



NOTICE OF PREPARATION AND SCOPING MEETING

DATE: February 22, 2024

TO: Agencies, Organizations, and Interested Parties

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report, for The Market Place Rezone Project, in Compliance with Title 14, Section 15082(a) of the California Code of Regulations

PUBLIC REVIEW: February 26, 2024, to March 27, 2024

The City of Tustin is proposing a General Plan Amendment (GPA) to the City of Tustin General Plan, a Specific Plan Amendment (SPA) to the East Tustin Specific Plan (ETSP), and adoption of Objective Development Standards (ODS), to allow residential land uses on a site that currently only allows commercial development (The Market Place). The proposal implements the City's certified 2021-2029 Housing Element Update. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the City is preparing an Environmental Impact Report (EIR) for the proposed GPA, SPA, and ODS described below. We request your review and comments as to the scope and content of the proposed EIR, as summarized in the Initial Study, available on the City's website at: www.tustinca.org/HousingElementRezone, or available at City offices, 300 Centennial Way, Tustin, California, 92780.

AGENCIES: The City requests your review on the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15082(b). Your agency will need to use the EIR prepared by the City when considering any permits that your agency must issue, or other approval for the project.

ORGANIZATIONS AND INTERESTED PARTIES: The City requests your comments and concerns regarding the environmental issues associated with implementing the proposed project.

PROJECT TITLE: The Market Place Rezone Project (GPA-2024-0001 and SPA-2024-0001)

PROJECT LOCATION: The City is in the central portion of Orange County and is surrounded by the cities of Irvine to the south and east, Santa Ana to the west, and Orange and unincorporated Orange County to the north. As shown in Figure 1, *Vicinity Map*, the Project site, a commercial development known as The Market Place, encompasses 76.9 acres and is generally bounded by Myford Road to the northwest, Bryan Avenue to the northeast, Jamboree Road to the southeast and I-5 (Santa Ana Freeway) to the southwest. The Market Place is developed with 747,165 square feet (SF) of commercial business, including restaurants, retail, and service commercial uses, as well as large surface parking lots.

The Project site has a General Plan land use designation of Planned Community Commercial/Business (PCCB) and a zoning designation of Planned Community Commercial (PC COM). Additionally, the Project site is within the East Tustin Specific Plan (SP-8) which designates the site as Mixed Use (MU).

DESCRIPTION: The City is proposing to designate an 18-acre portion of the overall 76.9-acre Project site exclusively for residential development. The 18-acre site consists of seven parcels (full or partial APNs 500-291-06, -07, -11, -12, and -25 and 500-312-03 and -10), which are primarily used as surface parking lots. The City is proposing a GPA to establish that higher density residential uses are allowed in the PCCB land use designation, when prescribed by either a Housing Overlay (HO) district or by a Specific Plan. The SPA would modify the ETSP to identify "High Density Residential" as a new residential density category available within the specific plan area and identify "High Density Residential" as an allowable use within the MU land



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use of the ETSP. This new High Density Residential designation would allow for the future development of up to 900 dwelling units on the Project site, consistent with the certified 2021-2029 Housing Element Update.

In addition to analyzing 900 future residential units on the 18-acres housing zone site, the EIR analysis will take into consideration the remaining development potential of The Market Place, consisting of 13,032 SF of nonresidential land uses (i.e. retail, restaurant, office, etc.). This 13,032 of additional nonresidential development is the residual development capacity already assumed by the ETSP. Future residential and nonresidential development considered as part of the EIR is anticipated to occur within existing undeveloped areas, and this Project does not assume demolition of existing structures. A specific development project is not proposed as part of this Project. The Initial Study and the forthcoming EIR will analyze anticipated impacts associated with the construction and operation of the potential future residential and nonresidential development.

POTENTIAL ENVIRONMENTAL EFFECTS: An EIR will be prepared to evaluate the Project's potential environmental impacts. As determined by the Initial Study, the topic areas to be discussed in the EIR are Air Quality, Energy, Greenhouse Gas Emissions, Groundwater Recharge and Supply, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems impacts.

PUBLIC REVIEW PERIOD: This Notice of Preparation (NOP) and Initial Study will be available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15082(b). Please provide any comments by **March 27, 2024 at 5:00 p.m.** to the contact person listed below.

RESPONSES AND COMMENTS: Please indicate a contact person for your agency or organization and send your questions and comments to: Samatha Beier, Senior Planner; Phone: (714) 573-3354; E-mail: SBeier@tustinca.org; Mailing Address: City of Tustin, Community Development Department, 300 Centennial Way, Tustin, CA 92780; Website: <http://www.tustinca.org>.

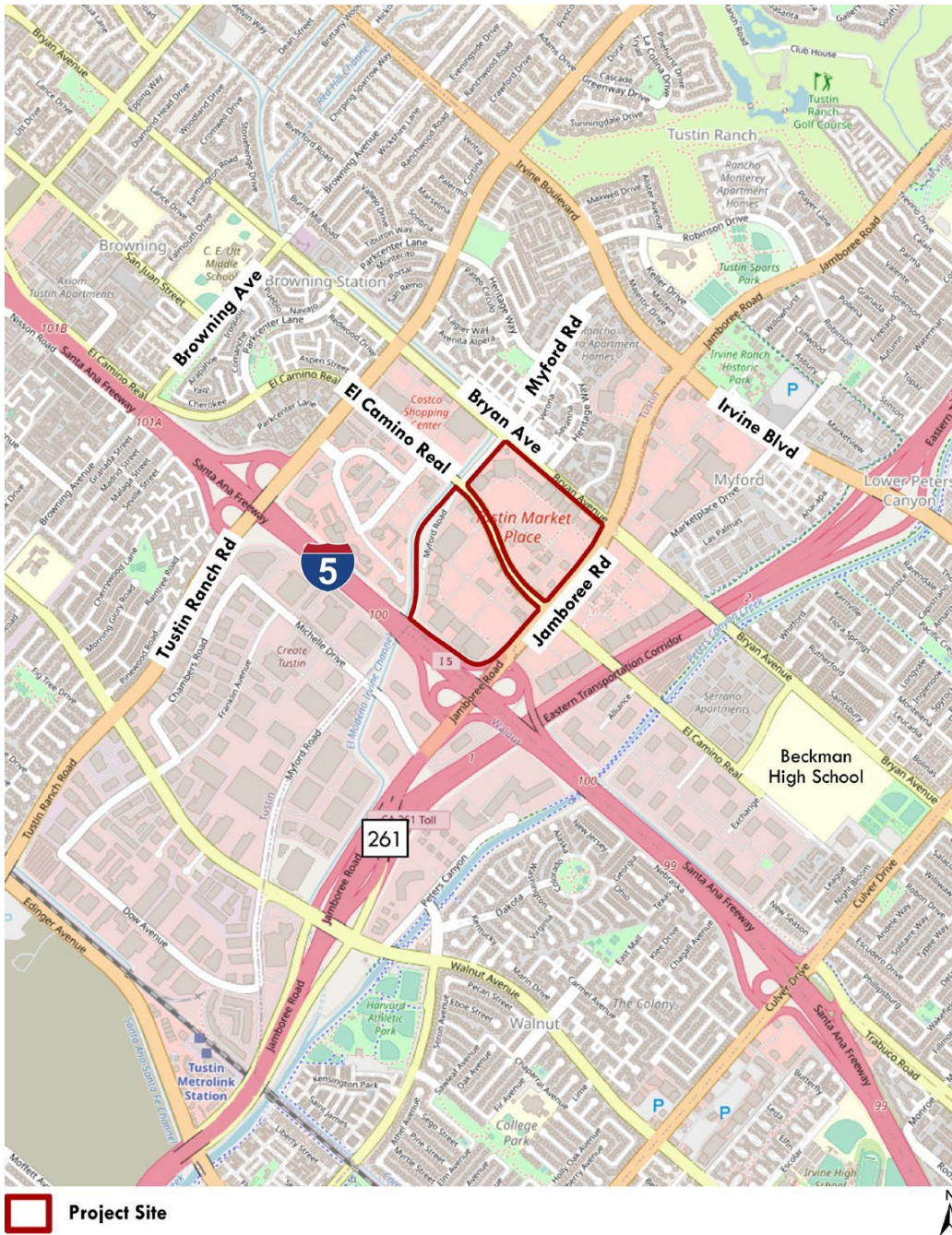
SCOPING MEETING: One scoping meeting will be held to receive comments on the proposed scope and content of The Market Place Rezone Project Draft EIR. You are invited to attend and present environmental information that you believe should be addressed in the Draft EIR. The meeting is scheduled for:

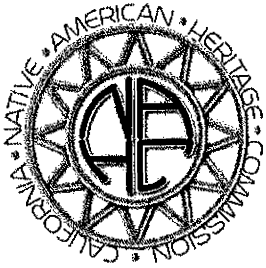
Date: Wednesday, March 13th, 2024
Time: 5:00 p.m.
Place: Community Center at the Market Place
2961 El Camino Real
Tustin, CA 92782

DOCUMENT AVAILABILITY: The Initial Study is available for public review during regular business hours at the City of Tustin Community Development Department listed above and the Tustin Library, 345 E. Main Street, Tustin. The Initial Study can also be viewed on the City of Tustin website at the following address (URL): www.tustinca.org/HousingElementRezone.

NOTICE OF PREPARATION AND SCOPING MEETING

Figure 1 - Vicinity Map





NATIVE AMERICAN HERITAGE COMMISSION

February 26, 2024

Samantha Beler
City of Tustin
300 Centennial Way
Tustin CA 92780

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

SECRETARY
Sara Dutschke
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Wayne Nelson
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Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Vacant

EXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2024020969, The Market Place Rezone Project, Orange County

Dear Ms. Beler:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@NAHC.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

California Department of Transportation

DISTRICT 12
1750 East 4th Street, Suite 100 | SANTA ANA, CA 92705
(657) 328-6000 | FAX (657) 328-6522 TTY 711
<https://dot.ca.gov/caltrans-near-me/district-12>



March 18, 2024

Samantha Beier
City of Tustin
300 Centennial Way
Tustin, CA 92780

File: LDR/CEQA
SCH#2024020969
LDR LOG #202402499
I-5

Dear Ms. Beier,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation of a Draft Environmental Impact Report for the Market Place project. The City is proposing to designate an 18-acre portion of the overall 76.9-acre Project site exclusively for residential development. The 18-acre site consists of seven parcels (full or partial APNs 500-291-06, -07, -11, -12, and -25 and 500-312-03 and -10), which are primarily used as surface parking lots.) This new High Density Residential designation would allow for the future development of up to 900 dwelling units on the Project site, consistent with the certified 2021-2029 Housing Element Update. The Project site is generally bounded by Myford Road to the northwest, Bryan Avenue to the northeast, Jamboree Road to the southeast and I-5 (Santa Ana Freeway) to the southwest.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Caltrans is a responsible agency on this project and has the following comments:

1. Due to the proximity of the proposed project to I-5 potential impacts are anticipated. Please submit a Traffic Impact Study that includes any potential mitigation measures necessary. If impact analysis leads to findings of significance, please coordinate with Caltrans District 12 Local Development on development of a Traffic Mitigation Agreement or similar efforts.
2. Please refer to OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA and Caltrans' Transportation Impact Study Guide for the VMT assessment. Pursuant to SB 743, VMT is a required metric for transportation impact analysis per CEQA Guidelines Section 15064.3. Potential Significant impacts to traffic safety and operations on the I-5 freeway facility (mainline, on/off ramps, intersections). Please provide a VMT study for the project in the EIR. Caltrans' Transportation Impact Study Guide: <https://dot.ca.gov/-/media/dot->

media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

3. 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 and promote improved first-/last-mile connections. Caltrans encourages connecting this housing development with bike lanes on Bryan Avenue and Jamboree Road for the future use of residents to connect to transit hubs. Please see (Metrolink Stations) and other transit services (OCTA). consider Caltrans DIB 89-02 (<https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib-89-02-final-a11y.pdf>) when designing and implementing Class IV bikeways; consider HDM 1003.1 (CHAPTER 1000 (ca.gov)) when designing Class I bikeways. For additional guidance on proposed bike parking, see "Essentials of Bike Parking" guidance created by the Association of Pedestrian and Bicycle Professionals (link to online PDF: <https://www.apbp.org/Publications>)
4. Please Provide a discussion of existing bus route services and potential future transit improvement opportunities for all including intercounty and regional connectivity along with connectivity to rail services from the nearest train stations provided by both Metrolink and Amtrak Pacific Surfliner. Encourage the use of transit among future residents, visitors, and workers of the development. Increasing multimodal transportation may lead to a reduction to congestion, Vehicle Miles Traveled, and improve air quality. Provide adequate wayfinding signage and related amenities to the transit stops within the project vicinity roadways.
5. Ensure that truck parking, ingress and egress, and staging will not interfere with vehicle parking, pedestrian paths, or bicycle lanes/bicycle parking.
6. Establish freight pick up & drop off times that do not coincide with peak commute hours to reduce passenger vehicle conflicts and congestion for freight. Consider designating on-street freight-only parking and delivery time windows so trucks will not resort to double parking, thus causing street traffic congestion.
7. For the multifamily residential units proposed, consider how many individual packages will be delivered daily to individual residences. Amazon lockers or an equivalent shared drop-off location can help reduce the amount of driving done by delivery trucks and can increase the efficiency of deliveries.

8. Work with local partners and community representatives to mitigate any truck traffic routing onto residential streets or conflicting with other road users, including and especially bicyclists and pedestrians.
9. In the event of any work performed within Caltrans right-of-way, an encroachment permit will be required prior to construction. Please submit all applications and associated documents/plans via online web portal base Caltrans Encroachment Permit System (CEPS) at <https://ceps.dot.ca.gov/>
10. Any work performed within Caltrans right of way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. Applicant must submit a signed Standard Encroachment Permit application form TR-0100 along with a deposit payable to Caltrans. Deposit amount will be dependent on when the application is submitted. Public corporations are legally exempt from encroachment permit fees. Please note that all utility work should be disclosed prior to permit submittal, and utility companies are to apply for separate permits for their corresponding work.

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Maryam Molavi, at Maryam.Molavi@dot.ca.gov.

Sincerely,



Scott Shelley
Branch Chief – Local Development Review/Climate Change/Transit
District 12

March 27, 2024

Samantha Beier
Senior Planner
City of Tustin
Community Development Department
300 Centennial Way
Tustin, CA 92780

Subject: Notice of Preparation of an Environmental Impact Report for the Market Place Rezone Project

Dear Ms. Beier,

Irvine Company appreciates the opportunity to provide feedback regarding the City of Tustin's Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City's Market Place Rezone Project. The Market Place site is 76.9 acres in size and is generally bounded by Jamboree, Bryan, Myford and the Interstate 5 Freeway in the City of Tustin. Irvine Company is the owner of the property and operates a regional shopping center at this location.

The City adopted its state-certified Housing Element in October 2022 and identified 19 housing opportunity sites to meet its state-mandated Regional Housing Needs Assessment (RHNA) allocation of 6,782 housing units. Site 18 listed in the previously-approved Housing Element is the Market Place site and was anticipated to accommodate 900 units on an 18-acre portion of the shopping center site, currently used for surface parking.

Proposed City actions include a General Plan Amendment, East Tustin Specific Plan Amendment and adoption of Objective Design Standards to accommodate 900 residential units on 18 acres of surface parking at the Market Place site. The remaining portion of the site would remain designated for nonresidential uses in the East Tustin Specific Plan.

Relative to implementing measures designed to accommodate 900 housing units at the Market Place, we would like to note that as specifically outlined in the Rezone Project, a future housing project would not likely be developed within the 18-acre portion of the existing shopping center parking lot.

As might be imagined, both physical and operational constraints will impact precise residential location. For example, many Irvine Company tenant agreements at the Market Place contractually limit parking modifications, thus a housing development relying solely on a location in the parking lot could be problematic.

Accordingly, a housing development would likely involve some combination of area currently used as surface parking and retail building square footage, with options to retain the retail square footage (likely reconfigured and/or replaced elsewhere onsite).

As such and in order to allow for comprehensive master site planning in the future, the proposed East Tustin Specific Plan should include an option that allows the allocated 900 units to be built on an any 18-acre portion of the Market Place site.

This flexibility would achieve the State's housing goals by locating state-mandated housing on sites best suited for housing and streamlining processes for future housing projects by establishing General Plan and zoning policies upfront.

Irvine Company appreciates the opportunity to comment on the NOP and to work with City staff on this important planning effort. We would welcome an opportunity to meet with City staff to discuss our comments in greater detail.

Sincerely,



Jennifer Le
Senior Director, Entitlement

The Market Place Rezone Project

Initial Study

Lead Agency:

City of Tustin
300 Centennial Way
Tustin, CA 92780

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Appendix A Cultural Record Search Results

Acronym List

A-P	Alquist-Priolo Earthquake Fault Zoning Act
AQMP	Air Quality Management Plan
AB	Assembly Bill
APN	Assessor's Parcel Numbers
BMPs	Best Management Practices
CARB	California Air Resources Board
CBC	California Building Code
CEQA	California Environmental Quality Act
CNEL	Community Noise Equivalent Level
dBA	A-weighted decibel
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
GHG	Greenhouse Gas
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NPDES	National Pollutant Discharge Elimination System
NAHC	Native American Heritage Commission
NO _x	Nitrous Oxides
O ₃	Ozone
PM	Particulate Matter
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCAG	Southern California Association of Governments
SWPPP	Stormwater Pollution Prevention Plan
TPZ	Timberland Production Zone
USFWS	United States Fish and Wildlife Service
USGS	United States Geologic Survey
WQMP	Water Quality Management Plan

1 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

This Initial Study has been prepared in accordance with the following:

- California Environmental Quality Act (CEQA) of 1970 (Public Resources Code Sections 21000 et seq.);
- Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines) (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 et seq.), as amended and approved on December 28, 2018.

Pursuant to CEQA, this Initial Study has been prepared to analyze the potential for significant impacts on the environment resulting from implementation of the proposed Project, described in greater detail in Section 3, *Project Description*. As required by State CEQA Guidelines Section 15063, this Initial Study is a preliminary analysis prepared by the Lead Agency, the City of Tustin, to determine if a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR) is required to evaluate the potential environmental impacts associated with the Project.

This Initial Study informs City of Tustin decision-makers, affected agencies, and the public of potentially significant environmental impacts associated with the implementation of the Project. A “significant effect” or “significant impact” on the environment means “a *substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project*” (State CEQA Guidelines Section 15382).

Given the Project's broad scope and level of detail, combined with previous analyses and current information about the site and environs, the City's intent is to adhere to the following CEQA principles:

- Provide meaningful early evaluation of site planning constraints, service and infrastructure requirements, and other local and regional environmental considerations (Public Resources Code Section 21003.1).
- Encourage the applicant to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time (State CEQA Guidelines Section 15004[b][3]).
- Specify mitigation measures for reasonably foreseeable significant environmental effects and commit the City to future measures containing performance standards to ensure their adequacy when detailed development plans and applications are submitted (State CEQA Guidelines Section 15126.4).

1.2 DOCUMENT ORGANIZATION

This Initial Study includes the following sections:

Section 1. Introduction.

Provides information about CEQA and its requirements for environmental review and explains that an Initial Study was prepared to evaluate the proposed Project's potential impacts to the physical environment, and to determine if an EIR is required.

Section 2. Environmental Setting.

Provides information about the proposed Project's location.

Section 3. Project Description.

Includes a description of the proposed Project's physical features and characteristics.

Section 4. Environmental Checklist.

Includes the Environmental Checklist from Appendix G of the State CEQA Guidelines and identifies what subject areas were determined to be new significant environmental effects or previously identified effects that have a substantial increase in severity, based on the analysis in Section 5.

Section 5. Environmental Analysis.

Evaluates the proposed Project's potential to result in significant adverse effects to the physical environment and identifies if an EIR is required, and what environmental topics need to be analyzed in the EIR if so.

2 ENVIRONMENTAL SETTING

2.1 PROJECT BACKGROUND

The City of Tustin is required by State law to periodically update its Housing Element, a mandatory component of the City's General Plan. The Housing Element is the City's housing policy and planning document that identifies housing needs and constraints, and sets forth goals, policies, and programs that address the future housing needs for all income levels over an eight-year planning period that coincides with a Regional Housing Needs Allocation (RHNA). The City of Tustin prepared the 2021-2029 Housing Element of the General Plan – the most recent update to the Housing Element that covers the Sixth Cycle planning period from October 15, 2021, to October 15, 2029 – in accordance with Government Code Section 65580 et seq. (*Housing Elements*).

On October 5, 2021, the City Council adopted Resolution No. 21-86, certifying the Negative Declaration (ND) for General Plan Amendment (GPA) 2021-0002, which analyzed environmental impacts related to the City's Draft Housing Element Update of the General Plan (Resolution No. 21-87, approving GPA 2021-0002). Following preparation of the Draft Housing Element Update and certification of the ND, the Draft Housing Element went through several rounds of revisions and submittal for review to the State Department of Housing and Community Development (HCD). The City received formal HCD certification of the Housing Element Update on September 12, 2022. On October 4, 2022, the City Council adopted Resolution No. 22-47, approving GPA 2022-0002 for the final Housing Element Update.

The 2021-2029 Housing Element includes several provisions that aim to ensure the City can meet the required "fair share" of affordable housing units, as specified by the State of California. During the Housing Element process, the City assessed a number of sites and areas throughout the community that would be able to accommodate the City's assigned 2021 Regional Housing Needs Allocation (RHNA). The City identified 19 sites and one housing category (accessory dwelling units [ADUs]/junior accessory dwelling units [JADUs]) as qualifying sites to accommodate its RHNA allocation. Of the 19 Housing Element inventory sites, The Market Place (Housing Element Site 18) was identified as necessary for rezoning under Housing Element Program 1.1f in order to allow for high density residential development.

The Market Place (Project site) is an approximately 76.9-acre shopping center. 18 acres of the Project site, currently used as surface parking, have been identified as being suitable for housing development. Per the adopted City General Plan 2021-2029 Housing Element, redevelopment of the 18 acres is expected to accommodate up to 900 housing units.

2.2 PROJECT LOCATION

The Project site is located within the City of Tustin, which is in the central portion of Orange County and is surrounded by the cities of Irvine to the south and east, Santa Ana to the west, and Orange and unincorporated Orange County to the north. Major freeways and highways within or bordering the City of Tustin are the I-5 freeway through the center, State Route (SR) 55 to the west, SR 261 to the east, and the I-405 freeway to the south, as illustrated in Figure 2-1, *Regional Location*.

The Project site includes 76.9 acres and is generally bounded by Myford Road to the northwest, Bryan Avenue to the northeast, Jamboree Road to the southeast and I-5 (Santa Ana Freeway) to the southwest. The local vicinity of the Project site is illustrated in Figure 2-2, *Local Vicinity*. The 18 acres of the Project site that have been identified as suitable for housing development are comprised of Assessor's Parcel Numbers (APNs) 500-291-06, -07, -11, -12, and -25 and 500-312-03 and -10.

2.3 EXISTING PROJECT SITE

The Market Place is currently developed with 747,165 square feet (SF) of commercial business, including restaurants, retail, and service commercial uses, and has approximately 13,032 SF of additional square footage entitled for the commercial uses, though no plans have been submitted to date. The site also includes surface parking and ornamental landscaping along the perimeter and throughout the parking areas. Figure 2-3, *Aerial View*, illustrates the Project site in its current condition. Figure 2-4, *Project Site APNs*, depicts the Project site parcels.

2.4 EXISTING GENERAL PLAN LAND USE AND ZONING DESIGNATIONS

The Project site has a General Plan land use designation of Planned Community Commercial/Business (PCCB) and a zoning designation of East Tustin Specific Plan – SP-8 (ETSP). The Project site is identified Mixed Use (MU) within the ETSP. Accordingly, the site is intended for development of planned retail commercial, office, and industrial/research and development land uses of an intensity compatible with neighboring residential and the Auto Center land uses; and the Mixed Use zoning is intent of provide an opportunity for development to respond to future changes in economic and market forces. The Project site’s existing General Plan land use and zoning designations are shown in Figure 2-5, *Existing General Plan Land Use* and Figure 2-6, *Existing Zoning*.

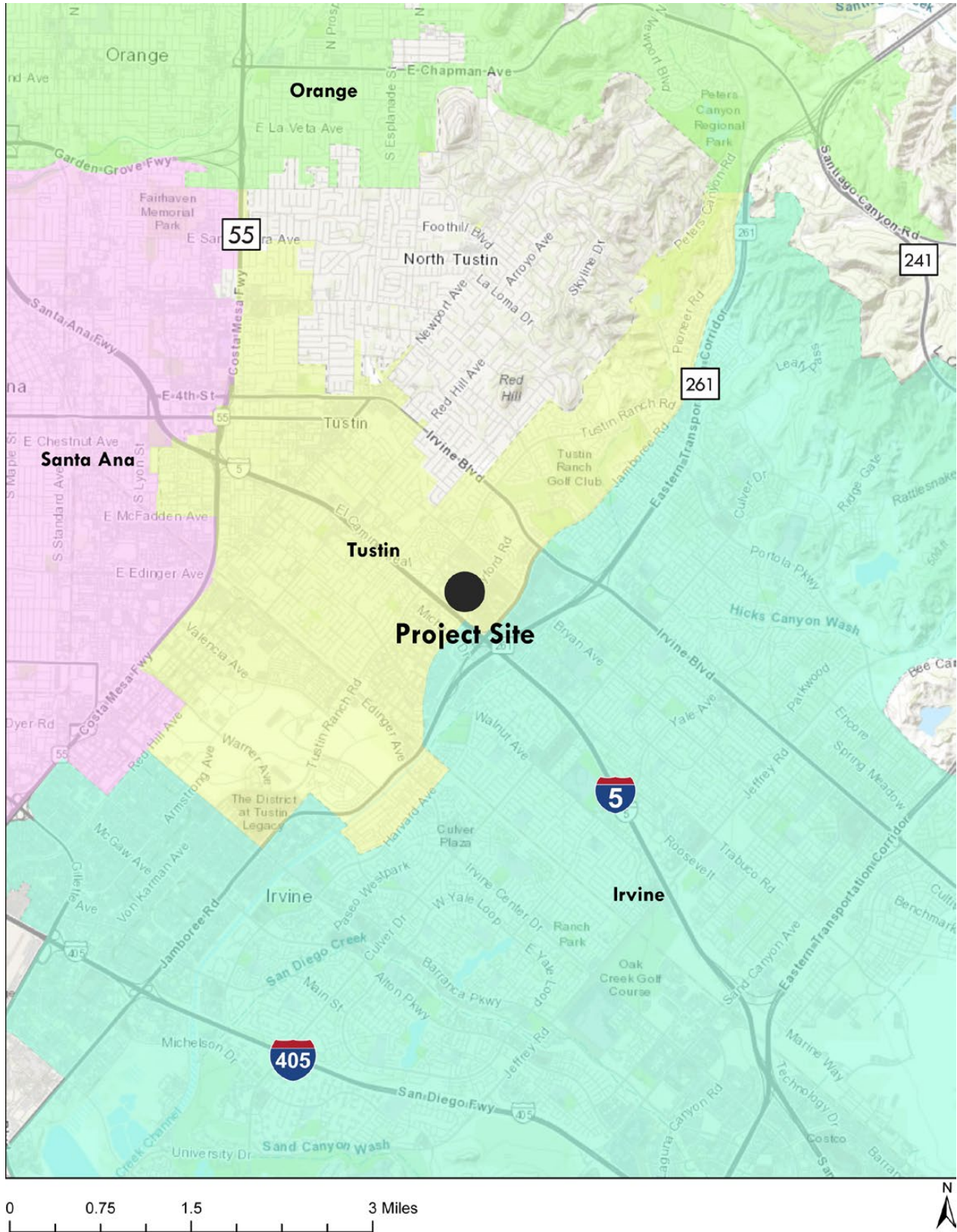
2.5 SURROUNDING LAND USES

The Project site is located within a developed area. The surrounding land uses and their designations are described in Table 2-1.

Table 2-1: Surrounding Existing Land Use and Zoning Designations

	Existing Land Use	General Plan Designation	Zoning Designation
Northeast	Bryan Avenue followed by multi-family and condominium residential uses	Planned Community Residential (PCR)	Planned Community Residential (PC RES), ETSP (SP-8)
Southeast	Jamboree Road followed by Tustin City Limits and continuation of The Market Place	City of Irvine: Regional Commercial (RGC)	City of Irvine: 4.9 – LPC Regional Commercial
Southwest	Interstate 5 followed by Tustin City Limits	City of Irvine: Community Commercial (COC) and Research/Industrial (REI)	City of Irvine: 4.2E – Community Commercial
Northwest	Myford Road followed by El Modena-Tustin Channel and commercial uses	Planned Community Commercial/Business (PCCB)	ETSP (SP 8), Mixed Use (MU),

Regional Location



The Tustin Market Place Rezone Project
City of Tustin

Figure 2-1

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Local Vicinity



The Tustin Market Place Rezone Project
City of Tustin

Figure 2-2

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Aerial View



 Project Site



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Project Site APNs



 Project Site  Parcel Boundary  Rezone Site with Potential for Residential Development

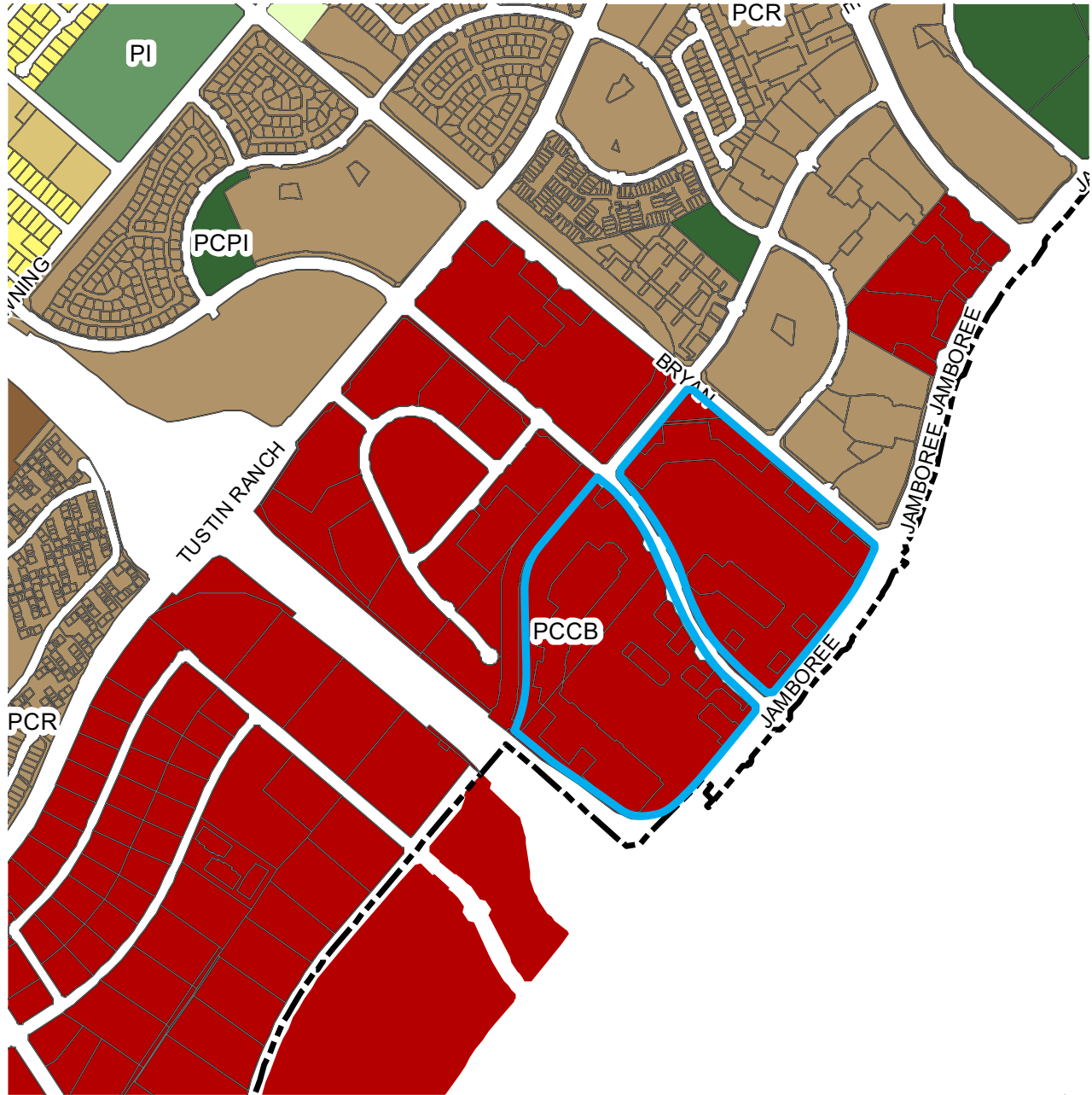







The Tustin Market Place Rezone Project
City of Tustin

Figure 2-4

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Existing General Plan Land Use Designation

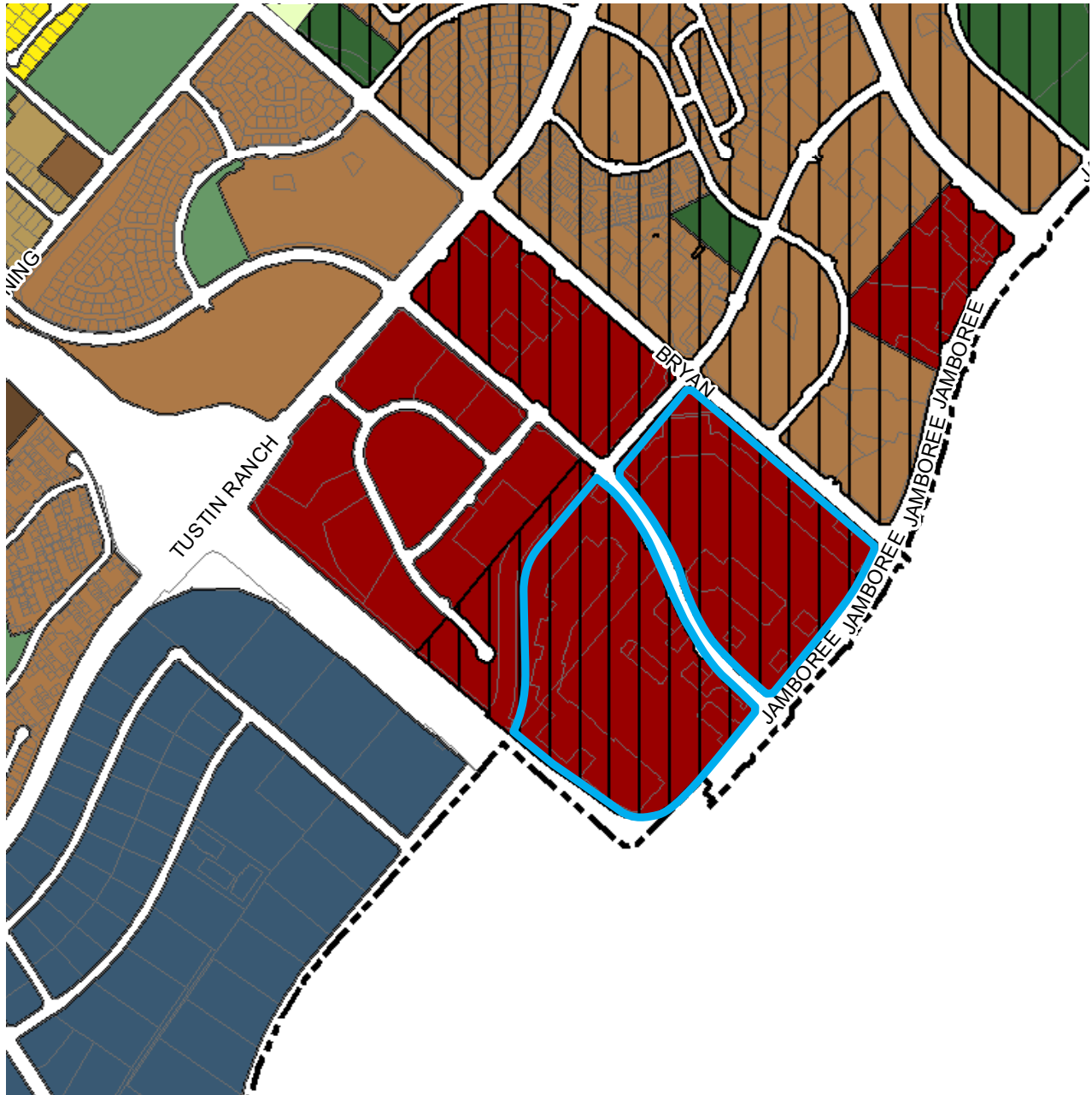


-  Project Site
-  PCCB - Planned Community Commercial/Business
-  PCR - Planned Community Residential
-  PCPI - Planned Community Public/Institutional
-  PI - Public/Institutional
-  Tustin City Limits




















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Existing Zoning



 Project Site

-  R1 - Single Family Residential
-  R2 - Duplex Residential
-  R3 - Multiple Family Residential
-  R4 - Suburban Residential
-  PC RES - Planned Community Residential
-  PD - Planned Development
-  MHP - Mobile Home Park
-  PR - Professional

-  C1 - Retail Commercial
-  C2 - Central Commercial
-  CG - Commercial General
-  PC COM - Planned Community Commercial
-  PM - Planned Industrial
-  M - Industrial
-  PC IND - Planned Community Industrial
-  PI - Public and Institutional
-  PCPI - Planned Community Public and Institutional

-  SP 1 - Tustin Legacy
-  SP 3 - International Rectifier
-  SP 4 - Tustin Plaza
-  SP 6 - Holt Warren
-  SP 8 - East Tustin
-  SP 9 - Yorba Street
-  SP 11 - Pacific Center East
-  SP 12 - Downtown Commercial Core
-  SP 13 - Red Hill Avenue



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Existing Site Photos



Intersection of Jamboree Rd and West Dr looking west.



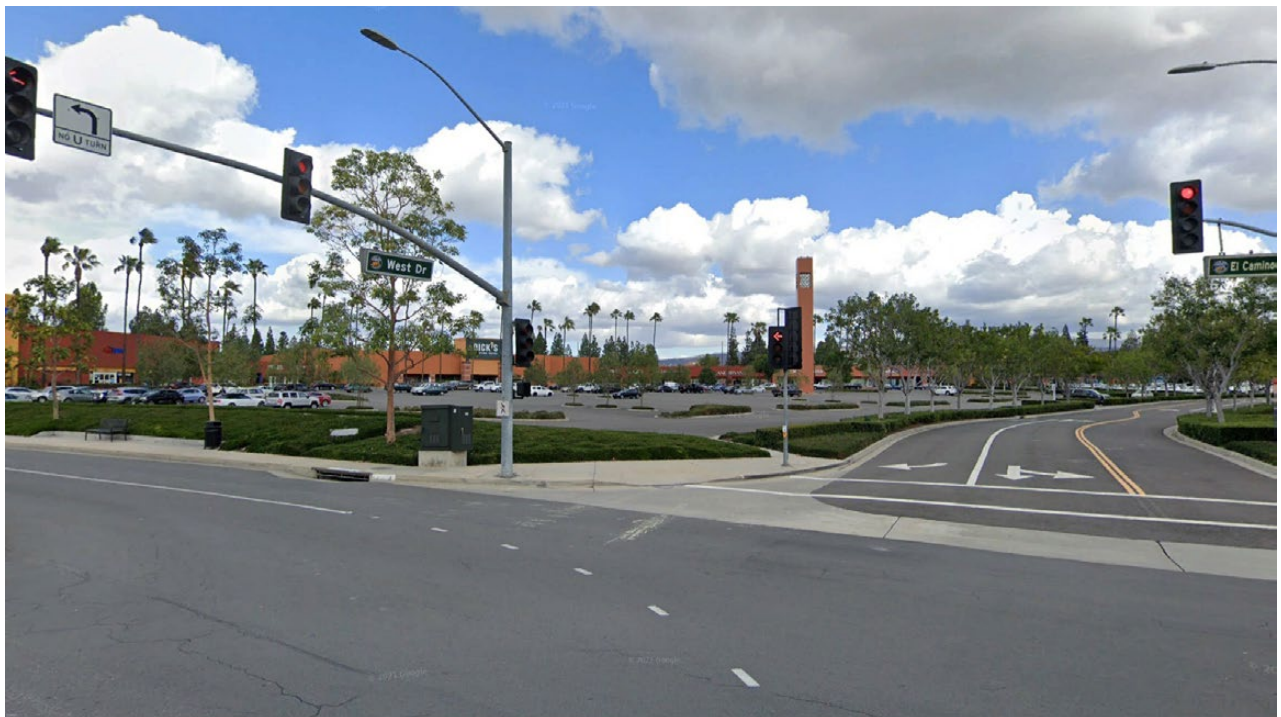
Parking area south of El Camino Real and West Dr.

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Existing Site Photos



Parking area west of Jamboree Rd and south of El Camino Real looking northwest.



View of parking area at West Dr and El Camino Real intersection.

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3 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

Pursuant to Housing Element Program 1.1f, the City is proposing to zone an 18 acre portion of The Market Place to allow residential only development. This action requires a General Plan Amendment (GPA) to establish that higher density residential uses are allowed in the Planned Community Commercial Business Designation when prescribed by a Housing Overlay (HO) district or a Specific Plan (SP). It also requires a Specific Plan Amendment (SPA) to identify “High Density Residential” as a new residential density category available within the plan. Additionally, the SPA would identify “High Density Residential” as an allowable use within the MU land use of the ETSP. The SPA would designate the 18-acre site (full and partial APNs 500-291-06, -07, -11, -12, and -25 and 500-312-03 and -10) with the “High Density Residential” use.

The Project implements the City’s General Plan Housing Element, which identifies the Project site as having a capacity of up to 900 housing units on 18 acres within seven parcels (APNs 500-291-06, -07, -11, -12, and -25 and 500-312-03 and -10). The anticipated development density was determined through the Housing Element process and is a conservative estimate based on trends in nearby communities. The anticipated development does not rely on the demolition of any existing buildings, but rather focuses on areas currently used for surface parking. In addition to analyzing 900 future residential units on the 18-acres rezone site, the EIR will also analyze the remaining development potential of The Market Place, which is 13,032 SF of nonresidential land uses (i.e. retail, restaurant, office, etc.). This 13,032 of additional nonresidential development is the residual development capacity already entitled but not constructed. No development is proposed as part of this Project; however, the Initial Study and the forthcoming EIR will analyze anticipated impacts associated with the construction and operation of all potential future residential and nonresidential development. Table 3-1 lists the existing and proposed Project site characteristics.

Table 3-1: Existing and Proposed Project Site Characteristics

	Existing			Proposed			
	GP Land Use	Zoning Designation	Maximum Allowable Units	GP Land Use	Zoning Designation	Maximum Residential Acreage	Maximum Allowable Units
The Market Place	PCCB	SP-8 (MU)	0	PCCB	SP-8 (MU)	18	900

3.2 PROJECT FEATURES

“Project,” as defined by the CEQA Guidelines, means:

“the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1) ...enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700” (14 Cal. Code of Reg. §15378(a)).

This Initial Study and the subsequent Draft EIR analyze buildout at a Project level of detail, based upon entitlement applications being considered by the City of Tustin, compared to the existing conditions.

General Plan Amendment

As described in Section 2, *Environmental Setting*, the Project site has a General Plan land use designation of Planned Community Commercial/Business (PCCB). The PCCB designation is one of several “PC” designations

in the City's General Plan, which are intended to provide for a mix of commercial and office uses, such as hotel/motels, commercial centers, research and development, and professional offices. The Planned Community designations may also permit other uses, such as residential uses, which support the is land use proposal. However, the overall population density range for residential uses within the PCCB designation is currently 2 to 54 persons per acre. Therefore, the General Plan Amendment (GPA) will establish that a higher density of residential uses are allowed in the PCCB designation, subject to density limits established by a Housing Overlay (HO) district, or as established by a specific plan.

Specific Plan Amendment

Residential

As described in Section 2, *Environmental Setting*, within the ETSP, the Project site is designated as Mixed Use (MU), which is intended for development of planned retail commercial, office, and industrial/research and development land uses of an intensity compatible with neighboring residential and the Auto Center land uses. Residential uses are not currently permitted on the Project site within the ETSP. During the Housing Element process, the City identified The Market Place as a suitable commercial site for rezoning to allow higher density housing, including horizontal or vertical mixed-use developments.

Consistent with the requirements of Government Code § 655832(h), seven parcels (whole or partial) are proposed to be rezoned exclusively for residential use (non-residential uses are prohibited), allowing for 18-acres of the Project Site to be developed with housing, as identified in the Housing Element (inclusive of APNs 500-291-06, -07, -11, -12, and -25 and 500-312-03 and -10). Through a SPA to the ETSP, the new High Density Residential (HDR) designation would allow for up to 900 dwelling units within the Project site.

The ETSP would also be amended to implement objective development standards (ODS) related to parking, height, design, and other design criteria applicable to residential development. The ODS would be used during design review to ensure future project consistency with City design standards and would guide overall compatibility of future development with the surrounding area. Projects proposed in compliance with the adopted ODS would be approved by right.

Nonresidential

The remaining portion of the Project site, approximately 58 acres, would remain designated as nonresidential land use within the ETSP. There is currently 13,032 SF of remaining commercial capacity within the nonresidential-designated area of the Project site. Therefore, the Project anticipates the future nonresidential capacity buildout of 13,032 SF within a portion of the Project site that allows non-residential development. Future nonresidential projects proposed pursuant to the remaining development capacity would be required to comply with the existing MU development standards, and the City's plan review process. Future nonresidential development considered as part of the EIR is anticipated to be developed within exiting undeveloped areas, and this Project does not assume demolition of existing structures. No development is proposed as part of this Project.

Housing Element Programs

The 2021-2029 Housing Element included several housing programs to be implemented during the 2021-2029 planning period. The discussion below outlines programs that are applicable to the proposed Project.

Program 1.2a

Program 1.2a provides that the City will amend its Zoning Code to remove subjective design guidance in TCC Section 9272 (Design Review) and adopt new ODS to ensure that the City can provide clear guidance on design to streamline the approval of high-quality residential development. The ODS would include

provisions consistent with the requirements of Senate Bill (SB) 35. Program 1.2a, as applies to the Housing Site Inventory, is anticipated to be complete in October 2024.

As discussed above, the ETSP would include ODS as a result of Housing Element Program 1.2a that would apply to residential projects proposed within the residential-designated areas of the Project site.

Program 1.2c

Program 1.2c directs the City to develop parking standards to facilitate residential housing production as part of mixed-use developments, adaptive reuse projects, and new residential developments. The program provides that parking displaced as a result of redevelopment may be replaced with vertical parking structures, as needed, to provide required parking. Additionally, the parking standards would incentivize creative parking strategies such as parking credits for transit rich development and allowance of parking structures and parking lifts, by right, and subject to ODS.

The proposed Project would utilize these future parking standards to replace displaced parking as a result of future development within The Market Place.

Infrastructure Improvements

Roadways and utilities may be required to support development of projects within the rezone site. Future onsite infrastructure improvements that may be necessary for residential development within The Market Place would include storm drains, wastewater, water (potable and reclaimed), and dry utilities that would connect to existing facilities within the Project site or adjacent to the Project area. Specific infrastructure improvements required to support residential development within The Market Place are not known at this time, and will not be known until a development project is proposed.

3.3 PROJECT OBJECTIVES

CEQA Guidelines §15124(b) (Title 14 California Code of Regulations [CCR]) requires “A statement of objectives sought by the proposed project. A clearly written statement of objectives would help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and would aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.” The primary purpose and goal of the Project is to accommodate the City’s 6th Cycle RHNA identified within the City of Tustin 2021-2029 Housing Element. The Project would achieve this goal through the following objectives:

- Rezoning to allow residential development at densities to achieve the estimated capacities determined in the Housing Element, and without inhibitors to residential development, such as overly stringent standards.
- Increase the number of housing opportunities available in Tustin to ensure the City provides its fair share of housing units within a variety of income categories.
- Increase flexibility in allowed uses and development potential in the City of Tustin.
- Promote a diverse housing stock with products that are offered at a wide range of sizes and affordability.

3.4 DISCRETIONARY APPROVALS AND PERMITS

The City of Tustin has primary approval responsibility for the Project. As such, the City serves as the Lead Agency for the Project’s EIR pursuant to CEQA Guidelines §15050. The Tustin Planning Commission will evaluate the EIR and the Project and make a recommendation to the City Council as to whether the Project should be approved, and the EIR certified. The City Council is the decision-making authority for the Project and will consider the Project along with the Planning Commission’s recommendations, and will make a final

decision to approve, approve with changes, or deny the Project. The City, including the Planning Commission and the City Council, will consider the information in the EIR and the Project's administrative record in its decision-making processes. In the event of approval of the Project and certification of the EIR, the City would conduct administrative and discretionary review (if applicable) and grant ministerial and discretionary permits and approvals to implement Project requirements, conditions of approval, and future developments within The Market Place, as applicable. Approval and implementation of the Project requires City approval of the following discretionary actions:

- Certification of the EIR,
- Specific Plan Amendment to the East Tustin Specific Plan;
- Adoption of Objective Residential Design Standards and Development Guidelines; and
- General Plan Amendment.

The Project's EIR may be used by various governmental decisionmakers for discretionary permits and actions that are necessary or may be requested in connection with implementation of future development projects pursuant to the Project. Additional discretionary, administrative, and/or ministerial actions may be necessary from other responsible agencies to fully implement the Project.

The state or local agencies that may rely upon the information contained in this EIR when considering approval of permits may include, but are not limited to, the following:

- Irvine Ranch Water District for approval of the Water Supply Assessment; and
- Tustin Unified School District.

4 ENVIRONMENTAL CHECKLIST

4.1 BACKGROUND

Project Title: The Market Place Rezone Project
Lead Agency: City of Tustin
Lead Agency Contact: Samantha Beier, Senior Planner
Project Location: West of Jamboree Rd., South of Bryan Ave., East of Myford Rd., and North of Santa Ana Freeway (Interstate 5), CA 92782
Project Sponsor's Name and Address: City of Tustin, 300 Centennial Way, Tustin, CA 92780
General Plan and Zoning Designation: The Project site has a General Plan land use designation of Planned Community Commercial/Business (PCCB) and a zoning designation of East Tustin Specific Plan (SP 8). The Project site is designated as Mixed Use (MU) within the ETSP and as shown in Figure 2-5, <i>Existing General Plan Land Use</i> and Figure 2-6, <i>Existing Zoning</i> .
Project Description: Pursuant to the City's 2021-2029 Housing Element Program 1.1f, the City is proposing to rezone a portion of The Market Place to allow residential development, which would require a General Plan Amendment and Specific Plan Amendment to the East Tustin Specific Plan. The Housing Element identifies the Project site as having a capacity of up to 900 housing units. Analysis of potential future development does not rely on the demolition of any existing buildings, but rather focuses on 18 acres currently used for surface parking. No development is proposed as part of this Project.
Surrounding Land Uses and Setting: Northeast: Bryan Avenue followed by multi-family and condominium residential uses. Southeast: Jamboree Road followed by Tustin City Limits and continuation of The Market Place (Irvine). Southwest: Interstate 5 followed by Tustin City Limits. Northwest: Myford Road followed by El Modena-Tustin Channel and commercial uses.
Other Public Agencies Whose Approval is Required: None.

4.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The subject areas checked below were determined to have potentially new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances, or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture/Forestry Resources	<input checked="" type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Energy
<input type="checkbox"/>	Geology/Soils	<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards/Hazardous Materials
<input checked="" type="checkbox"/>	Hydrology/Water Quality	<input checked="" type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources
<input checked="" type="checkbox"/>	Noise	<input checked="" type="checkbox"/>	Population/Housing	<input checked="" type="checkbox"/>	Public Services
<input checked="" type="checkbox"/>	Recreation	<input checked="" type="checkbox"/>	Transportation	<input checked="" type="checkbox"/>	Tribal Cultural Resources
<input checked="" type="checkbox"/>	Utilities and Service Systems	<input type="checkbox"/>	Wildfire	<input checked="" type="checkbox"/>	Mandatory Findings of Significances

4.3 DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier analysis pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Name and Title

Lead Agency

4.4 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Guidelines Section 15063 (c)(3)(d). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

5 ENVIRONMENTAL ANALYSIS

This section provides evidence to substantiate the conclusions in the environmental checklist.

5.1 AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Have a substantial adverse effect on a scenic vista?

No Impact. Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting. A scenic vista can be impacted in two ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or “vista” of the scenic resource. Important factors in determining whether a proposed project would block scenic vistas include the project’s proposed height, mass, and location relative to surrounding land uses and travel corridors.

The City of Tustin General Plan designates several landforms and visual interest points as scenic resources within the Conservation Element (City of Tustin, 2018). The City of Tustin protects public views along the ridge lines, views toward the inland mountains and along scenic transportation corridors. Specifically, Policy 35, *Protect Scenic Views and Resources*, protects views of the Peter Canyon Ridgeline:

Policy 35. Protect Scenic Views and Resources: Through the Hillside Review process, monitor and limit development of Peters Canyon Ridgeline consistent with the requirements of the East Tustin Specific Plan, Grading and Excavation Code and Grading Manual.

The Project site is currently developed as a commercial site and is surrounded by other commercial developments. The Project site and public roadways surrounding the Project site, including I-5, Jamboree Road, Bryan Avenue, and Myford Road, do not provide views of Peters Canyon Ridgeline due to low elevation and visual obstruction by surrounding buildings and trees (see Figure 2-7, *Site Photos*).

The Project would include a GPA and SPA for the Project site to allow future development of up to 900 housing units, consistent with the City's certified 2021-2029 Housing Element. Future development would be constructed within the boundaries of the existing Project site, which is not a designated scenic vista or provide views of designated scenic resources. Therefore, the Project would result in no impact.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California Department of Transportation (Caltrans) Scenic Highway Map, the City of Tustin does not contain any scenic highways within or surrounding the City (California Department of Transportation, 2018). The nearest state scenic highway is Route 91 in the City of Orange, approximately 8.5 miles to the north. According to the County of Orange General Plan, there are no designated scenic roadways or scenic vistas in the Project vicinity (County of Orange, 2005). Therefore, the Project would have no impact on scenic resources within a state scenic highway.

c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). Or if the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The Project site is currently developed as a commercial site and is surrounded by other commercial developments. The Project site has a General Plan land use designation of Planned Community Commercial/Business (PCCB) and a zoning designation of Mixed Use (MU) within the East Tustin Specific Plan (SP 8). The Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units within 18 acres on seven parcels of the Project site, consistent with the City's certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. Additionally, the Project anticipates the future nonresidential capacity buildout of 13,032 SF within to occur nonresidential-designated areas of the Project site. No development is proposed as part of this Project.

Per Housing Element Program 1.2a, the City will develop ODS to ensure high quality residential development for future residential proposed within the Project site, while simultaneously meeting the City's goal of streamlining residential development within the City to meet its RHNA goals. Development is not proposed as part of the Project; however, all future development proposed within the Project site would be subject to the requirement and provisions of the applicable ODS.

Design requirements established through ODS for the site would be developed to be highly compatible with the existing development standards for the site established through the ETSP. All future development would be required to comply with the City's ODS for the site, which would ensure high visual character and quality of future development within the Project site. Therefore, the Project would not conflict with applicable zoning and other regulations governing scenic quality and would have a less-than-significant impact on visual character and quality.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Spill light occurs when lighting fixtures such as streetlights, parking lot lighting, exterior building lighting, and landscape lighting are not properly aimed or shielded to direct light to the desired location and light escapes and partially illuminates a surrounding location. Sensitive uses (e.g., residential uses) surrounding the Project site could be impacted by the light from development within the boundaries of the Project site if light spill occurs.

Glare is the result of improperly aimed or blocked lighting sources that are visible against a dark background such as the night sky. Glare may also refer to the sensation experienced looking into an

excessively bright light source that causes a reduction in the ability to see or causes discomfort. Glare generally does not result in illumination of off-site locations but results in a visible source of light viewable from a distance. Glare could also occur from building materials of the new structures, including glass and other reflective materials.

The City of Tustin Municipal Code, Section 9271hh, *Light and Glare*, includes the following requirements:

All exterior lighting shall be subject to the following standards, unless otherwise exempted by the City of Tustin:

(a) Outdoor lighting shall be designed so as to minimize impacts from light pollution including light trespass and glare to minimize conflict caused by unnecessary illumination.

(b) Outdoor lighting fixtures that are used to illuminate a premises, architectural feature or landscape feature on private property shall be directed, shielded, or located in such a manner that the light source is not directed off-site.

The Project does not propose development but would allow for the future development of residential land uses within an existing commercial land use designation. Future development could add additional nighttime light sources, such as landscape lighting, security lighting, and the lighting from additional cars. As previously discussed, all future projects would be required to comply with the applicable ODS for the site. The ODS would include specific setbacks, lighting standards, and building materials that would ensure the avoidance of potential lighting impacts. Further, all future projects would be required to comply with the City's light and glare ordinance, which would be verified through plan check prior to project approval. Therefore, the Project would result in a less than significant impact.

5.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The State of California Department of Conservation’s Farmland Mapping and Monitoring Program is charged with producing maps for analyzing impacts on the state’s agricultural resources. California’s agricultural lands are rated based on soil quality and irrigation status. Per Section 21060.1 of the State CEQA Guidelines, the following categories qualify as “agricultural land”: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland.

Per the CDOC FMMP Map, the Project site is designated as Urban and Built-Up Land (California Department of Conservation, 2018). The City does not currently include any commercial agricultural land uses. Existing zoning categories within the City of Tustin do not allow for commercial agricultural uses. Therefore, the Project would result in no impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Williamson Act (California Land Conservation Act of 1965) restricts the use of agricultural and open space lands to farming and ranching by enabling local governments to contract with private landowners for indefinite terms in exchange for reduced property tax assessments.

The Project site is currently developed with commercial land uses and does not include agricultural land uses. The Project site is not currently under a Williamson Act contract. Therefore, the Project would result in no impact on existing zoning for agricultural use or a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. "Forest land" is defined as "land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." "Timberland" is defined as "land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees." "Timberland Production Zone" (TPZ) is defined as "an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h)."

The Project site is currently completely developed with commercial land use. The Project site does not include forest land or timberland. Additionally, the Project site is currently designated for Mixed-Use (MU) within the ETSP, which does not provide for forest land or timberland production and management. Therefore, the Project would result in no impact on zoning of forest land or timberland.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. As discussed above, the Project site is currently completely developed as commercial land use and does not include forest land. Therefore, the Project would have no impact on forest land.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The Project site is within an urbanized area and is currently completely developed as commercial land use. The area surrounding the Project site is also completely developed. The existing environment does not include any agricultural land uses or forest land. Therefore, the Project would have no impact on Farmland or forest land.

5.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) through d)

Potentially Significant Impact. As described in Section 3, *Project Description*, the Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units within 18 acres on seven parcels, consistent with the City’s certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. No development is proposed as part of this Project; however, the provision of development intensification could facilitate future operational air quality impacts. Residential land uses have not been previously analyzed through applicable air quality plans. The addition of residential land uses could result in a cumulatively considerable net increase of criteria pollutants within the study area. Additionally, the introduction of new land uses to existing development could expose sensitive receptors to substantial pollutant concentrations. Therefore, an air quality study will be conducted for the Project to determine potential impacts and air quality impacts will be further analyzed in an EIR.

5.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Wildlife or U.S. Fish and Wildlife Service?

No Impact. The Project site consists of approximately 76.9 acres that are developed with existing commercial uses, including restaurant, retail, and office establishments, a paved parking lot, and landscaping. The area proposed for future implementation of residential uses is limited to the existing parking lot areas scattered throughout the Project site over seven parcels (APNs 500-291-06, -07, -11, -12, and -25 and 500-312-03 and -10). Future nonresidential development would occur within the developed nonresidential areas. The Project site is surrounded by urban development with structures, paved parking, and ornamental landscaping. There is no evidence of either suitable habitat for or the presence of any endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or California Native Plant Society (CNPS).

The Project does not propose development; however, the Project would provide for future proposed development through implementation of the amended Specific Plan and the City’s certified 2021-2029

Housing Element. Landscaping implemented as part of future projects would likely include a variety of ornamental trees, shrubs, and groundcover. As the Project site is currently completely paved, implementation of the Project would not result in an adverse effect, either directly or through habitat modifications, on any sensitive species, and impacts would not occur.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. As discussed above, the area proposed for the provision of future development is completely paved with a parking lot. There is no existing riparian habitat or sensitive natural community within the developable area of the site. Therefore, the Project would result in no impact.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. As discussed above, the area proposed for the provision of future development is completely paved with a parking lot. There are no wetlands or riparian areas within the developable area of the site. Therefore, the Project would result in no impact.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact with Mitigation. Wildlife corridors are areas where wildlife movement is concentrated due to natural or anthropogenic constraints and corridors provide access to resources such as food, water, and shelter. Animals use these corridors to move between different habitats and provide avenues for wildlife dispersal, migration, and contact between other populations.

The Project site does not support conditions for migratory wildlife corridors or linkages. The Project site is completely developed and surrounded by a roadway and developed land uses. The site and surrounding areas do not provide function for wildlife movement. Additionally, the surrounding area is developed and urban. There are no rivers, creeks, or open drainages near the site that could function as a wildlife corridor. Thus, implementation of the Project would not result in impacts related to wildlife movement or wildlife corridors.

However, the Project site contains existing ornamental trees that could be used for nesting by common bird species that are protected by the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503.5, 3511, and 3515 during the avian nesting and breeding season that occurs between February 1 and September 15. The provisions of the MBTA prohibit disturbing or destroying active nests. Therefore, Mitigation Measure BIO-1 has been included to require that if commencement of vegetation clearing for any future development project occurs between February 1 and September 15, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to commencement of activities to confirm the absence of nesting birds. With implementation of Mitigation Measure BIO-1, potential impacts to nesting birds would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources?

Less Than Significant Impact. The Project site is urban and developed and contains no biological resources to be preserved under the resource protection policies of the City's General Plan. Article 7, Chapter 3 of the Municipal Code addresses the protection of "trees, plants or shrubs in or growing upon or over any public parkway street, highway, alley, right-of-way, City-owned property in the City." The Project would not impact any such trees and shrubs. To the extent that future development facilitated by the Project is required to

plant new trees on public property pursuant to Section 7308 of Article 7, Chapter 3, the Project would be required to comply with the Municipal Code requirements as part of the City permitting process (PPP BIO-1). As a result, impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project site is developed and in an urban area. The Project site does not contain any natural lands that are subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the Project would not result in impacts to biological habitat or conservation plans.

Plans, Programs, or Policies (PPP)

PPP BIO-1 Street Trees. Installation of street trees shall occur in compliance with the City of Tustin Municipal Code Article 7, Chapter 3, Section 7308.

Mitigation Measures

MM BIO-1 Migratory Bird Treaty Act. Prior to commencement of grading activities, the City Building Division shall verify that, in the event that vegetation and tree removal activities occur within the active breeding season for birds (February 1–September 15), the Project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.

The nesting survey shall include the Project site and areas immediately adjacent to the site that could potentially be affected by Project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 feet for raptors and 300 feet for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

5.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A Cultural Records Search (see Appendix A) was prepared by Brian F. Smith and Associates Environmental Services (BFSA) for the Project to determine the potential for historic and architectural resources to occur within the Project site and has been incorporated into the discussion below (BFSA Environmental Services, 2023).

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

No Impact. State CEQA Guidelines Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered “historically significant” if it meets one of the following criteria:

- i. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii. Is associated with the lives of persons important in our past;
- iii. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- iv. Has yielded, or may be likely to yield, information important in prehistory or history.

According to results of the cultural record search prepared for the Project, the Project site does not contain any previously identified eligible or listed historic resources (Appendix A). Existing structures within the Project site date back to the 1980s, and therefore would become of an age (50 years or older) in the near future that would allow for their consideration as historic resources. However, the area proposed for future implementation of residential and nonresidential development is within the existing parking lot and open space areas, which do not contain any structures that could become historic. Therefore, the Project would result in no impact on a historical resource.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant Impact with Mitigation. According to results of the cultural record search prepared for the Project, the Project site does not contain any archaeological resources. The Project site is currently developed as a commercial site and is surrounded by other commercial developments. Therefore, the Project site and soils are heavily disturbed. However, the Project could facilitate future construction potentially at depths greater than previous excavation activities, which could result in the disturbance of undisturbed native soils. Therefore, there is a low potential that future construction could result in inadvertent discovery of a buried archeological resource. Mitigation Measure CUL-1 has been incorporated to mitigate any potential impact to an archeological resource. In the event of an inadvertent discovery of a buried archeological

resource, work shall cease within 50 feet of the find until a qualified archaeologist from the City or County List of Qualified Archaeologists has evaluated the find to determine whether the find constitutes a “unique archaeological resource”, and if the discovered resource(s) appears Native American in origin, a Native American Monitor shall be contacted to evaluate any potential tribal cultural resource(s) and shall have the opportunity to consult on appropriate treatment and curation of these resources. Prior to the issuance of any permits for ground-disturbing activities that include the excavation of soils (including as grading, excavation, and trenching), the City of Tustin shall ensure that all Project grading and construction plans and specifications include requirement to halt construction activity and contact an archaeologist.

The City has detailed standards and requirements for grading that are designed to protect sensitive topographic, soil, palaeontologic, and archaeological resources. The Tustin Grading Manual prescribes appropriate measures to protect the earth by controlling erosion, sedimentation, and storm drainage (PPP HYD-2). Proper grading, soil management, and open space standards will work to preserve any potential archaeological resources in the unlikely event that a resource is encountered. Therefore, the Project would result in a less than significant impact with mitigation on archeological resources.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. The Project site has been previously disturbed, as described above, and has not been previously used as a cemetery. Thus, human remains are not anticipated to be uncovered during project construction. In addition, California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 (included as PPP CUL-1) mandate the process to be followed in the event of an accidental discovery of any human remains. Specifically, California Health and Safety Code Section 7050.5 requires that if human remains are discovered, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Compliance with existing law would ensure that impacts to human remains would be less than significant through the implementation of future construction facilitated by the Project.

Plans, Policies, and Programs (PPP)

PPP CUL-1 Human Remains. In the event that human remains are encountered on the Project site, work within 50 feet of the discovery shall cease and the County Coroner shall be notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. Prior to the issuance of grading permits, the City Community Department Director, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.

PPP HYD-2 City of Tustin Grading Manual. All future projects are required to comply with the City of Tustin Grading Manual (1990). Implementation of grading manual standards would be verified by the City during the plan check and permitting process.

Mitigation Measures (MM)

MM CUL-1 **Inadvertent Discovery.** In the event that potential archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist from the City or County List of Qualified Archaeologists has evaluated the find to determine whether the find constitutes a “unique archaeological resource,” as defined in Section 21083.2(g) of the California Public Resources Code. Any resources identified shall be treated in accordance with California Public Resources Code Section 21083.2(g).

If the discovered resource(s) appears Native American in origin, a Native American Monitor shall be contacted to evaluate any potential tribal cultural resource(s) and shall have the opportunity to consult on appropriate treatment and curation of these resources. The discovery would also be reported to the City and the South Central Coastal Information Center (SCCIC).

Prior to the issuance of any permits for ground-disturbing activities that include the excavation of soils (including as grading, excavation, and trenching), the City of Tustin shall ensure that all Project grading and construction plans and specifications include requirement to halt construction activity and contact an archaeologist as specified above.

5.6 ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) and b)

Potentially Significant Impact. As described in Section 3, *Project Description*, the Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units within 18 acres on seven parcels, consistent with the City’s certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. No development is proposed as part of this Project; however, the provision of development intensification could facilitate future energy impacts. Residential land uses have not been previously analyzed for consistency with state or local energy plans and policies. Additionally, the future construction and operation of potential development could result in a substantial increase in energy consumption. Therefore, an energy study will be conducted for the Project to determine potential impacts and energy impacts will be further analyzed within the EIR.

5.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?**

Less Than Significant Impact. In 1972, the Alquist-Priolo Special Studies Zones Act was signed into law. In 1994, it was renamed the Alquist-Priolo Earthquake Fault Zoning Act (A-P Act). The primary purpose of the Act is to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy across the trace of an active fault. The A-P Act requires the State Geologist (Chief of the California Geology Survey) to delineate “Earthquake Fault Zones” along with faults that are “sufficiently active” and “well-defined.” The boundary of an “Earthquake Fault Zone” is generally about 500 feet from major active faults and 200 to 300 feet from well-defined minor faults. The A-P Act dictates that cities and counties withhold development permits for sites within an Alquist-Priolo Earthquake Fault Zone until geologic investigations demonstrate that the site zones are not threatened by surface displacements from future faulting.

The Project site is located on the eastern border of the City of Tustin, bordered by the City of Irvine, across Jamboree Road. According to the California Geological Survey available fault maps, the Project is approximately 13 miles to the south of the nearest A-P fault, Whittier Fault (Parrish, Earthquake Zones of Required Investigation, Tustin Quadrangle, 2001). The Project is also approximately 11 miles to the northeast of the North Branch Fault (Parrish, Earthquake Zones of Required Investigation, Seal Beach Quadrangle, 1999). Due to the location of these faults, the general region is subject to the potential for earthquakes; however, the Project site is outside of a 500-foot radius from an active fault and is not subject to a special development permit. The Project site contains existing development, and the provision for additional development would not exacerbate existing risk of earthquake. Further, all future development permitted would be required to comply with the requirement of the California Building Code (CBC) (California Code of Regulations, Title 24, Part 2) (PPP GEO-1), which is a minimum requirement intended to protect life safety and prevent collapse of structures. Therefore, the Project would result in a less-than-significant impact.

ii. Strong seismic ground shaking?

Less Than Significant Impact. The Project site is located within a seismically active region of Southern California. As mentioned previously, the North Branch Fault is located 11 miles from the site (Parrish, Earthquake Zones of Required Investigation, Tustin Quadrangle, 2001). Thus, moderate to strong ground shaking can be expected at the Project site. The amount of motion expected at the Project site can vary from none to forceful depending upon the distance to the fault and the magnitude of the earthquake. Greater movement can be expected at sites located closer to an earthquake epicenter, which consists of poorly consolidated material such as alluvium, and in response to an earthquake of great magnitude.

Structures built in the City are required to be built in compliance with the CBC (California Code of Regulations, Title 24, Part 2) that provides provisions for earthquake safety based on factors including building occupancy type, the types of soils onsite, and the probable strength of ground motion. Compliance with the CBC would require the incorporation of 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structure so that it would withstand the effects of strong ground shaking. Implementation of CBC standards would be verified by the City during the plan check and permitting process (PPP GEO-1). Because the proposed Project would be constructed in compliance with the CBC, the proposed Project would result in a less-than-significant impact related to strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact with Mitigation. Soil liquefaction is a phenomenon in which saturated, cohesionless soils layers, located within approximately 50 feet of the ground surface, lose strength due to cyclic pore water pressure generation from seismic shaking or other large cyclic loading. During the loss of stress, the soil acquires “mobility” sufficient to permit both horizontal and vertical movements. Soil properties and soil conditions such as type, age, texture, color, and consistency, along with historical depths to ground water are used to identify, characterize, and correlate liquefaction susceptible soils.

Soils that are most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands that lie below the groundwater table within approximately 50 feet below ground surface. Lateral spreading is a form of seismic ground failure due to liquefaction in a subsurface layer.

According to the California Geological Survey available fault maps, the Project is within a liquefaction zone in the City of Tustin (Parrish, Earthquake Zones of Required Investigation, Tustin Quadrangle, 2001). The California Geological Survey defines a liquefaction zone as, “Areas where historical occurrence of liquefaction, or local geological, geotechnical and ground water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.” Therefore, the Project site would require additional geotechnical investigation prior to

development of potential future projects. Mitigation Measure GEO-1 has been included to require all future projects implemented within the Project site to conduct a project-specific geotechnical investigation to ensure that the site's soils are adequate for the construction and operation of the proposed project. Future projects would be required to implement measures identified within the project-specific geotechnical investigation. All mitigation measures identified through the geotechnical investigation shall be implemented to avoid potential geotechnical hazards through construction or operation of the Project. The City will ensure completion of the geotechnical investigation and identification of necessary measures prior to plan approval of future proposed projects. Through investigation and implementation of necessary measures to mitigate potential liquefaction hazards, future development would result in a less than significant impact. Therefore, the Project would result in a less-than-significant impact with mitigation.

iv. Landslides?

No Impact. Landslides and other slope failures are secondary seismic effects that are common during or soon after earthquakes. Areas that are most susceptible to earthquake induced landslides are steep slopes underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits.

The Project site is currently fully developed with commercial and office uses. The Project site is flat and is not adjacent to or within the vicinity of steep slopes or other landforms susceptible to landslides. No development is proposed as part of this Project. The provision of future development would not result in new risk of loss, injury, or death involving a landslide. Therefore, the Project would result in no impact.

b) Result in soil erosion or the loss of topsoil?

Less Than Significant Impact. The Project site is currently fully developed with commercial and office uses. However, future development facilitated by the provision of residential land uses within the Project site could result in ground disturbing activities as part of the construction.

All proposed development construction would be required to comply with the California Regional Water Quality Control Board (RWQCB) Order No. R8-2010-0033, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS618033 – Construction General Permit requirements (PPP HYD-1). Requirements include installation of Best Management Practices (BMPs), which establish minimum stormwater management requirements and controls. To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by the RWQCB regulations to be developed by a QSD (Qualified SWPPP Developer). The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP would identify potential sources of erosion and sedimentation to prevent loss of topsoil during construction, and to identify erosion control BMPs to reduce or eliminate the erosion and loss of topsoil, such as use of silt fencing, fiber rolls, or gravel bags; stabilized construction entrances/exits; hydroseeding, and similar measures. In addition to RWQCB requirements, proposed development would need to comply with the City of Tustin Grading Manual procedures (PPP HYD-2). The City of Tustin Grading Manual is a compilation of rules, procedures, and interpretations necessary to carry out the provisions of the Tustin City Code relating to grading and excavation.

Following construction, future development would be required to prepare and implement a Water Quality Management Plan (WQMP) per City standards. Future projects would be required to comply with the requirements of the Orange County Drainage Area Management Plan (DAMP) and the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and the incorporated cities of Orange County within the Santa Ana Region (included as PPP HYD-3).

The DAMP regulations are included in the City's Municipal Code in Section 4902 and are the implementation method for NPDES Stormwater Permit compliance. The DAMP:

- Provides the framework for the program management activities and plan development;
- Provides the legal authority for prohibiting unpermitted discharges into the storm drain system and for requiring BMPs in new development and significant redevelopment;
- Ensures that all new development and significant redevelopment incorporates appropriate Site Design, Source Control, and Treatment Control BMPs to address specific water quality issues; and
- Ensures that construction sites implement control practices that address construction related pollutants including erosion and sediment control and onsite hazardous materials and waste management.

The DAMP requires that new development and significant redevelopment projects develop and implement a WQMP that includes BMPs and low impact development (LID) design features that would provide onsite treatment of stormwater to prevent pollutants from onsite uses from leaving the site. These requirements would ensure that future projects would not result in substantial soil erosion or the loss of topsoil. With implementation of uniformly applicable requirements (SWPPP, City of Tustin Grading Manual, and the DAMP), the Project would result in a less-than-significant impact.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact with Mitigation. Landslides and other forms of mass wasting, including mud flows, debris flows, and soil slips, occur as soil moves downslope under the influence of gravity. Landslides are frequently triggered by intense rainfall or seismic shaking. As described in Response (a) (iv), the Project site is located in a relatively flat developed urban area that does not contain or adjacent to large slopes, and the Project would not generate large slopes. Therefore, impacts related to landslides would not occur.

Lateral spreading is a type of liquefaction-induced ground failure associated with the lateral displacement of surficial blocks of sediment resulting from liquefaction in a subsurface layer. Once liquefaction transforms the subsurface layer into a fluid mass, gravity plus the earthquake inertial forces may cause the mass to move downslope towards a free face (such as a river channel or an embankment). Lateral spreading may cause large horizontal displacements and such movement typically damages pipelines, utilities, bridges, and structures. As discussed in Response (a), the Project site is within a zone identified as susceptible to liquefaction. Further, the Project site then has a potential for lateral spreading. However, all future projects implemented would be required to conduct a project-specific geotechnical investigation to ensure that the site's soils are adequate for the construction and operation of the proposed project, per MM GEO-1. Implementing measures identified in the geotechnical investigation prepared for future projects would mitigate lateral spreading hazards to a less-than-significant impact.

Subsidence is a general lowering of the ground surface over a large area that is generally attributed to lowering of the ground water levels within a groundwater basin. Localized or focal subsidence or settlement of the ground can occur as a result of an earthquake motion in an area where groundwater in basin is lowered. The United States Geological Survey (USGS) has surveyed the state for areas of recorded subsidence—historical and current—across California. According to the USGS Areas of Subsidence in California Map, the Project site is within an area of subsidence as a result of excessive groundwater pumping (United States Geological Survey, 2023). As described above, all future projects implemented through the proposed amended Specific Plan would be required to conduct a project-specific geotechnical investigation to ensure that the site's soils are adequate for the construction and operation of the proposed project. Future projects would be required to implement measures identified within the project-specific geotechnical investigation (MM GEO-1).

Therefore, the Project would result in a less-than-significant impact with mitigation on the risk of landslide, lateral spreading, subsidence, liquefaction or collapse.

d) Be located on expansive soil, as defined in in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less Than Significant Impact with Mitigation. Expansive soils contain certain types of clay minerals that shrink or swell as the moisture content changes; the shrinking or swelling can shift, crack, or break structures built on such soils. Arid or semiarid areas with seasonal changes of soil moisture experience, such as southern California, have a higher potential of expansive soils than areas with higher rainfall and more constant soil moisture.

The Project site is currently developed as a commercial site and is surrounded by other commercial developments. The Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units within 18 acres on seven parcels, consistent with the City's certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. Additionally, Project anticipates the future nonresidential capacity buildout of 13,032 SF within the remaining nonresidential-designated area of the Project site. No development is proposed as part of this Project. All future projects would be required to comply with applicable federal, state, and local policies and regulations established to prevent or reduce impacts due to expansive soil, including Policy 8.5 of the Conservation/Open Space/Recreation Element of the City's General Plan, which requires City review of threats from expansive soils during the development review process (PPP GEO-2). Further, if necessary, geological investigations would be prepared and implemented for each future project to reduce significant impacts (MM GEO-1). Therefore, the project would result in a less-than-significant impact with mitigation.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. All future development would be served by the City sewer utilities and would not include the use of septic tanks or alternative wastewater disposal systems. Therefore, the Project would result in no impact.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. The Project site is currently developed as a commercial site and is surrounded by other commercial developments. Therefore, the Project site is heavily disturbed and does not contain any native undisturbed soils. However, the Project could facilitate future construction potentially at depths greater than previous excavation activities, which could result in the disturbance of undisturbed native soils. Figure COSR-2 of the City's Conservation/Open Space/Recreation Element of the General Plan identifies areas sensitive to paleontological resources (City of Tustin, 2018). The Project site is not located in an area identified by the General Plan as "High Paleontological Sensitivity." The City has detailed standards and requirements for grading that are designed to protect sensitive topographic, soil, palaeontologic, and archaeological resources. The Tustin Grading Manual prescribes appropriate measures to protect the earth by controlling erosion, sedimentation, and storm drainage (PPP HYD-2). Proper grading, soil management, and open space standards will work to preserve any potential paleontological resources in the unlikely event that a resource is encountered. Therefore, the Project would result in a less-than-significant impact on a paleontological resource, site, or geologic feature.

Plans, Policies, and Programs (PPP)

The Project would be subject to the following PPP:

PPP GEO-1 **CBC Title 24, Part 2.** Structures built in the City are required to be built in compliance with the CBC (California Code of Regulations, Title 24, Part 2) that provides provisions for earthquake safety based on factors including building occupancy type, the types of soils onsite, and the probable strength of ground motion. Compliance with the CBC would require the incorporation of 1) seismic safety features to minimize the potential for significant effects

as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structure so that it would withstand the effects of strong ground shaking. Implementation of CBC standards would be verified by the City during the plan check and permitting process.

PPP GEO-2 **Policy 8.5 of the Conservation/Open Space/Recreation Element.** Project applicants would be required to submit applications for building and grading permits, and applications for subdivision for adjacency to, threats from, and impacts on geological hazards arising from seismic events, landslides, or other geologic hazards such as expansive soils and subsidence areas, which would be reviewed by the City during plan check.

PPP HYD-1 **SWPPP.** Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

PPP HYD-2 **City of Tustin Grading Manual.** All future projects are required to comply with the City of Tustin Grading Manual (1990). Implementation of grading manual standards would be verified by the City during the plan check and permitting process.

PPP HYD-3 **WQMP.** Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the Project applicant and submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development Project in order to minimize the adverse effects on receiving waters.

Mitigation Measures (MM)

MM GEO-1 All future projects implemented within the Project site shall be required to conduct a project-specific geotechnical investigation to ensure that the site's soils are adequate for the construction and operation of the proposed project. Future projects would be required to implement measures identified within the project-specific geotechnical investigation. All mitigation measures identified through the geotechnical investigation shall be implemented to avoid potential geotechnical hazards through construction or operation of the Project. The City will ensure completion of the geotechnical investigation and identification of necessary measures prior to plan approval of future proposed projects.

5.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) through b)

Potentially Significant Impact. Global climate change is not confined to a particular project area. A typical project does not generate enough greenhouse gas (GHG) emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. GHGs are produced by both direct and indirect emissions sources. Direct emissions include consumption of natural gas, heating and cooling of buildings, landscaping activities and other equipment used directly by land uses. Indirect emissions include the consumption of fossil fuels for vehicle trips, electricity generation, water usage, and solid waste disposal.

The Project site is currently developed as a commercial site and is surrounded by other commercial developments. As described in Section 3, *Project Description*, the Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units within 18 acres on seven parcels, consistent with the City’s certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. No development is proposed as part of this Project; however, the provision of development intensification could result in construction and operational GHG impacts due to the introduction of new residential land uses. Specifically, the addition of mobile source emissions through the generation of residential traffic could result in a significant GHG impact. Further, the Project could result in conflicts with applicable plan, policy, and regulations adopted for the purpose of reducing the emissions of GHG. Therefore, an air quality study will be conducted for the Project to determine potential impacts and GHG impacts will be further analyzed within the EIR.

5.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. A hazardous material is defined as any material that, due to its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous wastes, and any material that a business or the local implementing agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

Construction

The Project site is currently developed and designated as a commercial site and is surrounded by other commercial developments. The Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units within 18 acres on seven parcels, consistent with the City’s certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. Additionally, the Project anticipates the future nonresidential capacity buildout of 13,032 SF within the remaining nonresidential-designated area of the Project site. No development is proposed as part of this Project.

Future construction activities could involve the transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking. In addition, hazardous materials could be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and state requirements that are implemented by the City during building permitting for construction activities. These regulations include: the federal Occupational Safety and Health Act and Hazardous Materials Transportation Act; Title 8 of the California Code of Regulations (CalOSHA), and the state Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. As a result, routine transport and use of hazardous materials during construction would be consistent with applicable regulations and would be less than significant.

Operation

The Project involves the provision for future development of up to 900 housing units and 13,032 SF of commercial use, which involve routinely using household hazardous materials including solvents, cleaning agents, paints, pesticides, batteries, fertilizers, and aerosol cans. These types of materials are not acutely hazardous and would only be used and stored in limited quantities. The normal routine use of these products pursuant to existing regulations would not result in a significant hazard to people or the environment in the vicinity of the Project. Additionally, the Project would result in a horizontal mixed-use environment, in which residential land uses would be introduced in proximity to existing commercial land uses. Existing commercial uses include a mix of office, restaurant, and retail establishments. Existing commercial uses require the routine use of similar hazardous materials as residential land uses (solvents, cleaning agents, paints, pesticides, batteries, fertilizers, and aerosol cans) and would not impose additional hazards to potential future residential uses. Therefore, operation of the Project would not result in a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous waste, and impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact.

Construction

While the routine use, storage, transport, and disposal of hazardous materials in accordance with applicable regulations during potential future construction activities would not pose health risks or result in significant impacts; improper use, storage, transportation, and disposal of hazardous materials and wastes could result in accidental spills or releases, posing health risks to workers, the public, and the environment. To avoid an impact related to an accidental release, the use of BMPs during construction are implemented as part of a SWPPP as required by the NPDES General Construction Permit (and included as PPP HYD-1). Implementation of a SWPPP would minimize potential adverse effects to workers, the public, and the environment. Construction contract specifications would include strict on-site handling rules and BMPs that include, but are not limited to:

- Establishing a dedicated area for fuel storage and refueling and construction dewatering activities that includes secondary containment protection measures and spill control supplies;
- Following manufacturers' recommendations on the use, storage, and disposal of chemical products used in construction;
- Avoiding overtopping construction equipment fuel tanks;
- Properly containing and removing grease and oils during routine maintenance of equipment; and
- Properly disposing of discarded containers of fuels and other chemicals.

All future development resulting from the implementation of the amended Specific Plan and the City's certified 2021-2029 Housing Element would be required to develop and implement a SWPPP with BMPs as required through NPDES. Therefore, construction of future development would result in a less-than-significant impact.

Operation

As described previously, future operation of up to 900 residential units and 13,032 SF of commercial use would include use of limited hazardous materials, such as solvents, cleaning agents, paints, pesticides, batteries, fertilizers, and aerosol cans. Normal routine use of typical residential products pursuant to existing regulations would not result in a significant hazard to the environment, residents, or workers in the vicinity of the Project. As a result, operation of the proposed Project would not create a reasonably foreseeable upset and accident condition involving the release of hazardous materials into the environment, and impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. The Project site is generally bounded by the Santa Ana Freeway (Interstate-5), Jamboree Road, Bryan Avenue, and Myford Road. The Project site contains an existing learning center, Fibo Kids Art Academy, a business that provides art instruction to children and young adults. Classes are offered during after school hours (beginning at 3:30 PM) and on weekends. The nearest school, Pacific Coast High School/CHEP, is located approximately 2,000 feet to the southeast of the Project site across Interstate-5.

As described previously, construction and operation of the Project could involve the use, storage, and disposal of small amounts of hazardous materials on the Project site. Prior to construction, a SWPPP would need to be prepared and implemented, which would ensure hazardous materials are properly handled during construction and BMP would be in place to avoid potential contaminated runoff from leaving the project site (PPP HYD-1). During operation, these hazardous materials would be limited and used and disposed of in compliance with federal, state, and local regulations, which would reduce the potential for accidental release into the environment near a school. Therefore, the Project would not emit or handle acutely hazardous materials, substances, or waste near a school, and impacts would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Department of Toxic Substances Control, 2023). Therefore, the Project would result in no impact.

e) For a project within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Airport Land Use Commission (ALUC) for Orange County has responsibility under state law for formulating a comprehensive airport land use plan (ALUP) for the anticipated growth of each public use airport and its surrounding vicinity. General Plans for cities affected by an ALUP must be consistent with that plan. The purpose of the ALUP is to safeguard the general welfare of the inhabitants within the vicinity of airports and to ensure the continued operation of the airports. The ALUC for Orange County has adopted the Airport Environs Land Use Plan (AELUP) governing John Wayne Airport, AFRC Los Alamitos Fullerton Airport, and heliports.

The Project site is approximately 4 miles to the north of John Wayne Airport, which is the nearest airport to the Project site. The Project site is not located within any land use compatibility zone for John Wayne Airport, nor is it within an airport safety zone within the AELUP (Orange County Airport Land Use Commission, 2008). The Project's proximity to the airport would not result in potential safety hazards or excessive noise for people that would reside or work within the Project site in the future. Therefore, the Project would result in no impact.

f) Impair implementation of an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The Project site is generally bounded by the Santa Ana Freeway (Interstate-5), Jamboree Road, Bryan Avenue, and Myford Road. Adjacent roadways would likely be utilized as evacuation routes in the event of an emergency evacuation of the Project site. Pursuant to the City's Emergency Operations Plan, specific evacuation requirements will vary with each situation, but should be carried out in a manner consistent with other critical functions (City of Tustin, 2019). Under ideal circumstances there will be enough time for radio and/or television stations to broadcast the required evacuation information via the Emergency Alert System, and if enough time is available, copies of the evacuation order or notice and route. The Project site is not designated as part of an emergency evacuation route. The Project does not include proposed development and would not impair the implementation of evacuation protocol in the event of an emergency within the City or Project site. Additionally, each future residential project implemented as part of the amended Specific Plan and Housing Element would require a project-level plan check with the City and would be reviewed by the City's fire department (Orange County Fire Authority) to ensure proper emergency access to and from the site. Therefore, the Project would result in a less-than-significant impact.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The Project site is currently developed as a commercial site and is surrounded by other commercial developments. According to the CalFire Fire Hazard Severity Zone Map, the City of Tustin contains very high fire severity zones in the northeast portion of the City (California Department of Forestry and Fire Protection, 2023). The Project site is not located within or near state responsibility areas or lands classified as very high fire hazard severity zones. Therefore, the Project would result in no impact regarding the exposure of people or structures to risk of loss, injury, or death involving a wildland fire.

Plans, Policies, and Programs (PPP)

PPP HYD-1 SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

5.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact.

The Project site is currently developed as a commercial site and is surrounded by other commercial developments. The Project site has a General Plan land use designation of Planned Community Commercial/Business (PCCB) and a zoning designation of Mixed Use (MU) within the East Tustin Specific Plan (SP 8). The Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units within 18 acres on seven parcels, consistent with the City’s certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. Additionally, the Project anticipates the future nonresidential capacity buildout of 13,032 SF within the remaining nonresidential-designated area of the Project site. No development is proposed as part of this Project.

Construction

The Project site is located on the eastern border of Tustin, which is part of the Newport Bay Watershed (OC Watersheds, 2006). The entire watershed spans 154 square miles and is contained in the jurisdictional boundary of Orange County. The largest drainage, San Diego Creek, and its many tributaries begin along the coastal foothills of the Santa Ana Mountains and flow predominantly southwest into Newport Bay. The Newport Bay Watershed is within the jurisdiction of the Santa Ana Regional Water Quality Control Board (Regional Board), within the subunit of the Lower Santa Ana River Basin (designated Hydrologic Unit 801.11). The Water Quality Control Plan for the Santa Ana River Basin lists Newport Bay both Upper and Lower, as tributaries to the Pacific Ocean and also as receiving waters for San Diego Creek.

The Project site is within the Tustin/Irvine/Modeno Channel Subwatershed, which is a tributary of the San Diego Creek: Reach 1. As of the 2018 303(d) impaired waters list, San Diego Creek: Reach 1 was listed as impaired for nutrients, sedimentation/siltation, selenium, toxaphene, toxicity, indicator bacteria, benthic community effects, DDT (dichlorodiphenyltrichloroethane), and malathion (California Waterboards, 2023).

Construction of future development facilitated by the Project would require grading and excavation of soils over approximately seven acres, which would loosen sediment, and then have the potential to mix with surface water runoff and degrade water quality. Additionally, construction would require the use of heavy equipment and construction-related chemicals, such as concrete, cement, asphalt, fuels, oils, antifreeze, transmission fluid, grease, solvents and paints. These potentially harmful materials could be accidentally spilled or improperly disposed of during construction and, if mixed with surface water runoff, could wash into and pollute waters.

These types of water quality impacts during construction would be prevented through implementation of a SWPPP (PPP HYD-1). Construction of the Project would disturb more than one acre of soil; therefore, the proposed Project would be required to obtain coverage under the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity. Construction activity subject to this permit includes clearing, grading, and ground disturbances such as trenching, stockpiling, or excavation. The Construction General Permit requires implementation of a SWPPP that is required to identify all potential sources of pollution that are reasonably expected to affect the quality of storm water discharges from the construction site. The SWPPP would generally contain a site map showing the construction perimeter, proposed buildings, stormwater collection and discharge points, general pre- and post-construction topography, drainage patterns across the site, and adjacent roadways. The SWPPP would also include construction BMPs.

Adherence to the existing requirements and implementation of the appropriate BMPs, as ensured through the City's plan check and permitting process, would ensure that the Project would not violate any water quality standards or waste discharge requirements, potential water quality degradation associated with construction activities would be minimized, and construction impacts would be less than significant.

Operation

Future development facilitated by the Project would include operation of residential and nonresidential uses. Potential pollutants associated with the proposed uses include various chemicals from cleaners, pathogens from pet wastes, nutrients from fertilizer, pesticides and sediment from landscaping, trash and debris, and oil and grease from vehicles. If these pollutants discharge into existing stormwater systems, it could result in further degradation of water quality.

However, operation of the proposed Project would be required to comply with the requirements of the Orange County DAMP and the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and the incorporated Cities of Orange County within the Santa Ana Region (included as PPP HYD-3).

The DAMP regulations are included in the City's Municipal Code in Section 4902 and are the implementation method for NPDES Stormwater Permit compliance. The DAMP:

- Provides the framework for the program management activities and plan development;
- Provides the legal authority for prohibiting unpermitted discharges into the storm drain system and for requiring BMPs in new development and significant redevelopment;
- Ensures that all new development and significant redevelopment incorporates appropriate Site Design, Source Control, and Treatment Control BMPs to address specific water quality issues; and
- Ensures that construction sites implement control practices that address construction related pollutants including erosion and sediment control and onsite hazardous materials and waste management.

The DAMP requires that new development and significant redevelopment projects develop and implement a WQMP that includes BMPs and LID design features that would provide onsite treatment of stormwater to prevent pollutants from onsite uses from leaving the site. A WQMP is required to be approved prior to the issuance of a building or grading permit. WQMPs prepared for future development would be reviewed and approved by the City to ensure it complies with the MS4 Permit regulations. In addition, the City's permitting process would ensure that all BMPs in the WQMP would be implemented with the project. Overall, implementation of the WQMP pursuant to the existing regulations (included as PPP HYD-3) would ensure that operation of the proposed Project would not violate any water quality standards, waste discharge requirements, or otherwise degrade water quality, and impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Potentially Significant Impact. The Project site is currently developed and designated as a commercial site and is surrounded by other commercial developments. The Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units within 18 acres on seven parcels, consistent with the City's certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. Additionally, the Project anticipates the future nonresidential capacity buildout of 13,032 SF within the remaining nonresidential-designated area of the Project site. No development is proposed as part of this Project. However, the provision for 900 housing units would require additional water supply, which could result in decreased groundwater supply. Therefore, this topic will be further analyzed in the EIR.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in a substantial erosion or siltation on- or off-site?

Less Than Significant Impact. The Project site does not include, and is not adjacent to, a natural stream or river. Implementation of the Project would not alter the course of a stream or river.

The Project site is currently developed with commercial uses. The Project site currently drains into the City's stormwater sewer system via a series of culverts and drains. Stormwater drains to several catch basins along El Camino Real and around the perimeter of the Project site. The storm drains run beneath the existing roadways and to the southwest corner of the Project site, where drains discharge to the existing Orange County Flood Control District (OCFCD) facility, El Modena-Tustin Channel, a concrete lined channel that runs along the west side of the Project site.

Construction

Construction of future development facilitated by the Project would require the removal of asphalt within the existing parking lot areas of the Project site and excavation of underlying soils. Construction could result in a temporary disturbance of soils that could cause erosion or siltation on- and off-site.

All proposed development construction would be required to comply with the California Regional Water Quality Control Board (RWQCB) Order No. R8-2010-0033, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS618033 – Construction General Permit requirements (PPP HYD-1). Requirements include installation of Best Management Practices (BMPs), which establish minimum stormwater management requirements and controls. To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by the RWQCB regulations to be developed by a QSD (Qualified SWPPP Developer). The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP would identify potential sources of erosion and sedimentation to prevent loss of topsoil during construction, and to identify erosion control BMPs to reduce or eliminate the erosion and loss of topsoil, such as use of silt fencing, fiber rolls, or gravel bags; stabilized construction entrances/exits; hydroseeding, and similar measures. In addition to RWQCB requirements, proposed development would need to comply with the City of Tustin Grading Manual procedures (PPP HYD-2). The City of Tustin Grading Manual is a compilation of rules, procedures, and interpretations necessary to carry out the provisions of the Tustin City Code relating to grading and excavation.

Following construction, future development would be required to prepare and implement a WQMP per City standards. Future projects would be required to comply with the requirements of the Orange County DAMP and the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and the incorporated Cities of Orange County within the Santa Ana Region (included as PPP HYD-3).

The DAMP regulations are included in the City's Municipal Code in Section 4902 and are the implementation method for NPDES Stormwater Permit compliance. The DAMP:

- Provides the framework for the program management activities and plan development;
- Provides the legal authority for prohibiting unpermitted discharges into the storm drain system and for requiring BMPs in new development and significant redevelopment;
- Ensures that all new development and significant redevelopment incorporates appropriate Site Design, Source Control, and Treatment Control BMPs to address specific water quality issues; and
- Ensures that construction sites implement control practices that address construction related pollutants including erosion and sediment control and onsite hazardous materials and waste management.

The DAMP requires that new development and significant redevelopment projects develop and implement a WQMP that includes BMPs and LID design features that would provide onsite treatment of stormwater to prevent pollutants from onsite uses from leaving the site. These requirements would ensure that future projects would not result in substantial soil erosion or the loss of topsoil. With implementation of uniformly applicable requirements (SWPPP, City of Tustin Grading Manual, and the DAMP), the Project would result in a less-than-significant impact.

Operation

Changes to development of the Project site could result in potential changes in the drainage pattern due to siltation and erosion. However, the City's MS4 permit and County DAMP require new development projects to prepare a WQMP (included as PPP HYD-3) that is required to include BMPs to reduce the potential of erosion and/or sedimentation through site design and structural treatment control BMPs. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City's Engineering Division to ensure that the site-specific design limits the potential for

erosion and siltation. Overall, adherence to the existing regulations would ensure that impacts as a result of future development related to alteration of a drainage pattern and erosion/siltation from operational activities would be less than significant.

- ii. **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?**

Less Than Significant Impact.

Construction

Future construction facilitated by the Project would require the construction of building structures, including foundations, floor slabs, and utilities systems, and crushing existing pavement. These activities could temporarily alter the existing drainage pattern of the site and change runoff flow rates. However, as described previously, implementation of the Project requires a SWPPP (included as PPP HYD-1) that would address site specific drainage issues related to construction of the Project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP HYD-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to potential alteration of a drainage pattern or flooding on- or offsite from development activities. Therefore, construction impacts would be less than significant.

- iii. **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Less Than Significant Impact.

The Project site is currently developed as a commercial site and is surrounded by other commercial developments. The Project site has a General Plan land use designation of Planned Community Commercial/Business (PCCB) and a zoning designation of zoning designation of Mixed Use (MU) within the East Tustin Specific Plan (SP 8), and is identified as Mixed Use in the East Tustin Specific Plan (SP 8). The Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units on 18 acres within seven parcels, consistent with the City's certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. Additionally, Project anticipates the future nonresidential capacity buildout of 13,032 SF within the remaining nonresidential-designated area of the Project site. No development is proposed as part of this Project.

Construction

Construction of future development could result in a temporary disturbance of soils and the use of construction equipment and materials that could increase pollutant loads discharged into stormwater runoff.

However, implementation of the Project requires a SWPPP (included as PPP HYD-1) that would address site-specific pollutant and drainage issues related to construction of the Project and include BMPs to eliminate the potential of polluted runoff and increased runoff during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP HYD-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to increases in run-off and pollution from development activities. Therefore, impacts would be less than significant.

Operation

The Project site currently drains into the City's stormwater sewer system via a series of culverts and drains and catch basins. Stormwater drains confluence at the southwest corner of the site and discharge into the existing Orange County Flood Control District (OCFCD) facility, El Modena-Tustin Channel, a concrete lined channel that runs along the west side of the Project site. Because the site is currently almost entirely paved, future development would increase intensity of development, but would not result in additional impervious surfaces that could increase the volume and velocity of stormwater runoff. Therefore, future development would not be anticipated to exceed capacity of the existing stormwater drainage system.

Additionally, as discussed previously, the City's MS4 permit and County DAMP require new development projects to prepare a WQMP (included as PPP HYD-3) that is required to include BMPs to reduce the potential of stormwater pollutants through site design and structural treatment control BMPs. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City's Engineering Division to ensure that the site-specific design limits the potential for sources of polluted runoff. Overall, adherence to the existing regulations would ensure that impacts as a result of future development related to stormwater runoff would be less than significant.

iv. impede or redirect flood flows?

Less Than Significant Impact.

The Project site is included in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 06059C0161J (Federal Emergency Management Agency, 2009). The southern portion of the Project site is within an area designated as Zone AH, a Special Flood Hazard Area subject to inundation by the one percent annual chance flood with a flood depth of one to three feet. Therefore, the Project would facilitate the development of housing within a flood zone.

The City of Tustin Municipal Code, Chapter 8, *Floodplain Management*, includes requirements for residential and nonresidential development within a flood hazard zone (PPP HYD-4). Requirements include measures to avoid potential hazards from flooding, such as ensuring the bottom floor of the structure is raised above the flood elevation and anchoring structures to prevent shifting. Future development would be required to comply with all local and state requirements for the construction of residential and nonresidential development within a flood hazard zone. Implementation of the City's floodplain management design requirements would ensure future development does not impede or redirect existing flood flows.

The Project site is currently completely developed and completely paved, with the exception of some ornamental landscaped areas. Future development would not result in additional impervious surfaces that could increase the volume and velocity of stormwater runoff that would exacerbate flood conditions. Therefore, the Project would result in a less-than-significant impact.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact.

As described above, the Project site is included in the FEMA FIRM Map Number 06059C0161J (Federal Emergency Management Agency, 2009). The southern portion of the Project site is within an area designated as Zone AH, a Special Flood Hazard Area subject to inundation by the one percent annual chance flood with a flood depth of one to three feet. Therefore, the Project would facilitate the development of housing within a flood zone. However, the City of Tustin Municipal Code, Chapter 8, *Floodplain Management*, includes requirements for residential and nonresidential development within a flood hazard zone (PPP HYD-4). Implementation of the City's floodplain management design requirements would ensure future development does not risk release of pollutants due to project inundation.

A seiche is a surface wave created when an inland body of water is shaken, usually by earthquake activity. The site also is not subject to flooding hazards associated with a seiche because there are no large body of surface water located near the project site to result in effects related to a seiche, which could result in release in pollutants due to inundation of the site. The Project site is not located near an inland body of water that could result in impacts due to seiche.

The Pacific Ocean is located over 12 miles southwest of the Project site; consequently, there is no potential for the Project site to be inundated by a tsunami that could release pollutants. In addition, the Project site is flat and not located near any steep hillsides; therefore, there is no potential for the site to be adversely affected by mudflow. Thus, implementation of the proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow that could release pollutants due to inundation of the Project site. No impact would occur.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Potentially Significant Impact. The Project site is currently developed and designated as a commercial site and is surrounded by other commercial developments. The Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units on 18 acres within seven parcels, consistent with the City's certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. Additionally, the Project anticipates the future nonresidential capacity buildout of 13,032 SF within the remaining nonresidential-designated area of the Project site. No development is proposed as part of this Project. However, the provision for 900 additional housing units would require additional water supply, which could result in conflict with a sustainable groundwater management plan. Therefore, this topic will be further analyzed in the EIR.

Plans, Policies, and Programs (PPP)

- PPP HYD-1 SWPPP.** Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.
- PPP HYD-2 City of Tustin Grading Manual.** All future projects are required to comply with the City of Tustin Grading Manual (1990). Implementation of grading manual standards would be verified by the City during the plan check and permitting process.
- PPP HYD-3 WQMP.** Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the Project applicant and submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development Project in order to minimize the adverse effects on receiving waters.
- PPP HYD-4 Flood Hazard.** Prior to the approval of the Grading Plan and issuance of Grading Permits the City engineer shall ensure that the project complies with the requirements within Chapter 8, Floodplain Management, of the City Municipal Code Chapter 8, and any additional applicable requirements related to the applicable flood zone.

5.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Physically divide an established community?

No Impact.

The Project site is currently developed as a commercial site and is surrounded by other commercial developments. The Project site has a General Plan land use designation of Planned Community Commercial/Business (PCCB) and a zoning designation of zoning designation of Mixed Use (MU) within the East Tustin Specific Plan (SP 8). The Project would include a GPA and SPA to allow for future development of the Project site with up to 900 housing units on 18 acres within seven parcels, consistent with the City’s certified 2021-2029 Housing Element, and 13,032 SF of nonresidential development. Additionally, the Project anticipates the future nonresidential capacity buildout of 13,032 SF within the remaining nonresidential-designated area of the Project site. No development is proposed as part of this Project. Implementation of the Project would allow for the intensification of the existing site; however, the introduction of residential land uses on an existing commercial designated site would not result in division of an established community. Therefore, the Project would result in no impact.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact.

The introduction of residential land uses to an existing commercial site as described above could result in conflicts with existing land use plans, policies, and regulations. Therefore, the Project could result in a potentially significant impact and this topic will be analyzed in the EIR.

5.1.2 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. In order to protect the availability of mineral resources of value, the California Department of Conservation identifies sites to which continuing access is important to satisfying mineral production needs of the region and the State. The relative importance of potential mineral resource sites is indicated by inclusion in one of four Mineral Resource Zones (MRZ):

- MRZ 1: No mineral resources
- MRZ 2: Significant resource area (quality and quantity known)
- MRZ 3: Significant resource area (quality and quantity unknown)
- MRZ 4: No information (applies primarily to high-value ores)

The Conservation/Open Space/Recreation Element of the City’s General Plan identifies one mineral resource within the Tustin Planning Area known as Mercury-Barite in Red Hill (City of Tustin, 2018), although this resource is not utilized. The Project site is not identified for mineral resource extraction. Therefore, the Project would result in no impact on the loss of availability of a known mineral resource.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on the general plan, specific plan, or other land use plan?

No Impact. As discussed above, the Project site is not identified for mineral resource extraction per the City’s General Plan Conservation Element (City of Tustin, 2018). Therefore, the Project would result in no impact on the loss of availability of a locally important mineral resource recovery.

5.13 NOISE

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) through c)

Potentially Significant Impact.

As previously described, the Project would allow for the provision of up to 900 housing units on a currently commercial zoned site, consistent with the City’s certified 2021-2029 Housing Element. The provision of development intensification could facilitate future noise impacts. Residential land uses have not been previously analyzed for consistency with applicable noise standards. The addition of residential land uses could result in a cumulatively considerable net increase of noise within the study area due to the introduction of new mobile and stationary noise sources. Therefore, a noise study will be conducted for the Project to determine potential noise impacts and this topic will be further analyzed in the EIR.

5.1.4 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Induce substantial unplanned population growth in an area, either directly or indirectly?

Potentially Significant Impact. The provision of residential development within the Project site was not previously analyzed under existing local or regional housing and land use plans. Therefore, the Project could facilitate substantial unplanned population growth and this topic will be further analyzed within the EIR.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project would include land use changes to allow for the future development of up to 900 housing units, consistent with the City’s certified 2021-2029 Housing Element, within an existing commercial land use. The Project would not include demolition or removal of housing. Therefore, the Project would not result in the displacement of existing people or housing and there would be no impact.

5.1.5 PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (i) fire protection; (ii) police protection; (iii) schools; (iv) parks; or (v) other public facilities?

Potentially Significant Impact. As previously discussed, the provision of residential development within the Project site was not previously analyzed under existing local or regional plans and could result in substantial unplanned population growth. Therefore, the potential unplanned future demand placed on public service providers could require the development of new or physically altered fire, police, school, park, or library facilities. The Project would result in a potentially significant impact and this topic will be further analyzed in the EIR.

5.16 RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) and b)

Potentially Significant Impact. As previously discussed, the provision of residential development within the Project site was not previously analyzed under existing local or regional plans and could result in substantial unplanned population growth. Therefore, the potential unplanned future demand placed on recreational facilities could result in deterioration of nearby recreational facilities and/or require the development of new or physically altered recreational facilities. The Project would result in a potentially significant impact and this topic will be further analyzed within the EIR.

5.17 TRANSPORTATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) through d)

Potentially Significant Impact. As previously discussed, the proposed Project would allow for future development of up to 900 housing units, consistent with the City’s certified 2021-2029 Housing Element, on an existing commercial land use site. Future residential and commercial development would result in the generation of additional trips and demand placed on the existing circulation system. Land use changes could result in inconsistencies with programs, plans, policies, and local ordinances regarding the circulation system. Further, future commercial and residential development could result in a vehicle miles traveled (VMT) impact. Therefore, a VMT study will be prepared for the Project and this topic will be analyzed in the EIR.

5.18 TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Potentially Significant Impact. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (Public Resources Code § 21074). Pursuant to Assembly Bill 52 (AB 52), the City will conduct consultation with tribes that indicate an interest in consulting on the Project. The results of the consultation will be incorporated into the EIR and this topic will be further analyzed.

5.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) through e)

Potentially Significant Impact. As previously discussed, the provision of residential development within the Project site was not previously analyzed under existing local or regional plans and could result in substantial unplanned population growth. The potential demand that could result from additional residential uses could surpass the existing capacity and availability of resources and existing utility infrastructure. Therefore, the potential unplanned future demand placed on water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities could require the development of construction of new or expanded utility facilities. Additionally, future waste potentially generated by residential land uses could exceed the solid waste capacity and standards/reduction goals for the Project site. Therefore, the Project would result in a potentially significant impact and this topic will be further analyzed in the EIR.

5.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) through d)

No Impact.

The Project site is currently developed as a commercial site and is surrounded by other commercial developments. According to the CalFire Fire Hazard Severity Zone Map, the City of Tustin contains very high fire severity zones in the northeast portion of the City (California Department of Forestry and Fire Protection, 2023). The Project site is not located within or near state responsibility areas or lands classified as very high fire hazard severity zones. Therefore, the Project would result in no impact due to wildfire hazard.

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact with Mitigation. As discussed in Section 5.4, *Biological Resources*, the Project site is currently developed and does not contain habitat of a fish or wildlife species. However, the Project site contains existing ornamental trees that could be used for nesting by common bird species that are protected by the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503.5, 3511, and 3515 during the avian nesting and breeding season that occurs between February 1 and September 15. The provisions of the MBTA prohibits disturbing or destroying active nests. Therefore, Mitigation Measure BIO-1 has been included to require that if commencement of vegetation clearing occurs between February 1 and September 15, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to commencement of activities to confirm the absence of nesting birds. With implementation of Mitigation Measure BIO-1, potential impacts to nesting birds would be less than significant.

Additionally, as described in Section 5.5, *Cultural Resources*, the project site does not contain any buildings or structures that meet any of the California Register of Historical Resources (California Register) criteria or qualify as "historical resources" as defined by CEQA. The Project site is completely paved and is not anticipated to contain archaeological resources; however, Mitigation Measure CUL-2 has been included to stop all ground disturbing activity within a 50-foot radius of an inadvertent discovery in the unlikely event that a potential archeological resources is unearthed during excavation activities. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical or archaeological resource. Additionally, as discussed in Section 5.8, *Geology and Soils*, the Project site is not sensitive to paleontological resources.

Therefore, the Project would result in a less-than-significant impact with mitigation on the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Potentially Significant Impact. Cumulative impacts are defined as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The CEQA Guidelines, Section 15130 (a) and (b), states:

- a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

As presented in this document, potential Project-related impacts are either less than significant, would be less than significant with mitigation incorporated, or would result in no impact for impacts related to aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, mineral resources, and wildfire risk. Given that these impacts would be less than significant or mitigated to a less-than-significant level, implementation of the proposed Project would not result in impacts that are cumulatively considerable when evaluated with the impacts of other current projects, or the effects of probable future projects. Therefore, the proposed Project's contribution to any significant cumulative impacts would be less than cumulatively considerable for aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, mineral resources, and wildfire risk.

The Project could result in significant impacts for several other environmental topics, and thus, cumulatively considerable impacts. Specifically, the Project has the potential to result in cumulatively considerable impacts related to air quality, energy, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service systems. The Project's potential for contribution to cumulatively considerable impacts related to these environmental topics will be further analyzed in the EIR.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact. As discussed in Sections 5.3, 5.11, and 5.13, the Project could facilitate development that could result in significant air quality and noise impacts, as well as conflict with policies implemented to mitigate environmental impacts on existing populations. An air quality and noise study will be prepared for the Project to evaluate potential impacts on human beings, with specific focus on sensitive receptor populations. Therefore, the Project could result in a potentially significant impact and this topic will be further analyzed in the EIR.

6 REFERENCES

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- California Department of Forestry and Fire Protection. (2023, December 19). *CalFire Hazard Severity Zone Viewer*. Retrieved from Fire and Resource Assessment Program: <https://egis.fire.ca.gov/FHSZ/>
- California Department of Transportation. (2018). *California State Scenic Highway System Map*. Retrieved from <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>
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- City of Tustin. (2019, November). *Emergency Operations Plan*. Retrieved from EMERGENCY OPERATIONS PLAN (EOP): <https://www.tustinca.org/DocumentCenter/View/570/Emergency-Operations-Plan-PDF>
- County of Orange. (2005, April). *County of Orange General Plan*. Retrieved from Chapter IV Scenic Highway Plan Map: <https://ocds.ocpublicworks.com/sites/ocpwoocds/files/import/data/files/8588.pdf>
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- Parrish, J. G. (1999, March 25). *Earthquake Zones of Required Investigation, Seal Beach Quadrangle*. Retrieved from California Geological Survey: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>
- Parrish, J. G. (2001, January 17). *Earthquake Zones of Required Investigation, Tustin Quadrangle*. Retrieved from California Geological Survey: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

United States Geological Survey. (2023, December 19). *Areas of Land Usbsidence in California*. Retrieved from USGS: https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html

End of document.

Appendix A: Cultural Record Search Results



February 16, 2024

Jazmin Rodriguez
EPD Solutions
3333 Michelson Drive, Suite 500
Irvine, California 92660

RE: Archaeological Resources Records Search Results for the Market Place Project, Tustin, California (APNs 500-291-02, -04, -06 through-08, -11, -21, -23 through -27, 500-312-01, -02, -04, -06, -08, and-09)

Dear Ms. Rodriguez:

An archaeological resources records search has been completed for the Market Place Project. The proposed approximately 77-acre project is located north of the intersection of Jamboree Road and Santa Ana Freeway (Assessor's Parcel Numbers [APNs] 500-291-02, -04, -06 through-08, -11, -21, -23 through -27, 500-312-01, -02, -04, -06, -08, and-09) within the city of Tustin, California. The subject property is situated within the former ranchos of Lomas De Santiago and San Joaquin, Township 1 South, Range 6 West on the U.S. Geological Survey (USGS) *Tustin, California* (7.5-minute) topographic quadrangle map. As part of the environmental review process, BFS Environmental Services, a Perennial Company (BFS), conducted a archaeological resources records search at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

Archaeological Records Search Results

The cultural resources records search was completed by BFS at the SCCIC on August 22, 2023, and encompassed the project area as well as a 500-foot buffer surrounding the project. Based upon the records search results, no resources are recorded within the project or the 500-foot search buffer. Record search results indicate that the subject property was partially overlapped by five previous studies (Wlodarski and Romani 1984; Mason 1984; Casen, Romani, and Webb 1985). However, none of the studies are directly related to the project area. Four of the studies, which surveyed the southern corner of the project area, were focused on the Interstate 5 exchange (Wlodarski and Romani 1984; Casen, Romani, Webb 1985; Webb and Synder 1985; and Synder 1982). The other study surveyed an 11-mile-long and two-to-three-mile-wide section of land from

Interstate 5 to Highway 91 (Mason 1984). Further, the SCCIC search identified an additional eleven previous studies within the search radius. These studies did not overlap the project area.

BFSA requested a review of the Sacred Lands File (SLF) by the Native American Heritage Commission (NAHC) on August 18, 2023, to determine if any recorded Native American sacred sites or locations of religious or ceremonial importance are present within one mile of the project. The results of this search were received on October 3, 2023. The results were negative.

The full results of the SCCIC completed records search and the NAHC SLF search results are attached to this letter report (Attachments A and B). Please contact us should you have any questions or require additional study for this project.

Regards,



Tracy Stropes, M.A., RPA
Director/Principal Archaeologist
BFSA Environmental Services

Attachments:

Attachment A – Archaeological Records Search Results
Attachment B – NAHC Sacred Lands File Search Results

ATTACHMENT A

Archaeological Records Search Results

BFSA Environmental Services, a Perennial Company

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEMS RECORDS SEARCH

Company: BFSA Environmental Services, a Perennial Company
Processed By: Emily T. Soong
Date Processed: August 24, 2023
Project Identification: The Market Place
Information Center: South Central Coastal Information Center
Search Radius: 500 Feet Buffer

Historical Resources:

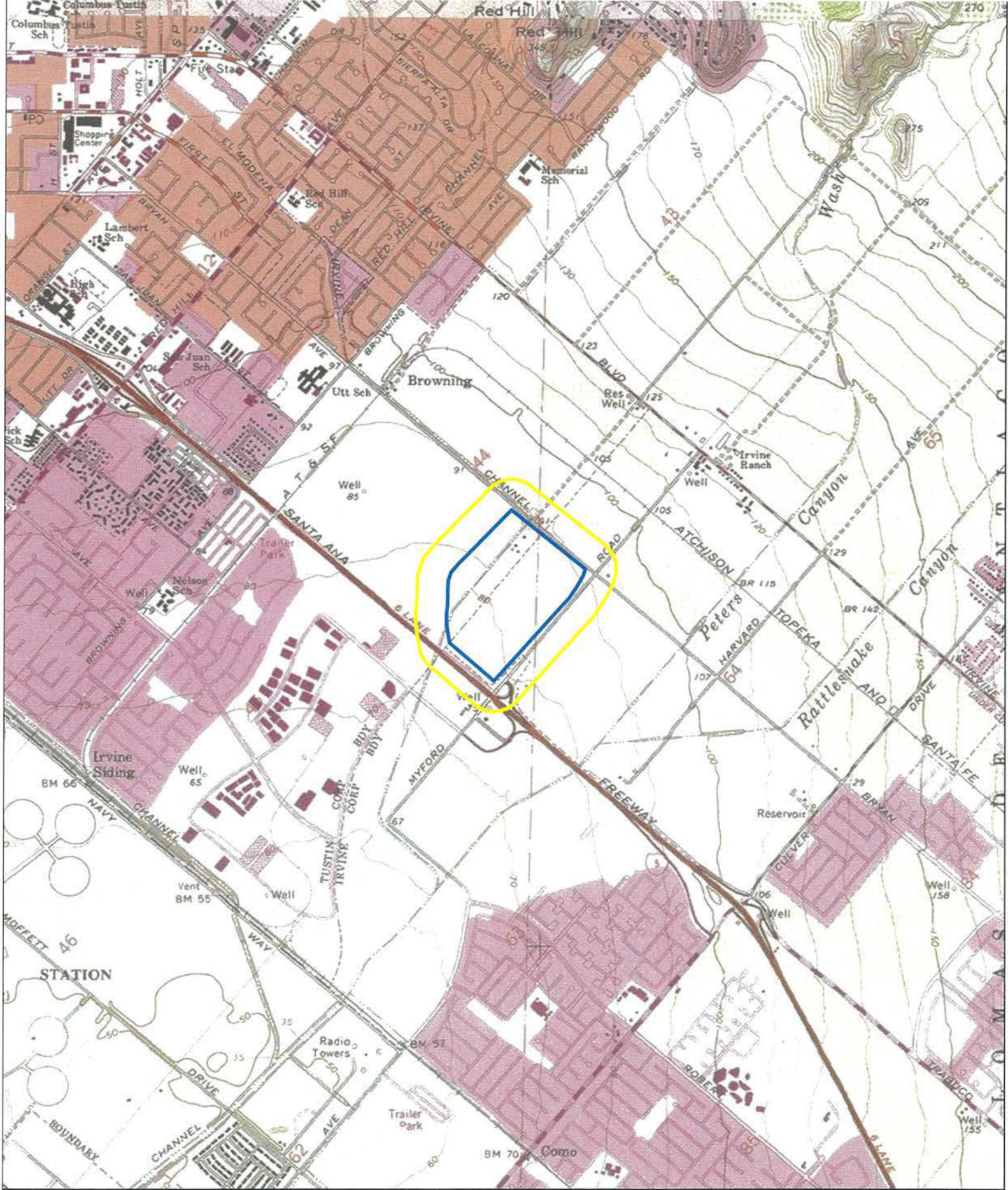
Trinomial and Primary site maps have been reviewed. All sites within the project boundaries and the specified radius of the project area have been plotted. Copies of the site record forms have been reviewed for all recorded sites.

There are no resources located within a 500 feet radius of the current project area or within the subject property.

Previous Survey Report Boundaries:

Project boundary maps have been reviewed. National Archaeological Database (NADB) citations for reports within the project boundaries and within the specified radius of the project area have been reviewed.

There are 16 reports within a 500 feet radius of the current project area, three of which are located within the subject property (OR-747, OR-752, and OR-3277).



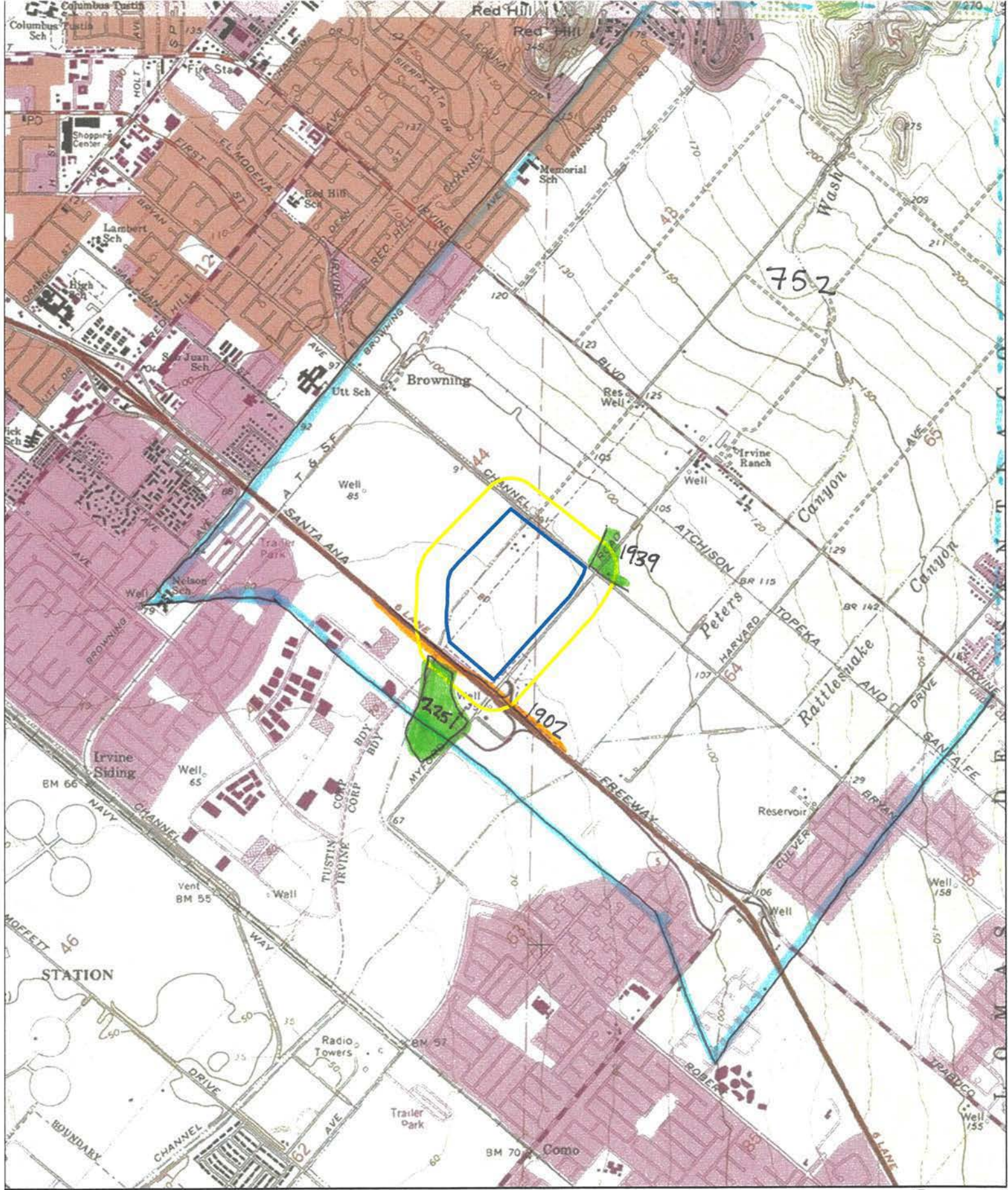
NO RESOURCES IN SEARCH RADIUS
 The Market Place Project
 USGS Tustin Quadrangle
 (7.5-minute series)

- 500 Ft Buffer
- Project



Resource
 1:24,000

ETS BFS AES: 8/21/2023



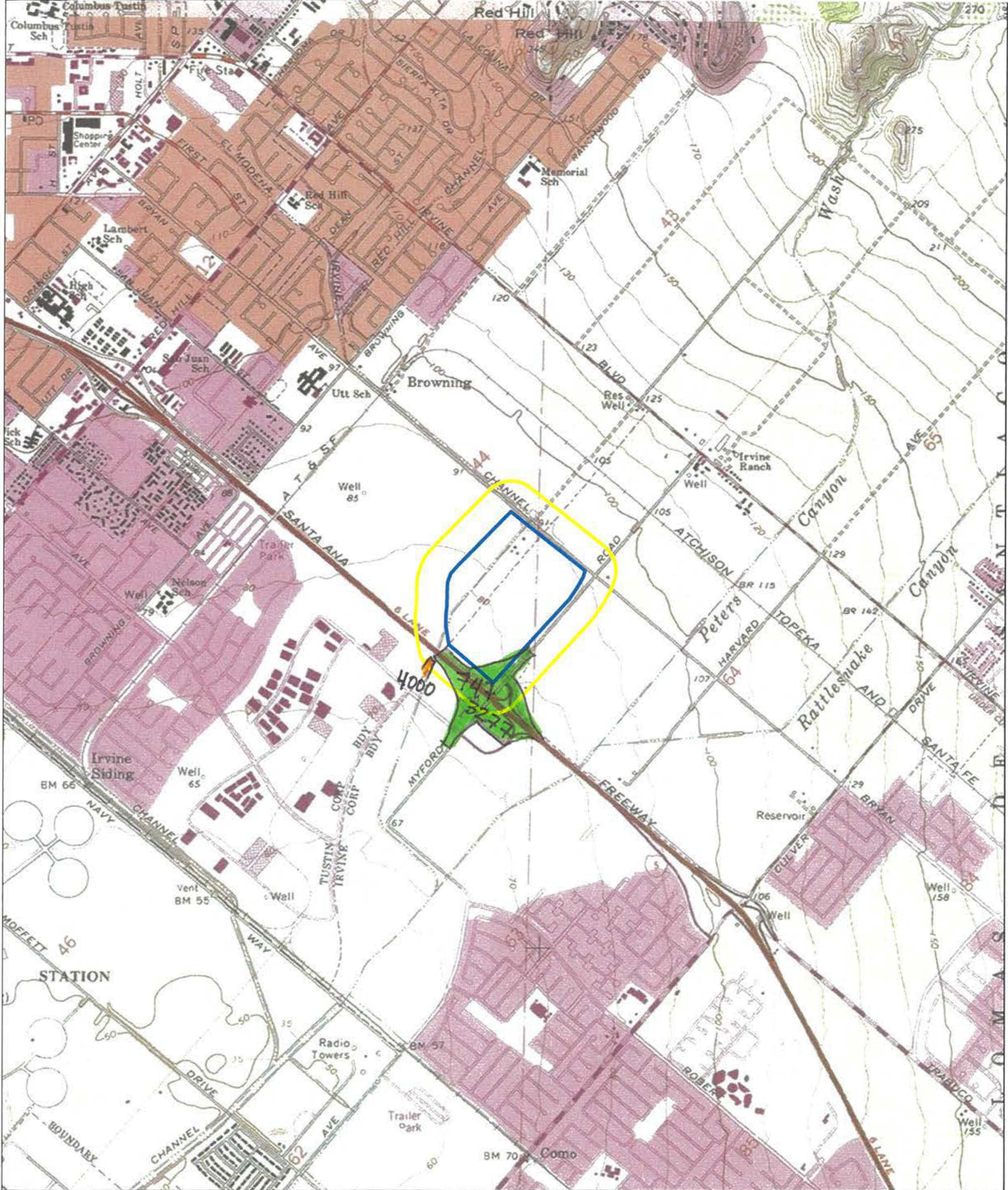
- 500 Ft Buffer
- Project

The Market Place Project
 USGS Tustin Quadrangle
 (7.5-minute series)



Reports
 1:24,000
 1 of 4

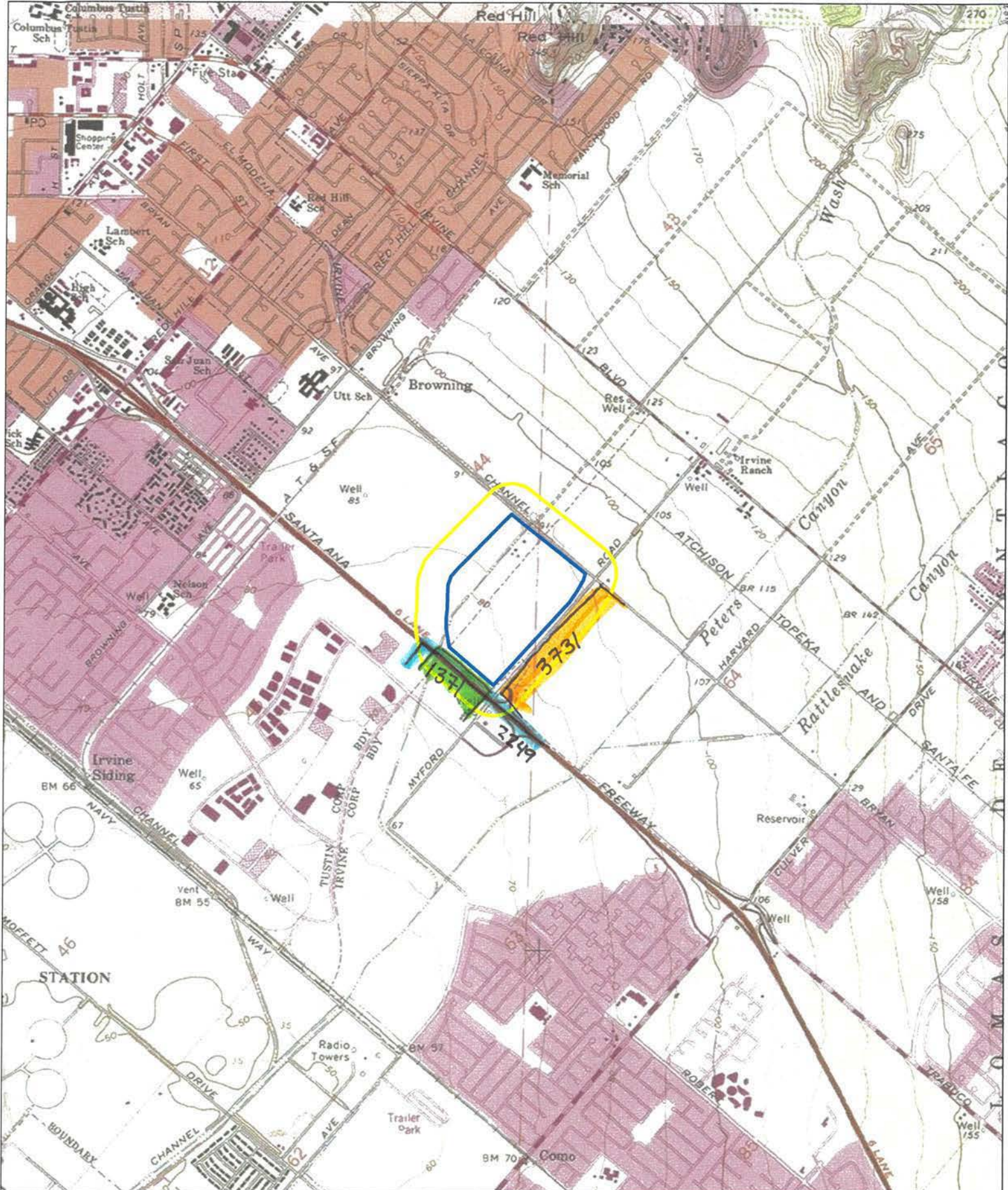
ETS BFS AES: 8/21/2023



- 500 Ft Buffer
- Project

The Market Place Project
 USGS Tustin Quadrangle
 (7.5-minute series)

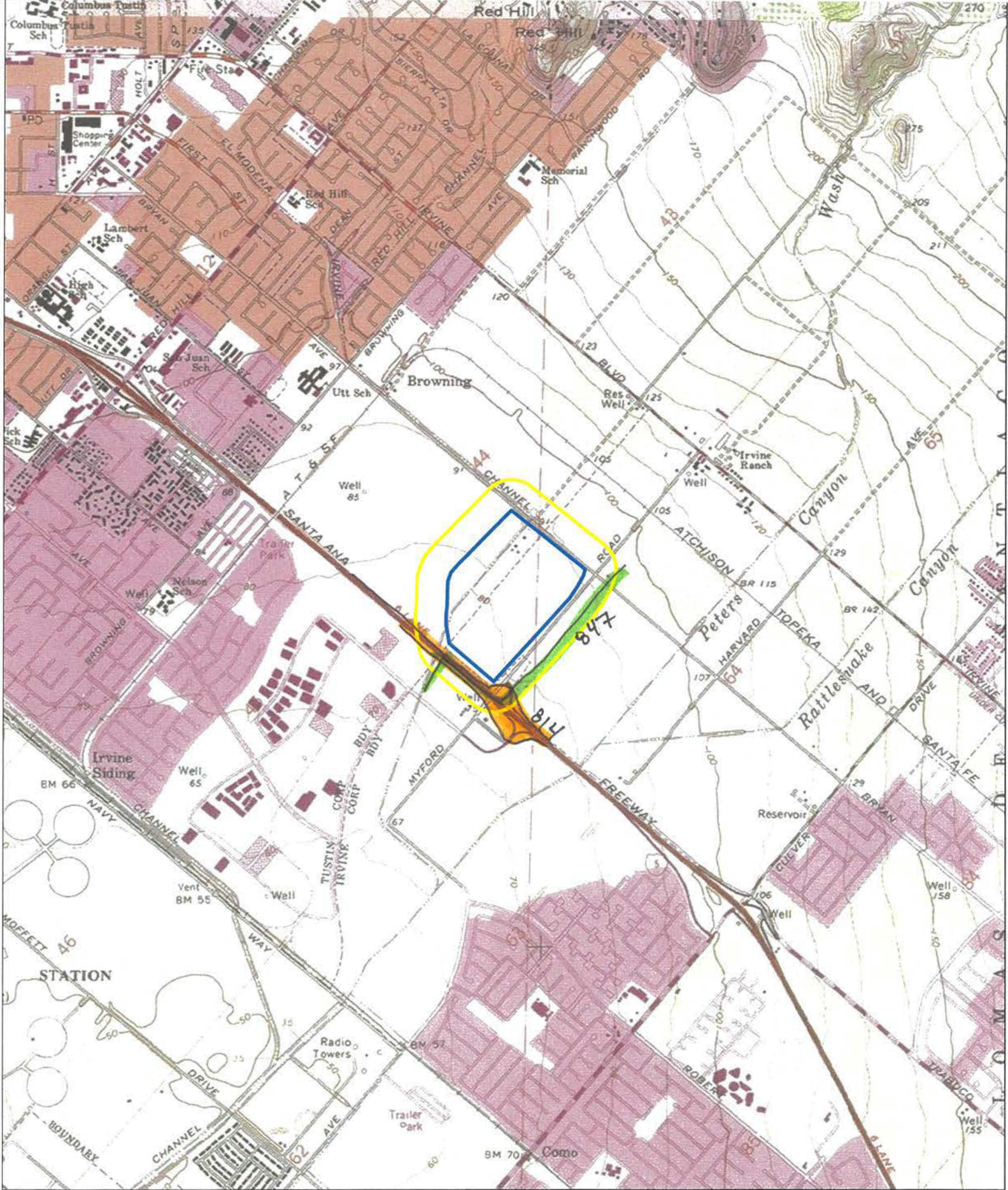
Reports
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 2 of 4
 ETS BFS AES: 8/21/2023



- 500 Ft Buffer
- Project

The Market Place Project
 USGS Tustin Quadrangle
 (7.5-minute series)

Reports
 1:24,000
 3 of 4
 ETS BFS AES: 8/21/2023



- 500 Ft Buffer
- Project

The Market Place Project
 USGS Tustin Quadrangle
 (7.5-minute series)



Reports
 1:24,000
 41 of 4

ETS BFS AES: 8/21/2023

Report List

The Market Place

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
OR-00747		1984	Wlodarski, Robert J. and John F. Romani	Negative Archaeological Survey Report: The Proposed Project Involved the I-5 Interchange at Myford Road Where Several Alternatives Are Proposed.	Caltrans	
OR-00752		1984	Mason, Roger D.	Eastern Corridor Alignment Study, Orange County, California; Volume II: Prehistory and History	Scientific Resource Surveys, Inc.	30-000184, 30-000303, 30-000304, 30-000321, 30-000513, 30-000541, 30-000546, 30-000547, 30-000556, 30-000557, 30-000584, 30-000585, 30-000586, 30-000587, 30-000588, 30-000589, 30-000590, 30-000591, 30-000592, 30-000626, 30-000770, 30-000771, 30-000772, 30-000793, 30-000794, 30-000795, 30-000818, 30-000819, 30-000820, 30-000962, 30-001067, 30-001068, 30-001195, 30-001196, 30-001197, 30-001198, 30-001199, 30-001200, 30-001201
OR-00814		1982	Romani, John F.	ARCHAEOLOGICAL SURVEY REPORT for the Route I-5 Santa Ana Transportation Corridor, Route 405 in Orange County to Route 605 in Los Angeles County Pm 21.30/44.38; 0.00/6.85	Caltrans	
OR-00847		1985	Padon, Beth	Archaeological Resource Inventory City of Irvine and its Sphere of Influence	LSA Associates, Inc.	30-000161, 30-000349, 30-000361, 30-000383, 30-000478, 30-000494, 30-000495, 30-000496, 30-000499, 30-000545, 30-000601, 30-000734, 30-000735, 30-000767, 30-000803, 30-000804, 30-000805, 30-000806, 30-000807, 30-000808
OR-01371	Paleo -	1993	Padon, Beth and Fran Govean	An Archaeological and Paleontological Assessment of the Proposed Planning Area 10 Project, City of Irvine, Orange County	Petra Resources Inc.	
OR-01902		1985	Casen, George A., John F. Romani, and Lois M. Webb	Hiistoric Property Survey 07 ORA 5 Route 405 to Route 55 PM 21.3/30.3 07210 - 065480	Caltrans	
OR-01902A		1985	Webb, Lois M. and George A. Casen	Historic Architectural Evaluation 07 Ora 5 Route 405 to Route 55 PM 21.3/30.3 07210 065480	Office of Environmental Analysis Department of Transportation	
OR-01902B		1982	Snyder, John W.	Evaluations of Standard Bridges and Culverts on 07-Ora, LA-5 Santa Ana Transit Corridor	Office of Environmental Planning Department of Transportation	

Report List

The Market Place

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
OR-01939	Paleo -	1999	Padon, Beth	Archaeological and Paleontological Monitoring of Preliminary Grading for Market Place III Retail Center, Irvine, California	Discovery Works, Inc.	
OR-02249		1978	Schilz, Allan J.	Archaeological Survey Conducted for Village 10 City of Irvine	Archaeological Resource Management Corp.	
OR-02251	Paleo -	2000	Padon, Beth	Archaeological and Paleontological Monitoring Scope of Work for Planning Area 10, Parcel 8, 9, and 10 Project	Discovery Works, Inc.	
OR-03277		1985	Casen, George A., John F. Romani, and Lois M. Webb	The Proposed Project Is the Widening and General Improvement of Interstate Route 5 Between Route 405 and Route 55 in Orange County, California	Caltrans Environmental Planning Branch	30-157788, 30-161870, 30-161875, 30-161889, 30-176772
OR-03277		1985	Webb, Lois M. and John W. Snyder	Historic Architectural Evaluation 07 Ora 5 Route 405 to Route 55	Environmnetal Planners Caltrans	
OR-03277		1982	Snyder, John W.	Evaluations of Standard Bridges and Culverts on 07-Ora, LA-5 Santa Ana Transit Corridor	Environmental Planning, Caltrans	
OR-03731	Paleo -	1996	Rosenthal, Jane	Archaeological and Paleontological Monitoring of Preliminary Grading and Trenching for the Lower Peters Canyon Retail Site, Tentative Parcel Map 93-204, 940122, County Permit # GA950034.	Petra Resources Inc.	
OR-04000		2010	Strauss, Monica, Ehringer, Candace, and Bray, Madeleine	Irvine Ranch Water District Wells 21 and 22 and Tustin Legacy Well 1 (TL-1) Projects, Phase I Cultural Resources Assessment	ESA	30-000300, 30-000301, 30-000350, 30-000351, 30-000353, 30-000373, 30-000381, 30-001652

ATTACHMENT B

NAHC Sacred Lands File Search Results



August 18, 2023

For: Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, California 95814

From: Emily T. Soong
BFS Environmental Services, a Perennial Company
14010 Poway Rd. Suite A
Poway, CA 92064

Re: Request for Sacred Lands File and Native American Contact List for the Chase Road Project, Fontana, San Bernardino County, California.

I would like to request a record search of the Sacred Lands File and a list of appropriate Native American contacts for the following project: The Market Place Project (Project No. 23-223). The project is an archaeological study located north of the intersection of Jamboree Road and Santa Ana Freeway (APNs 500-291-02, -04, -06, -07, -08, -11, -21, -23, -24, -25, -26, -27, 500-312-01, -02, -04, -06, -08, -09), Tustin, Orange County, California. Specifically, the project is in former Lomas De Santiago and San Joaquin Ranchos, Township 1 South, Range 6 West as seen on the USGS *Tustin*, California topographic quadrangle. Please find the enclosed map on which the project is delineated.

Thank you for your time.

Sincerely,

Emily T. Soong
Graphics/GIS
Billing: 14010 Poway Road, Suite A, Poway, CA 92064
Phone: 858-484-0915
Email: esoong@bfsa.perennialenv.com

Attachments:

USGS 7.5 *Tustin*, California, topographic maps with project area delineated.
Sacred Lands File request form

Sacred Lands File & Native American Contacts List Request
NATIVE AMERICAN HERITAGE COMMISSION
915 Capitol Mall, RM 364 * Sacramento, CA 95814 * (916) 653-4082
(916) 657-5390 – Fax * nahc@pacbell.net

Information Below is Required for a Sacred Lands File Search

Project: The Market Place Project (Project No. 22-223)

County: Orange

USGS Quadrangle Name(s): *Tustin*

Township 5 South, Range 9 West

Company/Firm/Agency: BFSA Environmental Services, a Perennial Company

Contact Person: Emily T. Soong

Street Address: 14010 Poway Road, Suite A

City: Poway Zip: 92064

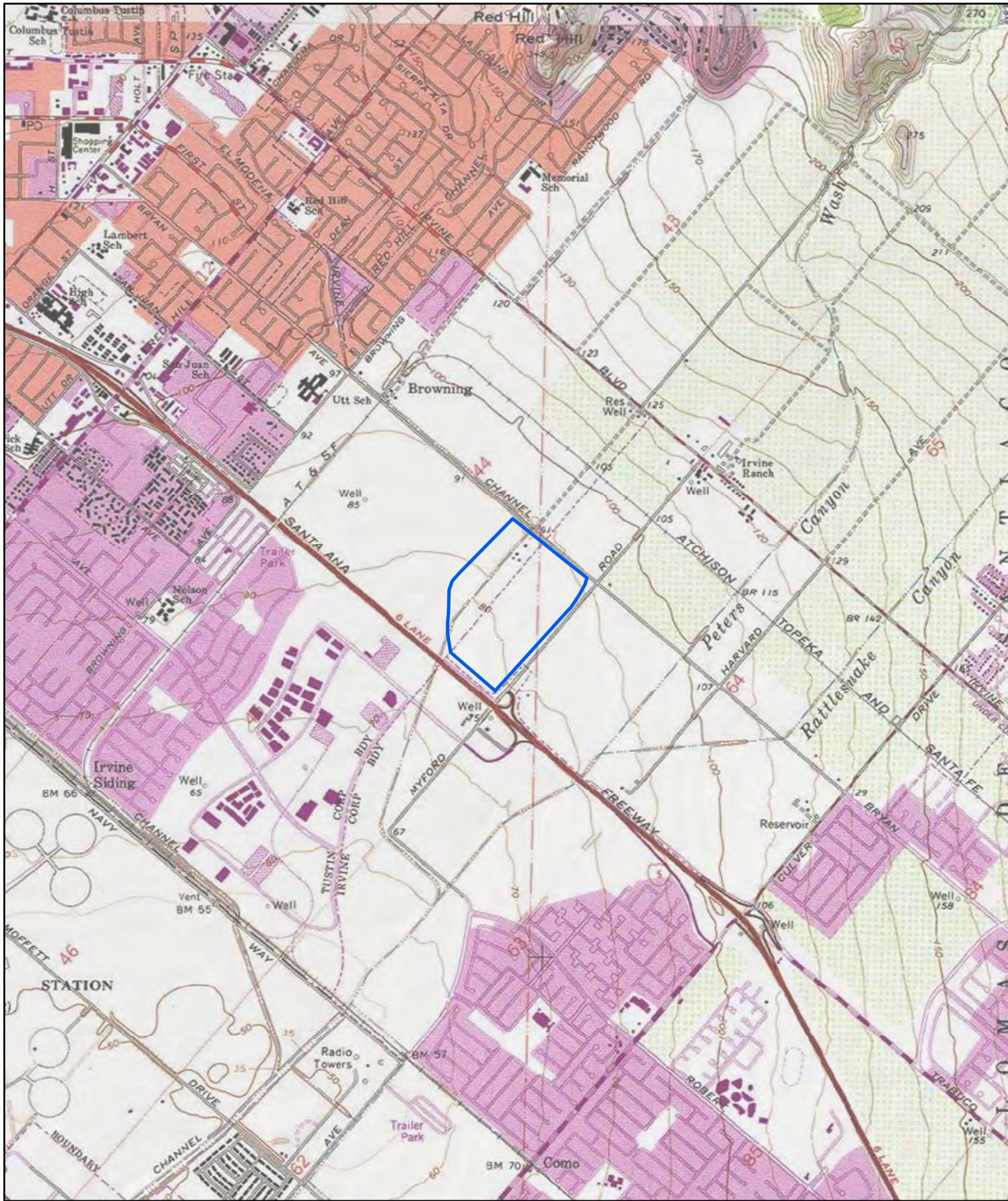
Phone: 858-484-0915

Fax: 858-679-9896

Email: esoong@bfsa.perennialenv.com

Project Description:

I would like to request a record search of the Sacred Lands File and a list of appropriate Native American contacts for the following project: The Market Place Project (Project No. 23-223). The project is an archaeological study located north of the intersection of Jamboree Road and Santa Ana Freeway (APNs 500-291-02, -04, -06, -07, -08, -11, -21, -23, -24, -25, -26, -27, 500-312-01, -02, -04, -06, -08, -09), Tustin, Orange County, California. Specifically, the project is in former Lomas De Santiago and San Joaquin Ranchos, Township 1 South, Range 6 West as seen on the USGS *Tustin*, California topographic quadrangle. Please find the enclosed map on which the project is delineated.



 Project

The Market Center Project
USGS *Tustin* Quadrangle
(7.5-minute series)



1:24,000

ETS BSAES: 8/18/2023

From: NAHC@NAHC
To: Emily Soong
Cc: Green, Andrew@NAHC
Subject: RE: Request for Sacred Land Search for The Market Place Project (23-223)
Date: Saturday, August 19, 2023 9:16:27 AM
Attachments: [image001.png](#)
[The Market Place Project Sacred Lands File form.pdf](#)
[The Market Place Project NAHC Search Request.pdf](#)
[The Market Place Map.pdf](#)

This sender is trusted.

Hello,

Thank you for your message. We're in receipt of your request. We have recently hired new staff, and this change in our office is creating some delays. We estimate a turn-around time of 4 weeks and don't anticipate responding sooner than the end of that time frame. Please let us know if you have any questions.

Kind regards,

Native American Heritage Commission

1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
(916) 373-3710

From: Emily Soong <esoong@bfsa.perennialenv.com>
Sent: Friday, August 18, 2023 10:48 AM
To: NAHC@NAHC <NAHC@nahc.ca.gov>
Cc: Jenni Stropes <jstropes@bfsa.perennialenv.com>
Subject: Request for Sacred Land Search for The Market Place Project (23-223)

To whom it may concern,

I would like to request a record search of the Sacred Lands File and a list of appropriate Native American contacts for the following project: [The Market Place Project \(Project No. 23-223\)](#). The project is an archaeological study located north of the intersection of Jamboree Road and Santa Ana Freeway (APNs 500-291-02, -04, -06, -07, -08, -11, -21, -23, -24, -25, -26, -27, 500-312-01, -02, -04, -06, -08, -09), Tustin, Orange County, California. Specifically, the project is in former Lomas De Santiago and San Joaquin Ranchos, Township 1 South, Range 6 West as seen on the USGS *Tustin*, California topographic quadrangle. Please find the enclosed map on which the project is delineated.

Best regards,

Emily T. Soong
BFSA Environmental Services



Phone: 858-484-0915

Email: esoong@bfsa.perennialenv.com

14010 Poway Road, Suite A
Poway, CA 92064

www.bfsa-ca.com

NATIVE AMERICAN HERITAGE COMMISSION

October 3, 2023

Emily T. Soong
BFSA Environmental Services

Via Email to: esoong@bfsa.perennialenv.com

Re: The Market Place Project, Orange County

Dear Ms. Soong:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

Attachment



CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Vacant

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

**Native American Heritage Commission
Native American Contact List
Orange County
10/3/2023**

Tribe Name	Fed (F) Non-Fed (N)	Contact Person	Contact Address	Phone #	Fax #	Email Address	Cultural Affiliation
Gabrieleno Band of Mission Indians - Kizh Nation	N	Christina Swindall Martinez, Secretary	P.O. Box 393 Covina, CA, 91723	(844) 390-0787		admin@gabrielenoindians.org	Gabrieleno
Gabrieleno Band of Mission Indians - Kizh Nation	N	Andrew Salas, Chairperson	P.O. Box 393 Covina, CA, 91723	(844) 390-0787		admin@gabrielenoindians.org	Gabrieleno
Gabrieleno/Tongva San Gabriel Band of Mission Indians	N	Anthony Morales, Chairperson	P.O. Box 693 San Gabriel, CA, 91778	(626) 483-3564	(626) 286-1262	GTTribalcouncil@aol.com	Gabrieleno
Gabrielino/Tongva Nation	N	Sandonne Goad, Chairperson	106 1/2 Judge John Aiso St., #231 Los Angeles, CA, 90012	(951) 807-0479		sgoad@gabrielino-tongva.com	Gabrielino
Gabrielino Tongva Indians of California Tribal	N	Robert Dorame, Chairperson	P.O. Box 490 Bellflower, CA, 90707	(562) 761-6417	(562) 761-6417	gtongva@gmail.com	Gabrielino
Gabrielino Tongva Indians of California Tribal	N	Christina Conley, Cultural Resource Administrator	P.O. Box 941078 Simi Valley, CA, 93094	(626) 407-8761		christina.marsden@alumni.usc.edu	Gabrielino

Tribe Name	Fed (F) Non-Fed (N)	Contact Person	Contact Address	Phone #	Fax #	Email Address	Cultural Affiliation
Gabrielino-Tongva Tribe	N	Sam Dunlap, Cultural Resource Director	P.O. Box 3919 Seal Beach, CA, 90740	(909) 262-9351		tongvatcr@gmail.com	Gabrielino
Gabrielino-Tongva Tribe	N	Charles Alvarez, Chairperson	23454 Vanowen Street West Hills, CA, 91307	(310) 403-6048		Chavez1956metro@gmail.com	Gabrielino
Juaneno Band of Mission Indians Acjachemen Nation -	N	Joyce Perry, Cultural Resource Director	4955 Paseo Segovia Irvine, CA, 92603	(949) 293-8522		kaamalam@gmail.com	Juaneno
Juaneno Band of Mission Indians Acjachemen Nation 84A	N	Heidi Lucero, Chairperson, THPO	31411-A La Matanza Street San Juan Capistrano, CA, 92675	(562) 879-2884		jbmian.chairwoman@gmail.com	Juaneno
Pala Band of Mission Indians	F	Alexis Wallick, Assistant THPO	PMB 50, 35008 Pala Temecula Road Pala, CA, 92059	(760) 891-3537		awallick@palatribe.com	Cupeno Luiseno
Pala Band of Mission Indians	F	Shasta Gaughen, Tribal Historic Preservation Officer	PMB 50, 35008 Pala Temecula Road Pala, CA, 92059	(760) 891-3515	(760) 742-3189	sgaughen@palatribe.com	Cupeno Luiseno
Santa Rosa Band of Cahuilla Indians	F	Lovina Redner, Tribal Chair	P.O. Box 391820 Anza, CA, 92539	(951) 659-2700	(951) 659-2228	lsaul@santarosa-nsn.gov	Cahuilla

Tribe Name	Fed (F) Non-Fed (N)	Contact Person	Contact Address	Phone #	Fax #	Email Address	Cultural Affiliation
Soboba Band of Luiseno Indians	F	Joseph Ontiveros, Tribal Historic Preservation Officer	P.O. Box 487 San Jacinto, CA, 92581	(951) 663-5279	(951) 654-4198	jontiveros@soboba-nsn.gov	Cahuilla Luiseno
Soboba Band of Luiseno Indians	F	Jessica Valdez, Cultural Resource Specialist	P.O. Box 487 San Jacinto, CA, 92581	(951) 663-6261	(951) 654-4198	jvaldez@soboba-nsn.gov	Cahuilla Luiseno

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed The Market Place Project, Orange County.