

6. Significant Unavoidable Adverse Impacts

Chapter 1, *Executive Summary*, contains Table 1-1, which summarizes the impacts; Programs, Plans and Policies (“PPPs”); Project Design Features (“PDFs”); mitigation measures; and levels of significance before and after mitigation of the Modified Project. While PPPs, PDFs, and mitigation measures would reduce the significance of most of the Modified Project impacts to less than significant levels, the following impacts would remain significant, unavoidable, and adverse even after feasible mitigation measures are applied:

6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

6.1.1 Air Quality

IMPACT 5.2-2: THE MODIFIED PROJECT WOULD, LIKE THE APPROVED PROJECT, EXCEED SCAQMD’S REGIONAL CONSTRUCTION EMISSIONS THRESHOLDS FOR VOC, NO_x, CO, PM₁₀, AND PM_{2.5}.

Both the Approved Project and the Modified Project would result in significant and unavoidable construction impacts due to emissions of VOC, NO_x, CO, PM₁₀, and PM_{2.5}. PPPs 2-1 through 2-4 and Mitigation Measures AQ-1 through AQ-2 would reduce construction emissions to the extent feasible. However, Impact 5.2-2 would remain significant and unavoidable even after mitigation.

IMPACT 5.2-3: LONG-TERM OPERATION OF THE MODIFIED PROJECT WOULD, LIKE THE APPROVED PROJECT, EXCEED SCAQMD’S REGIONAL OPERATIONAL EMISSION THRESHOLDS FOR VOC, NO_x, CO, AND PM_{2.5}.

Long-term operation of both the Approved Project and the Modified Project would result in significant and unavoidable impacts due to emissions of VOC, NO_x, CO, and PM_{2.5}. PPP 2-5, PDFs 3-1, 3-2, 3-7, and 3-8, and Mitigation Measures AQ-3 through AQ-5 would reduce operational phase criteria air pollutants to the extent feasible. However, Impact 5.2-3 would remain significant and unavoidable even after mitigation.

6.1.2 Population and Housing

IMPACT 5.8-1: THE MODIFIED PROJECT WOULD NOT RESULT IN A CHANGE IN THE NUMBER OF RESIDENTS AND HOUSING UNITS OR IN PROJECT-GENERATED EMPLOYMENT AS COMPARED TO THE APPROVED PROJECT HOWEVER, SINCE THE MODIFIED PROJECT’S JOBS-HOUSING RATIO OF 3.37 IS STILL GREATER THAN IRVINE’S EXISTING JOBS-HOUSING RATIO OF 2.45, THE SIGNIFICANT IMPACT TO JOBS-HOUSING BALANCE WOULD REMAIN.

As compared to the Certified EIR, which concluded that development of 3,625 dwelling units and 6,585,594 square feet of non-residential development would result in a significant impact with respect to jobs-housing ratio, the Approved Project and Modified Project would lessen the significance of that impact because both include the additional 1,269 density bonus units in addition to the 3,625 originally approved units. However, both the Approved Project and the Modified Project will still generate 16,510 new jobs. Therefore, both the

6. Significant Unavoidable Adverse Impacts

Approved Project and the Modified Project, which include 4,894 residential units, would have an on-site jobs-housing ratio of 3.37, which is substantially improved from the 4.55 ratio associated with the 3,625 units analyzed in the Certified EIR. However, since the 3.37 jobs-housing ratio is still greater than Irvine's existing jobs-housing ratio of 2.45, the significant impact to jobs-housing balance would remain.

Jobs-housing balance issues are addressed through implementation of the City's Housing Element and compliance with regional and state goals and policies including SCAG's Regional Comprehensive Plan, State Housing Law, and SB 375. However, no mitigation measures for jobs-housing related impacts are being proposed because no mitigation measures are available to rectify the impact. Impacts related to the jobs-housing balance would be significant and unavoidable.

6.1.3 Transportation/Traffic

IMPACT 5.11-1: THE MODIFIED PROJECT WOULD NOT GENERATE ADDITIONAL TRAFFIC VOLUMES AS COMPARED TO THE APPROVED PROJECT HOWEVER, UNDER THE MODIFIED PROJECT, TWO ADDITIONAL INTERSECTIONS WOULD BE IMPACTED.

The Certified EIR concluded that all intersections and roadway/freeway/tollway/ramp segments would operate at acceptable levels of service with the existing or planned improvements. However, the traffic analysis for the Certified EIR assumed that the cumulative impact of project traffic along with other regional growth at the identified ramp and freeway locations would be mitigated through a combination of regional programs that are the responsibility of other agencies. Therefore, the Certified EIR concluded that cumulative freeway/tollway ramp impacts would remain significant and unavoidable if these programs are not implemented by the agencies with the responsibility to do so.

Traffic impacts of the Modified Project have been analyzed based on the study area circulation system's existing traffic conditions and year 2015, year 2030 and Post-2030 future traffic conditions. Certain new project impacts that are not mitigated by improvements identified in the North Irvine Transportation Mitigation (NITM) Program have been identified for Modified Project development scenarios. Recommended mitigation measures for each impacted location are presented in Section 5.11, *Transportation/Traffic*, of this DSEIR.

The City of Irvine adopted the North Irvine Transportation Mitigation (NITM) Program to establish a funding mechanism for the transportation improvement mitigation measures identified in the Environmental Impact Reports (EIRs) for three future development projects in north Irvine; 1) Spectrum 8/PA40, 2) Irvine Northern Sphere Area (PAs 5B, 6, 8A and 9), and 3) the Orange County Great Park. This program will contribute to the improvement of facilities within Irvine and a fair-share to improvements outside the City of Irvine. The City acknowledges the fair-share cost of improvements to those facilities. However, the adjacent Cities have full jurisdiction toward implementing the identified improvements under their jurisdiction.

Inasmuch as the primary responsibility for approving and/or completing certain assumed improvements located outside of Irvine lies with agencies other than the City of Irvine (i.e., City of Lake Forest, Laguna Woods, Mission Viejo, County of Orange), there is the potential that significant traffic impacts of the Modified Project may not be fully mitigated if such improvements are not completed for reasons beyond the City of Irvine's control (i.e., the City of Irvine cannot undertake or require improvements outside of Irvine's jurisdiction). Should that occur, impacts relating to traffic generated by the Modified Project would remain significant.

6. Significant Unavoidable Adverse Impacts

Similarly, state highway facilities within the study area are not within the jurisdiction of the City of Irvine. Rather, those improvements are planned, funded, and constructed by the State of California. OCTA's Renewed Measure M provides a potential funding source and identifies general improvements on the I-5 Freeway within the study area, which were analyzed at their recommended buildout in the traffic study for the Modified Project.

As explained above, the NITM program is specifically in place to contribute to the improvement of facilities within Irvine and a fair-share to improvements outside the City of Irvine. The City acknowledges the fair-share cost of improvements to Caltrans facilities. However, Caltrans has full jurisdiction toward implementing the identified improvements under its jurisdiction.

While potential impacts to the freeway mainline segments and ramps have been evaluated, implementation of the necessary transportation improvements to Caltrans facilities identified in Section 5.11 of this DSEIR is the primary responsibility of Caltrans. While Caltrans has recognized that private development has a role to play in funding fair share improvements to impacts on the I-5, I-405, SR-133, and SR-241, Caltrans has not adopted a program that can ensure that locally-contributed impact fees will be tied to improvements to freeway mainlines and only Caltrans has jurisdiction over mainline improvements. Because Caltrans has exclusive control over state highway improvements, ensuring that developer fair share contributions to mainline improvements are actually part of a program tied to implementation of mitigation is within the jurisdiction of Caltrans. However, a number of funding programs are in place in Orange County to assist in improving and upgrading the regional transportation system. Nevertheless, the City cannot guarantee that these necessary improvements are implemented. If they are not implemented by the agencies with the responsibility to do so, the Modified Project's freeway/tollway ramp and mainline impacts would remain significant and unmitigated.

Consequently, Impact 5.11-1 would be considered **significant and unavoidable**.

6. Significant Unavoidable Adverse Impacts

This page intentionally left blank.