

5.5 LAND USE AND PLANNING

This section of the DSEIR evaluates the potential impacts to land use in Irvine and the region from implementation of the Proposed Project. Land use impacts can be either direct or indirect. Direct impacts are those that result in land use incompatibilities, division of neighborhoods or communities, or interference with other land use plans, policies, or regulations, including habitat or wildlife conservation plans. This section focuses on direct land use impacts. Indirect impacts are secondary effects resulting from land use policy implementation, such as an increase in demand for public utilities or services, or increased traffic on roadways. Indirect impacts are addressed in other sections of this DSEIR.

5.5.1 Environmental Setting

Regional and Local Setting

The Project Site is described in detail in Chapter 3, *Project Description*. Figure 3-1 depicts the location of the Proposed Project Site in a regional context, and Figure 3-2 shows its local context. The 40.3-acre project site is at the southeast corner of Irvine Boulevard and future “B” Street, east of Sand Canyon and Highway 133 and west of Alton and Bake Parkways, in the City of Irvine, Orange County. The Project Site is on a portion of the former Marine Corps Air Station El Toro (“MCAS El Toro”), in Planning Area 51, Orange County Great Park.

Existing Land Uses on the Project Site

The project site is located at the southeast corner of Irvine Boulevard and accessway for the former MCAS El Toro, east of Sand Canyon and Highway 133, and west of Alton and Bake Parkways. The project site also contains a segment of C Street of the former base. The project site is currently vacant and is located on three parcels with Assessor’s Parcel Numbers (“APNs”) 591-131-14, 591-131-18 and 591-131-19. The project site was historically used by MCAS El Toro for agricultural purposes, and a portion of the project site was used for crops until recently. The site historically had been leased by the military to farmers for agricultural purposes. A storm drain culvert runs across the site in a north–south direction.

Existing Surrounding Land Uses

Planning Area 51 is generally bounded by the Eastern Transportation Corridor (State Route 133) to the west, the Foothill Transportation Corridor (State Route 241) to the north, the Southern California Regional Rail Authority (“SCRRA”) rail lines to the south, and Irvine Boulevard and the stormwater channel near Alton Parkway to the east. Planning Area 51 is part of the former MCAS El Toro, now closed and subject to civilian reuse. The project site is adjacent to Irvine Boulevard at one of the former base entrance stations, on the east side of the former base. The project site has previously been used for agricultural purposes at MCAS El Toro and is currently vacant land with no above-grade structures. A portion of the site was used for parking.

The area surrounding the project site was previously developed as a military base, including runways, aprons, hangars, warehouses, barrack housing, recreational facilities, former golf course, residential, office, and commercial, and the majority of these structures have been demolished, including a portion of the runway. Agua Chinon Channel runs adjacent to the project site to the west and south, and active agriculture is still on the area south of the drainage culvert. There is also a former landfill (El Toro Site 3)

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directly adjacent to the Agua Chinon, north of the project site. There are no residential or other sensitive uses within approximately two miles of the project site.

On the east end of the project site, north of Irvine Boulevard, the project site is adjacent to an area designated “habitat reserve,” which is part of the Orange County Central-Coastal Sub-region Natural Community Conservation Plan/Habitat Conservation Plan (“NCCP/HCP”). The James A. Musick Facility is approximately 0.7 mile east of the Project Site near the northeast corner of Irvine Boulevard and Alton Parkway, at 13502 Musick Honor Farm Road, Irvine, CA 92618.

Applicable Plans and Regulations

Regional and local laws, regulations, plans, and guidelines that are potentially applicable to the Proposed Project are summarized below.

Local

City of Irvine General Plan

The City of Irvine General Plan guides the land development in the city. The General Plan consists of a series of state-mandated and optional elements to direct the city’s physical, social, and economic growth. Elements in the City of Irvine General Plan (adopted in 2000 and subsequently amended) are Land Use, Circulation, Housing, Cultural Resources, Noise, Seismic, Public Services and Facilities, Integrated Waste Management, Energy, Safety, Parks and Recreation, Conservation and Open Space, and Growth Management. A description of these elements and their components is provided below.

Land Use Element. The Land Use Element seeks to protect and enhance the quality of life in the community. Land use policies determine how land is developed in the community, ranging from an office building or a single family home, to the number of parks and open spaces in the City. Land use policies also guide and resolve many land issues and constraints in order to define the quality of life in the City. The General Plan land use designation of the Project Site is “Orange County Great Park.”

Circulation Element. This element describes the nature and extent of the existing circulation network, and identifies trends, issues, and public policies relating to the development of a balanced, multimodal circulation system for Irvine. Four different types of systems compose Irvine’s circulation system: air, road, public transit, and trails. The Circulation Element is designed to:

- Create a hierarchy of roadways.
- Reinforce boundaries of PAs.
- Respond to conservation, noise, air pollution, and wildlife preservation policies.
- Satisfy City General Plan and Strategic Business Plan objectives.

Housing Element. The Housing Element sets forth the City’s five-year strategy to preserve and enhance the community’s character, expand housing opportunities for all economic segments, and provide guidance for local government decision-making in all matters related to housing. The current Housing Element was approved by the Irvine City Council on January 24, 2012.

Seismic and Safety Elements. These elements identify seismic and safety hazards and discuss strategies for reducing disasters. Due to the close relationship between the Seismic and Safety Elements, they are considered together in identifying the location and type of development permitted in the City, in

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developing building standards, and in providing services to City residents. An example of such services is community safety programs that reduce the potential for loss of life, injuries, and property damage associated with natural and man-induced hazards. These hazards include fire, floods, geologic hazards, and aircraft operations.

Cultural Resources Element. This element recognizes the importance of historical, archaeological, and paleontological resources in Irvine and establishes a process for their early identification, consideration, and where appropriate, preservation.

Noise Element. Noise, as defined in this element, is generally unwanted sound which is considered unpleasant and bothersome. Unwanted noise can affect people both physically and psychologically. People are usually more sensitive to noise during the evening and nighttime because of reduced activities, fewer noise-emitting sources, and the need for rest. Land uses in which people are especially sensitive to noise include residential, convalescent and rest homes, hospitals, libraries, churches, and schools. This element provides guidelines for minimizing noise impacts from various sources.

Public Services and Facilities Element. Public facilities are institutional responses to basic needs, such as health, education, safety, recreation, and worship. Examples of typical public facilities include churches, hospitals, and police stations. This element provides policies and criteria for the development of various types of community facilities, their relationships to one another, and their location to serve the needs and desires of the community.

Integrated Waste Management Element. This element serves to “encourage solid waste reduction and provide for the efficient recycling and disposal of refuse and solid waste material without deteriorating the environment.” The collection and disposal components of waste management are further described as follows:

- **Solid, Nonhazardous Waste.** Solid waste collection is usually accomplished by picking up refuse at the sources via collection vehicles, separating out recyclable materials at transfer stations, and then transporting the residual material. Solid wastes can be disposed of in several ways, such as sanitary landfill, recycling, waste-to-energy, and composting.
- **Liquid, Nonhazardous Waste.** Liquid, nonhazardous wastes are usually collected through a sewer system and treated at a wastewater treatment facility, with the liquid waste being disposed of in the ocean or treated for reuse as recycled water. The resulting sludge can be disposed of in a sanitary landfill, sludge farm, or eliminated through incineration.
- **Hazardous Waste.** Hazardous wastes are required by state law to be recycled, treated onsite, or treated at a designated waste treatment facility whereby hazardous materials are neutralized prior to final disposal. Liquid hazardous wastes are either treated at the waste source to neutralize hazardous components and then placed in the sewer system, or nontreated hazardous wastes are collected in specifically designed collection vehicles for ultimate disposal.

Energy Element. This element provides a basis for long-range planning. In addition, it summarizes information on energy supply and demand. The associated state and local objectives, when implemented, will result in efficient energy consumption by the City and its residents, businesses, and industries.

Parks and Recreation Element. A park is defined as any public or private land set aside for aesthetic, educational, recreational, or cultural use. The amount of parkland required for dedication is established at

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the time of subdivision approval through the implementation of the Irvine Subdivision Ordinance (Irvine Municipal Code § 5-5-101 et seq.). The City's public park system is divided into two categories: community parks and neighborhood parks. Neighborhood parks are further divided into public or private parks. This element establishes guidelines for the orderly development of Irvine's park and recreation facilities.

Conservation and Open Space Element. This element provides long-term guidance for the preservation of significant natural resources and open space areas. The value of this element is threefold. First, it provides mechanisms for ensuring balance between the urban and natural environments in Irvine. Second, it recognizes natural and man-made hazards that might affect the community if development were to occur. Finally, it provides specific policies and a program for preserving, managing, and using natural and man-made resources.

Growth Management Element. In November 1990, Orange County voters approved a Revised Traffic Improvement and Growth Management Ordinance. This ordinance imposed an increase to the retail sales tax by 0.5 cent for a 20-year period to be used for the funding of transportation-related improvements. To receive a portion of these revenues, the City must satisfy the requirements established by the Countywide Growth Management Program. The City's Growth Management Element comprises a series of objectives and implementing actions to carry out the goals of the County program and ensure that growth and development is based on the City's ability to provide an adequate circulation system and public facilities. The intent of the Growth Management Element is to establish the basic policy framework for future implementing actions and programs in a single General Plan element.

City of Irvine Zoning Classifications

The City's Zoning Ordinance ("Zoning Ordinance") establishes zone-specific development regulations, including, but not limited to, height limits, setback requirements, parking ratios, and other development standards. It is through the implementation of the Zoning Ordinance that long-term goals, objectives, and policies of the General Plan are implemented. The City establishes zoning regulations by Planning Area ("PA"), and the 2011 Approved Project Site is located in PAs 30 and 51, and the proposed high school site is located in PA 51.

Per the City's Zoning Map and as shown in Figure 3-5, *Existing Zoning*, existing PA 51 consists of six zoning designations: 1.1 Exclusive Agriculture, 1.4 Preservation, 1.9 Orange County Great Park, 3.2 Transit Oriented Development, 6.1 Institutional, 8.1 Trails and Transit Oriented Development. Existing PA 30 consists of four zoning designations, including: 1.4 Preservation, 3.2 Transit Oriented Development, 4.3 Vehicle-Related Commercial, and 5.4B General Industrial. The project site is in 8.1 Trails and Transit Oriented Development. These zoning districts are described below in greater detail.

- **1.1 Exclusive Agriculture.** This land use category applies to land designated as agriculture in the City's General Plan. Only agriculture and accessory uses are permitted in this category.
- **1.4 Preservation.** This land use category provides for the protection and maintenance of natural resources. These lands have been judged viable for permanent preservation in a natural state with little or no modification. Visually significant ridgelines, biotic communities of high significance, geological constraints and cultural resources are typical of lands in this category.
- **1.9 Orange County Great Park.** This land use category identifies lands suitable for active and passive recreational opportunities and activities for public use and enjoyment. The Orange

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County Great Park is a multi-destination facility that will include a variety of educational and recreational activities, including sports fields, museums, gardens, trails, wildlife habitat and many other public-oriented land uses.

- **3.2 Transit Oriented Development.** This land use category is consistent with the transit-oriented development area within the Orange County Great Park land use category as defined in the General Plan. Transit-oriented development encourages a diverse mix of higher-intensity commercial, office, residential and institutional uses in areas with high potential for enhanced transit and pedestrian activity. The category is intended to reduce reliance on the automobile by encouraging a compact mix of uses within the same site, including the integration of complementary uses within a single building. The development shall be designed to create a safe and pleasant pedestrian environment by providing amenities that support the use of transit, bicycles, and pedestrian facilities and by providing for a safe, pleasant, and convenient walking experience.
- **4.3 Vehicle-Related Commercial.** This land use category applies to commercial areas that are primarily designed to provide for the sale and servicing of, and parts for, automobiles and recreational vehicles.
- **5.4B General Industrial.** This land use category reserves an area for uses such as manufacturing, warehousing and service industries.
- **6.1 Institutional.** This category applies to land for public and quasipublic facilities such as churches, schools or utilities.
- **8.1 Trails and Transit Oriented Development.** This land use category allows for a mix of residential, commercial, recreational, and education uses that support the multi-use environment of the Orange County Great Park development.

Regional

Southern California Association of Governments

Orange County and Irvine are at the western edge of a six-county metropolitan region composed of Orange, Los Angeles, Ventura, Riverside, San Bernardino, and Imperial Counties. The Southern California Association of Governments (“SCAG”) serves as the federally recognized Metropolitan Planning Organization (“MPO”) for this southern California region, which encompasses over 38,000 square miles. SCAG is a regional planning agency and serves as a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG also serves as the regional clearinghouse for projects requiring environmental documentation under federal and state law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the southern California region’s MPO, SCAG cooperates with the South Coast Air Quality Management District (“SCAQMD”), the California Department of Transportation (“Caltrans”), and other agencies in preparing regional planning documents. Orange County and its jurisdictions constitute the Orange County Subregion in the SCAG region. This subregion is governed by the Orange County Council of Governments (“OCCOG”). SCAG has developed plans to achieve specific regional objectives. Those plans addressed in the 2011 OCGP SEIR are described below. Because the Proposed Project involves development of a high school to serve students who are from the District’s existing boundaries within the City of Irvine, it would not induce regional growth to impact the

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forecasts SCAG uses in its regional planning effort, and consistency with regional plans is not required to be addressed in this DSEIR. A high school development is not a regionally significant project.

Regional Transportation Plan. On April 4, 2012, SCAG adopted the 2012 Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”) to help coordinate development of the region’s transportation improvements. The RTP is a long-range transportation plan that is developed and updated by SCAG every four years. The RTP provides a vision for transportation investments throughout the region. Using growth forecasts and economic trends that project out over a 20-year period, the RTP considers the role of transportation in the broader context of economic, environmental, and quality-of-life goals for the future, identifying regional transportation strategies to address regional mobility needs.

In 2008, California State Senate Bill 375 (SB 375) was enacted to reduce greenhouse gas (“GHG”) emissions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning. To achieve the goal of reduced GHG emissions, the legislation requires MPOs throughout the state to include a new element in their RTPs called a Sustainable Communities Strategy (“SCS”). SCAG is responsible for developing the SCS for the SCAG region. Consistent with SB 375, SCAG has included an SCS in their 2012 RTP. The SCS integrates transportation, land use, housing, and environmental planning strategies with the goal of reducing regional GHG emissions.

Orange County Sustainable Communities Strategy. In the SCAG region, SB 375 allows for a subregional council of governments and county transportation commission to work together to propose a subregional SCS. As one of these subregions, Orange County has prepared its own subregional SCS (“OC SCS”). It was prepared by the Orange County Council of Governments and the Orange County Transportation Authority, in collaboration with multiple Orange County stakeholders. The OC SCS has been integrated into SCAG’s 2012 RTP/SCS described above. Central to the OC SCS are the sustainability strategies identified to reduce GHG emissions. The strategies include both land use-related strategies and transportation system improvements.

5.5.2 *Thresholds of Significance*

Based on Appendix G of the CEQA Guidelines, the District has determined that a project would normally have a significant effect on the environment if the project would:

- LU-1 Physically divide an established community.
- LU-2 Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

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- LU-3 Conflict with any existing or proposed land uses, such that a potential health or safety risk to students would be created.¹
- LU-4 Conflict with any applicable habitat conservation plan or natural community conservation plan.

The Initial Study for the Proposed Project (Appendix A to this DSEIR) concluded that the following impacts would not be significant for the Proposed Project, as compared to the 2011 Approved Project: LU-1 and LU-4. Those impacts were analyzed in the Certified EIR and implementation of the changes proposed by the Proposed Project would not change the conclusions of the Certified EIR.

Therefore, impacts LU-1 and LU-4 will not be addressed further in this document.

5.5.3 2011 Approved Project

The Certified EIR concluded that implementation of the 2011 Approved Project would be consistent with the City's General Plan land use plan, goals, and policies; the City's Zoning Ordinance; and SCAG's regional policies. The 2011 Approved Project is also consistent with surrounding uses in the cities of Irvine and Lake Forest and with uses associated with the University of California's South Coast Research and Extension Center. Accordingly, the Certified EIR concluded that less than significant land use impacts would occur. The Certified EIR did not identify any public safety or other land use issues concerning proximity of the James A. Musick Facility.

5.5.4 2012 Modified Project

As with the Certified EIR, the 2012 SSEIR concluded that implementation of the 2012 Modified Project would be consistent with the City's General Plan land use plan, goals, and policies, and the City's Zoning Ordinance, and SCAG's regional policies. Although the 2012 Modified Project would result in various changes to the City's Zoning Ordinance, all components of the 2012 Modified Project would be consistent with the underlying General Plan policies and the changes would further various objectives established by the City. Implementation of the 2012 Modified Project would create a cohesive community of residential and other support uses and would be required to adhere to the specific development regulations established for the applicable zoning designation. Therefore, it was determined that no significant land use impacts related to the proposed Zone Change would occur.

¹ Though this impact threshold is not a physical environmental issue under CEQA, this threshold and the subsequent analysis contained in this section is included here to inform the California Department of Education (CDE) in its review of the proposed school site. As part of completing the School Facility Planning Division Initial School Site Evaluation (SFPD 4.01), CDE's field representative requested a review of the proximity of the school site to James A. Musick Facility, a county jail located approximately 0.7 mile from the site. Under Title 5, California Code of Regulations, Section 14010, standards for school site selection include social hazards and potential health and safety risks associated with surrounding land uses.

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5.5.5 Environmental Impacts of the High School No. 5

Existing Plans, Programs, and Policies

There are no applicable existing plans, policies, and programs (“PPPs”) that were developed as a result of the Certified EIR, which will help to reduce and avoid potential impacts related to land use and planning issues.

Additional Plans, Programs, and Policies

See IUSD 7-1 through 7-14 in *Police Protection*, Section 5.7.2.

California Government Code Section 53094. The governing board of a school district may render a city or county zoning ordinance inapplicable to a proposed use of property by the school district by a vote of two-thirds of its members, provided that conditions under this provision are met.

Impact Threshold Analysis

The following impact analysis addresses impacts that the Initial Study for the Proposed Project disclosed could be potentially significant, as compared to the 2011 Approved Project. The potential impacts are identified in brackets after the impact statement.

IMPACT 5.5-1: DEVELOPMENT OF THE PROPOSED HIGH SCHOOL WOULD NOT BE IN CONFLICT WITH AN APPLICABLE ADOPTED LAND USE PLAN, POLICY, OR REGULATION. [IMPACT LU-2]

Impact Analysis:

2011 Approved Project

General Plan Consistency Analysis

The Project Site is designated Planning Area 51 Orange County Great Park by the City of Irvine General Plan. The Certified EIR concluded that uses permitted under the 2011 Approved Project are consistent with the General Plan goals and policies of the various elements of the General Plan. The Initial Study, which was circulated from May 1, 2013, through May 30, 2013, erroneously indicated that the Project Site is designated a golf course in the approved OCGP Plan, when in fact the 2011 Approved Project allows a mix of land uses. The 2011 Approved Project allows educational uses in 8.1 TTOD zoning; therefore, development and operation of a high school is consistent with the 2011 Approved Project.

Zoning Ordinance

The project site is zoned 8.1 TTOD. This land use category allows for a mix of residential, commercial, recreational, and education uses that support the multi-use environment of the OCGP development. Therefore, a high school is permitted under this zoning designation. As no changes to the underlying zoning designation would be necessary, no land use impact would occur.

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The Zoning Ordinance establishes zone-specific development regulations by zoning designation and PA, including height limits, setback requirements, landscape requirements, parking ratios, and other development standards. The proposed project is not required to adhere to the specific development regulations established for the applicable zoning designation pursuant to the provisions of Government Code Section 53094. California Government Code Section 53094 provides that the school board may render a city or county zoning ordinance inapplicable for a school use by a two-thirds vote of the school board, the District plans to exempt the property from the city's zoning requirements. Therefore, by a two-thirds vote of the school board, all zoning ordinances/standards of the City of Irvine otherwise applicable to the project site are inapplicable.

Mitigation Program and Net Impact

No mitigation measures are introduced here in this DSEIR because net impacts on land use policies would be less than significant.

2012 Modified Project

Under the 2012 Modified Project, the Project Site is designated as a 2,600-student high school. The Proposed Project would be compatible with the uses proposed under the 2012 Modified Project and no adverse land use impacts are anticipated. Under the 2012 Modified Project, the Wildlife Corridor would be relocated farther to the east; therefore, potential impacts from lights and noise to biological resources would be further minimized. The overall impact of the Proposed Project would be the same as the analysis for the 2011 Approved Project, and no significant impacts are anticipated.

Mitigation Program and Net Impact

No mitigation measures are introduced here in this DSEIR since net impacts on land use policies would be less than significant.

IMPACT 5.5-2: THE PAST AND EXISTING USE OF THE PROJECT SITE FOR AGRICULTURAL LAND, PROXIMITY TO PAST MILITARY USE OF THE SURROUNDING AREA, AND THE ON- AND OFFSITE UNDERGROUND PIPELINES WOULD NOT CREATE A HEALTH OR SAFETY RISK TO STUDENTS. [IMPACT LU-3 (PART)]

Impact Analysis:

2011 Approved Project

The Project Site has historically been used for agricultural production and is currently vacant. Two jet fuel pipelines traverse the Project Site and there are also underground gas and water lines within 1,500 feet of the Project Site. Moreover, the Project Site is surrounded by various past military uses, such as a historical landfill site and truck fueling area. However, the District compiled and prepared corresponding safety assessments for each issue as discussed in Section 5.4, *Hazards and Hazardous Materials*, and determined impacts to be less than significant. Pursuant to California Education Code Section 17213.1, the District is required to follow a prescribed environmental review process with oversight by the Department of Toxic Substances Control ("DTSC") and must obtain site approval from DTSC, indicating that the site does not pose a risk to human health or the environment, and that "no further action" is required with respect to the investigation or remediation of any hazardous substances. The District is also

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required by the California Department of Education to complete studies pursuant to California Code of Regulations beginning at Section 14010 (Title 5) and Education Code beginning at Section 17210, demonstrating that the Project Site meets all stringent state standards and would not expose students and staff to adverse health and safety effects. Therefore, the school population would not be exposed to an unacceptable level of health and safety risks.

Mitigation Program and Net Impact

No mitigation measures are introduced here in this DSEIR as net impacts on land use policies would be less than significant.

2012 Modified Project

Under the 2012 Modified Project, the project site is designated as a 2,600-student high school. The overall impact of the Proposed Project would be the same as the analysis for the 2011 Approved Project, and no significant impacts are anticipated.

Mitigation Program and Net Impact

No mitigation measures are introduced here in this DSEIR as net impacts on land use policies would be less than significant.

IMPACT 5.5-3: THE JAMES A. MUSICK FACILITY WOULD NOT PRESENT A POTENTIAL HEALTH OR SAFETY RISK TO SCHOOL POPULATION. [IMPACT LU-3 (PART)]

Impact Analysis:

2011 Approved Project

The Project Site is approximately 0.7 mile east of the James A. Musick Facility near the northeast corner of Irvine Boulevard and Alton Parkway, at 13502 Musick Honor Farm Road, Irvine, CA 92618, on the 100-acre unincorporated County of Orange land on the border of the cities of Irvine and Lake Forest. The Facility is in the City of Irvine's Portola service area for police services provided by the Irvine Police Department (IPD), and while most law enforcement on the Facility is provided by the Orange County Sheriff's Department, general law enforcement and emergency situations would be handled by the IPD. It currently houses minimum security inmates totaling 1,256 beds, but under the Certified EIR No. 564, the County of Orange is allowed to expand the Facility to 7,584 beds for all classifications (minimum, medium, and maximum security), with centralized support facilities for kitchen, laundry, and warehousing (OCSCD, 2012; AECOM, 2012). However, under the Memorandum of Understanding with the City of Lake Forest approved on November 20, 2012, the inmates would be limited to 3,100 unless a new needs assessment is prepared and CEQA is satisfied, and no maximum security inmates are permitted except under unusual circumstances. The approved James A. Musick Master Plan allows Phase I development up to 1,024 beds designed to house low and medium security inmates, and subsequent future phases that can be implemented if the need for more jail beds materializes and if funding is available.

The Facility is currently surrounded by various industrial uses and is not anticipated to impose significant health and safety risks to the school population. The existing nearest school to the Facility is the Rancho Canada Elementary School in the City of Lake Forest, approximately 0.9 mile to the south.

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A review was conducted to determine if the proximity of the High School No. 5 Site to the Musick Facility was unusual and created safety concerns. Figure 5.5-1, *Orange County Schools and Proximity to Jails*, plots K–12 school sites within Orange County and identifies schools that fall within radii of 1 mile and 1.5 miles of county and city jails. This figure demonstrates that the distance of 0.7 mile between the school site and Musick Facility is not unique or even unusual. Many Orange County schools are located within one mile of county jails, and even more are located with one mile of municipal jails. Also, it is noted that recent violence on school campuses has generally involved boys and young men, often with some relationship to the school, and none of these events has involved proximity to a jail as an element of the crime.

CEQA is intended to address impacts that will have adverse physical impacts on the environment, and “significant effect on the environment” is defined as a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project (CEQA Guidelines Section 15382). Therefore, social changes, psychological fears, or unsubstantiated assertions of effects on property values or perceived safety concerns do not constitute a “significant effect” to physical environment within the meaning of CEQA. Under CEQA, social effects are distinguished from physical effects. Moreover, as established in the *Ballona Wetlands Land Trust v. City of Los Angeles* case, CEQA documents are required to identify the significant effects a project on the environment, not the significant effects of the environment on the project. Although not required, the EIR prepared for the James A. Musick Facility expansions provided discussions concerning public safety for informational purposes to address public comments and determined that while the public may express fears regarding a jail or prison facility, actual crime data analysis did not support those fears. The EIR indicated that there is no correlation between crime incidents and recently released inmates, the likely reasons being that an inmate is typically met by family and friends and transported out of the area, and after having been released, inmates desire to distance themselves from the jail facility. The EIR prepared for the Theo Lacy Facility expansion also had the same conclusion—that a jail does not present any fact-based issues of public safety.

Construction and operation of the high school near the Facility would not result in adverse physical effects related to land use compatibility, and impacts would not be significant.

Mitigation Program and Net Impact

No mitigation measures are necessary as net impacts on land use impacts related to proximity to the Facility would be less than significant.

2012 Modified Project

Under the 2012 Modified Project, the project site is designated as a 2,600-student high school. The overall impact of the Proposed Project would be the same as the analysis for the 2011 Approved Project, and no significant impacts are anticipated.

Mitigation Program and Net Impact

No mitigation measures are necessary as net impacts on land use impacts related to proximity to James A. Musick Facility would be less than significant.

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5.5.6 Cumulative Impacts

The current General Plan and zoning designations for the Project Site allows a wide range of land uses, including residential, open space, recreation, commercial, institutional, office, and other employment-oriented uses. Development and operation of a high school would be consistent with the land uses intended within the TTOD zone, thus fulfilling the goals, objectives, and policies of the General Plan and the City's vision for the future of the overall Great Park Neighborhood. Therefore, the Proposed Project would not conflict with the adopted policies and objectives of the City's General Plan. Implementation of cumulative development in accordance with the City's General Plan would not, combined with the Proposed Project, result in cumulatively considerable land use impacts as compared to the 2011 Approved Project.

5.5.7 Level of Significance Before Mitigation

Upon implementation of regulatory requirements, standard conditions of approval, and PPPs, Impacts 5.5-1, 5.5-2, and 5.5-3 would result in less than significant.

5.5.8 Applicable Mitigation Measures from the 2011 Approved Project and 2012 Modified Project

No mitigation measures were outlined in the Certified EIR or the 2012 SSEIR because land use impacts of the 2011 Approved Project and the 2012 Modified Project were considered less than significant without mitigation.

5.5.9 Additional Mitigation Measures for the Proposed Project

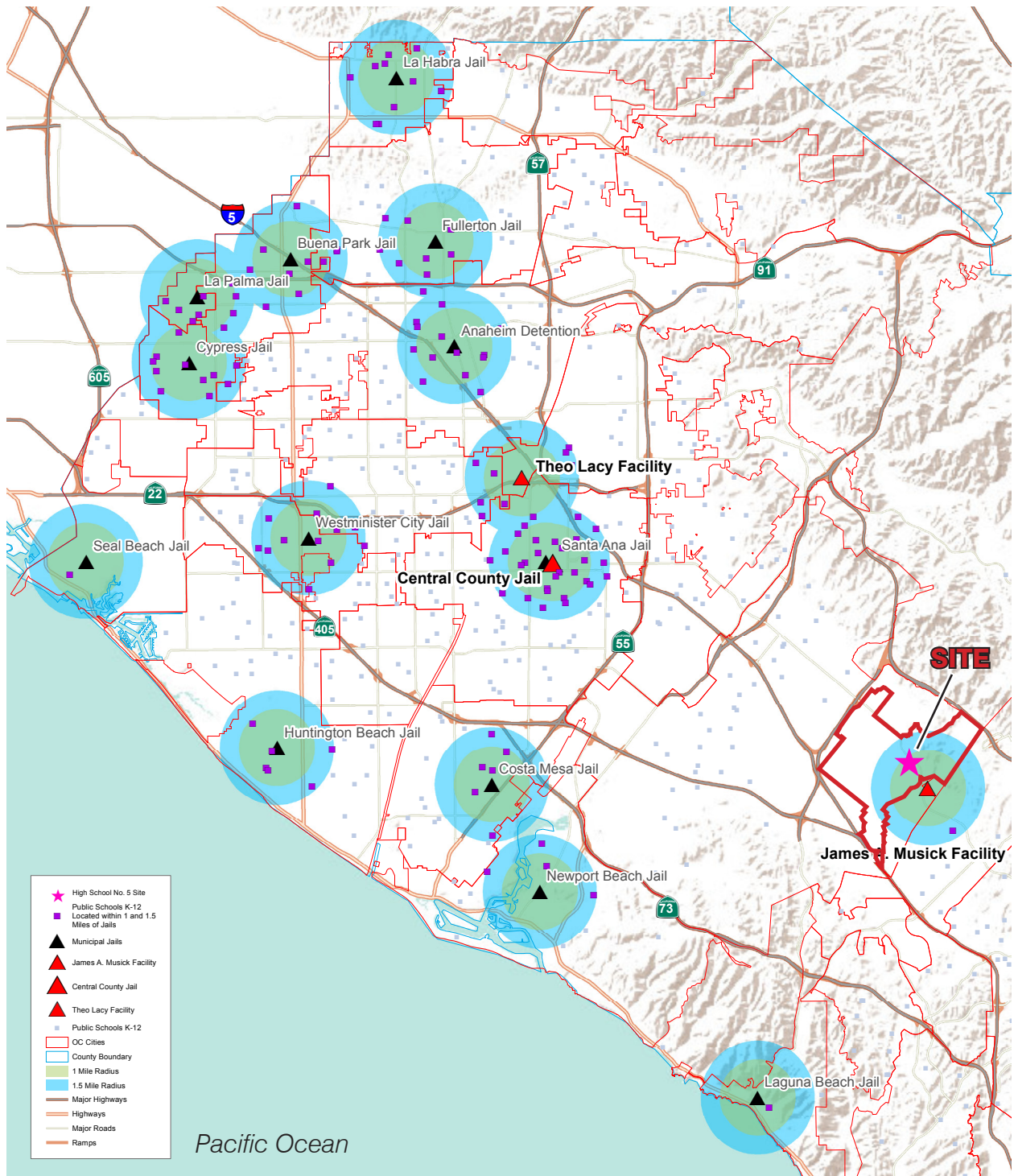
No additional mitigation measures are required.

5.5.10 Level of Significance After Additional Mitigation

No significant impacts relating to land use and planning have been identified for the Proposed Project.

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Orange County Schools and Proximity to Jails



— Planning Area 30 and 51 Boundary



Source: ESRI, USGS, NOAA

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