

# THE MARKET PLACE PROJECT

**SCH NO. 2024020969**

prepared for  
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Tustin, CA 92780

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## Final Environmental Impact Report

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# 1. Introduction

This Final Environmental Impact Report (Final EIR) 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 The Market Place Rezone Project (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 EIR during the public review period, which began June 7, 2024, and ended on July 22, 2024. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and represents the independent judgment of the lead agency, which is the City of Tustin. This document and the circulated Draft EIR comprise the Final EIR in accordance with CEQA Guidelines, Section 15132.

## 1.1 FORMAT OF THE FINAL EIR

The following chapters are contained within this document:

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

**Chapter 2.0, Response to Comments.** This chapter provides a list of agencies and organizations who commented on the Draft EIR, as well as copies of their comment letters received during and following the public review period, and individual responses to their comments.

**Chapter 3.0, Revisions to the Draft EIR.** This chapter contains revisions made to the Draft EIR as a result of the comments received by agencies and organizations as described in Chapter 3, and/or errors and omissions discovered since release of the Draft EIR for public review.

The City of Tustin has determined that none of this material constitutes significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5. The additional material clarifies existing information prepared in the Draft EIR 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 EIR. 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 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 this Final EIR.

## 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 EIR, with copies of this Final EIR document, which conforms to the legal standards established for response to comments on the Draft EIR 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 EIR or may be a separate section in the Final EIR. This section complies with the latter option and provides changes to the Draft EIR shown as strikethrough text (i.e., ~~strikethrough~~) signifying deletions and red bold and underlined text (i.e., **bold**) signifying additions. These changes are meant to provide clarification, corrections, or minor revisions made to the Draft EIR 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 EIR. None of the corrections or additions constitute 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 EIR.

### 2.2. CHANGES TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

#### Section 5.1 Air Quality

##### **Location: Section 5.1.8, Existing Regulations and Plans, Programs, or Policies, pp. 5.1-31**

###### *Explanation for Change and Discussion:*

The Draft EIR contained an error regarding the numbering of PPP AQ-3 as PPP AQ-4. Therefore, the policy was renumbered accordingly.

###### *Changes to Draft EIR:*

**PPP AQ-43: Rule 402.** The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

#### Section 5.3 Greenhouse Gas

##### **Location: Section 5.3.7, Cumulative Impacts, pp. 5.3-15**

###### *Explanation for Change and Discussion:*

The Draft EIR contained an error regarding the cumulative impact analysis which noted that the “Project would not exceed the SCAQMD threshold...” However, as discussed in the analysis predicated the cumulative impact analysis, the Project would result in an exceedance for the SCAQMD threshold. This statement has been updated accordingly.

###### *Changes to Draft EIR:*

This section presents information regarding potential cumulative impacts associated with the proposed project. As defined in the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area. Below is a list of cumulative projects; however, because of the lack of



available emissions data for the cumulative projects, cumulative emissions were not evaluated quantitatively. Table 5-1 lists the cumulative projects and provides a brief description and the distances from the Project site and Figure 5-1 includes a map of the various cumulative projects considered. The list includes 5 projects within the City of Santa Ana, 14 projects within the City of Tustin, and 2 projects within the City of Irvine.

GHG impacts are by their nature cumulative impacts. Localized impacts of climate change are the result of the cumulative impact of global emissions. The combined benefits of reductions achieved by all levels of government help to slow or reverse the growth in GHG emissions. In the absence of comprehensive international agreements on appropriate levels of reductions achieved by each country, another measure of cumulative contribution is required. This serves to define the State's share of the reductions regardless of the activities or lack of activities of other areas of the U.S. or the world. Therefore, a cumulative threshold based on consistency with State targets and actions to reduce GHGs is an appropriate standard of comparison for significance determinations.

As previously stated, GHG emissions associated with the potential future buildout under the Project would ~~not~~ exceed the SCAQMD threshold of 3,000 MT CO<sub>2</sub>e/yr. Since GHG is a global issue, it is unlikely that the proposed Project would generate enough GHG emissions to influence GHG emissions on its own; however, because ~~p~~**P**roject-related CO<sub>2</sub>e emissions would exceed the SCAQMD's threshold, the proposed Project would have a significant contribution to cumulatively considerable GHG emission impacts. **Further, Mitigation Measure GHG-1 requires that all future projects implement identified GHG, energy efficiency, and water efficiency measures for each project that would directly and indirectly reduce overall operational GHG impacts. All future projects subject to CEQA will prepare project-specific GHG assessments to determine GHG impacts, and if any, identify further project-specific measures to reduce GHG emissions. Since no development is proposed at this time, the applicability and feasibility of specific measures is too speculative to determine whether impacts would be less than significant with implementation of Mitigation Measures GHG-1 and GHG-2. Therefore, impacts would be considered cumulatively considerable and significant.**

**Location: Section 5.3.10, Mitigation Measures, pp. 5.3-16**

*Explanation for Change and Discussion:*

The Draft EIR contained Mitigation Measure GHG-1, which identified that only projects with discretionary approval would require a technical assessment evaluating potential project-related GHG impacts. However, the mitigation measure has been revised to increase clarity for future applicants on specific actions and performance standards. In revising the measure for clarity, it was broken up into two separate measures to reflect the requirement for GHG-reduction mitigation, in addition to the need for future projects with additional discretionary actions to prepare a separate GHG assessment with project-specific measures.

*Changes to Draft EIR:*

Mitigation Measure GHG-1: ~~Prior to discretionary approval by the City of Tustin (City) for residential development projects subject to California Environmental Quality Act (CEQA) review, project applicants shall prepare and submit a technical assessment evaluating potential project-related greenhouse gas (GHG) impacts to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology. If project related GHG emissions exceed applicable SCAQMD thresholds of significance and/or Statewide GHG reduction targets,~~ **Prior to issuance of a building permit,** the City shall require that applicants for new **residential** development projects incorporate mitigation measures to reduce GHG emissions, **as feasible**. ~~Mitigation measures could include, but are not limited, to energy efficiency measures, water conservation and efficiency measures, solid waste measures, and transportation and motor vehicles measures. The identified measures shall be included as part~~

of the conditions of approval. Mitigation measures to reduce operational emissions to be considered include, but are not limited to, the following:

- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure and/or within the heating and cooling distribution system;
- Use of energy-efficient space heating and cooling equipment;
- Installation of dual-paned or other energy efficient windows;
- Use of interior and exterior energy efficient lighting that exceeds the incumbent California Title 24 Energy Efficiency performance standards;
- Installation of automatic devices to turn off lights where they are not needed;
- Application of an exterior paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;
- Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;
- Design of buildings to accommodate photovoltaic solar electricity systems or the installation of photovoltaic solar electricity systems;
- Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products;
- Landscaping palette emphasizing drought tolerant plants;
- Use of water-efficient irrigation techniques;
- U.S. EPA Certified WaterSense-labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.

Mitigation Measure GHG-2: Prior to discretionary approval by the City of Tustin (City) for residential development projects subject to California Environmental Quality Act (CEQA) review, project applicants shall prepare and submit a technical assessment evaluating potential project-related greenhouse gas (GHG) impacts to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology. If project-related GHG emissions exceed applicable SCAQMD thresholds of significance and/or Statewide GHG reduction targets, project-specific measures shall be identified and implemented, which would be reviewed and confirmed by the City.

## Section 5.5 Noise

### Location: Section 5.5.6, Environmental Impacts, pp. 5.5-14

#### *Explanation for Change and Discussion:*

The Draft EIR contained an error regarding the impact determination statement, which indicated that Impact NOI-I would be “Less than Significant Impact with Mitigation” regarding construction; however, the impact would be “Less than Significant” and no mitigation would be required. This is accurately described in the impact narrative, but the impact determination contains a textual error. This statement has been updated accordingly.

#### *Changes to Draft EIR:*

**IMPACT NOI-1: THE PROJECT WOULD NOT RESULT IN GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY**

**OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.**

**Construction**

**Less than Significant Impact ~~with Mitigation~~.** As described in Section 3.0, Project Description of this DEIR, the proposed Project would consist of a Specific Plan Amendment (SPA) of the Project site to accommodate up to 900 housing units on 18 acres in areas that are currently used for surface parking on the Project site. In addition, there is a remaining development potential of 13,032 SF of nonresidential land uses (i.e. retail, restaurant, office, etc.). This 13,032 SF of additional nonresidential development is the residual development capacity already entitled but not constructed. The proposed Project does not propose any specific development. However, the following analysis considers the future development of the additional 900 units and remaining commercial buildout capacity associated with the proposed Project, which is expected to occur anytime between October 2024 and October 2029.

**Location: Section 5.5.6, Environmental Impacts, pp. 5.5-16**

*Explanation for Change and Discussion:*

The Draft EIR contained an error regarding the impact determination statement, which indicated that Impact NOI-I would be a “Less than Significant Impact” regarding operation; however, the impact would be “Less than Significant with Mitigation” since mitigation would be required. This is accurately described in the impact narrative, but the impact determination contains a textual error. This statement has been updated accordingly.

*Changes to Draft EIR:*

**Operation**

**Less than Significant Impact with Mitigation.**

As described previously, a specific development project is not proposed as part of this Project, thus the following analysis considers the future development of the additional 900 units and remaining commercial buildout capacity previously entitled for commercial uses, which is expected to occur anytime between October 2024 and October 2029.

**Section 5.7 Public Services**

**Location: School Services, pp. 5.7-12**

*Explanation for Change and Discussion:*

The Draft EIR contained a textual error regarding the number of students the Project is anticipated to generate. Table 5.7-5, *Students at Project Buildout*, contains the correct number of students anticipated to be generated by full buildout of the Project. Therefore, the text has been updated to reflect the correct number of students accordingly.

*Changes to Draft EIR:*

**IMPACT PS-3 THE PROJECT WOULD NOT RESULT IN SUBSTANTIAL ADVERSE PHYSICAL IMPACTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED SCHOOL FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Less than Significant Impact.** The proposed Project is a rezone within The Market Place site. A specific development is not proposed as part of this Project. The Project site does not currently support residential uses. However, the development that could occur from future buildout of the proposed housing zone is 900 dwelling units and 13,032 SF of nonresidential uses. Future buildout of the Project would provide housing for families that may have school children. As shown in Table 5.7-5, based on the TUSD student generation rates, the proposed Project would result in ~~150~~ **144** elementary students, ~~81~~ **82** intermediate students, and ~~125~~ **109** high school students, which would total 335 students at Project buildout. The student population would account for approximately 14 percent of the total 2,592 residents at full occupancy.

## Section 5.9 Transportation

### **Location: 5.9.3 Environmental Setting, pp. 5.9-6**

#### *Explanation for Change and Discussion:*

In Response to Comment 2.2 (see Section 3.0, *Response to Comments*), the commenter notes that there are two existing bus stops at the intersection of Myford Road and Bryan Avenue. The discussion has been revised accordingly to add the additional bus stop.

#### *Changes to Draft EIR:*

Public transit bus service for the City is provided by the Orange County Transportation Authority (OCTA). The Project site includes ~~at two~~ **two** bus stops at the intersection of Bryan Avenue and Myford Road for Route 79 with bus service every 30 minutes. Route 79, (Larwin Square) provides service from Newport Transportation Center, along Culver Boulevard, to Bryan Avenue, finally terminating at the commercial center located at East 1ST Street and Newport Avenue (Larwin Square).

### **Location: 5.9.5 Methodology, pp. 5.9-17**

#### *Explanation for Change and Discussion:*

In Response to Comment 1.2, the methodology of the Project VMT Study had been updated to address comments inquiring about the calculation for the Project's TAZ total population and employed population. Further, the methodology of the Transportation section was updated accordingly to be consistent with the revised VMT Study (see Appendix A).

#### *Changes to Draft EIR:*

The Project is located within Model TAZ 1126. **The total population (3.05 persons per household) and employed population (1.56 workers per household) of the Project TAZ was calculated using the OCTAM Base Year 2016 citywide average household occupancy for the City of Tustin.** ~~The total population and employed population of the Project was calculated using the current household average in nearby TAZs because no housing currently exists within TAZ 1126. The Project total households and population was entered into TAZ 1126. Employment growth in TAZ 1126 was already accounted for by the model. The metric utilized as the residential VMT threshold of significance for the City of Tustin is the average city-wide VMT under 2016 Base Model Year, which has been calculated to be 15.0 home-based VMT per capita. The Project is located in a low VMT area per employee and screens out of VMT analysis for nonresidential per the City of Tustin VMT Guidelines.~~

## Section 5.10 Tribal Cultural Resources

### **Location: 5.10.8, Existing Regulations and Plans, programs, or Policies pp. 5.10-6**

#### *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.

**PPP CUL-1: 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: 5.10.11, Mitigation Measures pp. 5.10-7**

#### *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~~ **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.**

#### **Location: 5.10.11, Mitigation Measures pp. 5.10-8**

##### *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 deemed 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: 5.10.11, Mitigation Measures pp. 5.10-8***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 ~~like~~ **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.

**Section 7.0 Effects Not Found Significant****Location: 7.3, Biological Resources, pp. 7-4***Explanation for Change and Discussion:*

The Initial Study (Appendix A of the Draft Environmental Impact Report [DEIR]) identified that the Project would result in less than significant impacts with mitigation on biological resources, as summarized in Chapter 7, *Effects Found Not Significant*. Mitigation Measure BIO-1 has been revised to reflect the correct City department responsible for verification of retention of a qualified biologist for vegetation and tree removal activities.

*Changes to Draft EIR:*

- PPP BIO-1**      **Street Trees.** Installation of street trees shall occur in compliance with the City of Tustin Municipal Code Article 7, Chapter 3, Section 7308.
- MM BIO-1**      **Migratory Bird Treaty Act.** Prior to commencement of grading activities, the City ~~Building Division~~ **Community Development Department** shall verify that, in the event that vegetation and tree removal activities occur within the active breeding season for birds (February 1–September 15), the Project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.



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

**Location: 7.4, Cultural Resources, pp. 7-4**

*Explanation for Change and Discussion:*

The Initial Study (Appendix A of the DEIR) identified that the Project would result in less than significant impacts with mitigation on cultural resources, as summarized in Chapter 7, *Effects Found Not Significant*. Existing plans and policies that would avoid potential impacts were also included. As discussed above, 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.

*Changes to Draft EIR:*

See changes to **PPP CUL-1: Human Remains** above under *Section 5.10 Tribal Cultural Resources*.



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### 3. Response to Comments

This section of the Final Environmental Impact Report (FEIR) for The Market Place Rezone Project (Project) includes a copy of all comment letters that were submitted during the public review period for the DEIR, along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the Draft Environmental Impact Report (DEIR) began on June 7, 2024, and ended on July 22, 2024. A total of four comment letters were received in response to the DEIR 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 DEIR 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 Project unrelated to its environmental impacts) are noted for the record. Where text changes in the DEIR are warranted based on comments received, updated 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 FEIR.

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

All written comments on the DEIR are listed in Table 3-1. All comment letters received on the DEIR 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 DEIR**

| Comment Letter | Commenter  | Date          |
|----------------|--|---------------|
| 1              | California Department of Transportation (Caltrans) | July 22, 2024 |
| 2              | Orange County Transportation Authority (OCTA)      | July 22, 2024 |
| 3              | Vicki Tran   | July 22, 2024 |
| 4              | Ethan Kwong  | July 22, 2024 |
| 5              | City of Irvine                                     | July 25, 2024 |

To finalize the EIR for the Project, the following responses were prepared to address comments that were received during the public review period.

**Comment Letter 1: California Department of Transportation (Caltrans), dated July 22, 2024**

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

**California Department of Transportation**

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



July 22, 2024

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

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

Dear Ms. Beier,

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

1.1

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

EIR Appendix D - VMT Analysis Methodology Comments:

1. Page 5 of Appendix D – VMT Analysis, it is stated that total population and employed population of the project was calculated using current household average occupancy in adjacent Traffic Analysis Zone (TAZ). Please include in the report the adjacent TAZ used in the TAZ 1126 calculation.
2. Page 5 of Appendix D – VMT Analysis, Please include the employment growth value in the report .
3. Page 5 of Appendix D – VMT Analysis, The OCTAM model was run base year and future year with and without project conditions. Please discuss why this is not included in Table 2 and show the data for base year and future year, with and without project conditions.

1.2

1.3

1.4

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Ms. Samantha Beier  
 March 22, 2024  
 Page 2

- |  |     |
|--|-----|
| <p>4. Page 5 of Appendix D – VMT Analysis, the report states that it is infeasible to achieve a 15% VMT reduction below the citywide average for many areas in the city. The report states that by ensuring that land use development projects result in no net increase in VMT, a sustained reduction in city wide VMT and GHG emissions will occur, and the projects impact on VMT would be considered less than significant. Please explain what measures/strategies will be used to ensure there will be no net increase in VMT.</p> | 1.5 |
|--|-----|

Traffic Impact Analysis Report Comments:

- |  |     |
|--|-----|
| <p>5. Page 6 – Please discuss why Walnut/Jamboree Intersection is not included in the analysis.</p> <p>6. Page 15 and 16 – There are peak hour volumes where the approach volumes are 0 at an intersection, for Intersection. Please update the approach volumes and update the analysis to reflect on Table 3.2.</p> <p>7. Page 17 – Discuss how traffic volumes were calculated and what growth factor was used to obtain 2030 volumes. Discuss why some volumes for 2030 were lower than existing volumes.</p> <p>8. Page 18,26 - Intersection 6 has an unsatisfactory LOS and is in the proximity of Intersection 5 (SB I-5 on/off ramp). A discussion of potential mitigation measures is required for as the result of the proposed project,</p> <p>9. Page 25 – Discuss how traffic volumes were calculated and what growth factor was used to obtain 2045 volumes. Discuss why some volumes for 2045 were lower than existing volumes.</p> | 1.6 |
|--|-----|
10. The proposed project increases the capacity of allowable housing. With more residential units near commercial, there is opportunity to encourage multi-modal travel and reduce VMT. Short local car trips can potentially be replaced with walking and bicycling trips. Caltrans encourages the design of Complete Streets that include high-quality pedestrian and bicycle facilities that are safe and comfortable for users of all ages and abilities.
11. Consider complete street designs on streets surrounding the project area.
12. There are opportunities for connections to existing alternative modes of transportation near the project. These include the Tustin Metrolink Station, OCTA Bus Route 79, and Class II bike lanes on Bryan Avenue and Jamboree Road.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Ms. Samantha Beier

March 22, 2024

Page 3

|   |              |
|---|--------------|
| 13. Currently, there are no north-south OCTA bus routes connecting the Market Place. Consider coordinating with OCTA to expand bus service and include connections to the Tustin Metrolink Station, which is about 1.5 miles south. | 1.6<br>cont. |
|---|--------------|

|  |  |
|--|--|
| 14. To encourage alternative modes of transportation and reducing VMT, consider closing the bike lane facility gap on El Camino Real and the southern segments of Myford Road and Jamboree Road to connect the commercial and residential development. |  |
|--|--|

Please consider the following recommendations from Caltrans March 18, 2024, letter:

|   |     |
|---|-----|
| 15. Ensure that truck parking, ingress and egress, and staging will not interfere with vehicle parking, pedestrian paths, or bicycle lanes/bicycle parking. | 1.7 |
|---|-----|

|  |     |
|--|-----|
| 16. Establish freight pick up & drop off times that do not coincide with peak commute hours to reduce passenger vehicle conflicts and congestion for freight. Consider designating on-street freight-only parking and delivery time windows so trucks will not resort to double parking, thus causing street traffic congestion. | 1.8 |
|--|-----|

|   |     |
|---|-----|
| 17. For the multifamily residential units proposed, consider how many individual packages will be delivered daily to individual residences. Amazon lockers or an equivalent shared drop-off location can help reduce the amount of driving done by delivery trucks and can increase the efficiency of deliveries. | 1.9 |
|---|-----|

|  |      |
|--|------|
| 18. Work with local partners and community representatives to mitigate any truck traffic routing onto residential streets or conflicting with other road users, including and especially bicyclists and pedestrians. | 1.10 |
|--|------|

|  |      |
|--|------|
| 19. In the event of any work performed within Caltrans right-of-way, an encroachment permit will be required prior to construction. Please submit all applications and associated documents/plans via online web portal base Caltrans Encroachment Permit System (CEPS) at <a href="https://ceps.dot.ca.gov/">https://ceps.dot.ca.gov/</a> | 1.11 |
|--|------|

|   |      |
|---|------|
| 20. Any work performed within Caltrans right of way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. Applicant must submit a signed Standard Encroachment Permit application | 1.12 |
|---|------|

"Provide a safe and reliable transportation network that serves all people and respects the environment"

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Page 4

form TR-0100 along with a deposit payable to Caltrans. Deposit amount will be dependent on when the application is submitted. Public corporations are legally exempt from encroachment permit fees. Please note that all utility work should be disclosed prior to permit submittal, and utility companies are to apply for separate permits for their corresponding work.

1.12  
cont.

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

1.13

Sincerely,



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

"Provide a safe and reliable transportation network that serves all people and respects the environment"

**Response to Comment Letter 1: California Department of Transportation (Caltrans), dated July 22, 2024**

**Response to Comment 1.1:** This comment summarizes project understanding and provides an introduction to the comment letter. This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

**Response to Comment 1.2:** The commenter requests that DEIR Appendix D, VMT Analysis, be updated to include the adjacent TAZ number that was used in total population and employed population calculations for TAZ 1126.

The VMT Analysis Methodology section has been updated to include revised information regarding the household occupancy factors (see Appendix A). The total population (3.05 persons per household) and employed population (1.56 workers per household) of the Project TAZ was calculated using the OCTAM Base Year 2016 citywide average household occupancy for the City of Tustin. An anticipated Project employment growth of 28 employees (based on SCAG's SF/Employee factor of 475 urban restaurant SF/employee) was already accounted for by the OCTAM employment growth of 250 employees in TAZ 1126 from Base Year 2016 to Future Year 2045.

Based on OCTAM Base Year 2016 citywide average household occupancy for the City of Tustin and the 900 households proposed for future development by the Project, a population of 2,745 and an employed population of 1,404 was entered into TAZ 1126. The Model was run for the Base Year 2016 and Future Year 2045 without and with-project conditions (i.e. four full Model runs).

**Response to Comment 1.3:** The commenter requests that the DEIR Appendix D, VMT Analysis, be updated to include the employment growth factor used.

The VMT Analysis Methodology section has been updated to include information regarding the employment growth in the TAZ (see Appendix A). An anticipated Project employment growth of 28 employees (based on SCAG's SF/Employee factor of 475 urban restaurant SF/employee) was already accounted for by the OCTAM employment growth of 250 employees in TAZ 1126 from Base Year 2016 to Future Year 2045.

**Response to Comment 1.4:** The commenter requests that Table 2 of the DEIR Appendix D, VMT Analysis, be updated to include OCTAM data for base year and future year with and without project conditions. Alternatively, the commenter requests an explanation why this data was not included.

Per the City of Tustin *Vehicle Miles Traveled Analysis Guidelines*, March 2024, a significant transportation impact occurs if the project's homebased VMT per capita exceeds the OCTAM base model year citywide average VMT per capita for the City of Tustin. Therefore, the future year without project conditions data is not necessary for purposes of this study.

**Response to Comment 1.5:** The commenter summarizes analysis from DEIR Appendix D, VMT Analysis, that describes a 15 percent reduction in VMT as infeasible for several areas of the city, and further, so long as land use development projects result in no net increase in VMT, citywide VMT and greenhouse gas emissions (GHG) would be reduced. The commenter requests that the VMT Analysis explain what measures/strategies would be used to ensure there would be no net increase in VMT for future projects.

The statement "it is infeasible to achieve a 15% VMT reduction below the citywide average for many areas in the city" is a direct excerpt from the City of Tustin *Vehicle Miles Traveled Analysis Guidelines*, March 2024.

"Given that the City of Tustin is primarily located within a suburban setting, the amount of VMT reduction from an individual land use project is limited, and it is likely infeasible to achieve a 15% reduction below the citywide average for many areas in the City."

Measures/strategies in the form of mitigation, such as a monitoring program to ensure there will be no net increase in VMT, are not required by CEQA for projects that are identified to have a less than significant impact. A full VMT analysis was conducted for the Project. The results conclude that the Project-generated VMT per capita is below the City's significance threshold established through their VMT guidelines. Further, the addition of 900 units, and VMT study prepared to analyze such development, represents a maximum buildout. No development is proposed as part of the Project. Any future project that is developed within the maximum of 900 units would be consistent with the VMT analysis prepared and the findings that impacts would be less than significant. Any future project that exceeds the 900 dwelling unit-maximum would be required to prepare independent traffic and CEQA studies to analyze potential impacts. Therefore, the Project, and future projects developed in consistency with the project, would have a less than significant VMT impact.

**Response to Comment 1.6:** The commenter provides comments and questions related to the Traffic Impact Analysis Report (TIA) that was prepared for the Project. The TIA was provided to the Caltrans per their request submitted to the City of Tustin on March 18, 2024, in response to the Notice of Preparation they received for the Project.

The transportation analysis within the DEIR was prepared pursuant to SB 743, which requires that VMT thresholds be utilized for traffic analysis, and State CEQA Guidelines Section 15064.3 that states that a project's effect on automobile delay shall not constitute a significant environmental impact. As such, the TIA is not considered part of the DEIR or supporting CEQA documentation since it is an analysis of automobile delay. Further, the comments and questions provided by the commenter do not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. However, the City will coordinate with Caltrans to address their concerns regarding the TIA and will continue to communicate with Caltrans as future development is proposed. Therefore, no further response is required or provided.

**Response to Comment 1.7:** The commenter recommends that the City to ensure proposed truck parking, circulation, and construction staging would not interfere with vehicle, bicycle, or pedestrian circulation and parking.

As noted by the commenter in their summary of project understanding, the Project being considered includes a General Plan Amendment (GPA) and a Specific Plan Amendment (SPA) to the East Tustin Specific Plan (ETSP) to accommodate potential future development of 900 dwelling units in consistency with the City's approved Housing Element. No actual development is proposed as part of this project. All future development projects would be required to undergo plan check review with the City and project-specific traffic studies would be required as determined appropriate by the City's traffic guidelines.

Further, while the Draft EIR analysis considers future buildout of the remaining 13,032 SF of nonresidential use currently allocated to the Project site by the City's General Plan, the Project does not propose an increase in allowed nonresidential uses, nor does the Project propose development of any nonresidential projects at this time. Future residential construction could require a temporary increase in truck traffic and staging; however, each project would be required to prepare a project-specific Stormwater Pollution Prevention Plan (SWPPP) in compliance with the Construction General Permit (CGP), which would include proposed construction staging areas and would be reviewed and approved by a City Engineer. Additionally, any required detour for pedestrian or bicycle paths would be outlined in a traffic control plan prepared pursuant to the City's *Standard Plans and Design Standards*. Therefore, the Project would not result in direct increase in truck traffic or staging. Future indirect truck traffic and staging would be coordinated on a project-by-project basis in the future. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

**Response to Comment 1.8:** The commenter recommends that the City coordinate freight pickup and drop off times around peak commute times to reduce freight and vehicle conflicts. The commenter also suggests



that the City consider designated on-street freight-only parking and delivery windows to avoid truck double parking and traffic congestion.

As discussed above in Response to Comment 1.7, the Project would allow for future development of up to 900 dwelling units within the Project site. The Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. All future development projects would be required to undergo plan check review with the City and project-specific traffic studies would be required as determined appropriate by the City's traffic guidelines.

Further, as discussed in Response to Comment 1.6, circulation and level of service are analyzed in the Project TIA, which is not part of the EIR. However, the City will continue to coordinate with Caltrans regarding their TIA comments and address any other level of service-related concerns. Therefore, this comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. No further response is required or provided.

**Response to Comment 1.9:** The commenter recommends the City determine how many individual packages will be delivered daily to individual residences and consider the implementation of Amazon lockers or drop-off locations to reduce the amount of delivery driving needed.

As discussed above in Response to Comment 1.8, the Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. Project-specific traffic studies would be prepared as necessary for all future development pursuant to the requirements of the City traffic guidelines.

Further, as discussed in Response to Comment 1.6, circulation and level of service are analyzed in the Project TIA, which is not part of the EIR. However, the City will continue to coordinate with Caltrans regarding their TIA comments and address any other level of service-related concerns. Therefore, this comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. No further response is required or provided.

**Response to Comment 1.10:** The commenter recommends the City coordinate with local partners and community representatives to mitigate truck traffic on residential streets or other conflicts with road users, including bicyclists and pedestrians.

As discussed above in Response to Comment 1.8, the Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. Project-specific traffic studies would be prepared as necessary for all future development pursuant to the requirements of the City traffic guidelines.

Further, as discussed in Response to Comment 1.6, circulation and level of service are analyzed in the Project TIA, which is not part of the EIR. However, the City will continue to coordinate with Caltrans regarding their TIA comments and address any other level of service-related concerns. Additionally, as discussed under Draft EIR Section 5.4, *Land Use*, future projects would be required to analyze, and incorporate as feasible, access to alternative modes of transportation and collaborate with applicable regional, state, and federal parties during the development process (see General Plan Circulation Element Policies 1.3, 1.10, 1.11, 6.2, and 6.14). Therefore, the Project would not result in conflict with road users and no further response is required or provided.

**Response to Comment 1.11:** The commenter notifies the City that any work performed within Caltrans right-of-way would require an encroachment permit prior to construction. The commenter provides the link to the Caltrans Encroachment Permit System.

As discussed above in Response to Comment 1.8, the Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. Future development projects

would follow the appropriate Caltrans encroachment permit process as necessary. This comment has been noted for the record and no further response is required or provided.

**Response to Comment 1.12:** This comment states that any work performed within Caltrans right of way would require discretionary review and approval by Caltrans to obtain an encroachment permit prior to construction. The commenter notes that prior to initiating the encroachment permit process, the applicant should fill out the Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. The commenter provides additional encroachment permit application instructions.

As discussed above in Response to Comment 1.8, the Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. Future development projects would follow the appropriate Caltrans encroachment permit process as necessary. This comment has been noted for the record and no further response is required or provided.

**Response to Comment 1.13:** The commenter requests that the City continues to coordination with Caltrans for any future developments that could potentially impact State transportation facilities and provides a contact. This comment is conclusory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

**Comment Letter 2: Orange County Transportation Authority (OCTA), dated July 22, 2024**

July 22, 2024

## AFFILIATED AGENCIES

Orange County  
Transit DistrictLocal Transportation  
AuthorityService Authority for  
Freeway EmergenciesConsolidated Transportation  
Service AgencyCongestion Management  
Agency

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

Via email: [HousingElementRezone@tustinca.org](mailto:HousingElementRezone@tustinca.org)

**Subject: Notice of Availability of a Draft Environmental Impact Report  
for the Market Place Rezone Project**

Dear Ms. Beier:

The Orange County Transportation Authority (OCTA) appreciates the opportunity to review the Notice of Availability of a Draft Environmental Impact Report (EIR) for the Market Place Rezone Project. OCTA has the following comments for your consideration: 2.1

- In the Draft EIR on page 4-9, in Section 4.5.9 Transportation, Existing Transit Service mentions that there is one bus stop at the intersection of Bryan Avenue and Myford Road. There are two stops at this intersection, one located at the southwest corner and one at the northwest corner. 2.2
- In Appendix D VMT Analysis on page 9, Figure 2, please include the sections of McFadden Avenue and Walnut Avenue as being served by Route 66, as shown in Attachment A. The short version of Route 66 serving the City of Tustin has peak weekday frequencies of 15 minutes. 2.3

We encourage open communication with OCTA on any matters discussed herein. Should you have any comments or questions, please contact me at (714) 560-5907 or at [dphu@octa.net](mailto:dphu@octa.net). 2.4

Sincerely,

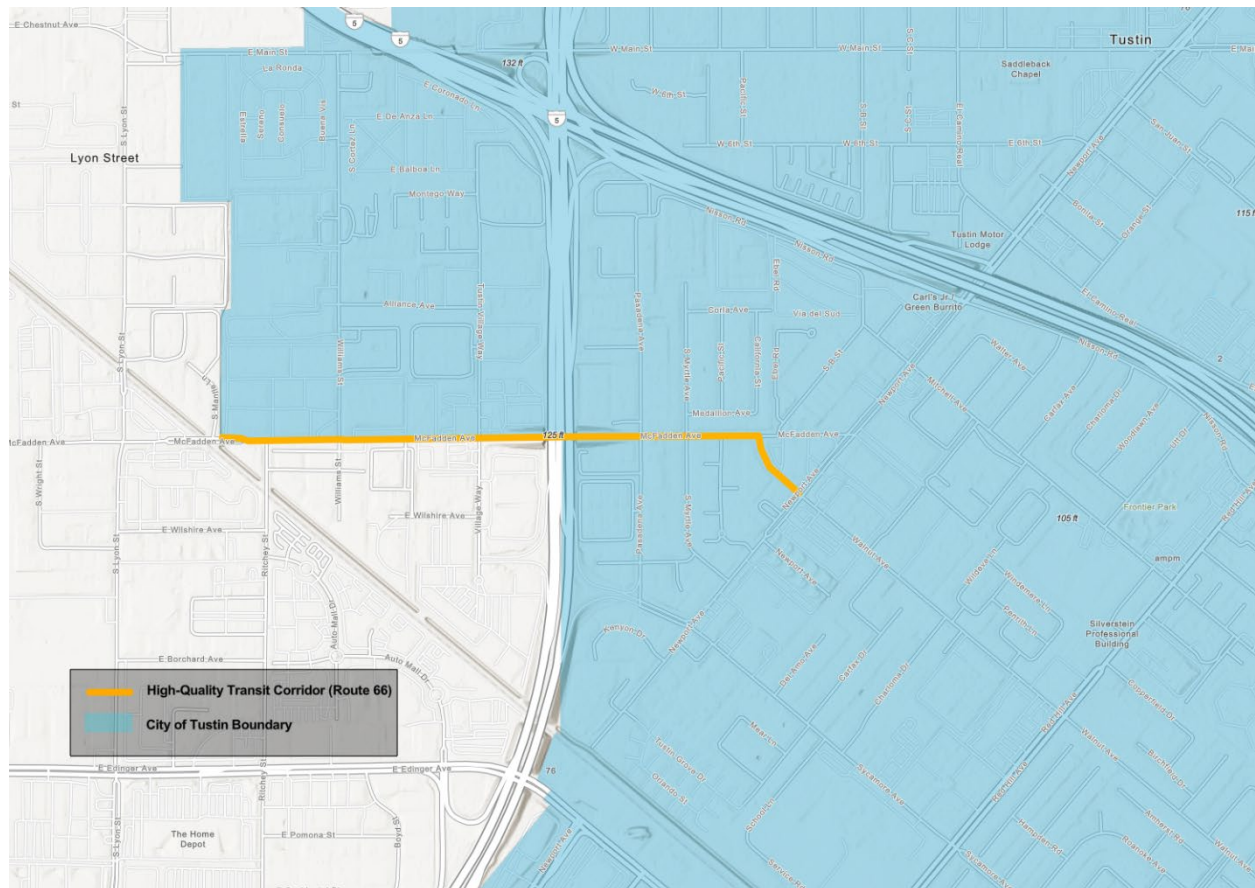
Dan Phu  
Manager, Environmental Programs

DP:tc

Attachments: Attachment A - Tustin HQTC Map

Orange County Transportation Authority  
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)

## Attachment A – Tustin High Quality Transit Map



**Response to Comment Letter 2: Orange County Transportation Authority (OCTA), dated July 22, 2024**

**Response to Comment 2.1:** This comment provides an introduction to the comment letter. This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

**Response to Comment 2.2:** This comment states that DEIR Section 5.9, *Transportation*, specifically the discussion of *Existing Transit Service* (DEIR page 5.9-6) erroneously left an existing bus station at the intersection of Bryan Avenue and Myford Road out the environmental setting discussion. The discussion has been revised to include the additional bus stop as shown below and added under Section 2.0, *Errata*.

**Section 5.9 Transportation, page 5.9-6**

Public transit bus service for the City is provided by the Orange County Transportation Authority (OCTA). The Project site includes ~~a~~ **two** bus stops at the intersection of Bryan Avenue and Myford Road for Route 79, with bus service every 30 minutes. Route 79 (Larwin Square) provides service from Newport Transportation Center, along Culver Boulevard, to Bryan Avenue, finally terminating at the commercial center located at East 1ST Street and Newport Avenue (Larwin Square).

**Response to Comment 2.3:** This comment states that the Vehicle Miles Traveled (VMT) Analysis, included as Appendix D to the DEIR, references an outdated figure illustrating the High Quality Transit Corridors (HQTC) in the City of Tustin. The comment states that sections of McFadden Avenue and Walnut Avenue are served by Route 66 and the figure included in the VMT Analysis needs to be updated to reflect this.

The VMT Analysis was prepared using the *City of Tustin Vehicle Miles Traveled Analysis Guidelines* (VMT Guidelines), dated March 2024. While the City appreciates that OCTA identifies sections of McFadden Avenue and Walnut Avenue as a HQTC, the City's adopted guidelines are based on the Southern California Association of Government's (SCAG) definition and determination of HQTC's in the area. SCAG defines a HQTC as being within one half-mile of a well-served transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. The City's adopted 2024 VMT Guidelines were in effect at the time of the DEIR's preparation, and revisions to the Guidelines are not a part of the proposed Project; therefore, the City does not intend to revise the approved VMT Guidelines at this time and the description of HQTCs within Section 5.9, *Transportation*, is maintained. Regardless, City staff will continue to coordinate with OCTA on policy matters. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

**Response to Comment 2.4:** This comment provides contact information for who to reach out to with any questions about the comment letter. The comment is conclusionary in nature and does not raise any specific concerns with the adequacy of the Draft EIR or raise any other specific CEQA issue. As substantiated by the responses above, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. No revisions per this comment are required and no further response is required or provided.

**Comment Letter 3: Vicki Tran, dated July 22, 2024**

**From:** Vicki Tran <vickitran86@gmail.com>  
**Sent:** Monday, July 22, 2024 9:27 AM  
**To:** Housing Element Rezone  
**Subject:** Tustin Housing Element Rezone - Resident Comment

Hello,

Although I am not part of an organization, I wanted to write as a nearby resident of the Tustin Marketplace (I live near Jamboree and Portola) that additional housing in this part of town is not welcomed.

Over the last 10 years, we have already experienced a crunch of residents with a fuller development of Orchard Hills homes. And, they have already approved more housing on the Irvine side of the Marketplace. Why would we want to add even more congestion to the area by adding additional homes to the Tustin Marketplace when there are plenty of other underdeveloped areas in Tustin like near the hanger or even on Newport? There are already plenty of homes; there's no need for hotels or apartments as there are no companies, just standard shopping areas!

3.1

Traffic is already terrible around the Jamboree freeway entrances and exits, so much so that there was already a debate on whether to add a gas station to the North Tustin Costco because of it.

Street construction to accommodate all this predicted extra incoming traffic doesn't help either. Making lanes smaller to also add room for bike lanes or additional lanes make no sense because cars have recently started to get bigger because of newer standards. We don't need more residents or cars, we need more space!

Thanks,  
Vicki Shih

**Response to Comment Letter 3: Vicki Tran, dated July 22, 2024**

**Response to Comment 3.1:** This comment expresses concern about increasing traffic as a result of future residential uses as allowed by the proposed Project. The comment states that the area around The Market Place is already congested and does not need additional housing. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.



**Comment Letter 4: Ethan Kwong, dated July 22, 2024**

**From:** Ethan Kwong <ethanm.kwong@gmail.com>  
**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.

4.1

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.

4.2

Thank you for your time,  
Ethan Kwong  
Grade 12  
Arnold O. Beckman High School  
949-524-6105  
[ethanm.kwong@gmail.com](mailto:ethanm.kwong@gmail.com)



**Response to Comment Letter 4: Ethan Kwong, dated July 22, 2024**

**Response to Comment 4.1:** This comment provides an introduction to the comment letter. This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

**Response to Comment Letter 4.2:** This comment states that the Project 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 Project site have existing complaints about traffic, and the commenter argues the proposed Project would increase traffic. The commenter continues to state that the proposed rezoning of the Project site should be postponed until the residents of Tustin can utilize safe, multimodal transport to access the area. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

**Comment Letter 5: City of Irvine, dated July 25, 2024**

Community Development

[cityofirvine.org](http://cityofirvine.org)

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575 949-724-6000

July 25, 2024

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

Email: [HousingElementRezone@tustinca.org](mailto:HousingElementRezone@tustinca.org)

**Subject: Notice of Availability (NOA) of a Draft Environmental Impact Report (EIR) in Compliance with Title 14 Section 15087(a) of the California Code of Regulations for the Marketplace Rezone Project**

Samantha Beier:

The City of Irvine is in receipt of the NOA of a Draft EIR for the Marketplace Rezone Project in the City of Tustin. The City of Tustin is proposing to designate an 18-acre portion of the overall 76.9-acre project site exclusively for residential development. The City of Tustin is also proposing a General Plan Amendment to establish higher density residential within the PCCB land use designation through either a Housing Overlay district or a Specific Plan. This new designation would allow the future development of up to 900 dwelling units on the project site, consistent with the certified 2021-2029 Housing Element Update.

5.1

Staff has reviewed the project and has no comments. If you have any questions, please contact Senior Planner Justin Equina at [jequina@cityofirvine.org](mailto:jequina@cityofirvine.org) or at 949-724-6364.

Thank you for the opportunity to review the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Equina'.

Justin Equina  
Senior Planner

**Response to Comment Letter 5: City of Irvine, dated July 25, 2024**

**Response to Comment 5.1:** This comment provides a brief summary of the Project description and states that the City of Irvine has reviewed the Project and has no comments. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided. This comment is noted for the record.

## 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) 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 Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the 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 and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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**Table 4-1: Mitigation Monitoring and Reporting Program**

| Mitigation Measure   | Implementation Timing   | Responsible Party   | Verification Method   | Date Completed and Initials        |
|--|---|---|---|------------------------------------|
| <b>AIR QUALITY</b>   |   |   |   |                                    |
| <p><b>PPP AQ-1: Rule 403.</b> The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.</li> </ul> | Prior to grading permit approval; and during construction                           | Project developers/ applicants and construction contractors | The City Community Development Dept. will confirm that this requirement appears in the construction specifications.                             | Initials: _____<br><br>Date: _____ |
| <p><b>PPP AQ-2: Rule 1113.</b> The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>   | Prior to grading permit approval; and during construction                           | 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: _____<br><br>Date: _____ |
| <p><b>PPP AQ-3 Rule 402.</b> The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>  | Prior to grading or building permit approval; and during construction and operation | Project developers/ applicants and construction contractors | The City Community Development Dept. will examine project plans and monitor for compliance.   | Initials: _____<br><br>Date: _____ |

| Mitigation Measure  | Implementation Timing   | Responsible Party   | Verification Method  | Date Completed and Initials        |
|---|---|---|--|------------------------------------|
| <b>BIOLOGICAL RESOURCES</b>   |   |   |  |                                    |
| <b>PPP BIO-1: Street Trees.</b> Installation of street trees shall occur in compliance with the City of Tustin Municipal Code Article 7, Chapter 3, Section 7308.   | Prior to grading and building permit approval; and during construction activities | Project developers/ applicants and construction contractors | The City Community Development Dept. will approve landscape plan prior to issuance of grading permits.   | Initials: _____<br><br>Date: _____ |
| <p><b>MM BIO-1: Migratory Bird Treaty Act.</b> Prior to commencement of grading activities, the City Community Development Department shall verify that, in the event that vegetation and tree removal activities occur within the active breeding season for birds (February 1–September 15), the Project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.</p> <p>The nesting survey shall include the Project site and areas immediately adjacent to the site that could potentially be affected by Project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 feet for raptors and 300 feet for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.</p> | Before commencement of grading activities   | Project developers/ applicants and construction contractors | The City Community Development Dept. will determine if surveys are needed prior to issuance of permits for grading activities based on the timeline and will examine project permitting for these requirements and monitor for compliance. | Initials: _____<br><br>Date: _____ |
| <b>CULTURAL RESOURCES</b>   |   |   |  |                                    |
| <b>MM CUL-1: Inadvertent Discovery.</b> In the event that potential archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist from the City or County List of Qualified Archaeologists has evaluated the find to determine whether the find constitutes a “unique archaeological resource,” as defined in Section 21083.2(g) of the California Public Resources Code. Any resources identified  | 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 these requirements and monitor for compliance.  | Initials: _____<br><br>Date: _____ |

| Mitigation Measure  | Implementation Timing                      | Responsible Party  | Verification Method  | Date Completed and Initials               |
|---|--|--|--|---|
| <p>shall be treated in accordance with California Public Resources Code Section 21083.2(g).</p> <p>If the discovered resource(s) appears Native American in origin, a Native American Monitor shall be contacted to evaluate any potential tribal cultural resource(s) and shall have the opportunity to consult on appropriate treatment and curation of these resources. The discovery would also be reported to the City and the South Central Coastal Information Center (SCCIC).</p> <p>Prior to the issuance of any permits for ground-disturbing activities that include the excavation of soils (including as grading, excavation, and trenching), the City of Tustin shall ensure that all Project grading and construction plans and specifications include requirement to halt construction activity and contact an archaeologist as specified above.</p>  |  |  |  |   |
| <p><b>PPP CUL-1: Human Remains.</b> 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.</p> | During grading and construction activities | Project developers/<br>applicant,<br>construction<br>contractors     | The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance. | <p>Initials: _____</p> <p>Date: _____</p> |
| <b>ENERGY</b>   |  |  |  |   |
| <p><b>PPP E-1: CalGreen Compliance.</b> The Project is required to comply with the CalGreen Building Code to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.</p>  | Prior to building permit approval          | Project developers/<br>applicants and<br>construction<br>contractors | The City Building Division will review Project plans and specifications for these requirements   | <p>Initials: _____</p> <p>Date: _____</p> |



| Mitigation Measure  | Implementation Timing                         | Responsible Party   | Verification Method   | Date Completed and Initials        |
|---|---|---|---|------------------------------------|
|   |   |   | and monitor for compliance.   |                                    |
| <b>GEOLOGY AND SOILS</b>  |   |   |   |                                    |
| <b>PPP GEO-1: CBC Title 24, Part 2.</b> Structures built in the City are required to be built in compliance with the CBC (California Code of Regulations, Title 24, Part 2) that provides provisions for earthquake safety based on factors including building occupancy type, the types of soils onsite, and the probable strength of ground motion. Compliance with the CBC would require the incorporation of 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structure so that it would withstand the effects of strong ground shaking. Implementation of CBC standards would be verified by the City during the plan check and permitting process. | Prior to grading and building permit approval | Project developers/ applicants and construction contractors | The City Building Division will examine project contracts, plans, and specifications for these requirements and monitor for compliance.   | Initials: _____<br><br>Date: _____ |
| <b>PPP GEO-2: Policy 8.5 of the Conservation/Open Space/Recreation Element.</b> Project applicants would be required to submit applications for building and grading permits, and applications for subdivision for adjacency to, threats from, and impacts on geological hazards arising from seismic events, landslides, or other geologic hazards such as expansive soils and subsidence areas, which would be reviewed by the City during plan check.  | Prior to grading and building permit approval | Project developers/ applicants and construction contractors | The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.   | Initials: _____<br><br>Date: _____ |
| <b>MM GEO-1:</b> All future projects implemented within the Project site shall be required to conduct a project-specific geotechnical investigation to ensure that the site's soils are adequate for the construction and operation of the proposed project. Future projects would be required to implement measures identified within the project-specific geotechnical investigation. All mitigation measures identified through the geotechnical investigation shall be implemented to avoid potential geotechnical hazards through construction or operation of the Project. The City will ensure completion of the geotechnical investigation and identification of necessary measures prior to plan approval of future proposed projects.   | Prior to grading and building permit approval | Project developers/ applicants and construction contractors | The City Community Development Dept. will review and approve development specific geotechnical investigation and ensure its requirements are included in development contracts, plans, and specifications and monitor for compliance. | Initials: _____<br><br>Date: _____ |

| Mitigation Measure  | Implementation Timing             | Responsible Party              | Verification Method  | Date Completed and Initials        |
|---|-----------------------------------|--------------------------------|--|------------------------------------|
| <b>GREENHOUSE GAS EMISSIONS</b>   |                                   |                                |  |                                    |
| <p><b>MM GHG-1.</b> Prior to issuance of a building permit, the City shall require that applicants for new residential development projects incorporate mitigation measures to reduce GHG emissions, as feasible. The identified measures shall be included as part of the conditions of approval. Mitigation measures to reduce operational emissions to be considered include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Increase in insulation such that heat transfer and thermal bridging is minimized;</li> <li>• Limit air leakage through the structure and/or within the heating and cooling distribution system;</li> <li>• Use of energy-efficient space heating and cooling equipment;</li> <li>• Installation of dual-paned or other energy efficient windows;</li> <li>• Use of interior and exterior energy efficient lighting that exceeds the incumbent California Title 24 Energy Efficiency performance standards;</li> <li>• Installation of automatic devices to turn off lights where they are not needed;</li> <li>• Application of an exterior paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;</li> <li>• Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;</li> <li>• Design of buildings to accommodate photovoltaic solar electricity systems or the installation of photovoltaic solar electricity systems;</li> <li>• Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products;</li> <li>• Landscaping palette emphasizing drought tolerant plants;</li> <li>• Use of water-efficient irrigation techniques;</li> </ul> | Prior to building permit approval | Project developers/ applicants | The City Community Development Dept. will ensure receipt, review, and approval of GHG technical assessment and inclusion of development specific measures, as appropriate, prior to issuance of building permit. | Initials: _____<br><br>Date: _____ |

| Mitigation Measure  | Implementation Timing   | Responsible Party  | Verification Method  | Date Completed and Initials        |
|---|---|--|--|------------------------------------|
| <ul style="list-style-type: none"> <li>U.S. EPA Certified WaterSense-labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.</li> </ul>   |   |  |  |                                    |
| <b>MM GHG-2:</b> Prior to discretionary approval by the City of Tustin (City) for residential development projects subject to California Environmental Quality Act (CEQA) review, project applicants shall prepare and submit a technical assessment evaluating potential project-related greenhouse gas (GHG) impacts to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology. If project-related GHG emissions exceed applicable SCAQMD thresholds of significance and/or Statewide GHG reduction targets, project-specific measures shall be identified and implemented, which would be reviewed and confirmed by the City. |   |  |  | Initials: _____<br><br>Date: _____ |
| <b>HYDROLOGY AND WATER QUALITY</b>  |   |  |  |                                    |
| <b>PPP HYD-1: SWPPP.</b> Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.   | Prior to grading or demolition/building permit approval                                     | Project developers/applicants and construction contractors | The City Public Works and Community Development Departments will examine project contracts, plans, and specifications for these requirements and monitor for compliance. | Initials: _____<br><br>Date: _____ |
| <b>PPP HYD-2: City of Tustin Grading Manual.</b> All future projects are required to comply with the City of Tustin Grading Manual (1990). Implementation of grading manual standards would be verified by the City during the plan check and permitting process.   | Prior to grading or demolition/building 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 these requirements and monitor for compliance.                        | Initials: _____<br><br>Date: _____ |
| <b>PPP HYD-3: WQMP.</b> Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality   | Prior to grading permit approval  | Project developers/applicants and                          | The City Public Works Dept. will   |                                    |

| Mitigation Measure  | Implementation Timing                         | Responsible Party  | Verification Method   | Date Completed and Initials    |
|---|---|--|---|--------------------------------|
| 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 to minimize the adverse effects on receiving waters.   |   | construction contractors   | examine project contracts, plans, and specifications for these requirements and monitor for compliance.   | Initials: _____<br>Date: _____ |
| <b>PPP HYD-4: Flood Hazard.</b> 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 grading permit approval              | Project developers/ applicants and construction contractors                    | The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.   | Initials: _____<br>Date: _____ |
| <b>NOISE</b>  |   |  |   |                                |
| <b>PPP NOI-1: Construction Hours.</b> 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 enforcement grading and construction permitting; and monitor for compliance.  | Initials: _____<br>Date: _____ |
| <b>MM NOI-1:</b> All future development shall prepare a project-specific Final Acoustical Report to determine whether any proposed exterior noise sensitive areas would experience noise levels greater than 65 dBA CNEL and to identify any noise reduction features to the proposed development. Additionally, the Final Acoustical Report shall determine whether any proposed interior noise sensitive areas would experience noise levels greater than 45 dBA CNEL and to identify any noise reduction features to the proposed development (e.g. upgraded windows with Sound Transmission Class (STC) ratings of 30–35). Additionally, the Final Acoustical Report shall confirm that proposed siting of noise-generating stationary sources, if any, will not result in an exceedance of applicable noise thresholds at surrounding land uses. | Prior to grading and building permit approval | Project developers/ applicants   | The City Community Development Dept. will review and approve development specific noise analysis and ensure any noise requirements are included in development contracts, plans, and specifications and monitor for compliance. | Initials: _____<br>Date: _____ |

| Mitigation Measure   | Implementation Timing                                   | Responsible Party   | Verification Method  | Date Completed and Initials        |
|--|---|---|--|------------------------------------|
| <b>RECREATION</b>  |   |   |  |                                    |
| <b>PPP R-1: City Park Requirements.</b> Tustin City Code Section 9331 – Dedications, Reservations and Development Fees. All future development shall be consistent with this standard.   | Prior to grading and building permit approval           | Project developers/ applicants                              | The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance. | Initials: _____<br><br>Date: _____ |
| <b>PPP R-2: ETSP Park Requirements.</b> Section 2.8 of the ETSP specifies percentage allocations to various parkland categories. The ETSP standard for park space is that 50 percent of total required park space is implemented as community park and 50 percent is implemented as neighborhood park. No more than 25 percent of total required neighborhood park space shall be private. All future development shall be consistent with this standard.  | Prior to grading and building permit approval           | Project developers/ applicants                              | The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance. | Initials: _____<br><br>Date: _____ |
| <b>TRANSPORTATION</b>  |   |   |  |                                    |
| <b>PPP T-1: Sidewalk Standards.</b> Sidewalks shall be provided on a private street for attached and detached residential products in accordance with Standard B102 of the City's Construction Standards, Storm Drain and On-Site Private Improvements, and is subject to compliance with applicable accessibility requirements of the American Disabilities Act, Title 24 of the Uniform Building Code as locally amended, and the Department of Housing and Urban Development's Fair Housing Accessibility Guidelines. | Prior to grading and construction permit approval       | Project developers/ applicants and 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: _____<br><br>Date: _____ |
| <b>PPP T-2: Traffic Control/Utilities.</b> All future development constructed under the Project shall be subject to the traffic control standards specified by the City's latest <i>Standard Plans and Design Standards</i> , which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction within the City public right-of-way  | 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  | Initials: _____<br><br>Date: _____ |

| Mitigation Measure  | Implementation Timing   | Responsible Party  | Verification Method   | Date Completed and Initials    |
|---|---|--|---|--------------------------------|
| (including utility work), and specifications for operational roadway and traffic control design.  |   |  | monitor to verify compliance.   |                                |
| <b>TRIBAL CULTURAL RESOURCES</b>  |   |  |   |                                |
| <b>PPP TCR-1:</b> 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 for treatment and disposition of human remains and associated grave goods.   | Prior to grading or demolition/building permit approval   | Project developers/ applicant, construction contractors                          | The City Community Development Department will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance. | Initials: _____<br>Date: _____ |
| <b>MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</b><br><br>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. 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 | 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: _____<br>Date: _____ |

| Mitigation Measure  | Implementation Timing | Responsible Party | Verification Method | Date Completed and Initials |
|---|-----------------------|-------------------|---------------------|-----------------------------|
| <p>qualified archaeologist may be retained as approved by the City.</p> <p>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.</p> <p>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.</p> <p>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 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.</p> |                       |                   |                     |                             |

| Mitigation Measure   | Implementation Timing | Responsible Party  | Verification Method  | Date Completed and Initials        |
|--|-----------------------|--|--|------------------------------------|
| 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.  |                       |  |  |                                    |
| <b>MM TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)</b><br><br>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 deemed appropriate, in agreement with Kizh Nation including for educational, cultural and/or historic purposes.              | During grading        | Project developers/<br>applicant,<br>construction<br>contractors, Native<br>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: _____<br><br>Date: _____ |
| <b>MM TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</b><br><br>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.<br><br>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.<br><br>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). | During grading        | Project developers/<br>applicant,<br>construction<br>contractors, Native<br>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: _____<br><br>Date: _____ |



| Mitigation Measure   | Implementation Timing                               | Responsible Party                    | Verification Method   | Date Completed and Initials               |
|--|---|--------------------------------------|---|---|
| <p>d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.</p> <p>e. Any discovery of human remains/grave goods shall be kept confidential to prevent further disturbance.</p>  |   |                                      |   |   |
| <b>UTILITIES AND SERVICE SYSTEMS</b>   |   |                                      |   |   |
| <p><b>MM UT-1:</b> Future proposed Projects shall prepare capacity analyses of existing sewer and water utilities in the area to ensure conveyance and pressure is adequate for future projects proposed. The developer shall then identify infrastructure improvements necessary for the proposed development. The developer will be responsible for preparing a capacity analysis and submitting it to IRWD in coordination with the City. The capacity analysis and infrastructure improvements shall be reviewed and approved by IRWD and the City prior to approval of the construction permit.</p> | <p>Prior to grading or building permit approval</p> | <p>Project developers/ applicant</p> | <p>The City Public Works Dept. will review the required capacity analysis ensure adequate capacity is available prior to approval of the construction permit.</p> | <p>Initials: _____</p> <p>Date: _____</p> |

Appendix A

Vehicle Miles Traveled (VMT) Analysis

Submitted on: February 6, 2024  
Revised on: February 21, 2024, March 25, 2024, April 18, 2024,  
May 13, 2024, August 1, 2024  
Prepared by: Simon Lin, EIT,  
Abby Pal  
Meghan Macias, TE  
To: City of Tustin  
Site: The Tustin Market Place Rezone Project  
EPD Project Number 23-070  
Subject: Vehicle Miles Traveled (VMT) Analysis



This technical study evaluates the potential vehicle miles traveled (VMT) for the proposed Tustin Market Place Rezone Project (Project).

The Project is located in the Tustin Market Place (Site 18 in the Housing Element) within the East Tustin Specific Plan, on the north and south sides of El Camino Real between Myford Road & Jamboree Road. The gross existing site area is approximately 76.93 acres. The site is currently developed with a commercial center totaling approximately 747,165 SF. Based on the proposed overlay zone, an additional 900 residential units and a future commercial center totaling 13,032 square feet (SF) could be added to the existing land uses on site. The Project location is shown in Figure 1.

The VMT analysis presented in this document evaluates the VMT impacts of both the residential and commercial portions of the Project within the Tustin Market Place Housing Overlay Zone. Please note that this VMT analysis is based on the requirements of the *City of Tustin Vehicle Miles Traveled Analysis Guidelines*.

### **Project Trip Generation**

The Project trip generation was calculated using trip rates from the Institute of Transportation Engineers, *Trip Generation 11<sup>th</sup> Edition*, 2021. Existing conditions (Baseline) were assessed using trip rates for Land Use Code 932 (High-Turnover Sit-Down Restaurant), 495 (Community Center), 820 (Retail), and 710 (Office). Based on the density of the proposed housing, trip rates for Land Use Code 221 (Multifamily Housing (Mid-Rise)) were used. The ITE rates used for the trip generation can be found in Appendix A. As shown in Table 1, the Project would generate approximately 5,483 daily trips including 458 trips during the AM peak hour and 469 trips during the PM peak hour.

**Table 1: Project Trip Generation**

|   | Land Use  | ITE Code <sup>1</sup> | Unit <sup>2</sup> | ITE Daily Trip Rate/Unit | Project Size | Project ADTs  | ITE AM Trip Rate/Unit | Project AM Trips | ITE PM Trip Rate/Unit | Project PM Trips |
|---|---|-----------------------|-------------------|--------------------------|--------------|---------------|-----------------------|------------------|-----------------------|------------------|
| <b>Existing Conditions (Baseline)</b>   | Restaurant  | 932                   | KSF               | 107.20                   | 57.456       | 6,159         | 9.57                  | 550              | 9.05                  | 520              |
|   | Community Center                                  | 495                   | KSF               | 28.82                    | 23.662       | 682           | 1.91                  | 45               | 2.50                  | 59               |
|   | Retail  | 820                   | KSF               | 37.01                    | 661.528      | 24,483        | 0.84                  | 556              | 3.40                  | 2249             |
|   | Office  | 710                   | KSF               | 10.84                    | 4.559        | 49            | 1.52                  | 7                | 1.44                  | 7                |
|   | <b>Existing Conditions (Baseline) TOTAL TRIPS</b> |                       |                   |                          |              | <b>31,374</b> |                       | <b>1,158</b>     |                       | <b>2,835</b>     |
| <b>Proposed Housing Units + Remaining Buildout Capacity (Project)</b>                                 | Proposed Multi-Family Housing                     | 221                   | DU                | 4.54                     | 900          | 4,086         | 0.37                  | 333              | 0.39                  | 351              |
|   | Future Commercial Center (assumed restaurant)     | 932                   | KSF               | 107.20                   | 13.032       | 1,397         | 9.57                  | 125              | 9.05                  | 118              |
| <b>Proposed Project TOTAL TRIPS</b>   |   |                       |                   |                          |              | <b>5,483</b>  |                       | <b>458</b>       |                       | <b>469</b>       |
| <b>Existing Conditions + Proposed Housing Units + Remaining Buildout Capacity (Total)</b>             | Restaurant  | 932                   | KSF               | 107.20                   | 70.488       | 7,556         | 9.57                  | 675              | 9.05                  | 638              |
|   | Community Center                                  | 495                   | KSF               | 28.82                    | 23.662       | 682           | 1.91                  | 45               | 2.50                  | 59               |
|   | Proposed Multi-Family Housing                     | 221                   | DU                | 4.54                     | 900          | 4,086         | 0.37                  | 333              | 0.39                  | 351              |
|   | Retail  | 820                   | KSF               | 37.01                    | 661.528      | 24,483        | 0.84                  | 556              | 3.40                  | 2249             |
|   | Office  | 710                   | KSF               | 10.84                    | 4.559        | 49            | 1.52                  | 7                | 1.44                  | 7                |
| <b>Existing Conditions + Proposed Housing Units + Remaining Buildout Capacity (Total) TOTAL TRIPS</b> |   |                       |                   |                          |              | <b>36,857</b> |                       | <b>1,616</b>     |                       | <b>3,304</b>     |

<sup>1</sup>Trip rates from the Institute of Transportation Engineers (ITE), Trip Generation Manual, 11th Edition, 2021.

<sup>2</sup>KSF=Thousand Square Feet, DU= Dwelling Units

## **Background**

Senate Bill (SB) 743 was signed by Governor Brown in 2013 and required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to replace Level of Service (LOS) as the appropriate method for evaluating transportation impacts under CEQA. SB 743 specified that the new criteria should promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. The bill also specified that delay-based LOS could no longer be considered an indicator of a significant impact on the environment under CEQA. In response, the Natural Resources Agency amended the CEQA Guidelines to include new Section 15064.3 - Determining the Significance of Transportation Impacts. The section states that Vehicle Miles Traveled (VMT) is the most appropriate measure of a project's transportation impacts and provides lead agencies with the discretion to choose the most appropriate methodology and thresholds for evaluating VMT. Section 15064.3(c) states that the provisions of the section shall apply statewide beginning on July 1, 2020.

## **City of Tustin VMT Screening Criteria**

The Project is located in the City of Tustin (City). The City's Guidelines provide the following screening thresholds to assess whether further VMT analysis is required. If a project meets one of the following criteria, then the VMT impact of the project would be considered less-than-significant and no further analysis of VMT would be required:

1. The project consists of 100% affordable housing.
2. The project is located within one half (1/2) mile of qualifying transit.
3. The project type has been identified as local serving land use.
4. The project is in a low VMT area.
5. The project generates less than 500 daily vehicle trips.

The applicability of each criterion to both portions of the Project is discussed below:

**Screening Criteria 1 – Affordable Housing Screening:** As per the City's guidelines, projects which consist of 100% affordable housing will have a less than significant impact on VMT.

The Project does not consist of 100% affordable housing and therefore would not satisfy the requirements of Screening criteria 1 - Affordable Housing Screening.

**Screening Criteria 2 – High Quality Transit Screening:** As per the City's guidelines, projects located within one half (1/2) mile of qualifying transit may be presumed to have a less than significant impact. Qualifying transit is defined as follows:

- **Major transit stop** means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. (Pub. Resources Code, § 21064.3)
- **High-quality transit corridor** means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. (Pub. Resources Code, § 21155).

The High-Quality Transit Area from the City's Guideline is shown in Figure 2. As shown in Figure 2, the Project is located approximately 1.5 miles away from qualifying transit, therefore, the project would not satisfy the requirements of Screening Criteria 2 – High Quality Transit screening.

Screening Criteria 3 - Project Type Screening: As per the City's guidelines, projects which propose local serving retail (retail projects less than 50,000 square feet) or other local serving uses would have a less than significant impact on VMT. The types of projects considered local serving include K-12 schools, local parks, day care centers, gas stations, libraries, fire stations, and other local serving civic uses.

This screening criteria would be discussed separately for the residential and commercial portion of the Project in sections below.

Screening Criteria 4 - Low VMT Area Screening: The City's guidelines include a screening threshold for projects located in a low VMT generating area. Low VMT generating area is defined as traffic analysis zones (TAZs) with a total daily VMT per capita or VMT per employee that is less than the base level for the city.

This screening criteria would be discussed separately for the residential and commercial portion of the Project in sections below.

Screening Criteria 5 - Generating less than 500 daily vehicle trips: As per the City's guidelines, projects which generate less than 500 daily vehicle trips would have a less than significant impact on VMT.

As shown in Table 1, the Project is forecasted to generate 5,483 daily trips, which is more than 500 daily vehicle trips. Therefore, the Project would not meet Screening Criteria 5.

The City of Tustin VMT screening form for the Project can be found in *Appendix B*.

### ***Residential VMT Screening***

#### Screening Criteria 3 - Project Type Screening:

Screening Criteria 3 would not apply to the residential portion of the Project.

#### Screening Criteria 4 - Low VMT Area Screening:

The Map of Low VMT Generating Area for VMT per capita from the City's Guideline is shown in Figure 3. As shown in Figure 3, the Project is not located in a low VMT area. Therefore, the residential portion of the Project would not satisfy the requirements of Screening Criteria 4 – Low-VMT Area Screening.

Because the residential portion of the Project would not meet any of the City's screening criteria, the residential portion of the Project's impact on VMT would not be considered less-than-significant and an analysis of VMT would be required.

### ***Commercial VMT Screening***

#### Screening Criteria 3 - Project Type Screening:

The project proposes locally serving retail use with an area of 13,032 SF, which is less than 50,000 square feet. Therefore, it would satisfy the requirements of Screening Criteria 3 - Project Type Screening.

#### Screening Criteria 4 - Low VMT Area Screening:

The Map of Low VMT Generating Area for VMT per employee from the City's Guideline is shown in Figure 4. As shown in Figure 4, the Project is located in a low VMT area. Therefore, the commercial portion of the Project would satisfy the requirements of Screening Criteria 4 – Low-VMT Area Screening.

The commercial portion of the Project would meet Screening Criteria 3 – Project Type Screening; and Screening Criteria 4 – Low-VMT Area Screening, and therefore the commercial portion of the Project's impact on VMT would be considered less-than-significant.

### ***VMT Analysis Methodology***

The City's guidelines require use of the Orange County Transportation Analysis Model 5.0 v.6.22.23 (OCTAM) for preparation of VMT analysis. The Model includes validated scenarios for Base Year 2016 and Future Year 2045. These scenarios have been validated by the Orange County Transportation Authority using existing traffic counts. The Project is located within one Model Traffic Analysis Zone (TAZ), TAZ 1126.

The total population (3.05 persons per household) and employed population (1.56 workers per household) of the Project TAZ was calculated using the OCTAM Base Year 2016 citywide average household occupancy for the City of Tustin. An anticipated Project employment growth of 28 employees (based on SCAG's SF/Employee factor of 475 urban restaurant SF/employee) was already accounted for by the OCTAM employment growth of 250 employees in TAZ 1126 from Base Year 2016 to Future Year 2045.

Based on OCTAM Base Year 2016 citywide average household occupancy for the City of Tustin and the 900 households proposed for future development by the Project, a population of 2,745 and an employed population of 1,404 was entered into TAZ 1126. The Model was run for the Base Year 2016 and Future Year 2045 without and with-project conditions (i.e. four full Model runs). As noted below under the discussion of significance thresholds, the City's significance threshold for residential projects is based on the project's home-based VMT (HB VMT) per capita.

### ***Residential VMT Significance Threshold***

The significance criteria from the City's guidelines are as follows:

The City of Tustin VMT Guidelines have relied upon the recommendations provided by OPR and modeling data provided by OCTA to establish the following VMT thresholds of significance for residential land use projects:

Residential Projects: A significant transportation impact occurs if:

1. The project's base year home-based VMT per capita exceeds the OCTAM base model year citywide average VMT per capita for the City of Tustin.
2. The project's future year home-based VMT per capita exceeds the OCTAM base model year citywide average VMT per capita for the City of Tustin.

The metric utilized as the residential VMT threshold of significance for City of Tustin is the average city-wide VMT under 2016 Base Model Year, which has been calculated to be 15.0 HB VMT per capita. The OPR Technical Advisory recommends that a fifteen percent reduction in VMT below that of existing development may be a reasonable threshold. However, given that the City of Tustin is primarily located within a suburban setting, the amount of VMT reduction from an individual land use project is limited, and it is likely infeasible to achieve a 15% reduction below the citywide average for many areas in the City. However, by ensuring that land use development projects result in no net increase in VMT over the current base year citywide VMT averages, a sustained reduction in citywide VMT and GHG emissions will occur, the Project's impact on VMT would be considered less-than-significant.

### ***Project Residential VMT Evaluation***

The total HB VMT of TAZ 1126 was evaluated using the OCTAM VMT post-processor. To determine the Project's HB VMT per capita, the total HB VMT of TAZ 1126 is divided by the total residents of TAZ 1126.

Tustin Citywide HB VMT per capita was obtained from the OCTAM base year model following a similar process. The VMT analysis results per the City's significance criteria are shown in Table 2.

As shown in the tables, the Project's HB VMT per capita would be lower than the OCTAM base model year citywide average HB VMT per capita for the City of Tustin under both base and future year conditions. The Project's HB VMT per capita would be 40.3% below the City's threshold under base conditions and 44.3% below the City's threshold under future conditions; therefore, the residential portion of the Project would result in a less than significant VMT impact.

Overall, the entire Project can be assumed to have a less than significant VMT impact.

If you have any questions, please feel free to contact me at [techservices@epdsolutions.com](mailto:techservices@epdsolutions.com) or at (949) 794-1180.



**Table 2: VMT Analysis of Project Impact per City Guidelines**

|  | <b>Base Year 2016</b> | <b>Future Year 2045</b> |
|--|-----------------------|-------------------------|
| Project TAZ 1126 Zone Total Home-based VMT       | 24,500                | 22,877                  |
| TAZ 1126 Total Residents                         | 2,745                 | 2,745                   |
| <b>Project TAZ 1126 HB VMT per capita</b>        | <b>8.9</b>            | <b>8.3</b>              |
| City of Tustin Baseline Home-based VMT           | 1,356,977             | 1,356,977               |
| City of Tustin Baseline Total Residents          | 90,762                | 90,762                  |
| <b>City of Tustin Baseline HB VMT per capita</b> | <b>15.0</b>           | <b>15.0</b>             |
| <b>% Above/Below Threshold</b>                   | -40.3%                | -44.3%                  |
| <b>Impact?</b>                                   | <b>No</b>             | <b>No</b>               |

Figure 1: Project Site Location

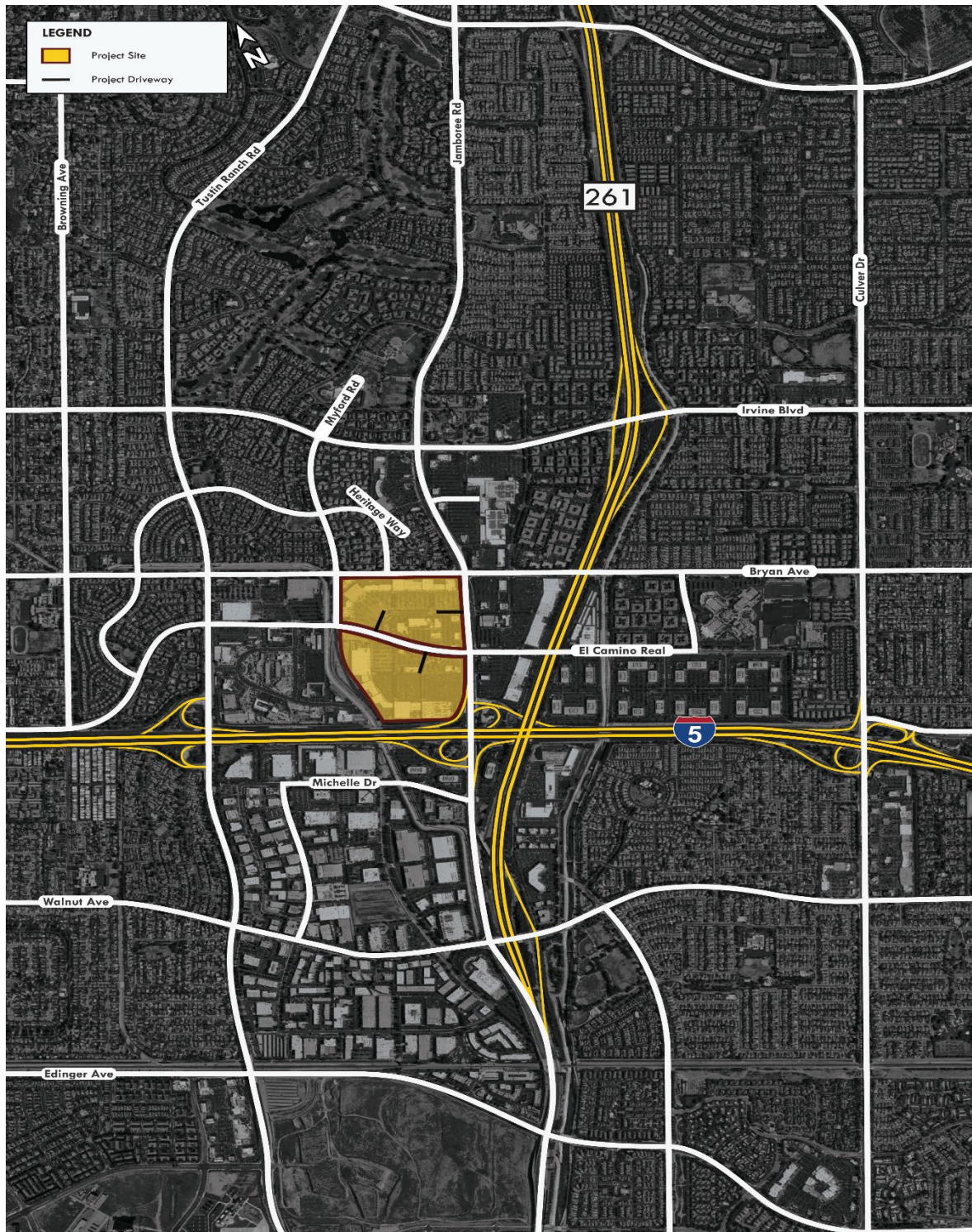
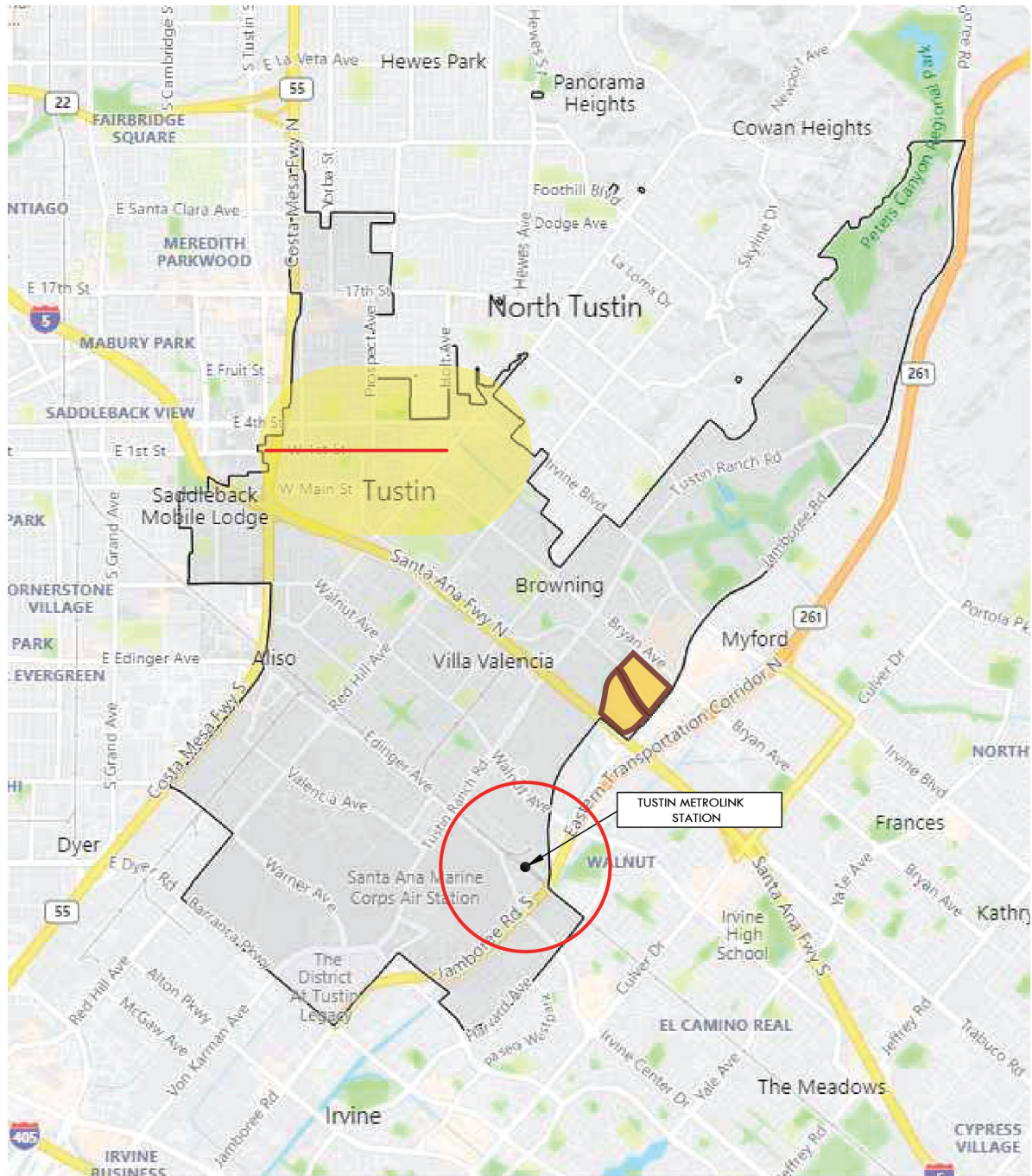




Figure 2: High-Quality Transit Area


Exhibit B

# City of Tustin Transit Priority Areas



## Legend:

 Project Site

 = Transit Priority Area  
(1/2 Mile Radius)

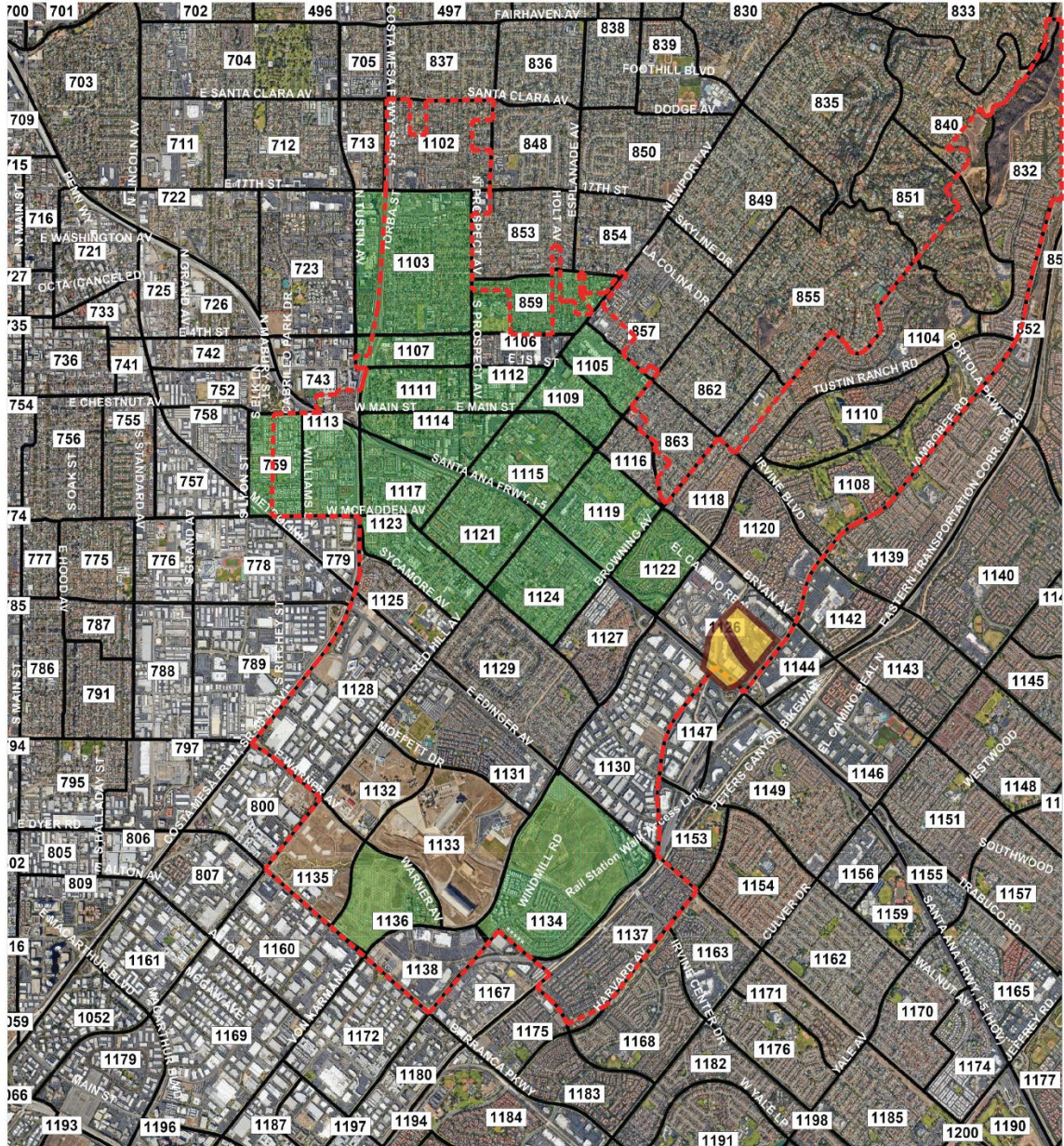
 = High Quality Transit Corridor  
(1/2 Mile Radius)



Figure 3: Low VMT Generating Area - VMT per capita

Exhibit D

# Low VMT Areas - VMT Per Capita



## Legend:



Project Site

Green square = VMT/capita less than or equal to City of Tustin 2016 citywide average VMT/capita

Red dashed line = City of Tustin Boundary

CITY OF TUSTIN VMT ANALYSIS GUIDELINES

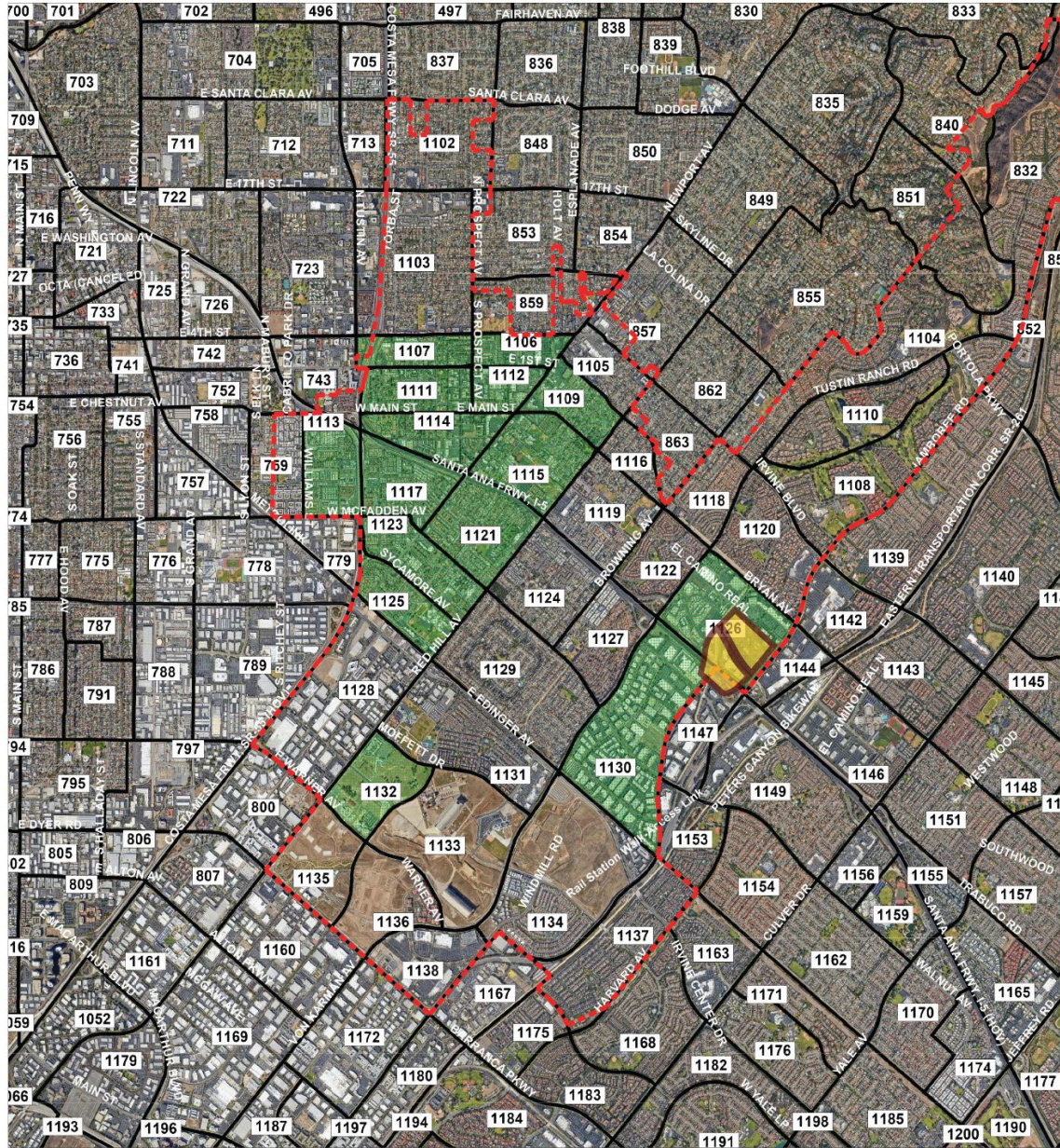




Figure 4: Low VMT Generating Area - VMT per employee


Exhibit E


## Low VMT Areas - VMT Per Employee



### Legend:

 Project Site

 = VMT/employee less than or equal to City of Tustin 2016 citywide average VMT/employee

 = City of Tustin Boundary

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*APPENDIX A – ITE Trip Generation Rates*

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# Land Use: 221

## Multifamily Housing (Mid-Rise)

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### Description

Mid-rise multifamily housing includes apartments and condominiums located in a building that has between four and 10 floors of living space. Access to individual dwelling units is through an outside building entrance, a lobby, elevator, and a set of hallways.

Multifamily housing (low-rise) (Land Use 220), multifamily housing (high-rise) (Land Use 222), off-campus student apartment (mid-rise) (Land Use 226), and mid-rise residential with ground-floor commercial (Land Use 231) are related land uses.

### Land Use Subcategory

Data are presented for two subcategories for this land use: (1) not close to rail transit and (2) close to rail transit. A site is considered close to rail transit if the walking distance between the residential site entrance and the closest rail transit station entrance is ½ mile or less.

### Additional Data

For the six sites for which both the number of residents and the number of occupied dwelling units were available, there were an average of 2.5 residents per occupied dwelling unit.

For the five sites for which the numbers of both total dwelling units and occupied dwelling units were available, an average of 96 percent of the total dwelling units were occupied.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

***It is expected that the number of bedrooms and number of residents are likely correlated to the trips generated by a residential site. To assist in future analysis, trip generation studies of all multifamily housing should attempt to obtain information on occupancy rate and on the mix of residential unit sizes (i.e., number of units by number of bedrooms at the site complex).***

The sites were surveyed in the 1990s, the 2000s, the 2010s, and the 2020s in Alberta (CAN), California, District of Columbia, Florida, Georgia, Illinois, Maryland, Massachusetts, Minnesota, Montana, New Jersey, New York, Ontario (CAN), Oregon, Utah, and Virginia.

### Source Numbers

168, 188, 204, 305, 306, 321, 818, 857, 862, 866, 901, 904, 910, 949, 951, 959, 963, 964, 966, 967, 969, 970, 1004, 1014, 1022, 1023, 1025, 1031, 1032, 1035, 1047, 1056, 1057, 1058, 1071, 1076

# Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 11

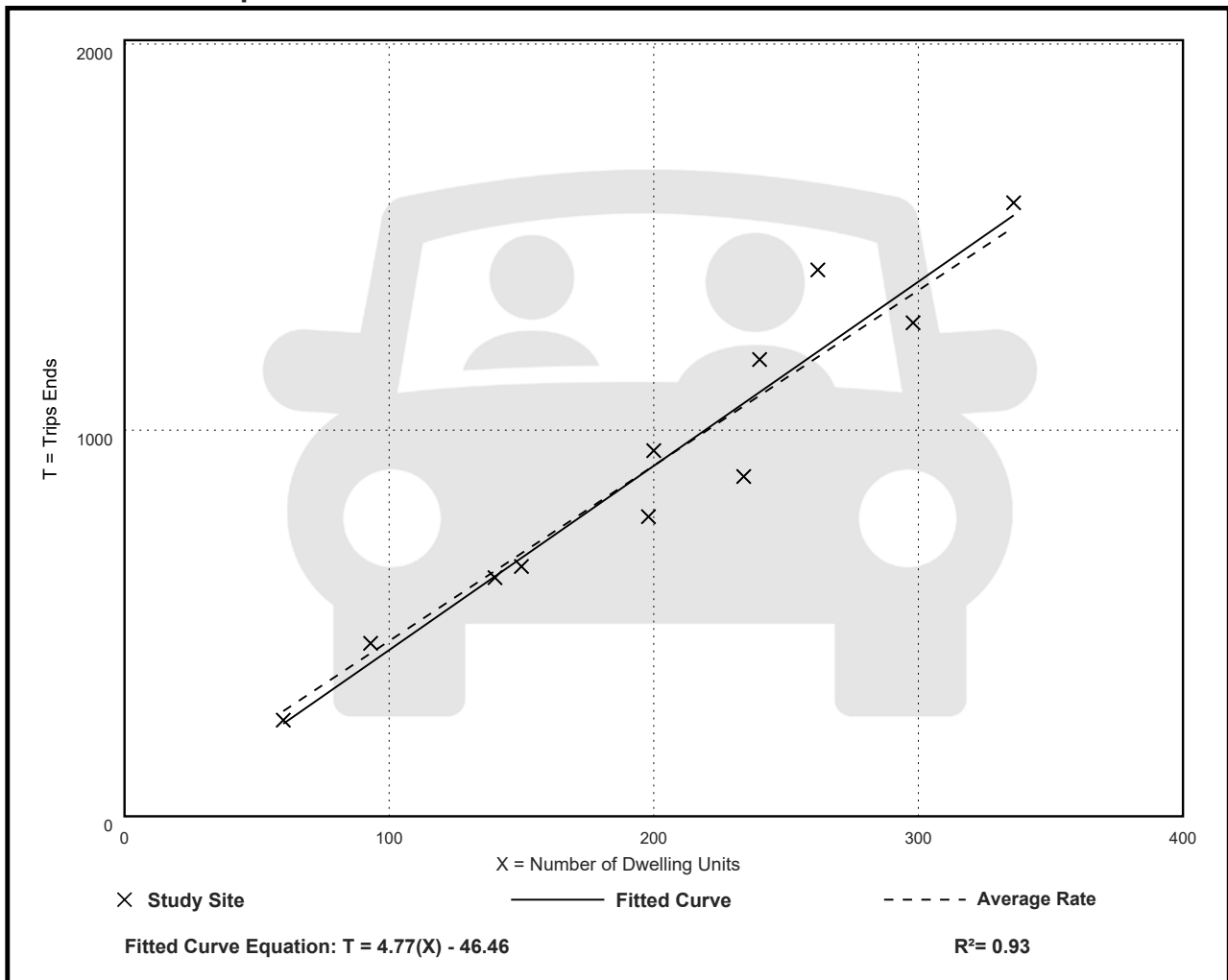
Avg. Num. of Dwelling Units: 201

Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 4.54         | 3.76 - 5.40    | 0.51               |

## Data Plot and Equation





# Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

## Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 30

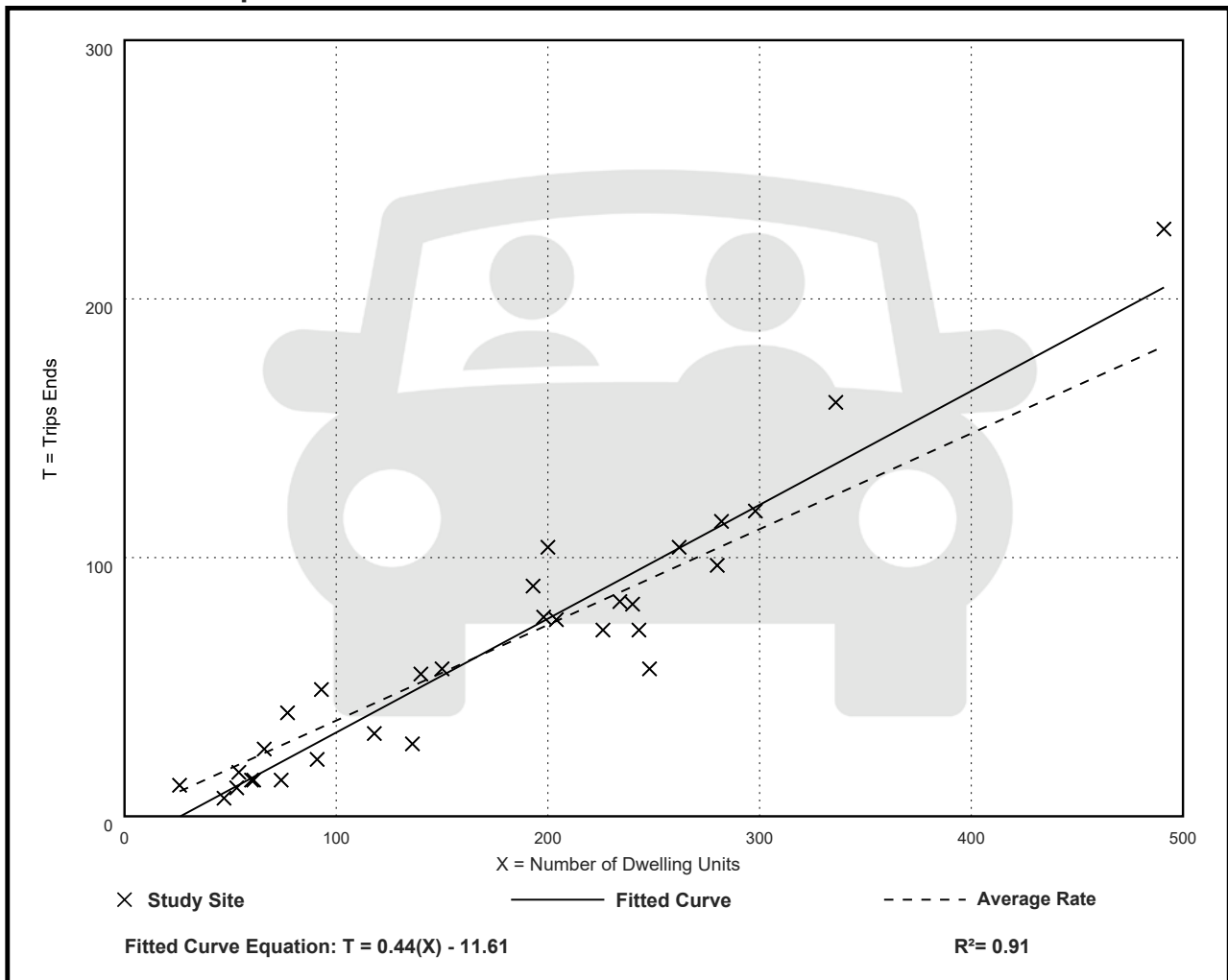
Avg. Num. of Dwelling Units: 173

Directional Distribution: 23% entering, 77% exiting

## Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.37         | 0.15 - 0.53    | 0.09               |

## Data Plot and Equation



# Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

## Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 31

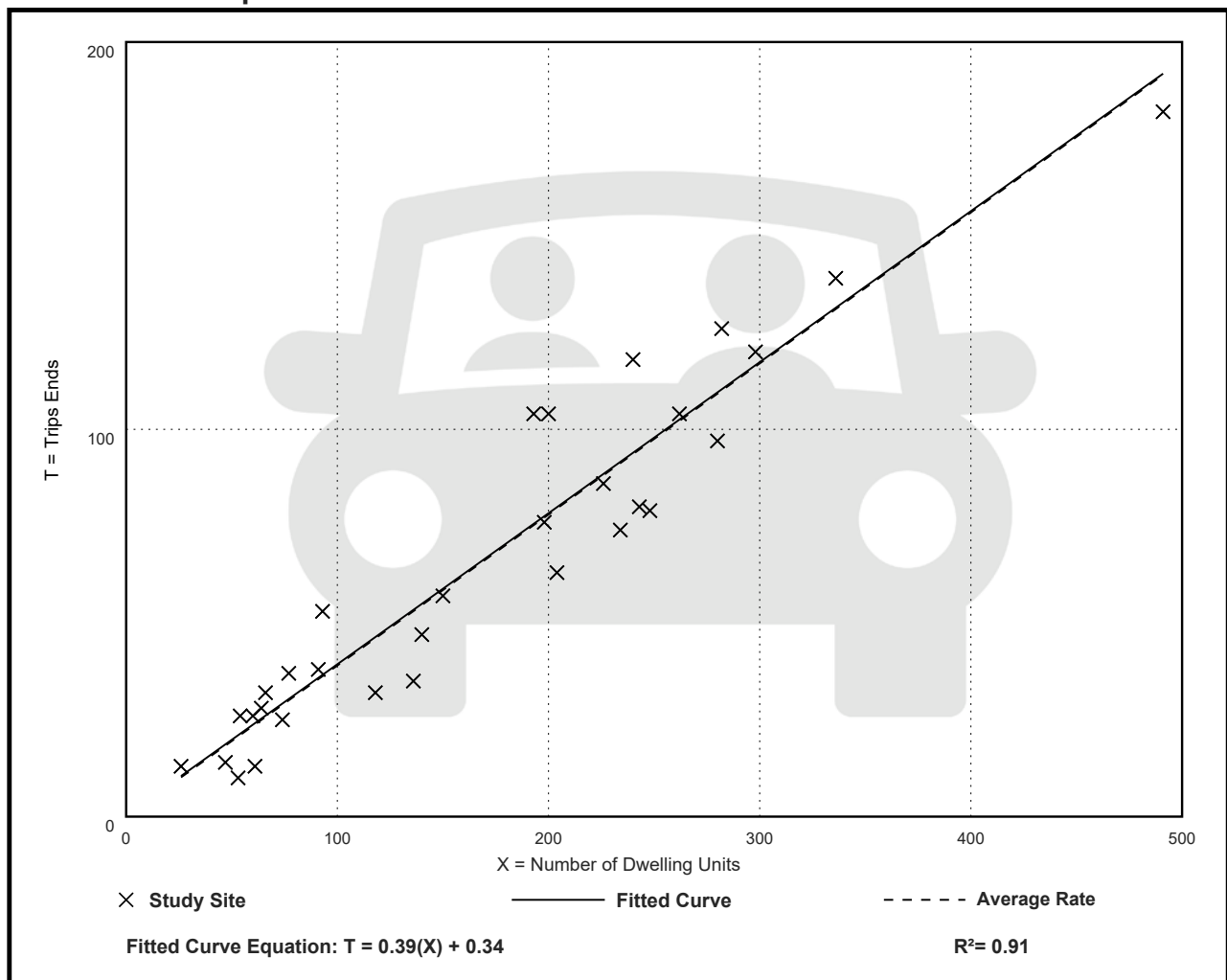
Avg. Num. of Dwelling Units: 169

Directional Distribution: 61% entering, 39% exiting

## Vehicle Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.39         | 0.19 - 0.57    | 0.08               |

## Data Plot and Equation



# Land Use: 495

## Recreational Community Center

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### Description

A recreational community center is a stand-alone public facility similar to and including YMCAs. These facilities often include classes and clubs for adults and children, a day care or nursery school, meeting rooms and other social facilities, swimming pools and whirlpools, saunas, tennis, racquetball, handball, pickle ball, basketball and volleyball courts; outdoor athletic fields/courts, exercise classes, weightlifting and gymnastics equipment, locker rooms, and a restaurant or snack bar. Public access is typically allowed and a membership fee may be charged. Racquet/tennis club (Land Use 491), health/fitness club (Land Use 492), and athletic club (Land Use 493) are related land uses.

### Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, the 2010s, and the 2020s in Alberta (CAN), Arizona, Indiana, Minnesota, New Hampshire, New York, Oregon, Pennsylvania, Tennessee, and Utah.

### Source Numbers

281, 410, 443, 571, 618, 705, 719, 850, 866, 971, 1055

# Recreational Community Center (495)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 4

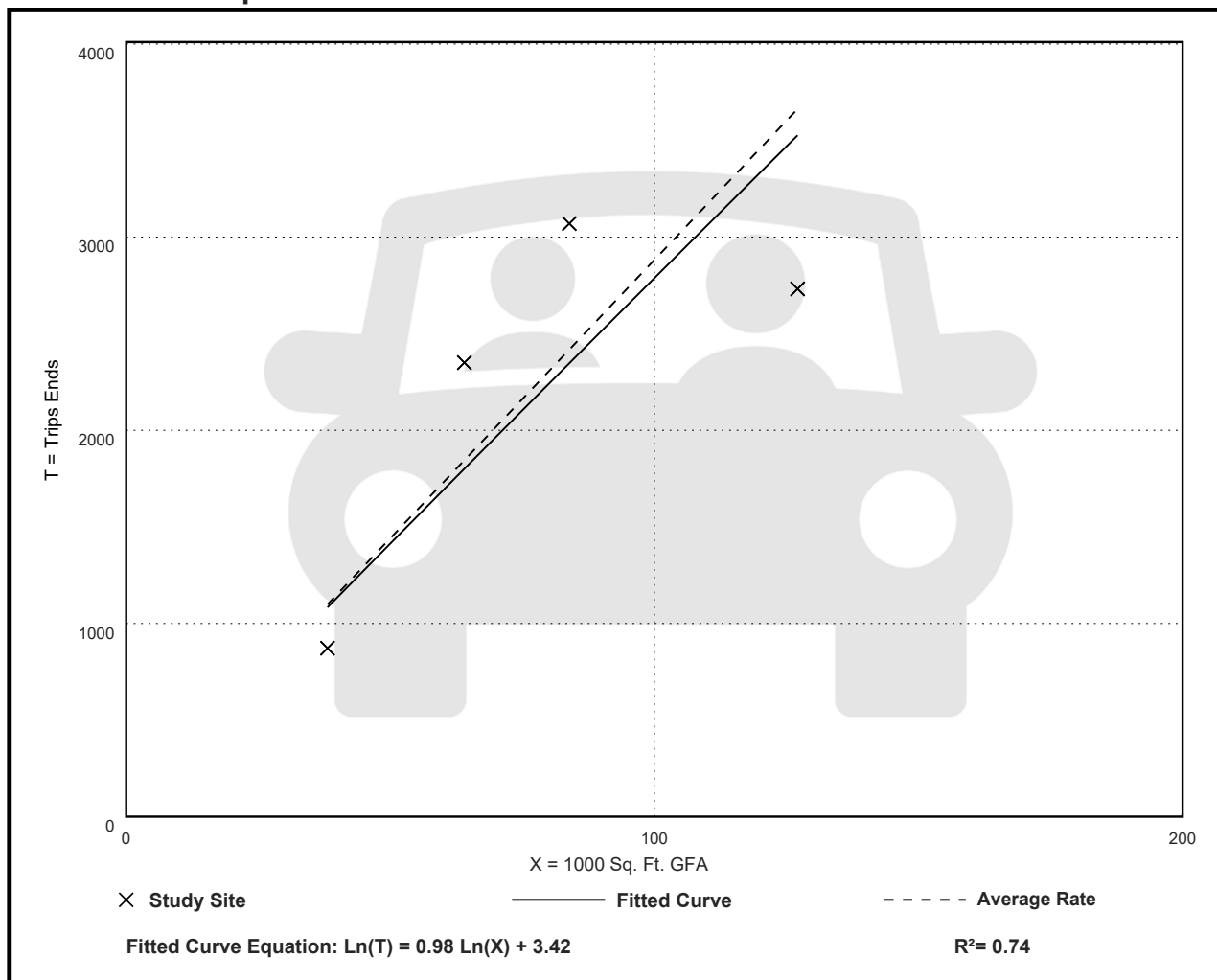
Avg. 1000 Sq. Ft. GFA: 78

Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 28.82        | 21.49 - 36.71  | 8.56               |

## Data Plot and Equation



# Recreational Community Center (495)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 12

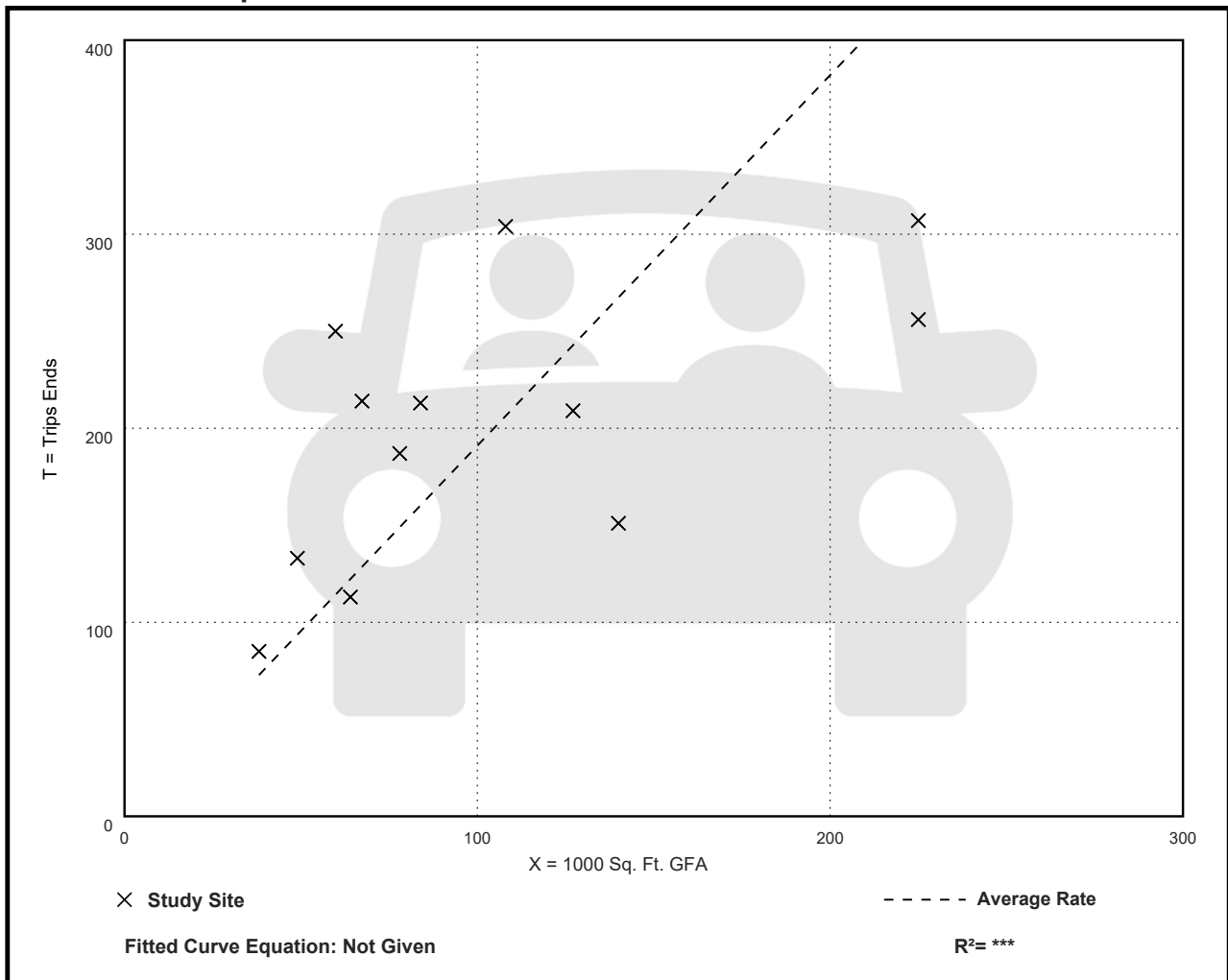
Avg. 1000 Sq. Ft. GFA: 105

Directional Distribution: 66% entering, 34% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 1.91         | 1.08 - 4.18    | 0.88               |

## Data Plot and Equation



# Recreational Community Center (495)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 15

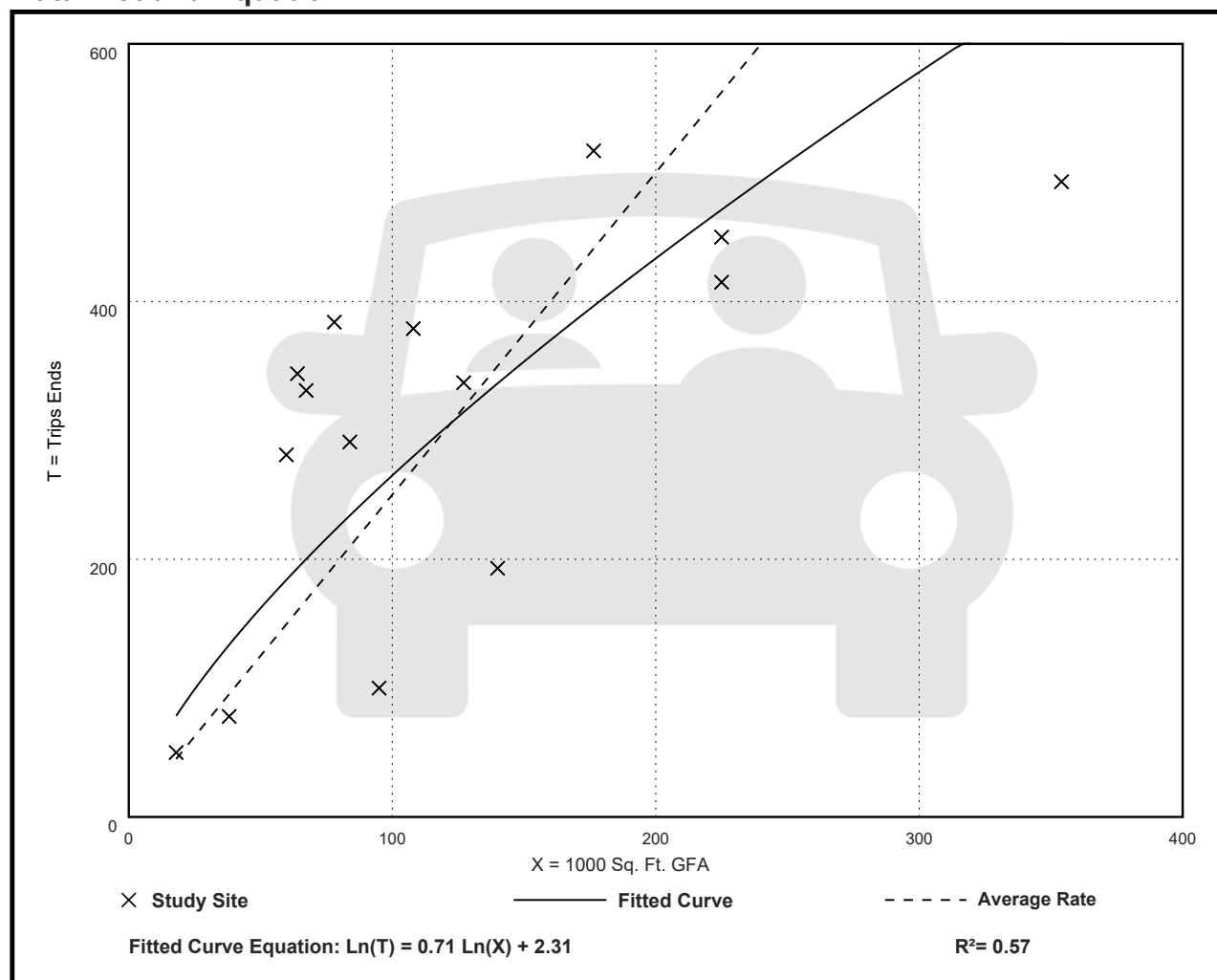
Avg. 1000 Sq. Ft. GFA: 124

Directional Distribution: 47% entering, 53% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 2.50         | 1.05 - 5.37    | 1.28               |

## Data Plot and Equation



# Land Use: 710

## General Office Building

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### Description

A general office building is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building houses multiple tenants that can include, as examples, professional services, insurance companies, investment brokers, a banking institution, a restaurant, or other service retailers. A general office building with a gross floor area of 10,000 square feet or less is classified as a small office building (Land Use 712). Corporate headquarters building (Land Use 714), single tenant office building (Land Use 715), medical-dental office building (Land Use 720), office park (Land Use 750), research and development center (Land Use 760), and business park (Land Use 770) are additional related uses.

### Additional Data

If two or more general office buildings are in close physical proximity (within a close walk) and function as a unit (perhaps with a shared parking facility and common or complementary tenants), the total gross floor area or employment of the paired office buildings can be used for calculating the site trip generation. If the individual buildings are isolated or not functionally related to one another, trip generation should be calculated for each building separately.

For study sites with reported gross floor area and employees, an average employee density of 3.3 employees per 1,000 square feet GFA (or roughly 300 square feet per employee) has been consistent through the 1980s, 1990s, and 2000s. No sites counted in the 2010s reported both GFA and employees.

The average building occupancy varies considerably within the studies for which occupancy data were provided. The reported occupied gross floor area was 88 percent for general urban/suburban sites and 96 percent for the center city core and dense multi-use urban sites.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The average numbers of person trips per vehicle trip at the eight center city core sites at which both person trip and vehicle trip data were collected are as follows:

- 2.8 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 7 and 9 a.m.
- 2.9 during Weekday, AM Peak Hour of Generator
- 2.9 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 4 and 6 p.m.
- 3.0 during Weekday, PM Peak Hour of Generator

The average numbers of person trips per vehicle trip at the 18 dense multi-use urban sites at which both person trip and vehicle trip data were collected are as follows:

- 1.5 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 7 and 9 a.m.
- 1.5 during Weekday, AM Peak Hour of Generator
- 1.5 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 4 and 6 p.m.
- 1.5 during Weekday, PM Peak Hour of Generator

The average numbers of person trips per vehicle trip at the 23 general urban/suburban sites at which both person trip and vehicle trip data were collected are as follows:

- 1.3 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 7 and 9 a.m.
- 1.3 during Weekday, AM Peak Hour of Generator
- 1.3 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 4 and 6 p.m.
- 1.4 during Weekday, PM Peak Hour of Generator

The sites were surveyed in the 1980s, the 1990s, the 2000s, the 2010s, and the 2020s in Alberta (CAN), California, Colorado, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New York, Ontario (CAN) Pennsylvania, Texas, Utah, Virginia, and Washington.

### **Source Numbers**

161, 175, 183, 184, 185, 207, 212, 217, 247, 253, 257, 260, 262, 273, 279, 297, 298, 300, 301, 302, 303, 304, 321, 322, 323, 324, 327, 404, 407, 408, 419, 423, 562, 734, 850, 859, 862, 867, 869, 883, 884, 890, 891, 904, 940, 944, 946, 964, 965, 972, 1009, 1030, 1058, 1061



# General Office Building (710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 59

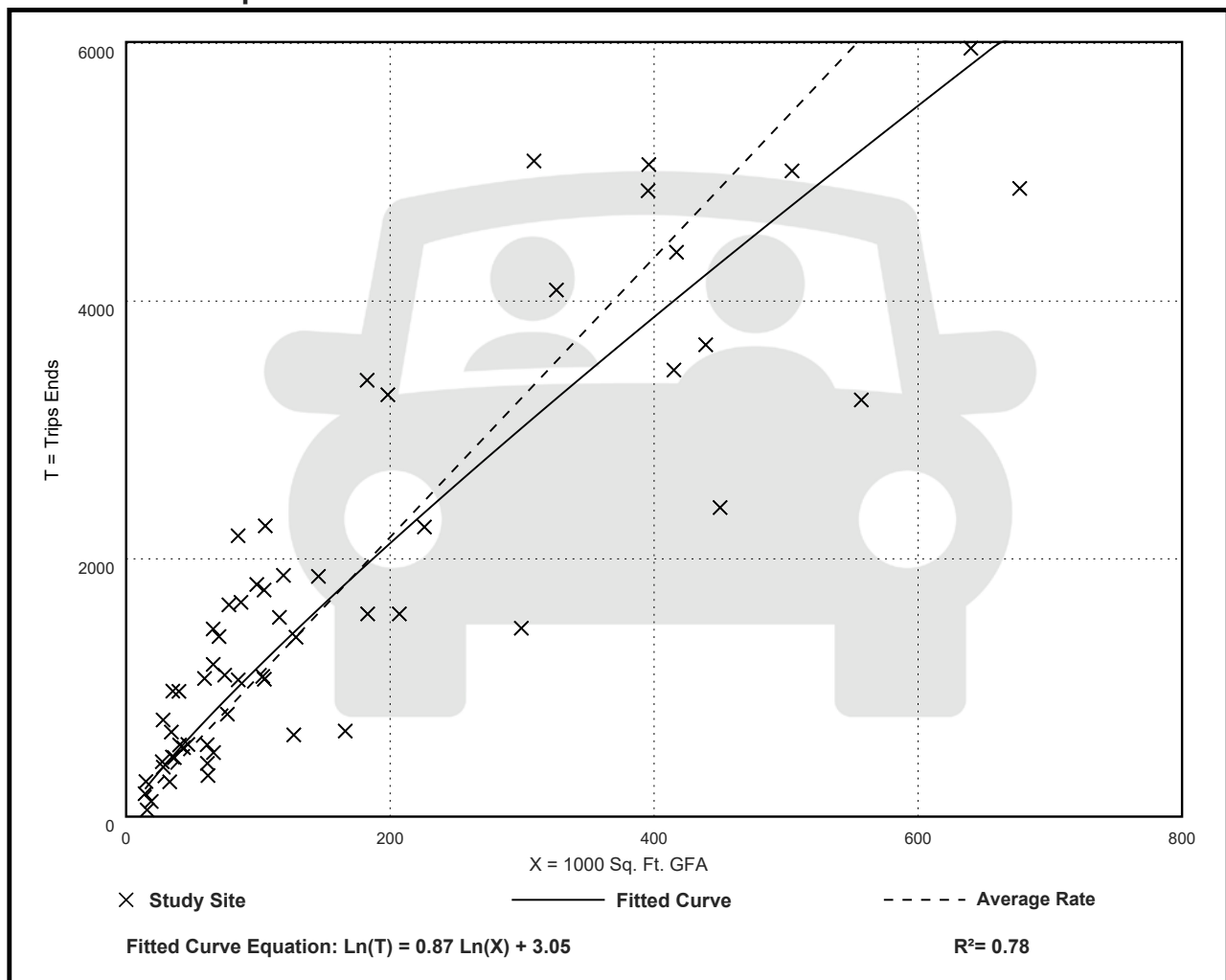
Avg. 1000 Sq. Ft. GFA: 163

Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 10.84        | 3.27 - 27.56   | 4.76               |

## Data Plot and Equation



# General Office Building (710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 221

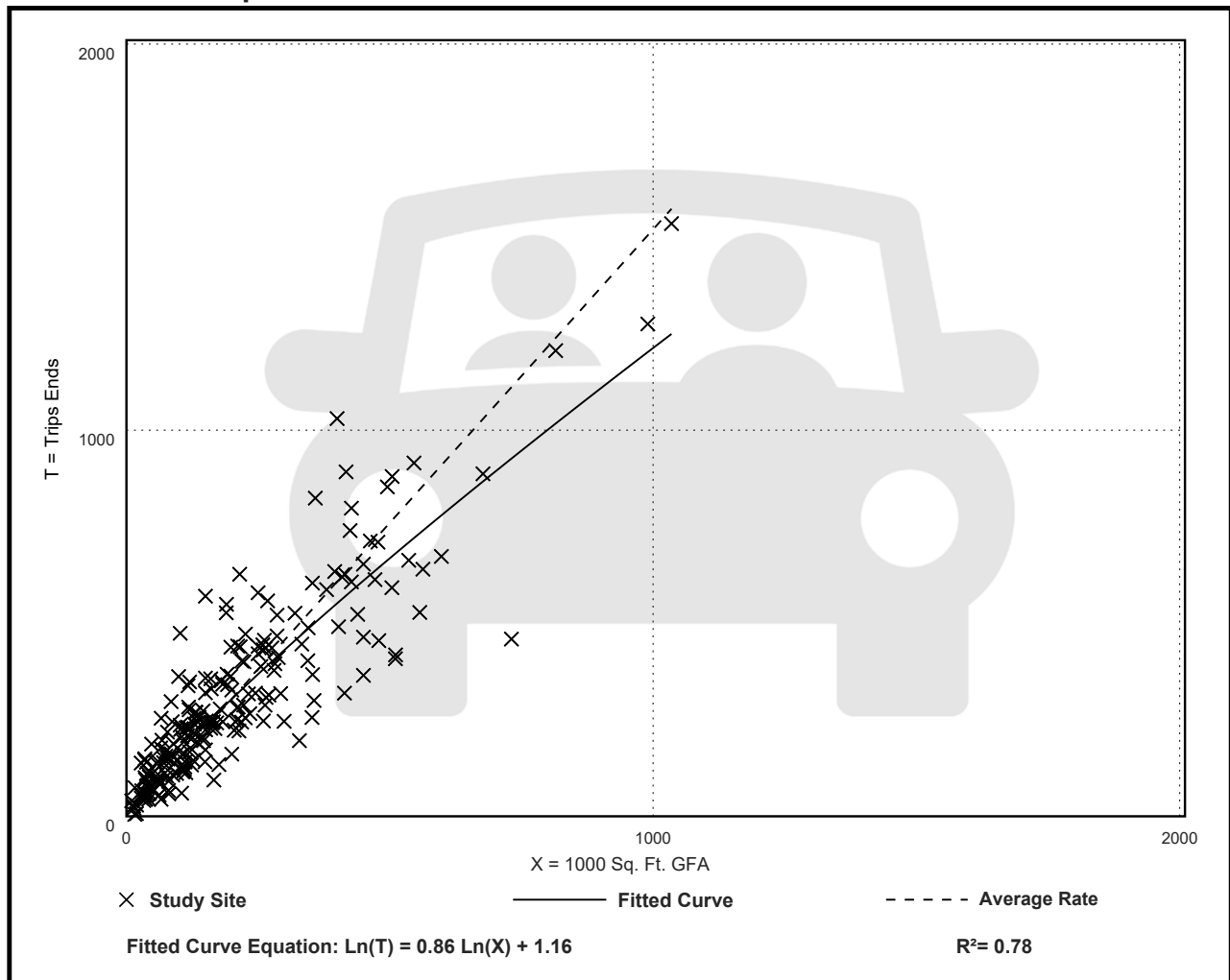
Avg. 1000 Sq. Ft. GFA: 201

Directional Distribution: 88% entering, 12% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 1.52         | 0.32 - 4.93    | 0.58               |

## Data Plot and Equation



# General Office Building (710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 232

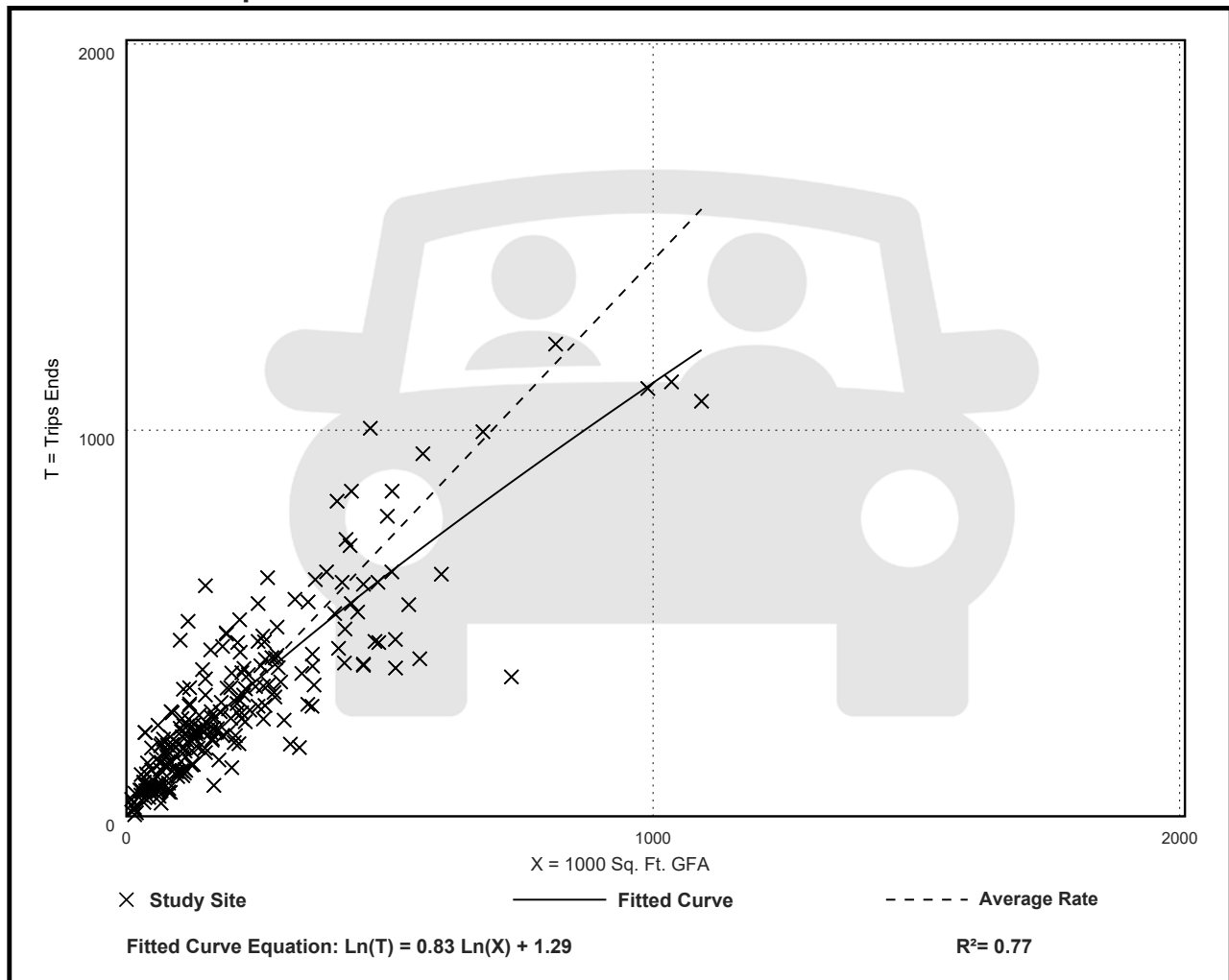
Avg. 1000 Sq. Ft. GFA: 199

Directional Distribution: 17% entering, 83% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 1.44         | 0.26 - 6.20    | 0.60               |

## Data Plot and Equation



# Land Use: 820

## Shopping Center (>150k)

---

### Description

A shopping center is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has at least 150,000 square feet of gross leasable area (GLA). It often has more than one anchor store. Various names can be assigned to a shopping center within this size range, depending on its specific size and tenants, such as community center, regional center, superregional center, fashion center, and power center.

A shopping center of this size typically contains more than retail merchandising facilities. Office space, a movie theater, restaurants, a post office, banks, a health club, and recreational facilities are common tenants.

A shopping center of this size can be enclosed or open-air. The vehicle trips generated at a shopping center are based upon the total GLA of the center. In the case of a smaller center without an enclosed mall or peripheral buildings, the GLA is the same as the gross floor area of the building.

The 150,000 square feet GLA threshold value between community/regional shopping center and shopping plaza (Land Use 821) is based on an examination of trip generation data. For a shopping plaza that is smaller than the threshold value, the presence or absence of a supermarket within the plaza has a measurable effect on site trip generation. For a shopping center that is larger than the threshold value, the trips generated by its other major tenants mask any effects of the presence or absence of an on-site supermarket.

Shopping plaza (40-150k) (Land Use 821), strip retail plaza (<40k) (Land Use 822), and factory outlet center (Land Use 823) are related uses.

### Additional Data

***Many shopping centers—in addition to the integrated unit of shops in one building or enclosed around a mall—include outparcels (peripheral buildings or pads located on the perimeter of the center adjacent to the streets and major access points). These buildings are typically drive-in banks, retail stores, restaurants, or small offices. Although the data herein do not indicate which of the centers studied include peripheral buildings, it can be assumed that some of the data show their effect.***

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky,

Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

### **Source Numbers**

77, 110, 154, 156, 159, 190, 199, 202, 204, 213, 251, 269, 294, 295, 299, 304, 305, 307, 308, 309, 311, 314, 315, 316, 317, 319, 365, 385, 404, 414, 423, 442, 446, 562, 629, 702, 715, 728, 868, 871, 880, 899, 912, 926, 946, 962, 973, 974, 978, 1034, 1040, 1067

# Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA  
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 108

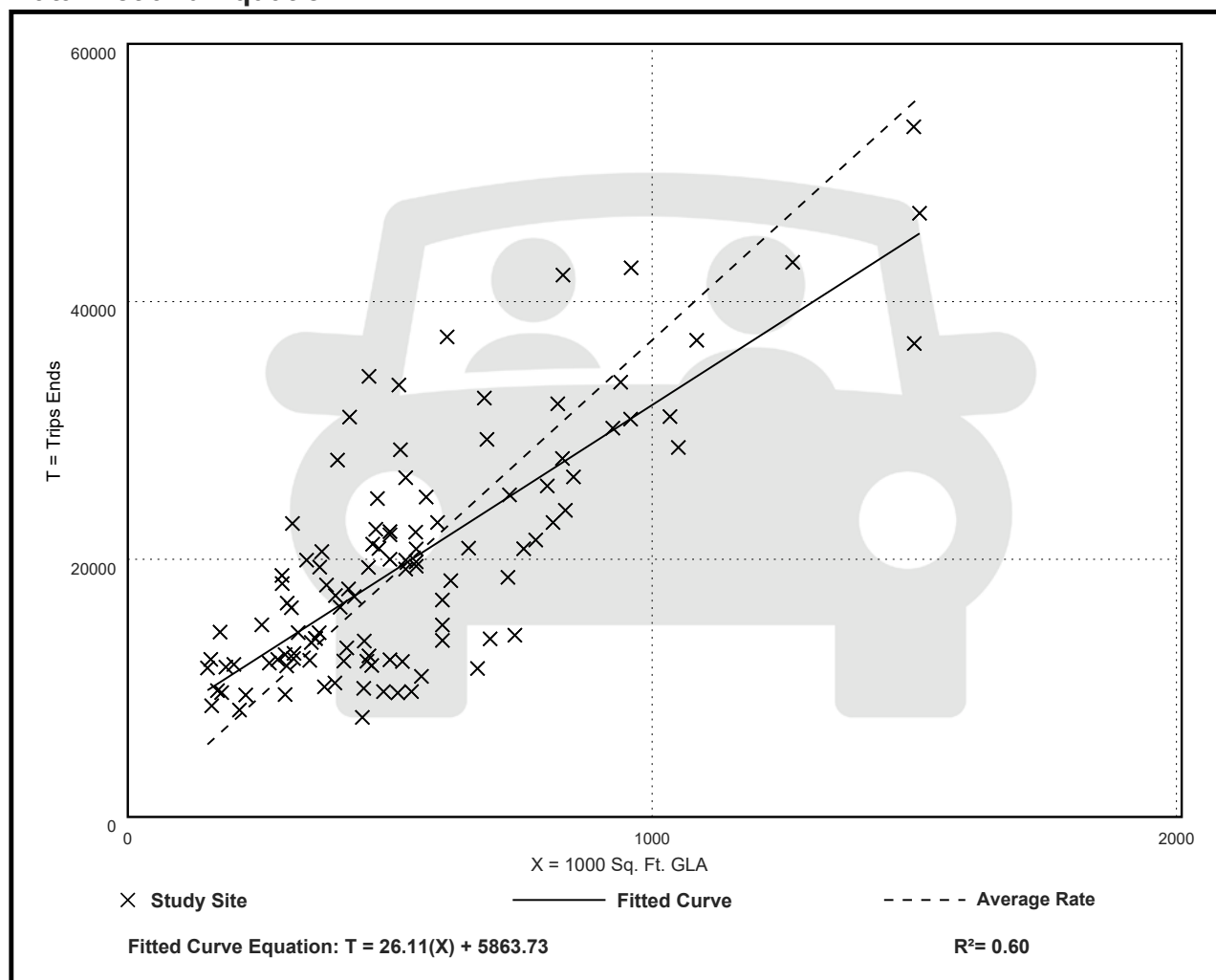
Avg. 1000 Sq. Ft. GLA: 538

Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 37.01        | 17.27 - 81.53  | 12.79              |

## Data Plot and Equation



# Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 44

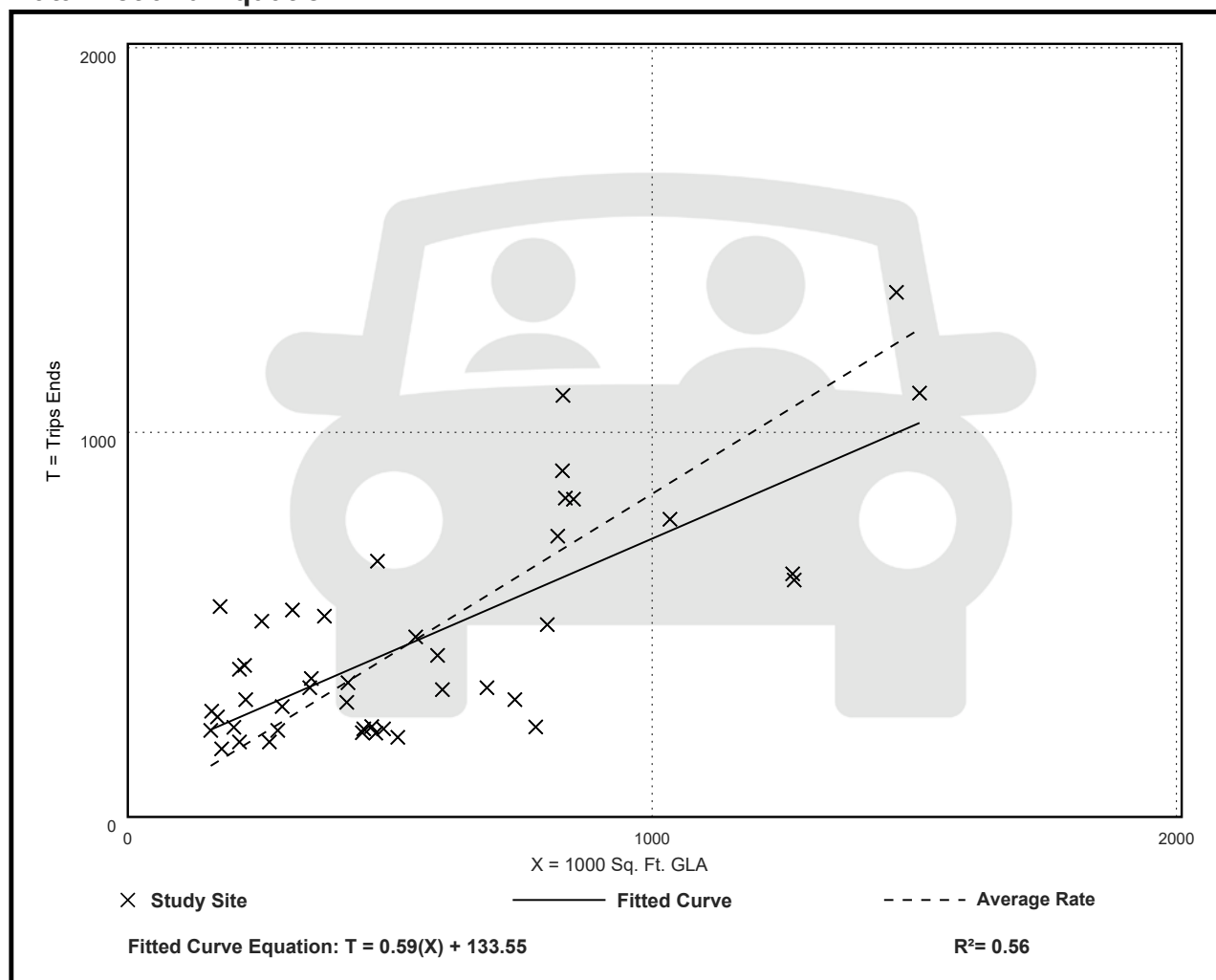
Avg. 1000 Sq. Ft. GLA: 546

Directional Distribution: 62% entering, 38% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.84         | 0.30 - 3.11    | 0.42               |

## Data Plot and Equation



# Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 126

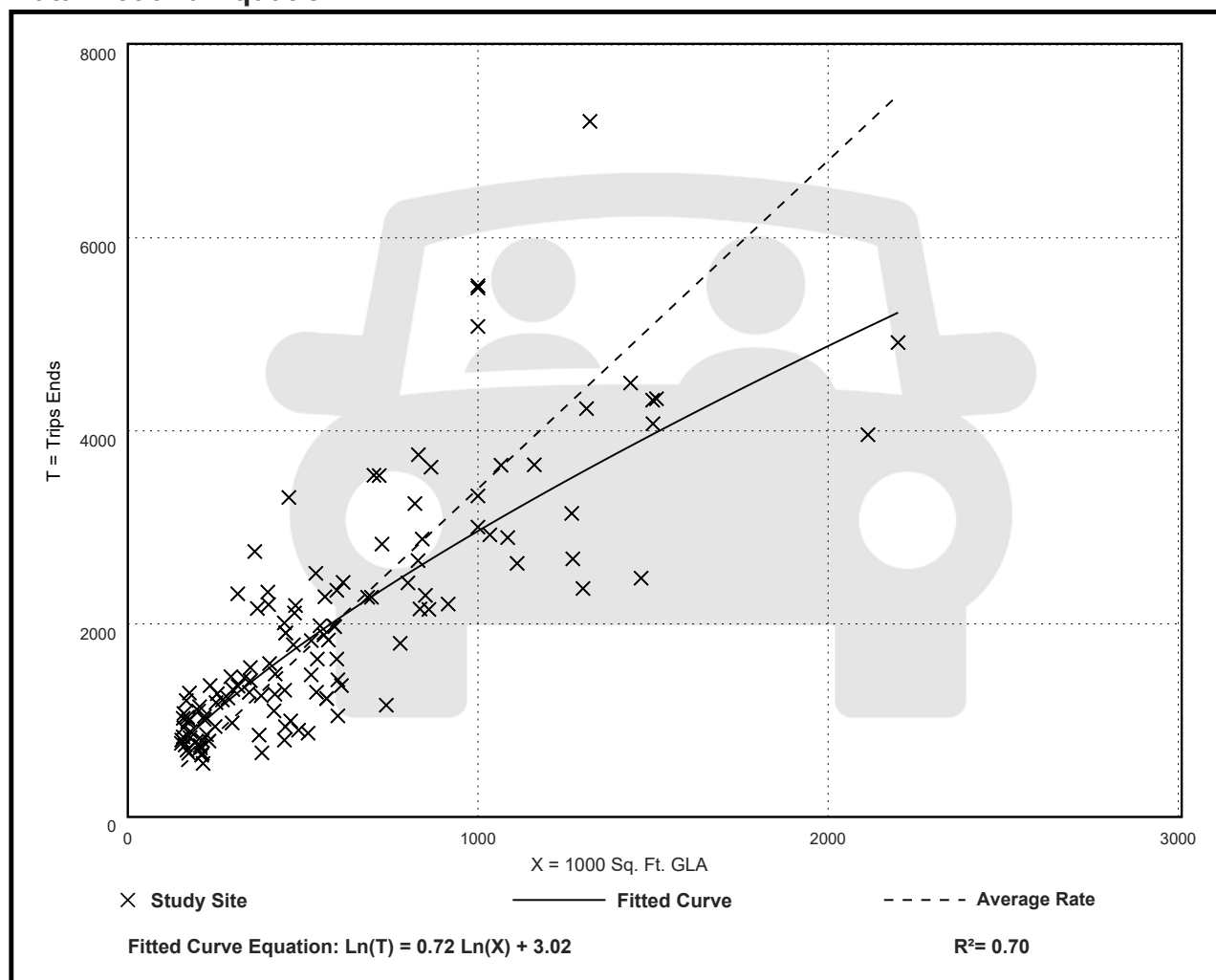
Avg. 1000 Sq. Ft. GLA: 581

Directional Distribution: 48% entering, 52% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 3.40         | 1.57 - 7.58    | 1.26               |

## Data Plot and Equation





# Land Use: 932

## High-Turnover (Sit-Down) Restaurant

---

### Description

This land use consists of sit-down, full-service eating establishments with a typical duration of stay of 60 minutes or less. This type of restaurant is usually moderately priced, frequently belongs to a restaurant chain, and is commonly referred to as casual dining. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not accept reservations. A patron commonly waits to be seated, is served by wait staff, orders from a menu, and pays after the meal.

Some facilities offer carry-out for a small proportion of its customers. Some facilities within this land use may also contain a bar area for serving food and alcoholic drinks.

Fast casual restaurant (Land Use 930), fine dining restaurant (Land Use 931), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window (Land Use 934) are related uses.

### Additional Data

***Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.***

If the restaurant has outdoor seating, its area is not included in the overall gross floor area. For a restaurant that has significant outdoor seating, the number of seats may be more reliable than GFA as an independent variable on which to establish a trip generation rate.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Vermont, and Wisconsin.

### Source Numbers

126, 269, 275, 280, 300, 301, 305, 338, 340, 341, 358, 384, 424, 432, 437, 438, 444, 507, 555, 577, 589, 617, 618, 728, 868, 884, 885, 903, 927, 939, 944, 961, 962, 977, 1048

# High-Turnover (Sit-Down) Restaurant (932)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 50

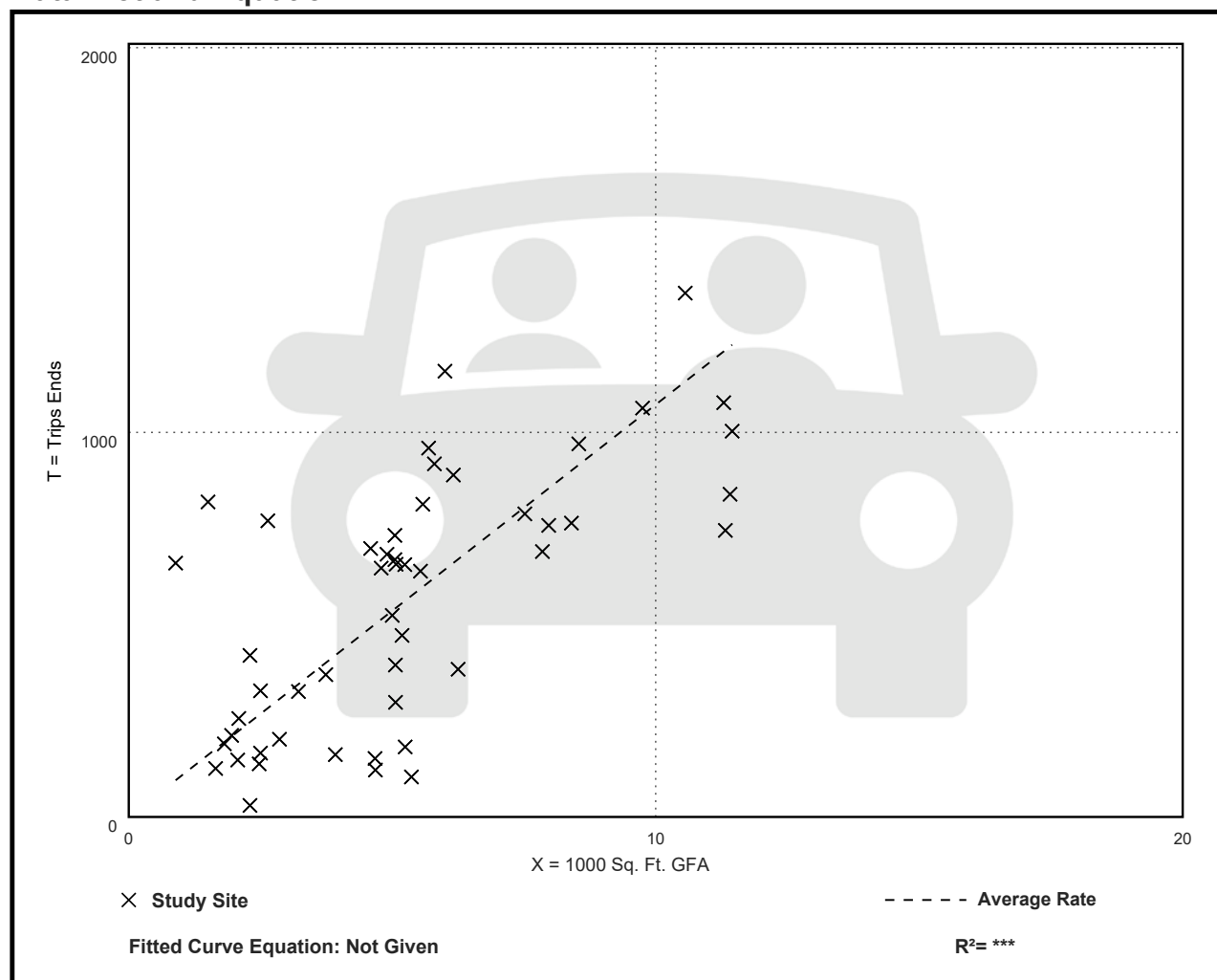
Avg. 1000 Sq. Ft. GFA: 5

Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 107.20       | 13.04 - 742.41 | 66.72              |

## Data Plot and Equation



# High-Turnover (Sit-Down) Restaurant (932)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 37

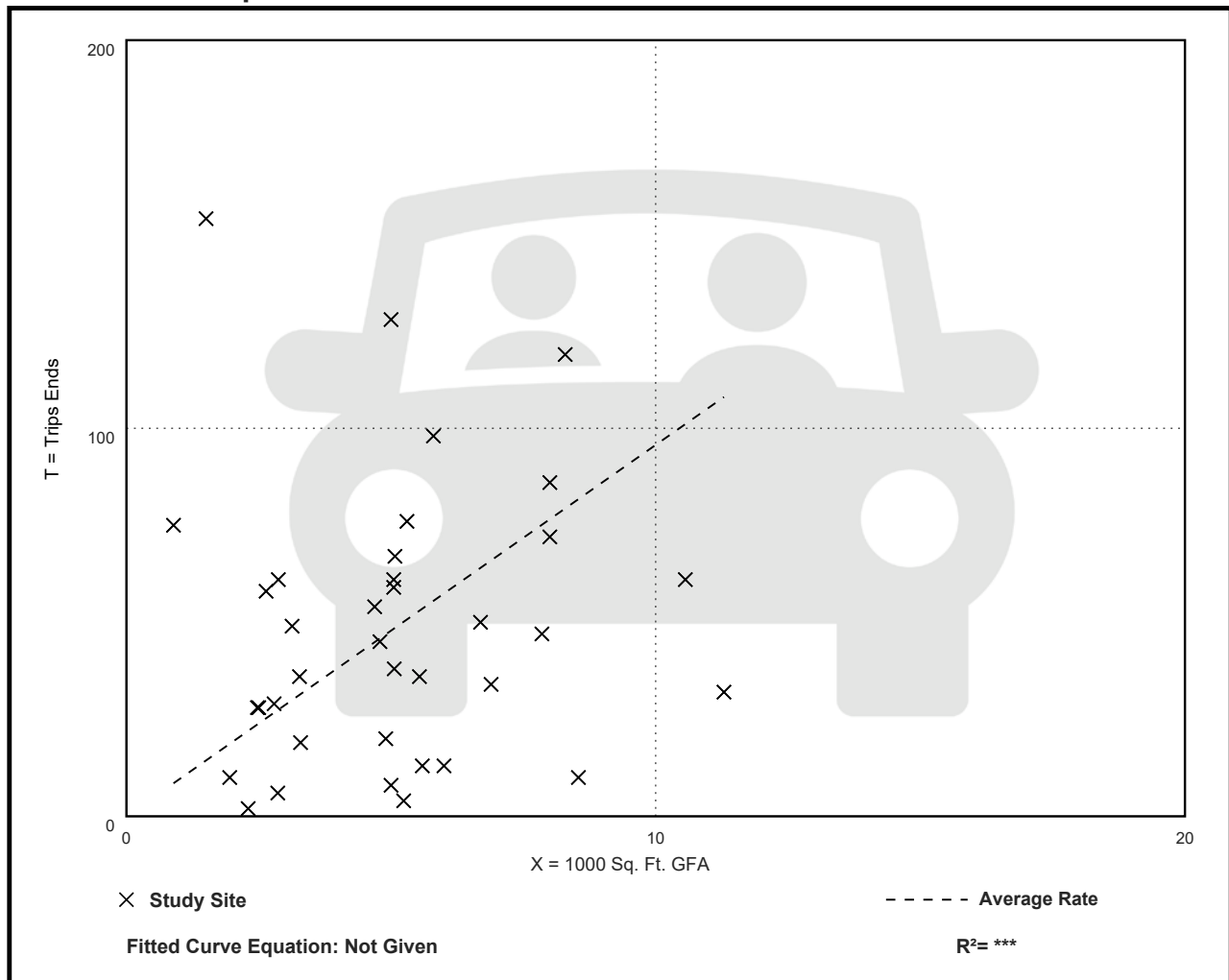
Avg. 1000 Sq. Ft. GFA: 5

Directional Distribution: 55% entering, 45% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 9.57         | 0.76 - 102.39  | 11.61              |

## Data Plot and Equation



# High-Turnover (Sit-Down) Restaurant (932)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 104

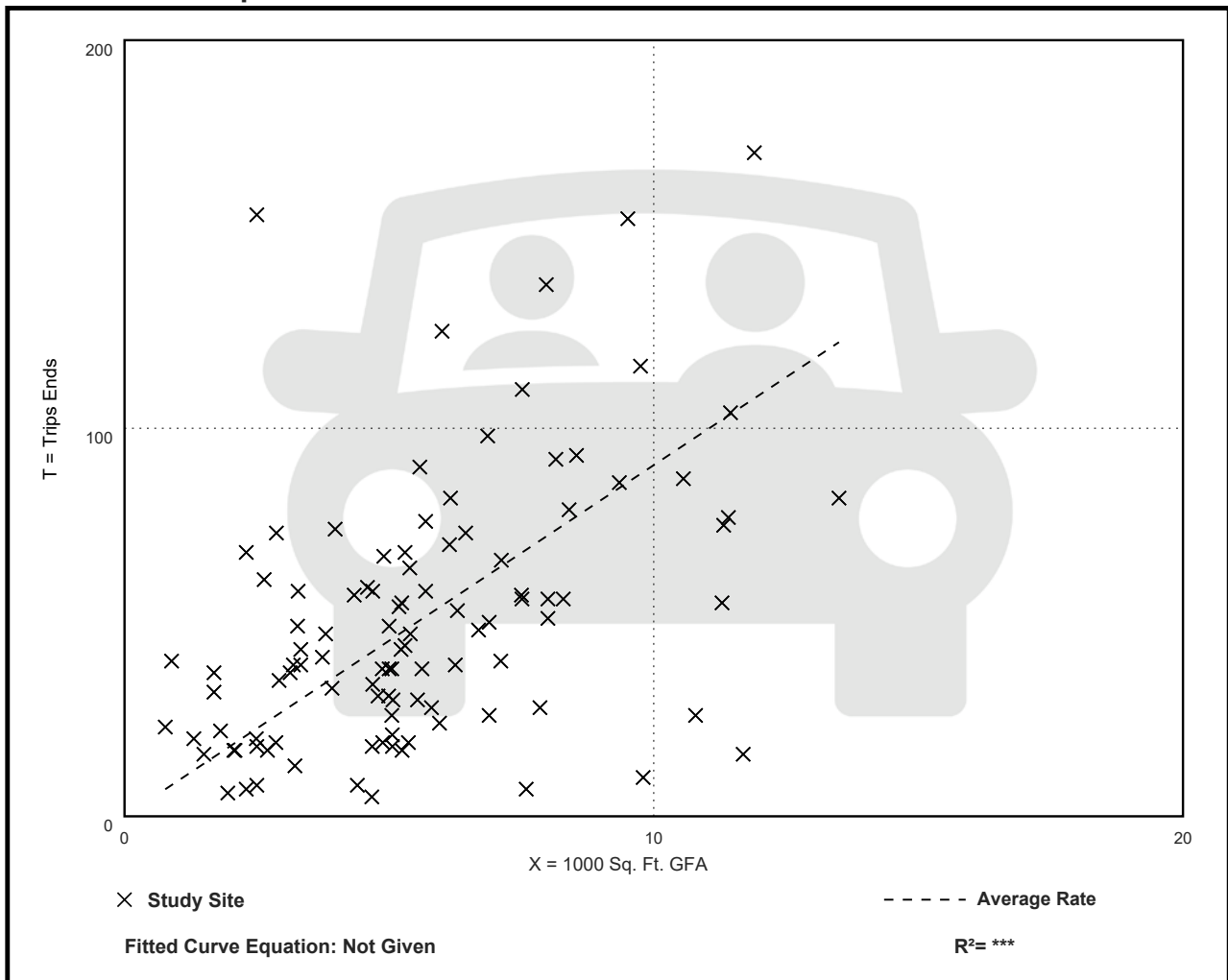
Avg. 1000 Sq. Ft. GFA: 6

Directional Distribution: 61% entering, 39% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 9.05         | 0.92 - 62.00   | 6.18               |

## Data Plot and Equation



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*APPENDIX B – City of Tustin VMT Screening Form*

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## CITY OF TUSTIN

### VMT SCREENING FORM FOR LAND USE PROJECTS

This form acknowledges the City of Tustin requirements for the evaluation of vehicle miles traveled (VMT) under CEQA. The analysis provided in this form should follow the City of Tustin approved VMT Guidelines, dated February 13, 2024.

#### I. Project Description

Case Number:

Project Name:

Project Location:

Project Description:

Current GP Land Use:

Proposed GP Land Use:

Current Zoning:

Proposed Zoning:

Does the Project require a General Plan Amendment and/or Zone Change? 

|     |                                     |    |                          |
|-----|-------------------------------------|----|--------------------------|
| YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|-------------------------------------|----|--------------------------|

#### II. VMT Screening Criteria

A. Is the Project 100% affordable housing? 

|     |                          |    |                                     |
|-----|--------------------------|----|-------------------------------------|
| YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

 Attachments:

B. Is the Project within 1/2 mile of qualifying transit? 

|     |                          |    |                                     |
|-----|--------------------------|----|-------------------------------------|
| YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

 Attachments:

Commercial Residential

C. Is the Project a local serving land use? 

|     |                                     |    |                                     |
|-----|-------------------------------------|----|-------------------------------------|
| YES | <input checked="" type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|-------------------------------------|----|-------------------------------------|

 Attachments:

Commercial Residential

D. Is the Project in a low VMT area? 

|     |                                     |    |                                     |
|-----|-------------------------------------|----|-------------------------------------|
| YES | <input checked="" type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|-------------------------------------|----|-------------------------------------|

 Attachments:

E. Are the Project's Net Daily Trips less than 500 ADT? 

|     |                          |    |                                     |
|-----|--------------------------|----|-------------------------------------|
| YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

 Attachments:

##### Low VMT Area Evaluation:

| City of Tustin VMT Thresholds                  |      |              |
|--|------|--------------|
| Citywide Average Home-Based VMT <sup>1</sup> = | 15.0 | VMT/Capita   |
| Citywide Average Employment VMT <sup>1</sup> = | 25.1 | VMT/Employee |

<sup>1</sup> OCTAM 5.0 v.6.22.23 base year (2016) statistics.

| Project Traffic Analysis Zone (TAZ) | VMT Rate for Project TAZ <sup>1</sup> |              | Type of Project  |                                     |
|-------------------------------------|---------------------------------------|--------------|------------------|-------------------------------------|
| 1126                                | N/A                                   | VMT/Capita   | Residential:     | <input checked="" type="checkbox"/> |
|                                     | 23.6                                  | VMT/Employee | Non-Residential: | <input checked="" type="checkbox"/> |

##### Trip Generation Evaluation:

Source of Trip Generation:

\* Use trip rates from the latest edition of the ITE Trip Generation Manual or as approved by City Staff.

Project Trip Generation: 

|        |                           |
|--------|---------------------------|
| 36,857 | Average Daily Trips (ADT) |
|--------|---------------------------|

|                                |     |                          |    |                                     |                |                      |
|--------------------------------|-----|--------------------------|----|-------------------------------------|----------------|----------------------|
| Internal Trip Credit:          | YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> | % Trip Credit: | <input type="text"/> |
| Pass-By Trip Credit:           | YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> | % Trip Credit: | <input type="text"/> |
| Affordable Housing Credit:     | YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> | % Trip Credit: | <input type="text"/> |
| Existing Land Use Trip Credit: | YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> | Trip Credit:   | <input type="text"/> |

Net Project Trip Generation: 

|        |                           |
|--------|---------------------------|
| 36,857 | Average Daily Trips (ADT) |
|--------|---------------------------|

 Attachments:

Does project trip generation warrant an LOS evaluation outside of CEQA? 

|     |                                     |    |                          |
|-----|-------------------------------------|----|--------------------------|
| YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|-------------------------------------|----|--------------------------|

**III. VMT Analysis Summary****A. Is additional VMT modeling required to evaluate impacts?**

|             |                                     |           |                          |
|-------------|-------------------------------------|-----------|--------------------------|
| <b>YES*</b> | <input checked="" type="checkbox"/> | <b>NO</b> | <input type="checkbox"/> |
|-------------|-------------------------------------|-----------|--------------------------|

Projects that do not satisfy at least one (1) of the VMT screening criteria AND generate 2,400 or more net daily trips AND require a zone change/general plan amendment may require additional VMT modeling using OCTAM. Project that generates less than 2,400 daily trips may use the base TAZ rate for VMT analysis and mitigation purposes.

\*A complete VMT analysis is only required for the residential portion of the project.

**B. City of Tustin VMT Threshold of Significance:**

Residential-VMT per Capita: City's Threshold: 15.0

**C. Unmitigated Project VMT Rate:**

Residential: Based Year 2016 : 8.9 VMT/Capita  
Future Year 2045: 8.3 VMT/Capita

**D. Does Unmitigated Project VMT Rate Exceed VMT Threshold?**

|            |                          |           |                                     |
|------------|--------------------------|-----------|-------------------------------------|
| <b>YES</b> | <input type="checkbox"/> | <b>NO</b> | <input checked="" type="checkbox"/> |
|------------|--------------------------|-----------|-------------------------------------|

**E. Is mitigation required?**

|            |                          |           |                                     |
|------------|--------------------------|-----------|-------------------------------------|
| <b>YES</b> | <input type="checkbox"/> | <b>NO</b> | <input checked="" type="checkbox"/> |
|------------|--------------------------|-----------|-------------------------------------|

**F. Percentage Reduction Required to Achieve the Citywide Average VMT:**

|  |
|--|
|  |
|--|

**G. Mitigation Measures:**

| Source:                           |     |                             |
|-----------------------------------|-----|-----------------------------|
| VMT Reduction Mitigation Measure: |     | Estimated VMT Reduction (%) |
| 1.                                | N/A | 0.00%                       |
| 2.                                | N/A | 0.00%                       |
| 3.                                | N/A | 0.00%                       |
| 4.                                | N/A | 0.00%                       |
| 5.                                | N/A | 0.00%                       |
| 6.                                | N/A | 0.00%                       |
| 7.                                | N/A | 0.00%                       |
| 8.                                | N/A | 0.00%                       |
| 9.                                | N/A | 0.00%                       |
| 10.                               | N/A | 0.00%                       |
| <b>Total VMT Reduction (%)</b>    |     |                             |

All mitigation measures are subject to become Conditions of Approval of the project. Provide attachments showing all VMT reduction calculations.

**H. Mitigated Project TAZ VMT Rate:**

|  |
|--|
|  |
|--|

**I. Significance Finding:**

(Less than significant, less than significant with mitigation, potential significant, etc.)

Less than significant

| Prepared By                            |  | Developer/Applicant                          |                                      |
|--|--|--|--------------------------------------|
| <b>Company:</b>                        | EPD Solutions                              | <b>Company:</b>                              | City of Tustin                       |
| <b>Contact:</b>                        | Abby Pal (abby@epdsolutions.com)           | <b>Contact:</b>                              | Krys Saldivar                        |
| <b>Address:</b>                        | 3333 Michelson Drive, Suite 500 Irvine, CA | <b>Address:</b>                              | 300 Centennial Way, Tustin, CA 92780 |
| <b>Phone:</b>                          | 949-794-1180                               | <b>Phone:</b>                                | 714-573-3172                         |
| <b>Email:</b>                          | techservices@epdsolutions.com              | <b>Email:</b>                                | ksaldivar@tustinca.org               |
| <b>Date:</b>                           | Revised 3/22/2024                          | <b>Date:</b>                                 | Revised 3/22/2024                    |
| <b>Approved by:</b>                    |  |  |                                      |
|  |  |  |                                      |
| <b>Tustin Public Works Engineering</b> | <b>Date</b>                                | <b>Tustin Community Development Planning</b> | <b>Date</b>                          |

Development review and processing fees should be submitted with, or prior to the submittal of this Form.  
The Public Works and/or Planning Division staff will not process the Form prior to fees being paid to the City.

OCTAM 5.0 v.6.22.23 Base Model Year 2016 VMT Statistics

| Zone | Home-based VMT per Capita | Employment (commute) VMT per employee |
|------|---------------------------|---------------------------------------|
|      |                           |                                       |
| 759  | 8.8                       | 25.2                                  |
| 832  | 23.6                      | 33.8                                  |
| 851  | 23.5                      | 34.3                                  |
| 857  | 16.0                      | 26.0                                  |
| 859  | 13.0                      | 25.2                                  |
| 863  | 16.9                      | 25.3                                  |
| 1102 | 15.4                      | 25.9                                  |
| 1103 | 12.1                      | 25.3                                  |
| 1104 | 21.1                      | 30.1                                  |
| 1105 | 12.2                      | 25.1                                  |
| 1106 | 15.8                      | 24.6                                  |
| 1107 | 14.5                      | 24.3                                  |
| 1108 | 21.8                      | 33.2                                  |
| 1109 | 11.6                      | 24.4                                  |
| 1110 | 21.2                      | 29.4                                  |
| 1111 | 13.8                      | 24.6                                  |
| 1112 | 11.4                      | 22.8                                  |
| 1113 | 10.7                      | 23.6                                  |
| 1114 | 11.6                      | 23.6                                  |
| 1115 | 14.1                      | 24.4                                  |
| 1116 | 15.5                      | 28.6                                  |
| 1117 | 12.1                      | 24.3                                  |
| 1118 | 17.2                      | 26.8                                  |
| 1119 | 15.0                      | 26.0                                  |
| 1120 | 16.0                      | 27.6                                  |
| 1121 | 12.9                      | 23.3                                  |
| 1122 | 13.5                      | 32.1                                  |
| 1123 | 11.6                      | 22.5                                  |
| 1124 | 14.7                      | 27.4                                  |
| 1125 | 16.8                      | 24.5                                  |
| 1126 | 0.0                       | 23.6                                  |
| 1127 | 17.5                      | 27.4                                  |
| 1128 | 0.0                       | 25.2                                  |
| 1129 | 17.2                      | 28.0                                  |
| 1130 | 0.0                       | 24.8                                  |
| 1131 | 18.0                      | 25.7                                  |
| 1132 | 0.0                       | 25.0                                  |
| 1133 | 0.0                       | 0.0                                   |
| 1134 | 13.4                      | 26.0                                  |
| 1135 | 0.0                       | 0.0                                   |
| 1136 | 8.3                       | 36.8                                  |
| 1137 | 17.2                      | 29.6                                  |
| 1138 | 0.0                       | 25.3                                  |

\* Geography nests into OCTAM zone structure. VMT includes all VMT to/from specified geography, except for VMT that leaves OCTAM model area.

\*\* Note that as OCTAM is updated, these statistics are subject to change.