

6. Significant Unavoidable Adverse Impacts

Table 1-1 in Chapter 1, *Executive Summary*, contains a summary of the impacts; Programs, Plans and Policies (“PPPs”); Project Design Features (“PDFs”); mitigation measures; and levels of significance before and after mitigation of the 2012 Modified Project. While PPPs, PDFs, and mitigation measures would reduce the significance of most of the 2012 Modified Project’s impacts to less than significant levels, the following adverse impacts would remain significant and unavoidable even after feasible mitigation measures are applied:

6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

6.1.1 Air Quality

IMPACT 5.3-2: CONSTRUCTION EMISSIONS OF THE 2012 MODIFIED PROJECT WOULD, LIKE THE 2011 APPROVED PROJECT, EXCEED SCAQMD’S EMISSIONS THRESHOLDS FOR VOC, NO_x, CO, PM₁₀, AND PM_{2.5}.

Like the 2011 Approved Project, the 2012 Modified Project would result in significant and unavoidable short-term construction air quality impacts due to emissions of VOC, NO_x, CO, PM₁₀ and PM_{2.5}. PPPs 3-1 through 3-4 and Mitigation Measures AQ-1 and AQ-2 would reduce construction emissions to the extent feasible. However, like the 2011 Approved Project, Impact 5.3-2 would remain significant and unavoidable even after mitigation.

IMPACT 5.3-3: LONG-TERM OPERATION OF THE 2012 MODIFIED PROJECT WOULD, LIKE THE 2011 APPROVED PROJECT, EXCEED SCAQMD’S EMISSIONS THRESHOLDS FOR VOC, NO_x, CO, AND PM_{2.5}.

Like the 2011 Approved Project, long-term operation of the 2012 Modified Project (with, and without optional conversion) would result in significant and unavoidable impacts due to emissions of VOC, NO_x, CO, and PM_{2.5}. PPP 3-5, PDFs 4-1, 4-2, 4-7, and 4-8, and Mitigation Measures AQ-3 through AQ-5 would reduce operational phase air quality impacts to the extent feasible. However, like the 2011 Approved Project, Impact 5.3-3 would remain significant and unavoidable even after mitigation.

6.1.2 Transportation/Traffic

IMPACT 5.12-1: TRIP GENERATION ASSOCIATED WITH THE 2012 MODIFIED PROJECT WOULD NOT IMPACT LEVELS OF SERVICE FOR THE EXISTING AREA ROADWAY SYSTEM, AS COMPARED TO THE 2011 APPROVED PROJECT.

The 2011 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 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 2011 Certified EIR concluded that cumulative

6. Significant Unavoidable Adverse Impacts

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 2012 Modified Project have been identified by analyzing the study area circulation system based on existing traffic conditions and 2015, 2030 and Post-2030 future traffic conditions. In some cases, new project impacts that were not mitigated by improvements identified in the North Irvine Transportation Mitigation (NITM) Program have been identified for project development scenarios. Recommended mitigation measures for each impacted location have also been identified. However, if there are intersections where identified improvements may not be feasible due to cost, right-of-way concerns, or community opposition, traffic impacts would remain significant and unavoidable.

Cities of Lake Forest, Laguna Woods, Mission Viejo and County of Orange Intersections and Arterial Segments

Inasmuch as the primary responsibility for approving and/or completing certain improvements located outside of Irvine lies with agencies other than the City (i.e., City of Lake Forest, Laguna Woods, Mission Viejo, Orange County, and Caltrans), there is the potential that significant impacts may not be fully mitigated if such improvements are not completed for reasons beyond the City's control (i.e., the City cannot undertake or require improvements outside of Irvine's jurisdiction). Should that occur, impacts relating to traffic generated by the 2012 Modified Project would remain significant and unavoidable.

The City adopted the NITM Program to establish a funding mechanism for the transportation improvement mitigation measures identified in the 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 Irvine. The City acknowledges the fair-share cost of improvements to those facilities; however, the adjacent Cities have full control over implementing the identified improvements under their jurisdiction. If improvements are not completed for reasons beyond the City's control, the 2012 Modified Project's traffic impacts would remain significant and unavoidable.

Caltrans Main-Line Segments and Ramps

State highway facilities within the study area are not within the jurisdiction of the City. 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 and were analyzed at their recommended buildout in the traffic study for the 2012 Modified Project.

The City adopted the 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 is specifically in place to contribute to the improvement of facilities within Irvine and a fair-share to improvements outside 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 transportation improvements to Caltrans facilities listed above is the primary

6. Significant Unavoidable Adverse Impacts

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. If these programs are not implemented by the agencies with the responsibility to do so, the 2012 Modified Project's freeway/tollway ramp and mainline impacts would remain significant and unavoidable.

Consequently, like the 2011 Approved Project, Impact 5.12-1 would remain **significant and unavoidable**.

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