THE TUSTIN LEGACY SPECIFIC PLAN AMENDMENT

SCH NO. 1994071005

prepared for
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Final Supplemental Environmental Impact Report

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1. Introduction

This Final Supplemental Environmental Impact Report (Final SEIR) has been prepared in conformance with the environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA) to evaluate the environmental effects that may result from construction and operation of the proposed Tustin Legacy Specific Plan Amendment (proposed Project).

According to CEQA Guidelines Section 15132, the Final EIR shall consist of:

(a) The Draft Environmental Impact Report (Draft EIR) or a revision of the Draft EIR;

(b) Comments and recommendations received on the Draft EIR, either verbatim or in summary;

(c) A list of persons, organizations, and public agencies commenting on the Draft EIR;

(d) The responses of the lead agency to significant environmental points raised in the review and consultation process;

(e) Any other information added by the lead agency.

This document contains responses to comments received on the Draft SEIR during the public review period, which began June 28, 2024, and ended on August 12, 2024. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and represents the independent judgment of the lead agency, the City of Tustin. This document and the circulated Draft SEIR comprise the Final SEIR in accordance with CEQA Guidelines, Section 15132.

1.1 FORMAT OF THE FINAL SEIR

The following chapters are contained within this document:

Chapter 1.0, Introduction. This chapter describes CEQA requirements and the content of the Final SEIR.

Chapter 2.0, Revisions to the Draft SEIR. This chapter contains revisions made to the Draft SEIR as a result of the comments received by agencies and organizations as described in Chapter 2.0, and/or errors and omissions discovered since release of the Draft SEIR for public review.

The City of Tustin has determined that none of this material constitutes significant new information that requires recirculation of the Draft SEIR for further public comment under CEQA Guidelines Section 15088.5. The additional material clarifies existing information prepared in the Draft SEIR and does not present any new substantive information. None of this new material indicates that the Project would result in a significant new environmental impact not previously disclosed in the Draft SEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

Chapter 3.0, Response to Comments. This chapter provides a list of agencies and organizations who commented on the Draft SEIR, as well as copies of their comment letters received during and following the public review period, and individual responses to their comments.

Chapter 4.0, Mitigation, Monitoring, and Reporting Program. This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires lead agencies to "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA Section

21081.6, CEQA Guidelines Section 15097). The MMRP was prepared based on the mitigation measures included in the Draft SEIR with revisions from this Final SEIR, as needed.

1.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be "*on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible … CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR*."

CEQA Guidelines Section 15204(c) further advises, "*Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*" Section 15204 (d) also states, "*Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility.*" Section 15204 (e) states, "*This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.*"

In accordance with CEQA, Public Resources Code (PRC) Section 21092.5, copies of the written responses to public agencies are being forwarded to those agencies at least 10 days prior to certification of the Final SEIR, with copies of this Final SEIR document, which conforms to the legal standards established for response to comments on the Draft SEIR pursuant to CEQA.

2. Errata

2.1 INTRODUCTION

As provided in Section 15088(c) of the CEQA Guidelines, responses to comments may take the form of a revision to a Draft SEIR or may be a separate section in the Final SEIR. This section complies with the latter option and provides changes to the Draft SEIR in this chapter shown as strikethrough text (e.g., ~~strikethrough~~) signifying deletions and red underlined text (e.g., **underline**) signifying additions. These changes are meant to provide clarification, corrections, or minor revisions made to the Draft SEIR initiated by the Lead Agency, City of Tustin, reviewing agencies, the public, and/or consultants based on their review. Text changes are presented in the section and page order in which they appear in the Draft SEIR. None of the corrections or additions constitutes significant new information or substantial project changes that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft SEIR.

2.2 CHANGES TO THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

2.2.1 Section 1.0 Executive Summary

Location: Section 1.5, *Summary of Impacts*, pages 1-13 and 1-14

Explanation for Change and Discussion:

The Draft SEIR Table 1-1, Summary of Impacts, included a typographical error that listed PPPs AQ-2. AQ-3, and AQ-4 with the incorrect descriptor name. This error is contained under Impact AQ-3 and Cumulative Impact within the impact summary table. Therefore, the PPP names have been revised to accurately reflect the regulatory requirement as listed in Section 5.1, Air Quality, of the Draft SEIR.

Changes to DSEIR:

Impact AQ-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?	**PPP AQ-1: Rule 403.** As listed previously. **PPP AQ-2: ~~Prohibition of Fireplaces~~ Rule 1113.** As listed previously. **PPP AQ-3: ~~Electric Landscape Equipment~~ Rule 445.** As listed previously. **PPP AQ-4: ~~Low VOC Paint (Operations)~~ CalGreen Building Standards MERV 13 Filters.** As listed previously.	Potentially significant.	**Applicable 2017 SEIR Mitigation Measures** **2017 SEIR MM AQ-6:** Prior to the issuance of grading permits, the applicants for individual new developments shall evaluate localized construction-related air quality impacts. Localized construction emissions shall be evaluated to the South Coast Air Quality Management District's Localized Significance Thresholds for construction. Applicable mitigation measures to reduce potential localized construction-related air quality	Significant and Unavoidable.

			impacts shall be included in the evaluation, as necessary, to minimize impacts to the extent feasible and shall be implemented. The evaluation shall be submitted to the City of Tustin for review. In addition, all recommended mitigation measures shall be noted on all construction plans submitted to the City of Tustin Building and Public Works Department for verification.	
Impact AQ-4: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		Less than significant.	No mitigation is required.	Less than significant.
Cumulative	**PPP AQ-1: Rule 403.** As listed previously. **PPP AQ-2: ~~Prohibition of Fireplaces~~ Rule 1113.** As listed previously. **PPP AQ-3: ~~Electric Landscape Equipment~~ Rule 445.** As listed previously. **PPP AQ-4: ~~Low VOC Paint (Operations)~~ CalGreen Building Standards MERV 13 Filters.** As listed previously.	Potentially significant.	**Applicable 2017 SEIR Mitigation Measures** **2017 SEIR MM AQ-2:** As listed previously. **2017 SEIR MM AQ-3:** As listed previously. **2017 SEIR MM AQ-4:** As listed previously. **2017 SEIR MM AQ-5:** As listed previously. **2017 SEIR MM AQ-6:** As listed previously. **Proposed Mitigation Measures** **Mitigation Measure AQ-1: Vehicle Trip Reduction.** As listed previously. **Mitigation Measure AQ-2: Prohibition of Fireplaces.** As listed previously. **Mitigation Measure AQ-3: Electric Landscape Equipment.** As listed previously. **Mitigation Measure AQ-4: Low VOC Paint**	Significant and unavoidable.

			(Operations). As listed previously.	

Location: Section 1.5, *Summary of Impacts*, page 1-19

Explanation for Change and Discussion:

The Draft SEIR Table 1-1, Summary of Impacts, included an error that excluded PPP LU-1 from Impact LU-2. Therefore, the table has been revised to include PPP LU-1 under this impact, as reflected in Section 5.4, Land Use, of the Draft SEIR.

Changes to DSEIR:

5.4 Land Use and Planning				
Impact LU-2: Would the Project 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?	**PPP LU-1: A Federal Facility Site Remediation Agreement (FFSRA) between the Department of the Navy (DON) and Department of Toxic Substance Control was signed for Former MCAS Tustin on 18 August 1999. The FFSRA defines DON's response action obligations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and corrective action obligations under the Resource Conservation and Recovery Act. All remediation activities pursuant to the FFSRA shall be carried out prior to (or in conjunction with in certain approved conditions) implementation of the TLSP. All future development shall comply with the requirements and criteria under the FFSRA and as set forth by DTSC, U.S. Environmental Protection Agency (EPA), RWQCB, and applicable local agencies (including the City of Tustin and City of Irvine).**	Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(a)** The City of Tustin or City of Irvine, as appropriate, shall ensure that infrastructure is constructed in phases as triggered by identified thresholds in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements (see Table 4-2 at the end of this Mitigation Monitoring and Reporting Program)… *(cont.)*	Less than significant.

Location: Section 1.5, *Summary of Impacts*, page 1-37

Explanation for Change and Discussion:

The Draft SEIR Table 1-1, Summary of Impacts, included an error that excluded Implementation Measure (t), which requires proof of payment of school fees pursuant to Government Code Section 65995, from Cumulative land use impact summary. Therefore, the table has been revised to include these Implementation Measures under this impact, as reflected in Section 5.4, Land Use, of the Draft SEIR.

Changes to DSEIR:

5.7 Public Services			
Impact PS-1: 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: (i) Fire protection? (ii) Police protection? (iii) Schools? (iv) Parks? (v) Other public facilities?		Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(f).** As listed previously. **(m).** As listed previously. **(o).** As listed previously. **(p).** As listed previously. **(q).** As listed previously. **(r).** As listed previously. **(s).** As listed previously. **(t). As listed previously.**
Cumulative		Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(f).** As listed previously. **(m).** As listed previously. **(o).** As listed previously. **(p).** As listed previously. **(q).** As listed previously. **(r).** As listed previously. **(s).** As listed previously. **(t). As listed previously.**

2.2.2 Section 5.1 Air Quality

Location: Section 5.1.10, *Mitigation Measures*, page 5.1-30

Explanation for Change and Discussion:

Mitigation Measure AQ-2 was included to limit emissions of ROG, NO_X, and particulate matter through the prohibition of fireplaces in future development implemented as part of the Project. Additionally, Mitigation Measure AQ-3 requires that commercial landscape equipment used for future developments shall be electrically powered to reduce emissions within the Project site. The measure has been modified to provide clarification regarding the types of contractual mechanisms that will include these requirements.

Changes to DSEIR:

Mitigation Measure AQ-2: Prohibition of Fireplaces. The installation of wood-burning and natural gas devices shall be prohibited inside residential dwelling units. The purpose of this measure is to limit emissions of ROG, NO_X, and particulate matter emissions from wood-burning and natural gas devices used for primary heat, supplemental heat, or ambiance. This prohibition shall be noted on the deed **for for-sale residential units** and/or any **non-residential** tenant lease agreements.

Mitigation Measure AQ-3: Electric Landscape Equipment. Prior to the issuance of occupancy permits, the Community Development Department shall confirm that the ~~Modified~~ P**p**roject's Codes Covenants and Restrictions (CC&Rs) and/or **non-residential** tenant lease agreements include contractual language that all landscaping equipment used on site shall be 100 percent electrically powered. All residential and non-residential properties shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the **property or** building owner and **non-residential** tenants, as applicable.

2.2.3 Section 5.3 Greenhouse Gas

Location: Section 5.3.10, *Mitigation Measures*, page 5.3-16

Explanation for Change and Discussion:

Mitigation Measure GHG-2 requires future development to meet sustainability objectives of Leadership in Energy and Environmental Design (LEED) and implement electric vehicle charging stations per Tier 2 standards of the 2022 CalGreen Code. The intent of this measure is to reduce energy and fuel consumption of future development implemented under the Modified Project, and further, reduce the Modified Project's GHG impact.

Mitigation Measure GHG-2 has been revised to provide clarity regarding the minimum standards future development must meet to reduce overall GHG emissions that are anticipated to result from buildout of the Modified Project. Future development shall not be required to obtain LEED certification, but future projects should be designed to achieve LEED equivalence. Ultimately, it would be up to future project applicants in whether they elect to apply for formal LEED certification or not, which would not have an impact on the effectiveness of the mitigation measure.

Additionally, Mitigation Measure GHG-2 has been revised to reflect the baseline for improvement set by circulation of the Modified Project NOP, which began March 3, 2024, prior to the July 2024 CalGreen Code Supplement. The 2022 CALGreen Code reflects the analysis included within the Modified Project SEIR. The Tier 2 electric charging station requirements in effect at the time of release of the NOP included the following:

- Forty (40) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles (EV Ready), with no more than one receptacle required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.
- For projects with 20 or more units, fifteen (15) percent of the total number of parking spaces shall be equipped with Level 2 EVSE chargers. Where common use parking is provided, at least one (1) EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

Furthermore, the measure was revised to include measures specifically for future residential projects since the Modified Project proposes an increase in future residential and maintains the existing approved nonresidential maximum development allowance.

Lastly, since there may be overlap between the two measures within Mitigation Measure GHG-1, the mitigation measure was revised to specify that future development would be able to elect one or both measures as feasible and pertinent to the proposed project.

Changes to DSEIR:

Mitigation Measure GHG-2: LEED Equivalency and ~~/~~CalGreen Tier 2 Charging Stations. Prior to the issuance of building permits, project applicant or successor in interest shall provide documentation to the City of Tustin demonstrating **compliance with** the following**, if feasible**:

- The project shall be designed to achieve Leadership in Energy and Environmental Design (LEED) **equivalence** ~~certification to meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application~~ in order to exceed 2022 Title 24 energy efficiency standards~~.~~**; or**
- The project shall provide facilities to support electric charging stations per the Tier 2 standards ~~in Section A5.106.5.3 (Nonresidential Voluntary Measures) and~~ Section A~~5~~**4**.106.8.2 (Residential Voluntary Measures) of the 2022 CALGreen Code**, which is the baseline for improvement set by circulation of the Modified Project NOP (March 3, 2024, prior to the July 2024 CalGreen Code Supplement).**

2.2.4 Section 5.5 Noise

Location: Section 5.5.6, *Environmental Impacts*, page 5.5-16

Explanation for Change and Discussion:

The last paragraph under Impact Discussion NOI-1 (Draft SEIR page 5.5-16), erroneously misnumbered 2017 SEIR MM NOI-3 as NOI-1. The discussion has been revised to correct the reference number of the MM.

Changes to DSEIR:

However, given that specific details related to stationary impacts of future developments are not known at this time and will not be known until a development project is proposed, 2017 SEIR MM NOI-3 would be implemented to require all future development projects to prepare project-specific plans and studies to determine whether any exterior noise sensitive areas would experience noise levels greater than 65 dBA CNEL or interior noise levels of 45 dBA CNEL; and to identify any noise reduction features for the proposed development (e.g. upgraded windows with Sound Transmission Class (STC) ratings of 30–35). Each development project shall confirm that proposed siting of noise-generating stationary sources, if any, would not result in an exceedance of applicable noise thresholds at surrounding land uses. Thus, with implementation of MM NOI-~~1~~**3**, impacts related to stationary noise impacts would be less than significant, consistent with the findings of the 2017 SEIR. There would be no increase in the impacts previously identified.

2.2.5 Section 5.7 Public Services

Location: Section 5.7.4.9, *School Services Mitigation Measures*, pp. 5.7-23

Explanation for Change and Discussion:

Section 5.7.4.9, *School Services Mitigation* (Draft SEIR page 5.7-23), erroneously misnumbered implementation measure regarding proof of school payment fees as (f) instead of (t). The discussion has been revised to correct the number of the measure referenced.

Changes to DSEIR:

5.7.4.9 School Services Mitigation Measures

Adopted 2017 SEIR Implementation Measures Applicable to the Project

(~~f~~ t). Prior to the issuance of building permits, the project developer shall submit to the respective City proof of payment of appropriate school fees adopted by the applicable school district pursuant to Government Code Section 65995. Alternatively, a project developer may enter into a mutual agreement with an applicable school district to provide alternative mitigation that addresses student generation increases.

2.2.6 Section 5.9 Tribal Cultural Resources

Location: Section 5.9.8, *Existing Standard Conditions and Plans, Programs, or Policies*, pp. 5.9-7

Explanation for Change and Discussion:

Policy PPP CUL-1 includes the regulatory requirements that must be followed in the event human remains are discovered during ground-disturbing activities, and further, if the remains discovered are determined to be prehistoric. Public Resources Code (PRC) 5097.98 requires the most likely descendant (MLD) must complete the inspection of the remains within 48 hours of obtaining access to the site. The PPP CUL-1 has been updated to reflect this accordingly. Additionally, the measure has been updated numerically to PPP TRC-2.

Changes to DSEIR:

PPP ~~CUL-1~~TRC-2: Human Remains. Should human remains or funerary objects be discovered during Project construction, the Project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission **by telephone within 24 hours**, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection **and make recommendations or preferences for treatment** within 48 hours ~~of notification by the NAHC~~ **after being granted access to the site**.

Location: 5.9.11, Mitigation Measures pp. 5.9-7

Explanation for Change and Discussion:

Mitigation Measure TCR-1 outlines the agreement framework between applicants and/or developers and Native American Monitors regarding ground-disturbing activities of future potential projects. The measure has been slightly revised to provide additional clarification on when a qualified archaeologist may be retained for monitoring of tribal cultural resources and the type of activities exempt from future monitoring.

Changes to Draft EIR:

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

a. Prior to the issuance of demolition or grading permits for any projects that would disturb previously undisturbed soils (native soils) or soils that have native fill, the project applicant/developer shall retain a Native American Monitor, with first preference given to the Gabrieleño Band of Mission Indians – Kizh Nation, who responded to the City's request for consultation on November 14, 2023 (first preference Tribe, Tribe). The applicant/developer shall allow 45 days from the initial contact with the first

preference tribe to enter into a contract for monitoring services. If the applicant/developer is unable to contact the Kizh Nation after three documented attempts or is unable to secure an agreement, the applicant shall report to the lead agency, and the lead agency will contact the Kizh Nation to validate that the parties were unable to enter into an agreement. ~~The applicant/developer shall have made three documented attempts to directly contact the Kizh Nation to enter into a tribal monitoring agreement.~~ If the applicant/developer can demonstrate they were unable to secure an agreement with the first preference tribe, as validated and documented by the Community Development Department in writing, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant/developer may retain an alternative qualified tribal monitor from a culturally affiliated tribe, **or if none are available, an otherwise qualified archaeologist may be retained as** ~~if~~ approved by the City.

The monitor shall be retained prior to the issuance of a demolition permit or grading permit, and the commencement of any development related "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, auguring, grubbing, boring, grading, excavation, drilling, and trenching for the purposes of reconstruction and new development. "Ground-disturbing activity" shall not include ~~minor~~ **removal or** maintenance **of existing small facilities and utilities** ~~activities~~ such as potholing, tree removal, and parking lot maintenance. This mitigation measure does not apply to projects that would only disturb soils made up of artificial fill, as verified by a soils or geotechnical report.

b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, **and** cultural-related materials~~, and any other facts, conditions, materials, or discoveries~~ of significance to the Kizh Nation. Monitor logs will identify and describe any discovered ~~TCRs, including but not limited to,~~ Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and ~~burial~~ **associated grave** goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the consulting tribe. If a monitor is selected from a tribe other than the Kizh Nation, the Kizh Nation shall be contacted if any discoveries are found.
d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the ~~consulting tribe~~ **monitor** from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities and that have the potential to impact local TCRs on the project site or in connection with the project are complete**; or (2) the monitor determines based on field observations that there is no likelihood of encountering intact TCRs. Monitoring may be reduced in extent or frequency as determined appropriate by the monitor**.

Location: 5.9.11, Mitigation Measures pp. 5.9-8

Explanation for Change and Discussion:

Mitigation Measure TCR-2 outlines the process that applicants and/or developers shall take in the event of an unanticipated discovery of a TCR during ground-disturbing activities of future potential projects. The measure has been slightly revised to provide additional clarification on the responsibilities of various entities in the notification and decision-making process related to discovered TCRs.

Changes to Draft EIR:

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

~~A.~~ Upon discovery of any TCRs, all ~~construction~~ **ground-disturbing** activities in the immediate vicinity of the discovery shall cease (i.e., ~~not less than the~~ surrounding 50 feet) and shall not resume until the discovered TCR has been ~~fully~~ assessed by the tribal monitor and consulting archaeologist. If the ~~consulting tribe~~ **monitor** is other than the Gabrieleño Band of Mission Indians – Kizh Nation, the Kizh Nation shall be contacted and the ~~consulting tribe~~ **monitor and/or Kizh Nation** will recover and retain all discovered TCRs in the form and/or ~~manner the Kizh Nation~~ deem**ed**~~s~~ appropriate, in ~~the~~ **agreement with** Kizh Nation ~~sole discretion, and for any purpose the Kizh Nation deems appropriate~~, including for educational, cultural and/or historic purposes.

Location: 5.9-8, Mitigation Measures pp. 5.9-8

Explanation for Change and Discussion:

Mitigation Measure TCR-3 outlines the process that applicants and/or developers shall take in the event of an unanticipated discovery of human remains and associated funerary or ceremonial objects during ground-disturbing activities of future potential projects. The measure has been slightly revised to provide additional clarification regarding the latest regulatory language under PRC 5097.98 and Health and Safety Code Section 7050.5.

Changes to Draft EIR:

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects

a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
b. If Native American human remains ~~and/or grave goods~~ are discovered or recognized on the project site, then ~~Public Resource Code 5097.9 as well as~~ Health and Safety Code Section 7050.5 shall be followed.
c. Human remains and **associated** grave~~/burial~~ goods shall be treated ~~alike~~ **in the same manner** per California Public Resources Code section 5097.98(d)(1) and (2).
d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or ~~burial~~ **grave** goods.
e. Any discovery of human remains/~~burial~~**grave** goods shall be kept confidential to prevent further disturbance.

2.2.7 Section 5.10 Utilities and Service Systems

Location: Section 5.10.3.7, *Water Existing Standard Conditions and Plans, Programs, or Policies*, pp. 5.10-17

Explanation for Change and Discussion:

Section 5.10.3.7, *Water Existing Standard Conditions and Plans, Programs, or Policies* (Draft SEIR page 5.10-17), erroneously misnumbered PPP T-1, *Traffic Control Utilities*, as PPP T-2. This error is repeated throughout the section and is also updated accordingly.

Changes to DSEIR:

PPP T-~~2~~1: Traffic Control/Utilities. All future development constructed under the Project shall be subject to the traffic control standards specified by the City's latest *Standard Plans and Design Standards*, which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction

within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design.

This error is repeated, and updated by reference, on Draft SEIR pages 5.10-14, 5.10-24, 5.10-30, and 5.10-41.

Location: Section 5.10.2.9, *Water Mitigation Measures*, pp. 5.10-18

Explanation for Change and Discussion:

This revision is in response to Comment A-1.1, included in Section 3, *Response to Comments*, of this Final SEIR. OC San has requested that all sewer capacity analyses are provided to OC San for review and verification prior to project approval. Mitigation Measure UT-1 has been modified to stipulate that future applicants would be required to obtain verification from OC San in addition to IRWD.

Changes to DSEIR:

Proposed Specific Plan Amendment Project Mitigation Measures

MM UT- 1. Prior to project approval, the development applicant shall coordinate with IRWD to conduct infrastructure analyses of water and sewer utilities in the project area to ensure existing conveyance and pressure is adequate to serve the project. Once development assumptions identified within the IRWD-approved Sub Area Master Plan (SAMP) are surpassed, project applicants shall coordinate with IRWD to update the SAMP for the TLSP area. **The developer shall also submit the sewer capacity analysis to the Orange County Sanitation District (OC San) for review and verification that there is available sewer capacity for applicable OC San facilities.**

3. Response to Comments

This section of the Final Supplemental Environmental Impact Report (FSEIR) for the Tustin Legacy Specific Plan Amendment (Modified Project) includes a copy of all comment letters that were submitted during the public review period for the Draft Supplemental Environmental Impact Report (DSEIR), along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the DSEIR began on June 28, 2024, and ended on August 12, 2024. A total of six comment letters were received in response to the DSEIR during the 45-day public review period, and one comment letter was received after the close of the public review period.

The responses amplify or clarify information provided in the DSEIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Modified Project unrelated to its environmental impacts) are noted for the record. Where text changes in the DSEIR are warranted based on comments received, updated Modified Project information, or other information provided by City staff, those changes are noted in the response to comment and the reader is directed to Section 2.0, *Errata*, of this FSEIR.

These changes to the analysis contained in the DSEIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the DSEIR is not required.

All written comments received on the DSEIR are listed in Table 3-1. All comment letters received on the DSEIR have been coded with a number to facilitate identification and tracking. The comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. To aid readers and commenters, electronically bracketed comment letters have been reproduced in this document with the corresponding responses provided immediately following each comment letter.

Table 3-1: Comments Received on the DSEIR

Comment Letter	Commenter	Date
A-1	Orange County Sanitation District	August 1, 2024
A-2	Irvine Ranch Water District	August 12, 2024
A-3	Tustin Unified School District	August 14, 2024
I-1	Ethan Kwong	July 22, 2024
I-2	Sumedha Magdum	July 31, 2024
1-3	Sheer Best	August 3, 2024
I-4	Irvine Company	August 12, 2024

Note: A = Agency, I = Interested Party

To finalize the SEIR for the Modified Project, the following responses were prepared to address these comments.

Comment Letter 1: Orange County Sanitation District (OC San), dated August 1, 2024

OC SAN
ORANGE COUNTY SANITATION DISTRICT
10844 Ellis Avenue
Fountain Valley, CA 92708
714.962.2411
www.ocsan.gov

August 1, 2024

Samatha Beier, Senior Planner
City of Tustin, Community Development Department
300 Centennial Way
Tustin, CA 92708

SUBJECT: Notice of Availability of a Draft Supplemental Environmental Impact Report for the Legacy Specific Plan Amendment

Thank you for providing the Notice of Availability of a Draft Supplemental Environmental Impact Report for the Legacy Specific Plan Amendment. The Orange County Sanitation District (OC San) has reviewed the document and would like to recommend modifying the Mitigation Measure UT-1 for any future developments to submit sewer capacity analysis of existing wastewater utility in the area for OC San review and to obtain sewer capacity verification from OC San. A-1.1

If you have any questions regarding this letter, please contact Kevin Hadden, Planning Division, at (714) 593-7462 or khadden@ocsan.gov.

Brown, Andrew

Andrew Brown, Engineering Supervisor
Planning Division
(714) 593-7052

AB/KH:op

https://ocsdgov.sharepoint.com/sites/Planning/CEQA Externally Generated/2024 Comment Letters/City of Tustin Response Ltr 20240801.docx

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Irvine Ranch Water District
Yorba Linda Water District

Our Mission: To protect public health and the environment by providing effective wastewater collection, treatment, and recycling.

70 Years

Response to Comment Letter A-1: Orange County Sanitation District (OC San), dated August 1, 2024

Response to Comment A-1.1: This comment notes OC San's receipt of the Notice of Availability (NOA) for the Draft Supplemental Environmental Impact Report (DSEIR). Additionally, the commenter requests modification of Mitigation Measure UT-1 to include the requirement for future developers to send sewer capacity analyses to OC San for review and verification prior to project approval. Contact information has been provided regarding any future questions the City may have.

Mitigation Measure UT-1 has been revised to include the requirement proposed by OC San. This revision is captured within Section 2.0, *Errata*, of this Final SEIR. No other concerns regarding adequacy of the DSEIR were raised and no further revision is required. The revision represents only minor amplification and does not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the DSEIR is not required.

Section 5.11 Utilities and Service Systems, page 5.11-16

MM UT- 1 Prior to project approval, the development applicant shall coordinate with IRWD to conduct infrastructure analyses of water and sewer utilities in the project area to ensure existing conveyance and pressure is adequate to serve the project. Once development assumptions identified within the IRWD-approved Sub Area Master Plan (SAMP) are surpassed, project applicants shall coordinate with IRWD to update the SAMP for the TLSP area. **The developer shall also submit the sewer capacity analysis to the Orange County Sanitation District (OC San) for review and verification that there is available sewer capacity for applicable OC San facilities.**

Comment Letter A-2: Irvine Ranch Water District, dated August 12, 2024

Irvine Ranch
WATER DISTRICT

August 12, 2024

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

Re: Notice of Availability of a Draft Supplemental Environmental Impact Report for the Tustin Legacy Specific Plan Amendment

Dear Ms. Beier:

Irvine Ranch Water District (IRWD) has received the City of Tustin's Notice of Availability (NOA) of a Draft Supplemental Environmental Impact Report (SEIR) for the Tustin Legacy Specific Plan Amendment. IRWD has reviewed the NOA/Draft SEIR and offers the following comments.

IRWD notes that the City of Tustin's Tustin Legacy Specific Plan (TLSP) was adopted by ordinance on February 3, 2003, and establishes the zoning for the 1,606-acre TLSP area. It also established the necessary plans, development standards, regulations, infrastructure requirements, design guidelines, and implementation programs on which subsequent, project-related development is founded. IRWD also understands that the TLSP would require local public works projects, design review plans, detailed site plans, grading and building permits, or any other action requiring ministerial or discretionary approval applicable to the project area to be consistent with the TLSP (and amendments thereof). IRWD notes that the TLSP has been amended seven times between 2001 and 2017 in response to changing market conditions. The latest specific plan amendment occurred in 2017, which reorganized delineated Planning Areas to provide additional flexibility; additionally, overall maximum allowable residential capacity was increased, and maximum allowable nonresidential capacity was decreased. IRWD further notes and understands that the current specific plan amendment proposes to amend three neighborhoods; Neighborhood D North (PA 8), D South (PAs 13 & 14), and G (PA 15), to increase the allowed residential capacity to be consistent with the City of Tustin's Housing Element Update. The TLSP specific plan amendment would increase residential capacity of Neighborhood D North by 1,911 units (currently no residential is allowed), Neighborhood D South by 100 units (from 1,672 to 1,772), and Neighborhood G by 200 units (from 2,814 to 3,014). IRWD notes that compared to the City of Tustin's adopted specific plan, the proposed specific plan amendment would increase the allowed residential capacity by a total of 2,211 residential units and would include a provision that would allow a state density bonus to the TLSP area. Therefore, the proposed allowed residential capacity increase of 2,211 and an additional potential of 2,759 density bonus units has been conservatively analyzed within the Draft SEIR to account for future potential maximum buildout conditions. IRWD further notes that no changes are proposed

A-2.1

Irvine Ranch Water District • 15600 Sand Canyon Ave., Irvine, CA 92618 • Mailing Address: P.O. Box 57000, Irvine, CA 92619-7000 • 949-453-5300 • www.irwd.com

to the allowed nonresidential capacity (i.e. office, commercial, hotel, etc.). No development or infrastructure improvements are proposed as part of the project. A-2.1 cont.

- IRWD completed Sub Area Master Plans (SAMP) for The Tustin Legacy Specific Plan including several updates for development proposals. As more detailed planning area information is identified, the developer will be required to consult with IRWD for possible updates to the SAMP. For questions regarding the Tustin Legacy SAMP, continue to contact Eric Akiyoshi, Engineering Manager - Planning at (949) 453-5552 or via email: akiyoshi@irwd.com. A-2.2

IRWD appreciates the opportunity to review and comment on the NOA/Draft SEIR. If you have any questions or if you require additional information, please do not hesitate to contact me at (949) 453-5325 or Andy Uk, Environmental Compliance Analyst at (949) 453-5326. A-2.3

Sincerely,

Fiona M. Sanchez
Director of Water Resources

cc: Eric Akiyoshi, IRWD
Andy Uk, IRWD

Irvine Ranch Water District • 15600 Sand Canyon Ave., Irvine, CA 92618 • Mailing Address: P.O. Box 57000, Irvine, CA 92619-7000 • 949-453-5300 • www.irwd.com

Response to Comment Letter A-2: Irvine Ranch Water District, dated August 12, 2024

Response to Comment A-2.1: This comment states that the Irvine Ranch Water District (IRWD) has reviewed the DSEIR for the Modified Project. The comment includes a summary of the Modified Project description. The comment is introductory in nature and does not provide substantial evidence of any environmental impact. No further response is warranted.

Response to Comment A-2.2: This comment states that IRWD has completed Sub Area Master Plans (SAMP) for The Tustin Legacy Specific Plan including several updates for development proposals. The comment states that as future projects are proposed and more detailed planning area information is identified, the developer will be required to consult with IRWD to determine if updates to the SAMP are needed.

This comment is consistent with Mitigation Measure UT-1 included in the DSEIR which states "Prior to project approval, the development applicant shall coordinate with IRWD to conduct infrastructure analyses of water and sewer utilities in the project area to ensure existing conveyance and pressure is adequate to serve the project. Once development assumptions identified within the IRWD-approved Sub Area Master Plan (SAMP) are surpassed, project applicants shall coordinate with IRWD to update the SAMP for the TLSP area." The comment also includes a contact for questions regarding the Tustin Legacy SAMP. The comment does not contain any information requiring changes to the DSEIR. No further response is warranted.

Response to Comment A-2.3: This comment provides the contact information for the commenter in the case that the lead agency has any additional questions. This comment is conclusory in nature and does not raise any CEQA issues. Therefore, no further revision or response is required.

Comment Letter A-3: Tustin Unified School District, dated August 14, 2024

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August 14, 2024

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

RE: Response/Comments to
Tustin Legacy Specific Plan Amendment Draft Supplemental Environmental Impact Report

Dear Ms. Beier:

Thank you for giving the Tustin Unified School District (District) the opportunity to respond to the Draft Supplemental Environmental Impact Report (DSEIR) for the Tustin Legacy Specific Plan Amendment (SPA). The District offers comments pertaining to two (2) Sections of the DSEIR; Section 5.7.4, School Services and Section 5.8, Transportation. A-3.1

Section 5.7.4, School Services

1. As highlighted in previous correspondence between the District and the City of Tustin (City), including the response letter provided to EPD Solutions and response to the Notice of Preparation for the DSEIR (both of which are attached for reference), the schools that currently service the Tustin Legacy Specific Planning Area (Heritage Elementary School and Legacy Magnet Academy) are currently at or above capacity. The other schools that are assigned to service the Project Area (Nelson Elementary School, Sycamore Magnet Academy, and Tustin High School) currently have capacity available but do not have enough seats to accommodate all of the students that could potentially be generated by the SPA if all residential units are constructed. Additional students generated from the potential additional residential units authorized by the SPA may or may not be able to attend these schools and may be assigned to other schools within the District. A-3.2
2. Accordingly, the District requests that the adequacy of school capacity be a given strong consideration in the preparation of any environmental documents related to the Project. While the District acknowledges that the payment of Developer Fees pursuant to AB 2926 constitutes adequate mitigation pursuant to CEQA, such fees will not necessarily allow the District to construct expanded facilities in the area that best serves the units covered by the SPA. Absent adequate mitigation, the District will be severely challenged as to how it provides school facilities to future residents from the Project. A-3.3
3. The District stands ready to discuss its challenges and brainstorm potential solutions with the City as the DSEIR and other approval processes unfold.

Section 5.8, Transportation

1. The DSEIR contains several goals and objectives placing a high priority on neighborhood walkability and the ability for non-motorized transportation. In this spirit, the District respectfully requests that the DSEIR closely examine potential measures to allow for the safest routes to Heritage Elementary School and Legacy Magnet Academy. Currently, students are required to spend a good portion of their routes to school on busy streets A-3.4

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such as Tustin Ranch Road and Valencia Avenue. Any measures to reduce student pedestrian and bicycle traffic on these roadways will greatly benefit students on their way to school.

2. Should the District need to accommodate students from future residential units in schools throughout the District, the City may need to examine traffic impacts for the additional trips generated.

A-3.4 cont.

Thank you again for the opportunity to provide these comments, and the District looks forward to working with the City to ensure that adequate school capacity is available for future residents of the Project, as well as the safest possible ways for future students to get to school each day. If you have any questions, I can be reached at (714) 730-7515, Extension 50404. My email address is trizzuti@tustin.k12.ca.us.

A-3.5

Sincerely,

Tom Rizzuti

Tom Rizzuti
Director, Facilities and Planning

Enclosures

Attachment A-3.1: Tustin Unified School District Email, dated August 14, 2024 (1 page)

Beier, Samantha

From: Rizzuti, Tom <trizzuti@tustin.k12.ca.us>
Sent: Wednesday, August 14, 2024 5:00 PM
To: Housing Element Rezone
Cc: Beier, Samantha; Sullins, Harold
Subject: Tustin Unified School District - Response to DSEIR for Tustin Legacy SPA
Attachments: Response Letter Legacy SPA DSEIR - 081424.pdf; Response Letter Legacy SPA DSEIR - 04182024.pdf; Response Letter - Legacy Specific Plan Amendment Project.pdf

Good Afternoon-

Please find attached the Tustin Unified School District's response letter pertaining to the DSEIR for the Tustin Legacy Specific Plan Amendment. Please note that have also attached the two previous letter sent by the District on this matter, as they are referenced in the new letter.

Please let me know if you have any questions. Thank you again for granting the District the extra time. It was very helpful.

Best Regards,

Tom Rizzuti
Director | Facilities and Planning
Tustin Unified School District
trizzuti@tustin.k12.ca.us
(714) 730-7515, Ext. 50404 - OFFICE
(949) 293-4850 - MOBILE

Attachment A-3.2: Tustin Unified School District School Services Information Request, dated April 5, 2024 (3 pages)

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Danielle Thayer, Associate Environmental Planner
EPD Solutions, Inc.

Re: Response to Request for School Services Information – Legacy Specific Plan Amendment Project (EPD 23-068)

Dear Ms. Thayer:

This letter will serve as a response to your request for information regarding the development of up to 4,970 residential units as part of the Market Place Housing Zone Project (EPD 23-070). Each service question will be answered below.

1. **Schools that would serve the project:**
Based on current attendance boundaries for the District, the project would be served by the schools indicated:

K-5 – Heritage Elementary School (students generated from mitigated units)
K-5 – Nelson Elementary School (students generated from non-mitigated units)
6-8 – Sycamore Magnet Academy (students generated from non-mitigated units)
6-12 – Legacy Magnet Academy (students generated from mitigated units)
9-12 – Tustin High School (students generated from non-mitigated units)

However, please be advised that the District can make no guarantee that these schools will be available to accommodate students from the subject project at the time the residential units are built. Because of the fluid nature of these comparisons, the District is unable to say how enrollment and capacity will compare at a later date and therefore, we reserve the right to change the schools to which these projects will be assigned at any time.

2. **Confirmation of 2022/23 Enrollments and Capacities of schools in 2022**
The statement above notwithstanding, the enrollment and capacity numbers included in your table associated with question No. 2 are correct, with the exception that the 2022/23 capacity at Legacy Magnet Academy should be 675 and the resulting remaining capacity should be -131.

3. **2023/2024 Enrollment vs. Capacity:**
The statement above notwithstanding, please see current enrollments vs. capacity for the schools in question. Note that this information is from the Tustin Unified School District Fee Justification Report for Residential and Commercial/Industrial Development prepared by Special District Financing & Administration in April 2024, which is scheduled for review by the Board of Education in April.

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School	2023/24 Enrollment	2023/24 Capacity	Remaining Capacity
Heritage Elementary School (K-5)	528	500	-28
Nelson Elementary School	464	514	50
Sycamore Magnet Academy (6-8)	1,161	1,314	153
Legacy Magnet Academy	904	810	-94
Tustin High School (9-12)	1,818	2,083	265

4. **Number of students to be generated from residential units indicated**

The table below shows student generation rates calculated for the Tustin Unified School District Fee Justification Report for Residential & Commercial/Industrial Development prepared by Special District Financing & Administration in April 2024, which is scheduled for review by the Board of Education in April.

Grade Level	Generation Rate	Units	Students
Elementary School (K-5)			
Single Family	0.1842	809	149
Multifamily	0.1425	4,161	593
Subtotal		**4,970**	**742**
Middle School (6-8)			
Single Family	0.1057	809	86
Multifamily	.0794	4,161	330
Subtotal		**4,970**	**416**
High School (9-12)			
Single Family	0.1410	809	114
Multifamily	0.1059	4,161	441
Subtotal		**4,970**	**555**
Total			**1,713**

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5. **Are there any improvements or additions planned for schools that serve the Project Area?**
   The District recently completed construction of a gymnasium building at Legacy Magnet Academy. All classroom space created by these improvements is reflected in the capacity numbers indicated in Response No. 3.

6. **Are there plans to build any new schools that would serve the Project?**
   A second classroom building at Legacy Magnet Academy has been designed and *could* be constructed if commensurate demand and funding are in place.

In summary, the schools that would serve this project are mostly impacted. The two schools that would accommodate students from mitigated units are above capacity. Absent additional information those schools will not be available to future non-mitigated residential units based on current enrollment/capacity comparisons. The volume of additional new residential development presents substantial impacts to the District in terms of providing adequate school facilities to the potential new students from the proposed residential development. To reiterate, the District reserves the right to send students from the Project to other schools in the District if space is not available at the current schools of attendance.

Please contact me if you have any questions or need additional information. I can be reached at (714) 730-7515, Extension 50404 or at trizzuti@tustin.k12.ca.us.

Sincerely,

Tom Rizzuti

Tom Rizzuti
Director, Facilities and Planning

Attachment A-3.3: Tustin Unified School District Response to NOP, dated April 18, 2024 (1 page)

tustin Unified School District
A Legacy of Excellence in Education
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April 18, 2024

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

RE: Response to Notice of Preparation
Tustin Legacy Specific Plan Amendment Draft Supplemental Environmental Impact Report

Dear Ms. Beier:

Thank you for giving the Tustin Unified School District the opportunity to respond to the Notice of Preparation for the Tustin Legacy Plan Amendment (Project) Draft Supplemental Environmental Impact Report. The District offers the following comments:

1. As highlighted in the response letter provided to EPD Solutions (attached for reference), the schools that currently service the Tustin Legacy Specific Planning Area (Heritage Elementary School and Legacy Magnet Academy) are currently at or above capacity. Additional students generated from the potential additional residential units from the Project may or may not be able to attend these schools and may be assigned to other schools within the district.
2. Accordingly, the District requests that the adequacy of school capacity be a consideration in the preparation of and environmental documents related to the Project. Absent adequate mitigation, the District will be severely challenged as to how it provides school facilities to future residents from the Project.
3. The District stands ready to discuss its challenges and brainstorm potential solutions with the City as the DSEIR process unfolds.

I will be the main point of contact for the City, and can be reached at (714) 730-7515, Extension 50404. My email address is trizzuti@tustin.k12.ca.us.

Thank you again for the opportunity to provide these comments, and the District looks forward to working with the City to ensure that adequate school capacity is available for future residents of the Project.

Sincerely,

Tom Rizzuti

Tom Rizzuti
Director, Facilities and Planning

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Response to Comment Letter A-3: Tustin Unified School District, dated August 14, 2024

Response to Comment A-3.1: This comment states that the Tustin Unified School District (TUSD) has comments regarding the DSEIR prepared for the Modified Project. The comment is introductory in nature and does not provide substantial evidence of any environmental impact. No further response is warranted.

Referenced attachments are included as Attachment A-3.1 through A-3.3.

Response to Comment A-3.2: The commenter states the schools that currently serve the TLSP area, including Heritage Elementary School and Legacy Megnet Academy, are currently at or above capacity as provided in previous correspondance. Additionally, the commenter notes other schools assigned to the TLSP area, including Nelson Elementary School, Sycamore Magnet Academy, and Tustin High School, currently have capacity available, however, they do not have enough seats to accommodate the number of students that could potentially be generated by the full Modified Project buildout. The commenter concludes that the students potentially generated by the Modified Project may or may not be able to attend the locally serving schools and may be assigned to other schools in the District.

The City appreciates TUSD's participation in the public review process for the Modified Project. The referenced letters have been reviewed and are noted for the record. The data previously provided by TUSD regarding student generation rates and capacity were carefully considered and incorporated into the DSEIR for analysis of the Modified Project. Section 5.7.4, *School Services,* includes data from the Special District Financing and Administration dated April 2024, as provided by the TUSD, that notes existing capacities and generation rates for schools currently serving the TLSP area. Consistent with the findings of the previously approved 2017 SEIR, the City recognizes that the residential development permitted under the TLSP could potentially surpass the current school capacity if the full buildout occurs at the time of Modified Project approval. As implied by the commenter, future buildout of the TLSP is too speculative to determine student generation and school facility needs at this time. Further, the City notes on page 5.7-22 of the DSEIR that the potential need for additional services would be addressed through compliance with school impact fee assessment, which is required for all future development. The potential that future students may be assigned to other schools in the TUSD has been noted and was specifically noted in the DSEIR on page 5.7-21. The City has noted this comment for the record. This comment does not contain any information requiring changes to the DSEIR. No further response is warranted.

Response to Comment A-3.3: The commenter requests that the adequacy of school capacity be given a strong consideration in preparation of any environmental document related to the Modified Project. Additionally, the commenter acknowledges the adequacy of school impact fees as adequate mitigation under CEQA. Further, the commenter notes that school impact fees may not allow TUSD to construct expanded facilities in the area that best seves future units potentially constucted under the Modified Project. The comment states that without adequate mitigation, TUSD would be severely challenged in providing school facilities to future residents. The commenter concludes that TUSD is ready to discuss challenges and potential solutions with the City as the DSEIR and other approvals unfold.

As reiterated by the commenter, Section 5.7.4.1 of the DSEIR, *School Services Regulatory Setting*, describes the potential future need for additional school facilities is addressed through compliance with the school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) sets forth a State school facilities construction program that includes restrictions on a local jurisdiction's ability to condition a project on mitigation of a project's impacts on school facilities in excess of fees set forth in the Government Code. These fees are collected by school districts at the time of issuance of building permits for commercial, industrial, and residential projects. The Modified Project incorporates Implementation Measure (t) from the Adopted FEIR/EIS which requires future project developers to provide proof to the City that the appropriate school fees have been paid pursuant to Government Code Section 65995. Alternatively, Implementation Measure (t) allows the project developer to enter into a mutual agreement with an applicable school district to provide

alternative mitigation that addresses student generation increases. Therefore, the DSEIR correctly determined that the Modified Project would result in less than significant impacts with mitigation via payment of school impact fees (Implementation Measure [t]).

Additionally, TUSD and the City have an existing agreement currently in place, which specifies that the City will provide TUSD additional funding scaled by magnitude of future proposed development. The City will continue to work with the TUSD to ensure the adequacy of funding mechanisms outlined in the agreement. As future development is proposed, the City agrees that school capacity will be assessed and coordinated with TUSD prior to construction, as noted under Implementation Measure (t). The City is happy to continue discussing approvals and agreements with TUSD regarding the long-term planning of TLSP area. This comment does not contain any information requiring changes to the DSEIR. No further response is warranted.

Response to Comment A-3.4: This comment acknowledges that the DSEIR contains goals and objectives that place a high priority on neighborhood walkability and the provision of non-motorized transportation. The commenter requests that the City closely examine potential measures to allow for the safest routes to Heritage Elementary School and Legacy Magnet Academy. Further, the commenter states that students are currently required to utilize busy streets, such as Tustin Ranch Road and Valencia Avenue, to commute to school. TUSD notes that in the event students generated by future residential would need to be sent to other schools throughout the school district, the City may need to analyze resulting traffic impacts.

The safety of residents in public spaces is a foundational duty of the City. As such, the City affirms and concurs in the TUSD's emphasis of providing safe routes to school for existing and future students of the TLSP area. The TLSP included several measures and policies to ensure the provision of safe routes to school are implemented as the area is developed. The Heritage Elementary School is within TLSP Neighborhood C and Legacy Magnet School is within TLSP Neighborhood D North. The Modified Project does not propose the addition of schools or relocation of existing or proposed schools within the TLSP area. Additionally, the Modified Project does not propose changes to existing roadway, sidewalk, or bicycle facility standards implemented under the TLSP and City Municipal Code. The Modified Project proposes an increase in the capacity of allowed residential units under the TLSP for Neighborhoods D and G. Therefore, the Project could result in additional future students that attend and commute to Heritage Elementary School and Legacy Magnet Academy. Students generated by the Modified Project that would commute to Heritage Elementary School and Legacy Magnet school would come from within the boundaries of the TLSP area, specifically Neighborhoods D and G. Portions of the TLSP remain largely undeveloped and currently lack transportation infrastructure, as highlighted under Section 5.4, *Land Use*, and Section 5.8, *Transportation,* of the DSEIR. As noted by the commenter, some students that walk or bike to Heritage Elementary School and Legacy Magnet Academy are required to use the sidewalks along major and secondary arterial roadways for large portions of their commute. As the TLSP is developed, and additional infrastructure is constructed, it is reasonable to anticipate that alternative routes to existing school facilities will become available. Future developments proposed in the TLSP area would include the construction of local roadways, sidewalks, and bicycle facilities. Further, by allowing residential development within Neighborhood D North, the necessity for utilization of arterial roadways to commute to and from Heritage Elementary School and Legacy Magnet Academy would be minimized by decreasing commute distance.

As included under Section 2.3 of the TLSP, *Mobility Plan*, the City has placed an emphasis on design requirements and functional utilization of the "public realm." The public realm is comprised of a Pedestrian Zone, and a Vehicular/Bicycle Zone. TLSP Section 2.3.4, *Vehicular Circulation and Access,* includes roadway design standards and cross sections that include specific requirements for Tustin Ranch Road and Valencia Avenue, as well as future local roads and local collectors constructed within PAs 8, 13 & 14, and 15. These standards recognize the importance of pedestrian and bicycle facilities. While Tustin Ranch Road and Valencia Avenue are already built out to the TLSP standards, development standards for future local roads in the Modified Project area require implementation of an 11-foot sidewalk and landscape zone for all

future development that can be tailored to the needs of the project. A minimum 5-foot sidewalk shall be provided. Further, the City has adopted several goals and policies, as acknowledged by TUSD, that place a high priority on neighborhood walkability and the provision of non-motorized transportation. Policies 6.1, 6.2 and 6.3 under the City General Plan Circulation Element all require that new development include pedestrian and bicycle facilities to enhance walkability, as well as promote the safety of pedestrians and bicyclists. Table 5.4-3, *Consistency with Relevant General Plan Goals and Policies*, in Section 5.4, *Land Use,* of the DSEIR shows how the Modified Project would be consistent with each of these goals and policies. The City would ensure that proposed projects meet standards set forth by the TLSP and City's General Plan through project-specific plan checks prior to project approval of future development. Therefore, the Modified Project would not result in impacts on the safety of school routes, or pedestrians and bicyclists in general. Impacts would be less than significant, and no further mitigation would be required.

Lastly, the City has noted the TUSD's concern regarding potential traffic impacts of sending students to other schools within the school district. The DSEIR Section 5.8, *Transportation*, details that Senate Bill (SB) 743 eliminates auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as the basis for determining significant impacts. As such, pursuant to Public Resources Code Section 21099(b)(2), the DSEIR focuses on analysis of Vehicle Miles Traveled (VMT) criteria to determine whether the Modified Project would result in a significant impact on traffic. As stated on page 5.8-27 of the DSEIR, pursuant to the *City of Tustin VMT Analysis Guidelines* (2024), the Modified Project would be anticipated to have a less-than-significant VMT impact at full buildout. The City of Tustin uses a metric of VMT per capita to measure VMT impacts per the *City of Tustin VMT Analysis Guidelines* (2024). Potential changes to which TUSD school that certain students in the TLSP area are enrolled in would be anticipated to result in negligible to no change in the outcome of the VMT Analysis (included as Appendix D of the DSEIR). This is because home-to-school trips, which are accounted for as part of the VMT analysis, are not limited by school boundary maps in the travel demand model. Tustin Unified School District has an open enrollment policy that allows students to apply to attend a school other than their school of residence.[1] Therefore, under existing policy, students are able to attend any school within the TUSD, and the potential that students would attend schools not within, or nearest to, the TLSP area is not novel to the Modified Project. This comment does not contain any information requiring changes to the DSEIR. No further response is warranted.

Response to Comment A-3.5: This comment provides the contact information for the commenter in the case that the lead agency has any additional questions. This comment is conclusory in nature and does not raise any CEQA issues. Therefore, no further revision or response is required.

[1] https://www.tustin.k12.ca.us/departments/administrative-services/enrollment-process#:~:text=Tustin%20Unified%20School%20District%20has,and%20are%20reviewed%20each%20year.

Comment Letter I-1: Ethan Kwong, dated July 22, 2024

Beier, Samantha

From: Ethan Kwong <[redacted]
Sent: Monday, July 22, 2024 1:27 AM
To: Housing Element Rezone
Subject: Commentary and Questions

Hi Tustin City Planners,

My name is Ethan Kwong and I am a high school student at Arnold O. Beckman High School. I have recently done a mini-documentary about zoning in OC and have strong opinions about this draft. Regarding the rezoning draft, I am in full support of rezoning the Tustin Legacy area, as much of it is not used currently and has potential to be a future urban spot of Tustin which could prop up the local economy. I-1.1

While I do think mixed-use zoning is needed, I am not sure the marketplace is the right place for that. Firstly, an urbanist mixed-use area would need a multitude of transportation forms in order to make the community walkable. Currently, the bicycle infrastructure in the Tustin parts which surround the marketplace are neither bikable nor walkable, including the El Modena Tustin Channel which could be used as a bikeway, but is closed off. Secondly, though the bus passed through the area, stops are infrequent, making traveling by car the only sensible option. Then comes another issue: increasing traffic in the area. Critics on NextDoor argue that the marketplace has enough traffic, but I would also like to ask: does this really create a more urban neighborhood and is this only going to overcrowd the city? Back to my original point about there needing to be multiple forms of transportation for a successful urban mixed-use area, will this only contribute to an overpopulation in the area or actually make the city more livable? I know that many people in the area think low of urbanization due to the housing prices which would fall (many are homeowners), and increases in traffic. I think that this could be extremely successful, but only if improving current bicycle and transportation infrastructure to accommodate for such a large rezoning measure are done. Again, the legacy rezoning measures are good for that area, however the marketplace rezoning needs to be much more thorough and should be postponed until Tustin residents can bike and walk safely to the marketplace without crossing through bikeways or protected bike lanes. Additionally, the marketplace is generally a crowded place, and this would probably be a very unpopular place to promote rezoning. I-1.2

Thank you for your time,
Ethan Kwong
[redacted]

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Response to Comment Letter I-1: Ethan Kwong, dated July 22, 2024

Response to Comment I-1.1: The comment states that the commenter is concerned about a separate proposed rezoning for The Market Place site but is in support of the proposed rezoning as part of the Modified Project in Tustin Legacy Specific Plan area.

Comments related to The Market Place are not related to the Modified Project (TLSP Specific Plan Amendment) and have been addressed separately as part of The Market Place Rezone Project Final EIR. The comments regarding the Modified Project do not raise a specific issue with the adequacy of the DSEIR or raise any other CEQA issue. The opinions of the commenter have been noted for the record. No further response is required or provided.

Response to Comment I-1.2: This comment states that the proposed rezoning for The Market Place site would require a multitude of transportation forms in order to make a walkable, mixed-use community possible. Additionally, the comment states that neighbors around The Market Place site have existing complaints about traffic and the commenter argues the proposed rezoning would increase traffic. The comment continues to state that the proposed rezoning of The Market Place site should be postponed until the residents of Tustin can utilize safe, multimodal transport to access the area. This comment also states that the commenter is in support of the proposed rezoning effort for the TLSP area.

Comments related to The Market Place are not related to the Modified Project (TLSP Specific Plan Amendment) and have been addressed separately as part of The Market Place Rezone Project Final EIR. The comments regarding the Modified Project do not raise a specific issue with the adequacy of the DSEIR or raise any other CEQA issue. The opinions of the commenter have been noted for the record. No further response is required or provided.

Comment Letter I-2: Sumedha Magdum, dated July 31, 2024

Beier, Samantha

From: sumedha magdum [redacted]
Sent: Wednesday, July 31, 2024 9:57 AM
To: Housing Element Rezone
Subject: Tustin Legacy , Specific Plan Amendment (SPS-2024-0002)

Dear Samatha ,

I am a Tustin ,CA resident and I am truly concerned about the air quality , noise ,growing population and traffic in this area. Also providing more residences is nowhere reducing the housing cost but definitely will have adverse effects of population growth. I-2.1
I strongly object to this amendment to increase density in this area. Hope the decision will be made in favour of the well being of residents of this area and not in favor of the developers.

Thank you.

Sumedha Magdum
Sumedha Magdum

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Response to Comment Letter I-2: Sumedha Magdum, dated July 31, 2024

Response to Comment I-2.1: This comment expresses concern about the air quality, noise, population increase, and increase in traffic in the Modified Project area. The comment also expresses opposition to elevated housing costs and increased density. The comment concludes by stating that the commenter objects to the proposed Modified Project.

As described in DSEIR Section 3.0, *Project Description*, under Section 3.1, *Project Background*, the housing sites and proposed housing capacities (or densities) that were analyzed in the DSEIR were previously approved under the City of Tustin 2021-2029 Housing Element. The final certified 2021-2029 Housing Element, which included substantial community outreach by the City and opportunities for input throughout the decision-making process, was approved by City Council on October 4, 2022. The proposed Modified Project includes rezoning of portions of the TLSP area (PA 8, 13-14, and 15 of Neighborhoods D North, D South, and G) in compliance with the previously approved City of Tustin 2021-2029 Housing Element. No development is currently proposed as part of the Modified Project.

Further, the DSEIR prepared for the Modified Project analyzed potential impacts related to air quality, noise, population increase, and transportation. As described in DSEIR Section 5.1, *Air Quality,* future buildout of the Modified Project would result in operational air emissions that would exceed South Coast Air Quality Management District (SCAQMD) thresholds for volatile organic compounds (VOCs), nitrogen oxide (NO_x), carbon monoxide (CO), particulate matter 10 (PM_{10}), and particulate matter 2.5 ($PM_{2.5}$), which is consistent with the threshold exceedances that would occur from buildout of the existing TLSP (without the Modified Project). The Modified Project incorporates feasible mitigation measures aimed at further reducing air emissions that would result from the Modified Project. However, the majority of NO_x emissions are from vehicles, and the majority of VOC emissions would be derived from consumer products, neither of which the City has the ability to reduce emissions of through implementation of mitigation measures. Therefore, VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions from implementation of the Modified Project would remain significant and unavoidable impact even after implementation of mitigation; however, the Modified Project would result in no new significant impacts beyond the Approved Project (2017 TLSP).

As described in DSEIR Section 5.5, *Noise,* development of the Modified Project would result in less-than-significant impacts related to construction noise, which would be temporary in nature, lasting only as long as the construction period. Additionally, because no development is proposed as part of this Modified Project, the specific details related to future development(s) are not known at this time and will not be known until a development project is proposed. Therefore, the Modified Project incorporates Mitigation Measure NOI-3 from the 2017 TLSP SEIR, which requires all future development projects to prepare project-specific plans and studies to determine whether any exterior noise sensitive areas would experience noise levels greater than 65 dBA CNEL or interior noise levels of 45 dBA CNEL; and to identify any noise reduction features for the proposed development (e.g., upgraded windows with Sound Transmission Class (STC) ratings of 30–35). Each future development project shall confirm that proposed siting of noise-generating stationary sources, if any, would not result in an exceedance of applicable noise thresholds at surrounding land uses. Thus, with implementation of Mitigation Measure NOI-3, impacts related to stationary noise impacts would be less than significant.

Population increase as a result of buildout of the Modified Project was analyzed in DSEIR Section 5.6, *Population and Housing*. The analysis found that buildout of the Modified Project would increase population growth in the area; however, this growth was determined to result in a less than significant impact because the Modified Project is being implemented, in part, to satisfy the State requirements to provide new housing opportunities through increased housing supply (specifically through the City's prescribed Regional Housing Needs Allocation [RHNA]).

Regarding increased traffic that would result from the Modified Project, the number of vehicle trips that would result from the Modified Project is provided in Table 5.8-2, *Modified Project Trip Generation,* of the DSEIR. The Modified Project would increase the number of trips compared to the Approved 2017 TLSP. The DSEIR Section 5.8, *Transportation*, details that Public Resources Code Section 21099(b)(2) eliminates auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as the basis for determining significant impacts. As such, pursuant to Senate Bill (SB) 743, the DSEIR focuses on analysis of Vehicle Miles Traveled (VMT) criteria to determine whether the Modified Project would result in a significant environmental impact as a result of increased number and/or distance of vehicle trips. As stated on page 5.8-27 of the DSEIR, pursuant to the *City of Tustin VMT Analysis Guidelines* (2024), the Modified Project would be anticipated to have a less-than-significant VMT impact at full buildout. Although the DSEIR does not analyze impacts related to traffic congestion or LOS, a Traffic Impact Analysis (TIA) has been prepared separately for the Modified Project to assist the City in determining roadway efficacies. The TIA is available for review upon request to the City.

The DSEIR does not analyze housing costs, or other socioeconomic factors, as it is not an environmental topic area considered under CEQA. Further, no development is proposed as part of the Modified Project. All future development would be reviewed by the City and would be further analyzed for project-specific impacts on the surrounding neighborhood as appropriate.

This comment does not raise a specific issue with the adequacy of the DSEIR or raise any new CEQA issues. The opinions of the commenter have been noted for the record. No further response is required or provided.

Comment Letter I-3: Sheer Best, dated August 3, 2024

Beier, Samantha

From: Sheer Best [redacted]
Sent: Saturday, August 3, 2024 3:24 PM
To: Housing Element Rezone
Subject: Tustin Legacy Specific Plan Amendment

Hello,

I am a current Tustin resident and received the letter a few weeks back related to the plan amendment to the Tustin Legacy Plan. I wanted to reply back to this email with my opposition to adding the additional units for all the neighborhoods this plan encompasses but most specifically in Neighborhood G as this is the neighborhood I currently reside in. I'm assuming that these additional units will be in the form of apartments and not single-family homes per the video I saw on the City website. This will greatly impact the traffic and congestion on our roads that are already seeing higher levels of congestion with the build out of the Landing. I-3.1

If any of these additional units are in the form of single-family homes, I would be more open to consider those to be approved over townhomes, condos and apartments.

Warm regards,
Sheer Best

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Response to Comment Letter I-3: Sheer Best, dated August 3, 2024

Response to Comment I-3.1: This comment states that the commenter is opposed to increasing the residential unit capacity of the TLSP area. The comment expresses concern that future residential units will be constructed as multi-family residences rather than single-family residences and states the Modified Project would lead to an increase in traffic and congestion in the TLSP area. The comment concludes by stating the commenter is open to single-family residences rather than multi-family residences.

As described in DSEIR Section 3.0, *Project Description*, under Section 3.1, *Project Background*, the housing sites and proposed housing capacities (or densities) that were analyzed in the DSEIR were previously approved under the City of Tustin 2021-2029 Housing Element. The final certified 2021-2029 Housing Element, which included substantial community outreach by the City and opportunities for input throughout the decision-making process, was approved by City Council on October 4, 2022. The proposed Modified Project includes rezoning of portions of the TLSP area (PA 8, 13-14, and 15 of Neighborhoods D North, D South, and G) in compliance with the previously approved City of Tustin 2021-2029 Housing Element. No development is currently proposed as part of the Modified Project. Further, the Modified Project does not propose any development projects; therefore, the exact siting of potential future residential units that may be constructed under the Modified Project are not known at this time.

Regarding increased traffic that would result from the Modified Project, the number of vehicle trips that would result from the Modified Project is provided in Table 5.8-2, *Modified Project Trip Generation,* of the DSEIR. The Modified Project would increase the number of trips compared to the Approved 2017 TLSP. The DSEIR Section 5.8, *Transportation*, details that Senate Bill (SB) 743 eliminates auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as the basis for determining significant impacts. As such, pursuant to Public Resources Code Section 21099(b)(2), the DSEIR focuses on analysis of Vehicle Miles Traveled (VMT) criteria to determine whether the Modified Project would result in a significant environmental impact as a result of increased number and/or distance of vehicle trips. As stated on page 5.8-27 of the DSEIR, pursuant to the *City of Tustin VMT Analysis Guidelines* (2024), the Modified Project would be anticipated to have a less-than-significant VMT impact at full buildout. Although the DSEIR does not analyze impacts related to traffic congestion or LOS, a Traffic Impact Analysis (TIA) has been prepared separately for the Modified Project to assist the City in determining roadway efficacies. The TIA is available for review upon request to the City.

No development is proposed as part of the Modified Project. All future development would be reviewed by the City and would be further analyzed for project-specific impacts on the surrounding neighborhood as appropriate. This comment does not raise a specific issue with the adequacy of the DSEIR or raise any CEQA issues. The opinions of the commenter have been noted for the record. No further response is required or provided.

Comment Letter I-4: Irvine Company, dated August 12, 2024

IRVINE COMPANY
Since 1864

August 12, 2024

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

Subject: Draft Supplemental Environmental Impact Report for the Tustin Legacy Specific Plan Amendment

Dear Ms. Beier,

Irvine Company appreciates the opportunity to provide feedback regarding the Draft Supplemental Environmental Impact Report (EIR) for the City's Tustin Legacy Specific Plan Amendment.

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 1A, 1B and 2 listed in the previously-approved Housing Element are within the Tustin Legacy Specific Plan area. I-4.1

The proposed Specific Plan Amendment would plan for 2,211 additional base housing units within the "D North", "D South" and "G" areas, consistent with the City's Housing Element. The EIR also evaluates an additional 2,759 potential density bonus units, for a total of 4,970 housing units.

The Supplemental EIR concludes that impacts can be mitigated to less than significant levels (with the exception of air quality and greenhouse gas emissions) and identifies new mitigation measures in the areas of air quality, biology, greenhouse gas emissions, cultural resources, and utilities.

Relative to the identified mitigation measures and given the complexities of building housing at the site, it is important that the language of such measures is clear but does not unnecessarily constrain options for compliance. Accordingly, Irvine Company suggests minor drafting corrections to certain measures to ensure they can be successfully implemented. I-4.2

For example, in Mitigation Measure AQ-3, the measure calls for CC&Rs and/or tenant lease agreements to specify that only electric landscape equipment can be used onsite. This should be clarified as not all projects will have CC&Rs or tenant lease agreements.

In addition, Mitigation Measure TCR-1 outlines a detailed procedure for securing an agreement with a Native American tribe for construction monitoring services. Irvine Company suggests an option be added to retain an otherwise qualified professional as approved by the City as a last option, in case the options specifically outlined in the I-4.3

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measure do not come to fruition.

Irvine Company would appreciate the opportunity to meet with City staff to discuss these and similar drafting comments in greater detail. We look forward to the success of the City's efforts to plan for new housing at Tustin Legacy and we appreciate the opportunity to comment on the EIR. I-4.4

Sincerely,

Jennifer Le

Jennifer Le
Senior Director, Entitlement

Response to Comment Letter I-4: Irvine Company, dated August 12, 2024

Response to Comment I-4.1: This comment introduces the comment letter and a brief summary of the Project description and conclusions from the DSEIR. The comment is introductory in nature and does not provide substantial evidence of any environmental impact. No further response is warranted.

Response to Comment I-4.2: This comment states the importance of ensuring mitigation measure language is clear and does not constrain the ability of future developers/applicants to comply with the measure. The comment states the Irvine Company has minor suggested corrections to certain measures contained within the SEIR. The comment summarizes SEIR Mitigation Measure AQ-3 which requires Covenants, Conditions, and Restrictions (CC&Rs) and/or tenant lease agreements to specify that only electric landscape equipment can be used onsite. The comment suggests that the measure should be clarified to specify that not all projects will have CC&Rs or tenant lease agreements.

Mitigation Measure AQ-3 has been modified to provide clarification regarding the types of contractual mechanisms that will include these requirements. This revision is captured within Section 2.0, *Errata*, of this Final SEIR. No other concerns regarding adequacy of the DSEIR were raised and no further revision is required. The revision represents only minor amplification and does not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the DSEIR is not required.

Section 5.1 Air Quality, page 5.1-30

Mitigation Measure AQ-3: Electric Landscape Equipment. Prior to the issuance of occupancy permits, the Community Development Department shall confirm that the ~~Modified P~~**p**roject's Codes Covenants and Restrictions (CC&Rs) and/or **non-residential** tenant lease agreements include contractual language that all landscaping equipment used on site shall be 100 percent electrically powered. All residential and non-residential properties shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the **property or** building owner and **non-residential** tenants, as applicable.

Response to Comment I-4.3: This comment summarizes SEIR Mitigation Measure TCR-1 which outlines the agreement framework between applicants and/or developers and Native American Monitors regarding ground-disturbing activities of future potential projects. The comment suggests revising the measure to add an option to retain an otherwise qualified professional, as approved by the City, as a last resort option in the case the other options in the measure are not achieved. As a result, Mitigation Measure TCR-1 has been slightly revised to provide additional clarification on when a qualified archaeologist may be retained for monitoring of tribal cultural resources and the type of activities exempt from future monitoring. Additionally, the language of the measure has been cleaned up based on relevant regulatory language and Native American Heritage Commission general guidance. This revision is captured within Section 2.0, *Errata*, of this Final SEIR. No other concerns regarding adequacy of the DSEIR were raised and no further revision is required. The revision represents only minor amplification and does not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the DSEIR is not required.

Section 5.9 Tirbal Cultural Resources, page 5.9-7

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

a. Prior to the issuance of demolition or grading permits for any projects that would disturb previously undisturbed soils (native soils) or soils that have native fill, the project applicant/developer shall retain a Native American Monitor, with first preference given to the Gabrieleño Band of Mission Indians – Kizh Nation, who responded to the City's request for consultation on November 14, 2023 (first preference Tribe, Tribe). The applicant/developer shall allow 45 days from the initial contact with the first preference tribe to enter into a contract for monitoring services. If the applicant/developer is unable to

contact the Kizh Nation after three documented attempts or is unable to secure an agreement, the applicant shall report to the lead agency, and the lead agency will contact the Kizh Nation to validate that the parties were unable to enter into an agreement. ~~The applicant/developer shall have made three documented attempts to directly contact the Kizh Nation to enter into a tribal monitoring agreement.~~ If the applicant/developer can demonstrate they were unable to secure an agreement with the first preference tribe, as validated and documented by the Community Development Department in writing, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant/developer may retain an alternative qualified tribal monitor from a culturally affiliated tribe, **or if none are available, an otherwise qualified archaeologist may be retained as** ~~if~~ approved by the City.

The monitor shall be retained prior to the issuance of a demolition permit or grading permit, and the commencement of any development related "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, auguring, grubbing, boring, grading, excavation, drilling, and trenching for the purposes of reconstruction and new development. "Ground-disturbing activity" shall not include ~~minor~~ **removal or** maintenance **of existing small facilities and utilities** ~~activities~~ such as potholing, tree removal, and parking lot maintenance. This mitigation measure does not apply to ~~projects~~ **activities** that would only disturb soils made up of artificial fill, as verified by a soils or geotechnical report.

b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, **and** cultural-related materials~~, and any other facts, conditions, materials, or discoveries~~ of significance to the Kizh Nation. Monitor logs will identify and describe any discovered ~~TCRs, including but not limited to,~~ Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and ~~burial~~ **associated grave** goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the consulting tribe. If a monitor is selected from a tribe other than the Kizh Nation, the Kizh Nation shall be contacted if any discoveries are found.

d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the ~~consulting tribe~~ **monitor** from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities and that have the potential to impact local TCRs on the project site or in connection with the project are complete**; or (2) the monitor determines based on field observations that there is no likelihood of encountering intact TCRs. Monitoring may be reduced in extent or frequency as determined appropriate by the monitor**.

Response to Comment I-4.4: This comment concludes the letter and provides an opportunity for City staff to meet with the Irvine Company to discuss the comments included in this letter in greater detail. This comment does not raise a specific issue with the adequacy of the DSEIR or raise any other CEQA issue. The opinions of the commenter have been noted for the record. No further response is required or provided.

4. Mitigation Monitoring and Reporting Program

4.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report (EIR) (or Supplemental EIR [SEIR]) has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "…reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented. The City of Tustin is the Lead Agency for the Project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

4.2 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP for the Modified Project will be active through all phases of the Modified Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Modified Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plans, Programs, and Policies (PPPs) and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

NOTE: The mitigation measures and PPP's listed within this SEIR MMRP directly corelate with the potential impacts associated with the proposed Modified Project (i.e., an increased capacity of residential development within the Modified Project area [PAs 8,13-14, and 15]). Therefore, mitigation measures and PPPs developed as part of earlier TLSP environmental assessments, such as the original MCAS FEIR/EIS and the 2017 SEIR, have been selectively included in the MMRP where they reduce potential impacts associated with the Modified Project. It is important to note that regardless of whether measures are excluded from the Modified Project MMRP below, all mitigation measures and PPPs of prior certified environmental documents are still in place and would be considered at the time a development is proposed, and applied when applicable. Prospective developers should contact City staff to obtain a comprehensive list of all mitigation measures and PPPs for TLSP projects, and seek City staff guidance, rather than relying solely on the MMRP contained within this FSEIR.

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Table 4-1: Previously Adopted Mitigation Measures

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
AESTHETICS				
2017 SEIR MM Vis-1: An urban design plan shall be adopted to provide for distinct and cohesive architectural and landscape design, features, and treatments, and harmony with existing adjacent landscape.	Prior to the first final map recordation (except for financing and re-conveyance purposes) or building permit issuance.	City of Tustin and City of Irvine.	Community Development Department (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
AIR QUALITY				
2017 SEIR MM AQ-2: Prior to issuance of grading permits, the Modified Project applicant shall use low VOC architectural coatings for all interior and exterior painting operations.	Prior to issuance of grading or building permits.	Project developers/ applicants.	The City Planning and/or Building Division will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____
2017 SEIR MM AQ-3: Prior to the issuance of development permits for new non-residential projects with 100 or more employees, and expanded projects where additional square footage would result in a total of 100 or more employees, the City of Tustin and the City of Irvine, as applicable, shall impose a mix of TDM measures which, upon estimation, would result in an average vehicle ridership of at least 1.5, for each development with characteristics that would be reasonably conducive to successful implementation of such TDM measures. These TDM measures may include one or more of the following, as determined appropriate and feasible by each city on a case-by-case basis: • Establish preferential parking for carpool vehicles. • Provide bicycle parking facilities. • Provide shower and locker facilities. • Provide carpool and vanpool loading areas. • Incorporate bus stop improvements into facility design.	Prior to issuance of development permits for new non-residential projects with 100 or more employees and expanded projects where additional square footage would result in a total of 100 or more employees.	Project developers/ applicants.	The City Planning and/or Building Division will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
• Implement shuttles to shopping, eating, recreation, and/or parking and transit facilities. • Construct remote parking facilities. • Provide pedestrian circulation linkages. • Construct pedestrian grade separations. • Establish carpool and vanpool programs. • Provide cash allowances, passes, and other public transit and purchase incentives. • Establish parking fees for single occupancy vehicles. • Provide parking subsidies for rideshare vehicles. • Institute a computerized commuter rideshare matching system. • Provide a guaranteed ride-home program for ridesharing. • Establish alternative work week, flex-time, and compressed work week schedules. • Establish telecommuting or work-at-home programs. Provide additional vacation and compensatory leave incentives. • Provide on-site lunch rooms/cafeterias and commercial service such as banks, restaurants, and small retail. • Provide on-site day care facilities. • Establish an employee transportation coordinator(s).				
2017 SEIR MM AQ-4: If not required under each individual development's TDM plan, the City of Tustin and the City of Irvine, as applicable, shall implement the following measures, as determined appropriate or feasible by each city on a case-by-case basis: • Reschedule truck deliveries and pickups for off peak hours. • Implement lunch shuttle service from a worksite(s) to food establishments. • Implement compressed work week schedules where weekly work hours are compressed into fewer than five days, such as 9/80, 4/40, or 3/36.	Ongoing during operation.	Project developers/ applicants.	The City Planning and/or Building Division will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
• Provide on site child care and after school facilities or contribute to off site developments within walking distance. • Provide on site employee services such as cafeterias, banks, etc. • Implement a pricing structure for single occupancy employee parking, and/or provide discounts to ride sharers. • Construct off site pedestrian facility improvements such as overpasses and wider sidewalks. • Include retail services within or adjacent to residential subdivisions. • Provide shuttles to major rail transit centers or multi modal stations. • Contribute to regional transit systems (e.g., right of way, capital improvements, etc.). • Synchronize traffic lights on streets impacted by development. • Construct, contribute, or dedicate land for the provision of off site bicycle trails linking the facility to designated bicycle commuting routes. • Include residential units within a commercial development. • Provide off site bicycle facility improvements, such as bicycle trails linking the facility to designated bicycle commuting routes, or on site improvements, such as bicycle paths. • Include bicycle parking facilities such as bicycle lockers. • Include showers for bicycling and pedestrian employees' use. • Construct on site pedestrian facility improvements, such as building access, which is physically separated from street and parking lot traffic, and walk paths.				
2017 SEIR MM AQ-5: Applicants for new development projects within the Tustin Legacy Specific Plan shall require the construction contractor to use equipment that meets the	Prior to issuance of grading or building	Project developers/ applicants and	The City Planning and/or Building Division will confirm	Initials: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
US Environmental Protection Agency (EPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities, unless it can be demonstrated to the City of Tustin that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what would be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to construction, the Modified Project engineer shall ensure that all demolition and grading plans clearly show the requirement for EPA Tier 4 or higher emissions standards for construction equipment with more than 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the site for the verification of the City of Tustin. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board Rule 2449.	permits. During construction.	construction contractors.	that this requirement has been completed prior to final plan approval.	Date: _____
2017 SEIR MM AQ-6: Prior to the issuance of grading permits, the applicants for individual new developments shall evaluate localized construction-related air quality impacts. Localized construction emissions shall be evaluated to the South Coast Air Quality Management District's Localized Significance Thresholds for construction. Applicable mitigation measures to reduce potential localized construction-related air quality impacts shall be included in the evaluation, as necessary, to minimize impacts to the extent feasible and shall be implemented. The evaluation shall be submitted to the City of Tustin for review. In addition, all recommended mitigation measures shall be noted on all construction plans submitted to the City	Prior to issuance of grading permits.	Project developers/ applicants.	The City Planning and/or Building Division will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
of Tustin Building and Public Works Department for verification.				
BIOLOGICAL RESOURCES				
2017 SEIR MM Bio-1: The project proponents of any development affecting jurisdictional waters of the U S or vegetated wetlands shall obtain Section 401, Section 404, Section 1602, and other certifications, approvals, and permits, as necessary. Copies of the necessary state and federal permits shall be provided to the City prior to the issuance of mass or grading permits for grading activities impacting jurisdictional areas. A replacement ratio for affected wetland resources shall be determined in consultation with regulatory agencies as part of the permitting process and shall be no less than 1:1 replacement of function and value. Additional criteria and requirements will be as follows: • Create (establish), restore, or enhance wetland/riparian habitats on-site to the maximum extent practicable to minimize and replace the on-site loss of USACE and CDFG jurisdictional acreage and function, or off-site as may be permitted by the USACE and CDFG. • To return jurisdictional habitats that are temporarily disturbed during construction to preconstruction conditions. • To provide for maintenance, management and monitoring of the mitigation site or sites for a minimum of three years as determined through the permitting process.	Prior to issuance of grading permits or any public improvements within pond turtle habitat.	Project developers/ applicants.	The City Community Development Dept. and/or Orange County Flood Control District (OCFCD) will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____
2017 SEIR MM Bio-2: Based on consultations with CDFG, City of Tustin, or a project proponent as applicable, an off-site relocation site for southwestern pond turtles captured on site shall be identified that is as close to the Reuse Plan area as possible and that is sustainable in perpetuity. (No appropriate habitat is available for relocation.) Potential relocation site include but are not limited to a turtle pod and relocation site located in upper Shady Canyon within	Prior to issuance of grading permits or any public improvements within pond turtle habitat.	Project developers/ applicants.	The City Community Development Dept. will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
the Orange County Nature Preserve; or the San Joaquin Marsh, which is managed by UC Irvine, Irvine Ranch, and the Orange County Water District. Some property owners and public agencies may be averse to the relocation of species of special concern onto their property or jurisdiction, and it would be speculative to identify actual sites prior to the completion of consultation with CDFG and potential property owners and/or appropriate public agencies. A relocation and mitigation plan shall be prepared by a qualified biologist for approval by the CDFG. The relocation and mitigation plan shall include the following: • Requirement for focused surveys for southwestern pond turtles prior to construction activities and submittal of survey report to the CDFG. • Identification of specific relocation site within the Newport Bay watershed. • Methodology for trapping, capture, recordation and release of southwestern pond turtles. • Requirement of biological monitoring during construction and requirement for capture and relocation by a qualified biologist of any additional southwestern pod turtles observed during construction.				
2017 SEIR MM Bio-3: Permits from the CDFG shall be obtained for live-capture of the turtles and for transporting them to the relocation site.	Prior to issuance of grading permits or any public improvements within pond turtle habitat.	Project developers/ applicants.	The City Community Development Dept. will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____
2017 SEIR MM Bio-4: A project proponent shall negotiate with the CDFG or other agency for organization as appropriate, for relocation of turtles and/or contribution of funds to improve, restore, or create a relocation site as turtle habitat, in conjunction with any regulatory permits necessary.	Ongoing during construction.	Project developers/ applicants.	The City Community Development Dept. will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
CULTURAL RESOURCES				
2017 SEIR MM Arch-2: Prior to issuance of grading permits the cities of Tustin and Irvine shall each require applicants of individual development projects to retain as appropriate a county-certified archaeologist. If buried resources are found during grading within the reuse plan area a qualified archaeologist would need to assess the site significance and perform the appropriate mitigation. The Native American viewpoint shall be considered during this process. This could include testing or data recovery Native American consultation shall also be initiated during this process.	Prior to issuance of grading permits.	Project developers/ applicants.	The City Community Development Dept. will confirm that this requirement has been completed prior to final plan approval.	Initials: _____ Date: _____
2017 SEIR MM Hist-3: As specified in the MOA a substantive effort will be made to determine whether there is an economically viable adaptive use of Hangar 28 and Hangar 29.	Ongoing, prior to making substantial changes to Hangar 28 or Hangar 29.	City of Tustin and County of Orange.	The City Economic Development Dept. will verify implementation of this requirement.	Initials: _____ Date: _____
2017 SEIR MM Hist-4: If the marketing effort identifies an economically viable adaptive use of either of the complexes that complex will be encumbered by a historic preservation covenant. In the case of the Hangar 28 complex these measures shall balance the needs of the adaptive use and the needs for effective operation of the Federal Lands to Parks or Historic Monument programs.	Prior to making substantial changes to Hangar 28 or Hangar 29.	Department of the Navy.	The City Economic Development Dept. will verify implementation of this requirement.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
GEOLOGY AND SOILS				
2017 SEIR MM Paleo-1: The cities of Tustin and Irvine shall each require applicants of individual development projects to comply with the requirements established in a Paleontological Resources Management Plan (PRMP) prepared for the site, which details the methods to be used for surveillance of construction grading, assessing finds, and actions to be taken in the event that unique paleontological resources are discovered during construction.	Prior to issuance of grading permits.	Project developers/ applicants.	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
2017 SEIR MM Paleo-2: Prior to the issuance of a grading permit, project applicants shall provide written evidence to each city that a county-certified paleontologist has been retained to conduct salvage excavation of unique paleontological resources if they are found.	Prior to issuance of grading permits.	Project developers/ applicants.	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
LAND USE AND PLANNING				
MCAS FEIR/EIS Implementation Measure (a): The City of Tustin or City of Irvine, as appropriate, shall ensure that infrastructure is constructed in phases as triggered by identified thresholds in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements (see Table 4-2 at the end of this Mitigation Monitoring and Reporting Program). The Phasing Plan provides an organizational framework to facilitate development of the reuse plan area in tandem with infrastructure necessary to support the planned development. (As amended by Addendum) This framework reflects the fact that each component of the infrastructure has its own threshold for accommodating additional development toward build out of the reuse plan area. The triggering mechanisms that identify timing of key infrastructure	See Table 4-2 at the end of this Mitigation Monitoring and Reporting Program.	City of Tustin and/or City of Irvine, as applicable.	Community Development Dept. /Public Works (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
provisions are summarized in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements (see Table 4-2 at the end of this Mitigation Monitoring and Reporting Program).				
MCAS FEIR/EIS Implementation Measure (b): Prior to a final map recordation (except for financing and re-conveyance purposes), the development applicant shall enter into an agreement with the City of Tustin and City of Irvine and any appropriate regional utility agencies, districts, and providers, as applicable, to dedicate all easement, right-of-ways, or other land determined necessary to construct adequate utility infrastructure and facilities to serve the project as determined by the City, Agency, District, or other providers.	Prior to final map recordation (except for financing and re-conveyance purposes).	Project developers/ applicants.	Community Development Dept. /Public Works (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (c): Prior to any final map recordation (except for financing and conveyance purposes), the development applicant shall enter into a secured agreement with the cities of Tustin and/or Irvine, as applicable, to participate on a pro-rated basis in construction of capital improvements necessary to provide adequate utility facilities.	Prior to final map recordation (except for financing and re-conveyance purposes)	Project developers/ applicants.	Community Development Dept. /Public Works (Tustin and/or Irvine, as applicable)	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (d): Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit to the City of Tustin and City of Irvine, as applicable, information from IRWD which outlines required facilities necessary to provide adequate potable water and reclaimed water service to the development.	Prior to the issuance of permits for any public improvements or development project.	Project developers/ applicants.	Community Development Dept. /Public Works (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (e): Prior to the issuance of building permits, the project developer shall ensure that fire hydrants capable of flows in amounts approved by the OCFA are in place and operational to meet fire flow requirements. (As amended by Addendum)	Prior to the issuance of certificates of use and occupancy.	Project developers/ applicants.	Community Development Dept. (Tustin and/or Irvine, as appropriate); OCFA.	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (f): Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit	Prior to the issuance of permits for any public	Project developers/ applicants.	Community Development Dept. /Public Works (Tustin	Initials: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
to the City of Tustin and City of Irvine, as applicable, information from IRWD or the City of Tustin which outlines required facilities necessary to provide adequate sanitary sewage service to the development.	improvements or development project.		and/or Irvine, as applicable).	Date: _____
MCAS FEIR/EIS Implementation Measure (g): Prior to the issuance of grading permits or approval of any subdivision map (except for financing and re-conveyance purposes), whichever occurs first, for development within the 100 year flood plain, grading and drainage systems shall be designed by the project developer such that all building pads would be safe from inundation from runoff from all storms up to and including the theoretical 100 year storm, to the satisfaction of the City of Tustin Building Division or the Irvine Public Works Department, as applicable. Grading permits or subdivision maps generated for financing and conveyance purposes are exempt.	Prior to the issuance of grading permits or approval of any subdivision map (except for financing and re-conveyance purposes), whichever occurs first.	Project developers/ applicants.	Tustin Building Division or the Irvine Public Works Dept., as applicable.	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (h): Prior to construction of regional flood control facilities, appropriate state and federal approvals, including agreements and permits, shall be obtained. These include but are not limited to Regional Water Quality Control Board permits, including NPDES permits; Section 401 water quality certifications; Section 404 permits from the USACOE, and Section 1601 or 1603 agreements from the CDFG in a manner meeting the approval of the City of Tustin and the Irvine Public Works Department, as applicable. (As amended by Addendum)	Prior to construction of regional flood control facilities.	Project developers/ applicants.	Community Development Dept. /Public Works (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (i): Prior to issuance of any grading permit or approval of any subdivision map (except for financing and conveyance purposes), for any development that is either partially or completely located within the 100 year flood plain of the Flood Insurance Rate Map, the development applicant shall submit all required documentation to the FEMA and demonstrate that the application for a Conditional Letter of Map Revision for changes to the 100 year flood plain is	Prior to issuance of any grading permit or approval of any subdivision map (except for financing and conveyance purposes).	Project developers/ applicants.	Tustin Building Division or the Irvine Public Works Dept., as applicable.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
satisfied in a manner meeting the approval of each respective city, as applicable.				
MCAS FEIR/EIS Implementation Measure (j): Prior to the approval of any applicable subdivision map (except for financing and conveyance purposes), the developer applicant shall design and construct local drainage systems for conveyance of the 10 year runoff. If the facility is in a local sump, it shall be designed to convey the 25 year runoff.	Prior to the approval of any applicable subdivision map (except for financing and conveyance purposes).	Project developers/ applicants.	Public Works Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (k): Prior to any grading for any new development, the following drainage studies shall be submitted to and approved by the City of Tustin, City of Irvine, and/or OCFCD, as applicable: (1) A drainage study including diversions (i.e., off site areas that drain onto and/or through the project site), with justification and appropriate mitigation for any proposed diversion. (2) A drainage study evidencing that proposed drainage patterns would not result in increased 100 year peak discharges within and downstream of the project limits, and would not worsen existing drainage conditions at storm drains, culverts, and other street crossings including regional flood control facilities. The study shall also propose appropriate mitigation for any increased runoff causing a worsening condition of any existing facilities within or downstream of project limits. Implementation of appropriate interim or ultimate flood control infrastructure construction must be included. (3) Detailed drainage studies indicating how, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, building pads are made safe from runoff inundation which may be expected from all storms up to and including the theoretical 100 year flood.	Prior to any grading for any new development.	Project developers/ applicants.	Building Division or Public Works Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
MCAS FEIR/EIS Implementation Measure (l): Prior to approval of any subdivision map (except for financing or conveyance purposes), an agreement will be executed with the OCFCD that provides for the identification and contribution of a project specific Fair Share contribution toward the construction of ultimate flood control facilities needed to accommodate build out of the affected project. Interim flood control facilities may be considered for approval provided such facilities meet OCFCD requirements. Nothing shall preclude the City of Tustin from transferring the obligation onto other project developers within the project area.	Prior to approval of any subdivision map (except for financing or conveyance purposes).	City of Tustin.	Tustin Public Works Dept., Tustin Economic Development Dept..	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (m) General: The City of Tustin and the City of Irvine, each within its respective jurisdiction, shall ensure that adequate fire protection, police protection, libraries, and parks and recreation facilities (including bikeways/trails) needed to adequately serve the reuse plan area shall be provided as necessary. To eliminate any negative impact the project could have on each community's general fund, financing mechanisms including but not limited to developer fees, assessment district financing, and/or tax increment financing (in the event that a redevelopment project area is created for the site), shall be developed and used as determined appropriate by each City. Specifically; (1) Applicants for private development projects shall be required to enter into an agreement with City of Tustin or the City of Irvine, as applicable, to establish a fair share mechanism to provide needed fire and police protection services, libraries, and parks and recreation facilities (including bikeways) through the use of fee schedules, assessment district financing, Community Facility District financing, or other mechanisms as determined appropriate by each respective city. (2) Recipients of property through public conveyance process, or other conveyance procedures, shall be required	Prior to final map recordation or building permit issuance.	Project developers/ applicants.	Tustin Community Development Dept., Police Dept., or Parks Dept. or the City of Irvine, and/or OCFA, as appropriate.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
to mitigate any impacts of their public uses of property on public services and facilities. (As amended by Addendum)				
MCAS FEIR/EIS Implementation Measure (n): The cities of Tustin and Irvine shall jointly consult and coordinate with the Orange County Parks, Program Management and Coordination Division, in preparation of trail designs for the Peters Canyon and Barranca trails within the reuse plan area. Improvements for each of these trails would be installed upon completion of flood control channel improvements and approval of their joint use by the OC Parks.	Ongoing prior to implementation of Peters Canyon and Barranca trails.	City of Tustin and City of Irvine.	Community Development Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (o) Fire Protection/Emergency Medical Services: Prior to the first final map recordation or building permit issuance for development (except for financing and re-conveyances purposes), the project developer could be required to enter into an agreement with the City of Tustin or City of Irvine/OCFA, as applicable, to address impacts of the project on fire services. Such agreement could include participation for fire protection, personnel and equipment necessary to serve the project and eliminate any negative impacts on fire protection services.	Prior to the first final map recordation or building permit issuance for development (except for financing and re-conveyances purposes).	Project developers/ applicants.	Tustin Economic Development Dept. and the City of Irvine.	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (p): Prior to issuance of building permits, the project developer shall work closely with the OCFA to ensure that adequate fire protection measures are implemented in the project.	Prior to issuance of building permits.	Project developers/ applicants.	Community Development Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (q): Prior to issuance of building permits for phased projects, the project developer shall submit a construction phasing plan to the OCFA demonstrating that emergency vehicle access is adequate.	Prior to issuance of building permits for phased projects.	Project developers/ applicants.	Community Development Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
MCAS FEIR/EIS Implementation Measure (r): Prior to the issuance of building permits, the project developer shall submit a fire hydrant location plan for the review and approval of the Fire Chief and ensure that fire hydrants capable of flows in amounts approved by the OCFA are in place and operational to meet fire flow requirements.	Prior to issuance of building permits.	Project developers/ applicants.	Community Development Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (s) Police Protection: Prior to issuance of building permits, the project developer shall work closely with the respective Police Department to ensure that adequate security precautions are implemented in the project.	Prior to issuance of building permits.	Project developers/ applicants.	Community Development Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (t) Schools: Prior to the issuance of building permits, the project developer shall submit to the respective City proof of payment of appropriate school fees adopted by the applicable school district pursuant to Government Code Section 65995. Alternatively, a project developer may enter into a mutual agreement with an applicable school district to provide alternative mitigation that addresses student generation increases. (As amended by Addendum)	Prior to issuance of building permits.	Project developers/ applicants.	Community Development Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (u) Parks and Recreation: Prior to the first final map recordation (except for financing and re-conveyance purposes) or building permit issuance for development within the City of Tustin portion of the site, the project developer shall be required to provide evidence of compliance with all requirements and standards of the City of Tustin Park Code.	Prior to the first final map recordation (except for financing and re-conveyance purposes) or building permit issuance.	Project developers/ applicants.	Tustin Community Development Dept. and Parks and Recreation Department.	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (v): Prior to the first final map recordation or building permit issuance within the City of Irvine portion of the site, the project developer shall be required to provide evidence of	Prior to the first final map recordation (except for financing and re-	Project developers/ applicants.	Irvine Community Development Dept..	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
compliance with all requirements and standards of the City of Irvine Park Code.	conveyance purposes) or building permit issuance.			
MCAS FEIR/EIS Implementation Measure (w): Prior to the first concept plan for tentative tract map in the City of Tustin, the project developer shall file a petition for the creation of a landscape maintenance district for the project area with the City of Tustin. The district shall include public neighborhood parks, landscape improvements, and specific trails (Barranca only), the medians in arterials, or other eligible items mutually agreed to by the petitioner and the City of Tustin. In the event that a district is not established prior to issuance of the first building permit, maintenance of items mentioned above shall be the responsibility of a community association.	Prior to the first concept plan for tentative tract map.	Project developers/ applicants.	Tustin Public Works Dept.; Tustin Economic Development Dept..	Initials: _____ Date: _____
MCAS FEIR/EIS Implementation Measure (x): Prior to approval of any subdivision map (except for financing or conveyance purposes), an agreement will be executed with the following agencies for the associated trail improvements: a. County Parks — identification of a project specific Fair Share contribution toward the installation of necessary regional bikeway trail improvements within Peters Canyon Channel, to be installed in conjunction with the County of Orange's other channel improvements; b. City of Tustin — the identification of a project specific Fair Share contribution toward the installation of Class II bicycle trails through the project site. For the area of the site northeast of Irvine Center Drive, a separate agreement would be required to ensure the provision of a bikeway right-of-way easement, and design and construction of a bike trail along the SCRRA/OCTA rail tracks from Harvard Avenue westerly to the Peters Canyon Channel. In addition, project developers of the areas of the site southeast of the Peters Canyon Channel would need to accommodate access to both the Peters Canyon Trail and the trail adjacent to the SCRRA/OCTA tracks in any project site	Prior to approval of any subdivision map (except for financing or conveyance purposes).	Project developers/ applicants.	Community Development Dept. (Tustin and/or Irvine, as applicable) and/or SCRRA/OCTA, as appropriate.	Initials: _____ Date: _____

Previously Adopted Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
design including dedication of any necessary recreational trail easements; c. City of Tustin — the identification of a project specific Fair Share contribution toward installation of Class I bikeway trail improvements northerly of Barranca Parkway after completion of the Barranca Channel improvements. For proposed developments adjacent to Barranca Channel, separate agreements would be required to ensure the establishment of a bikeway right-of-way easement between Jamboree Road and Red Hill Avenue.				
NOISE				
2017 SEIR MM N-3: For new development within the reuse area, the City of Tustin and City of Irvine, as applicable shall ensure that interior and exterior noise levels do not exceed those prescribed by state requirements and local city ordinances and general plans. Plans demonstrating noise regulation conformity shall be submitted for review and approval prior to building permits being issued to accommodate reuse.	Prior to issuance of building permits.	Project developers/ applicants.	Community Development Dept. (Tustin and/or Irvine, as applicable).	Initials: _____ Date: _____

Table 4-2: Phasing Plan Requirements

Facility	General Scope	General Triggering Mechanism
Circulation	1) On-site arterial highways and intersections; 2) Off-site arterial highway and intersection improvements; 3) Selected advanced transportation management system (ATMS) facilities.	When cumulative development and associated average daily trips reach ADT development thresholds based on the land use/trip budget presented in the FEIS/EIR or as modified by the FEIS/EIR Addendum or any subsequent amendment.
Bikeways/Trails	1) Class 1 Bikeway along Peters Canyon Channel; 2) On-site Class II Bikeway System.	1) When Peters Canyon Channel is improved. 2) When arterial highways are constructed.
Domestic (Potable) Water	1) Existing housing water distribution lines; 2) New water mains; 3) Abandoned/relocated wells	1) Upon determination by IRWD regarding acceptability of the lines. 2) When arterial highways are constructed; 3) Upon determination by the City and consultation with IRWD.
Reclaimed (Non-Potable) Water	1) New water lines; 2) Existing and new well sites.	1) When arterials highways are constructed; 2) Upon completion of negotiations by City IRWD or developer(s) regarding exchange of well sites.
Sanitary Sewer	1) Existing housing sewer conveyance lines; 2) New sewer mains.	1) Upon determination by the IRWD regarding acceptability of the lines; 2) When arterial highways are constructed.
Storm Drain	1) Storm drain systems; 2) Regional flood control channel improvements; 3) Retention basins; 4) Flood plain mitigation.	1) Generally in conjunction with arterial highway construction. Armstrong/Barranca channel improvements upon determination of acceptability as part of development plans. 2) Any project generated Barranca Channel improvements in conjunction with development as needed or determined by the applicable jurisdiction and in consultation with the OCFCD; any necessary project generated Peters Canyon Channel and Santa Ana/Santa Fe channel improvements in conjunction with development as needed or determined by the applicable jurisdiction and in consultation with the OCFCD.

Facility	General Scope	General Triggering Mechanism
		3) As necessary as interim or permanent design in review of development plans. 4) Filing of flood zone map with FEMA prior to any construction.
Electricity	Electric distribution lines.	When arterial highways are constructed.
Natural Gas	Gas distribution lines.	When arterial highways are constructed.
Telephone	Telephone lines.	When arterial highways are constructed.
Cable Television	Cable television distribution lines; fiber optic cables.	When arterial highways are constructed.
Parks	1) Regional park; 2) Community park (31.5 acre); 3) Community park (46 acres), neighborhood parks and private parks; 4) Neighborhood park in Irvine.	1) Site can be used upon transfer to *end user*; improvements will occur per agreement with City of Tustin; 2) Site can be used upon transfer to City; upgrading will occur upon receipt of adequate funding including park development fees; 3) When adequate park development fees are received, subject to development conditions, development agreements and funding availability as applicable; 4) When adequate funding has been secured from assessment district funding; tax-increment or developer-negotiation.
Note: In addition to applicable sections of this Phasing Plan, the provisions of the joint Final EIS/EIR will apply.		

Table 4-3: 2024 SPA Regulatory Requirements and Mitigation Measures

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
AIR QUALITY				
PPP AQ-1: Rule 403. The following measures shall be incorporated into construction plans and specifications as implementation of Rule 403: • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. • The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.	Prior to grading permit approval; and during construction activities	Project developers/ applicants and construction contractors	The City Community Development Dept. will confirm that this requirement appears in the construction specifications.	Initials: _____ Date: _____
PPP AQ-2: Rule 1113. The following measure shall be incorporated into construction plans and specifications as implementation of Rule 1113. The Modified Project shall only use "Low-Volatile Organic Compounds (VOC)" paints (no more than 50 gram/liter of VOC) consistent with SCAQMD Rule 1113.	Prior to grading permit approval; and during construction activities	Project developers/ applicants and construction contractors	The City Community Development Dept. will examine project contracts, plans, and specifications for this requirement and monitor for compliance.	Initials: _____ Date: _____
PPP AQ-3: Rule 445. The following measure shall be incorporated into construction plans and specifications as implementation of Rule 445. Wood burning stoves and fireplaces shall not be included or used in the new development.	Prior to grading permit approval; and during construction activities	Project developers/ applicants and construction contractors	The City Community Development Dept. will examine project contracts, plans, and specifications for this requirement and monitor for compliance.	Initials: _____ Date: _____

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
PPP AQ-4: CALGreen Building Standards MERV 13 Filters. Indoor air quality within mechanically ventilated buildings shall comply with Section 5.504.5.3 (Filters) of the California Green Building Standards Code Part 11 that requires utilization of at least a Minimum Efficiency Reporting Value (MERV) of 13 air filtration systems. The Code requires MERV 13 filters to be installed prior to occupancy and replaced and/or maintained as directed by the manufacturer.	Prior to issuance of occupancy permits.	Project developers/ applicants and construction contractors.	The City Community Development Dept. will inspect the mechanically ventilated buildings and monitor for compliance.	Initials: _____ Date: _____
MM AQ-1: Vehicle Trip Reduction. Rental Units: The Modified Project Applicant of for-rent residential developments shall notify and offer to the tenant or prospective tenant, materials describing public transit, ridesharing, and nonmotorized commuting opportunities in the vicinity of the development. The materials shall be approved by the City of Tustin. The materials shall be provided no later than the time the rental agreement is executed. A program outlining the implementation of this measure shall be submitted to the City of Tustin Planning Division for review and approval, prior to the issuance of the first certificate of occupancy.	Prior to the issuance of the first certificate of occupancy.	Project developers/ applicants.	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
MM AQ-2: Prohibition of Fireplaces. The installation of wood-burning and natural gas devices shall be prohibited inside residential dwelling units. The purpose of this measure is to limit emissions of ROG, NO_X, and particulate matter emissions from wood-burning and natural gas devices used for primary heat, supplemental heat, or ambiance. This prohibition shall be noted on the deed for for-sale residential units and/or any non-residential tenant lease agreements.	Prior to the issuance of occupancy permits.	Project developers/ applicants.	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
MM AQ-3: Electric Landscape Equipment. Prior to the issuance of occupancy permits, the Community Development Department shall confirm that the project's Codes Covenants and Restrictions (CC&Rs) and/or non-residential tenant lease agreements include contractual language that all landscaping equipment used on site shall be 100 percent electrically powered. All residential and non-residential properties shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be	Prior to the issuance of occupancy permits.	Project developers/ applicants.	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
included in the third-party vendor agreements for landscape services for the property or building owner and non-residential tenants, as applicable.				
MM AQ-4: Low VOC Paint (Operations). The Modified Project Applicant shall require by contract specifications for commercial development to use interior and exterior architectural coatings (paint and primer including parking lot paint) products that have a volatile organic compound rating of 10 grams per liter or less. Contract specifications shall be reviewed and approved by the City of Tustin prior to the issuance of building permits. This measure shall be made a condition of approval for continued upkeep of the property.	During construction. Ongoing during continued upkeep of the property.	Project developers/ applicants.	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
BIOLOGICAL RESOURCES				
MM BIO-5: Biological surveys shall be conducted by a qualified biologist to determine the potential for special status species within the project site for all future projects at the time that development is proposed. The project-level biological survey report shall analyze these projects' impacts on sensitive animal species and shall propose mitigation to reduce project impacts to a less than significant level.	Prior to issuance of grading or building permits	Project developers/ applicants.	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance	Initials: _____ Date: _____
GREENHOUSE GAS EMISSIONS				
MM GHG-1: Solar Panels. Projects shall be required to install solar photovoltaic (PV) panels or other source of renewable electricity generation onsite, based on the maximum roof area available for solar (i.e., solar-ready zone). The solar-ready zone shall in the minimum, comply with Section 110.10 of the 2022 California Energy Code and shall comply with access, pathway, ventilation, and spacing requirements, and exclude skylight area. The final PV generation facility size requires approval by Southern California Edison (SCE). SCE's Rule 21 governs operating and metering requirements for any facility connected to SCE's distribution system. Should SCE limit the offsite export, the Projects may utilize a battery energy storage system (BESS) to lower offsite export while	Prior to the issuance of occupancy permits.	Project developers/ applicants.	The City Community Development Dept. will verify implementation of this requirement.	Initials: _____ Date: _____

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
maintaining onsite renewable generation to offset consumption. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. The schedule of photovoltaic system locations may be updated as needed.				
MM GHG-2: LEED Equivalency and Electric Vehicle Charging. Prior to the issuance of building permits, project applicant, or successor in interest, shall provide documentation to the City of Tustin demonstrating compliance with the following, if feasible: • The project shall be designed to achieve Leadership in Energy and Environmental Design (LEED) equivalence in order to exceed 2022 Title 24 energy efficiency standards; and/or • The project shall provide facilities to support electric charging stations per the Tier 2 standards Section A4.106.8.2 (Residential Voluntary Measures) of the 2022 CALGreen Code, which is the baseline for improvement set by circulation of the Modified Project NOP (March 3, 2024, prior to the July 2024 CALGreen Code Supplement).	Prior to the issuance of building permits.	Project developers/ applicants.	The City Community Development Dept. will verify implementation of this requirement.	Initials: _____ Date: _____
MM GHG-3: Energy Efficient Appliances. All major applicant provided in-unit residential appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, water heaters, and for space heating) provided/installed shall be electric (i.e., appliances that do not use natural gas, propane, or other fossil fuels) and Energy Star certified or of equivalent energy efficiency where applicable. Prior to the issuance of the certificate of occupancy, the City of Tustin shall verify implementation of this requirement. Installation of electric Energy Star–certified or equivalent appliances shall be verified by the Planning and Building Department during plan check.	Prior to the issuance of building permits.	Project developers/ applicants.	The City Community Development Dept. will verify implementation of this requirement.	Initials: _____ Date: _____
LAND USE AND PLANNING				
PPP LU-1: A Federal Facility Site Remediation Agreement (FFSRA) between the Department of the Navy (DON) and Department of Toxic Substance Control was signed for	All remediation activities pursuant to the FFSRA shall be carried	Department of the Navy and	The City Community Development Dept. will verify	Initials: _____

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
Former MCAS Tustin on 18 August 1999. The FFSRA defines DON's response action obligations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and corrective action obligations under the Resource Conservation and Recovery Act. All remediation activities pursuant to the FFSRA shall be carried out prior to (or in conjunction with in certain approved conditions) implementation of the TLSP. All future development shall comply with the requirements and criteria under the FFSRA and as set forth by DTSC, U.S. Environmental Protection Agency (EPA), RWQCB, and applicable local agencies (including the City of Tustin and City of Irvine).	out prior to (or in conjunction with in certain approved conditions) implementation of the TLSP.	Department of Toxic Substance Control.	implementation of this requirement.	Date: _____
NOISE				
PPP NOI-1: Construction Hours. Per the Tustin City Code Section 4616, construction activities are allowed only between the hours of 7:00 AM and 6:00 PM, Monday through Friday and between 9:00 AM to 5:00 PM on Saturdays with no activity allowed on Sundays and City-observed federal holidays.	During construction.	Project developer/ Construction contractor/ City of Tustin Building Department.	The City Community Development Dept. will enforce grading and construction permitting; and monitor for compliance.	Initials: _____ Date: _____
TRANSPORTATION				
PPP T-1: Traffic Control/Utilities. All future development constructed under the Project shall be subject to the traffic control standards specified by the City's latest *Standard Plans and Design Standards*, which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design.	Prior to grading or demolition/building permit approval	Project developers/ applicants and construction contractors.	The City Public Works Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
TRIBAL CULTURAL RESOURCES				
PPP TCR-1: Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide	Prior to grading or demolition/building permit approval	Project developers/ applicant, construction contractors	The City Community Development Dept. will review project plans and specifications to	Initials: _____ Date: _____

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
for treatment and disposition of human remains and associated grave goods.			ensure these requirements are met and would monitor to verify compliance.	
PPP TCR-2: Human Remains. Should human remains or funerary objects be discovered during Project construction, the Project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission by telephone within 24 hours, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection and make recommendations or preferences for treatment within 48 hours after being granted access to the site.	During construction	Project developers/ applicant, construction contractors.	The City Building Division will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities. a. Prior to the issuance of demolition or grading permits for any projects that would disturb previously undisturbed soils (native soils) or soils that have native fill, the project applicant/developer shall retain a Native American Monitor, with first preference given to the Gabrieleño Band of Mission Indians – Kizh Nation, who responded to the City's request for consultation on November 14, 2023 (first preference Tribe, Tribe). The applicant/developer shall allow 45 days from the initial contact with the first preference tribe to enter into a contract for monitoring services. If the applicant/developer is unable to contact the Kizh Nation after three documented attempts or is unable to secure an agreement, the applicant shall report	Prior to grading or demolition/building permit approval; and during grading and demolition activities	Project developers/ applicant, construction contractors, Native American Monitor	The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
to the lead agency, and the lead agency will contact the Kizh Nation to validate that the parties were unable to enter into an agreement. If the applicant/developer can demonstrate they were unable to secure an agreement with the first preference tribe, as validated and documented by the Community Development Department in writing, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant/developer may retain an alternative qualified tribal monitor from a culturally affiliated tribe, or if none are available, an otherwise qualified archaeologist may be retained as approved by the City. The monitor shall be retained prior to the issuance of a demolition permit or grading permit, and the commencement of any development related "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, auguring, grubbing, boring, grading, excavation, drilling, and trenching for the purposes of reconstruction and new development. "Ground-disturbing activity" shall not include removal or maintenance of existing small facilities and utilities such as potholing, tree removal, and parking lot maintenance. This mitigation measure does not apply to activities that would only disturb soils made up of artificial fill, as verified by a soils or geotechnical report. b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed,				

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
locations of ground-disturbing activities, soil types, and cultural-related materials of significance to the Kizh Nation. Monitor logs will identify and describe any discovered Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and associated grave goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the consulting tribe. If a monitor is selected from a tribe other than the Kizh Nation, the Kizh Nation shall be contacted if any discoveries are found. d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the monitor from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities and that have the potential to impact local TCRs on the project site or in connection with the project are complete; or (2) the monitor determines based on field observations that there is no likelihood of encountering intact TCRs. Monitoring may be reduced in extent or frequency as determined appropriate by the monitor.				
MM TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial) Upon discovery of any TCRs, all ground-disturbing activities in the immediate vicinity of the discovery shall cease (i.e., the surrounding 50 feet) and shall not resume until the discovered TCR has been assessed by the tribal monitor and consulting archaeologist. If the monitor is other than the Gabrieleño Band of Mission Indians – Kizh Nation, the Kizh Nation shall be contacted and the monitor and/or Kizh Nation will recover and retain all discovered TCRs in the form and/or manner deemed appropriate, in agreement with Kizh Nation including for educational, cultural and/or historic purposes.	During grading	Project developers/ applicant, construction contractors, Native American Monitor	The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
MM TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. b. If Native American human remains are discovered or recognized on the project site, then Health and Safety Code Section 7050.5 shall be followed. c. Human remains and associated grave goods shall be treated in the same manner per California Public Resources Code section 5097.98(d)(1) and (2). d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods. e. Any discovery of human remains/grave goods shall be kept confidential to prevent further disturbance.	During grading	Project developers/ applicant, construction contractors, Native American Monitor	The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
UTILITIES AND SERVICE SYSTEMS				
PPP UT-1: California Building Code. All future development constructed under the Project shall be subject to the latest version of the California Building Code (CBC) which outlines regulations for building planning and construction in the state, including occupancy classification, structural design, building materials, infrastructure needs and fire-resistance requirements.	Prior to grading or demolition/building permit approval; during construction activities	Project developers/ applicants.	The City Building Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
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	Prior to grading or demolition/building permit approval	Project developers/ applicants and construction contractors	The City Public Works and Community Development Departments will	Initials: _____ Date: _____

Proposed Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
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.			examine project contracts, plans, and specifications for these requirements and monitor for compliance.	
PPP HYD-2 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.	Prior to the approval of the grading plan and issuance of grading permits.	Project developers/ applicants.	The City Public Works Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
PPP HYD-3 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.	Prior to the approval of the grading plan and issuance of grading permits.	Project developers/ applicants.	The City Engineer will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
MM UT-1: Prior to project approval, the development applicant shall coordinate with IRWD to conduct infrastructure analyses of water and sewer utilities in the project area to ensure existing conveyance and pressure is adequate to serve the project. Once development assumptions identified within the IRWD-approved Sub Area Master Plan (SAMP) are surpassed, project applicants shall coordinate with IRWD to update the SAMP for the TLSP area. The developer shall also submit the sewer capacity analysis to the Orange County Sanitation District (OC San) for review and verification that there is available sewer capacity for applicable OC San facilities.	Prior to approval of the construction permit.	Project developers/ applicant.	The City Planning Division will review the required capacity analysis ensure adequate capacity is available prior to approval of the construction permit.	Initials: _____ Date: _____