

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2025060042

Project Title: Cypress Grove Residential Project

Lead Agency: City of Tustin

Contact Name: Jorge Maldonado

Email: JMaldonado@tustinca.org Phone Number: (714) 573-3174

Project Location: Tustin, Orange County
City *County*

Project Description (Proposed actions, location, and/or consequences).

The Applicant for the Cypress Grove Project proposes the demolition of an existing office complex (Tustin Financial Plaza) and redevelopment with a 145-unit, for-sale residential condominium community. The Project would require a Zone Change from Planned Community Business Park (PC BUS PARK) to Planned Community Residential (PC RES) (ZC-2025-0001), approval of a Vesting Tentative (Condo) Tract Map (VTTM) (SUB-2025-0001), and Design Review (DR-2025-0004).

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The Project would result in a Significant and Unavoidable Impact on Historic Resources (Cultural).

The Project would result in a Less Than Significant Impact with Mitigation on:

- Air Quality
- Biological Resources
- Cultural Resources (Archeo)
- Geology & Soils (Paleo)
- Tribal Cultural Resources

See attachment for full list of mitigation measures.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

None.

Provide a list of the responsible or trustee agencies for the project.

None.

MM AQ-1: **Tier 4 Construction Equipment:** The Project shall utilize Tier 4 Final or superior equipment for engines exceeding 100 horsepower (hp). If Tier 4 Final equipment is not available for any specific equipment type, the construction contractor shall submit a written request to the City of Tustin for approval prior to the start of construction. This request must be supported by substantial evidence, such as equipment availability documentation, rental records, or market verification, demonstrating that Tier 4 Final equipment is not feasible. Potential alternative strategies may encompass the use of Tier 4 Interim equipment, reducing the number and/or horsepower rating of construction equipment, or limiting simultaneous equipment operation. All equipment must undergo tuning and adhere to the manufacturer's recommended maintenance schedule and specifications. Maintenance records for each piece of equipment, along with those of their contractors, must be available for inspection and kept on-site for a minimum of two years following construction completion.

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

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

MM HIST-1: Prior to the issuance of a demolition permit, the City of Tustin Planning Department shall verify that the Applicant has completed comprehensive archival documentation of the Tustin Financial Plaza. The documentation shall include high-resolution digital photographs taken from historically appropriate viewpoints. The photographs shall be taken from viewpoints consistent with the view guidelines contained within the HABS/HAER/HALS Photography Guidelines (June 2015). Additionally, the photographs shall be accompanied by the Project's Historic Report that evaluates the local historical significance of the Tustin Financial Plaza. The full documentation package shall be submitted to and accepted by the City of Tustin Planning Department prior to issuance of the demolition permit.

The City shall post the materials to a permanent webpage on the City's website for public viewing. Additionally, the City shall offer, in the form of donation, the archive to at least one local historic preservation organization, such as the Tustin Area Historical Museum, the Orange County Historical Society, or another comparable entity, prior to Project completion.

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

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

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

MM PAL-1 Paleontological Resources Monitoring Program. Prior to issuance of a grading permit, a Paleontological Resources Impact Mitigation Plan (PRIMP) shall be implemented to ensure monitoring of earth disturbance activities.

Further, the City of Tustin Building Division shall verify that all Project grading and construction plans and specifications state that in the event that potential paleontological resources are discovered during earth disturbance activities, the discovery shall be cordoned off with a 100-foot radius buffer so as to protect the discovery from further potential damage until a qualified paleontologist (i.e., a practicing paleontologist that is recognized in the paleontological community and is proficient in vertebrate paleontology) from the City or County List of Qualified Paleontologists has evaluated the find in accordance with federal and state regulations. Construction personnel shall not collect or move any paleontological materials and associated materials.

The Paleontological Resources Impact Mitigation Plan (PRIMP), which will include notification of appropriate personnel involved and monitoring of earth disturbance activities shall include the following:

1. Monitoring of mass grading and excavation activities on the Project site shall be performed by a qualified paleontologist or paleontological monitor. Monitoring will be conducted full-time in areas of grading or excavation in undisturbed sedimentary deposits.
2. Paleontological monitors will 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.
3. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils will be collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes are taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, discovered fossil sites are protected by flagging to prevent them from being overrun by earthmovers (scrapers) before salvage begins. Fossils will be collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld GPS units. 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.

4. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of species, 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 to check for the presence of invertebrates.
5. 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. If indicators of potential microvertebrate fossils are found, screening of a test sample (approximately 600 pounds) is recommended, according to the Society of Vertebrate Paleontology guidelines. If feasible, wet screening shall be conducted on the project site. If screening yields significant fossils, then removing and processing a "standard sample" of 6,000 pounds shall be performed.
6. In the laboratory, individual fossils will be cleaned of extraneous matrix, any breaks are repaired, and the specimen, if needed, will be stabilized by soaking in an archival approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).
7. Recovered specimens are prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.
8. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., the Los Angeles County Museum of Natural History or the Orange County Parks' Cooper Center) 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.
9. A final report of findings and significance will 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 appropriate lead agency, will 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.

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

- a. Prior to the issuance of demolition or grading permits for any projects that would disturb previously undisturbed soils (native soils) or soils that have native fill, the project applicant/developer shall retain a Native American Monitor, with first preference given

to the Gabrieleño Band of Mission Indians – Kizh Nation, who responded to the City’s request for consultation on April 4, 2025. The applicant/developer shall allow 45 days from the initial contact with the first preference tribe to enter into a contract for monitoring services. If the applicant/developer is unable to contact the Kizh Nation after three documented attempts or is unable to secure an agreement, the applicant shall report to the lead agency, and the lead agency will contact the Kizh Nation to validate that the parties were unable to enter into an agreement. The applicant/developer shall have made three documented attempts to directly contact the Kizh Nation to enter into a tribal monitoring agreement. If the applicant/developer can demonstrate they were unable to secure an agreement with the first preference tribe, as validated and documented by the Community Development Department in writing, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant/developer may retain an alternative qualified tribal monitor from a culturally affiliated tribe if approved by the City.

The monitor shall be retained prior to the issuance of a demolition permit or grading permit, and the commencement of any development related “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, auguring, grubbing, boring, grading, excavation, drilling, and trenching for the purposes of reconstruction and new development. “Ground-disturbing activity” shall not include minor maintenance activities such as potholing, tree removal, and parking lot maintenance.

- b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Kizh Nation. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the consulting tribe. If a monitor is selected from a tribe other than the Kizh Nation, the Kizh Nation shall be contacted if any discoveries are found.
- d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the consulting tribe from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities and that have the potential to impact local TCRs on the project site or in connection with the project are complete.

TCR-2:

Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). 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 shall not resume until the discovered TCR has been fully assessed by the tribal monitor and consulting archaeologist. If the consulting tribe is other than the Gabrieleño Band of Mission Indians – Kizh Nation, the Kizh Nation shall be contacted and the consulting tribe will recover and retain all discovered TCRs in the form and/or manner the Kizh Nation deems appropriate,

in the Kizh Nation sole discretion, and for any purpose the Kizh Nation deems appropriate, including for educational, cultural and/or historic purposes.

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.