



City of Tustin
Platform Tustin Project
Draft Initial Study/Mitigated Negative
Declaration
April 2024

CEQA Lead Agency:

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Appendix D2	Phase II Environmental Site Assessment
Appendix E	Trip Generation Assessment

Acronyms

§	Section
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
AIA	Airport Influence Area
ALUCP	Airport Land Use Compatibility Plan
amsl	Above Mean Sea Level
A-P Act	Alquist-Priolo Earthquake Fault Zoning Act
APN	Assessor Parcel Number
ATEP	Advanced Technology Education Park
AQMP	Air Quality Management Plan
bcf	billions of cubic feet
bgs	below the ground surface
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBSC	California Building Standards Code
CCR	California Code of Regulations
CDC	California Department of Conservation
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFS	Cubic Feet per Second
CH ₄	Methane
CNDDDB	California Natural Diversity Data Base
CO	Carbon Monoxide
CPUC	California Public Utilities Commission
CY/c.y.	Cubic Yards
dB	decibels
dBA	A-weighted Decibels
dBA L _{eq}	equivalent decibels
DIF	Development Impact Fees
DOF	Department of Finance
DR	Design Review



DTSC	Department of Toxic Substances Control
e.g.	exempli gratia, meaning “for example”
EPA	Environmental Protection Agency
<i>et seq.</i>	et sequentes, meaning "and the following"
EV	Electric Vehicle
EVSE	Electric Vehicle Supply Equipment
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FIRM	Flood Insurance Rate Map
GCC	Global Climate Change
GHG	Greenhouse Gas
GPD	Gallons per Day
GWh	Giga-watt per hour
HAZNET	Facility and Manifest Data
HCP	Habitat Conservation Plan
HMBEP	Hazardous Materials Business Emergency Plan
HSC	Health and Safety Code
HWTS	Hazardous Waste Tracking System
I-#	Interstate #
i.e.	that is
IRWD	Irvine Ranch Water District
IS/MND	Initial Study/Mitigated Negative Declaration
ISO	Independent System Operator
ITE	Institute of Transportation Engineers
IVC	Irvine Valley College
kWh	kilowatt-hour
LBP	Lead Based Paint
LID	Low Impact Development
MBTA	Migratory Bird Treaty Act
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
MRZ	Mineral Resource Zone
MT/yr	Metric Tons per year
MTCO _{2e}	Metric Tons of Carbon Dioxide Equivalent



MWS	Modular Wetlands System
n.d.	No Date
n.p.	No Page
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NLR	No Longer Regulated
NO _x	Nitrogen Oxides
Non-gen	Non-generators
NPDES	National Pollutant Discharge Elimination System
O ₃	Ozone
OCFA	Orange County Fire Authority
OCSD	Orange County Sanitation District
PC	Planned Community
PCCB	Planned Community Commercial/Business
PCE	Passenger Car Equivalent
PC IND	Planned Community Industrial
PM _{2.5}	Fine Particulate Matter (2.5 microns or smaller)
PM ₁₀	Fine Particulate Matter (10 microns or smaller)
R	Refrigerants
RCRA	Resource Conservation Recovery Act
RECs	Recognized Environmental Conditions
ROGs	Reactive Organic Gases
RPS	Renewables Portfolio Standards
RSL	Risk Screening Level
RTP/ SCS	Regional Transportation Plan / Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAB	South Coast Air Basin
SCAG	Southern California Association of Government
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SF/s.f.	Square Foot or Square Feet
SO _x	Sulfur Oxides
SoCalGas	Southern California Gas
SOI	Sphere of Influence
SR-#	State Route #
SRA	State Responsibility Area
SWPPP	Storm Water Pollution Prevention Plan



TAC	Toxic Air Contaminants
TCC	Tustin City Code
TPD	Tustin Police Department
TUSC	Tustin Unified School District
UWMP	Urban Water Management Plan
US EPA	United States Environmental Protection Agency
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds



1.0 INTRODUCTION & PURPOSE OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

1.1 Purpose of This Document

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.) and its Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.), the City of Tustin prepared an Initial Study to evaluate the potential environmental effects associated with the construction and operation of the Platform Tustin Project (herein, “Project” or “proposed Project”).

The construction and operation of the proposed Project is considered to be a *project* under CEQA and as such, the Project is subject to the City of Tustin’s environmental review process. The primary purpose of CEQA is to ensure that decision-makers and the public are aware of the environmental implications of a specific action or project and to determine whether the proposed Project will have the potential to cause significant adverse impacts on the environment.

As identified in the State CEQA Guidelines Section 15063, following preliminary review, the Lead Agency shall conduct an Initial Study to determine if the Project may have a significant effect on the environment. The purpose of an Initial Study is to:

- (1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration.
- (2) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.
- (3) Assist in the preparation of an EIR, if one is required, by:
 - (A) Focusing the EIR on the effects determined to be significant,
 - (B) Identifying the effects determined not to be significant,
 - (C) Explaining the reasons for determining that potentially significant effects would not be significant, and
 - (D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project’s environmental effects.
- (4) Facilitate environmental assessment early in the design of a project;
- (5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
- (6) Eliminate unnecessary EIRs;
- (7) Determine whether a previously prepared EIR could be used with the project.

As set forth in the State CEQA Guidelines Section 15070, an Initial Study leading to a Mitigated Negative Declaration (IS/MND) can be prepared when the Initial Study identifies that a project will have potentially significant environmental impacts, but revisions have been made to the project, prior to public review of the Initial Study, that would avoid or mitigate the impacts to a level considered less-than-significant; and



there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

This document is a Mitigated Negative Declaration (MND) prepared in accordance with CEQA, including all criteria, standards, and procedures of CEQA (California Public Resource Code Sections 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 et seq.). This MND is an informational document intended for use by the City of Tustin, any Trustee and/or Responsible agencies, and members of the general public in evaluating the physical environmental effects of the proposed Project.

This IS/MND was compiled by the City of Tustin, serving as the Lead Agency for the proposed Project pursuant to CEQA Section 21067 and CEQA Guidelines Article 4 and Section 15367. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project.

1.2 Summary Of Findings

Sections 3.0 and 4.0 of this document contain the Initial Study Environmental Checklist that was prepared for the proposed Project pursuant to CEQA requirements. The Initial Study determined that implementation of the proposed Project would not result in significant environmental effects other than potential effects to biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. The Project Applicant has agreed to implement mitigation measures that would avoid or reduce these potentially significant effects to a less-than-significant level. The Initial Study determined that, with the incorporation of mitigation measures, there is no substantial evidence in light of the whole record before the Lead Agency that the Project would have a significant effect on the environment. Based on the findings of the Initial Study, the City of Tustin determined that a Mitigated Negative Declaration (MND) is appropriate for the proposed Project pursuant to CEQA Guidelines Section 15070(b).

1.3 Initial Study/MND Public Review Process

The Initial Study and a Notice of Intent (NOI) to adopt an MND will be distributed to Responsible Agencies, other affected agencies, and other parties of interest for a 20-day public review period. Written comments regarding this MND should be addressed to:

Jose Jara, Assistant Planner
City of Tustin
Phone: (714) 573-3136
Email: jjara@tustinca.org
300 Centennial Way
Tustin, CA 92780

Following receipt and review of comments from agencies, organizations, and/or individuals at the conclusion of the 20-day review period, the City will review any comment letters received and determine whether any substantive comments were provided that may warrant revisions to the IS/MND document. If substantial revisions are not necessary (as defined by CEQA Guidelines §15073.5(b)), then the Project and its environmental documentation, including any necessary responses to comments, will be scheduled



by the City for consideration. Should the City approve the Project and MND, a Notice of Determination (NOD) will be filed with the Orange County Clerk.

1.4 **Document Organization**

This document has been organized into the following sections:

Section 1.0 – Introduction & Purpose of the IS/MND. This section provides an introduction and overview describing the CEQA-compliance process and conclusion of the Initial Study.

Section 2.0 – Description of Proposed Project. This section identifies the location, setting, and key Project characteristics, as well as a listing of anticipated discretionary actions.

Section 3.0 – Initial Study Checklist. The Environmental Checklist Form provides an overview of the potential impacts that may or may not result from Project implementation.

Section 4.0 – Environmental Analysis. This section contains an analysis of environmental impacts identified in the Environmental Checklist Form, including cumulative analyses, that addresses potential impacts of the proposed Project taken in sum with other past, present, and reasonably foreseeable projects.

Section 5.0 – References. The section identifies resources used to prepare the Initial Study.

Appendices. Eight (8) technical reports that evaluate the environmental effects of the proposed Project are attached as Technical Appendices A through E. Each of the appendices listed below are available for review at the City of Tustin, 300 Centennial Way, Tustin CA 92780, and on the City’s website (<https://www.tustinca.org>), and are hereby incorporated by reference pursuant to CEQA Guidelines Section 15150.

Appendix A	Air Quality and GHG Assessment
Appendix B1	Geotechnical Investigation
Appendix B2	Storm Water Infiltration
Appendix C1	Preliminary Hydrology Calculations
Appendix C2	Preliminary Water Quality Management Plan
Appendix D1	Phase I Environmental Site Assessment
Appendix D2	Phase II Environmental Site Assessment
Appendix E	Trip Generation Assessment



2.0 DESCRIPTION OF PROPOSED PROJECT

2.1 Location and Setting

The Platform Tustin Project (proposed Project) is located in the City of Tustin, southeast of State Route 55 (SR-55), south and southwest of Interstate 5 (I-5), and northwest of State Route 261 (SR-261), as depicted in **Figure 2-1, *Regional Location Map***. The overall property (herein, “Project Site”) comprises approximately 6.17 acres located north of the intersection of Red Hill Avenue and Bell Avenue, as depicted in **Figure 2-2, *Project Vicinity Map***.

PROJECT SETTING

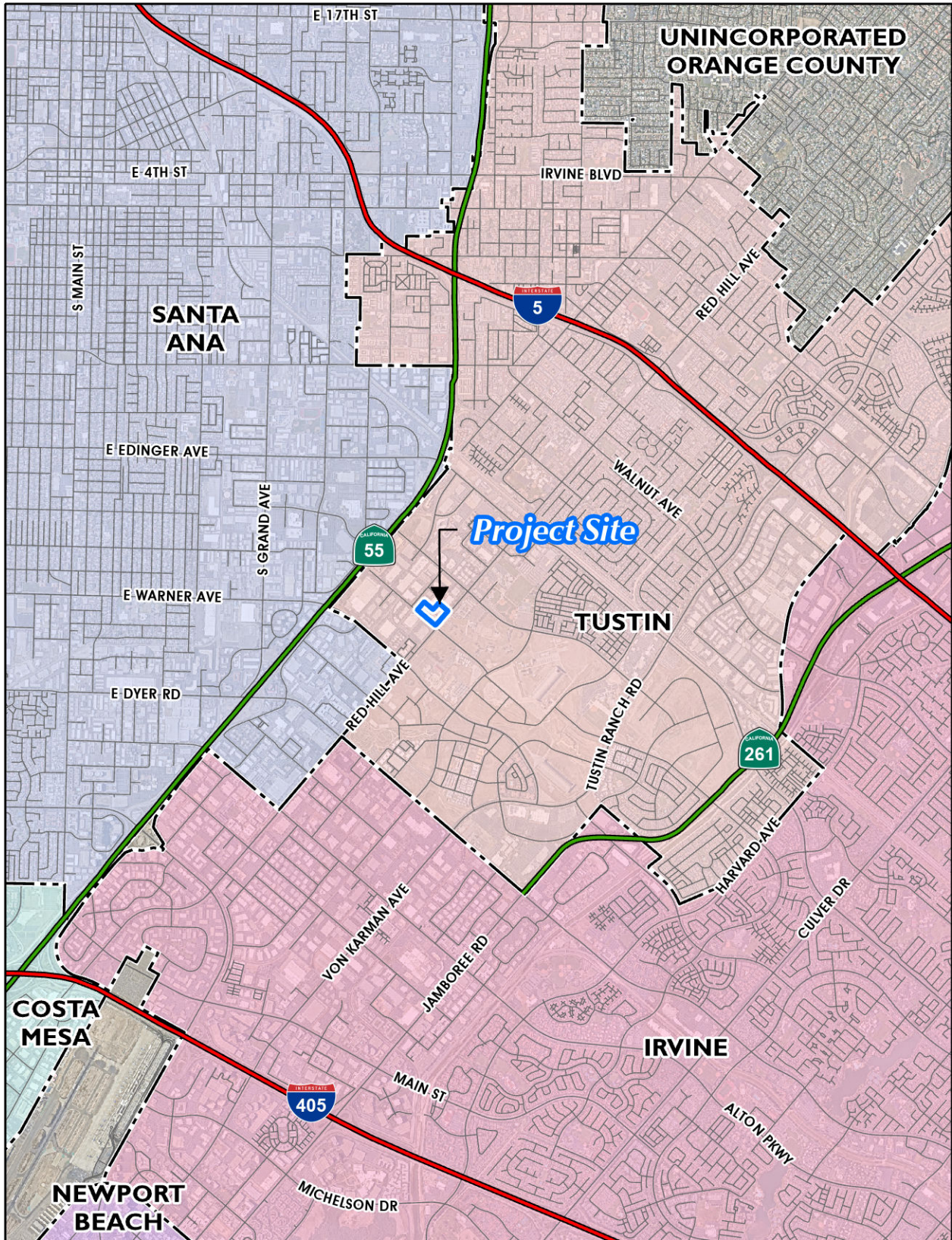
The Project Site is located at 15621, 15641, and 15661 Red Hill Avenue in Tustin, California. The Project Site is located in an infill industrial and commercial area and is bounded by commercial and industrial/office buildings to the north, northeast, and west, and vacant land to the south and southeast. The Project Site consists of an L-shaped parcel, measuring approximately 6.17 acres in size, that is located immediately north of the Red Hill Avenue and Bell Avenue intersection. The Project Site features three existing two-story office buildings and one two-story parking structure. 15621 Red Hill Avenue, located in the northeast portion of the Project Site, is a two (2)-story, multi-tenant, 41,085 square foot (s.f.) office building; 15641 Red Hill Avenue, located in the northwest corner of the Project Site, is a two-story, multi-tenant, 50,311 s.f. office building. 15661 Red Hill Avenue, located at the corner of Bell Avenue and Red Hill Avenue in the southern portion of the Project Site, is a two-story, multi-tenant, 47,782 s.f. office building. The parking structure, which is located northwest of the building at 15621 Red Hill Avenue, is 17,064 s.f. and is of concrete construction.

All three office buildings and the parking structure are surrounded by asphalt pavement used for employee parking. Parking lot light poles are situated along the perimeter of the Project Site on Bell Avenue and Red Hill Avenue. Monument signage is located at the southern corner of the Project Site at the intersection of Bell Avenue and Red Hill Avenue. Landscaping consists of ornamental mature trees and groundcover, with trees occurring along the perimeter of the Project Site on Bell Avenue and Red Hill Avenue as well as within the interior portions of the site. Landscaped ornamental vegetation also occurs along the perimeter of each building.

A sidewalk is located along the Project Site’s frontage with Red Hill Avenue and overhead utility lines are visible. The on-site topography is relatively flat. The maximum site elevation is approximately 73.18 feet above mean sea level (amsl), in the east-central area of the site. The minimum site elevation is approximately 67.58 feet amsl in the southwest corner of the site. The overall site slopes to the west at a gradient of approximately 1.5 percent (SoCalGeo, 2023a, p. 5).

EXISTING GENERAL PLAN LAND USE AND ZONING DESIGNATIONS

The City’s General Plan land use designation for the Project Site is “Planned Community Commercial/Business (PCCB).” According to the City of Tustin General Plan, the PCCB land use designation is intended to accommodate a “[m]ix of commercial and office uses such as hotel/motels, commercial centers, research and development, and professional offices” (Tustin, 2018, p. 34). The Project Site is zoned as “Planned Community Industrial (PC IND)” zoning district and subject to International Rectifier

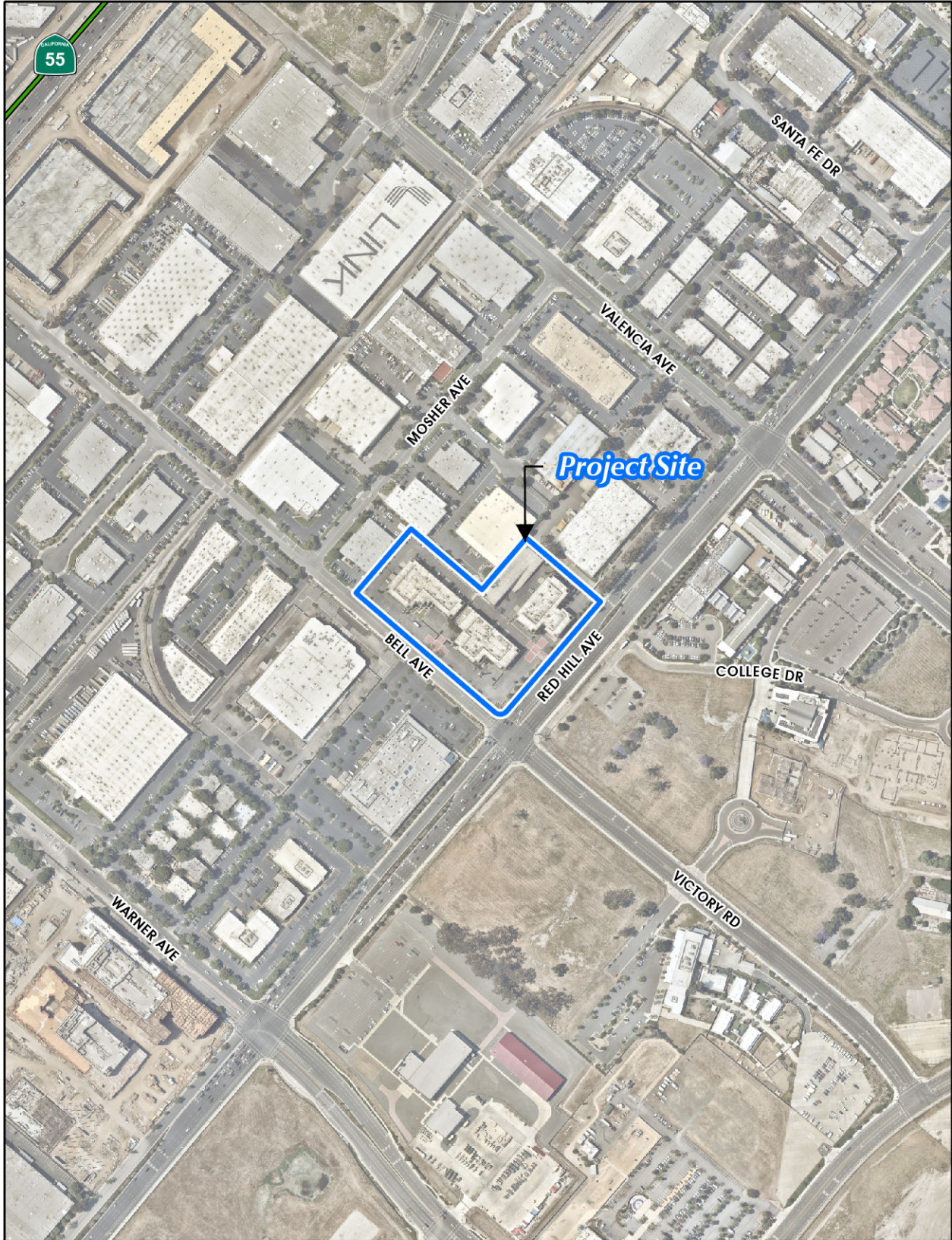


Source(s): ESRI, NearMap Imagery (June 2023), Orange County (2023)

Figure 2-1



Regional Location Map



Source(s): ESRI, NearMap Imagery (June 2023)

Figure 2-2



Project Vicinity Map



Planned Community district regulations. According to TCC Section 9244, the purpose of the Planned Community (PC) District designation is to “...allow diversification of the relationships of various buildings, structures and open spaces in planned building groups while ensuring substantial compliance with the district regulations and other provisions of [Chapter 2, *Zoning*, of the Tustin City Code].” (Tustin, 2023, Section 9244(a)).

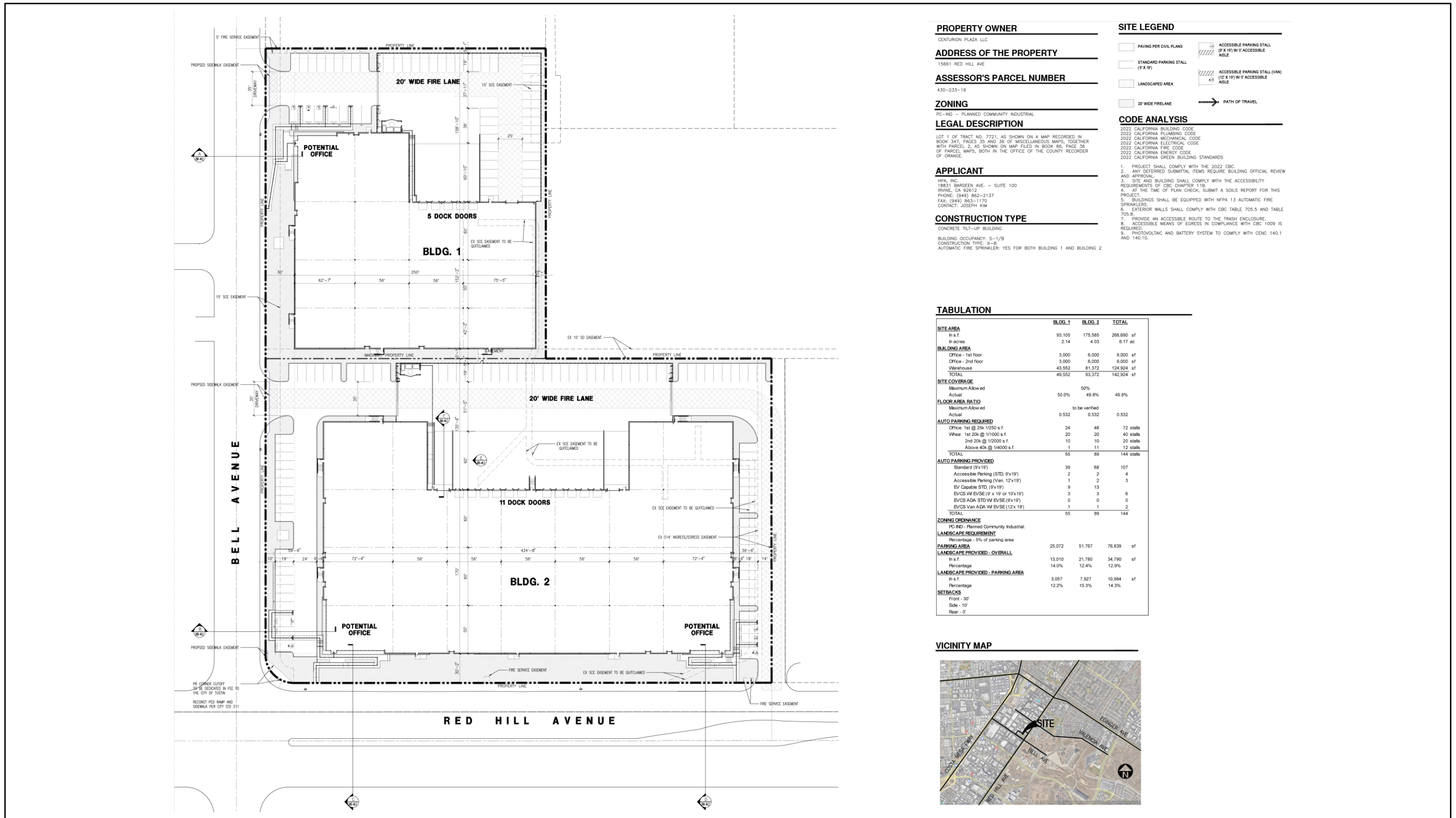
2.2 Proposed Project

The proposed Project consists of an application for Design Review No. 2023-0009 (DR-2023-0009). The Project would entail demolishing three existing office buildings and one parking structure located at 15621, 15641, and 15661 Red Hill Avenue to facilitate the construction of two new industrial buildings on the approximately 6.17-acre Project Site, as shown in **Figure 2-3, Site Plan, Figure 2-4, Conceptual Elevations – Building 1, Figure 2-5, Conceptual Elevations – Building 2, Figure 2-6, Conceptual Landscape Plan**, and **Table 2-1, Project Building Summary**, below.

Building 1, which is proposed in the northwestern portion of the Project Site, would include 3,000 s.f. of office space on the first floor, 3,000 s.f. of office space on the second floor, and 43,552 s.f. of warehouse space, with a maximum total building area of 49,552 s.f. Building 2, which is proposed in the eastern and southern portions of the Project Site, would include 6,000 s.f. of office space on the first floor, 6,000 s.f. of office space on the second floor, and 81,235 s.f. of warehouse space, with a maximum total building area of 93,372 s.f.

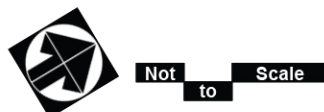
Proposed Building 1 would be oriented with five (5) dock doors located on the northwest side of the building with a maximum height of approximately 49 feet, 6 inches. Proposed Building 2 would be oriented with 11 dock doors located on the northwest side of the building with a maximum height of approximately 49 feet, 6 inches. The proposed Project would have a Lot Coverage of 49.8 percent, a Floor Area Ratio (FAR) of 0.531, a minimum 30-foot landscaped front (street side) setback, and a minimum 10-foot side setback, all in accordance with the City’s applicable development standards. The two proposed buildings would be constructed as a concrete tilt-up construction type, with architecture featuring a modern aesthetic including glazing with varied projections to provide depth and shadowing and points of visual interest. The Project would include improvements such as lighting, parking, perimeter and on-site landscaping, and signage. In addition, eight (8) foot-high metal fences are proposed around the truck docking courts in the northern portion of the Building 1 site and in the western portion of the Building 2 site to secure the truck courts. Eight-foot-high metal gates with Knox boxes would be installed for security at both entrances to the truck courts.

The Project’s proposed DR-2023-0009 would require discretionary approval from the City’s Planning Commission.

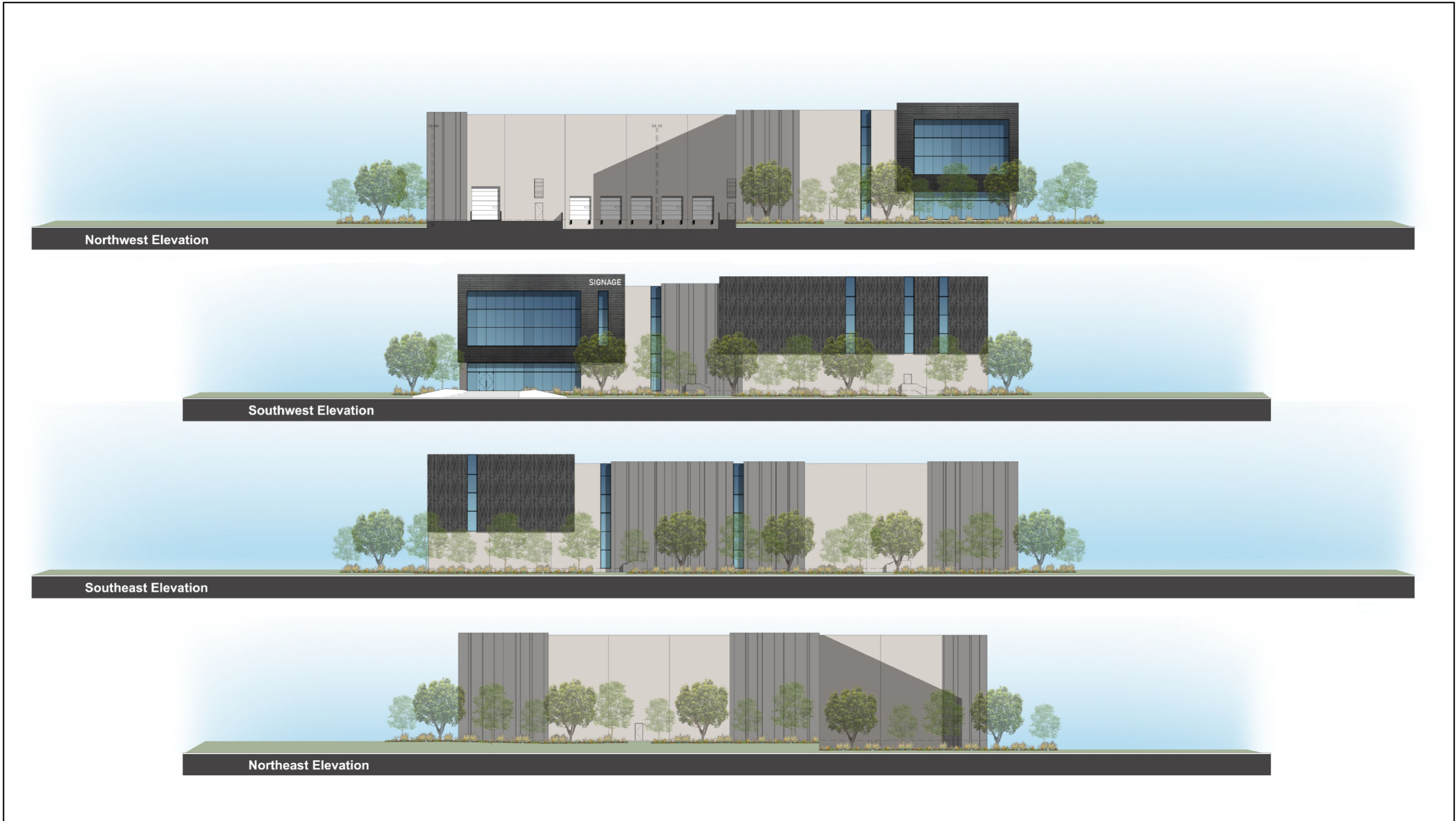


Source(s): HPA (April 2024)

Figure 2-3



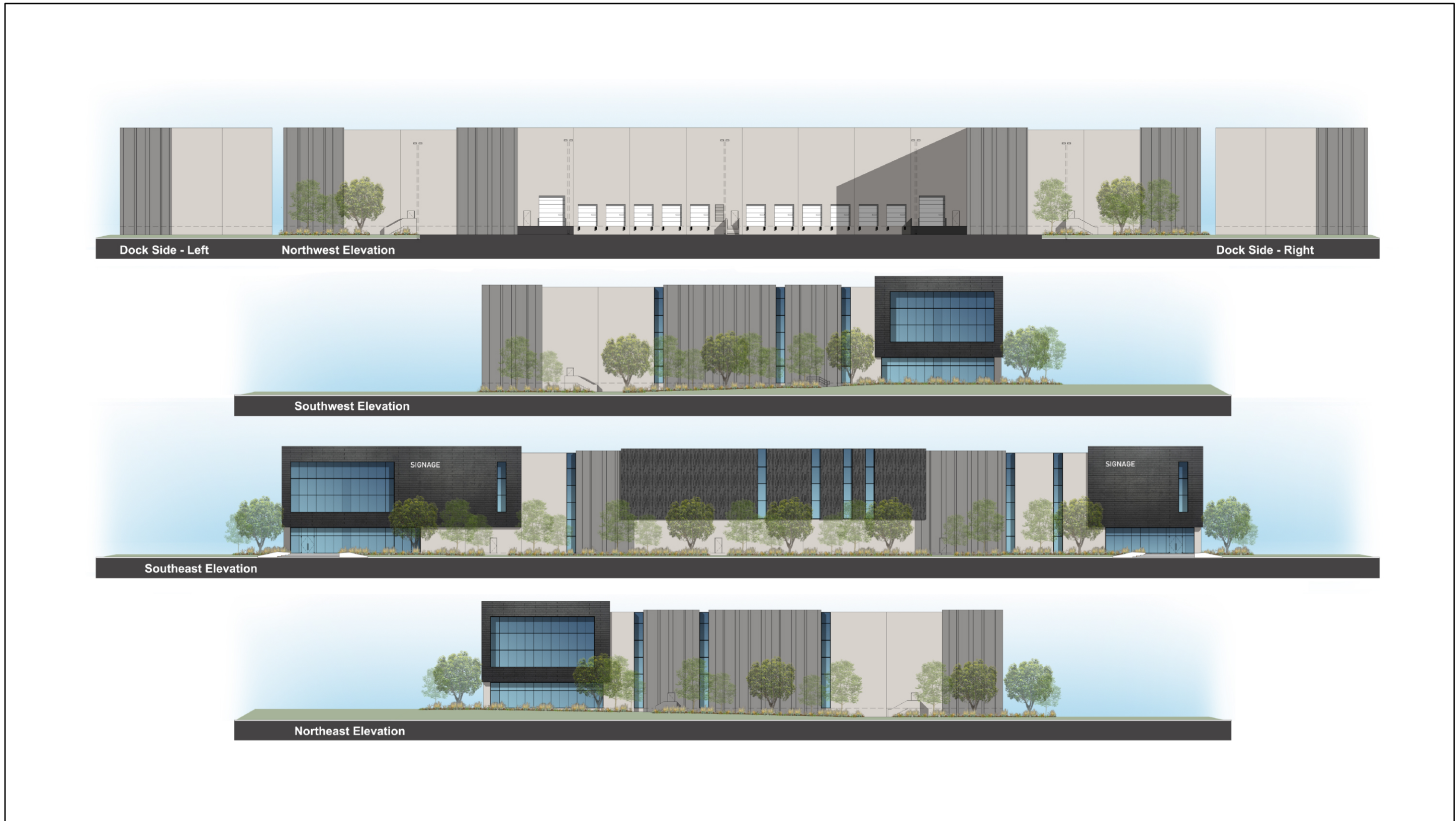
Site Plan



Source(s): HPA (01-12-2024)

Figure 2-4

Not to Scale



Source(s): HPA (01-12-2024)

Figure 2-5

Not to Scale

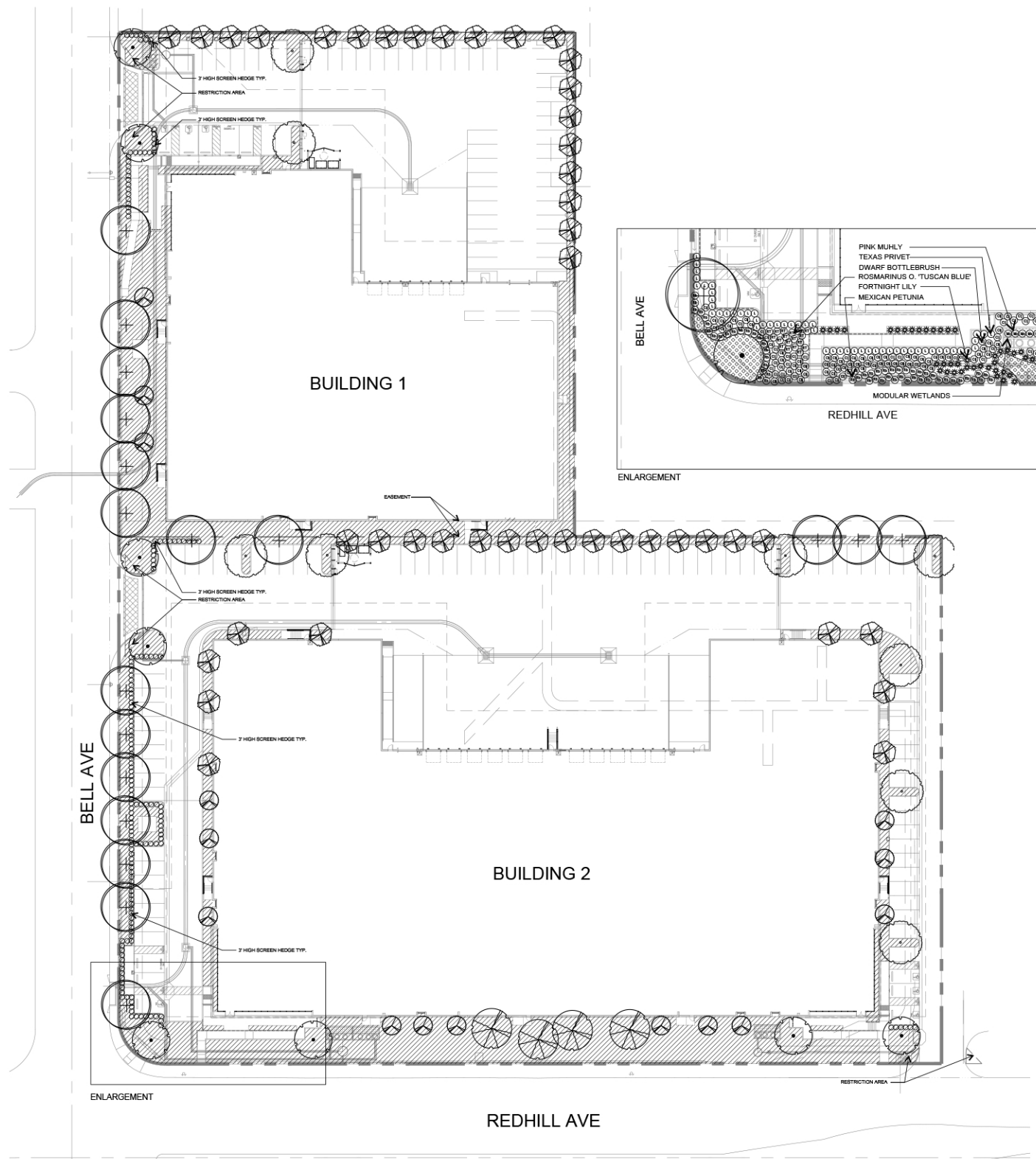
PLANTING LEGEND

TREES					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Lagerstroemia 'Muskogee' Crape Myrtle	24" Box	15	M	Multi
	Magnolia g. 'Samuel Sommer' Magnolia	24" Box	7	M	Standard
	Olea europaea Olive	48" Box	10	L	Multi
	Pistacia chinensis Chinese Pistache	24" Box	18	L	Standard
	Podocarpus gracilior Yew Pine	24" Box	9	M	Standard
	Tristania conferta Brisbane Box	15 Gal	17	M	Standard

SHRUBS				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	WUCOLS	SPACING
	Acca sellowiana Pineapple Gauva	5 Gal	L	3' OC
	Callistemon 'Little John' Dwarf Bottle Brush	5 Gal	L	3' OC
	Cistus 'Sunset Pink' Sunset Pink Rockrose	5 Gal	L	3' OC
	Elaeagnus pungens Silverberry	5 Gal	L	4' OC
	Ligustrum Texanum Texas Privet	5 Gal	M	3' OC
	Muhlenbergia capillaris Pink Muhly	5 Gal	M	3' OC
	Muhlenbergia rigens Deer Grass	5 Gal	L	4' OC
	Rhaphiolepis 'Springtime' Indian Hawthorn	5 Gal	L	3' OC
	Rosmarinus o. 'Tuscan Blue' Rosemary	5 Gal	L	3' OC
	Salvia greggii Autumn Sage	5 Gal	L	3' OC
	Salvia leucantha Mexican Sage	5 Gal	L	4' OC
	Westringia fruticosa Coast Rosemary	5 Gal	L	5' OC

ACCENTS				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	WUCOLS	SPACING
	Agave 'Blue Flame' Blue Flame Agave	5 Gal	L	3' OC
	Agave 'Blue Glow' Blue Glow Agave	5 Gal	L	3' OC
	Agave victoria-reginae Agave	5 Gal	L	3' OC
	Aloe striata Coral Aloe	1 Gal	L	2' OC
	Dasyliion wheeleri Desert Spoon	5 Gal	L	4' OC
	Echeveria 'Ruffles' Ruffles Echeveria	5 Gal	L	1' OC
	Hesperaloe parviflora Red Yucca	5 Gal	L	3' OC

GROUND COVER				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS
	Hemerocallis hybridus-Yellow Yellow Day Lily	1 Gal	24" O.C.	M
	Lonicera J. 'Halliana' Hall's Honeysuckle	1 Gal	48" O.C.	L
	Muhlenbergia capillaris Pink Muhly	1 Gal	36" O.C.	L
	Rosa 'Flower Carpet'-Red Red Flower Carpet Rose	1 Gal	30" O.C.	L
	Rosmarinus o. 'Huntington Carpet' Prostrate Rosemary	1 Gal	48" O.C.	L
	Sesleria autumnalis Moor Grass	1 Gal	18" O.C.	M
	Trachelospermum jasminoides Star Jasmine	1 Gal	24" O.C.	M



WATER EFFICIENT LANDSCAPE WORKSHEET BUILDING 1

Reference Evapotranspiration Rate (Eto): 55.1

Hydrozone # / Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area	ETAF x Area	Estimated Total Water Use (ETWU) Gallons per Year	Estimated Total Water Use (ETWU) Acre Feet per Year
Regular Landscape Areas Potable Water								
Hydrozone 1	0.3	Drip	0.9	0.33	5,204	1,735	48,000	0.15
Hydrozone 2	0.3	Rotary	0.75	0.40	7,740	3,096	33,730	0.10
Hydrozone 3	0.1	Bubbler	0.85	0.12	66	8	27	0.00
Totals					13,010	4,838	79,757	0.24
Maximum Allowed Water Allowance (MAWA)							200,001	0.61
Special Landscape Areas Recycled Water								
					1	-	-	0.00
					1	-	-	0.00
					1	-	-	0.00
Totals					3	-	-	0.00
ETWU Total							-	0.00
Maximum Allowed Water Allowance (MAWA)							-	0.00

ETAF Calculations

Regular Landscape Areas	4,838
Total ETAF x Area	13,010
Total Area	13,010
Average ETAF	0.371901

All Landscape Areas

Total ETAF x Area	4,838
Total Area	13,010
Sitewide ETAF	0.371901

Irrigation Efficiency

Drip Irrigation	0.81
Overhead Spray	0.75
Bubbler	0.75

WATER EFFICIENT LANDSCAPE WORKSHEET BUILDING 2

Reference Evapotranspiration Rate (Eto): 55.1

Hydrozone # / Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area	ETAF x Area	Estimated Total Water Use (ETWU) Gallons per Year	Estimated Total Water Use (ETWU) Acre Feet per Year
Regular Landscape Areas Potable Water								
Hydrozone 1	0.3	Drip	0.9	0.33	8,712	2,904	80,357	0.25
Hydrozone 2	0.3	Rotary	0.75	0.40	12,938	5,175	53,039	0.16
Hydrozone 3	0.1	Bubbler	0.85	0.12	130	15	52	0.00
Totals					21,780	8,094	133,448	0.41
Maximum Allowed Water Allowance (MAWA)							334,822	1.03
Special Landscape Areas Recycled Water								
					1	-	-	0.00
					1	-	-	0.00
					1	-	-	0.00
Totals					3	-	-	0.00
ETWU Total							-	0.00
Maximum Allowed Water Allowance (MAWA)							-	0.00

ETAF Calculations

Regular Landscape Areas	8,094
Total ETAF x Area	21,780
Total Area	21,780
Average ETAF	0.371648

All Landscape Areas

Total ETAF x Area	8,094
Total Area	21,780
Sitewide ETAF	0.371648

Irrigation Efficiency

Drip Irrigation	0.81
Overhead Spray	0.75
Bubbler	0.75

Interior lot line building 1 is 455 linear feet - 25:1 ratio = 18 trees are required, 22 trees are provided.
 Interior lot line building 2 is 853 linear feet - 25:1 ratio = 35 trees are required, 45 trees are provided.
 Total Parking Spaces = 113. Trees required at 1 tree per 5 parking spaces. 29 trees Required, 65 Trees Provided.
 WQMP - On-site water treatment per civil plans
 NOTE: All proposed trees on the project site will be a minimum size of 15 gallons, in accordance with City requirements.

TABULATION

LANDSCAPE AREA BY BUILDING TO BE MAINTAINED BY OWNER		
BUILDING 1	BUILDING 2	TOTAL
13,010 SF	21,780 SF	34,790 SF
PARKING LOT AREA		
BUILDING 1	BUILDING 2	TOTAL
25,072 SF	51,767 SF	76,839 SF
PARKING LOT LANDSCAPE AREA		
BUILDING 1	BUILDING 2	TOTAL
3,057 SF 12.2%	7,927 SF 15.3%	10,984 SF

Source(s): Hunter Landscape (02-20-2024)

Figure 2-6

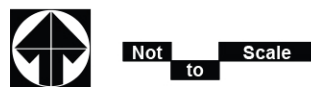




Table 2-1 Project Building Summary

Building	Site (s.f.)	Office 1 st Floor (s.f.)	Office 2 nd Floor (s.f.)	Warehouse (s.f.)	Total Building (s.f.)	Dock Doors	Landscaping (s.f.)	Landscaping (% of site)
Building 1	93,105	3,000	3,000	43,552	49,552	5	13,010	14.0%
Building 2	175,585	6,000	6,000	81,235	93,372	11	21,780	12.4%

ACCESS AND PARKING

Vehicular access to the Project Site would consist of two full-access driveways on Bell Avenue (one each for Building 1 and Building 2) and a single right-in/right-out driveway on Red Hill Avenue. Both full access driveways along Bell Avenue would be 35 feet in width, while the driveway along Red Hill Avenue would measure 28 feet in width. Passenger vehicles would have the option to access the Project Site via any of the three driveways, while trucks would be restricted to accessing the Project Site from one of the two 35-foot-wide, full-access driveways on Bell Avenue. All Project driveways would be unsignalized. Parking for automobiles, including standard, accessible, and electrical vehicle (EV) capable stalls, would be provided in accordance with the applicable code requirements. Automobile and trailer parking details, including parking requirements, are provided in **Figure 2-2, Project Parking Summary**, below.

Table 2-2 Project Parking Summary

Parking Provided							Parking Required
Standard Auto Parking	Van Accessible Parking	Standard Accessible Parking	EV Capable Van Accessible	EV Capable Standard Space	EV Capable Space w/Chargers	Total Auto Parking Provided	Total Auto Parking Required
107	3	4	2	22	6	144	144

LANDSCAPING

As shown in **Figure 2-6**, proposed landscaping would cover approximately 34,790 s.f. of the Project Site, which equates to approximately 12.9 percent of the site area. Proposed landscaping is ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers. Landscaping would be installed in all areas not devoted to buildings, parking, vehicle movement, and specific user requirements, in accordance with the City’s PC District landscaping standards, which specify landscape design guidelines (Tustin, 2008). The development standards set forth therein require the entire building setback to be landscaped, except for any driveways located within the setback areas.

CONSTRUCTION AND PHASING

Based on information provided by the Project Applicant, construction of the Project is expected to occur over a duration of approximately 14 months. Construction would be completed in one (1) phase. Project construction would begin with demolition, followed by site preparation, mass-grading, and installation of underground infrastructure. Next, fine grading would occur, surface materials would be poured, the proposed buildings would be erected, connected to the underground utility system, and painted. Lastly, landscaping, fencing, screen walls, lighting, signage, and other site improvements would be installed. Total



grading for the proposed Project is estimated to require 9,200 cubic yards (CY) of cut and 9,200 CY of fill; earthwork is expected to balance on-site, with no import or export of soil material required.

During construction, a temporary construction trailer, construction equipment, and worker parking would be staged fully on-site with no encroachment into the public right-of-way. Consistent with industry standards and typical construction practices, each piece of equipment is reasonably expected to operate up to a total of eight hours per day (Urban Crossroads, 2023a, p. 3). In accordance with TCC Section 4617(e), Project construction activity would be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturdays, excluding City-observed federal holidays unless otherwise approved by the City of Tustin (Tustin, 2023).

OPERATIONS

At this time, the future occupant(s) of the Project's buildings are speculative. The Project Applicant expects that the proposed buildings would operate as general indoor storage facilities; no outdoor materials storage is proposed for the Project Site and no cold storage is proposed. The Project is assumed to be operational 24 hours per day, seven days per week, with exterior loading and parking areas illuminated at night. Exterior lighting would be subject to compliance with the TCC.

The buildings are designed such that business operations would be conducted within the enclosed buildings, with the exception of vehicle movement, parking, and the loading and unloading of tractor trailers at designated loading bays. Five dock doors are proposed on the northwest side of Building 1 and 11 dock doors are proposed on the northwest side of Building 2. As a practical matter, dock doors on warehouse buildings are not occupied by a truck at all times of the day. There are typically more dock positions on warehouse buildings than are needed for receiving and shipping volumes. The dock doors that are in use at any given time usually are selected based on interior building operation efficiencies. Trucks ideally dock in the position closest to where the goods carried by the truck are stored inside the warehouse. As a result, many dock positions are frequently inactive throughout the day. Outdoor cargo handling equipment that may be used during the loading and unloading of trailers (e.g., yard trucks, hostlers, yard goats, pallet jacks, forklifts) is expected to be non-diesel powered.

A total of 688 vehicle trips (650 passenger vehicle trips and 38 truck trips) are expected to occur on a daily basis as part of the Project's operation (Urban Crossroads, 2023b, Table 3). When applying passenger car equivalent (PCE) factors to the truck trips, the Project is calculated to generate a daily total of 764 PCE trips. PCE factors convert truck trips to an equivalent number of passenger vehicle trips based on the length of 2-axle, 3-axel, and 4-axel trucks, and the time it takes each type of truck to pass through an intersection (the expected 38 daily truck trips would be equivalent to 114 passenger vehicle trips (650 passenger vehicle trips + 114 PCE truck trips = 764 total PCE trips per day) (Urban Crossroads, 2023b, p. 4 and Table 3). Pursuant to State law, on-road diesel-fueled trucks that access the Project Site are required to comply with various air quality and greenhouse gas emission standards, including but not limited to the type of fuel used, engine model year stipulations, aerodynamic features, and idling time restrictions. Compliance with State law is mandatory and inspections of on-road diesel trucks subject to applicable State laws are conducted by the California Air Resources Board (CARB).



REQUIRED PERMITS

The City of Tustin is the Lead Agency under CEQA and is responsible for reviewing and approving this IS/MND. As part of the proposed Project's implementation, the City will also consider the Design Review (DR) for approval.

Additional permits would be required for the proposed Project which would include but not be limited to the following: the issuance of a demolition permit, encroachment permits for modified driveways, grading permits, building permits, and permits for new utility connections. These additional permits are considered ministerial, and thus the issuance of these permits would not trigger the need to further comply with CEQA/discretionary permits or approvals. Also, development of the proposed Project does not require the issuance of any additional discretionary permits from any other federal, State, or local agencies.

REGULATORY REQUIREMENTS/PROJECT DESIGN FEATURES

Regulatory Requirements (RRs) are mandatory requirements imposed by federal, State, or local laws for the purpose of environmental protection in whole or in part. Project Design Features (PDFs) are a list of construction features or produced documents/plans being preemptively incorporated into the development of the Tustin Platform Project by the Project Applicant, independent of any (1) conditions of approval required by the City or (2) mitigation measures included in the Mitigation Monitoring & Reporting Program (MMRP) required to mitigate any Project-specific impacts to a less-than-significant level. These PDFs are included in order to ensure a safe and successful Project upon completion. The proposed Project includes the following RRs and PDFs:

Regulatory Requirements

RR-1: South Coast Air Quality Management District (SCAQMD) Rules 402 and 403. Prior to issuance of grading permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with SCAQMD's Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to the following:

- Portions of a construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized.
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.
- All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.
- Where vehicles leave a construction site and enter adjacent public streets, the streets shall be swept daily or washed at the end of the work day to remove soil tracked onto the paved surface.



- RR-2: SCAQMD Rule 1113.** The Project Applicant shall require by contract specification that the interior and exterior architectural coatings (paint and primer including parking lot paint) products used would comply with SCAQMD Rule 1113 which requires building envelope coatings to have a volatile organic compound (VOC) rating of 50 grams per liter or less.
- RR-3: SCAQMD Rules 431.2 and 1186.1.** The Project Applicant shall require by contract specification compliance with applicable SCAQMD rules for construction activities on the Project Site that include but are not limited to: Rule 431.2 (Low Sulfur Fuel) and Rule 1186 / 1186.1 (Street Sweepers).
- RR-4: Title 13, California Code of Regulations, Section 2249.** The Project Applicant shall require by contract specification that all diesel-powered construction equipment is required to be turned off when not in use.
- RR-5: Article 9, Chapter 7, Tustin City Code.** Water-efficient irrigation systems and devices are required to be installed, such as soil moisture-based irrigation controls and sensors for landscaping according to the City's Water Efficient Landscape requirements.
- RR-6: CALGreen Part 6.** The Project is required by applicable provisions of the State Building Standards Code, Title 24, Energy Efficiency Standards for Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6) to incorporate improved energy efficiency technologies and methods. Title 24, Energy, Section 110.10 requires buildings to be designed to have 15 percent of the roof area "solar ready", such that it will structurally accommodate later installation of rooftop solar panels. If future building operators were to pursue providing rooftop solar panels, they would submit plans for solar panels prior to occupancy.
- RR-7: CALGreen Part 11.** The Project is required by applicable provisions of the State Building Standards Code (CALGreen) to achieve the following:
- Design buildings to be water-efficient. Install water-efficient fixtures in accordance with Section 5.303 (nonresidential) of the California Green Building Standards Code Part 11.
 - Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 (nonresidential) of the California Green Building Standards Code Part 11.
 - Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 5.410 (Building Maintenance and Operation) of the California Green Building Standards Code Part 11.
 - Provide designated parking for any combination of low-emitting, fuel efficient and carpool/van pool vehicles. At least eight percent of the total parking spaces are required to be designated in accordance with Section 5.106.5.2 (nonresidential), Designated Parking for Clean Air Vehicles, of the California Green Building Standards Code Part 11.



- To facilitate future installation of electric vehicle supply equipment (EVSE), nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.

RR-8: Migratory Bird Treaty Act. In accordance with the federal Migratory Bird Treaty Act and prior to the issuance of grading permits and/or an action that would result in Project Site disturbance (whichever occurs first), including but not limited to discing and demolition activities, the Project Applicant shall submit evidence to the City of Tustin that a preconstruction nesting bird survey has been conducted prior to any ground disturbing activities and removal of vegetation or other potential nesting habitat during the nesting period (generally February 1 to August 31). If birds are found to be nesting inside or within 250 feet (500 feet for raptors) of the impact area, a qualified biologist will have the authority to pause construction activities in the buffer area until it is determined that the nests are no longer active.

RR-9: California Health and Safety Code Section 7050.5(b). In the event that human remains (or remains that may be human) are discovered at the Project Site during grading or earthmoving, all construction activities will be required to stop within 100 feet of the find. The County Coroner is required to be called to the site to examine the remains as required by Section 7050.5 until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the Project Applicant shall comply with the State requirements relating to the disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code (PRC) Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. Disposition of the remains shall be overseen by the MLD to determine the most appropriate means of treating the human remains and any associated grave artifacts.

RR-10: SCAQMD Rule 1403. If asbestos containing materials (ACCMs) are discovered during building demolition, SCAQMD Rule 1403 is required to be followed which includes mandatory survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities. Rule 1403 requires notification to the SCAQMD prior to commencing any demolition activities. Rule 1403 also sets forth specific procedures for the removal of asbestos and requires that an on-site representative trained in the requirements of Rule 1403 be present during the stripping, removing, handling, or disturbing of ACCM.

RR-11: NPDES Permit. The Project is required to comply with the provisions of the applicable National Pollutant Discharge Elimination System (NPDES) permit, and the Project's Storm Water Pollution Prevention Plan (SWPPP). Compliance with the NPDES permit and the SWPPP would identify and ensure implementation of an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate discharge to surface water from stormwater and non-stormwater discharges.



- RR-12: Occupational Safety and Health Administration (OSHA) Requirements.** All construction contractors are required to comply with applicable regulations and requirements promulgated by federal OSHA requirements.
- RR-13: Title 22, Division 4.5 of the California Code of Regulations.** Household hazardous waste, including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other chemicals, is required to be disposed of at a Household Hazardous Waste Collection Facility.
- RR-14: Chapter 6, Noise Control, TCC.** Project construction and operation is required to comply with the provisions of Chapter 6, Noise Control, City of Tustin Noise Ordinance, which sets forth noise levels that cannot be exceeded based on the land use type.
- RR-15: Section 9271(hh), Lighting, TCC.** Project construction and operation is required to conform to the City's lighting standards. Outdoor lighting is required to be designed so as to minimize impacts from light pollution, including light trespass and glare, to minimize conflict caused by unnecessary illumination. Outdoor lighting fixtures that are used to illuminate an area, architectural feature, or landscape feature on private property are required to be directed, shielded, or located in such a manner that the light source is not directed off-site.
- RR-16: Article 7, Chapter 3, Trees and Shrubs (Sections 7303, 7308, and 7309), TCC.** Prior to removal of any trees or shrubs within the public right-of-way, the Project proponent shall obtain written approval from the City of Tustin Manager of Field Services. Prior to issuance of building permits, the City shall review proposed landscaping plans to ensure that all trees proposed within the public right-of-way are fully consistent with the Master Tree Plan adopted by resolution of the City Council. Prior to issuance of occupancy permits, the required trees within the public right-of-way shall be in place.

Project Design Features

- PDF-1: Compliance with Geotechnical Recommendations.** The Project Applicant shall require by contract specification that construction contractors adhere to the recommendations provided in the Geotechnical Investigation prepared for the Project by Southern California Geotechnical (June 2023), or the recommendations of an updated geotechnical investigation as may be required in conjunction with grading permit issuance.
- PDF-2: Use of Non-Diesel Outdoor Cargo Handling Equipment.** All on-site outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be required to be powered by electricity, and an appropriate number of charging stations for the on-site equipment shall be accommodated on-site. This requirement shall be specified in all future tenant lease agreements for future buildings on the Project Site.



3.0 INITIAL STUDY CHECKLIST

1. **Project title:**
Platform Tustin
2. **Lead Agency name and address:**
City of Tustin
300 Centennial Way
Tustin, CA 92780
3. **Contact person and phone number:**
Jose Jara, Assistant Planner
(714) 573-3136
4. **Project location:**
The Project Site is located at 15621, 15641, and 15661 Red Hill Avenue in Tustin, California, which is located in the central portion of Orange County. The Project Site is located approximately 1.97 miles northwest of SR-261, approximately 0.44 miles southeast of SR-55, and approximately 1.72 miles southwest of the I-5 freeway. (APN) 430-233-19.
5. **Project Applicant's/Sponsor's name and address:**
Mike Moshayedi
Centurion Plaza, LLC
36 Deep Sea
Newport Beach, CA, 92657
6. **General Plan designation:**
Current: Planned Community Commercial/Business (PCCB)
Proposed: No change
7. **Zoning Designation:**
Current: Planned Community Industrial (PC IND)
Proposed: No change
8. **Other public agencies whose approval is required:**
The City of Tustin has primary approval responsibility for the proposed Project. As such, the City is the Lead Agency for this MND pursuant to CEQA Guidelines Section 15050. The City's Community Development Director will consider the information contained in this MND and this MND's Administrative Record in their decision-making processes. In the event of approval of the Project and this MND, the City would conduct administrative reviews and issue ministerial permits to implement the Project. A list of the primary actions under City jurisdiction and the jurisdiction of other agencies is provided in **Table 3-1, Other Permits and Approvals**. This MND covers all federal, State, local government and quasi-government approvals which may be needed to construct or implement the Project, whether or not they are explicitly listed in **Table 3-1**, or elsewhere in this MND (CEQA Guidelines Section 15124(d)).



Table 3-1 Other Permits and Approvals

Agency	Permit or Approval
City of Tustin Building Division	Demolition Permits, Grading Permits, Building Permits
City of Tustin Engineering Division	Encroachment Permits, Storm Drain Connection approval.
City of Tustin Planning Division	Design Review (DR) approval and Mitigated Negative Declaration (MND) approval.
Fire Protection District	Building plan check and approval. Review for compliance with 2022 California Fire Code, 2022 California Building Code, California Health & Safety Code and Tustin City Code. Plans for fire detection and alarm systems and automatic sprinklers.
Irvine Ranch Water District (IRWD)	Letter of authorization/consent for proposed improvements to provide water supply connection and sewer connection to new development.
Southern California Edison Company (SCE)	Letter of authorization and consent for proposed improvements to provide electrical supply connection to new development and undergrounding of lines.
Regional Water Quality Control Board	Issuance of a National Pollutant Discharge Elimination System Permit (NPDES).

9. Project Summary:

The proposed Project consists of an application for DR 2023-0009. The Project would entail demolishing three existing office buildings and one parking structure located at 15621, 15641, and 15661 Red Hill Avenue to facilitate the construction of two new industrial buildings on the approximately 6.17-acre Project Site. Proposed Building 1, which is proposed in the northwestern portion of the Project Site, would include 3,000 s.f. of office space on the first floor, 3,000 s.f. of office space on the second floor, and 43,552 s.f. of warehouse space, with a maximum total building area of 49,552 s.f. Building 2, which is proposed in the eastern and southern portions of the Project Site, would include 6,000 s.f. of office space on the first floor, 6,000 s.f. of office space on the second floor, and 81,235 s.f. of warehouse space, with a maximum total building area of 93,372 s.f. Proposed Building 1 would be oriented with five dock doors located on the northwest side of the building with a maximum height of approximately 49 feet, 6 inches. Proposed Building 2 would be oriented with the 11 dock doors located on the northwest side of the building with a maximum height of approximately 49 feet, 6 inches. The two proposed buildings would be constructed as a concrete tilt-up construction type, with architecture featuring a modern aesthetic including glazing with varied projections to provide depth and shadowing and points of visual interest. The Project would include improvements such as perimeter fencing, lighting, parking, perimeter and on-site landscaping, and signage. In addition, eight-foot-high metal fences are proposed around the truck docking courts in the western portion of the Building 1 site and in the northwestern and western portion of the Building 2 site to secure the truck courts. Eight-foot-high metal gates with knock boxes would be installed for security at both entrances to the truck courts.

10. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to PRC Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?



NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC Section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's (NAHC) Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC Section 21082.3(c) contains provisions specific to confidentiality.

The City initiated tribal consultation with interested California Native American tribes consistent with AB52. On August 7, 2023 the City initiated tribal consultation with interested California Native American tribes consistent with AB52. The City requested consultation from the following tribes:

1. Campo Band of Diegueno Mission Indians
2. Ewiiapaayp Band of Kumeyaay Indians
3. Gabrieleño Band of Mission Indians – Kizh Nation
4. Gabrieleño/Tongva San Gabriel Band of Mission Indians
5. Gabrieleño/Tongva Nation
6. Gabrieleño Tongva Indians of California Tribal Council
7. Gabrieleño-Tongva Tribe
8. Juaneño Band of Missions Indians, Acjachemen Nation – Belardes
9. Juaneño Band of Mission Indians Acjachemen Nation 84A
10. La Posta Band of Diegueno Mission Indians
11. Manzanita Band of Kumeyaay Nation
12. Mesa Grande Band of Diegueno Mission Indians
13. Pala Band of Mission Indians
14. Santa Rosa Band of Cahuilla Indians
15. Soboba Band of Luiseno Indians

Gabrieleño Band of Mission Indians – Kizh Nation responded to the City's letter and requested consultation and specific mitigation measures, as shown in Section 5.18, Tribal Cultural Resources. The balance of the consulted tribes did not respond. The City accepted the recommendations and closed consultation in December 2023. Refer to Section 5.18, Tribal Cultural Resources of this document for additional information.



Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION:

On the basis of this initial evaluation (check one):

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

CERTIFICATION:


Signature

4/11/2024
Date



4.0 ENVIRONMENTAL ANALYSIS

4.1 Aesthetics

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Regional Context

The City of Tustin is in central Orange County. The City is located on both the coastal plain and in the Santiago Foothills. I-5 bisects the City into north and south, and SR-55 divides the westerly portion of the City. The City is composed of commercial, industrial, and residential developments, and encompasses approximately 11.2 square miles, plus an additional 6.2 square miles within the City’s Sphere of Influence (SOI). Of this land area, 171.4 acres (including 15.0 acres in the City’s SOI) are designated for industrial uses. Tustin is bordered by the City of Orange and unincorporated County of Orange area to the north; the City of Irvine to the south; the City of Irvine and unincorporated County of Orange territory to the east; and the City of Santa Ana to the west.

Project Site

The Project Site consists of one L-shaped lot, measuring approximately 6.17 acres in size, that fronts Bell Avenue and Red Hill Avenue. The Project Site is located in an infill industrial and commercial area and is bounded by commercial and industrial/office buildings to the north, northeast, and west, and vacant land to the south and southeast. 15621 Red Hill Avenue is a 41,085 square foot, multi-tenant office building that is situated on the northeast portion of the lot. 15661 Red Hill Avenue is a 47,782 square foot, multi-tenant office building that is situated on the southern portion of the lot. 15641 Red Hill Avenue is a 50,311 square foot, multi-tenant office building that is situated on the western portion of the lot. On-site vegetation consists of landscaped ornamental vegetation found on the perimeter of the Project Site, along the parking aisles, and along the perimeter of the buildings. No natural habitats exist on-site.



Scenic Views

Scenic vistas generally are described in two ways: (1) panoramic views (visual access to a large geographic area, for which the field of view can be wide and extend into the distance); and (2) focal views (visual access to a particular object, scene, or feature of interest). The City of Tustin General Plan Conservation/Open Space/Recreation Element does not officially designate any scenic vistas near the Project Site; however, Peters Canyon Ridgeline, located approximately 4.9 miles northwest of the Project Site, is listed as a scenic resource (Tustin, 2017, p. 66 and Figure COSR-4).

A wide variety of natural and open space resources are found in Tustin due to its location on both the coastal plain and the Santiago Foothills. Views of the Pacific Coast and Saddleback Mountains are visible from the hillside areas.

Scenic Highways

The California Department of Transportation (Caltrans) manages the State Scenic Highway Program, established in 1963 through Senate Bill 1467, Streets and Highways Code, Sections 260 through 263, which is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. Scenic corridors consist of land that is visible from, adjacent to, and outside the highway right-of-way, and is composed primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries. Scenic highways are classified as either Officially Designated or Eligible for designation, and Caltrans maintains the lists of these highways (Caltrans, 2021).

No highways within the City are officially designated or are eligible for designation as State or county scenic highways. The closest officially-designated State scenic highway is a portion of SR-91, located approximately 8.8 miles north of the Project Site. The closest State eligible scenic highway is a portion of SR-1, located approximately 7.6 miles southeast of the Project Site (Caltrans, 2021).

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

Less-Than-Significant Impact. Scenic resources visible, or at least partially visible, from public viewpoints adjacent to the Project Site include the Santa Ana Mountains, located approximately 9.5 miles east, and the San Joaquin Hills, located approximately 6.7 miles south, both of which are partially visible from Red Hill Avenue. Under existing conditions, views of the Santa Ana Mountains to the west and the San Joaquin Hills to the south are partially obscured from this public viewing area due to intervening development and landscaping, topography, and atmospheric haze that is common throughout the year.

The Project would involve the demolition of three existing two-story buildings and one two-story parking garage, and the construction of two warehouse buildings of a similar height to the existing two-story office buildings. The Project's proposed buildings would be located to the north and northwest of Red Hill Avenue, and would have no potential to obstruct views to the south and east. Views of the Santa Ana Mountains and San Joaquin Hills that are available from the public right-of-way on Red Hill Avenue under existing conditions would not be obstructed by



redevelopment on the Project Site as proposed by the Project. Accordingly, Project impacts to scenic vistas would be less-than-significant.

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

No Impact. The Project Site is not located within or adjacent to an officially designated State scenic highway corridor and does not contain scenic resources, such as trees of scenic value, rock outcroppings, or historic buildings. As described above, the closest officially-designated State scenic highway is a portion of SR-91, located approximately 8.8 miles north of the Project Site. The closest State-eligible scenic highway is a portion of SR-1, located approximately 7.6 miles southeast of the Project Site (Caltrans, 2021). Therefore, the proposed Project would not substantially damage scenic resources within a State scenic highway. Due to distance and intervening topography, development, and landscaping, the Project Site is not visible from the portions of SR-91 and SR-1 that are classified as State-designated or -eligible scenic highways. No impact would occur.

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

No Impact. The United States Census Bureau defines “urbanized area” as a densely settled core of census tracts and/or census blocks that have 50,000 or more residents and meet minimum population density requirements while also being adjacent to territory containing non-residential urban land uses. The Project Site is located within the boundaries of the Census-defined “Los Angeles-Long Beach-Anaheim, CA 51445” urbanized area (USCB, 2012); therefore, the Project would be considered to result in a significant adverse impact under this threshold only if the Project design would conflict with applicable zoning and other regulations governing scenic quality.

The Project’s design, including site layout, architecture, and landscaping, is discussed in detail in Section 2.0, *Description of Proposed Project*. As previously described, and shown in **Table 4-1, PC District Regulations**, the proposed Project is consistent with the PC District Regulations (Tustin, 2008), would have a FAR of 0.532, a minimum 30-foot landscaped front (street side) setback, and a minimum 10-foot side setback. Landscaping would cover approximately 34,790 s.f. of the Project Site, and 144 parking stalls would be provided. The Project’s architecture plan incorporates a neutral color palette that would not be visually offensive, and also incorporates accent elements, such as colored glass and decorative building elements, for visual interest. Additionally, the Project’s landscape plan incorporates low-water-need plant species that can maintain vibrancy during drought conditions. The proposed visual features of the Project would ensure a high-quality aesthetic for the site. While the visual character of the Project Site would change slightly, the Project would be consistent with the land use and zoning identified for the Project Site (see Section 4.11, *Land Use and Planning*). Further, the Project would be consistent



with the PC District Regulations, which provide standards for site density, setbacks, building height, landscaping, and other features related to the character of the Project (Tustin, 2008). Accordingly, the Project as designed would not conflict with any applicable zoning or other regulations governing scenic quality. No impact would occur.

Table 4-1 PC District Regulations

Regulation	PC District	Project	Consistent?
Front Yard Setback	30 feet	30 feet	Yes
Side Yard Setback	10 feet	10 feet	Yes
Rear Yard Setback	None	0 feet	Yes
Maximum Site Coverage	50% coverage	49.8% coverage	Yes
Parking Required	144 spaces	144 spaces	Yes

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

Less-Than-Significant Impact. Existing sources of light and glare in the immediate Project area include streetlights and outdoor safety and security lighting associated with adjacent developments, as well as lighting on the Project Site for the two existing office buildings and parking structure.

Short-Term Construction Impacts

In accordance with Tustin City Code (TCC) Section 4617(e), Project construction activity would be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturdays, excluding City-observed federal holidays (unless otherwise approved by the City of Tustin). If the Project Applicant receives express permission from the City to pour concrete at night, lighting would be of a short duration only occurring during the pouring activity, and pursuant to TCC Section 9271(hh), such nighttime lighting would be required to be directed to the work area to prevent significant lighting impacts on adjacent properties. Therefore, less-than-significant short-term impacts associated with light and glare would occur.

Long-Term Impacts

The Project would include on-site safety and security lighting. Consistent with Section 9271(hh) of the TCC, all outdoor lighting would be designed to minimize impacts from light pollution, including light trespass and glare, to minimize conflict caused by unnecessary illumination. Furthermore, all outdoor lighting fixtures that would be used to illuminate the premises, architectural features, or landscape features would be directed, shielded, or located in such a manner that the light source would not be directed off-site. Thus, all exterior lighting would be directed or shielded to prevent light trespassing onto nearby properties. Additionally, the Project would use a variety of non-reflective building materials, and although some new reflective improvements (i.e., windows and building front treatments) would be introduced to the Project Site, the Project would not be a source of glare in the Project area. Therefore, long-term impacts associated with light and glare would be less-than-significant.

**Cumulative Impacts**

The potential aesthetic impacts related to views and aesthetics are generally site/project-specific. As discussed above, Project-related impacts to scenic vistas would be less-than-significant, and the proposed Project would not result in any impacts to on-site visual resources because no scenic resources occur on-site under existing conditions. In addition, the proposed Project would also be consistent with the land use and development regulations contained in the Tustin City Code. Lighting and sources of glare, while not always site-specific, would be consistent with the majority of the surrounding urban area and would be used during similar hours as surrounding uses, and would be required to be designed to prevent lighting sources from illuminating off-site areas. While the proposed Project in conjunction with past, present, and reasonably foreseeable development would change the appearance of the site and surrounding area, future development projects would be expected to be conditioned to follow applicable local planning and design guidelines regarding building design, including materials, coloration, and landscaping. Therefore, aesthetic impacts are not expected to be cumulatively considerable, and impacts would be less-than-significant.



4.2 Agriculture And Forestry Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
2. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Agricultural Resources

Prior to the Project Site being developed in the mid-1980s, the site consisted of vacant, undeveloped land, possibly used for agricultural purposes (EMS, 2023a, n.p.). According to the California Department of Conservation, Important Farmland Finder, the Project Site is designated as Urban and Built-Up Land. The nearest area designated as either Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is located approximately 2.4 miles southwest of the Project Site. The Project Site is not subject to a Williamson Act contract (CDC, 2022a).

Forestry Resources

The Project Site consists of an approximately 6.17-acre parcel located in a developed area in the City of Tustin. The Project Site is currently developed with three, two-story multi-tenant office buildings totaling



139,178 s.f., and one 17,064 s.f. two-story parking garage. On-site vegetation consists of landscaping along the perimeter of the site, within parking areas, and around the existing buildings. No natural habitat exists on the Project Site. The Project Site does not meet the definition of lands designated as forestland or timberland as defined by PRC Sections 12220(g), 4526, and 51104(g).

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?***
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?***
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?***
- d) Result in the loss of forest land or conversion of forest land to non-forest use?***
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use?***

No Impact (a-e). As stated above, the Project Site is not being used for agricultural purposes and has not been an agricultural use since at least the mid-1980s. The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-farmland, and the Project Site is not subject to a Williamson Act Contract. The Project Site is zoned PC IND, which is not an agricultural zoning classification. Implementation of the Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). Further, the Project would not involve any changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses, or conversion of forest land to non-forest uses. No impacts related to the loss of farmland or forest land would occur.

Cumulative Impacts

The Project Site does not contain any Farmland as defined by CEQA Guidelines Appendix G Section II(a), and the Project would not result in the conversion of any Farmland to non-agricultural use. The Project Site is not zoned for agricultural use, is not used for agricultural production under existing conditions, and is not subject to any Williamson Act contracts. Under existing conditions, there are no off-site properties in the vicinity of the Project Site that comprise agriculturally-zoned property. The Project Site and the surrounding areas are not zoned for forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). Therefore, the Project would not contribute to a cumulatively-considerable impact due to the conversion of Farmland to non-agricultural use, due to a conflict with existing agricultural zoning, due to a conflict with a Williamson Act contract, due to the conversion of forest land to non-forestry uses, or due to a conflict with existing zoning for forest land, timberland, or Timberland Production.



4.3 Air Quality

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

An Air Quality and Greenhouse Gas Assessment was prepared for the Project by Urban Crossroads, Inc. to evaluate potential criteria and hazardous air pollutant emissions that could result from the Project’s construction and operations. This report is included as *Appendix A* to this IS/MND and the findings are incorporated into the analysis presented herein.

Air Pollutants of Concern

The federal government and State of California have established maximum permissible concentrations for common air pollutants that may pose a risk to human health or would otherwise degrade air quality and adversely affect the environment. These regulated air pollutants are referred to as “criteria pollutants.”

The criteria pollutants include ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter smaller than 10 microns (PM₁₀), and particulate matter smaller than 2.5 microns (PM_{2.5}). Although not a criteria pollutant, reactive organic gases (ROGs), or volatile organic compounds (VOCs), are a family of hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. Both VOCs and ROGs are precursors to ozone and contribute to the formation of smog through atmospheric photochemical reactions.

Toxic Air Contaminants

According to the California Health and Safety Code, Section 39655, a toxic air contaminant (TAC) is "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health." The California Air Resources Board (CARB) has identified approximately 200 pollutants as air toxins for which CARB is responsible for identification and control. CARB prepares identification reports on candidate substances under consideration for listing as TACs. Both criteria pollutants and TACs are measured Statewide to assess the adequacy of clean air programs.



Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as diesel particulate matter (DPM). In 1998, CARB identified DPM as a toxic air contaminant based on published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. In 2012, additional studies on the cancer-causing potential of diesel exhaust published since CARB’s determination led the International Agency for Research on Cancer (IARC, a division of the World Health Organization) to list diesel engine exhaust as “carcinogenic to humans.” This determination is based primarily on evidence from occupational studies that show a link between exposure to DPM and lung cancer induction, as well as death from lung cancer. Because it is part of PM_{2.5}, DPM also contributes to the same non-cancer health effects as PM_{2.5} exposure.

Ambient Air Quality

The determination of whether a region’s air quality is healthful or unhealthy is determined by comparing contaminant levels in ambient air samples to ambient air quality standards (AAQS) published by the federal and State governments. AAQS define levels of air quality that are considered safe and have been established to protect public health. An air quality standard defines the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without any harmful effects on people or the environment. The air quality in a region is considered by the State to meet the AAQS if the measured ambient air pollutant levels for O₃, CO (except 8-hour Lake Tahoe), SO₂ (1 and 24 hour), NO₂, PM₁₀, and PM_{2.5} are not to be exceeded. All others are not to be equaled or exceeded. Attainment status for a pollutant means that the SCAQMD meets the standards set by the federal Environmental Protection Agency (EPA) or the California EPA (CalEPA). Conversely, nonattainment means that an area has monitored air quality that does not meet the NAAQS or CAAQS standards. The proposed Project evaluated herein is located within the South Coast Air Basin (SCAB). As shown in **Table 4-2, Attainment Status of Criteria Pollutants in the SCAB**, the SCAB currently is designated as nonattainment under State standards for O₃ (1- and 8-hour standards), PM₁₀, and PM_{2.5}, and is designated as nonattainment under federal standards for O₃ (8-hour standard) and PM_{2.5}.

Table 4-2 Attainment Status of Criteria Pollutants in the SCAB

Criteria Pollutant	State Designation	Federal Designation
O ₃ – 1-hour standard	Nonattainment	--
O ₃ – 8-hour standard	Nonattainment	Nonattainment
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment
CO	Attainment	Unclassifiable/Attainment
NO ₂	Attainment	Unclassifiable/Attainment
SO ₂	Attainment	Unclassifiable/Attainment
Pb ¹	Attainment	Unclassifiable/Attainment

¹-- = The national 1-hour O₃ standard was revoked effective June 15, 2005.

Sensitive Receptors

Some people are especially sensitive to air pollution and are given special consideration when evaluating air quality impacts from projects. These groups of people include, but are not limited to, hospitals, schools,



daycare facilities, elderly housing, and convalescent facilities. Structures that house these persons or places where they gather are defined as “sensitive receptors.” These are areas where the population may be more susceptible than the general population to the adverse effects of exposure to air pollution. The nearest sensitive receptor is Orange County Rescue Mission located at 1 Hope Drive, approximately 443 feet northeast of the Project Site.

Methodology

The Project’s construction period is expected to last 14 months and for analytical purposes was assumed to occur from November 2023 through December 2024. Although construction will actually start and end on later dates, the analysis is conservative because construction equipment emissions would be the same or, more likely, lower than presented. Emission regulations are becoming more stringent over time and the retirement of older (higher-polluting) equipment and replacement with newer (less-polluting) pieces of equipment is continually occurring in response to State regulations or service needs. Construction would occur in five activity phases: 1) demolition; 2) site preparation; 3) grading; 4) building construction; and 5) architectural coating. The air quality analysis model utilizes the durations of each construction activity phase as shown in Table 1 of the Project’s air quality assessment, and the construction equipment fleet that is provided in Table 2 of the air quality assessment (*Appendix A*). The analysis assumptions for Project construction are based on information provided by the Project Applicant and the experience and technical expertise of the Project’s air quality technical expert (Urban Crossroads).

a) *Conflict with or obstruct implementation of the applicable air quality plan?*

Less-than-Significant Impact. The Project Site is located within the SCAB. The SCAB encompasses approximately 6,745 square miles and includes Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties. The SCAB is bound by the Pacific Ocean to the west; the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, respectively; and the San Diego County line to the south. Within the SCAB, the SCAQMD is principally responsible for air pollution control, and works directly with the Southern California Association of Governments (SCAG), county transportation commissions, local governments, as well as State and federal agencies to reduce emissions from stationary, mobile, and indirect sources to meet State and federal ambient air quality standards.

Historically and presently, State and federal air quality standards are exceeded in most parts of the SCAB. In response, the SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the State and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy. The current AQMP, the 2022 AQMP, was adopted by SCAQMD in December 2022. Criteria for determining consistency with the 2022 AQMP are defined in Chapter 12 of the SCAQMD’s *CEQA Air Quality Handbook (1993)*. The Project’s consistency with these criteria is discussed below.

Consistency Criterion No. 1: The proposed Project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay



the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). Violations of the NAAQS and/or CAAQS would occur if the emissions resulting from the Project were to exceed the SCAQMD's localized emissions thresholds. As a conservative measure, the Project's regional emissions of VOC, NO_x, PM₁₀, and PM_{2.5} are also considered in this consistency determination, because if the Project's emissions of any of these pollutants would exceed the applicable SCAQMD regional thresholds, then these emissions could delay the SCAB's attainment of federal and/or State ozone or particulate matter standards. As disclosed under the analysis for Threshold "c," below, Project-related activities would not exceed SCAQMD localized emissions thresholds during construction or long-term operation. In addition, as disclosed under the analysis for Threshold "b," below, operation of the Project would not result in regional emissions of any criteria pollutant in excess of the applicable SCAQMD regional threshold and, therefore, would not result in a long-term increase in the frequency or severity of existing air quality violations in the SCAB. As such, the Project would not directly increase the frequency or severity of existing air quality violations and would not delay the timely attainment of air quality standards, or the interim emissions reductions specified in the 2022 AQMP. Based on the foregoing information, the Project would not conflict with Consistency Criterion No. 1.

Consistency Criterion No. 2: The Project will not exceed the assumptions in the AQMP based on the years of Project build-out phase.

The growth forecasts used in the 2022 AQMP to calculate future regional emissions levels are based on land use planning data provided by lead agencies via their general plan documentation. Development projects that increase the intensity of use on a specific property beyond the respective general plan's vision may result in increased stationary area source emissions and/or vehicle source emissions when compared to the AQMP assumptions. However, if a project does not exceed the growth projections in the applicable local general plan, then the project is considered to be consistent with the growth assumptions in the AQMP. The prevailing planning document for the Project Site is the City of Tustin General Plan. The City of Tustin General Plan Land Use Map designates the Project Site for "Planned Community Commercial/Business" land uses and the Project Site is zoned for "Planned Community Industrial (PC IND)" uses. The proposed Project is consistent with the existing General Plan land use designation and zoning for the subject property and, therefore, the Project would be consistent with the growth assumptions used in the 2022 AQMP. Thus, the Project would not exceed the 2022 AQMP's growth assumptions based on the years of the Project's build-out phase.

In summary, because the proposed Project would not conflict with the 2022 AQMP Consistency Criteria Nos. 1 or 2, the Project is determined to be consistent with the 2022 AQMP. As such, impacts due to a conflict with the 2022 AQMP would be less-than-significant.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or State ambient air quality standard?**

Less-than-Significant Impact. The proposed Project has the potential to generate substantial pollutant concentrations during both construction activities and long-term operation. The following analysis is based on the applicable significance thresholds established by the SCAQMD for regional criteria pollutant emissions.

Construction Emissions

Peak emissions from Project construction are summarized in **Table 4-3, Regional Construction Emissions Summary**. Detailed air model outputs are presented in Attachment A of the Project’s air quality assessment (*Appendix A*). As shown in **Table 4-3**, peak construction-related emissions of VOCs, NO_x, CO, SO_x, and particulate matter (PM₁₀ and PM_{2.5}) would not exceed the applicable SCAQMD regional thresholds. Accordingly, the Project’s construction activities would not emit substantial concentrations of these pollutants and would not contribute to an existing or projected air quality violation on a cumulatively considerable basis. Project construction impacts related to emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} would all be less-than-significant, and no mitigation is required.

Table 4-3 Regional Construction Emissions Summary

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2024	2.19	17.66	22.98	0.04	1.63	0.87
Winter						
2023	36.84	29.45	73.10	0.04	5.40	2.15
2024	36.61	36.05	71.28	0.05	7.50	4.21
Maximum Daily Emissions	36.84	36.05	73.10	0.05	7.50	4.21
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

¹PM₁₀ and PM_{2.5} source emissions reflect 3x daily watering per SCAQMD Rule 403 for fugitive dust.
Source: (Urban Crossroads, 2023a, Table 3)

Operational Emissions

Operational activities associated with the Project would result in emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. Operation-related emissions are expected from the following primary sources: area source emissions, energy source emissions, and mobile source emissions. Detailed air model outputs are presented in Attachment B of the Project’s air quality assessment (*Appendix A*).

The calculated peak operational-source emissions are summarized in **Table 4-4, Project Net Regional Operational Emissions**. As shown in **Table 4-4**, Project-related operational emissions of VOCs, NO_x, CO, SO_x, PM₁₀ and PM_{2.5} would not exceed SCAQMD regional criteria thresholds, even without taking into account elimination of the existing uses on the Project Site that would be demolished. With the addition of the existing uses on the Project Site, the Project is anticipated



to generate fewer overall emissions for all criteria pollutants except for NO_x as compared to emissions generated by the existing buildings. Accordingly, the Project would not emit substantial concentrations of these pollutants during long-term operation and would not contribute to an existing or projected air quality violation. The Project’s long-term emissions of VOCs, NO_x, CO, SO_x, PM₁₀ and PM_{2.5} would be less-than-significant.

Table 4-4 Project Net Regional Operational Emissions

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
Mobile Source	2.51	5.45	25.29	0.09	6.32	1.67
Area Source	4.27	0.05	6.21	0.00	0.01	0.01
Energy Source	0.04	0.74	0.62	0.00	0.06	0.06
On-site Equipment Source	.012	0.38	16.44	0.00	0.03	0.03
Total Maximum Daily Emissions	6.94	6.62	48.57	0.09	6.41	1.76
Existing Building	9.70	5.50	56.32	0.12	10.55	2.79
Net Emissions (Proposed – Existing)	-2.79	1.12	-7.75	-0.03	-4.13	-1.03
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO
Winter						
Mobile Source	2.50	5.77	23.51	0.09	6.32	1.67
Area Source	3.26	0.00	0.00	0.00	0.00	0.00
Energy Source	0.04	0.74	0.62	0.00	0.06	0.06
On-site Equipment Source	0.12	0.38	16.44	0.00	0.03	0.03
Total Maximum Daily Emissions	5.92	6.89	40.57	0.09	6.40	1.75
Existing Building	8.64	5.85	46.60	0.12	10.54	2.78
Net Emissions (Proposed – Existing)	-2.73	1.04	-6.03	-0.03	-4.13	-1.03
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2023a, Table 4 and Table 5)

c) Expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact. The following provides an analysis of the Project’s potential to expose sensitive receptors in the immediate vicinity of the Project Site to substantial pollutant concentrations during Project construction and long-term operation. The following analysis is based on the applicable significance thresholds established by the SCAQMD.

The localized air quality analysis makes use of methodology included in the SCAQMD Final Localized Significance Threshold Methodology (LST Methodology). The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute to or cause localized exceedances of the federal and/or State ambient air quality standards (NAAQS/CAAQS). Collectively, these are referred to as Localized Significance Thresholds (LSTs). The SCAQMD established LSTs in response to the SCAQMD Governing Board’s Environmental Justice Initiative I-42. LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard at



the sensitive receptor. The SCAQMD states that lead agencies can use the LSTs as another indicator of significance in air quality impact analyses.

The SCAQMD recommends that the nearest sensitive receptor be considered when determining the Project's potential to cause an individual or cumulatively significant impact. The nearest land use where an individual could remain for 24 hours to the Project Site has been used to determine localized construction and operational air quality impacts for emissions of PM₁₀ and PM_{2.5} (since PM₁₀ and PM_{2.5} thresholds are based on a 24-hour averaging time). The nearest receptor used for evaluation of localized impacts of PM₁₀ and PM_{2.5} is location R4, represented by Orange County Rescue Mission at 1 Hope Drive, approximately 443 feet (135 meters) northeast of the Project Site. The nearest industrial/commercial use to the Project Site is used to determine construction and operational LST air impacts for emissions of NO_x and CO as the averaging periods for these pollutants are shorter (8 hours or less) and it is reasonable to assume that an individual could be present at these sites for periods of one to 8 hours. The nearest receptor used for evaluation of localized impacts of NO_x and CO is location R1, represented by Tustin Body Works at 1361 Bell Ave, adjacent northwest of the Project Site.

It should be noted that the SCAQMD's Localized Significance Threshold (LST) Methodology explicitly states that "It is possible that a project may have receptors closer than 25 meters. Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters." As such, for evaluation of localized NO_x and CO, a 25-meter distance is used.

Localized Construction Significance Analysis

Table 4-5, Project Localized Construction Impacts, identifies the localized impacts at the nearest receptor location in the vicinity of the Project. Outputs from the model runs for construction LSTs are provided in Attachment A of the Project's air quality assessment (*Appendix A*). For analytical purposes, emissions associated with peak demolition, site preparation, and grading activities are considered for purposes of LSTs since these phases represent the maximum localized emissions that would occur. Any other construction phases of development that overlap would result in less emissions and consequently lesser impacts than what is disclosed herein. As summarized in **Table 4-5**, localized emissions of NO_x, CO, and particulate matter (PM₁₀ and PM_{2.5}) would not exceed applicable SCAQMD thresholds during peak Project construction activities. Accordingly, Project construction would not expose any sensitive receptors to substantial concentrations of criteria pollutants. Impacts would be less-than-significant.



Table 4-5 Project Localized Construction Impacts

Source	Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Demolition				
Maximum Daily Emissions	28.20	71.61	4.93	2.02
SCAQMD Localized Threshold	81	485	39	14
Threshold Exceeded?	NO	NO	NO	NO
Site Preparation				
Maximum Daily Emissions	35.95	32.93	7.26	4.16
SCAQMD Localized Threshold	149	984	57	18
Threshold Exceeded?	NO	NO	NO	NO
Grading				
Maximum Daily Emissions	18.23	18.82	3.09	1.71
SCAQMD Localized Threshold	126	805	50	17
Threshold Exceeded?	NO	NO	NO	NO

Source: (Urban Crossroads, 2023a, Table 7)

Localized Operational Significance Analysis

The Project’s calculated operational localized emissions are presented in **Table 4-6, Project Localized Operational Impacts**. In an effort to establish a maximum potential impact scenario for analytical purposes, the emissions shown in **Table 4-6** represent all on-site Project-related stationary (area) sources and on-site mobile source emissions. It should be noted that the longest on-site distance is roughly 0.15 miles for both trucks and passenger vehicles. As such, a separate CalEEMod run for operational LSTs has been prepared which accounts for the 0.15-mile on-site travel distance. Outputs from the model runs for operational LSTs are provided in Attachment B of the Project’s air quality assessment (*Appendix A*). As shown in **Table 4-6**, the Project’s calculated long-term operational emissions would not exceed the localized thresholds established by the SCAQMD. Accordingly, long-term operation of the Project would not result in the exposure of any sensitive receptors to substantial pollutant concentrations. Impacts would be less-than-significant.

Table 4-6 Project Localized Operational Impacts

Source	Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	2.05	28.38	0.18	0.12
SCAQMD Localized Threshold	183	1,253	17	5
Threshold Exceeded?	NO	NO	NO	NO

Source: (Urban Crossroads, 2023a, Table 8)

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less-than-Significant Impact. During construction activities on the Project Site, odors could be produced by construction equipment exhaust or from the application of asphalt and/or architectural coatings. However, standard construction practices would minimize the odor emissions and their associated impacts. Furthermore, any odors emitted during construction



would be temporary, short-term, and intermittent in nature, and would cease upon the completion of the respective phase of construction. In addition, construction activities on the Project Site would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance. Accordingly, the Project's construction would not create objectionable odors affecting a substantial number of people and all impacts would be less-than-significant.

During long-term operation, the Project would operate as a warehouse land use, which is not typically associated with the emission of objectionable odors. Temporary outdoor refuse storage could be a potential source of odor; however, Project-generated refuse is required to be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations, thereby precluding any significant odor impact. Furthermore, the occupant(s) of the proposed commerce center would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance during long-term operation. As such, long-term operation of the Project would not create objectionable odors affecting a substantial number of people and all impacts would be less-than-significant.

Cumulative Impacts

The *AQMP* evaluates regional conditions within the SCAB and sets regional emission significance thresholds for both construction and operation of development projects that apply to project-specific impacts and cumulatively considerable impacts. Thus, if a project exceeds the SCAQMD regional emissions thresholds, project-specific impacts also would result in a cumulatively considerable increase in emissions for those pollutants for which the SCAB is in non-attainment.

As described under the analysis for Threshold "a," Project implementation would not conflict with the SCAQMD's *2022 AQMP* because construction of the Project would not exceed the SCAQMD regional or localized thresholds of significance for any of the criteria pollutants, and the Project would not exceed the *2022 AQMP*'s growth assumptions based on the years of the Project's build-out phase. Accordingly, the Project would be consistent with the *2022 AQMP*; therefore, there is no potential for the Project to result in a cumulatively considerable effect on the environment due to an inconsistency with the *2022 AQMP*.

Based on SCAQMD guidance, any exceedance of a regional or localized threshold for criteria pollutants also is considered to be a cumulatively considerable effect, while air pollutant emissions that fall below applicable regional and/or localized thresholds are not considered cumulatively considerable. As discussed in the analysis under Thresholds "b" and "c," the Project would not emit any air pollutants during construction or operation that exceed the applicable SCAQMD regional or localized threshold and thus, the Project would result in effects to regional and local air quality that would not be cumulatively considerable.

As indicated in the analysis of Threshold "d," above, there are no Project components that would expose a substantial number of sensitive receptors to objectionable odors. There are no known sources of offensive odors in the Project area. Because the Project's construction and operation would not create substantial and objectionable odors and because there are no sources of objectionable odors in the areas immediately surrounding the Project Site, there is no potential for odors from the Project Site to



commingle with odors from nearby development projects and expose nearby sensitive receptors to substantial, offensive odors. Accordingly, implementation of the Project would result in a less-than-significant cumulatively considerable impact related to odors.



4.4 Biological Resources

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

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

No Impact. Under existing conditions, the Project Site is fully developed with three two-story office buildings, one two-story parking structure, ornamental landscaping, and associated



improvements. The surrounding area includes commercial and industrial land uses and vacant land. Although there are some vacant, undeveloped parcels to the south and southeast of the Project Site, these parcels are surrounded by developed areas with urban uses. Because the Project Site is fully developed under existing conditions, no candidate, sensitive, or special status species, riparian habitat, other sensitive natural community, or federally-protected wetlands occur on the site. Vegetation on the Project Site is limited to landscaping consisting of ornamental trees, shrubs, and groundcover. Because no candidate, sensitive, or special status species, riparian habitat, other sensitive natural community, or federally-protected wetlands occur on the Project Site, there is no potential for redevelopment of the site as proposed to result in substantial adverse effects to sensitive biological resources recognized by the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Services (USFWS). No impact would occur.

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

No Impact. The Project Site is developed with three two-story office buildings, one two-story parking structure, and associated parking lots in a highly urbanized area. With the exception of ornamental landscaping, the entire Project Site is paved or covered with existing buildings. Vegetation on the site is limited to landscaping consisting of ornamental trees, shrubs, and groundcover. As indicated in the City of Tustin General Plan EIR, Peters Canyon Wash contains riparian areas approximately 3.5 miles northeast of the Project Site (Tustin, 1993, p. 5.4-6). Due to existing development on the Project Site and intervening development between the Project Site and riparian or sensitive natural communities, and the lack of natural vegetation communities on-site, no impacts would occur to riparian habitat or any other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.

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

No Impact. The Project Site is developed with three two-story office buildings, one two-story parking structure, and associated parking lots in a highly urbanized area. With the exception of ornamental landscaping, the entire Project Site is paved or covered with existing buildings. There are no wetlands on the Project Site, nor are there any drainages on-site considered jurisdictional by the United States Army Corps of Engineers (Corps), Santa Ana Regional Water Quality Control Board (RWQCB), or CDFW. No impact would occur.

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



Less-than-Significant-Impact With Mitigation Incorporated. The Project Site is located in a highly urbanized area and is not within any planned wildlife movement corridor. Because the Project Site and surrounding area primarily are developed with urban uses, redevelopment of the Project Site as proposed has no potential to interfere substantially with the ground movement of any resident or migratory fish or wildlife species, or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.

However, the Project Site contains ornamental trees that could serve as nesting habitat, all of which would be removed as part of the Project. If any migratory nesting birds are observed in any trees on or near the site during the Project's construction activities, the birds and their active nests would be protected pursuant to the California Fish and Game Code (CFGF) and the Migratory Bird Treaty Act (MBTA), a federal law that prohibits impacts to migratory birds. If active nests are present in vegetation that is to be removed during Project construction (direct impacts), or are present within 250 feet of construction activities (indirect impacts), implementation of the Project could result in substantial, adverse effects to nesting birds that are protected by the MBTA and CFGF. Compliance with the federal MBTA and State CFGF is a mandatory regulatory requirement that ensures the protection of migratory birds. The Project's potential to impact nesting birds would be less-than-significant with mandatory compliance with the federal MBTA and CFGF. Nonetheless, a mitigation measure is recommended herein to ensure that the Project fully complies with the federal MBTA and CFGF during Project-related construction activities, which would ensure that direct and indirect impacts to nesting birds would be reduced to less-than-significant levels.

Mitigation

MM BR-1 If tree removal or construction commences between February 1 and August 31, within three days of tree removal or mobilizing construction equipment to the Project Site, all on-site trees and trees within 250 feet of the Project Site shall be inspected by a qualified biologist for the presence of migratory nesting birds. If the survey reveals no active nesting, construction may proceed. If the survey identifies the presence of active sensitive migratory bird nests, then the nests shall not be disturbed unless the qualified biologist verifies through non-invasive methods that either (i) the adult birds have not begun egg-laying and incubation; or (ii) the juveniles from the occupied nests are capable of independent survival. If the biologist is not able to verify these conditions, then no tree removals or construction that would be disruptive to the nest, as determined by the biologist, shall occur until the biologist, with City concurrence, verifies that the nest(s) is no longer occupied and/or juvenile birds can survive independently from the nests.

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. The Project Site is fully developed and does not contain any sensitive biological resources. However, Chapter 3 (Trees and Shrubs) of Article 7 of the TCC prohibits the removal of trees or shrubs within any public parkway, median, street, highway, alley, sidewalk, or right-of-



way (ROW) within the City of Tustin without written approval of the City's Manager of Field Services, and further requires the planting of trees in accordance with the City's Master Tree Plan. As part of the Project's construction, approximately 50 ornamental trees and shrubs located on the Project Site would be removed, including existing landscaping within or immediately abutting the public ROW for Red Hill Avenue and Bell Avenue. Although the Project's proposed conceptual landscaping plan calls for the planting of 76 trees with additional shrubs, accent plants, and groundcover, the Project Applicant would nonetheless be required to obtain written approval from the City's Manager of Field Services prior to removal of the existing landscaping within the public ROW. The Project would be conditioned to comply with all provisions of the TCC, including provisions related to the removal of trees and shrubs (refer specifically to Regulatory Requirement RR-16). There are no other local policies or ordinances protecting biological resources that would apply to the Project. Accordingly, the Project would not conflict with any local policies or ordinances protecting biological resources, and no impact would occur.

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

No Impact. There is no adopted Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP) applicable to the Project Site. Additionally, because the Project Site is fully developed under existing conditions, redevelopment of the site as proposed would have no potential to conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan. No impact would occur.

Cumulative Impacts

The Project Site does not contain any special-status plant or wildlife species nor does the site have the potential to support such species. Therefore, the Project would not impact any special-status plant or wildlife species and thus, the Project would have no potential to contribute to a cumulative impact to special-status plant and/or animal species. The Project would not impact any riparian or sensitive natural communities; therefore, there is no potential for the Project to contribute to a cumulatively-considerable impact to these resources. The Project would not impact any State-protected or federally-protected wetlands or waters considered jurisdictional by the Corps, RWQCB, or CDFW. Accordingly, the Project has no potential to contribute to a cumulatively-considerable impact to State or federally protected wetlands or jurisdictional waters. The Project would remove ornamental trees on the property that have the potential to support nesting birds protected by the federal MBTA. A wide range of habitat and vegetation types have the potential to support nesting birds; therefore, it is likely that other development projects within the cumulative study area also may impact nesting birds. However, compliance with the federal MBTA is a mandatory regulatory requirement and compliance is required by federal law. Thus, any cumulative effects to nesting birds would be less-than-significant through mandatory compliance with the MBTA. The Project would not conflict with any local policies or ordinances protecting biological resources, including Chapter 3 (Trees and Shrubs) of Article 7 of the Tustin City Code. Other development projects in the cumulative study area would be required to comply with applicable local policies and/or ordinances related to the protection of biological resources as a standard condition of review/approval. Because the Project and cumulative development would be prohibited from violating applicable local policies or ordinances related to the protection of biological resources, a cumulatively-considerable impact would



not occur. The Project Site is not located within the boundaries of any adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan. Because there is no conservation plan applicable to the Project Site, there is no potential for the Project to make a cumulatively-considerable impact to local, regional, or State habitat conservation plans.



4.5 Cultural Resources

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

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

No Impact. Three two-story office buildings and one two-story parking structure are located on the Project Site under existing conditions. The structures on the Project Site were constructed in the mid-1980s. No historic structures or features are present on the Project Site. Further, due to past disturbance of the site for the construction of the existing uses, there is no reasonable potential for historic resources to be located beneath the surface of the site, or for historic resources to be discoverable during Project-related construction activities. Accordingly, implementation of the Project would not result in a substantial adverse change to any historic resources as defined by CEQA Guidelines Section 15064.5. No impact would occur.

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

Less-than-Significant Impact with Mitigation Incorporated. Given the fact that the Project Site is fully developed and was graded to implement the existing development, there is little potential for any pre/protohistoric resources to be present beneath the site and discoverable as part of the Project’s construction activities. However, there is a remote potential that Project-related ground-disturbing construction activities could extend into previously undisturbed soils and encounter potentially significant archaeological resources. If any pre/protohistoric cultural resources are unearthed during Project construction that meet the definition of a significant archaeological resource pursuant to CEQA Guidelines Section 15064.5, and are disturbed or damaged by Project construction activities, impacts to those pre/protohistoric cultural resources would be potentially significant. Mitigation is thus required for the Project that sets forth procedures that shall be followed should subsurface resources be discovered. Accordingly, Mitigation Measures MM CR-1 through MM CR-3 shall apply. Mitigation Measure MM CR-1 requires that future construction personnel be trained to identify potential cultural, tribal cultural, and archaeological resources, while Mitigation Measures MM CR-2 and MM CR-3 set forth the procedures to be undertaken in the event that cultural resources are identified. With



implementation of Mitigation Measures MM CR-1 through 3, the Project's potential direct and cumulatively-considerable impacts to previously-undiscovered subsurface archaeological resources would be reduced to less-than-significant levels.

Mitigation

MM CR-1 Prior to the issuance of a demolition permit or any permit authorizing ground-disturbing construction activities, evidence shall be provided to the City of Tustin that the construction contractors have been trained on how to identify potential cultural, tribal cultural, and archaeological resources. Construction personnel in charge of supervising ground-disturbing activities must have received cultural resource awareness training within 60 days of commencing work on the Project Site.

MM CR-2 Upon discovery of any suspected cultural, tribal cultural, or archaeological resources, construction activities within 100 feet of the find shall pause until the find can be assessed by a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards for archaeology, and a tribal monitor/consultant representing the Gabrieleño Band of Mission Indians Kizh Nation (if such tribal monitor chooses to participate in monitoring following adequate written notice to the Tribe). If a resource is discovered that the Qualified Archaeologist determines to be significant pursuant to the definition given in CEQA Guidelines Section 15064.5, mitigation shall occur following the guidance given in CEQA Guidelines Section 15126.4(b), and as approved by the City of Tustin, to reduce impacts to less-than-significant. Mitigation methods include but are not limited to data recovery, documentation, preservation in place, and removal for laboratory processing and analysis, followed by either curation at a non-profit institution or conveyance to a culturally affiliated Native American Tribe. Work may continue on other parts of the construction site while the evaluation takes place.

MM CR-3 Archaeological and Native American monitoring and excavation during construction shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

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

Less-than-Significant-Impact. The Project Site is fully developed and does not contain a cemetery. No known, formal cemeteries are located within the immediate site vicinity (Google Earth, 2023). Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction, should Project-related construction activities extend into previously undisturbed soils.



If human remains are unearthed during Project construction, the construction contractors would be required by law to comply with California Health and Safety Code Section 7050.5 “Disturbance of Human Remains.” According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted, and if the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact the NAHC by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 (as required by Project Regulatory Requirement RR-9), any potential impacts to human remains, including human remains of Native American ancestry, that may result from development of the Project would be less-than-significant.

Cumulative Impacts

The potential for construction on the Project Site to result in cumulatively considerable impacts to prehistoric archaeological resources was analyzed in conjunction with other projects located in the traditional use areas of Native American tribes in the vicinity of the Project Site. Development activities on the Project Site would not impact any known prehistoric archaeological resources and the likelihood of uncovering subsurface prehistoric archaeological resources during Project construction is low, because the Project Site is fully developed, and past ground disturbance has occurred. Nonetheless, a remote potential exists for subsurface prehistoric archaeological resources that meet the CCR Section 15064.5 definition of a significant archaeological resource to be discovered beneath the surface of the Project Site – and on other development project sites in the region – during construction activities. Accordingly, the Project has the potential to contribute to a significant cumulative impact to prehistoric archaeological sites and/or resources. Therefore, the Project would result in a cumulatively considerable impact to prehistoric archaeological resources if such resources are unearthed during Project construction, for which mitigation is required. With implementation of Mitigation Measures MM CR-1 through MM CR-3, cumulatively considerable impacts would be reduced to a less-than-significant level. With respect to potential impacts to human remains, mandatory compliance with the provisions of California Health and Safety Code Section 7050.5, as well as Public Resources Code Section 5097 *et seq.*, as also required by Project Regulatory Requirement RR-9, would assure that any human remains that may be uncovered during development activities are treated in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts.



4.6 Energy

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

Building Energy Conservation Standards

California Code Title 24, Part 6 (also referred to as the California Energy Code) was promulgated by the California Energy Commission (CEC) in 1978 in response to a legislative mandate to create uniform building codes to reduce California’s energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. California’s building efficiency standards are updated on an approximately three-year cycle. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods. The 2022 version of Title 24 was adopted by the CEC and became effective on January 1, 2023. The CEC anticipates that the 2022 energy code will provide \$1.5 billion in consumer benefits and reduce greenhouse gas (GHG) emissions by 10 million metric tons (CEC, n.d.).

Part 11 of California Code Title 24 is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to “improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality.” Unless otherwise noted in the regulation, all newly constructed buildings in California are subject to the requirements of the CALGreen Code (CEC, n.d.).

Senate Bill 350

In October 2015, the legislature approved, and the Governor signed, Senate Bill 350 (SB 350), which reaffirms California’s commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the Renewables Portfolio Standard (RPS), higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce Statewide GHG emissions: (CA Legislative Info, n.d.)

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.



- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the CEC, and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electric transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

Senate Bill 100

SB 100 was signed by Governor Brown on September 10, 2018. Under the existing California RPS, 25 percent of retail sales of electricity are required to be from renewable sources by December 31, 2016, 33 percent by December 31, 2020, 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030. SB 100 raises California's RPS requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030 (CA Legislative Info, 2018).

State CEQA Guidelines Appendix F

Appendix F of the 2023 CEQA Statute and Guidelines provides energy use and conservation guidance. CEQA requires a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy (AEP, 2023, Appendix F). The Project's potential direct and indirect energy use impacts are analyzed below, including impacts to nonrenewable resources and emissions of pollutants during Project construction and operation.

Electricity

Electricity to the Project Site is provided by Southern California Edison (SCE). SCE provides electric power to more than 15 million persons in 15 counties and in 180 incorporated cities, within a service area encompassing approximately 50,000 square miles. Based on SCE's 2018 Power Content Label Mix, SCE derives electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases from independent power producers and utilities, including out-of-State suppliers (SCE, n.d.).

Natural Gas

Natural gas is provided to the Project Site by Southern California Gas (SoCalGas). SoCalGas is the nation's largest natural gas supplier, with a service area of approximately 24,000 square miles. SCE delivers energy to 21.1 million customers in more than 500 communities (SoCalGas, n.d.).

Energy Use

According to the CEC, in 2021, the total electricity use in California was 280,738.4 GWh and total energy use in Orange County was 18,931.8 GWh. In 2021, the total natural gas usage in California was 11,922.7 million therms and total energy use in Orange County was 580.2 million therms. (CEC, 2021a; CEC, 2021b; CEC, 2021c; CEC, 2021d).



a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less-than-Significant-Impact.

Electricity

The existing three buildings with a total of 139,178 s.f. of building area and the 17,064 s.f. parking garage that are located on the Project Site under existing conditions use electricity provided by SCE. It is expected that redevelopment of the Project Site with two industrial buildings may result in a decrease in electricity use over existing conditions because the Project's proposed buildings would be subject to compliance with the current requirements of the California Energy Code and CALGreen, which require a much higher level of energy efficiency as compared to the standards that were in place at the time the existing structures were constructed on the Project Site. Notwithstanding, even if there was an increase in demand, the Project's demand for electricity would not result in wasteful, inefficient, or unnecessary consumption of energy resources, and the existing SCE electrical facilities would be adequate to serve the demand. The total electricity demand for the SCE service area is forecast to increase by approximately 11,186 GWh between 2016 and 2026 (CEC, n.d.). Because redevelopment of the Project Site is expected to result in a decrease in electricity use over existing conditions due to the removal of office buildings and replacement with industrial buildings that are mandated to comply with regulatory requirements such as the 2022 Energy Code and CALGreen which require energy efficiency (such as enhanced insulation, window and door seals, Energy Star appliances, etc.), the Project would not increase overall demand for electricity in the SCE service area. Therefore, the Project's electricity demand would not significantly impact SCE's level of service.

As noted above, the Project would be subject to compliance with the 2022 Energy Code and CALGreen standards, which became effective on January 1, 2023, and mandate energy conservation features that are more stringent (energy-conserving) than prior versions of the respective codes. Prior to the issuance of a building permit, the City of Tustin would review the Project plans to ensure compliance with these standards. On this basis, the Project would inherently use less energy than comparable buildings constructed under prior versions of the Energy and CALGreen Codes. Project construction and building operations would not result in the inefficient, wasteful, or unnecessary consumption of energy due to mandatory Energy Code and CALGreen compliance. Impacts would be less-than-significant.

Natural Gas

Natural gas within the Project area is provided by SoCalGas. Existing 4-inch gas lines, which would be protected in place, are located within Bell Avenue and Red Hill Avenue. The total natural gas demand for the SoCalGas service area is forecast to decrease from 858 billion cubic feet (bcf) in 2019 to 743 bcf in 2035, declining an average of 0.9 percent per year (SoCalGas, 2021, p. 18). It is not expected that the Project would result in an increase in natural gas use over existing conditions. As a result of removing the existing office buildings, natural gas consumption by those buildings would be eliminated. Although natural gas would be stubbed to the new industrial



buildings, typical industrial warehouse building users either do not use natural gas or use very little natural gas as part of their operations. Therefore, the Project would not significantly increase overall demand for natural gas in the SoCalGas service area. Therefore, the Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

Fuel

The Project's construction process would consume fuel. Project-related construction activities would represent a "single-event" demand and would not require on-going or permanent commitment of energy resources. The amount of fuel used during the Project's construction activities would be similar to fuel usage during construction of comparable industrial buildings of similar scale and configuration, because there are no aspects of the Project's proposed construction process that would be unusual or energy-intensive. Furthermore, construction equipment would be required to conform to the applicable CARB emissions standards. CCR Title 13, Motor Vehicles, Section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. As supported by the preceding discussion and the mandated requirement to limit idling, it is a reasonable expectation that fuel use during construction of the Project would be similar to that of comparable construction projects and that the Project's construction fuel consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

Although the Project's building users/occupants are not yet known, the Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips and/or vehicle miles traveled, nor associated excess and wasteful vehicle energy consumption. Additionally, as fuel economies are improved pursuant to federal and State regulatory actions, and related transition of passenger vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells), future gasoline fuel demands per mile traveled would be expected to decrease. The location of the Project Site proximate to regional and local arterial roadways is expected to minimize the Project vehicle miles traveled within the region. Furthermore, based on the Project's Trip Generation Assessment (*Technical Appendix E*), the proposed Project is expected to generate approximately 822 fewer daily trips than the existing uses at the Project Site, thereby indicating that the Project's demand for transportation-related fuel would be less than what occurs under existing conditions at the site. Based on the foregoing, Project-related transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary. Impacts would be less-than-significant in this regard.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. A summary of the Project's consistency with applicable regulations and requirements is provided below. As shown, the Project has no reasonable potential conflict with a State or local plan for renewable energy or energy conservation. Impacts associated with the Project's energy consumption as it relates to plan consistencies would be less-than-significant.



Consistency with Surface Transportation Efficiency Act of 1991 (ISTEA): Transportation and access to the Project Site is provided by the local and regional roadway systems. The Project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be realized pursuant to the ISTEA, because SCAG is not planning for intermodal facilities on or through the Project Site.

Consistency with Transportation Equity Act for the 21st Century (TEA-21): TEA-21 was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. The Project Site is located along major transportation corridors with proximate access to the Interstate freeway system facilitates access to the Project Site and takes advantage of existing infrastructure systems by promoting land use compatibilities through colocation of similar uses. The Project supports the strong planning processes emphasized under TEA-21. The Project is therefore consistent with, and would not otherwise interfere with, nor obstruct implementation of TEA-21.

Consistency with California Integrated Energy Policy Report (IEPR): Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the CEC to prepare a biennial integrated energy policy report. The 2021 IEPR was adopted February 22, 2022, and works toward improving electricity, natural gas, and transportation fuel energy use in California. Electricity would be provided to the Project by SCE. SCE's Clean Power and Electrification Pathway (CPEP) white paper builds on existing State programs and policies. As such, the Project would be consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2021 IEPR. Additionally, the Project would comply with the applicable Title 24 standards, which would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such, development of the proposed Project would support the goals presented in the 2021 IEPR.

Consistency with the State of California Energy Plan: The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Project Site is located along major transportation corridors with proximate access to the Interstate freeway system. The site selected for the Project facilitates access to the Project Site and takes advantage of existing infrastructure systems by promoting land use compatibilities through colocation of similar uses. The Project therefore supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan.

Consistency with California Code Title 24, Part 6, Energy Efficiency Standards: California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The 2022 version of Title 24 became effective on January



1, 2023. The Project would be required to comply with the applicable standards in place at the time building permit document submittals are made. Therefore, the Project would not conflict with any applicable provisions of Title 24, Part 6.

Consistency with California Code Title 24, Part 11, CALGreen: CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went into effect on August 1, 2009, and is administered by the California Building Standards Commission. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2022 California Green Building Code Standards that went into effect on January 1, 2023. The Project would be required to comply with the applicable standards in place at the time building permit document submittals are made, and as such the Project would not conflict with any provisions of CALGreen.

Consistency with Assembly Bill 1493 (AB 1493): California AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce greenhouse gasses (GHGs) emitted by passenger vehicles and light duty trucks. AB 1493 is not applicable to the Project as it is a Statewide measure establishing vehicle emissions standards. No feature of the Project would interfere with implementation of the requirements under AB 1493.

Consistency with Renewable Standards Portfolio (RPS): First established in 2002 under Senate Bill (SB) 1078, California's RPS requires retail sellers of electric services to increase procurement from eligible renewable resources to 33% of total retail sales by 2020. California's RPS is not applicable to the Project as it is a Statewide measure that establishes a renewable energy mix. No feature of the Project would interfere with implementation of the requirements under RPS.

Consistency with Senate Bill 350 (SB 350): SB 350 (2015) reaffirmed California's commitment to reducing its GHG emissions and addressing climate change. The proposed Project would use energy from SCE, which has committed to diversify the company's portfolio of energy sources by increasing energy from wind and solar sources. No feature of the Project would interfere with implementation of SB 350. Additionally, the Project would be designed and constructed to implement the energy efficiency measures for new warehouse developments and would include several measures designed to reduce energy consumption. Specifically, SB 350 requires the following to reduce Statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33% to 50% by 2030, with interim targets of 40 percent by 2024, and 25% by 2027.
- Double the energy efficiency in existing buildings by 2030. This target would be achieved through the California Public Utility Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which would facilitate the growth of renewable energy markets in the western U.S.



Based on the preceding analysis, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would be less-than-significant.

Cumulative Impacts

The Project and other new development projects within the cumulative study area would be required to comply with all of the same applicable federal, State, and local regulatory measures aimed at reducing fossil fuel consumption and increasing the conservation of energy. Accordingly, the Project would not cause or contribute to a significant cumulatively considerable impact related to conflicts with a State or local plan for renewable energy or energy efficiency. Impacts would be less-than-significant on a cumulatively considerable basis.



4.7 Geology And Soils

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

A Geotechnical Investigation and a Storm Water Infiltration Memo were prepared for the Project by Southern California Geotechnical (SoCalGeo) to evaluate the geotechnical conditions of the subject property, identify any geologic hazards, and provide recommendations for the future implementation of the Project. These reports are included in *Appendix B1* and *Appendix B2* of this IS/MND and the findings are incorporated into the analysis presented herein.



California Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to mitigate the hazard of surface faulting to structures intended for human occupancy. The A-P Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults (CA Legislative Info, n.d.). The A-P Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards.

The A-P Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps are distributed to all affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than State law requires.

Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet).

Seismicity and Seismic Hazards

The Project Site is located in an area of southern California that is subject to strong ground motions due to seismic events (i.e., earthquakes). The geologic structure of southern California is dominated mainly by northwest-trending faults associated with the San Andreas system. An active fault is defined by the California Geological Survey as a fault that has experienced surface displacement within the Holocene Epoch (approximately the last 11,000 years).

Liquefaction

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions, which causes the soil to behave as a viscous liquid. Liquefaction is generally limited to the upper 50 feet of subsurface soils. Research and historical data indicate that loose granular soils of Holocene to late Pleistocene age below a near-surface groundwater table are most susceptible to liquefaction, while the stability of most clayey material is not adversely affected by vibratory motion (SCEC, 1999, pp. 5-6).

Soil Erosion

Erosion is the process by which the upper layers of the surface (such as soils) are worn and removed by the movement of water or wind. Soils with characteristics such as low permeability and/or low cohesive strength are more susceptible to erosion. Additionally, the slope gradient on which a given soil is located also contributes to the soil's resistance to erosive forces. Because water is able to flow faster down steeper gradients, the steeper the slope on which a given soil is located, the more readily it will erode. Wind erosion can damage land and natural vegetation by removing soil from one place and depositing it in



another. It mostly affects dry, sandy soils in flat, bare areas, but wind erosion may occur wherever soil is loose, dry, and finely granulated.

Subsidence

Subsidence is a gradual settling or sudden sinking of the ground surface (i.e., loss of elevation). The principal causes of subsidence are aquifer-system compaction, drainage of organic soils, underground mining, and natural compaction. Shrinkage is the reduction in volume in soil as the water content of the soil drops (i.e., loss of volume).

Soil Settlement

Settlement refers to unequal compression of a soil foundation, shrinkage, or undue loads being applied to a building after its initial construction that affect the soil foundation.

Expansive Soils

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content.

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. There are no known active or potentially active faults on or trending toward the Project Site and the Project Site is not located within a mapped Alquist-Priolo Earthquake Fault Zone (SoCalGeo, 2023a, p. 12). The nearest fault is the Bolsa-Fairview fault located approximately 5.7 miles southwest of the Project Site (CDC, 2022). Because there are no known faults located on or trending toward the Project Site, there is no potential for the Project to directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. No impact would occur.

ii) Strong seismic ground shaking?

Less-than-Significant-Impact with Mitigation Incorporated. The Project Site is located in a seismically active area of southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not substantially different than the risk to other properties throughout the southern California area. As a mandatory condition of Project approval, the Project Applicant would be required to construct the proposed buildings in accordance with the 2022 California Building Code and Tustin City Code, Article 8, Building Regulations, which are specifically tailored for California earthquake conditions and provide building standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures. In



addition, Chapter 18 of the California Building Standards Code (CBSC) requires development projects to prepare geologic engineering reports to identify site-specific geologic and seismic conditions and provide site-specific recommendations including, but not limited to, recommendations related to ground stabilization, selection of appropriate foundation type and depths, and selection of appropriate structural systems, to preclude adverse effects resulting from strong seismic ground-shaking. The Project Applicant retained a professional geotechnical firm, Southern California Geotechnical, to prepare such a geotechnical report for the Project Site, which is included as *Appendix B1* of this IS/MND. In conformance with TCC, the City will condition the Project to comply with the site-specific ground preparation and construction recommendations contained in *Appendix B1*. With mandatory compliance with the CBSC and TCC, as well as the standard and Project-specific design and construction recommendations set forth in the Project's geotechnical report, the proposed warehouse buildings would be constructed to withstand seismic ground shaking sufficiently to preclude a substantial risk to people or structures related to strong seismic ground shaking. Notwithstanding, a potentially significant impact would occur if the Project were to fail to implement the recommendations of the Project's Geotechnical Investigation (*Appendix B1*) to attenuate hazards associated with strong seismic ground shaking. With implementation of mitigation, impacts involving strong seismic ground shaking would be less-than-significant.

Mitigation

MM GEO-1 Prior to the issuance of a grading permit, the Project Applicant shall provide written evidence to the City of Tustin Community Development Department that a geotechnical engineer has been retained to monitor the grading operation and assure implementation of the soil settlement and expansion treatment recommendations contained in the site-specific Geotechnical Investigation prepared by Southern California Geotechnical and dated June 7, 2023. All recommendations shall be implemented to the performance standards specified in the Geotechnical Investigation and to the satisfaction of the geotechnical engineer. Evidence of implementation shall be provided to the Community Development Department prior to issuance of a building permit.

iii) Seismic-related ground failure, including liquefaction?

Less-than-Significant Impact with Mitigation Incorporated. Potential for liquefaction of soils on the Project Site was evaluated using data obtained from four locations on the site where Cone Penetration Tests (CPTs) were performed. Potentially liquefiable soils were identified at all four of the CPT locations, indicating that the Project Site is located in a liquefaction hazard zone. Settlement analyses were conducted for each of the potentially liquefiable strata which indicated that differential settlements of up to approximately 0.1 inch are expected to occur during a liquefaction-inducing seismic event. The estimated differential settlement could be assumed to occur across a distance of approximately 50 feet, indicating a maximum angular distortion of about 0.0002 inches per inch. Nonetheless, it is considered feasible to support the proposed Project structures on shallow foundations which can be designed to resist the effects of the anticipated differential settlements (SoCalGeo, 2023a, pp. 14-16).



Notwithstanding, a potentially significant impact would occur if the Project were to fail to implement the recommendations of the Project's Geotechnical Investigation (*Appendix B1*) to attenuate hazards associated with soils having liquefaction potential. With implementation of mitigation, potential impacts would be less-than-significant.

Mitigation

MM GEO-1 shall apply.

v) Landslides?

Less-than-Significant Impact. The Project Site is generally flat and contains no substantial natural or man-made slopes under existing conditions. There also are no substantial natural or man-made slopes in the Project Site vicinity (Google Earth, 2023). Accordingly, development on the subject property would not be exposed to landslide risks, and the Project would not pose a landslide risk to surrounding properties; a less-than-significant impact would occur.

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

Less-than-Significant-Impact.

Construction-Related Erosion Impacts

Development of the Project would result in the demolition of all structures on-site, and grading and construction activities would occur that would expose and disturb soils that are covered by impervious surfaces. Disturbed soils would be subject to potential erosion during rainfall events or high winds due to the removal of stabilizing vegetation and building materials (e.g., existing concrete foundations), and exposure of these erodible materials to wind and water.

Pursuant to the requirements of the State Water Resources Control Board (SWRCB), the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Program*. Compliance with the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP would specify the Best Management Practices (BMPs) that the Project Applicant would be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Lastly, the Project would be required to implement an erosion and dust control plan pursuant to TCC, Article 8, Chapter 9, *Grading and Excavation*, and would be subject to compliance with SCAQMD Rule 403, both of which would minimize water- and



windborne erosion during Project construction activities. Mandatory compliance with the SWPPP and the erosion control plan would ensure that the Project's implementation does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less-than-significant and no mitigation measures would be required.

Post-Development Erosion Impacts

Upon Project build-out, the Project Site would be covered by two warehouse buildings, irrigated landscaping, and impervious surfaces. Stormwater runoff from the Project Site would be captured, treated to reduce waterborne pollutants (including sediment), and conveyed off-site via an on-site storm drain system. Accordingly, the amount of erosion that would occur on the Project Site would be minimized upon implementation of the Project, and the Project would not result in substantial erosion under long-term operating conditions.

Long-term operational impacts related to soil erosion or loss of topsoil would be addressed through mandatory compliance with the requirements outlined in the Project's Water Quality Management Plan (WQMP), which was prepared pursuant to TCC, Article 4, Chapter 9, *Water Quality Control*. The Project's WQMP is included as *Appendix C2* of this IS/MND. The WQMP includes structural and non-structural BMPs to ensure water quality standards are upheld. The BMPs identified in the Project's WQMP would reduce the Project's potential operational impacts concerning soil erosion or loss of topsoil. Therefore, Project operations are not anticipated to result in substantial soil erosion or loss of topsoil. Impacts would be less-than-significant.

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

Less-than-Significant Impact with Mitigation Incorporated. The Project Site is relatively flat, no substantial natural or man-made slopes are located on or adjacent to the Project Site, and the Project does not propose the construction of any sizable, manufactured slopes (Google Earth, 2023). Accordingly, the Project would result in less-than-significant impacts associated with landslide hazards.

SoCalGeo determined that removal and recompaction of the artificial fill and near-surface native soils located at the Project Site is estimated to result in an average shrinkage of 8 to 16 percent (SoCalGeo, 2023a, p. 18). However, the geotechnical report prepared for the Project recommends remedial grading to remove the undocumented fill soils and a portion of the near-surface alluvium from within the foundation influence zones, and replacement of these materials with compacted structural fill. The native soils that would remain in place below the recommended depth of over-excavation would not be subject to significant load increases from the foundations of the new structures. With implementation of the recommended remedial grading, the post-construction static settlements of the proposed structures would be expected to be within tolerable limits (SoCalGeo, 2023a, p. 17). The City will condition the Project to comply with the site-specific ground preparation and construction recommendations contained in the Project's geotechnical



report (refer to Mitigation Measure MM GEO-1). Based on the foregoing, potential impacts related to soil shrinkage/subsidence and collapse would be less-than-significant.

Lateral spreading is primarily associated with liquefaction hazards. As noted above under the response to Threshold “a,” potentially liquefiable soils were identified on the Project Site. With implementation of the site-specific geotechnical recommendations contained in the geotechnical investigation (*Appendix B1*), as required by Mitigation Measure MM GEO-1, impacts related to liquefaction hazards and associated lateral spreading would be less-than-significant.

Mitigation

MM GEO-1 shall apply.

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

Less-than-Significant Impact with Mitigation Incorporated. Laboratory testing performed on a sample of the near-surface soils indicates that some of the near-surface soils possess low to medium expansion potentials. Based on the presence of expansive soils at the Project Site, proper moisture conditioning of all building pad subgrade soils to a moisture content of 2 to 4 percent above optimum (as determined by the ASTM D-1557) during site grading would be required. In addition, to adequately moisture condition the subgrade soils and fill soils during grading, a moisture content of these soils at 2 to 4 percent above the optimum moisture content would need to be maintained. The contractor would be required to frequently moisture condition these soils throughout the grading process, unless grading occurs during a period of relatively wet weather. With implementation of the site-specific geotechnical recommendations contained in the Project’s geotechnical investigation (*Appendix B1*), as required by Mitigation Measure MM GEO-1, impacts related to expansive soils would be reduced to less-than-significant levels (SoCalGeo, 2023a, p. 17).

Mitigation

MM GEO-1 shall apply.

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

No Impact. The Project does not propose the use of septic tanks or alternative wastewater disposal systems, as sewer service to the Project Site would be provided by the Orange County Sanitation District (OCSD). No impacts would occur.

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?***

Less-than-Significant Impact with Mitigation Incorporated. According to the Tustin General Plan EIR, the Project Site is located in an area of low paleontological sensitivity (Tustin, 1993, Figure 5-21). Additionally, the Project Site’s ground surface previously was disturbed by excavation for



construction of the existing office buildings, parking structure, and associated improvements; therefore, there is a very low possibility of paleontological resources being present beneath the Project Site and encountered during Project-related redevelopment activities. In the event that the Project's construction activities extend at depth into previously undisturbed older alluvium deposits, the Project could result in impacts to important paleontological resources if such resources are unearthed and not properly treated. Therefore, the Project's potential to directly or indirectly destroy a unique paleontological resource buried beneath the ground surface is determined to be a potentially significant impact and mitigation is required. Implementation of Mitigation Measures MM GEO-2 through MM GEO-4 would ensure that any paleontological resources, should they be encountered, would be appropriately treated, and would reduce the Project's remote potential for direct and cumulatively considerable impacts to paleontological resources to less-than-significant levels.

Mitigation

MM GEO-2 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Tustin that a qualified paleontologist ("paleontologist") has been retained by the Project Applicant or contractor to be on-call should any suspected paleontological resources be encountered during Project-related construction activities.

MM GEO-3 If a suspected paleontological resource is discovered during earth disturbance activities, the discovery shall be cordoned off with a 100-foot radius buffer by the construction contractor so as to protect the discovery from further potential damage, and the paleontologist shall be consulted to assess the discovery.

MM GEO-4 If a discovery is determined to be significant by the paleontologist, the following shall occur:

- a. Monitoring of excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor for the remainder of ground-disturbing construction processes. Monitoring shall be conducted full-time in areas of grading or excavation in undisturbed older alluvium deposits.
- b. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or, if present, are determined on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the Project paleontologist, who will then notify the concerned parties of the discovery.
- c. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils



shall be collected and identified by field number, collector, and date collected. Notes shall be taken on the map location and stratigraphy of the site, which shall be photographed before it is vacated and the fossils are removed to a safe place. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment may be solicited to help remove the jacket to a safe location.

- d. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments.
- e. In accordance with the "Microfossil Salvage" section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil "microvertebrates," to test the feasibility of the deposit to yield fossil bones and teeth.
- f. In the laboratory, individual fossils shall be cleaned of extraneous matrix, and recovered specimens shall be prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates.
- g. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the Lead Agency (*e.g.*, the City of Tustin) will be consulted on the repository/museum to receive the fossil material.
- h. A final report of findings and significance shall be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to and accepted by the City of Tustin, shall signify satisfactory completion of the Project program to mitigate impacts to any potential nonrenewable paleontological resources (*i.e.*, fossils) that might have been lost or otherwise adversely affected without such a program in place.



Cumulative Impacts

With the exception of erosion hazards and paleontological resources, potential hazardous effects related to geologic and soil conditions addressed under Thresholds “a,” “c,” “d,” and “e” are unique to the Project Site, and inherently restricted to the specific property proposed for development. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soils hazards that may occur on other, off-site properties. Further, as noted in the foregoing analysis, all potential Project-related direct and indirect impacts related to geologic and soil conditions would be precluded through mandatory conformance with the 2022 California Building Code, the Tustin City Code, other standard regulatory requirements, and the site-specific geotechnical recommendations contained within the Project geotechnical report (compliance with which would be assured by Mitigation Measure MM GEO-1), which shall be incorporated into the Project’s design via conditions of approval. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties/projects.

As discussed under Threshold “b,” regulatory requirements mandate that the Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project Site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less-than-significant.

The Project’s potential to result in cumulative impacts to paleontological resources is low due to the Project Site already being developed. Nonetheless, if fossils are encountered that are determined to be important, the potential impact to paleontological resources is a cumulatively considerable impact when considered in context with other development projects in the region with the potential to impact paleontological resources. The potential impact is therefore considered cumulatively considerable, and mitigation is required. With implementation of Mitigation Measures MM GEO-2 through MM GEO-4, which would ensure that any paleontological resources that may be uncovered are appropriately treated, cumulatively considerable impacts would be reduced to less-than-significant levels.



4.8 Greenhouse Gas Emissions

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

An *Air Quality and Greenhouse Gas Assessment* was prepared for the Project by Urban Crossroads to quantify the greenhouse gas (GHG) emissions that would result from Project-related construction and operational activities. This report is included as *Appendix A* of this IS/MND and its findings are incorporated into the analysis presented herein.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-than-Significant Impact.

Global Climate Change (GCC) refers to the change in average meteorological conditions on the earth with respect to temperature, wind patterns, precipitation, and storms. Gases that trap heat in the atmosphere are often referred to as greenhouse gases (GHGs). An individual project such as the proposed Project evaluated herein cannot generate GHG emissions to affect a discernible change in global climate. However, the proposed Project may participate in the potential for GCC by its incremental contribution of GHGs combined with the cumulative increase of all other sources of GHGs, which when taken together constitute potential influences on GCC.

GHGs have varying Global Warming Potential (GWP) values. GWP of a GHG indicates the amount of warming a gas causes over a given period of time and represents the potential of a gas to trap heat in the atmosphere. Carbon dioxide (CO₂) is utilized as the reference gas for GWP, and thus has a GWP of 1. CO₂ equivalent (CO₂e) is a term used for describing the different GHGs in a common unit, which most often is expressed in terms of Metric Tons (MTCO₂e). CO₂e signifies the amount of CO₂ which would have the equivalent GWP.

The proposed Project would result in the emission of GHGs during both construction and long-term operation. Consistent with SCAQMD guidance, total construction GHG emissions have been amortized over the estimated life of the Project, which is estimated at 30 years. The amortized construction emissions are added to the annual average operational emissions for the proposed Project. Refer to *Technical Appendix A* for a discussion of modeling assumptions used to estimate the Project’s annual GHG emissions.



A numerical threshold for determining the significance of GHG emissions in the SCAB has not been established by the SCAQMD for Projects where SCAQMD is not the Lead Agency. As an interim threshold based on guidance provided in the California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change handbook, the City has opted to use a non-zero threshold approach based on Approach 2 of the handbook. Threshold 2.5 (Unit-Based Thresholds Based on Market Capture) establishes a numerical threshold based on capture of approximately 90% of emissions from future development. Although the SCAQMD has indicated that a threshold of significance of 10,000 MTCO₂e per year is an appropriate threshold to capture 90 percent of emissions within the SCAB, in order to provide a conservative analysis of potential Project impacts due to GHG emissions, the analysis herein makes use of the more conservative threshold of 3,000 MTCO₂e per year, which the SCAQMD indicates is appropriate for residential and commercial land uses (SCAQMD, 2008).

The calculated GHG emissions for the Project land use are summarized in **Table 4-7, Total Project Greenhouse Gas Emissions**. The calculated GHG emissions include emissions from Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), and Refrigerants €. As shown in **Table 4-7**, the Project would generate a total of approximately 1,871.52 metric tons (MT) of CO₂e per year. The Project’s annual GHG emissions would be below the SCAQMD’s commercial/ residential threshold of 3,000 MTCO₂e per year. As such, the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and impacts would therefore be less-than-significant.

Table 4-7 Total Project Greenhouse Gas Emissions

Source	Emission (MTCO ₂ e per year)				
	CO ₂	CH ₄	N ₂ O	R	Total MTCO ₂ e
Annual construction-related emissions amortized over 30 years	20.97	8.37E-04	5.35E-04	7.17E-03	21.15
Mobile Source	1356.17	0.07	0.11	2.06	1392.64
Area Source	2.90	0.00	0.00	0.00	2.91
Energy Source	259.71	0.02	0.00	0.00	260.77
Water	46.02	1.08	0.03	0.00	80.69
Waste	11.98	1.20	0.00	0.00	41.90
Refrigerants	0.00	0.00	0.00	24.10	24.10
On-Site Equipment Source	0.00	0.00	0.00	0.00	47.37
Total CO₂e (All Sources)	1,871.52				

Notes: CO₂ = Carbon Dioxide; CH₄ = Methane; N₂O = Nitrogen Dioxide; R = Refrigerants; CO₂e = Carbon Dioxide Equivalents.

Source: (Urban Crossroads, 2023a, Table 9)

In addition, under existing conditions, the Project Site is occupied with three two-story office buildings with a total of 139,178 s.f. and a parking garage. Because the Project would result in the elimination of the existing uses on-site, it is appropriate to calculate reduced GHG emissions



associated with the elimination of the existing uses. The calculated GHG emissions from the existing buildings are summarized in **Table 4-8, Existing Building Greenhouse Gas Emissions**.

Table 4-8 Existing Building Greenhouse Gas Emissions

Source	Emission (MTCO ₂ e per year)				
	CO ₂	CH ₄	N ₂ O	R	Total CO ₂ e
Mobile Source	1,440.82	0.07	0.06	2.83	1,463.23
Area Source	2.82	0.00	0.00	0.00	2.83
Energy Source	579.39	0.05	0.00	0.00	582.18
Water	34.48	0.81	0.02	0.00	60.45
Waste	11.55	1.15	0.00	0.00	40.41
Refrigerants	0.00	0.00	0.00	0.04	0.04
Total CO₂e (All Sources)	2,149.14				

Notes: CO₂ = Carbon Dioxide; CH₄ = Methane; N₂O = Nitrogen Dioxide; R = Refrigerants; CO₂e = Carbon Dioxide Equivalents.

Source: (Urban Crossroads, 2023a, Table 10)

Table 4-9, Project Net New Building Greenhouse Gas Emissions, shows that the Project is expected to generate fewer GHG emissions per year as compared to emissions generated by the existing use. In addition, and as noted above, the proposed Project’s annual GHG emissions would be less than the applicable SCAQMD interim threshold of significance of 3,000 MTCO₂e per year. Therefore, based on the preceding analysis, the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and impacts would be less-than-significant.

Table 4-9 Project Net New Building Greenhouse Gas Emissions

Emission Source	Total Annual CO ₂ e
Proposed Project	1,871.52
Existing Building	2,149.14
Net Emissions (Proposed – Existing)	-277.62

Source: (Urban Crossroads, 2023a, Table 11)

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-Significant Impact. As demonstrated by the following analysis, the Project would not conflict with applicable plans, policies, and/or regulations adopted with the intent to reduce GHG emissions, including AB 32 and SB 32, SCAG’s 2020-2045 RTP/SCS, and the Title 24 CBSC, which are particularly applicable to the Project.



In April 2015, Governor Brown signed EO B-30-15, which advocated for a Statewide GHG-reduction target of 40 percent below year 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In September 2016, Governor Brown signed SB 32, which formally established a Statewide goal to reduce GHG emissions to 40 percent below year 1990 levels by 2030. To date, no statutes or regulations have been adopted to translate the year 2050 GHG reduction goal into comparable, scientifically-based Statewide emission reduction targets.

In November 2022, CARB released the Final 2022 Scoping Plan Update, which identifies the State's progress toward the statutory 2030 target, while providing a path toward carbon neutrality and reduced greenhouse gases emissions by 85% below 1990 levels by 2045. Recent studies show that the State's existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40% below 1990 levels by 2030 (Lawrence Berkeley National Laboratory, 2015). The Project would not conflict with any of the 2022 Scoping Plan elements as any regulations adopted would apply directly or indirectly to the Project.

Rendering a significance determination for year 2050 GHG emissions relative to EO B-30-15 would be speculative because EO B-30-15 establishes a goal three decades into the future; no agency with GHG subject matter expertise has adopted regulations to achieve these Statewide goals at the project-level; and available analytical models cannot presently quantify all Project-related emissions in those future years. Further, due to the technological shifts anticipated and the unknown parameters of the regulatory framework in 2050, available GHG models and the corresponding technical analyses are subject to limitations for purposes of quantitatively estimating the Project's emissions in 2050.

The *2020-2045 RTP/SCS* was prepared to ensure that the SCAG region attains the per capita vehicle miles targets for passenger vehicles identified by CARB (and thus meeting associated GHG emissions targets), as required by Senate Bill 375. The Project would not conflict with applicable measures of the *2020-2045 RTP/SCS* and, therefore, would not interfere with the region's ability to minimize GHG emissions from transportation sources.

The Project Applicant proposes the demolition of three existing office buildings and one parking garage, and the redevelopment of the Project Site with two new warehouse buildings. The proposed new buildings would include contemporary, energy-efficient/energy-conserving design features (including the enhanced building/utility energy efficiencies mandated by the Energy Code and CALGreen including but not limited to enhanced insulation, window and door seals, and Energy Star appliances). Warehouse land uses are not inherently energy intensive and the total Project energy demands would be comparable to, or less than, other goods movement projects of similar scale and configuration, due to the Project's modern construction and requirement to be constructed in accordance with the most recent CBSC. The CBSC includes the California Energy Code, or Title 24, Part 6 of the California Code of Regulations, also titled The Energy Efficiency Standards for Residential and Nonresidential Buildings. The California Energy Code was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated approximately every three years to improve energy efficiency by incorporating new energy efficiency technologies and methods. The Project would be required to comply with all applicable provisions of the CBSC. As such, the Project's energy demands would be minimized through design features and operational programs that, in aggregate, would ensure that Project energy efficiencies would comply with – or exceed –



incumbent CBSC energy efficiency requirements, thereby minimizing GHG emissions produced from energy consumption.

Implementation of the Project would not conflict with the State's ability to achieve the Statewide GHG reduction mandates and would be consistent with applicable policies and plans related to GHG emissions reductions. Implementation of the Project would not actively interfere with any future federally-, State-, or locally-mandated retrofit obligations (such as requirements to use new technologies such as diesel particulate filters, emissions upgrades to a higher tier equipment, etc.) enacted or promulgated to legally require development projects to assist in meeting State-adopted GHG emissions reduction targets, including those established under EO S-3-05, EO B-30-15, or SB 32. Therefore, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs and would result in a less-than-significant impact.

Cumulative Impacts

GCC occurs as the result of global emissions of GHGs. An individual development project such as the proposed Project does not have the potential to result in direct and significant GCC-related effects in the absence of cumulative sources of GHGs. The CEQA Guidelines emphasize that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis (See CEQA Guidelines Section 15130[f]). Accordingly, the analysis provided herein reflects a cumulative impact analysis of the effects related to the Project's GHG emissions which demonstrates that the Project would not conflict with applicable GHG-reduction plans, policies, or regulations and would not generate cumulatively considerable GHG emissions that may have a significant impact on the environment, because the Project would not exceed the SCAQMD's interim GHG emissions threshold of 3,000 MTCO_{2e} per year.



4.9 Hazards And Hazardous Materials

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

A Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment were prepared by Environmental Management Strategies, Inc. (EMS) for the Project Site to determine the presence/absence of on-site hazards and hazardous materials. These reports are included as Appendix D1 and Appendix D2 of this IS/MND and their findings are incorporated in the analysis presented herein.

a, b) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or create a significant hazard to



the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less-than-Significant Impact. Implementation of the Project would require demolition and removal of all existing structures, improvements, and solid waste from the Project Site, and would result in the construction and long-term operation of two warehouse buildings on the site. In the event any hazards or hazardous materials were to be present on the Project Site or any hazardous materials were to be used or stored on the Project Site during construction or long-term operation, the Project would have the potential to expose workers on-site, the public, and/or the environment to a substantial hazard. The analysis below evaluates the potential for the Project to result in a substantial hazard to people or the environment during construction and/or operation of the Project.

Potential Hazards in Demolition Materials

The current buildings appear to have been constructed in the mid-1980s; therefore, it is unlikely that lead-based paint is present on painted surfaces, as the use of lead-based paints in construction was outlawed at the federal level in 1978. Due to the age of the buildings, however, they may contain asbestos-containing materials. As such, in the absence of protective measures, a significant impact could occur during demolition of the existing structures due to disturbances to asbestos-containing construction materials (ACCMs). However, SCAQMD Rule 1403 establishes survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities. Assuming that ACCMs are present in the existing structures located on-site, then Rule 1403 requires notification of the SCAQMD prior to commencing any demolition activities. Rule 1403 also sets forth specific procedures for the removal of asbestos and requires that an on-site representative trained in the requirements of Rule 1403 be present during the stripping, removing, handling, or disturbing of ACCM. Mandatory compliance with the provisions of Rule 1403, which is incorporated herein as Regulatory Requirement RR-10, would ensure that construction-related grading, clearing, and demolition activities do not expose construction workers or nearby sensitive receptors to significant health risks associated with ACCMs. Because future development on the Project Site would be required to comply with SCAQMD Rule 1403 during demolition activities (as will be assured through the Project's conditions of approval), impacts due to asbestos would be less-than-significant (EMS, 2023a, n.p.).

Short-Term Construction Impacts

Heavy equipment (e.g., dozers, excavators, tractors) would be operated on the Project Site during demolition and construction activities. This heavy equipment likely would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Project Site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the



Project than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited to, requirements imposed by the EPA, DTSC, and the Santa Ana RWQCB. With mandatory compliance with applicable hazardous materials regulations, the Project would not create significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials during the construction phase. A less-than-significant impact would occur.

Long-Term Operational Impacts

The future building occupants for the Project Site have not yet been identified. However, the Project is designed to house warehouse distribution occupants and it is possible that hazardous materials could be used during the course of a future building user's daily operations. State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that require businesses to plan and prepare for possible chemical emergencies. Any business that may occupy the warehouse buildings on the Project Site and that handles hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) will require a permit from the Orange County Health Care Agency, Environmental Health Division, in order to register the business as a hazardous materials handler. Such businesses also are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the Orange County Health Care Agency, Environmental Health Division, and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP). An HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material. With mandatory regulatory compliance, the Project would not pose a significant hazard to the public or the environment through the routine transport, use, storage, emission, or disposal of hazardous materials, nor would the Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment. Based on the foregoing information, potential hazardous materials impacts associated with long-term operation of the Project would be less-than-significant.

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

Less-than-Significant Impact with Mitigation Incorporated. Irvine Valley College's (IVC) Advanced Technology and Education Park (ATEP) is located approximately 0.15-mile southeast of the Project Site. Due to the proximate location of the school campus, the Project has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, and/or wastes within one-quarter mile of an existing or proposed school.

As described above under the analysis for Thresholds "a" and "b," the use and transport of hazardous substances or materials to-and-from the Project Site during construction and long-term



operational activities would be required to comply with applicable federal, State, and local regulations that would preclude substantial public safety hazards. Accordingly, there would be no potential for existing or proposed schools to be exposed to substantial safety hazards associated with the emission, handling, or routine transport of hazardous substances or materials to-and-from the Project Site, and impacts would be less-than-significant.

Although impacts would be less-than-significant with compliance with applicable federal, State, and local regulations, Mitigation Measure MM HAZ-1 is specified herein to ensure regulatory compliance, which requires the Project Applicant/Developer or Project Site owner to provide a Hazardous Materials Business Emergency Plan (HMBEP) (if required by law) to the President of the IVC ATEP. With implementation of the required mitigation, Project impacts due to the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school would be reduced to less-than-significant levels.

Mitigation

MM HAZ-1 Prior to the issuance of any new occupancy permit for a use/user within the proposed Project's warehouse buildings, and to the extent hazardous materials are anticipated to be utilized or stored on-site and a Hazardous Materials Business Emergency Plan (HMBEP) is required by law, the Project Applicant/Developer or Project Site owner shall provide a copy of its approved Emergency Response Plan to the President of the Irvine Valley College's Advanced Technology and Education Park outlining how the building user will prevent or respond to spills or leaks of hazardous materials related to its facility/facilities and use of the Project Site. If so requested, the Project Applicant/Developer or Project Site owner shall also meet with the President of the Irvine Valley College's Advanced Technology and Education Park and Fire Department officials to discuss emergency response procedures as contained in the HMBEP for spills or leaks at the Project Site in relation to the nearby school facilities. This measure shall be implemented under the supervision of the City of Tustin's Planning Division. All meetings shall be documented, and documentation shall be provided to the City Planning Department within 30 days of each meeting. Failure to abide by these procedures may be grounds for revocation of any conditional use permits or other discretionary approvals for specific warehouse uses on the Project Site.

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

Less-than-Significant-Impact. Based on the results of the Project's Phase I and II Environmental Site Assessments ("ESAs"; *Technical Appendices D1 and D2*), and a records search of hazardous materials databases conducted by Environmental Data Resources, Inc. (EDR), the Project Site was listed on the following hazardous materials databases: Resources Conservation and Recovery Act Non-Generators/No Longer Regulated (RCRA NonGen/NLR), Facility and Manifest Data (HAZNET), and Hazardous Waste Tracking System (HWTS). Based on the nature of the information provided by EDR, it is not anticipated that the listings mentioned above are an environmental concern to



the Project Site. The following are the database listings which may be a potential environmental concern (EMS, 2023a, n.p.).

Listings for the Project Site under the HAZNET and HWTS databases appear to be related to the generation, hauling, and disposal of hazardous wastes, such as waste oil, mixed oil, and unspecified solvent mixtures. These listings appear to be related to the removal and disposal of asbestos at the Project Site. No additional information regarding the generation, hauling and disposal of hazardous wastes was provided in the RCRA NonGen/NLR database listing. It is anticipated that these hazardous waste listings do not represent an environmental concern to the Project Site (EMS, 2023a, n.p.).

Numerous additional environmental records were identified for facilities in the surrounding area; however, evidence of *Recognized Environmental Conditions (RECs)* based on the disposal of hazardous wastes was identified on the adjacent properties of 1361 Bell Avenue (Tustin Body Works), 15622 Mosher Avenue (Fix Auto-Tustin), and 1401 Morgan Circle (Sterigenics), and the lack of any environmental records or investigation into an underground storage tank on the adjacent property of 15551 Red Hill Avenue (EMS, 2023a, n.p.). The Phase I ESA concluded that these *Recognized Environmental Conditions* posed a potential Vapor Encroachment Condition to the Project Site and recommended a Phase II ESA to identify whether the adjacent sites impacted the soil vapor beneath the Project Site, and whether vapors from the historic operations on the adjacent properties could impact the indoor air quality of the existing buildings and potential new structures on the Project Site.

As part of the Phase II ESA, temporary soil vapor probes were installed at 10 locations on the Project Site at a depth of five feet along the northern property boundary closest to the adjacent facilities of concern. Results of the soil vapor testing are compared to environmental screening levels (ESLs) published in July 2019 by the State of California Bay Area Regional Water Quality Control Board for commercial property use, and US EPA Region 9 Risk Screening Levels (RSL) dated May 2022 (EMS, 2023b, p. 2).

All soil vapor samples had detections of VOCs. All compounds detected are below their respective Environmental Screening Levels (ESLs) and Regional Screening Levels (RSLs) for commercial site use. Because all compounds detected were at concentrations below their respective ESLs and RSLs, the VOCs do not pose a potential vapor encroachment condition or vapor intrusion risk to the Project Site. The detections of VOCs do not require any additional site mitigation measures for the proposed construction of the Project. No further action or testing is required for the Project Site (EMS, 2023b, pp. 4-5).

In summary, based on the Project's Phase I and Phase II ESAs, although the Project Site is listed on several hazardous materials databases, as described above, the listings do not represent a significant environmental concern. Accordingly, the Project would not create a significant hazard to the public or the environment. Impacts would be less-than-significant.



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

No Impact. The Project Site is not located within two miles of a public airport or within an airport land use plan, and there are no components of the proposed Project that would affect airport operations. The closest airport is the John Wayne Airport, located approximately 2.6 miles southwest of the Project Site. The Project Site is located outside of the airport impact zones for the John Wayne Airport, indicating that the Project Site is not subject to airport-related hazards associated with this facility (ALUC, 2008). Therefore, the Project would not result in an inconsistency with an Airport Master Plan, would not require review by the Airport Land Use Commission, and would not result in a safety hazard for people residing or working in the Project area. No impact would occur.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

No Impact. The Project Site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and long-term operation, the proposed Project would be required to maintain adequate emergency access for emergency vehicles. As part of the City's discretionary review process, the City of Tustin reviewed the Project's application materials to ensure that appropriate emergency ingress and egress would be available to-and-from the Project Site and that the Project would not substantially impede emergency response times in the local area. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.

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

No Impact. The Project Site is not located adjacent to wildlands nor is the Project Site located within or adjacent to a very high fire hazard severity zone (CalFire, 2011; Google Earth, 2023). Accordingly, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact would occur.

Cumulative Impacts

As discussed above under the responses to Thresholds "a" and "b," the Project's construction and operation would be required to comply with all applicable federal, State, and local regulations to ensure the proper use, storage, and disposal of hazardous substances. Such uses would be subject to additional review and permitting requirements by the Orange County Health Care Agency, Environmental Health Division. Similarly, any other developments in the area proposing the construction of uses with the potential for the use, storage, or transport of hazardous materials would also be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Therefore, the potential for release of toxic substances or



hazardous materials into the environment, either through accidents or due to the routine transport, use, or disposal of such materials, would be less than cumulatively considerable.

The Project Site is located within one-quarter mile of an existing or planned school; however, the use and transport of hazardous substances or materials to-and-from the Project Site during construction and long-term operational activities would be required to comply with applicable federal, State, and local regulations that would preclude substantial public safety hazards. Construction activities would not interfere with emergency response as all work would be done according to the City's and the Orange County Fire Authority's standards and regulations. During construction and operational phases, necessary on- and off-site access/circulation for emergency vehicles/services would be required. Compliance with these regulations would ensure the safe handling of hazardous materials, including the appropriate response and clean-up in the event of an accident, to preclude substantial health and safety hazards to students at school; thus, impacts would be less-than-significant, and the Project's contribution would be less than cumulatively considerable.

The Project Site is on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; however, upon investigation during the Phase I ESA and Phase II ESA, it was determined that there is no potential vapor encroachment or vapor intrusion risk to the Project Site. Therefore, the Project has no potential to contribute to substantial, cumulative effects related to the development or re-development of contaminated property.

As discussed above under the response to Threshold "e," the Project is not located within the influence area of the John Wayne Airport; therefore, the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area and would not contribute to a cumulatively considerable impact associated with airport hazards.

The Project Site does not contain any emergency facilities, nor does it serve as an emergency evacuation route; thus, there is no potential for the Project to contribute to any cumulative impacts associated with an adopted emergency response plan or emergency evacuation plan.

As discussed above under Threshold "g," the Project Site is not located within or in close proximity to areas identified as being subject to wildland fire hazards and would have no potential to contribute to adverse, cumulative wildland fire hazards.



4.10 Hydrology And Water Quality

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

A Hydrology Study and Preliminary Water Quality Management Plan (PWQMP) were prepared by Thienes Engineering for the proposed Project. The Hydrology Study and PWQMP are included in this IS/MND as Appendix C1 and Appendix C2, respectively, and the results are summarized herein.

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



Less-than-Significant Impact. The California Porter-Cologne Water Quality Control Act (§ 13000 [“Water Quality”] et seq., of the California Water Code), and the Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act [CWA]) require that comprehensive water quality control plans be developed for all waters within the State of California. The Project Site is located within the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB). Development within the Santa Ana RWQCB region is subject to the RWQCB’s 2019 Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). The RWQCB’s 2019 Basin Plan is herein incorporated by reference and is available for public review at the Santa Ana RWQCB office located at 3737 Main Street, Suite 500, Riverside, CA 92501-3348 and on-line at:

https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/ (RWQCB, 2019).

The Clean Water Act (CWA) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards are placed on a list of impaired waters pursuant to the requirements of Section 303(d) of the CWA. The Project Site resides within the Santa Ana River Watershed. Based on the Project’s Water Quality Management Plan (“WQMP”; MND *Technical Appendix C2*), receiving waters for the property’s drainage include Peters Canyon Channel, San Diego Creek Reach 1, Newport Bay (Upper), and Newport Bay (Lower). Peters Canyon Channel is listed as being impaired due to benthic community effects, DDT, indicator Bacteria, Malathion, Selenium, Toxaphene, and Toxicity. San Diego Creek Reach 1 is listed as impaired due to benthic community effects, DDT, indicator bacteria, sedimentation/siltation, selenium, toxaphene, and toxicity. Newport Bay (Upper) is listed as being impaired due to chlordane, copper, DDT, indicator bacteria, malathion, nutrients, PCBs, sedimentation/siltation, and toxicity. Newport Bay (Lower) is listed as being impaired due to chlordane, copper, DDT, indicator bacteria, nutrients, PCBs, and toxicity (Thienes Eng, 2023b, p. 14).

A specific provision of the CWA applicable to the proposed Project is CWA Section 402, which authorizes the National Pollutant Discharge Elimination System (NPDES) permit program that covers point sources of pollution discharging to a water body. The NPDES program also requires operators of construction sites one acre or larger to prepare a Stormwater Pollution Prevention Plan (SWPPP) and obtain authorization to discharge stormwater under an NPDES construction stormwater permit.

Existing Conditions

Under existing conditions, the Project Site is developed with three existing multi-tenant office buildings, one two-story parking structure, and associated parking lots. The majority of the site drains southerly toward the intersection of Bell Avenue and Red Hill Avenue. On site, there is a pair of catch basins that collect the runoff and convey flows to the existing 54-inch storm drain in Bell Avenue. A small portion of the site on the northwest side drains out to Bell Avenue via a v-gutter system on-site. The northeast side of the Project Site drains out a shared use gutter and discharges into an existing catch basin which connects to the existing storm drain in Red Hill Avenue (Thienes Eng, 2023b, p. 5).

Construction Activities

To minimize water quality impacts during construction of the proposed Project, construction activities would be required to comply with a Stormwater Pollution Prevention Plan (SWPPP) consistent with the General Permit for Stormwater Discharge Associated with Construction Activity (Construction



Activity General Permit). The SWPPP would incorporate BMPs such as the use of straw bale barriers, plastic sheeting/erosion control blankets, regular watering of disturbed areas, and outlet protection measures. Therefore, with mandatory adherence to the required SWPPP, runoff during construction activities at the Project Site would not contribute substantially to existing downstream impairments, and as such, the Project would not violate any water quality standards or waste discharge requirements. Accordingly, water quality impacts associated with construction activities would be less-than-significant and no mitigation measures would be required.

Long-Term Operational Conditions

Under long-term operating conditions, drainage from proposed Building 1 and the associated parking would be directed to a low spot in the truck yard where a catch basin would be installed. The private storm drain would convey the runoff southeasterly toward the existing 54-inch storm drain in Bell Avenue. A new connection would be proposed to allow for this discharge. Drainage from proposed Building 2 and the vehicle parking along the north side would be directed to a pair of catch basins in the truck yard. The proposed storm drain would continue westerly, collecting runoff from the west vehicle parking and drive aisle. The storm drain would continue to the southern corner of the site. The existing public catch basin on Bell Avenue would be reconstructed to allow for this proposed connection. The northern drive aisle would continue to drain as in the existing condition, along an existing v-gutter which is utilized by the neighboring property. The existing catch basin at the downstream end of this gutter would be reconstructed in a nearby location to allow for parking improvements. The existing storm drain lateral would continue to be utilized. Before the onsite flows discharge offsite, manhole structures would divert low flows to a sump pump that would transport flows to the proposed proprietary biofiltration systems for treatment. There would be one Modular Wetlands System (MWS) serving Building 1, another MWS system (comprised of 2 units) serving Building 2, and a third MWS system serving the northern proposed vehicle parking, the shared drive, and off-site run-on from the neighboring property (Thienes Eng, 2023b, pp. 5-6).

The proposed Project would meet the stormwater treatment requirements in the Orange County MS4 Permit, which requires the Project Applicant to implement a long-term WQMP. The WQMP is a post-construction management program that ensures the on-going protection of the watershed basin by requiring structural and programmatic controls. The Project's Preliminary WQMP is included as *Technical Appendix C2*. The Preliminary WQMP identifies structural controls (including the proposed MWS units, stenciling of storm drains, etc.) and non-structural source control measures (including educating property owners and tenants/occupants, common area landscape management, maintenance of the Project's BMPs, litter control, etc.). The structural and non-structural source control measures would minimize, prevent, and/or otherwise appropriately treat storm water runoff flows before they are discharged from the site. Mandatory compliance with the WQMP would ensure that runoff from the Project Site does not contribute substantially to existing downstream impairments, and that the Project would not violate any water quality standards or waste discharge requirements.



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

No Impact. The proposed Project does not propose to use groundwater resources, as the Project would be served with potable water from the IRWD. The Project Site is currently developed with three existing multi-tenant office buildings, one two-story parking structure, and associated surface parking lots and landscaping. The proposed Project would not result in additional impervious surfaces on the Project Site. In addition, the proposed Project would utilize the existing catch basin on Bell Avenue at the downstream end of the existing v-gutter. The catch basin would be reconstructed in a nearby location to allow for parking improvements. The existing storm drain lateral would continue to be utilized and before the onsite flows discharge offsite, manhole structures would divert low flows to a sump pump that would transport flows to the proposed proprietary biofiltration systems for treatment. One MWS would be provided within the landscaped area on the northwest side of Building 1, and two would be provided within the landscaped area on the south side of Building 2 as a site design BMP, which would allow for groundwater infiltration. All runoff from the Project Site ultimately would be conveyed to natural drainage channels downstream (e.g., San Diego Creek), where groundwater infiltration would continue to occur as it does under existing conditions, and there would be no change in the total amount of runoff from the Project Site as compared to existing conditions. Therefore, the Project would not significantly impact local groundwater recharge (Thienes Eng, 2023b, pp. 5-6). No impacts would occur in this regard, and no mitigation is required.

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

i) *Result in substantial erosion or siltation on- or off-site?*

Less-than-Significant Impact. As described under the analysis of Threshold 4.10(a), construction activities associated with the Project would be subject to compliance with a SWPPP. The SWPPP would incorporate BMPs such as the use of straw bale barriers, plastic sheeting/erosion control blankets, regular watering of disturbed areas, and outlet protection measures, all of which would ensure that substantial erosion or siltation does not occur during Project construction activities. Therefore, with mandatory adherence to the required SWPPP, runoff during construction activities at the Project Site would not result in substantial erosion or siltation on- or off-site, and impacts would be less-than-significant.

Following construction, wind and water erosion on the Project Site would be minimized, as the disturbed areas would be landscaped or covered with impervious surfaces, and drainage would be controlled through a storm drain system, as described under the discussion and analysis of Threshold a). The Project's proposed drainage system would mimic the existing drainage patterns that occur on-site, and there would be no substantial alteration to the site's existing drainage patterns. The Project's proposed storm drain system, which incorporates biofiltration units, would minimize the amount of pollutants in runoff discharged from the Project Site, including silt and sediments. Accordingly, implementation of the Project would not increase the risk of siltation or



erosion in stormwater discharged from the Project Site under long-term operational conditions. Therefore, impacts would be less-than-significant, and no mitigation is required.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?

Less-Than-Significant Impact. As discussed in Threshold 4.10(c)(i) above, the Project would not substantially alter the existing drainage patterns of the Project Site or vicinity. The Project Site does not include any streams or rivers. Low flows would be directed to Bio Clean MWSs for treatment before being discharged into the public storm drain system. In addition, there is an existing pair of catch basins that collect runoff and convey it to the existing storm drain in Bell Avenue, and the northwestern side of the Project Site drains out a shared use gutter and discharges into an existing catch basin which connects to the existing storm drain in Red Hill Avenue. Drainage from Building 1 and the associated vehicle parking lot would be directed to a low spot in the truck yard where a catch basin is proposed. Drainage from Building 2 and the associated vehicle parking along the north side of the Project Site will be directed to a pair of catch basins in the truck yard. The Project's proposed drainage system would manage flows on-site such that no flooding would occur during peak storm events. In addition, the existing downstream drainage facilities have sufficient capacity to accommodate the Project's stormwater flows such that there would not be an increase in flood hazards in downstream areas (Thienes Eng, 2023b, p. 5). Impacts would be less-than-significant, and no mitigation is required.

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

Less-Than-Significant Impact. Please refer to the discussion and analysis of Threshold a), which demonstrates that the Project would not result in additional sources of polluted runoff during either construction or long-term operation. With respect to existing storm drain capacity, under existing conditions the Project Site is fully developed with three office buildings and a parking garage and has drainage systems in place at downstream locations. Redevelopment of the Project Site with two (2) warehouse buildings and an on-site storm drain system would yield a slight increase in peak flow rates as compared to existing conditions. Specifically, the existing 25-year and 100-year peak flow rates are 16.0 cubic feet per second (cfs) and 20.6 cfs, respectively. Upon implementation of the Project, the 25-year and 100-year peak flow rates for both buildings would increase to 22.4 cfs and 27.6 cfs, respectively. Although the Project's drainage system would result in an increase in peak flows from the site as compared to existing conditions, Thienes Engineering confirmed that the existing downstream storm drain facilities have sufficient capacity to accommodate flows generated by the Project. Accordingly, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and impacts would be less-than-significant (Thienes Eng, 2023a, n.p.).

***iv) Impede or redirect flood flows?***

Less-Than-Significant Impact. According to Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM) Map No. 06059C0279J, the Project Site is located within Flood Zone X (unshaded), which is defined as “[a]reas determined to be outside the 0.2% annual chance floodplain” (FEMA, 2009). As such, the Project Site is not subject to flood hazards under existing conditions, and the Project has no potential to impede or redirect flood flows, resulting in no impact. As discussed in Threshold 4.10(c)(iii) above, although the Project would not substantially alter the existing drainage patterns of the Project Site or vicinity, the existing 25-year and 100-year peak flow rates from the Project Site are anticipated to increase from are 16.0 cfs and 20.6 cfs to 22.4 cfs and 27.6 cfs, respectively. Because downstream storm drain facilities have adequate capacity to accommodate the Project’s storm water flows, the Project would not result in increased flood hazards or changes to flood hazard conditions downstream (Thienes Eng, 2023b, p. 5). Accordingly, impacts to issues related to flooding would be less-than-significant.

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

No Impact. The proposed Project is located more than 8 miles east of the Pacific Ocean. There are no large bodies of water within the Project vicinity capable of producing seiches that could result in site inundation. Additionally, according to FEMA FIRM No. 06059C0279J, the Project Site is located within Flood Zone X (unshaded), which is defined as “[a]reas determined to be outside the 0.2% annual chance floodplain” (FEMA, 2009). Therefore, the Project would not be subject to inundation by seiches, tsunamis, or due to flood hazards. Thus, no impact would occur, and no mitigation is required.

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

No Impact. Water quality impacts other than those described in Threshold 4.10(a) above are not anticipated with implementation of the Project. Furthermore, the Project does not propose to use groundwater and, as discussed in Threshold 4.10(b) above, stormwater runoff would utilize an on-site catch basin and Bio Clean Modular Wetlands System to detain and treat water prior to discharging into the public storm drain system (Thienes Eng, 2023b, pp. 5-6). Therefore, the Project would not obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impacts would occur in this regard and no mitigation is required.

Cumulative Impacts

The potential impacts related to hydrology and stormwater runoff are typically site-specific and therefore, site-specific BMPs are implemented at the Project level. The analysis above demonstrates that implementation of the Project would not result in significant impacts to hydrology and water quality with implementation of the Project’s drainage system. With respect to Project impacts that would be considered less-than-significant, such impacts are not expected to result in compounded or increased impacts when considered together with similar effects from other past, present, and reasonably foreseeable future projects, as other projects would be subject to similar laws and requirements regarding drainage and water quality. Potential impacts would be less than cumulatively considerable.



4.11 Land Use And Planning

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
11. LAND USE AND PLANNING. Would the Project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Physically divide an established community?

No Impact. The Project Site is developed with three office buildings, a parking garage, drive aisles, surface parking areas, and ornamental landscaping, and is completely surrounded by roadways and other properties developed with non-residential uses (i.e., commercial and industrial uses) (Google Earth, 2023). Due to the extent of existing urbanization in the vicinity and the Project Site already being developed with office buildings, a parking garage, and associated improvements, redevelopment of the Project Site with two warehouse buildings, surface parking and landscaping would have no potential to physically divide an established community. Additionally, the Project is consistent with the existing land use designation and zoning of the Project Site. No impact would occur.

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

No Impact. The City’s General Plan land use designation for the Project Site is Planned Community Commercial/Business (PCCB) (Tustin, 2018, p. 34). The current zoning is Planned Community Industrial (PC IND) and subject to International Rectifier Planned Community district regulations. According to TCC Section 9244, the purpose of the Planned Community (PC) District designation is to “...allow diversification of the relationships of various buildings, structures and open spaces in planned building groups while ensuring substantial compliance with the district regulations and other provisions of [Chapter 2, *Zoning*, of the Tustin City Code].” (Tustin, 2023, Section 9244(a)). The PC District Regulations provide standards for site density, setbacks, building height, landscaping, and other standards related to the character of the Project (Tustin, 2008). According to International Rectifier Planned Community PC District, Part I, Industry, it is the intent “to allow the location of industries engaged in research and/or testing and general manufacturing activities, provided that such activities are confined within a building or buildings and do not contribute excessive noise, dust, smoke, or vibration to the surrounding environment nor contain a high hazard potential due to the nature of the products, material, or process involved” (Tustin, 2008). The Project has been reviewed by the City of Tustin, which determined that the Project would be fully consistent with the development regulations for the PC IND zone and the PC District Regulations, applicable provisions of the Tustin City Code, and the policies and requirements of



the City of Tustin General Plan. There are no other land use plans, policies, or regulations applicable to the Project Site that have been adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impacts would occur, and no mitigation is required.

Cumulative Impacts

The Project would not conflict with any applicable land use regulations, land use policies, or land use planning documents. The Project does not propose any new roadways or other significant infrastructure improvements that would restrict access, require a diversion of existing travel routes, or otherwise divide an established community. Therefore, the Project would not contribute toward any cumulative impacts in these regards. The Project would not result in an impact on any sensitive plant or animal species covered by a habitat conservation plan or natural community conservation plan, nor does it hinder the implementation or establishment of such plans. For these reasons, the Project would not contribute to a cumulative impact or result in land use conflicts. Potential future projects would be subject to project level review of their land use impacts. As discussed above, the Project would not impact land use policies; therefore, the proposed Project, when considered with past, present, and reasonably foreseeable projects, would have no cumulative impacts related to land use and planning.



4.12 Mineral Resources

ENVIRONMENTAL IMPACTS Issues		Potentially Significant Issues	Less-than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
12. MINERAL RESOURCES. Would the Project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Existing Conditions

According to the City of Tustin General Plan Conservation/Open Space/Recreation Element, the only mineral resource identified within Tustin is the Mercury-Barite deposit in Red Hill (the hill). However, this resource is not utilized (Tustin, 2017, p. 41).

a-b) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. The Project Site is located within Mineral Resource Zone 1 (MRZ-1), which indicates “[a]reas of no mineral resource significance” (CDC, 1994). Accordingly, the Project Site is not located within an area known to be underlain by regionally important mineral resources. In addition, the Project Site is not identified as a locally important mineral resource recovery site in the City of Tustin General Plan Conservation/Open Space/Recreation Element (Tustin, 2017, p. 41). Accordingly, implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region or to the residents of the State of California, and would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur, and no mitigation is required.

Cumulative Impacts

As mapped by the California Department of Conservation (CDC), the Project Site does not contain known mineral resource deposits. As such, the Project does not have the potential to result in cumulatively considerable impacts due to the loss of availability of a known mineral resource that would be of value to the region or residents of the State. No cumulatively considerable impacts would occur.

The City of Tustin’s General Plan Conservation/Open Space/Recreation Element does not designate the Project Site as mineral resource recovery site, and there are no other land use plans that identify the Project Site or surrounding areas as containing mineral resources. As such, the Project does not have the potential to result in cumulatively considerable impacts due to the loss of availability of a locally important



mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No cumulatively considerable impacts would occur.



4.13 Noise

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

The Project Site is developed with three two-story, multi-tenant office buildings and one two-story parking garage. As such, under existing conditions, the Project Site generates operational and traffic-related noise typical of office-related uses. The nearest receptor used for evaluation of localized noise impacts is the Orange County Rescue Mission located at 1 Hope Drive, approximately 443 feet (135 meters) northeast of the Project Site.

- a) ***Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

Less-than-Significant-Impact.

Construction-Related Noise Impacts

Construction activities on the Project Site would proceed in six stages: 1) demolition; 2) site preparation; 3) grading; 4) building construction; 5) paving; and 6) application of architectural coatings. These activities would create temporary periods of noise when heavy construction equipment (i.e., bulldozer, trucks, concrete mixer, portable generators, power tools) is in operation, and would cause a short-term increase in ambient noise levels. In accordance with TCC Section 4617(e)TCC, Project construction activity would be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturdays, excluding City-observed federal holidays (unless otherwise approved by the City of Tustin) (Tustin, 2023). If the Project Applicant receives express permission from the City to pour concrete at night, nighttime construction-related noise would be of a short duration and would only occur during the one to two weeks anticipated for concrete pouring activities. Accordingly, due to the lack of sensitive



receptors in the surrounding area and the short-term nature of Project construction activities, including nighttime construction activities, Project construction would not expose nearby sensitive receptors to excessive construction-related noise and impacts would be less-than-significant.

Operation

Stationary (on-site) noise sources associated with long-term Project operation are expected to include entry gate and truck movements, delivery truck and automobile parking, delivery truck backup alarms, roof-top air conditioning units, as well as noise associated with the loading and unloading of dry goods. According to TCC, Chapter 6, Noise Control, exterior noise levels for Noise Zone 3 (Industrial Properties) should not exceed 70 dB(A) (Tustin, 2023). Under existing conditions, the Project Site has operational noise sources similar to what is expected from redevelopment of the Project Site, including delivery truck and automobile parking, delivery truck backup alarms, and roof-top air conditioning units. Because the Project Site is already developed and the Project proposes similar uses as those that occur in the surrounding area, the proposed Project's operational noise is anticipated to be of a similar noise level to that of the existing uses. Therefore, Project operations are not expected to result in a substantial permanent increase in ambient noise levels in the vicinity of the Project, and impacts would be less-than-significant.

According to the Trip Generation Assessment prepared for the Project (*Appendix E*), the existing site generates an average of 1,510 two-way trips per day, with 211 trips during the AM peak hour and 200 trips during the PM peak hour. The proposed Project is calculated to generate a total of 688 actual total vehicle two-way trips per day with 104 AM peak hour trips and 90 PM peak hour trips. Thus, the Project would generate approximately 822 fewer two-way trips per day as compared to the existing uses at the Project Site (Urban Crossroads, 2023b, pp. 3-5). Because the Project would generate less traffic than the existing uses on-site, it can be concluded that Project-related traffic noise also would be reduced compared to existing conditions. Accordingly, Project-related traffic under long-term operating conditions would not result in a substantial increase in traffic-related noise levels in the vicinity of the Project, and impacts would be less-than-significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less-than-Significant-Impact. The proposed Project would not involve heavy manufacturing drilling or other subterranean activities that would generate excessive groundborne vibration or groundborne noise levels when in operation. In addition, construction activities for the Project are not anticipated to involve pile driving or blasting. Furthermore, because vibration levels diminish rapidly with distance and because there are no sensitive receptors in close proximity to the Project Site, the Project would not expose any nearby sensitive receptors to excessive vibration impacts. Therefore, the Project would not result in the generation of excessive groundborne vibration or noise, and impacts would be less-than-significant.



- c) ***For a project located within the vicinity of a private airstrip or an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

No Impact. The Project Site is not located within two miles of a public airport or within an airport land use plan and there are no components of the proposed Project that would affect airport operations. The closest airport is the John Wayne Airport, located approximately 2.6 miles southwest of the Project Site. The Project Site is located outside of the airport impact zones for the John Wayne Airport, indicating that the Project Site is not subject to excessive airport-related noise (ALUC, 2008). No impact would occur.

Cumulative Impacts

The Project's construction activities would occur during the established Project construction activity hours set forth in TCC Section 4617(e), and Project operational noise levels would be in compliance with the exterior noise levels established in TCC Section 4614, for industrial properties. Although nighttime concrete pouring activities could occur during construction, such activities would occur over a short duration (one to two weeks) and would not expose nearby sensitive receptors to excessive noise levels. Traffic noise would decrease as compared to existing conditions due to the reduction in traffic generated by the proposed Project. Given that noise dissipates as it travels away from its source, operational noise impacts from on-site activities and other stationary sources would be limited to the Project Site and vicinity and would not increase relative to existing conditions. Thus, cumulative operational noise impacts from related projects, in conjunction with Project-specific noise impacts, would not be cumulatively considerable.



4.14 Population And Housing

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

Demographic Setting

According to the Southern California Association of Governments (SCAG), in 2018, the City had a total population of 82,344 residents and approximately 28,118 housing units (SCAG, 2019, Table 11). As reported by the California Department of Finance (DOF), the vacancy rate is a measure of the availability of housing in a community (DOF, 2022). It also demonstrates how well the available units meet the market demand. A low vacancy rate suggests that residents may have difficulty finding housing within their price range, and a high supply of vacant units may indicate either the existence of a high number of desired units, or an oversupply of units. A healthy vacancy rate is generally accepted at seven or eight percent. A low vacancy rate is about two percent. The City’s current vacancy rate is approximately 4.9 percent. SCAG projects the County to grow in population to approximately 3.5 million people by 2045, which is an increase of approximately 200,000 people from 2020 (SCAG, 2020).

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less-Than-Significant Impact. The Project would require a temporary construction workforce and a permanent operational workforce, both of which could potentially induce population growth in the area. The temporary workforce would be needed to construct the warehouse buildings and associated improvements. Because the future tenant(s) is not yet known, the number of jobs that the Project would generate cannot be precisely determined. However, the proposed Project would replace three (3), multi-tenant office buildings (41,085 s.f., 47,782 s.f., and 50,311 s.f.) with two (2) warehouse buildings (49,552 s.f. and 93,372 s.f.). Employment created by the Project would likely replace existing jobs already generated by the Project Site under existing conditions. Therefore, the Project’s temporary and permanent employment requirements could likely be met by the City’s existing labor force without the relocation of people into the region. Therefore, impacts associated with unplanned population growth would be less-than-significant.



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

No Impact. No residential dwelling units exist on-site. Because there would be no displacement of people or housing, no impacts would occur.

Cumulative Impacts

The Project would not result in direct or indirect permanent or temporary impacts related to population, housing, or employment. Therefore, the Project would not result in material effects to population, housing, or employment that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable future projects. As a result, no cumulative impacts related to population and housing would occur.



4.15 Public Services

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

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

Less-than-Significant-Impact. Under existing conditions, the Project Site receives fire protection services from the Orange County Fire Authority (OCFA) via OCFA Fire Station #37, located at 15011 Kensington Park Drive, approximately 1.0-mile east of the Project Site, and OCFA Fire Station #79, located at 1320 East Warner Avenue, approximately 1.1-mile west of the Project Site. The OCFA has an average response time of five to seven minutes (OCFA, n.d.). Implementation of the Project would not substantially impact the Station’s response time or impede emergency access to the Project Site.

The construction and operation of the Project would not increase the demand for fire protection because the Project Site is already developed and receives fire protection services. Service demand in and of itself is not an environmental impact under CEQA unless such demand causes a physical change to the environment. The redevelopment of the Project Site is not anticipated to result in an increase in demand for fire protection services significant enough to trigger the need to physically construct new fire protection facilities, because two fire stations (#37 and #79) already exist near the site. Additionally, the Project would incorporate fire prevention and fire suppression design features to minimize the potential demand placed on the OCFA. The Project would meet all fire protection codes, rules, and regulations, and would provide paved emergency



access to the Project Site to support the OCFA in the event fire suppression activities are needed. The proposed buildings would feature a fire alarm system and ceiling-mounted sprinklers.

Based on the Project Site's proximity to two existing fire stations and because the Project would not generate an increase in demand for fire protection services as compared to existing conditions, the Project's demand for OCFA services would not result in or require new or expanded fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives. Accordingly, impacts to fire protection facilities would be less-than-significant.

ii) Police protection?

Less-than-Significant-Impact. The Project Site receives police protection services from the City of Tustin Police Department (TPD). The construction and operation of the Project would not increase the demand for police protection services because the Project Site is already developed and currently receives a similar level of police protection services as is anticipated for the proposed Project. Service demand in and of itself is not an environmental impact under CEQA unless such demand causes a physical change to the environment, and there is no aspect of the Project's construction, design, or operation that would cause the need to construct new police protection facilities. Because the Project Site is developed under existing conditions, redevelopment of the Project Site is not anticipated to lead to additional crime that would necessitate the construction of new or physically altered police facilities. Therefore, the Project's impact to police protection services would be less-than-significant.

iii) Schools?

Less-than-Significant-Impact. The Project does not include residential land uses and would not directly introduce new school-age children within the Tustin Unified School District (TUSD) boundaries. Because the Project would not directly generate students and is not expected to indirectly draw students to the area, the Project would not cause or contribute to a need to construct new or physically altered public school facilities. TUSD requires development fees to be paid by the Project Applicant (eligible for fee credits for existing building square footage). Upon payment of the required fees (if required), the Project would not result in or require new or expanded school facilities, and impacts to TUSD schools would be less-than-significant.

iv) Parks?

No Impact. The Project does not propose to construct any new on- or off-site recreation facilities. Additionally, the Project would not expand any existing off-site recreational facilities. The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. The City has established park development fees to offset the costs associated with the increased maintenance and addition of park facilities resulting from new development. The City's Park development fees are generated based on the type of land use. Residential uses are required



to pay a park development fee; however, nonresidential uses such as industrial uses are not obligated to contribute to park development fees. Furthermore, the Project is not anticipated to result in an increase in the number of employees on-site as compared to existing conditions. The proposed Project would increase the burden on existing recreational facilities compared to existing conditions, and no impact would occur.

v) Other public facilities?

No Impact. The Project does not include any residential land uses and, therefore, is not expected to result in an increased demand for other public facilities/services, including libraries, community recreation centers, post offices, public health facilities, and/or animal shelters. As such, implementation of the Project would not adversely affect other public facilities or require the construction of new or modified public facilities. The Project would be subject to Development Impact Fees (DIF), including New Construction Fees and Major Thoroughfare & Bridge Fees (The Toll Roads/Transportation Corridor Agencies) (both of which are eligible for fee credits for existing building square footage). The DIF levied on the Project would help the City in providing for infrastructure, equipment, and staffing. No impact would occur.

Cumulative Impacts

The cumulative study area for public services encompasses the service area of the OCFD, City of TPD, and TUSD, and assumes full buildout of the general plans for jurisdictions within these service areas.

Since the Project Site is already fully developed and adequately served by fire protection services based on the proximity from the nearby fire station facilities, the Project would not result in an increase in requests for service and would not change the fire department's ability to provide acceptable levels of service. Accordingly, the proposed Project's impact on the OCFA is less than cumulatively considerable.

The Project Site is already fully developed and adequately served by existing police facilities; therefore, the redevelopment of the Project Site would not increase the area's population or adversely affect service response times. Therefore, Project impacts to police protection services would be less than cumulatively considerable.

With respect to school services, the Project would not directly increase the City's population and is not expected to result in an indirect increase in the City's population, and therefore would have no impact on school services. Accordingly, Project impacts to school services would be less than cumulatively considerable.

The Project would also have a less than cumulatively considerable impact to other public facilities/services because the Project would not directly create a demand for these services and would not directly result in the need to modify existing facilities or construct new facilities.



4.16 Recreation

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

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

No Impact. The proposed Project does not include development of residential uses, which would directly increase the local population and result in increased demand for parks and recreational facilities. In addition, the Project is not anticipated to result in an increase in the number of employees on-site as compared to existing conditions. Accordingly, implementation of the proposed Project would not generate an increase in demand on existing public or private parks or other recreational facilities, which could result in increased physical deterioration of recreational facilities. Because the proposed Project involves a warehouse distribution use, the proposed Project would not be subject to the City of Tustin Development Park Impact Fee. Therefore, no impacts to existing recreational facilities would occur and no mitigation is required.

b) *Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?*

No Impact. As analyzed above in threshold a), the proposed Project does not include, nor does it require the construction or expansion of recreational areas. Therefore, no impacts would occur, and no mitigation is required.

Cumulative Impacts

The proposed Project would not result in an increased use of recreational facilities or require construction or expansion of existing recreational facilities. Therefore, taken in sum with past, present, and reasonably foreseeable projects, no cumulative considerable impacts to recreational facilities would result from implementation of the proposed Project.



4.17 Transportation

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

A Trip Generation Assessment, dated June 9, 2023, was prepared for the Project by Urban Crossroads, is summarized herein, and is included as *Appendix E*.

a) Conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less-Than-Significant Impact. The Project Site is developed with three existing two-story office buildings and one two-story parking structure. The proposed Project entails redevelopment of the Project Site with two new industrial warehouse buildings. There are no components of the proposed Project that would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

As shown in **Table 4-10, Project Trip Generation Estimates**, the existing office buildings are calculated to generate 1,510 trips per day (in terms of Passenger Car Equivalents [PCEs]¹), with 211 PCE trips during the AM peak hour and 200 PCE trips during the PM peak hour. The Project Applicant proposes to demolish the three existing office buildings and the parking garage and construct two new industrial warehouse buildings with up to 142,787 s.f. of building area. The Project’s proposed buildings are calculated to generate 764 trips per day (in terms of PCE), with 106 PCE trips during the AM peak hour and 90 PCE trips during the PM peak hour (Urban Crossroads, 2023b, p. 5).

¹ PCEs allow the typical “real-world” mix of vehicle types to be represented as a single, standardized unit, such as the passenger car, to be used for the purposes of capacity and level of service (LOS) analyses.



Table 4-10 Project Trip Generation Estimates

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Existing Use							
General Office	186	25	211	34	166	200	1,510
Proposed Project							
High-Cube Fulfillment (Sort Facility)	94	12	106	12	78	90	764
Net New Project Trips (PCE)	-92	-13	-105	-22	-88	-110	-746

Source: (Urban Crossroads, 2023b, Table 4)

The City utilizes a threshold of 50 peak hour trips in determining whether a project-specific traffic impact analysis is required. If a project generates more than 50 peak hour trips compared to existing conditions (in either the AM or PM peak hours), the project could be required to conduct a more intensive analysis that evaluates near-by study area intersections as opposed to a localized site access study. As shown in **Table 4-10**, development of the proposed Project is calculated to generate 746 fewer PCE trips per day, with 105 fewer PCE AM peak hour trips and 110 fewer PCE PM peak hour trips, as compared to the trips generated by the existing office buildings. Because the Project would generate a relatively minor amount of peak hour traffic (i.e., an increase of less than 50 peak hour trips) and would not conflict with any City policies addressing the circulation system, the Project is determined to result in a less-than-significant transportation impact.

b) Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less-Than-Significant Impact. Senate Bill 743 (SB 743) was approved by the California legislature in September 2013. SB 743 requires changes to CEQA, specifically directing the Governor’s Office of Planning and Research (OPR) to develop alternative metrics to the use of vehicular Level of Service (“LOS”; i.e., traffic congestion) for evaluating transportation impacts. OPR has prepared a technical advisory for evaluating transportation impacts in CEQA and has recommended that VMT replace LOS as the primary measure of transportation impacts. The Natural Resources Agency has adopted updates to CEQA Guidelines to incorporate SB 743, and requires the use of VMT for the purposes of determining a significant transportation impact under CEQA. Furthermore, pursuant to SB 743 and State CEQA Guidelines § 15064.3(a), “...a project’s effect on automobile delay shall not constitute an environmental impact.”

The City of Tustin has yet to adopt criteria for evaluating VMT impacts under CEQA; therefore, the Governor’s Office of Planning and Research (OPR’s) *Technical Advisory on Evaluating Transportation Impacts In CEQA* (“Technical Advisory”), dated December 2018, was used, which provides guidelines for analysis of transportation impacts under CEQA. The OPR guidelines state that small projects with fewer than 110 average net new daily trips generally are exempt from having to analyze VMT. Based on the Project’s Trip Generation Assessment (*Appendix E*), the Project would generate a net reduction of 822 two-way daily trips as compared to the existing office uses at the Project Site. Based on OPR’s Technical Advisory, because the Project would generate fewer than 110 net new daily trips, the Project does not require a project-level VMT



analysis as it can be concluded that the Project would result in a net reduction in total VMT. As such, the Project would result in a less-than-significant impact to VMT, and no mitigation is required. (OPR, 2018, p. 10)

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The design features of the proposed Project do not incorporate any hazardous or incompatible features. The drive aisles/fire lanes within the Project Site have been designed to be both efficient and safe for vehicular traffic. Additionally, the Project would not be an incompatible use, nor would it result in hazardous conditions due to roadway or intersection improvements. Therefore, no impact would occur.

d) Result in inadequate emergency access?

Less-Than-Significant Impact. The Project proposes two full-access driveways on Bell Avenue, a right-in/right-out driveway for Building 2 along Bell Avenue, and a single right-in/right-out driveway on Red Hill Avenue. The proposed full access driveways are designed at 35 feet in width, the right-in/right-out driveway along Bell Avenue would be 27 feet in width, and the right-in/right-out driveway along Red Hill Avenue would be 28 feet in width. The Project's design features, including ingress and egress at the Project's proposed driveways, were reviewed by the OCFA, which determined that the proposed access driveways would accommodate adequate emergency access for the site. Therefore, no impact would occur.

Cumulative Impacts

The proposed Project would not result in direct or indirect significant impacts related to transportation. Therefore, the proposed Project would not result in incremental effects to transportation that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable future projects. As a result, no cumulative impacts related to transportation would occur.



4.18 Tribal Cultural Resources

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

AB 52 Requirement

The Project is required to comply with AB 52 regarding tribal consultation. Chapter 532, Statutes of 2014 (i.e., AB 52), requires that Lead Agencies evaluate a project’s potential to impact “tribal cultural resources.” Such resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register or included in a local register of historical resources (PRC Section 21074). AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource falling outside the definition stated above nonetheless qualifies as a “tribal cultural resource.”

In compliance with the NAHC request, on August 7, 2023, letters were sent to all of the 15 Native American tribes that may have knowledge regarding tribal cultural resources in the Project area, which are:

- Campo Band of Diegueno Mission Indians
- Ewiiapaayp Band of Kumeyaay Indians
- Gabrieleno Band of Mission Indians - Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino Tongva Indians of California Tribal Council



- Gabrielino/Tongva Nation
- Gabrielino-Tongva Tribe
- Juaneno Band of Mission Indians Acjachemen Nation - Belardes
- Juaneno Band of Mission Indians Acjachemen Nation 84A
- La Posta Band of Diegueno Mission Indians
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- Pala Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseno Indians

One response was received on August 17, 2023, from the Gabrielino Band of Mission Indians - Kizh Nation. Consultation with the tribe was conducted via email. Measures were provided by the tribe on September 11, 2023, to the City. The City and Project Applicant accepted proposed measures on December 14, 2023, and consultation was closed. No other requests for consultation under AB 52 regarding the proposed Project were received by the City.

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
- Listed or eligible for listing in the California Register of Historical resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?***
 - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying for the criteria set forth in (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***

Less-than-Significant Impact with Mitigation Incorporated. Under existing conditions, the Project Site is fully developed with three office buildings and a parking garage. Given the fact that the Project Site is fully developed and was graded to implement the existing development, there is little potential for any tribal cultural resources to be present beneath the Project Site and discoverable as part of the Project's construction activities. However, there is a remote potential that Project-related ground-disturbing construction activities could extend into previously undisturbed soils and encounter potentially significant archaeological resources, including tribal cultural resources. If any tribal cultural resources are unearthed during Project construction that meet the definition of a significant archaeological resource pursuant to CEQA Guidelines Section 15064.5, and are disturbed or damaged by Project construction activities, impacts to those tribal cultural resources would be potentially significant. Mitigation is thus required for the Project that sets forth procedures that would be followed should subsurface resources be discovered. With implementation of the required mitigation, potential direct and cumulatively considerable impacts would be less-than-significant.

**Mitigation**

Implementation of MM TCR-1, MM TCR-2, and MM TCR-3 would reduce impacts to tribal cultural resources to less-than-significant levels:

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

- a. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “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, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of 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, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. 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 goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
- d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh 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 on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

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

- a. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

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

- a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- b. If Native American human remains 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 grave/burial goods shall be treated alike 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 goods.
- e. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

Cumulative Impacts

The potential for Project construction to result in cumulatively considerable impacts to tribal, religious, and cultural resources was analyzed in conjunction with other projects located in northern Orange County that occur in the same tribal influence areas as the Project Site. Other development projects within these areas would have a similar potential to uncover tribal cultural resources during construction activities. Therefore, the Project's potential impacts to tribal cultural resources would be cumulatively considerable, but would be reduced to a less-than-significant level with implementation of Mitigation Measures MM TCR-1, MM TCR-2, and MM TCR-3.



4.19 Utilities And Service Systems

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

a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less-than-Significant-Impact. Water and sewer pipes and stormwater facilities would be installed beneath the Project Site to serve the proposed development. The infrastructure would connect to existing water, sewer, and storm drain lines located beneath Bell Avenue and Red Hill Avenue. Connections also would be made to existing electricity, natural gas, and communications infrastructure that are located nearby, and all such connections would be accomplished in conformance with the rules and standards enforced by the applicable service provider. The proposed infrastructure would not result in any physical changes to the environment beyond what would otherwise occur to redevelop the property as proposed, and is standard practice for new construction. The Project's construction is evaluated throughout this IS/MND accordingly. Because the Project Site is small and developed under existing conditions, no significant impacts would occur specifically related to infrastructure installation. Regarding the Project's construction as a whole, , mitigation measures are recommended in each applicable subsection of this IS/MND



to reduce construction-related impacts to less-than-significant levels. Impacts specifically related to infrastructure installation would be less-than-significant and no mitigation is required.

b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

Less-than-Significant-Impact. The Irvine Ranch Water District (IRWD) is responsible for supplying potable water to the Project Site and its surrounding area. As discussed in the IRWD *2020 Urban Water Management Plan (UWMP)*, adequate water supplies are projected to be available to meet the estimated water demand for the IRWD's service area through at least 2040 under normal year conditions, single-dry year conditions, and over five years of consecutive drought (IRWD, 2021, p. ES-3). IRWD forecasts for projected water demand are based on the population projections of the Southern California Association of Governments (SCAG), which rely on the adopted land use designations contained within the general plans that cover the geographic area within IRWD's service area. Because the Project would be consistent with the City of Tustin General Plan land use designation for the Project Site, the water demand associated with the Project was considered in the demand anticipated by the *2020 UWMP* and analyzed therein. As stated above, the IRWD expects to have adequate water supplies to meet all of its demands through at least 2040; therefore, the IRWD has sufficient water supplies available to serve the Project from existing entitlements/resources and no new or expanded entitlements are needed. The Project's impact would be less-than-significant in this regard.

c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less-than-Significant-Impact. The Project is calculated to generate 13,574 gallons per day (gpd) of wastewater ($2,200 \text{ gpd/acre} \times 6.17 \text{ acres} = 13,574 \text{ gpd}$). Wastewater generated by the Project would be treated by the Orange County Sanitation District (OCSD). Wastewater collected by OCSD is sent to OCSD's Plant No. 1 located in Fountain Valley and Plant No. 2 located in Huntington Beach. Plant No. 1 has a total rated primary capacity of 108 MGD and a secondary treatment capacity of 80 MGD. Plant No. 2 has a rated primary capacity of 168 MGD and secondary treatment capacity of 90 MGD (Tustin, 2021). The wastewater generated by the Project would only represent approximately 0.01 percent of the excess primary treatment capacity of Plant No. 1 ($[13,574 \text{ gpd} \div 108 \text{ million gpd}] \times 100 = 0.01\%$), or approximately 0.01 percent of the excess primary treatment capacity of Plant No. 2 ($[13,574 \text{ gpd} \div 168 \text{ million gpd}] \times 100 = 0.01\%$); therefore, it is calculated that OCSD Plant No. 1 and Plant No. 2 have sufficient treatment capacity to provide service to the Project. The Project would not require the construction of new or expanded wastewater treatment facilities and would therefore result in a less-than-significant impact.

d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*



Less-than-Significant-Impact. Implementation of the proposed Project would generate an incremental increase in solid waste volumes requiring off-site disposal during short-term construction and long-term operational activities. Solid waste generated by the Project would be disposed of at the Frank R. Bowerman Sanitary Landfill (FRB Landfill). The FRB Landfill is permitted to receive 11,500 tons of refuse per day and has a total capacity of 266,000,000 cubic yards. According to CalRecycle, the FRB Landfill has a total remaining capacity of 205,000,000 cubic yards. The FRB Landfill is estimated to reach capacity, at the earliest time, in the year 2053 (CalRecycle, n.d.). In July 2023, the peak daily disposal at the FRB Landfill was 8,002 tons, which correlates to an excess daily disposal capacity of 3,498 tons (CalRecycle, 2023).

Construction Impact Analysis

The construction process would generate solid waste primarily consisting of discarded materials and packaging. Based on the size of the Project (i.e., 2 buildings totaling 142,787 s.f. of building area) and the United States Environmental Protection Agency's (U.S. EPA) construction waste generation factor of 4.34 pounds per s.f. for non-residential uses, approximately 309.8 tons of waste is expected to be generated during the Project's construction phase ($[142,787 \text{ s.f.} \times 4.34 \text{ pounds per s.f.}] \div 2,000 \text{ pounds per ton} = 309.8 \text{ tons}$) (EPA, 2009, Table A-2). California Assembly Bill 939 (AB 939) requires that a minimum of 50% of all solid waste be diverted from landfills (by recycling, reusing, and other waste reduction strategies); therefore, the Project is estimated to generate approximately 154.9 tons during its construction phase. The Project's construction phase is estimated to last for up to 240 days; therefore, during construction, the Project is estimated to generate approximately 0.93 tons of solid waste per day ($154.9 \text{ tons} \div 285 \text{ days} = 0.54 \text{ tons per day}$) which would require landfill disposal.

Non-recyclable construction waste generated by the Project would be disposed of at the FRB Landfill. As described above, this landfill receives well below its maximum permitted daily disposal volume; thus, the relatively minimal construction waste generated by the Project is not anticipated to cause the landfill to exceed its maximum permitted daily disposal volume. Furthermore, the FRB Landfill is not expected to reach its total maximum permitted disposal capacities during the Project's construction period. The FRB Landfill has sufficient daily capacity to accept solid waste generated by the Project's construction phase; therefore, impacts to landfill capacity associated with the Project's near-term construction activities would be less-than-significant.

Operational Impact Analysis

Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet of industrial building area obtained from CalRecycle, long-term, on-going operation of the Project would generate approximately 1.01 tons of solid waste per day ($[(1.42 \text{ pounds} \div 100 \text{ s.f.}) \times 142,787 \text{ s.f.}] \div 2,000 \text{ pounds} = 1.01 \text{ tons per day}$) (CalRecycle, n.d.). Pursuant to AB 939, at least 50 percent of the Project's solid waste is required to be diverted from landfills; therefore, the Project would generate a maximum of 0.51 tons of solid waste per day requiring landfilling ($1.01 \text{ tons per day} \times 50\% = 0.51 \text{ tons per day}$) (CalRecycle, n.d.).



As explained in the analysis above, because the Project would generate a relatively small amount of solid waste per day as compared to the permitted daily capacities at the receiving landfill, impacts to the FRB Landfill facility during the Project's long-term operational activities would be less-than-significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less-than-Significant-Impact. The California Integrated Waste Management Act (AB 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the bill established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted.

In order to assist the City of Tustin in achieving the mandated goals of the Integrated Waste Management Act, and pursuant to the City of Tustin City Code, Chapter 3, the Project's building occupants would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code Section 42911), the Project is required to provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued (CA Legislative Info, n.d.). Further, in compliance with AB 341 (Mandatory Commercial Recycling Program), the future occupants of the proposed Project would be required to arrange for recycling services, if the occupant generates four or more cubic yards of solid waste per week (CA Legislative Info, n.d.). Implementation of these mandatory requirements would reduce the amount of solid waste generated by the Project that would be diverted to landfills. The Project would be required to comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less-than-significant.

Cumulative Impacts

The Project would require water, wastewater, and stormwater drainage services and infrastructure, as well as solid waste disposal during construction and operation. Development of public utility infrastructure is part of an extensive planning process involving utility providers and jurisdictions with ministerial and discretionary review authority. The coordination process associated with the preparation of infrastructure plans is intended to ensure that adequate public utility services and resources are available to serve both individual development projects and cumulative growth in the region. Each individual development project is subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Because the comprehensive utility and service planning and coordination activities described above would ensure that new development projects do not disrupt or degrade the provision of utility services, cumulatively considerable impacts to utilities and service systems would not occur.



4.20 Wildfire

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

a) Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project Site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and long-term operation, the proposed Project would be required to maintain adequate emergency access for emergency vehicles. As part of the City’s discretionary review process, the City of Tustin reviewed the Project’s application materials to ensure that appropriate emergency ingress and egress would be available to-and-from the Project Site and that the Project would not substantially impede emergency response times in the local area. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.

b-d) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? Would the Project expose people or structures to significant risks, including downslope or



downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. According to the CAL FIRE Fire Hazard Severity Zone (FHSZ) maps for the Project area, the Project Site is not located in or near a State Responsibility Area (SRA) or lands classified as very high fire hazard severity zones (CalFire, 2011). Furthermore, the Project Site is not located adjacent to wildlands, nor is the Project Site located within or adjacent to a very high fire hazard severity zone (CalFire, 2011; Google Earth, 2023). There are no components of the Project that have the potential to exacerbate wildfire hazards. Installation of utility lines would be required as part of the Project; however, these lines would be underground and would not have the potential to exacerbate wildfire hazards. In addition, because the Project Site is not located in a SRA and is not located within an area subject to wildland fire hazards, the Project would not require any fire-related infrastructure, such as fuel modification zones, that could have an on-going impact on the environment. Furthermore, there is no potential for the Project to result in significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Accordingly, no impact would occur.

Cumulative Impacts

The Project Site does not contain any emergency facilities, nor does it serve as an emergency evacuation route, and the Project would not serve as an evacuation route under long-term conditions. During construction, and at Project build-out, the proposed Project would be required to maintain adequate access for emergency vehicles. Other cumulative developments similarly would be required to accommodate emergency access and facilities. As such, cumulatively considerable impacts would be less-than-significant.

The Project entails the redevelopment of a property that is currently fully developed. The redevelopment of the Project Site as proposed would maintain the low risk of wildfire through new construction, including irrigated landscaping, paving, and fire sprinkler systems in the buildings. As such, cumulatively considerable impacts would be less-than-significant.

The Project proposes to develop two warehouse buildings with associated site improvements. No components of the Project would trigger the installation or maintenance of wildfire management features that could result in exacerbated fire risks. As such, cumulatively considerable impacts would be less-than-significant.

Under existing and proposed conditions, the Project Site exhibits little topographic variation, and development on the Project Site as proposed would not involve any uses containing natural vegetation or other features subject to wildland fire hazards. As such, the Project has no potential to cumulatively contribute to impacts associated with the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Cumulatively considerable impacts would not occur.



4.21 Mandatory Findings Of Significance

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

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

Less-than-Significant Impact With Mitigation Incorporated. All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animals, and historical and pre-historical resources were evaluated as part of this IS/MND. Throughout this IS/MND, where impacts were determined to be potentially significant, mitigation measures have been incorporated to reduce those impacts to less-than-significant levels.

The Project has the potential to impact nesting birds if tree removals or construction activities occur during the migratory bird nesting season. Implementation of MM BR-1 would reduce impacts to biological resources to less-than-significant levels:



MM BR-1 If tree removal or construction commences between February 1 and August 31, within three days of tree removal or mobilizing construction equipment to the Project Site, all on-site trees and trees within 250 feet of the Project Site shall be inspected by a qualified biologist for the presence of migratory nesting birds. If the survey reveals no active nesting, construction may proceed. If the survey identifies the presence of active sensitive migratory bird nests, then the nests shall not be disturbed unless the qualified biologist verifies through non-invasive methods that either (i) the adult birds have not begun egg-laying and incubation; or (ii) the juveniles from the occupied nests are capable of independent survival. If the biologist is not able to verify these conditions, then no tree removals or construction that would be disruptive to the nest, as determined by the biologist, shall occur until the biologist, with City concurrence, verifies that the nest(s) is no longer occupied and/or juvenile birds can survive independently from the nests.

Although no significant cultural resources are known to exist on or beneath the property, the potential exists for significant subsurface resources to be discovered during ground-disturbing construction activity. Implementation of MM CR-1, MM CR-2, and MM CR-3 would reduce impacts to cultural resources to less-than-significant levels:

MM CR-1 Prior to the issuance of a demolition permit or any permit authorizing ground-disturbing construction activities, evidence shall be provided to the City of Tustin that the construction contractors have been trained on how to identify potential cultural, tribal cultural, and archaeological resources. Construction personnel in charge of supervising ground-disturbing activities must have received cultural resource awareness training within 60 days of commencing work on the Project Site.

MM CR-2 Upon discovery of any suspected cultural, tribal cultural, or archaeological resources, construction activities within 100 feet of the find shall pause until the find can be assessed by a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards for archaeology, and a tribal monitor/consultant representing the Gabrieleño Band of Mission Indians Kizh Nation (if such tribal monitor chooses to participate in monitoring following adequate written notice to the Tribe). If a resource is discovered that the Qualified Archaeologist determines to be significant pursuant to the definition given in CEQA Guidelines Section 15064.5, mitigation shall occur following the guidance given in CEQA Guidelines Section 15126.4(b), and as approved by the City of Tustin, to reduce impacts to less-than-significant. Mitigation methods include but are not limited to data recovery, documentation, preservation in place, and removal for laboratory processing and analysis, followed by either curation at a non-profit institution or conveyance to a culturally affiliated Native American Tribe. Work may continue on other parts of the construction site while the evaluation takes place.



MM CR-3 Archaeological and Native American monitoring and excavation during construction shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Given the fact that the Project Site is fully developed and was graded to implement the existing development, there is little potential for any tribal cultural resources to be present beneath the Project Site and discoverable as part of the Project's construction activities. However, there is a remote potential that Project-related ground-disturbing construction activities could extend into previously undisturbed soils and encounter potentially significant archaeological resources, including tribal cultural resources. Implementation of MM TCR-1, MM TCR-2, and MM TCR-3 would reduce impacts to tribal cultural resources to less-than-significant levels:

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

- a. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "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, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of 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, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. 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 goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.

- d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh 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 on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

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

- a. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

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

- a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- b. If Native American human remains 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 grave/burial goods shall be treated alike 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 goods.
- e. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.



Accordingly, with incorporation of the mitigation measures incorporated throughout this IS/MND, the Project would not substantially degrade the quality of the environment and impacts would be less-than-significant.

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

Less-than-Significant Impact With Mitigation Incorporated. As discussed throughout this IS/MND, implementation of the Project has the potential to result in effects to the environment that are individually limited, and cumulatively may be considerable in specific areas in conjunction with past, present, and reasonably foreseeable development. In all instances where the Project has the potential to contribute to a cumulatively considerable impact on the environment, mitigation measures have been incorporated to reduce potential effects to less-than-significant levels.

In addition to the mitigation measures identified above for the topics of biological resources, cultural resources, and tribal cultural resources, mitigation also is identified for the topics of geology and soils and hazardous materials.

Mitigation measures identified to reduce impacts associated with geology and soils to less-than-significant levels include:

MM GEO-1 Prior to the issuance of a grading permit, the Project Applicant shall provide written evidence to the City of Tustin Community Development Department that a geotechnical engineer has been retained to monitor the grading operation and assure implementation of the soil settlement and expansion treatment recommendations contained in the site-specific Geotechnical Investigation prepared by Southern California Geotechnical and dated June 7, 2023. All recommendations shall be implemented to the performance standards specified in the Geotechnical Investigation and to the satisfaction of the geotechnical engineer. Evidence of implementation shall be provided to the Community Development Department prior to issuance of a building permit.

MM GEO-2 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Tustin that a qualified paleontologist ("paleontologist") has been retained by the Project Applicant or contractor to be on-call should any suspected paleontological resources be encountered during Project-related construction activities.

MM GEO-3 If a suspected paleontological resource is discovered during earth disturbance activities, the discovery shall be cordoned off with a 100-foot radius buffer by the construction contractor so as to protect the discovery from further potential damage, and the paleontologist shall be consulted to assess the discovery.



MM GEO-4 If a discovery is determined to be significant by the paleontologist, the following shall occur:

- a. Monitoring of excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor for the remainder of ground-disturbing construction processes. Monitoring shall be conducted full-time in areas of grading or excavation in undisturbed older alluvium deposits.
- b. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or, if present, are determined on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the Project paleontologist, who will then notify the concerned parties of the discovery.
- c. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils shall be collected and identified by field number, collector, and date collected. Notes shall be taken on the map location and stratigraphy of the site, which shall be photographed before it is vacated and the fossils are removed to a safe place. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment may be solicited to help remove the jacket to a safe location.
- d. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments.
- e. In accordance with the "Microfossil Salvage" section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil "microvertebrates," to test the feasibility of the deposit to yield fossil bones and teeth.



- f. In the laboratory, individual fossils shall be cleaned of extraneous matrix, and recovered specimens shall be prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates.
- g. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the 114Lead Agency (*e.g.*, the City of Tustin) will be consulted on the repository/museum to receive the fossil material.
- h. A final report of findings and significance shall be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to and accepted by the City of Tustin, shall signify satisfactory completion of the Project program to mitigate impacts to any potential nonrenewable paleontological resources (*i.e.*, fossils) that might have been lost or otherwise adversely affected without such a program in place.

Mitigation measures identified to reduce impacts to hazards and hazardous materials to less-than-significant levels include:

MM HAZ-1 Prior to the issuance of any new occupancy permit for a use/user within the proposed Project's warehouse buildings, and to the extent hazardous materials are anticipated to be utilized or stored on-site and a Hazardous Materials Business Emergency Plan (HMBEP) is required by law, the Project Applicant/Developer or Project Site owner shall provide a copy of its approved Emergency Response Plan to the President of the Irvine Valley College's Advanced Technology and Education Park outlining how the building user will prevent or respond to spills or leaks of hazardous materials related to its facility/facilities and use of the Project Site. If so requested, the Project Applicant/Developer or Project Site owner shall also meet with the President of the Irvine Valley College's Advanced Technology and Education Park and Fire Department officials to discuss emergency response procedures as contained in the HMBEP for spills or leaks at the Project Site in relation to the nearby school facilities. This measure shall be implemented under the supervision of the City of Tustin's Planning Division. All meetings shall be documented, and documentation shall be provided to the City Planning Department within 30 days of each meeting. Failure to abide by these procedures may be grounds for revocation of any conditional use permits or other discretionary approvals for specific warehouse uses on the Project Site.

As such, with incorporation of the Project Design Features and mitigation measures imposed throughout this IS/MND, the Project would not contribute to environmental effects that are individually limited, but cumulatively considerable, and impacts would be less-than-significant.



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

Less-than-Significant Impact With Mitigation Incorporated. The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this IS/MND. In no instance does the Project have the potential to result in significant direct or indirect adverse effects to human beings. With required implementation of Project design features and the mitigation measures identified in this IS/MND, construction and operation of the proposed Project would not involve any activities that would result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. The following mitigation measures (repeated from above) are relevant to potential effects on humans:

MM GEO-1 Prior to the issuance of a grading permit, the Project Applicant shall provide written evidence to the City of Tustin Community Development Department that a geotechnical engineer has been retained to monitor the grading operation and assure implementation of the soil settlement and expansion treatment recommendations contained in the site-specific Geotechnical Investigation prepared by Southern California Geotechnical and dated June 7, 2023. All recommendations shall be implemented to the performance standards specified in the Geotechnical Investigation and to the satisfaction of the geotechnical engineer. Evidence of implementation shall be provided to the Community Development Department prior to issuance of a building permit.

MM HAZ-1 Prior to the issuance of any new occupancy permit for a use/user within the proposed Project's warehouse buildings, and to the extent hazardous materials are anticipated to be utilized or stored on-site and a Hazardous Materials Business Emergency Plan (HMBEP) is required by law, the Project Applicant/Developer or Project Site owner shall provide a copy of its approved Emergency Response Plan to the President of the Irvine Valley College's Advanced Technology and Education Park outlining how the building user will prevent or respond to spills or leaks of hazardous materials related to its facility/facilities and use of the Project Site. If so requested, the Project Applicant/Developer or Project Site owner shall also meet with the President of the Irvine Valley College's Advanced Technology and Education Park and Fire Department officials to discuss emergency response procedures as contained in the HMBEP for spills or leaks at the Project Site in relation to the nearby school facilities. This measure shall be implemented under the supervision of the City of Tustin's Planning Division. All meetings shall be documented, and documentation shall be provided to the City Planning Department within 30 days of each meeting. Failure to abide by these procedures may be grounds for revocation of any conditional use permits or other discretionary approvals for specific warehouse uses on the Project Site.



5.0 REFERENCES

<u>Cited As</u>	<u>Reference</u>
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