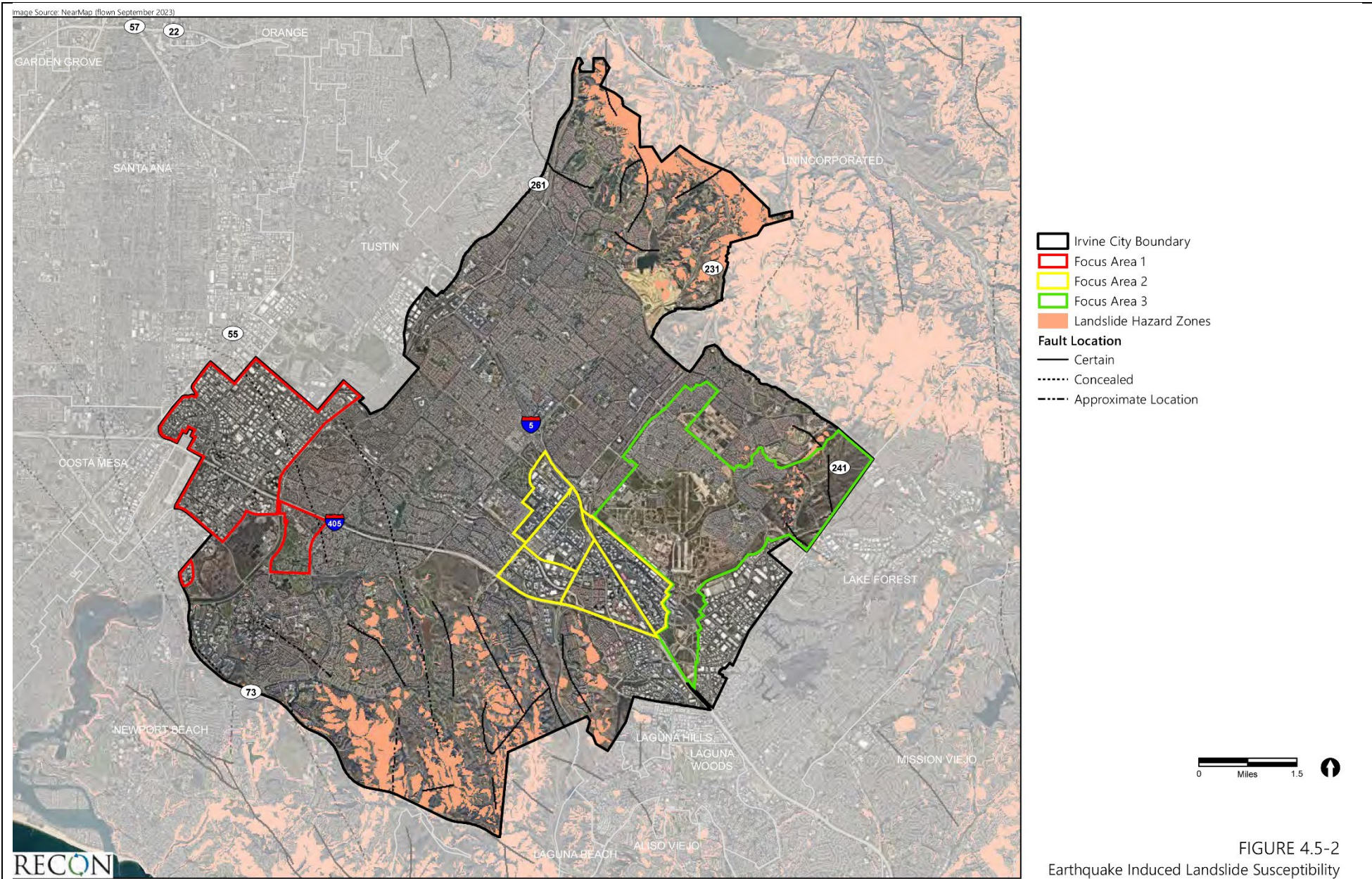


FIGURE 4.5-2
Earthquake Induced Landslide Susceptibility

Letter U

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
 1750 EAST FOURTH STREET, SUITE 100
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Making Conservation
 a California Way of Life.

April 29, 2024

Ms. Alyssa Matheus
 Principal Planner
 City of Irvine
 1 Civic Center Plaza
 Irvine, CA 92606

File: LDR/CEQA
 SCH#: 2023070463
 12-ORA-2023-02516

Dear Ms. Matheus,

U-1 Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report for the Irvine 2045 General Plan Update (Plan) in the City of Irvine (City). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment.

The plan will serve as the long-range vision for the City for the next 20 to 25 years. The City is required to update the appropriate Elements of the General Plan to accommodate the residential site inventory from the 2021-2029 Housing Element. Regional access to the project area is provided by State Route 261 (SR 261), State Route 241 (SR 241), State Route 133 (SR 133), State Route 55 (SR 55), State Route 73 (SR 73), Interstate 405 (I-405), Interstate 5 (I-5), and State Route 55 (SR 55). Caltrans is a commenting agency for this project and upon review, we have the following comments:

U-2 Active Transportation

1. In the Policies Section in Goal 11, Objective EPCA-11 (Page 4.2-13), consider adding a discussion on first-last mile connections.

U-3 2. In Goal 3, Objective C-3 (Page 4.13-16), this objective highlights enhancing pedestrian connectivity to major destinations and various land uses. Please ensure pedestrian improvements that are inclusive for all types of pedestrians with differing needs, such as those who walk more slowly, need more crossing time, have visual impairments, wheelchairs, strollers, etc.

U-4 3. Caltrans supports and strives to make rail and transit modes of transportation a viable option for all. The Department supports transportation projects that bring all modes of transportation together to increase connectivity, expand the use of public transportation, and advance equity and livability in all communities.

Please consider including a discussion on identifying strategies to meet mobility needs such as multimodal strategies on transit connectivity and opportunities to connect bus services to include nearby train stations for regional connectivity.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

U-1 This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

U-2 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. However, it should be noted that first-last mile connections are discussed under Goal 9 of the Circulation Element. Specifically, the Circulation Element includes the following implementation action:
Enhance first and last mile connectivity by improving pedestrian and bicycle infrastructure, implementing transit and ridesharing services, and providing secure bike parking facilities to facilitate convenient access to transit stops and destinations.

U-3 However, it should be noted that the City will continue to provide and/or require pedestrian improvements that are inclusive of all types of pedestrians with varying needs.

U-4 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. However, it should be noted that multimodal strategies are included throughout the Circulation Element, including in objectives, policies, and implementation actions listed under Goal 7 (aims to foster collaboration with regional transportation agencies to improve connectivity, accessibility, and efficiency of transportation networks), Goal 9 (aims to improve transportation efficiency and accessibility), Goal 10 (aims to provide sustainable transportation options and improve access to transit stops and stations), Goal 11 (aims to bolster mobility and maximize access to transit), and Goal 12 (aims to provide sustainable transportation and enhance mobility).

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Providing improved multimodal connections to housing will improve public health and can encourage Irvine residents, future visitors, and workers to utilize alternative transportation options, thus minimizing single occupant vehicle trips, reducing Greenhouse Gas (GHG) emissions, congestion, and Vehicle Miles Traveled (VMT).

- U-5
4. Increased density can increase traffic impacts. Consider opportunities to encourage multimodal transportation and mode shifts through the planning and implementation of high-quality Complete Streets that are safe and accessible for people of all ages and abilities.

Caltrans supports the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. Improvements may include providing secure bicycle parking, pedestrian-oriented LED lighting, wayfinding signage, transit stop amenities, and comfortable connections to nearby active transportation and/or transit facilities. Complete Streets improvements also promote regional connectivity, improve air quality, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation. Continue to incorporate Complete Streets in future projects.

U-6 **Transit**

5. In Section 4.13.1.2 *Public Transit System (Page 4.13-3)*, provide further information about existing bus route services to include any intracounty, intercounty, and regional including connectivity to rail services from the nearest train stations in all proposed project locations provided by Metrolink and Amtrak Pacific Surfliner.

- U-7
6. Identify transit services that provide access to and from John Wayne Airport.

Traffic Operations

- U-8
7. In Section 4.13.5.1 *Impact Analysis (Page 4.13-21)*, it is concluded that increased demand for the future development of 57,656 residential units would require improvements and expansion to the existing system. However, 4.13.5.2 Significance of Impacts Section says impacts would be less than significant and therefore per 4.13.5.3 no mitigation would be advised. This may be contradictory to the conclusions.

- U-9
8. For future developments, please submit a VMT-based Traffic Impact Study. Please follow the Governor's Office of Planning and Research Guidance to identify VMT related impacts that includes any potential mitigation measures necessary.

With the enactment of Senate Bill 743 (SB 743), Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies,

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U-5 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. However, it should be noted that the City agrees with Caltrans on the importance of designing Complete Streets, and as such, has included multimodal strategies throughout the Circulation Element, as noted above. The following policies and implementation actions also specifically address Complete Streets, which will be considered in the design of future projects:

Goal 2, Policy (n): Encourage development projects to support the principles of the Complete Streets principles and engage stakeholders and local community affected by proposed design.

Goal 3, Policy (b): Encourage proposed developments to provide safe, convenient, and direct pedestrian access to surrounding land uses, on-street parking, and transit stops, as applicable, emphasizing active transportation and supporting the Complete Streets Act.

Goal 3, Implementation Action: Continue to encourage pedestrian-friendly policies, such as complete streets ordinances, pedestrian-oriented design standards, and pedestrian priority zones, to integrate walking into the transportation planning process.

Goal 5, Policy (a): Implement Complete Streets design principles to ensure that all roadway projects accommodate the needs of pedestrians, cyclists, and transit users, in addition to motorized vehicles, by incorporating features such as widened sidewalks, dedicated bike lanes, pedestrian crossings, and traffic calming measures.

Goal 9, Implementation Action: Implement complete streets policies that prioritize the needs of all road users, including pedestrians, cyclists, motorists, and public transit riders, in street design and redevelopment projects to create safer, more accessible, and user-friendly streetscapes.

Goal 11, Policy (b): Implement Complete Streets design standards and guidelines to integrate transportation and land use planning considerations into street design, ensuring that streets accommodate the needs of all users, including pedestrians, cyclists, motorists, and transit riders, while fostering vibrant and accessible communities.

LETTER

RESPONSE

	<p>U-6 Information regarding regional bus service and connectivity to rail service is provided in the first two bullets on page 4.13-5 of the Transportation section of the PEIR, which describes Metrolink and local transit services.</p> <p>U-7 The following statement has been added to page 4.13-5 of the Final PEIR:</p> <p><u>OCTA Route 76 provides service between John Wayne Airport and Huntington Beach, and operates from 6:00 a.m. to 6:00 p.m., Monday through Friday. The bus stops in front of Terminal B on the Arrival (lower) Level.</u></p> <p>U-8 Page 4.13-21 of the Final PEIR has been revised to state the following:</p> <p><i>Implementation of the proposed project would increase the demand for public transit, bicycle, pedestrian, and airport facilities, particularly within the three Focus Areas where most of the planned residential units are located. However, the Circulation Element includes objectives and policies aimed at improving the existing roadway network in order to accommodate This increased demand would require improvements and expansions to the existing circulation system.</i></p> <p>Please also note the footnote on page 4.13-20 of the PEIR which states the following:</p> <p><i>As a separate policy requirement, the City conducted an LOS analysis for the proposed project, which resulted in recommended infrastructure improvements. Specific projects associated with recommended improvements are not proposed as part of the project and have not yet been identified. However, future infrastructure projects would be required to undergo a separate environmental review process and would likely be identified in the City's CIP at the time they are proposed and details on such projects are available.</i></p> <p>U-9 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. It should be noted that all future projects requiring a transportation analysis will be required to conduct a VMT assessment in accordance with SB 743 and the City's Traffic Study Guidelines.</p>
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and multimodal improvements. For more information on how Caltrans assess VMT analysis for land use projects, please review Caltrans' Transportation Impact Study Guide to ensure a complete VMT-based Traffic Impact Study is prepared.

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>

U-10 **Freight**

9. Please ensure that the General Plan Update analyzes the challenges in goods movement that are unique to the City. The Plan should also address how the City works to achieve an inter-regional network for longer distance travel and freight movement. Connecting towns, cities, and regions to each other, business centers to major intermodal freight transfer points, and commuters to Irvine and Orange County in general in a sustainable and efficient manner, should be an important objective.
10. Please consider leveraging strategic investments to maintain and modernize a multimodal freight transportation system with innovative approaches, including advanced technology to optimize integrated network efficiency, improve travel time reliability, and achieve sustainable congestion reduction.
11. Consider including a discussion on incorporating designated areas/parking for freight delivery, package, and transportation network company's pickup and drop-off.
12. In the Environmental Justice Element, consider including a discussion identifying potential conflict areas with environmental justice communities.

U-11 **Safety**

13. Safety is one of Caltrans' strategic goals. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners.

We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

U-12 **Climate Change**

14. Caltrans acknowledges that one of the most serious threats and disruption to the wellbeing of the SCAG region is Climate Change. Full coordination from all levels and agents of decision making is required to ensure the protection and safety of

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U-10 It should be noted that the Circulation Element addresses goods movement that are unique to the City, including multimodal connectivity within the City and greater region. Additionally, Policy (e) under Goal 10 specifically aims to implement green freight strategies to reduce emissions from freight transportation activities, such as promoting low-emissions vehicles, optimizing freight routing and delivery schedules, and incentivizing the adoption of sustainable freight practices among businesses and logistics providers.

It should further be noted that the proposed General Plan Update does not include a standalone Environmental Justice Element, but rather addresses environmental justice throughout the General Plan Elements. No changes have been made to these policies, as the project complies with SB 1000.

U-11 It should be noted that the City agrees with Caltrans on the importance of collaborating with our partners, and as such, has included Goal 7 in the Circulation Element which specifically aims to foster collaboration with transportation agencies. Designing and operating a safe circulation network is also addressed throughout the Circulation Element.

U-12 It should be noted that the City agrees with Caltrans on the importance of coordinating with other agencies to address threats and disruptions to the region resulting from climate change. The City will continue to coordinate with Caltrans and other partners on this issue in an effort to maintain a sustainable transportation network.

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the region's people, built-, and natural environment. Please coordinate with Caltrans and local partners on strategies which support a sustainable transportation network.

U-13 **Equity**

15. Caltrans recognizes our responsibility to assist communities of color and underserved communities by removing barriers to provide a more equitable transportation system for all.

The Department firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, and more accessible and more connected transportation system.

We acknowledge and support the City of Irvine's efforts to meet its Regional Housing Needs Assessment (RHNA) allocation per the California Department of Housing & Community Development (HCD).

U-14 Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Joseph Jamorain at (805) 732-8047 or Joseph.Jamorain@dot.ca.gov

Sincerely,

Cole Awamasa (for Scott Shelley)

SCOTT SHELLEY
Branch Chief, Local Development Review-Climate Change-Transit Planning
District 12

"Provide a safe and reliable transportation network that serves all people and respects the environment"

U-13 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. It should be noted that the City agrees with Caltrans on the importance of addressing equity in all decisions, including those related to the City's RHNA, circulation network, and land use planning.

U-14 This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

Letter V

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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 29, 2024

Alyssa Matheus
 Principal Planner
 City of Irvine
 1 Civic Center
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Amatheus@Cityofirvine.org

**SUBJECT: IRVINE GENERAL PLAN UPDATE, DRAFT PROGRAM
 ENVIRONMENTAL IMPACT REPORT SCH# 2023070463; ORANGE
 COUNTY, CA**

Dear Alyssa Matheus:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Program Environmental Impact Report (DPEIR) from the City of Irvine (City) for the Irvine 2045 General Plan Update (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding the activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW Role

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

V-1 This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. See responses to specific comments below.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Irvine participates in the NCCP as a Signatory to the Implementation Agreement (IA) under the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Irvine (City)

Objective: The objective of the Project is to update and adopt a general plan for the City of Irvine's physical development. California state law requires each city and county to adopt a general plan as it is a key tool that addresses a variety of subject areas and expresses the community's development goals as related to future land uses in the jurisdiction. The City's General Plan was last comprehensively updated in 2000 and has been updated over the years to address necessary General Plan amendments. The purpose of this Project is to provide long-term policy direction, communicate the vision, values, and goals of the City's physical development. The General Plan will also include an update to accommodate the residential site inventory from the 6th Cycle Housing Element Update effective 2021 to 2029 (2021-2029 Housing Element; adopted in May 2022). The housing needs assessment allocation for the City is 23,610 units. The Project would adopt residential and residential mixed-use overlay zones to allow for greater flexibility for property owners and residential developers. The Project also includes updates to the Land Use Element that would include updates to Open Space and Conservation, Safety, Circulation, and Noise elements. The City would also introduce a new Environmental Protection and Climate Action Element.

In addition to the residential component, the Project includes additional non-residential land uses in the Irvine Great Park. The buildout of the Great Park would be approximately 200 acres in total and includes the following elements: a botanical garden, a veteran's memorial garden, a library, a discovery center, two museums, a 65-

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acre central park area, an accessory restaurant use, three aquatic center pools, an aquatic stadium, an all-wheel park, and pickleball courts.

The Project also includes the extension of the ADA (Americans with Disabilities Act) roadway from its current terminus in the parking lot of the Irvine train station, extending the roadway north under the railroad tracks to meet the future Marine Way extension.

Location: The City of Irvine is located within the coastal foothill region of central Orange County, California. Located approximately two miles inland from the ocean and 40 miles south of the City of Los Angeles, the City is adjacent to the cities of Newport Beach, Lake Forest, Tustin, Santa Ana, Laguna Hills, Laguna Woods, Costa Mesa, Orange, and Laguna Beach. The City is bounded on the southwest by State Route 73 and on the northeast by State Route 241. Interstate 5, Interstate 405, and State Route 133 cross through the central portion of the City.

Biological Setting: Per the DPEIR, seventeen vegetation communities and land cover types are present throughout the City of Irvine: annual grassland, annual grassland/perennial grassland, barren, coastal oak woodland, coastal sage scrub, estuarine/lacustrine/riverine, eucalyptus, fresh emergent wetland, lacustrine, mixed chaparral, orchard-vineyard/evergreen orchard/irrigated row/field crops, perennial grassland, riverine, riverine/barren, saline emergent wetland, urban, and valley foothill riparian. Vegetation communities and land cover were identified through the most current (2015) vegetation mapping from the Nature Reserve of Orange County (NROC).

Per the Biological Technical Report (BTR; Alden Environmental 2019), there are 33 special status plant species known to occur in the region of the City. Ten of these species have been reported within the City or just outside of the City limits (BTR; Table 2).

Per the BTR, there are 59 special status wildlife species known to occur in the region of the City. Twenty-four of those species have been reported within the City or just outside the City limits (BTR; Table 3). Within the City, there is also designated Critical Habitat by United States Fish and Wildlife Service (USFWS) for Riverside Fairy Shrimp (*Streptocephalus woottoni*) and coastal California gnatcatcher (*Polioptila californica californica*). One species, Crotch's bumble bee (*Bombus crotchii*), was not included for analysis in the BTR or the DPEIR as a species that have occurred or are likely occur within the City limits. When the BTR was completed in 2019, Crotch's bumble bee was not a candidate species under CESA. Now that Crotch's bumble bee is a candidate for listing, the future projects under the DPEIR will need to address all potential impacts to the species.

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COMMENTS AND RECOMMENDATIONS

The DPEIR provides a foundation for second tier CEQA documents for subsequent projects but does not analyze the project-specific impacts of individual projects. These analyses will be performed on individual project sites as construction of each project is needed. CDFW offers the following comments and recommendations to assist the City of Irvine in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources, and to ensure regional conservation objectives in the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan would not be eliminated by implementation of the Project. Furthermore, CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (Attachment A).

V-2

COMMENT #1: Impacts to Crotch's Bumble Bee

Issue: Future projects associated with the DPEIR may impact suitable habitat for Crotch's bumble bee, a candidate species for CESA listing. The DPEIR and the Biological Technical Report do not discuss or analyze potential impacts to Crotch's bumble bee. As such, the DPEIR also does not provide avoidance, minimization, and/or mitigation measures to reduce the impact to Crotch's bumble bee to less than significant.

Specific impact: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impact would occur: According to [California's Natural Diversity Database \(CNDDB\)](#), observations of Crotch's bumble bee have been recorded within Orange County and close proximity to Project site (CDFW 2024a). Additionally, [iNaturalist](#) has recent recorded observations of Crotch's bumble bee within Orange County (iNaturalist 2024). As with any flying species, Crotch's bumble bee may fly throughout the City and utilize areas that have suitable nesting habitat and floral resources. The vegetation mentioned in the BTR identified throughout the Project site has the potential to provide suitable nesting and foraging habitat for this species. As for nesting habitat, Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of

V-2

At the program level of analysis, it cannot be known if future site-specific development would impact suitable habitat for Crotch's bumble bee. However, Section 4.3.5.3 of the PEIR states that "...each future proposed project shall include an initial site assessment to determine if sensitive biological resources could be present within and/or adjacent to the proposed development project..." Section 4.3.5.3 goes on to state the if sensitive biological resources have the potential to occur, the project would be subject to mitigation measures BIO-1 through BIO-8, which include a focused habitat assessment and focused species surveys as warranted by biological conditions. Should suitable nesting and foraging habitat of Crotch's bumble bee, future site-specific development would be required to implement mitigation measures as suggested in this comment. However, it is not necessary for the PEIR to list every species-specific mitigation measure, including those suggested by CDFW in this comment, that may be implemented under future site-specific development. Therefore, the City acknowledges that future site-specific development will need to consider the potential for impacts to suitable habitat for Crotch's bumble bee, No changes have been made to the PEIR.

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breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. The BTR and DPEIR does not discuss the Project's impact on Crotch's bumble bee. Furthermore, the DPEIR does not provide specific avoidance and minimization measures directly related to Crotch's bumble bee. Without sufficient species-specific avoidance, minimization, or mitigation measures impacts to Crotch's bumble bee may occur.

Evidence impact would be significant: Impacts to CESA-listed species and their habitat meet the definition of endangered, rare, or threatened under CEQA (CEQA Guidelines § 15380). Impacts to CESA listed species and their habitats may result in a mandatory finding of significance because the Project has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines § 15065).

The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA (Fish & G. Code, § 2050 et seq.), determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Lastly, Crotch's bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Crotch's Bumble Bee Surveys - Within one year prior to vegetation removal and/or grading, a qualified entomologist with appropriate handling permits and is familiar with the species behavior and life history, shall conduct focused surveys to determine the presence/absence of Crotch's bumble bee. Focused surveys shall follow CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#) (CDFW 2023b). Focused surveys shall also be conducted throughout the entire Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:

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- 1) a description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee;
- 2) field survey conditions that shall include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;
- 3) map(s) showing the location of nests/colonies; and,
- 4) a description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

Mitigation Measure #2: Avoidance Plan - If Crotch's bumble bee is detected, the Project applicant in consultation with a qualified entomologist shall develop a plan to fully avoid impacts to Crotch's bumble bee. The plan shall include effective, specific, enforceable, and feasible measures. An avoidance plan shall be submitted to the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.

Mitigation Measure #3: Incidental Take Permit - If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided, the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq.). The Project applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

V-3 **Additional Comments**

1. Impacts from Phase 2 of the Irvine Great Park to the Central and Coastal NCCP/HCP Reserve: Per the DPEIR, Focus Area 3 would consist of the buildout of phase 2 of the Irvine Great Park. This project specifically would increase the number of residential units permitted in the Great Park with focus on higher density residential uses located near or adjacent to the Irvine Transportation Center. In Figure 3-1 of the DPEIR, Focus Area 3 contains developed land, but it also includes land that is part of the NCCP/HCP Reserve system. To stay consistent with the NCCP/HCP, future development under the Project should not be within the NCCP/HCP Preserve. Compliance with approved habitat plans, such as Central and Coastal (NCCP/HCP), is discussed in CEQA. Specifically,

V-3 As stated in Section 4.3.10.1.a of the PEIR, future site-specific under the project would be required to comply with the NCCP/HCP, and individual projects would also be assessed for compliance with the NCCP/HCP depending on whether the project site lies inside the NCCP/HCP Reserve System (including the Irvine Open Space Preserve of the Irvine Open Space Initiative) or Special Linkage Areas. No changes have been made to the PEIR.

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section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the Central and Coastal NCCP/HCP as a result of this Project is necessary to address CEQA requirements. The proposed Project occurs within and adjacent to the area and is subject to the provisions and policies of the Central and Coastal NCCP/HCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the Central and Coastal NCCP/HCP and its associated Implementing Agreement.

V-4 2. Herbicides: The City of Irvine has implemented a ban on applications of certain synthetic herbicides. CDFW has ongoing concerns about the ban due to the spread of highly invasive species, especially in the NCCP Reserve areas and Non-Reserve open space areas. After habitat loss, invasive species are one of the greatest threats to conservation of biodiversity due to their potential to alter the structure and function of ecosystems. Management of invasive plant species on and adjacent to open space areas within Orange County is essential to conserving regional biodiversity and is an ongoing challenge with land managers. While it's clear to see why the City chose to limit and/or ban the use of synthetic herbicides, CDFW is concerned that this policy does not adequately consider the risks to biodiversity within the City and adjoining open space areas. One of the primary commitments made by the permittees of the NCCP/HCP is to maintain the long-term habitat value of the reserve system and its ability to support viable populations of covered species (Section 4.4 NCCP/HCP Implementation Agreement; Section 5.2 NCCP/HCP). Control of non-native invasive plant species is essential to maintain the long-term habitat value of the reserve system. CDFW recommends the City use the document created by the Natural Communities Coalition: Best Practices for Implementation of Invasive Plant Control for Resource Management on the Nature Reserve of Orange County (2018), as a possible alternate to a complete herbicide ban in open space or adjacent to open space areas within Irvine.

V-5 3. Impacts to Sensitive Habitat from Artificial Light: CDFW recommends the City take the opportunity to adopt an artificial light policy or a strategy to mitigate the impacts of artificial light as part of its General Plan update. Artificial light at night (ALAN) is increasing in extent and intensity across the globe. It has been shown to interfere with animal sensory systems, orientation, and distribution, with the potential to cause significant ecological impacts (Barrientos et. al 2023). ALAN also causes changes in reproductive timing or success of birds in response to

V-4 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

V-5 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. While an artificial light policy is not a current City regulation, such a regulation would be more appropriately addressed in the City's Municipal Code and/or Zoning Ordinance. Therefore, no changes to the project have been made.

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light leading to phenological mismatches and lower fitness (Barrientos et. al 2023). The impacts of light pollution also cause responses from biodiversity that include advance of spring leaf budding in deciduous trees, inhibition of mating insects under artificial light, wildlife shifts to darker/brighter areas where perceived predation risk is lowers, and avoidance of lit wildlife crossings by mammals creating a barrier effect for linear infrastructure (Barrientos et. al 2023). The issue of light pollution and the associated impacts to wildlife should be considered when planning for additional development within the City of Irvine.

- V-6 4. **Lake and Streambed:** Future projects may impact local lakes, rivers, or streams within the City of Irvine. CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. CDFW recommends the Applicant submit a Lake and Streambed Alteration Notification to CDFW. Notifications can be submitted through CDFW's Environmental Permit Information Management System (EPIMS), which can be found at [Environmental Permit Information Management System \(ca.gov\)](https://www.cdfw.ca.gov/epims/).

V-7 **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/bioqeodata/cnddb/plants_and_animals.asp.

- V-6 At the program level of analysis, it cannot be known if future site-specific development would impact riparian and sensitive habitats and/or jurisdictional resources that would necessitate a Lake and Streambed Alteration Agreement (LSAA). However, Section 4.3 Biological Resources of the PEIR includes mitigation measure BIO-9, which states that "if a proposed project has the potential to affect riparian and sensitive habitats and/or jurisdictional resources, a qualified biologist conduct a jurisdictional delineation..."

Furthermore, mitigation measure BIO-10 states the following:

If the results of mitigation measure BIO-9 above determine that a proposed project would impact riparian and sensitive habitats and/or jurisdictional features, permits and authorizations shall be obtained from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and/or Regional Water Quality Control Board prior to project approval. The regulatory agency authorization(s) would include specific avoidance, minimization, and mitigation measures for impacts to riparian and sensitive habitats and/or jurisdictional resources, which may include monetary contributions to a mitigation bank or habitat creation, restoration, and/or enhancement.

Therefore, the PEIR includes adequate mitigation that would ensure that an LSAA would be issued by CDFW prior to project approval of site-specific development that would impact riparian and sensitive habitats and/or jurisdictional resources.

- V-7 The project did not conduct any surveys but relied on data presented in the biological resources technical report prepared by Alden Environmental, Inc. (August 2019). Therefore, there is no new biological data to report to the California Natural Diversity Database.

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V-8 **ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

V-9 **CONCLUSION**

CDFW appreciates the opportunity to comment on the DPEIR to assist the City of Irvine in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the Lead Agency has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Questions regarding this letter or further coordination should be directed to Emily Gray, Environmental Scientist, at Emily.Gray@wildlife.ca.gov.

Sincerely,

DocuSigned by:

5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ec: [California Department of Fish and Wildlife](#)
Victoria Tang, Environmental Program Manager
Jennifer Turner, Senior Environmental Scientist (Supervisory), CEQA
Melanie Burlaza, Senior Environmental Scientist (Supervisory), NCCP
Steve Gibson, Senior Environmental Scientist (Supervisory), CESA
Frederic (Fritz) Rieman, Senior Environmental Scientist (Supervisory), LSA

V-8 The City will pay the necessary filing fees when it files the Notice of Determination with the County Clerk.

V-9 This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. The City has provided responses to specific comments above.

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V-10 **Attachment A: Draft Mitigation and Monitoring Reporting Plan**

References

Alden Environmental, Inc. Biological Technical Report City of Irvine General Plan Update. August 2019.

Barrientos et. al, 2023. Nearby night lighting, rather than sky glow, is associated with habitat selection by a top predator in human-dominated landscapes. Philosophical Transactions B. 378:20220370.

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California Department of Fish and Wildlife. 2024d. Scientific Collecting Permits. Available at: <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

California Department of Fish and Wildlife. 2024e. Submitting Data to the CNDDDB. Available at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

California Department of Fish and Wildlife. 2024f. Natural Communities - Submitting Information. Combined Rapid Assessment and Revele Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

V-10 As stated in response to comment O-2 above, it is not necessary for the PEIR to list every species-specific mitigation measure, including those suggested by CDFW in this comment, that may be implemented under future site-specific development. Therefore, the City acknowledges that future site-specific development will need to consider the potential for impacts to suitable habitat for Crotch's bumble bee, but no changes have been made to the PEIR.

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)	Timing	Responsible Party	
<p>MM-BIO-1-Crotch's Bumble Bee Surveys</p> <p>Within one year prior to vegetation removal and/or grading, a qualified entomologist with appropriate handling permits and is familiar with the species behavior and life history shall conduct focused surveys to determine the presence/absence of Crotch's bumble bee. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Focused surveys shall also be conducted throughout the entire Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:</p> <ol style="list-style-type: none"> 1) a description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee; 2) field survey conditions that shall include name(s) of qualified entomologist(s) and brief qualifications; date 	<p>Prior to vegetation removal and ground-disturbing activities</p>	<p>Project Applicant/Qualified Entomologist</p>	

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	and time of survey; survey duration; general weather conditions; survey goals, and species searched; 3) map(s) showing the location of nests/colonies; and, 4) a description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).		
MM-BIO-2-Avoidance Plan	If Crotch's bumble bee is detected, the Project applicant in consultation with a qualified entomologist shall develop a plan to fully avoid impacts to Crotch's bumble bee. The plan shall include effective, specific, enforceable, and feasible measures. An avoidance plan shall be submitted to the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.	Prior to vegetation removal and ground-disturbing activities	Project Applicant/City
MM-BIO-3-Incidental Take Permit	If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided, the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW. The Project applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.	Prior to issuance of grading permit and ground-disturbing activities	Project Applicant

Letter W



TRANSPORTATION COMMISSION SPECIAL MEETING

AUDIO TRANSCRIPTION

April 23, 2024

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4/23/2024 45:45 - 51:48

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LETTER

RESPONSE

W-1

1 S. SAYER: Hi again. Well, as I said before, my
 2 name's Susan Sayer, and I've lived in Irvine for
 3 43 years.

4 I have little faith in traffic studies
 5 predicting and preparing for future traffic
 6 circulation and parking requirements.

7 Irvine has a growing demand for housing. The
 8 sixth arena affordable housing cycle alone requires
 9 Irvine to build 23,610 affordable housing units, and
 10 that was an increase of almost double the amount from
 11 the fifth cycle. Who knows the number of affordable
 12 housing units the seventh cycle will require in 2030.

13 Traffic circulation is a problem now as is
 14 parking availability. Businesses often do not have
 15 sufficient parking for their customers and their
 16 employees.

17 There are an insufficient number of handicap
 18 parking spaces, and due to parking insufficiency,
 19 non-handicap drivers park in handicap parking.
 20 Handicap parking laws do not appear to be adequately
 21 enforced.

22 Charging station availability is inadequate,
 23 both in shopping centers and in apartment and condo
 24 and other types of multiple housing units, and the
 25 ones that are available are not adequately maintained

W-1

This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

1 and often are not functioning.

2 Irvine needs to be proactive and plan for the
3 future before the huge increase in traffic
4 circulation and need for parking accessibility
5 arrives from the construction of all these housing
6 units by developing a multi-route, Irvine CONNECT,
7 Irvine-circulation-only public transportation service
8 that serve the entire city with a 20-minute shuttle
9 frequency.

10 The buses should be used by Irvine residents,
11 and -- pardon me.

12 The buses would be used by Irvine residents and
13 out-of-town residents that work in Irvine as well as
14 tourists we are trying to attract to the Great Park
15 venues.

16 In listening to our presentation, it dawned on
17 me that, due to the expected higher traffic, perhaps
18 the Irvine CONNECT shuttle should have a protected
19 lane in order to keep the buses on schedule.

20 The system could be paid for in part by grants,
21 businesses paying for monthly passes for employees in
22 order to accommodate more customers and by traffic
23 mediation funding that the developers provide the
24 city.

25 Thank you very much.

LETTER

RESPONSE

W-2

1 M. MONTGOMERY: Thank you, Susan.
2 RECORDING SECRETARY: And then we have two via
3 Zoom. First one is James.

4 JAMES: Hi. Good evening, commissioners.
5 So I've gone through the circulation element,
6 and I like the direction it's going in but have some
7 specific things I want to talk about.

W-3

8 So, first it's mentioned that the Yale Bridge
9 over the 405 is going to be converted into a road
10 bridge, and that's of great concern to me. Right now
11 that bridge is going to connect the south Yale bike
12 lane and the Woodbridge trails and is currently one
13 of the only safe ways for cyclists and pedestrians to
14 cross the 405 without having to make a massive
15 detour.

16 If we turn this into a road bridge, it's going
17 to cut off access for many residents of Woodbridge.
18 And there was a reason that the residents soundly
19 opposed by like 80 percent the conversion to a road
20 bridge last time. So I'll say "oppose" on that
21 bridge.

W-4

22 And then on the topic of another bridge, given
23 that the area around the Irvine train station is
24 going to become a massive transit-oriented
25 development, we need to ensure it has sufficient

W-2

This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

W-3

This comment is noted for the record and will be shared with City decision makers for their consideration. It should be noted that the inclusion of the policy related to the Yale bridge over I-405 is required to remain in the General Plan as this policy was the result of a ballot initiative passed by Irvine residents in 1990. Removal of this policy would require repeal by a citywide vote.

W-4

These comments are noted for the record and have been forwarded to staff and City decision makers for their consideration.

1 connectivity for pedestrians, cyclists and transit.

2 And there's the I-5 in the way. So if we could
3 take a bridge from Ada over the I-5 to the Spectrum,
4 that would open up a whole corridor that is walkable,
5 cyclist-friendly, and one that transit vehicles could
6 use to skip all the traffic.

7 So I strongly encourage consideration and
8 evaluation of a bridge over the I-5 on Ada to
9 Spectrum.

10 And lastly, the city is planning for a lot of
11 new growth, and this means more traffic, as was
12 evident in the staff study. But what are we doing to
13 mitigate it?

14 We make vague gestures to more transit in that
15 general plan circulation element, but we don't have
16 any like coherence vision for what that looks like.

17 We had a very, very good vision for what that
18 looks like for the sustainable mobility plan for bike
19 lanes, and now we need to take that same attitude for
20 transit.

21 Where are the transit corridors? How frequently
22 are we going to run them by?

23 At least in general, gauge how much ridership
24 potential there is. Think about stuff like queue
25 jumps, signal priority, bus lanes, rail, bus,

LETTER

RESPONSE

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6

1 rapid-transit stations. We need to have all this
2 kind of in writing and not just say we're going to do
3 something.

4 Thank you.

5 RECORDING SECRETARY: Next on Zoom is Sahand.

6 SAHAND: Hey, I liked what James said. I agree

7 with what he said, but I'm not going to reiterate it.

8 But for any great separation project under Ada, I

9 would please really like the commission, the city

10 counsel and staff to consider designing that

11 underpass to have separate grades for car traffic and

12 bicyclist traffic and pedestrian traffic.

13 I don't think pedestrians and bicyclists need to

14 have as much clearance under the bridge, under the

15 tracks as cars do. And by doing that, I think it

16 will be more accessible for all different types of

17 people.

18 Thank you.

19 M. MONTGOMERY: Okay. Are there any other

20 speakers?

21 RECORDING SECRETARY: No, there are none.

22 * * *

23

24

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W-5

W-6

W-5 This comment does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

W-6 This comment is noted for the record and will be shared with City decision makers for their consideration. It should be noted that the inclusion of the policy related to the Yale bridge over I-405 is required to remain in the General Plan as this policy was the result of a ballot initiative passed by Irvine residents in 1990. Removal of this policy would require repeal by a citywide vote.

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I, Kayleigh L. Newton, the undersigned
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 speakers based on information provided.

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 taken; and further, that I am not a relative or
 employee of any counsel employed by the parties
 hereto or financially interested in the action.

SUBSCRIBED AND SWORN TO under my hand and
 seal of office on this 1st day of May, 2024.

Kayleigh L. Newton

Kayleigh L. Newton, CSR 13487

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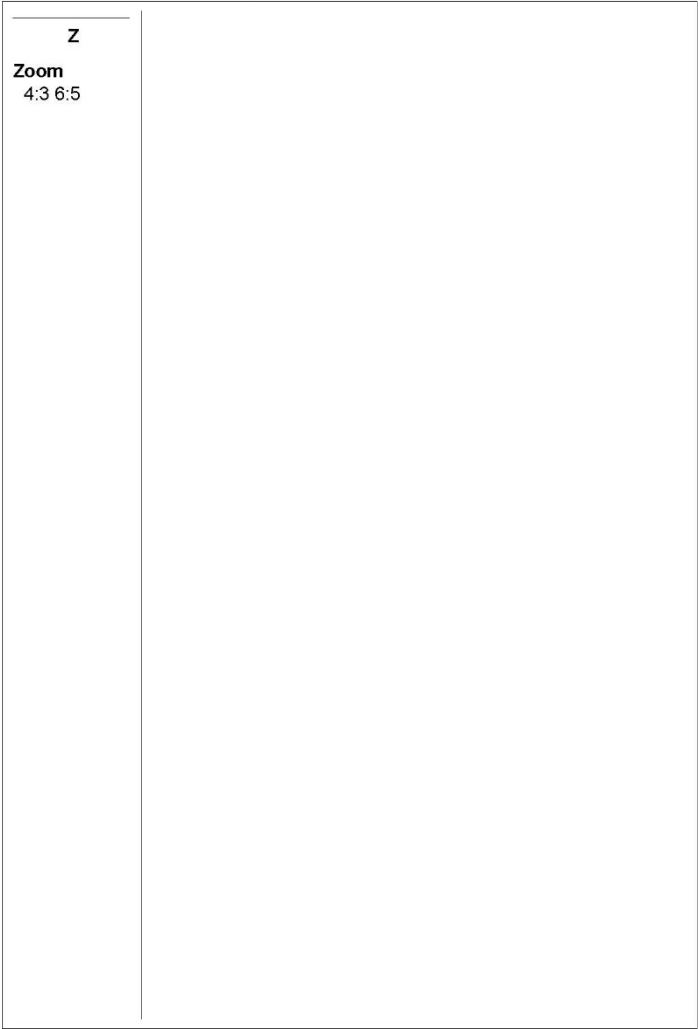
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Letter X



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

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May 30, 2024

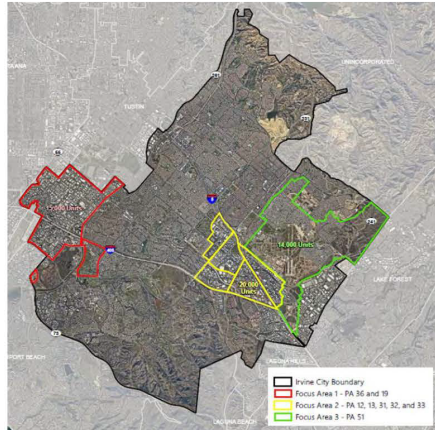
VIA EMAIL:

Attn: General Plan Update
Alyssa Matheus, Principal Planner
City of Irvine Community Development Department
gpupdate2045@cityofirvine.org

RE: Draft EIR Comments for the Irvine General Plan Update

Dear Ms. Matheus:

X-1 On behalf of UNITE HERE Local 11 ("Local 11"), this office respectfully provides the following comments¹ to the City of Irvine ("City") regarding the Draft Program Environmental Impact Report ("PEIR") for the Draft General Plan Update ("GPU").² The PEIR is intended to serve as a program-level environmental review for the GPU that includes updates to several Plan Elements (e.g., Land Use, Open Space, Conservation, etc.) as well as the addition of a new Environmental Protection and Climate Action Element. (See DEIR, p. S-3, p. 4.9-5). The purpose of the GPU is to implement the City's 2021-2029 Housing Element Regional Housing Needs Assessment ("RHNA") allocation of 23,610 units. To this end, the GPU would include residential and residential mixed-use overlay zones that would accommodate 57,656 new residential units ("Project"), which is allocated mainly in three main focus areas (i.e., Irvine Business Complex, Greater Spectrum Area, Great Park Neighborhood) as well as roughly 8,500 additional residential units throughout the City in other Planning Areas ("PA(s)"). (Id., pp. 3-3 - 3-8; see also figure right [showing existing units permitted].) In addition to the RHNA residential component, the Project includes an extension of the Ada roadway and additional non-residential land uses in Phase 2 of the Great Parks Neighborhood (i.e., approximately 200 acres beyond Phase 1). (Id., at S-3 - S-3, 3-3.)



¹ Herein, page citations are either the stated pagination (i.e., "p. #") or PDF-page location (i.e., "PDF p. #").

² Inclusive of all appendices of the respective PEIR and GPU retrieved from City website. (See https://www.cityofirvine.org/community-development/current-environmental-reviews.)

X-1 This comment is introductory and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration.

It should be noted that per Public Resources Code §21091, the City was legally required to provide a 45-day public comment period on the Draft PEIR. The public comment period for the Draft PEIR began on March 15, 2024, and concluded on April 29, 2024. All comment letters received after the expiration of the public review period are considered late comments.

A lead agency is required to consider comments on the Draft PEIR and to prepare written responses if a comment is received within the public comment period. (Public Resources Code [PRC] §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, a lead agency does not have an obligation to respond. (PRC §21091(d)(1); PRC §21092.5(c)). Accordingly, the City is not required to provide a written response to late comment letters, including the May 30, 2024, letter from GK Law on behalf of Local 11.

Accordingly, this comment letter is considered a late letter that does not require a written response. Nonetheless, the City has elected to respond to this late letter for information purposes, but without waiving its position that written responses to late comment letters are not required by law or any other claims the City may have at law or in equity related to the letter.

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The City intends to adopt a General Plan Amendment updating the General Plan elements and Land Use Map ("GPA"); approve a Zone Text Amendment and Zoning Map Amendment to revise applicable sections of the City Zoning Ordinance to implement the housing overlay program ("ZTA"); certify the PEIR and adopt the Mitigation Monitoring and Reporting Program ("MRRP") and Statement of Overriding Considerations ("SOC") (collectively "Project Approvals"). (PEIR, pp. 3-8 – 3-9.) Subsequent projects would be reviewed by the City for consistency with the PEIR. (Id.)

In short, Local 11 is pleased to see the City implementing efforts to accommodate more RHNA housing but has several concerns about the draft PEIR and other proposed Project Approvals—especially as it relates to the analysis of the Project's impact on the City's jobs/housing balance, vehicle miles traveled ("VMT"), and mobile emissions affecting air quality and greenhouse gas ("GHG") emissions. While the PEIR states that Project Approvals would result in significant and unavoidable impacts on air quality, GHGs, and VMTs. (PEIR, pp. S-9 – S-12, S-22 – S-24, S-42), additional and more substantial mitigation measures are feasible to significantly reduce impacts. Additionally, we ask for more details about the proposed development incentives mentioned in the PEIR, as well as more analysis of the Project's impact on the City's jobs/housing imbalance at a PA level. Furthermore, the City should consider a project alternative that prioritizes housing incentives in areas underserved by affordable housing and avoid adding more above-market-rate housing in locations that experience significantly higher VMTs per capita.

Local 11 has a significant interest in the Project. It represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix, Arizona. In particular, Local 11 has *members who live and/or work in the City*. Local 11 members often suffer the consequence of developments that do not incorporate adequate mitigation measures related to affordable housing, VMTs, GHGs, and other impacts.

Ultimately, Local 11 urges the City to use its discretionary power to maximize affordable housing while also ensuring robust mitigation measures for future hotel projects, as further discussed in the comments below about the draft PEIR.

X-2

First, the project description should clarify what incentives are to be considered for non-residential uses and limit development incentives to only projects that actually create affordable housing—not regional serving hotel-uses. Here, to implement the RHNA housing, the Project will include a residential/mixed-use overlay to encourage residential infill projects via a Zoning Text Amendment ("ZTA"). (PEIR, p. 3-8.) In addition to incentivizing affordable housing via density bonuses, the PEIR states incentives will be identified for non-residential uses. (Id.) However, it is unclear what these incentives are since it does not appear that the ZTA or "overlay development standards for non-residential uses" have been provided in the PEIR or GPU. As such, it is unclear whether these incentives would permit uses and densities beyond what is already allowed (i.e., ministerially) for these non-residential uses and this could amount to a significant development not adequately identified and analyzed under this PEIR. If the purpose of the GPU is to encourage housing, incentives should be narrowly focused on the creation of housing—particularly affordable housing rather than incentivizing hotel or commercial development, which is typically not considered a local-serving use. So too, Local 11 urges the City to make clear that the PEIR should not be used as a mechanism to avoid project-level review for individual hotel or other commercial projects that should undergo their own environmental analysis and consideration of all feasible mitigation measures³—particularly as it relates to GHG and VMTs.

³ See e.g., Draft PEIR, PDF pp. 566-567.



X-2

Development incentives included under the new Residential and Residential Mixed-Use Overlay include a potential waiver of Development Intensity Values (DIVs) within Focus Area 1 for projects proposing to include more affordable housing that currently required under the City's 15 percent Inclusionary Housing Requirement. Developers proposing to develop properties within this area of the City are currently required to use all existing DIVs on a subject property and/or purchase additional DIVs on the open market if needed. The project would waive the requirement to purchase additional DIVs if a developer were to propose to develop a residential and/or residential mixed-use project with at least 17 percent of the units proposed to be affordable, thereby offering an incentive to encourage the development of more affordable housing. Furthermore, the project would waive DIV requirements for residential mixed-use projects that include residential serving, nonresidential uses (retail, restaurants, and community facilities) measuring 50,000 square feet or less and are proposed on-site. The zone change also establishes a minimum density of 50 dwelling units per acre. Please refer to the Staff Report materials for the Planning Commission hearing at which the project was considered on May 16, 2024:

https://irvine.granicus.com/MetaViewer.php?view_id=&event_id=2386&eta_id=151064.

PRC §21093 notes that tiering of environmental documents ensures that EIRs for later projects are consistent with a previously approved policy, plan, program, or ordinance and that such projects concentrate upon environmental effects may be mitigated or avoided in connection with the decision on each later project. Further, tiering is appropriate when it helps the public agency focus on issues relevant for each level of environmental review.

The PEIR that was prepared for the project is programmatic in nature, which is appropriate for a citywide project such as the General Plan Update and its associated zone change. Future residential and residential mixed-use projects facilitated by the General Plan Update would be eligible tier off the

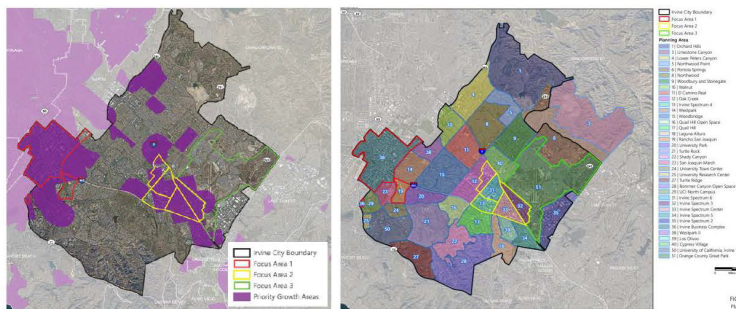
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	<p>X-2 (cont.)</p> <p>PEIR prepared for the project to the extent permitted by CEQA and would still be required to undergo a project-level review for consistency with CEQA.</p> <p>It should be further noted that the project does not propose any changes to existing or proposed nonresidential uses (including hotel and other commercial uses), and all such uses would continue to be required to undergo separate environmental review and identify all feasible and necessary mitigation measures required to reduce any identified environmental impacts.</p>
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X-3 Second, we question the addition of housing in non-priority growth areas and the lack of a more detailed job-housing balance analysis. The Southern California Association of Governments (“SCAG”) has identified a variety of priority growth areas (“PGA(s)”) in its Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS” or “2045 Connect SoCal”). (PEIR, pp. 4.9-6 – 4.9-7; see figure below left.) The Project would allow more than 11,000 additional dwelling units within Focus Area 3 and other adjacent locations (i.e., PA 6, 35, 40, 51), which generally fall outside of the geographic scope of the PGAs. (Id., at pp. 3-7, 4.9-2 – 4.9-3; compare figures below.) This would appear to be a significant inconsistency with SCAG’s regional plan, which is not identified in the PEIR (PEIR, pp. S-31, 4.9-19 – 4.9-20) and which should be disclosed under CEQA.⁴



X-4 Additionally, the PEIR acknowledges the City is jobs-rich and has a jobs/housing “imbalance” (PEIR, pp. S-37, 4.11-10) that affects multiple resources (e.g., GHG, VMT, land use, population/housing (id., at pp. 4.6-17 – 4.6-18, 4.6-27, 4.9-18, 4.11-6, 4.13-24)). So too, the PEIR acknowledges the RHNA objective of improving the balance between low-wage jobs to the number of affordable housing units. (PEIR, p. 4.11-6.) However, beyond looking at the City as a whole, there is no analysis of the Project’s impact on job/housing balance within various areas of the City (id., at pp. S-37 – S-38, 4.11-9 – 4.11-10), such as at the individual PA level or transportation analysis zone (“TAZ(s)”) level.⁵ Each of these areas has its own mix of jobs and housing. While adding housing in a housing-poor area (or jobs in a jobs-poor area) can improve a jobs/housing imbalance, adding housing to an already housing-rich area that lacks sufficient jobs can further exacerbate an imbalance.

Nor is there an analysis of the issue of affordable housing for the respective PAs and TAZs, whereby adding above-market rate housing to an area experiencing higher levels of low-wage paying jobs could also exacerbate an imbalance.

X-5 Furthermore, Local 11 questions the PEIR’s limited alternative analysis that examined a reduced project alternative with 15,000 less dwelling units (as compared to the Project), none of which would be deleted from Focus Area 3 (i.e., PA 51 Great Parks). (PEIR, pp. S-5 – S-6, 7.-2 – 7.3.)

⁴ See e.g., CEQA Guidelines § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881.
⁵ See *City VMT Guidelines*, PDF pp. 87-91.



X-3 The project implements the adopted and certified 2021-2029 Housing Element (2022), which identified sites within the City required to meet the City’s Regional Housing Needs Assessment (RHNA) assigned to the City by SCAG. As shown on the figures provided in the PEIR, Focus Areas 1, 2, and 3 are within PGAs identified within the SCAG RTP/SCS. All of Focus Area 1 is in a SCAG PGA, while portions of Focus Areas 2 and 3 fall outside SCAG’s PGAs. All three focus areas are well-served by transit, including near the Irvine Station (which is within a PGA) in Focus Areas 2 and 3, and iConnect stations and the Tustin Station in Focus Area 1. All three focus areas are also located near the two primary employment centers of the City. By placing the bulk of future housing within the three focus areas, the project has the effect of reducing per capita vehicle miles travelled (VMT) and improving access to employment opportunities, goods, and services. Therefore, the project would be consistent with SCAG’s RTP/SCS goals of reducing per capita VMT (2020 Connect SoCal, page 62) and planning for more housing near transit (2020 Connect SoCal, Page 21).

It should also be noted that the project and the PEIR contemplate additional housing sites outside of the focus areas, including within the other PGAs (see Table 3-2 of the Project Description within Chapter 3.0 of the PEIR, which includes a breakdown of housing units by Planning Area), further ensuring consistency with SCAG’s RTP/SCS.

X-4 The PEIR is programmatic in nature in that it looks at citywide impacts associated with implementation of the General Plan Update and associated zone change, both of which are also citywide in nature. There is no specific requirement to assess project-related impacts on the jobs-to-housing ratio at a citywide level or at an individual Planning Area or TAZ level, and such an analysis would be speculative at this time in the absence of project-specific information associated with future projects that may be developed in accordance with the General Plan Update. As such, the discussion of project impacts on the jobs-to-housing ratio at a citywide level is appropriate for context within the PEIR.

	<p>X-4 (cont.)</p> <p>It should be further noted that the project would encourage the development of housing at all income levels, with a specific emphasis on affordable housing, in the three areas of the City that are closest to major employment centers (the Irvine Business Complex and Spectrum Center) and are most well-served by transit. As such, the project would improve the jobs-to-housing balance within the City and would also promote land use patterns that would increase access to housing, jobs, and other goods and services for individuals at all income levels.</p> <p>X-5</p> <p>The State CEQA Guidelines (Section 15126.6(c)) do not require an EIR to consider every plausible alternative to a project, but rather must examine in detail only the ones which the lead agency determines could feasibly attain most of the basic project objectives. Given the project's objectives, and most notably the ability to meet RHNA requirements, the PEIR has both identified those alternatives considered but rejected, and analyzed in detail two alternatives that could at least in part attain project objectives.</p> <p>In compliance with CEQA, the PEIR considered both a No Project and a Reduced Project Alternative as feasible alternatives to the project. Further, as noted in the PEIR, the introduction of more housing within areas of the City that are closest to transit and employment centers (each of the focus areas) has the effect of reducing VMT per service population when compared to the Reduced Project Alternative or No Project Alternative.</p> <p>The majority of the proposed GPU future housing units in Focus Area 3 will occur in Planning Area 51. While parts of Planning Area 51 fall outside SCAG's PGAs, future GPU development in these areas is largely dedicated to the Irvine Great Park. The future GPU residential units in Planning Area 51 will be focused on a Transit Oriented Development (TOD) immediately north of Irvine Train Station which does fall within a SCAG PGA. Furthermore, the GPU includes a new multi-modal undercrossing on Ada that will provide connectivity, including bicycle and pedestrian pathways, between the TOD and Irvine Train Station transit center and to/from employment and commercial centers south of the SCRRRA railroad tracks.</p>
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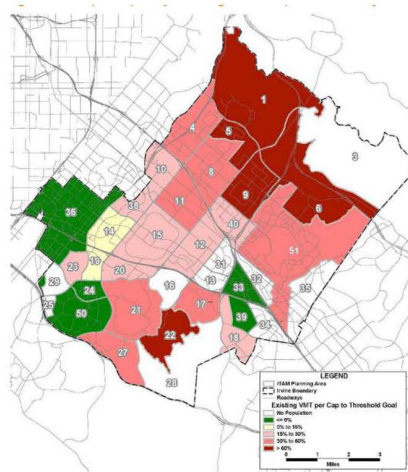
X-5 (cont.)

As such, reducing housing units from Focus Area 3 could have the unintended consequence of increasing VMT per service population by reducing the number of housing units placed near employment centers, goods, services, and transit.

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As discussed above, PA 51 is largely outside of the PGA and (under the City's own VMT guidelines) is identified as having a much larger VMT per capita as compared to the county average. (See figure below.) It would be better to seek reductions from areas with higher VMT per capita and maintain housing densities in areas with lower VMT per capita (e.g., PAs 36 and 33).

X-6 Local 11 urges the City to evaluate the City's jobs/housing balance at the PA or TAZ level with a focus on ensuring PAs/TAZs improve their jobs/housing imbalance by adding affordable housing in the targeted locations where it is desperately needed. To this end, the City should consider a Project that limits incentives for the creation of housing (particularly affordable housing) in areas of the City that are underserved by housing. Additionally, the PEIR should consider an alternative that shifts housing to PGAs and other areas underserved by housing, as well as revising the reduced project alternative to seek above-market rate housing reductions in areas that experience a higher VMT per capita (e.g., PA-51).



X-7 Third, GHG impacts may be under-assessed, leaving mitigation measures off the table. Here, the Draft PEIR identifies GHG impacts to be significant and unavoidable notwithstanding various Plans, Programs, and Policies ("PPP(s)") GHG-1 through GHG-5 and mitigation measure GHG-1. (PEIR, pp. S-22 – S-24, 4.6-20.) Mitigation measure GHG-1 specifies that subsequent developments should either comply with a City Climate Action Plan ("CAP") (not yet developed) or comply with the multi-tier GHG thresholds developed by South Coast Air Quality Management District ("SCAQMD"). The Draft PEIR applies SCAQMD's Tier 3 screening threshold of 3,000 metric tons of CO2 equivalent per year ("MTCO2e/yr"). However, the SCAQMD's threshold methodology provides a more stringent screen threshold of 1,400 MTCO2e/yr for commercial projects.⁷ (PEIR, p. 4.6-9.) Applying this threshold for hotel projects (or a hotel component within a larger mixed-use development) would allow for greater inclusion of mitigation measures. The PEIR only looks at the potential development of a hypothetical housing development without any hotel component. (Id., at p. 4.6-18.) We support that approach, but the PEIR should make clear that future hotel projects cannot tier off this PEIR. So too, to the extent the PEIR studies any commercial development, the PEIR should require said commercial development comply (to the extent feasible) with specific mitigation measures, such as

⁶ Ibid., at PDF pp. 88.
⁷ See SCAQMD (Oct. 2008) Draft Guidance Document – Interim CEQA GHG Significance Threshold, pp. 3-10 – 3-16, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf); see also SCAQMD (12/5/08) Board Letter, p. 5, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2); SCAQMD (9/28/10) Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group # 15, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf).



X-6 Refer to responses X-2 and X-3, above. The project itself does not create development incentives that would encourage less affordable housing but rather would provide incentives for projects that provide more affordable housing than required under current City standards.

Refer to response X-5, above, for further discussion related to the alternatives evaluated as part of the project. No additional alternatives are required to be considered.

X-7 As a broad, high-level policy document intended to guide policy decisions over the next 20 years, the General Plan Update does not propose any specific development projects at this time. Project-specific GHG reduction measures will be identified when applications for future development are submitted. Mitigation measure GHG-1 has been revised in the Final PEIR (available here: <https://www.cityofirvine.org/community-development/current-environmental-reviews>) to include a menu of possible measures that can be implemented at the project level. These measures include, but are not limited to, affordable housing, electric vehicle parking, transportation demand management, unbundled parking, transit subsidies, commute trip reduction programs, an active transportation network, bicycle micro-mobility fleet, all electric development, energy efficiency, energy star appliances, alternative water heating, water efficient landscaping, and electric landscaping equipment. The Final PEIR acknowledges that "without a comprehensive citywide plan to reduce GHG emissions that can demonstrate how the City would meet statewide emission targets, impacts would be considered significant and would require mitigation." Since the City does not have an adopted CAP, the City relies on guidance provided by the SCAQMD. The SCAQMD's *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, dated October 2008, contains the proposed interim GHG significance thresholds and rationale for developing the thresholds. SCAQMD noted that the proposed interim GHG significance thresholds for evaluation of land use development projects were only a recommendation for lead agencies and not a mandatory requirement. The GHG significance

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	<p>X-7 (cont.)</p> <p>threshold may be used at the discretion of the local lead agency. The Guidance Document identifies the 3,000 MT CO₂E annual threshold and present rationale for this threshold based on the 90 percent capture rate methodology. This threshold is widely utilized for project's located within the jurisdiction of the SCAQMD and is utilized by the City. As stated in the Final PEIR, "Although project implementation would support citywide goals to reduce GHG emissions and the General Plan Update includes goals and polices to support GHG emission reductions, the project does not include a quantified GHG emission reduction strategy to ensure statewide emission goals can be achieved by 2045. Therefore, impacts would remain significant and unavoidable after mitigation."</p> <p>Refer to response X-2, above, for a discussion related to subsequent environmental analyses required for future projects. It should further be noted that because the project does not propose or evaluate any nonresidential uses associated with commercial or hotel uses, the proposal of such uses would be required to undergo separate environmental review at the time they are proposed to ensure compliance with CEQA.</p>
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those recommended in SCAG's RTP/SCS and associated Program EIR, SCAQMD, the California Air Resources Board ("CARB"), and the California Air Pollution Control Officers Association ("CAPCOA").⁸ Greater GHG mitigation measures—particularly as it relates to the reduction of VMTs (discussed below)—is critical given more than half of the City's GHG emission inventory is from the on-road transportation sector. (PEIR, PDF p. 982.)

X-8

Fourth, VMT Impacts may be under-assessed and require more feasible mitigation measures.

Here, the Draft PEIR identifies VMT impacts as significant and unavoidable notwithstanding PPP TRA-1 through TRA-5 and mitigation measures TRA-1 through TRA-2. (PEIR, pp. S-41 – S-42, 4.13-24 – 4.13-25.) Mitigation measure TRA-2 calls for traffic demand management ("TDM") measures that would achieve only a five percent reduction in a project's VMT rate. (Id.) However, this level of reduction may be insufficient for hotel developments for a variety of reasons. First, the PEIR only looks to residents and employees at the program level. (PEIR, p. 4.13-22.) However, the vast majority of VMTs generated by a hotel development are neither from residents (typically none) nor from employees (a tiny portion of total VMTs generated) but rather hotel patrons usually traveling from great distances (e.g., outside of the City, beyond Orange County, various airports, etc.). The City's current VMT guidelines do not require examination of hotel patron VMTs specifically, which other cities have looked to address.⁹

Additionally, employees at hotels in jurisdictions lacking adequate, affordable housing options typically have to travel from distant locations where housing is more affordable. Also, traditional TDM measures are less effective because hotel employees often work during unconventional shifts outside of peak demand periods or when public transit is offline (hotels are 24-hour operations, including late-evening hours).

Local 11 urges the City to consider more robust TDM measures for hotel operations, such as those urged by the City, Governor's Office of Planning and Research ("OPR"), and other agencies.¹⁰ For example, the City could consider requiring hotel projects to develop a hotel-specific mandatory commuter reduction program that could include:

- Specific performance level to be reached (e.g., specific VMT or average daily trip reduction or both);
- Specified participation level (e.g., 100 % employees);
- Participation in guarantee ride programs for employees who need to respond to emergencies arising when normal public transit is infeasible;

⁸ SCAG (Dec. 2019) Final Program EIR, pp. 2.0-18 – 2.0-71 (see "project-level mitigation measures" for air quality, GHG, and transportation impacts), https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_complete.pdf?1607981618; CARB 2022 Scoping Plan, 4, 7, 24, 29 & Appendix D, pp. 23, <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>; CARB's 2017 Scoping Plan, Appendix B-Local Action, pp. 1-8, 7-9 & Appendix D, p. 2, https://www.arb.ca.gov/cc/scopingplan/app_b_local_action_final.pdf; CAPCOA (Dec. 2021) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, pp. 31-32, 73, 76, 80-96, https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf; CAPCOA (Aug. 2010) Quantifying GHGs and Mitigation, pp. 64-74, <https://www.contracosta.ca.gov/DocumentCenter/View/34123/CAPCOA-2010-GHG-Quantification-PDF>.

⁹ Compare City VMT Guidelines, PDF pp. 75, 94 with City of Los Angeles VMT Guidelines, PDF pp. 19-20.

¹⁰ See supra fn. 8 see also City VMT Guidelines, PDF pp. 101-102; OPR (Dec. 2018) Technical Advisory, pp. 27, https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.



X-8

The VMT impact analysis for the General Plan Update was based on VMT per service population and is not limited to residents and employees. Service population includes other VMT-contributing groups such as customers and client trips typical of land use trip generation evaluated. After the approval of the General Plan Update and related PEIR, further VMT analysis will be required for development projects that are individually submitted to the City for consideration on a case-by-case basis. The City's adopted VMT Impact Analysis Guidelines, approved by the City Council on June 23, 2020, with technical update approved on March 21, 2023, considers land use projects that may vary from typical residential and non-residential projects. Specific non-residential land use projects, such as hotels, where non-employee VMT is the dominant VMT source, may be evaluated with consideration that "other VMT-contributing groups may be applicable for non-residential projects" as referenced in the calculation of a project's VMT rate within the adopted VMT Impact Analysis Guidelines. The commenter's recommendation for more robust TDM measures specific to hotel operations is noted and may be considered by the City as part of future technical updates to the City's VMT Impact Analysis Guidelines. It should be noted that hotel employees working in Irvine Spectrum (Planning Areas 31, 32, and 33 in Focus Area 2 as well as Planning Area 35) may already be eligible for subsidized TDM measures under the Spectrumotion program including: emergency ride home, rideshare matching services, Metrolink/OCTA bus passes, and car-pool gas cards.

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- Inventive employee carpool/vanpool access to preferential parking spaces or hotel valet service or both;
- Subsidized transit passes for hotel workers and patrons; and
- Dedicated shuttle service for hotel patrons toward nearby destinations.¹¹

X-9 Fifth, air quality mitigation measures for construction impacts should be revised. Here, the Draft PEIR identifies construction and operational air quality impacts as significant and unavoidable notwithstanding various PPPs and mitigation measures AQ-1 through AQ-3. (PEIR, pp. S-9 – S-12, 4.2-19.) Mitigation measure AQ-1 states construction equipment “could” use cleaner engines via the use of Tier 3 or Tier 4 engines (id.) but does not require them nor specify whether Tier 4 engines would meet Tier 4 interim standards or final standards (the latter being cleaner). This measure should be revised to require cleaner engines and specify Tier 4 final standards.

X-10 In conclusion, Local 11 thanks the City for the opportunity to make these comments. As discussed above, Local 11 urges the City to use its discretionary power to maximize affordable housing while also ensuring robust mitigation measures for future hotel projects. We hope to see the PEIR revised to include a better analysis of the Project’s impact on the City’s jobs/housing balance (at a PA or TAZ level), as well as robust mitigation measures on GHGs and VMTs, and a revised Project alternative that prioritizes and targets new affordable housing in locations where it is desperately needed.

Local 11 reserves the right to supplement this letter at future hearings and proceedings for this Project. Thank you for consideration of these comments. We ask that this letter is placed in the administrative record for the Project.

Sincerely,



Jordan R. Sisson
Attorney for Local 11

¹¹ See e.g., Santa Monica Municipal Code § 9.5.130(B)(2)(b); <https://www.octa.net/getting-around/rideshare/oc-rideshare/employers/guaranteed-ride-home-program/>; <https://www.ci.healdsburg.ca.us/AgendaCenter/ViewFile/Item/3098?fileID=21731>;



X-9 As a broad, high-level policy document intended to guide policy decisions over the next 20 years, the General Plan does not propose any specific development projects at this time. Mitigation Measure AQ-1 may result in additional compliance standards for specific development tiering off the PEIR to the extent permitted by CEQA.

X-10 This comment is conclusionary and does not address the adequacy of the PEIR, but it will be forwarded to the decision makers for their review and consideration. The City has provided responses to specific comments above.