

THE ENDERLE CENTER REZONE PROJECT

SCH NO. 2024020747

prepared for
City of Tustin
300 Centennial Way
Tustin, CA 92780

prepared with the assistance of
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September 2024

Final Environmental Impact Report

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1. Introduction

This Final Environmental Impact Report (Final EIR) has been prepared in conformance with the environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA) to evaluate the environmental effects that may result from construction and operation of the proposed Enderle Center Rezone Project (proposed Project).

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

- (a) The Draft Environmental Impact Report (Draft EIR) or a revision of the Draft EIR;
- (b) Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- (d) The responses of the lead agency to significant environmental points raised in the review and consultation process;
- (e) Any other information added by the lead agency.

This document contains responses to comments received on the Draft EIR during the public review period, which began June 7, 2024, and ended on July 22, 2024. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and represents the independent judgment of the lead agency, which is the City of Tustin. This document and the circulated Draft EIR comprise the Final EIR in accordance with CEQA Guidelines, Section 15132.

1.1 FORMAT OF THE FINAL EIR

The following chapters are contained within this document:

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

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

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

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

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

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

1.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

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

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

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

2. Errata

2.1 INTRODUCTION

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

2.2 CHANGES TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

2.2.1 Section 1 Executive Summary

Location: Section 1.6, Summary of Impacts, pp. 1-5

Explanation for Change and Discussion:

The Draft EIR erroneously left Mitigation Measure AQ-1 out of Table 1-1, Summary of Impacts, in Draft EIR Section 1, *Executive Summary*. Additionally, the level of significance before mitigation and after mitigation has been revised from “less than significant” to “significant and unavoidable”. The Draft EIR has been updated accordingly.

Changes to the Draft EIR:

Impact	Applicable Standard Condition, Plan, Program, or Policy (PPP), or Project Design Feature (PDF)	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
5.1 Air Quality				
Impact AQ-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?	PPP AQ-1: Rule 403. As listed above. PPP AQ-2: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC)	Less than Significant <u>Potentially Significant</u>	<u>Mitigation Measure AQ-1. Prior to building permit approval by the City of Tustin (City) for future development projects, project applicants shall prepare and submit a technical assessment evaluating potential project-related air quality</u>	Less than Significant <u>Significant and Unavoidable</u>

	and/or High Pressure Low Volume (HPLV) applications shall be used.		<u>impacts, including a localized impacts analysis, to the City for review and approval. The analysis shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology. If project-related emissions exceed applicable SCAQMD thresholds of significance, the City shall require that applicants for new development projects incorporate mitigation measures to reduce emissions. The identified measures shall be included as part of the conditions of approval. Additionally, if project-related localized emissions exceed the SCAQMD's thresholds, a dispersion modeling analysis shall be conducted to calculate potential health risk from project implementation, and all necessary mitigation measures shall be implemented.</u>	
Cumulative	PPP AQ-1: Rule 403. As listed above. PPP AQ-2: Rule 1113. As listed above. PPP-AQ-3: Rule 402. As listed above.	Less than Significant <u>Potentially Significant</u>	None required <u>Mitigation Measure AQ-1. As listed above.</u>	Less than Significant <u>Significant and Unavoidable</u>

2.2.2 Section 5.1 Air Quality

Location: Section 5.1.7, Cumulative Impacts, pp. 5.1-30

Explanation for Change and Discussion:

The Draft EIR contained an error regarding the labeling of a Mitigation Measure. The Draft EIR labeled Mitigation Measure AQ-1 as AIR-1, rather than AQ-1. This error is repeated throughout the section and is also updated accordingly.

Changes to Draft EIR:

As discussed in Impact AQ-3 the Project would not result in an exceedance of the SCAQMD LSTs during project construction. However, net new emissions associated with the future development of the proposed Project would exceed the SCAQMD LSTs for PM10 during operational activities. While Mitigation Measure AIR-1 **AQ-1** would serve to reduce localized emissions associated with buildout of the project, localized emission impacts would remain significant and unavoidable. Therefore, impacts on human health risks would be cumulatively considerable and would be significant and unavoidable.

This error is repeated, and updated by reference, on Draft EIR page 5.10-31.

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

Explanation for Change and Discussion:

The Draft EIR contained an error regarding the labeling of an existing Plan, Program, or Policy. The Draft EIR labeled the third listed PPP as PPP AQ-4 rather than PPP AQ-3. This PPP has been updated accordingly.

Changes to Draft EIR:

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

2.2.3 Section 5.3 Greenhouse Gas Emissions

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

Explanation for Change and Discussion:

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

Changes to Draft EIR:

As previously stated, GHG emissions associated with the potential future buildout under the Project would ~~not~~ exceed the SCAQMD threshold of 3,000 MT CO₂e/yr. Since GHG is a global issue, it is unlikely that the proposed Project would generate enough GHG emissions to influence GHG emissions on its own; however, because project-related CO₂e emissions would exceed the SCAQMD’s threshold, the proposed Project would have a significant contribution to cumulatively considerable GHG emission impacts.

Location: Section 5.3.10, Mitigation Measures, pp. 5.3-16*Explanation for Change and Discussion:*

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

Changes to Draft EIR:

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

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

Mitigation Measure GHG-2: Prior to discretionary approval by the City of Tustin (City) for residential development projects subject to California Environmental Quality Act (CEQA) review, project applicants shall prepare and submit a technical assessment evaluating potential project-related greenhouse gas (GHG) impacts to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology. If project-related GHG

emissions exceed applicable SCAQMD thresholds of significance and/or Statewide GHG reduction targets, project-specific measures shall be identified and implemented, which would be reviewed and confirmed by the City.

2.2.4 Section 5.9 Transportation

Location: Section 5.9.3.2, Existing Transit Service, page 5.9-6

Explanation for Change and Discussion:

In response to Comment 3.2, the commenter states that Section 5.9.3.2, *Existing Transit Service* (DEIR page 5.9-6), erroneously included OCTA bus routes 61, 65, 75, and 463 as routes that serve the City. Additionally, the comment states that the section left out bus routes 59, 64, 70, 72, 79, 90, 167, 472, and 473 which do serve the City. The discussion has been revised to remove the bus routes that do not serve the City and include the additional bus routes which do serve the City.

Changes to DEIR:

Public transit bus service for the City is provided by the Orange County Transportation Authority (OCTA). The established network includes Routes **59, 60, 61, 64, 65, 66, 70, 71, 72, 75, 79, 90, 167, 472, and 473**. The Project is not located within a Transit Priority Area (TPA); however, adjacent to the Project at the junction of 17th Street and Enderle Center Drive, there are two existing public transit bus stations served by Route 60 with bus service every 30 minutes. These stations are situated on both the northern side of 17th Street and Yorba Street and on the southern side of 17th Street and Enderle Center Drive. The major routes of travel for Route 60 include Larwin Square to Long Beach via Newport and Seventeenth. Route 60 operates on approximately 30-minute headways on weekdays and weekends and connects to the Newport Transportation Center.

2.2.5 Section 5.10 Tribal Cultural Resources

Location: Section 5.10.8, Existing Regulations and Plans, Programs, or Policies, pp. 5.10-7

Explanation for Change and Discussion:

Policy measure, PPP CUL-1, was included to outline the regulatory requirements to be implemented in the event that human remains are found during future project construction. The measures has been slightly revised to provide clarity and reflect the latest regulatory process.

Changes to DEIR:

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

Location: 5.10.11, Mitigation Measures pp. 5.10-7

Explanation for Change and Discussion:

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

Changes to Draft EIR:

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

- a. Prior to the issuance of demolition or grading permits for any projects that would disturb previously undisturbed soils (native soils) or soils that have native fill, the project applicant/developer shall retain a Native American Monitor, with first preference given to the Gabrieleño Band of Mission Indians – Kizh Nation, who responded to the City’s request for consultation on November 14, 2023 (first preference Tribe, Tribe). The applicant/developer shall allow 45 days from the initial contact with the first preference tribe to enter into a contract for monitoring services. If the applicant/developer is unable to contact the Kizh Nation after three documented attempts or is unable to secure an agreement, the applicant shall report to the lead agency, and the lead agency will contact the Kizh Nation to validate that the parties were unable to enter into an agreement. ~~The applicant/developer shall have made three documented attempts to directly contact the Kizh Nation to enter into a tribal monitoring agreement.~~ If the applicant/developer can demonstrate they were unable to secure an agreement with the first preference tribe, as validated and documented by the Community Development Department in writing, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant/developer may retain an alternative qualified tribal monitor from a culturally affiliated tribe, **or if none are available, an otherwise qualified archaeologist may be retained as** if approved by the City.

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

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

the potential to impact local TCRs on the project site or in connection with the project are complete; **or (2) the monitor determines based on field observations that there is no likelihood of encountering intact TCRs. Monitoring may be reduced in extent or frequency as determined appropriate by the monitor.**

Location: 5.10.11, Mitigation Measures pp. 5.10-8

Explanation for Change and Discussion:

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

Changes to Draft EIR:

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

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

Location: 5.10.11, Mitigation Measures pp. 5.10-8

Explanation for Change and Discussion:

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

Changes to Draft EIR:

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

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

2.2.6 Section 5.11 Utilities and Service Systems

Location: Section 5.11.3.9, Wastewater Mitigation Measures, pp. 5.11-16

Explanation for Change and Discussion:

In Response to Comment 1.2, the commenter requests Mitigation Measure UT-2 be revised to require future project sewer capacity analyses to also be reviewed and approved by Orange County Sanitation District (OC San). The Mitigation Measure has been revised accordingly to add OC San as a reviewer and approval body.

Changes to DEIR:

MM UT-2 Future proposed Projects shall prepare capacity analyses of existing sewer utilities in the area to ensure conveyance and pressure is adequate for future projects proposed. The developer shall then identify infrastructure improvements necessary for the proposed development. The developer will be responsible for preparing a capacity analysis in coordination with the EOCWD and the City. **The developer shall then submit the sewer capacity analysis to the Orange County Sanitation District (OC San) for review and verification that there is available sewer capacity.** The capacity analysis and infrastructure improvements shall be reviewed and approved by EOCWD, **OC San**, and the City prior to approval of the construction permit.

2.2.7 Section 7.0 Effects Not Found Significant

Location: 7.3, Biological Resources, pp. 7-4

Explanation for Change and Discussion:

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

Changes to Draft EIR:

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

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

The nesting survey shall include the Project site and areas immediately adjacent to the site that could potentially be affected by Project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 feet for raptors and 300

feet for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

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

Explanation for Change and Discussion:

The Initial Study (Appendix A of the DEIR) identified that the Project would result in less than significant impacts with mitigation on cultural resources, as summarized in Chapter 7, *Effects Found Not Significant*. Existing plans and policies that would avoid potential impacts were also included. As discussed above, PRC 5097.98 requires the most likely descendant (MLD) must complete the inspection of the remains within 48 hours of obtaining access to the site. The PPP CUL-1 has been updated to reflect this accordingly.

Changes to Draft EIR:

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

3. Response to Comments

This section of the Final Environmental Impact Report (FEIR; Final EIR) for the Enderle Center Rezone Project (Project) includes a copy of all comment letters that were submitted during the public review period for the Draft Environmental Impact Report (DEIR), along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the DEIR began on June 7, 2024, and ended on July 22, 2024. A total of three comment letters were received in response to the DEIR during the 45-day public review period, and one comment letter was received after the close of the public review period.

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

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

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

Table 3-1: Comments Received on the DEIR

Comment Letter	Commenter	Date
1	Orange County Sanitation District	June 27, 2024
2	California Department of Transportation, District 12	July 18, 2024
3	Orange County Transportation Authority (OCTA)	July 22, 2024
4	City of Irvine	July 25, 2024

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

Comment Letter 1: Orange County Sanitation District (OCSan), dated June 27, 2024



10844 Ellis Avenue
Fountain Valley, CA 92708
714.962.2411
www.ocsan.gov

June 27, 2024

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

SUBJECT: Enderle Center Rezone Project – Notice of Preparation of a Draft Environmental Impact Report

Thank you for providing the Notice of Availability (NOA) of a Draft Environmental Impact Report for the Enderle Center Rezone Project. The project site is bound on the north by 17th Street; on the east by Enderle Center Drive and the eastern property line of properties fronting Enderle Center Drive; to the south by Vandenberg Lane; and to the west by the 55 Freeway, including properties west of Yorba Street.

The City of Tustin is proposing a Zone Code Amendment to create a Housing Overlay district to the Project site. Based on the desired purpose of the rezoning, there may be some sewer issues. Developers should coordinate with the Orange County Sanitation District (OC San) if/when any sewer improvements are proposed for future project build outs in the project area. Also, prior to approval of construction permits under Mitigation Measure UT-2, include submittal of a sewer capacity analysis of existing wastewater utility in the area for OC San review and obtain sewer capacity verification from OC San.

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

Brown, Andrew 

Andrew Brown
Engineering Supervisor
Planning Division
714 593-7052

AB:KH:op
https://ocsd.gov.sharepoint.com/sites/Planning/CEQA_Externally_Generated/2024_Comment_Letters/City_of_Tustin_Response_Ltr_20240626.docx

- Serving:
- Anaheim
- Brea
- Buena Park
- Cypress
- Fountain Valley
- Fullerton
- Garden Grove
- Huntington Beach
- Irvine
- La Habra
- La Palma
- Los Alamitos
- Newport Beach
- Orange
- Placentia
- Santa Ana
- Seal Beach
- Stanton
- Tustin
- Villa Park
- County of Orange
- Costa Mesa Sanitary District
- Midway City Sanitary District
- Irvine Ranch Water District
- Yorba Linda Water District

1.1

1.2

1.3

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



Response to Comment Letter 1: Orange County Sanitation District (OC San), dated June 27, 2024

Response to Comment 1.1: This comment provides a summary of the Project location. This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 1.2: This comment summarizes that the Project proposes a Zone Code Amendment to create a Housing Overlay and states that the rezoning may lead to sewer issues. The comment states future developers should coordinate with OC San at the time sewer improvements are proposed and requests that Mitigation Measure UT-2 be revised to include coordination with OC San. The mitigation measure has been revised to include coordination and approval by OC San as shown below and included in Chapter 2.0, *Errata*.

Section 5.11 Utilities and Service Systems, page 5.11-16

MM UT-2 Future proposed Projects shall prepare capacity analyses of existing sewer utilities in the area to ensure conveyance and pressure is adequate for future projects proposed. The developer shall then identify infrastructure improvements necessary for the proposed development. The developer will be responsible for preparing a capacity analysis in coordination with the EOCWD and the City. **The developer shall then submit the sewer capacity analysis to the Orange County Sanitation District (OC San) for review and verification that there is available sewer capacity.** The capacity analysis and infrastructure improvements shall be reviewed and approved by EOCWD, **OC San**, and the City prior to approval of the construction permit.

Response to Comment 1.3: This comment provides contact information for who to reach out to with any questions about the comment letter. The comment is conclusionary in nature and does not raise any specific concerns with the adequacy of the Draft EIR or raise any other specific CEQA issue. As substantiated by the responses above, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. No revisions per this comment are required and no further response is required or provided.

Comment Letter 2: California Department of Transportation (Caltrans), dated July 18, 2024

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation



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

July 18, 2024

Samantha Beier
City of Tustin
300 Centennial Way
Tustin, CA 92780
Dear Ms. Beier,

File: LDR/CEQA
SCH#2024020747
LDR LOG #202202499
SR-55

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report for the Enderle Rezone project. The City of Tustin is proposing a General Plan Amendment (GPA) and zone change for the application of a Housing Overlay (HO) district over an existing commercial development known as the Enderle Center. Pursuant to Housing Element Program 1.1f, the city is proposing an overlay zone ("overlay district") for the Project site to add 413 housing units. The anticipated development does not rely on the demolition of any existing buildings, but rather focuses on areas currently used for surface parking. Additionally, the Project anticipates the additional development of 118,467 square feet of nonresidential uses in the future, for a total nonresidential development capacity of 205,603 square feet on the Project site, pursuant to the General Plan. A specific development project is not proposed as part of this Rezoning Project. The Project involves approval of the proposed Housing Overlay, a General Plan Amendment, Zoning Code Amendment, and a Zone Change. The Project site is generally bounded on the north by 17th Street; on the east by Enderle Center Drive and the eastern property line of properties fronting Enderle Center Drive; to the south by Vandenberg Lane; and to the west by the 55 Freeway, including properties west of Yorba Street.

2.1

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

1. The proposed project increases the capacity of allowable housing units and will function as a mixed-use site. Mixed-use development offers an opportunity to encourage multi-modal travel and reduce VMT. Short local car trips can potentially be replaced with walking and bicycling trips.
2. Consider complete street designs on streets surrounding the project area. There are opportunities for connections to other modes of transportation near the

2.2

2.3

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

Ms. Samantha Beier
July 18, 2024
Page 2

project. These include the Santa Ana Metrolink Station, OCTA Bus Route 60, and a Class II bike lane east of Prospect Avenue. | 2.3 cont.

3. Caltrans encourages the design of Complete Streets that include high-quality pedestrian and bicycle facilities that are safe and comfortable for users of all ages and abilities. Consider enhancing bike and pedestrian infrastructure on 17th Street. | 2.4

4. During construction, please ensure that appropriate detours and safety measures are in place that prioritize the mobility, access, and safety of bicyclists, pedestrians, and transit users. If adjacent sidewalks or bike lanes need to be closed during construction, please ensure that closures and detours are clearly signed. See OCTA's bikeways map for the regional landscape of complete streets <https://www.octa.net/pdf/ocbikewaysmap.pdf> | 2.5

5. There is a missing crosswalk at the southeast corner of the Project site on Enderle Center Drive and Vandenberg Lane. Adding a crosswalk here would support pedestrian accessibility between the housing community south of Vandenberg Lane to businesses at future housing at the project site. | 2.6

6. Consider midblock crosswalks with safety features on Yorba Street and Enderle Center Drive to connect future housing development on east and west side of the project site to the businesses at Enderle Center. This will enhance walkability and accessibility and provide convenient access between the residential areas and local businesses. | 2.7

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

7. Ensure that truck parking, ingress and egress, and staging will not interfere with vehicle parking, pedestrian paths, or bicycle lanes/bicycle parking. | 2.8

8. Establish freight pick up & drop off times that do not coincide with peak commute hours to reduce passenger vehicle conflicts and congestion for freight. Consider designating on-street freight-only parking and delivery time windows so trucks will not resort to double parking, thus causing street traffic congestion. | 2.9

9. For the multifamily residential units proposed, consider how many individual packages will be delivered daily to individual residences. Amazon lockers or an | 2.10

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

Ms. Samantha Beier
July 18, 2024
Page 3

- equivalent shared drop-off location can help reduce the amount of driving done by delivery trucks and can increase the efficiency of deliveries. | 2.10 cont.
- 10. Work with local partners and community representatives to mitigate any truck traffic routing onto residential streets or conflicting with other road users, including and especially bicyclists and pedestrians. | 2.11
- 11. In the event of any work performed within Caltrans right-of-way, an encroachment permit will be required prior to construction. Please submit all applications and associated documents/plans via online web portal base Caltrans Encroachment Permit System (CEPS) at <https://ceps.dot.ca.gov/> | 2.12
- 12. Any work performed within Caltrans right of way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. Applicant must submit a signed Standard Encroachment Permit application form TR-0100 along with a deposit payable to Caltrans. Deposit amount will be dependent on when the application is submitted. Public corporations are legally exempt from encroachment permit fees. Please note that all utility work should be disclosed prior to permit submittal, and utility companies are to apply for separate permits for their corresponding work. | 2.13
- Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Maryam Molavi, at Maryam.Molavi@dot.ca.gov. | 2.14

Sincerely,


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

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

Response to Comment Letter 2: California Department of Transportation (Caltrans), dated July 18, 2024

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

Response to Comment 2.2: The comment acknowledges that the Project would facilitate mixed use development, which has the potential to reduce VMT and encourage multi-modal travel. This comment has been noted for the record. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 2.3: The commenter recommends consideration of complete street design surrounding the Project site. Additionally, the commenter suggests connections to other modes of transportation near the Project site, including Santa Ana Metrolink Station, OCTA Bus Route 60, and the Class II bike lane east of Prospect Avenue.

As noted by the commenter in their summary of Project understanding, the Project being considered includes a General Plan Amendment (GPA) and implementation of a Housing Overlay (HO) to accommodate potential future development of 413 dwelling units in consistency with the City's approved Housing Element. No actual development is proposed as part of this project. All future development projects would be required to undergo plan check review with the City and project-specific traffic studies would be required as determined appropriate by the City's traffic guidelines.

The Project site is currently developed and there are no bike lanes on the public roadway network currently serving the Project site. The closest existing bike lane to the Project site is a Class II Bike Lane east of Prospect Avenue along 17th Street. According to Figure C-5, *Master Bikeway Plan*, of the City's General Plan, a Class II bike lane is planned along Prospect Avenue, approximately 1,000 feet west of the Project site. However, this bike lane has not been implemented. Sidewalks currently exist on both sides of 17th Street, Vandenburg Lane, and Yorba Street and on the northbound side of Enderle Center Drive. Future projects would be required to analyze, and incorporate as feasible, access to alternative modes of transportation and collaborate with applicable regional, state, and federal parties during the development process (see General Plan Circulation Element Policies 1.3, 1.10, 1.11, 6.2, and 6.14). Therefore, future projects would be evaluated with a project-specific study and plan check, which would ensure the project is consistent with the City's policies to consider and implement access to alternative modes of transportation and no further response is required or provided.

Response to Comment 2.4: The commenter encourages the design of Complete Streets that include high quality pedestrian and bicycle facilities. Specifically, the commenter suggests enhancing bike and pedestrian infrastructure on 17th Street. As discussed above in Response to Comment 2.3, future projects would be evaluated with a project-specific traffic study and plan check as applicable, which would ensure the project is consistent with the City's policies to consider and implement access to alternative modes of transportation. As future residential projects are proposed, the City will continue to identify potential roadway, bicycle, and pedestrian improvements that could enhance connectivity to surrounding facilities and uses.

Response to Comment 2.5: The commenter indicates that during construction, the City should ensure that appropriate detour and safety measures are in place that prioritize the mobility, access, and safety of bicyclists, pedestrians, and transit users. Any closures should be clearly signposted.

Per the City's *Standard Plans and Design Standards*, all traffic control, temporary signage and striping, barricading, and detouring shall be as depicted on the traffic control plan submitted and approved by the City, and per the requirements of the California Manual on Uniform Traffic Control Devices (CA MUTCD). All layouts shall be reviewed by the City's project inspector for conformance with the approved plan. The Project

does not propose any development; however, all future projects would be required to follow City guidelines for detours, signage, and other traffic control activities.

Response to Comment 2.6: The commenter notes that there is a missing crosswalk at the southeast corner of the Project site on Enderle Center Drive and Vandenberg Lane. The comment further suggests that adding a crosswalk would support connectivity between the Project site and residential community south of Vandenberg Lane.

No development is currently proposed as part of the Project. As discussed above in Response to Comment 2.3, future projects would be evaluated with a project-specific traffic study and plan check as applicable. As future projects are proposed, the City will identify potential roadway, bicycle, and pedestrian improvements that could enhance connectivity to surrounding facilities and uses.

Response to Comment 2.7: The commenter requests that the City consider midblock crosswalks with safety features on Yorba Street and Enderle Center Drive to provide connectivity between the Project site and commercial uses to the east and west.

No development is currently proposed as part of the Project. As discussed above in Response to Comment 2.3, future projects would be evaluated with a project-specific traffic study and plan check as applicable. As future projects are proposed, the City will identify potential roadway, bicycle, and pedestrian improvements that could enhance connectivity to surrounding facilities and uses.

Response to Comment 2.8: The commenter recommends that the City ensure proposed truck parking, circulation, and construction staging would not interfere with vehicle, bicycle, or pedestrian circulation and parking.

The transportation analysis within the DEIR was prepared pursuant to SB 743, which requires that VMT thresholds be utilized for traffic analysis, and State CEQA Guidelines Section 15064.3 that states that a project's effect on automobile delay shall not constitute a significant environmental impact. As such, the Project TIA is not considered part of the DEIR or supporting CEQA documentation since it is an analysis of automobile delay and level of service issues. Further, the comments and questions provided by the commenter do not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. However, the City will coordinate with Caltrans to address their concerns regarding the TIA and will continue to communicate with Caltrans as future development is proposed.

As noted by the commenter in their summary of Project understanding, the Project being considered includes a General Plan Amendment (GPA) and implementation of a Housing Overlay (HO) to accommodate potential future development of 413 dwelling units in consistency with the City's approved Housing Element. No actual development is proposed as part of this project. All future development projects would be required to undergo plan check review with the City and project-specific traffic studies would be required as determined appropriate by the City's traffic guidelines.

Further, while the Draft EIR analysis considers future buildout of the remaining 118,474 SF of maximum nonresidential use currently allocated to the Project site by the City's General Plan, the Project does not propose an increase in allowed nonresidential uses, nor does the Project propose development of any nonresidential projects at this time. Future residential construction could require a temporary increase in truck traffic and staging; however, each project would be required to prepare a project-specific Stormwater Pollution Prevention Plan (SWPPP) in compliance with the Construction General Permit (CGP), which would include proposed construction staging areas and would be reviewed and approved by a City Engineer. Additionally, any required detour for pedestrian or bicycle paths would be outlined in a traffic control plan prepared pursuant to the City's *Standard Plans and Design Standards*. Therefore, the Project would not result in direct increase in truck traffic or staging. Future indirect truck traffic and staging would be coordinated

on a project-by-project basis in the future. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 2.9: The commenter recommends that the City coordinate freight pickup and drop off times around peak commute times to reduce freight and vehicle conflicts. The commenter also suggests that the City consider designated on-street freight-only parking and delivery windows to avoid truck double parking and traffic congestion.

As discussed above in Response to Comment 2.8, the Project would allow for future development of up to 413 dwelling units within the Project site. The Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. All future development projects would be required to undergo plan check review with the City and project-specific traffic studies would be required as determined appropriate by the City's traffic guidelines.

Further, as discussed in Response to Comment 2.8, circulation and level of service are analyzed in the Project TIA, which is not part of the EIR. However, the City will continue to coordinate with Caltrans regarding their TIA comments and address any other level of service-related concerns. Therefore, this comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. No further response is required or provided.

Response to Comment 2.10: The commenter recommends the City determine how many individual packages will be delivered daily to individual residences and consider the implementation of Amazon lockers or drop-off locations to reduce the amount of delivery driving needed.

As discussed above in Response to Comment 2.9, the Project does not propose development and future projects are too speculative to determine specific level of service patterns at this time. Project-specific traffic studies would be prepared as necessary for all future development pursuant to the requirements of the City traffic guidelines.

Further, as discussed in Response to Comment 2.8, circulation and level of service are analyzed in the Project TIA, which is not part of the EIR. However, the City will continue to coordinate with Caltrans regarding their TIA comments and address any other level of service-related concerns. Therefore, this comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. No further response is required or provided.

Response to Comment 2.11: The commenter recommends the City coordinate with local partners and community representatives to mitigate truck traffic on residential streets or other conflicts with road users, including bicyclists and pedestrians.

As discussed above in Response to Comment 2.9, the Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. Project-specific traffic studies would be prepared as necessary for all future development pursuant to the requirements of the City traffic guidelines.

Further, as discussed in Response to Comment 2.8, circulation and level of service are analyzed in the Project TIA, which is not part of the EIR. However, the City will continue to coordinate with Caltrans regarding their TIA comments and address any other level of service-related concerns. Additionally, as discussed under Draft EIR Section 5.4, *Land Use*, future projects would be required to analyze, and incorporate as feasible, access to alternative modes of transportation and collaborate with applicable regional, state, and federal parties during the development process (see General Plan Circulation Element Policies 1.3, 1.10, 1.11, 6.2, and 6.14). Therefore, the Project would not result in conflict with road users and no further response is required or provided.

Response to Comment 2.12: The commenter notifies the City that any work performed within Caltrans right-of-way would require an encroachment permit prior to construction. The commenter provides the link to the Caltrans Encroachment Permit System.

As discussed above in Response to Comment 2.9, the Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. Future development projects would follow the appropriate Caltrans encroachment permit process as necessary. This comment has been noted for the record and no further response is required or provided.

Response to Comment 2.13: This comment states that any work performed within Caltrans right of way would require discretionary review and approval by Caltrans to obtain an encroachment permit prior to construction. The commenter notes that prior to initiating the encroachment permit process, the applicant should fill out the Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. The commenter provides additional encroachment permit application instructions.

As discussed above in Response to Comment 2.9, the Project does not propose development, therefore at this time it is too speculative to determine specific level of service patterns. Future development projects would follow the appropriate Caltrans encroachment permit process as necessary. This comment has been noted for the record and no further response is required or provided.

Response to Comment 2.14: The commenter requests that the City continues to coordination with Caltrans for any future developments that could potentially impact State transportation facilities and provides a contact. This comment is conclusory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment Letter 3: Orange County Transportation Authority (OCTA), dated July 22, 2024



July 22, 2024

AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

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

Via email: HousingElementRezone@tustinca.org

Subject: Notice of Availability of a Draft Environmental Impact Report for the Enderle Center Rezone Project

Dear Ms. Beier:

The Orange County Transportation Authority (OCTA) appreciates the opportunity to review the Notice of Availability of a Draft Environmental Impact Report (EIR) for the Enderle Center Rezone Project. OCTA has the following comments for your consideration: 3.1

- In the Draft EIR on page 4-9, in Section 4.5.9 Transportation, Existing Transit Service:
 - Please include Routes 59, 64, 70, 72, 79, 90, 167, 472, and 473, these routes serve the City of Tustin (City). 3.2
 - Please remove Routes 61, 65, 75, and 463, these routes do not serve the City.
- In Appendix D VMT Analysis on page 9, Figure 2, please include the sections of McFadden Avenue and Walnut Avenue as being served by Route 66, as shown in Attachment A. The short version of Route 66 serving the City has peak weekday frequencies of 15 minutes. 3.3

We encourage open communication with OCTA on any matters discussed herein. Should you have any comments or questions, please contact me at (714) 560-5907 or at dphu@octa.net. 3.4

Sincerely,

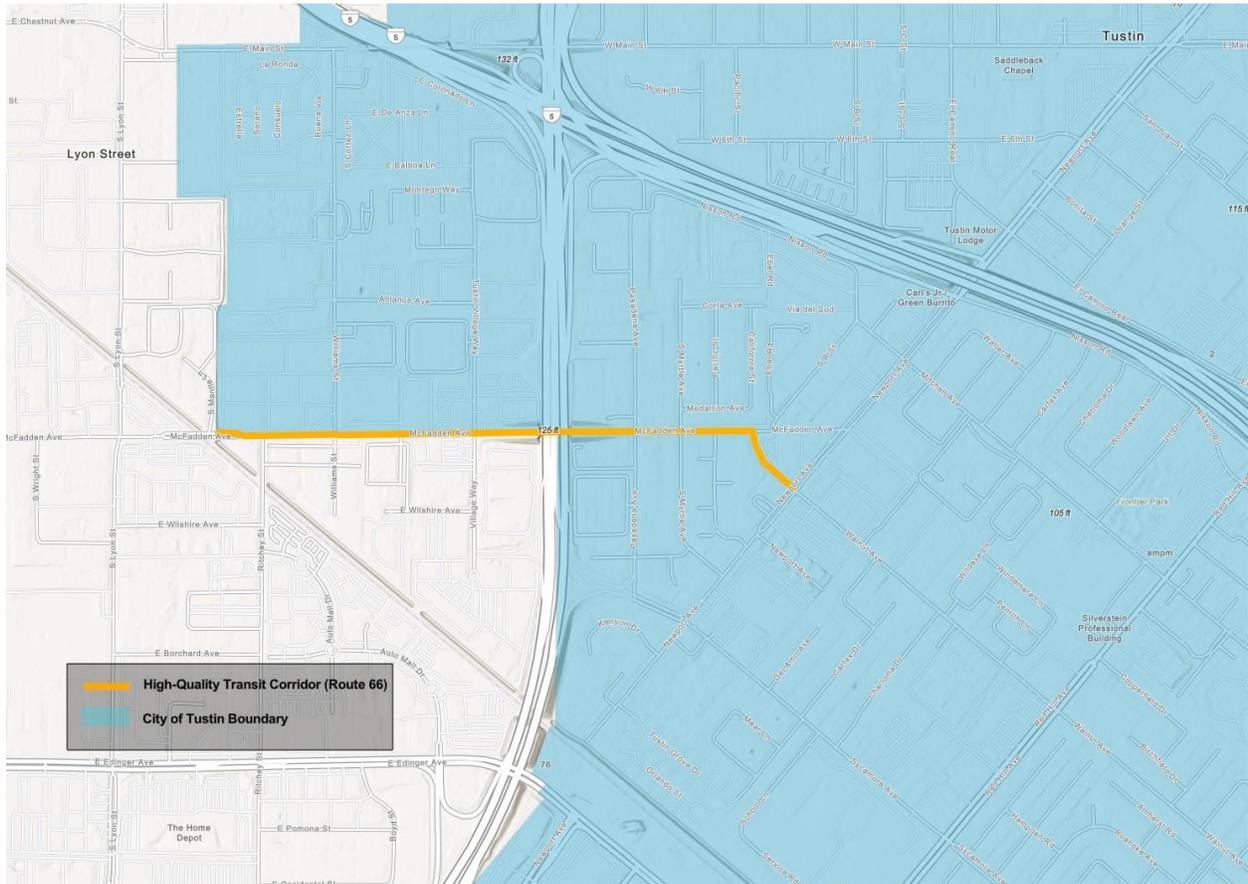
Dan Phu
Manager, Environmental Programs

DP:tc

Attachment: Attachment A - Tustin HQTC Map

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

Attachment A – Tustin High Quality Transit Corridor Map



Response to Comment Letter 3: Orange County Transportation Authority (OCTA), dated July 22, 2024

Response to Comment 3.1: This comment provides an introduction to the comment letter. This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 3.2: This comment states that DEIR Section 5.9, *Transportation*, specifically Section 5.9.3.2, *Existing Transit Service* (DEIR page 5.9-6), erroneously included OCTA bus routes 61, 65, 75, and 463 as routes that serve the City. Additionally, the comment states that the section left out bus routes 59, 64, 70, 72, 79, 90, 167, 472, and 473, which do serve the City. The discussion has been revised to remove the bus routes that do not serve the City and include the bus routes that do serve the City, as shown below and included in Chapter 2.0, *Errata*.

Section 5.9 Transportation, page 5.9-6

Public transit bus service for the City is provided by the Orange County Transportation Authority (OCTA). The established network includes Routes 59, 60, ~~61~~, 64, ~~65~~, 66, 70, 71, 72, ~~75~~, 79, 90, 167, 472, and ~~463~~ 473. The Project is not located within a Transit Priority Area (TPA); however, adjacent to the Project at the junction of 17th Street and Enderle Center Drive, there are two existing public transit bus stations served by Route 60 with bus service every 30 minutes. These stations are situated on both the northern side of 17th Street and Yorba Street and on the southern side of 17th Street and Enderle Center Drive. The major routes of travel for Route 60 include Larwin Square to Long Beach via Newport and Seventeenth. Route 60 operates on approximately 30-minute headways on weekdays and weekends and connects to the Newport Transportation Center.

Response to Comment 3.3: This comment states that the Vehicle Miles Traveled (VMT) Analysis, included as Appendix D to the DEIR, references an outdated figure illustrating the High Quality Transit Corridors (HQTC) in the City of Tustin. The comment states that sections of McFadden Avenue and Walnut Avenue are served by Route 66 and the figure included in the VMT Analysis needs to be updated to reflect this.

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

Response to Comment 3.4: This comment provides contact information for who to reach out to with any questions about the comment letter. The comment is conclusionary in nature and does not raise any specific concerns with the adequacy of the Draft EIR or raise any other specific CEQA issue. As substantiated by the responses above, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. No revisions per this comment are required and no further response is required or provided.

Comment Letter 4: City of Irvine, dated July 25, 2024



Community Development

cityofirvine.org

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

July 25, 2024

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

Email: HousingElementRezone@tustinca.org

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

Samantha Beier:

The City of Irvine is in receipt of the NOA of a Draft EIR for the Enderle Center Rezone Project in the City of Tustin. Pursuant to Housing Element Project 1.1f, the City of Tustin is proposing an overlay zone for the project. To accomplish this, the City of Tustin is requesting a GPA to establish a higher density residential uses within the PCCB land use designation when prescribed by a Housing Overlay or Specific Plan. The Enderle Center has the capacity of up to 413 housing units consistent with Tustin's Housing Element.

4.1

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

Thank you for the opportunity to review the project.

Sincerely,

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

Justin Equina
Senior Planner

Response to Comment Letter 4: City of Irvine, dated July 25, 2024

Response to Comment 4.1: This comment provides a brief summary of the Project description and states that the City of Irvine has reviewed the Project and has no comments. This comment does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided. This comment is noted for the record.

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4. Mitigation Monitoring and Reporting Program

4.1 INTRODUCTION

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

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

4.2 MITIGATION MONITORING AND REPORTING PROGRAM

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

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

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Table 4-1: Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
AIR QUALITY				
<p>PPP AQ-1: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. • The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less. 	<p>Prior to grading permit approval; and during construction activities</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Community Development Dept. will confirm that this requirement appears in the construction specifications.</p>	<p>Initials: _____ Date: _____</p>
<p>PPP AQ-2: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>	<p>Prior to grading permit approval; and during construction activities</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Community Development Dept. will examine project contracts, plans, and specifications for this requirement and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>PPP AQ-3: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	<p>Prior to grading or building permit approval; and during construction and operation</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Community Development Dept. will examine project plans and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>MM AQ-1. Prior to building permit approval by the City of Tustin (City) for future development projects, project applicants shall prepare and submit a technical assessment evaluating potential</p>	<p>Prior to building permit approval</p>	<p>Project developers/ applicants</p>	<p>The City Community Development Dept. will confirm that this</p>	

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>project-related air quality impacts, including a localized impacts analysis, to the City for review and approval. The analysis shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology. If project-related emissions exceed applicable SCAQMD thresholds of significance, the City shall require that applicants for new development projects incorporate mitigation measures to reduce emissions. The identified measures shall be included as part of the conditions of approval. Additionally, if project-related localized emissions exceed the SCAQMD's thresholds, a dispersion modeling analysis shall be conducted to calculate potential health risk from project implementation, and all necessary mitigation measures shall be implemented.</p>			<p>requirement has been completed prior to final plan approval.</p>	<p>Initials: _____ Date: _____</p>
BIOLOGICAL RESOURCES				
<p>PPP BIO-1: Street Trees. Installation of street trees shall occur in compliance with the City of Tustin Municipal Code Article 7, Chapter 3, Section 7308.</p>	<p>Prior to grading and building permit approval; and during construction activities</p>	<p>Project developers/applicants and construction contractors</p>	<p>The City Community Development Dept. will approve landscape plan prior to issuance of grading permits.</p>	<p>Initials: _____ Date: _____</p>
<p>MM BIO-1: Migratory Bird Treaty Act. Prior to commencement of grading activities, the City Community Development Department shall verify that, in the event that vegetation and tree removal activities occur within the active breeding season for birds (February 1–September 15), the Project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.</p> <p>The nesting survey shall include the Project site and areas immediately adjacent to the site that could potentially be affected by Project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 feet for raptors and 300 feet for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas</p>	<p>Before commencement of grading activities</p>	<p>Project developers/applicants and construction contractors</p>	<p>The City Community Development Dept. will determine if surveys are needed prior to issuance of permits for grading activities based on the timeline and will examine project permitting for these requirements and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.				
CULTURAL RESOURCES				
<p>PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during Project construction, the Project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission by telephone within 24 hours, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection and make recommendations or preferences for treatment within 48 hours after being granted access to the site.</p>	During grading and construction activities	Project developers/ applicant, construction contractors	The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
<p>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).</p> <p>If the discovered resource(s) appears Native American in origin, a Native American Monitor shall be contacted to evaluate any potential tribal cultural resource(s) and shall have the opportunity to consult on appropriate treatment and curation of these resources. The discovery would also be reported to the City and the South Central Coastal Information Center (SCCIC).</p> <p>Prior to the issuance of any permits for ground-disturbing activities that include the excavation of soils (including as grading,</p>	Prior to grading permit approval; and during construction activities	Project developers/ applicants and construction contractors	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
excavation, and trenching), the City of Tustin shall ensure that all Project grading and construction plans and specifications include requirement to halt construction activity and contact an archaeologist as specified above.				
ENERGY				
PPP E-1: CalGreen Compliance. The Project is required to comply with the CalGreen Building Code to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.	Prior to building permit approval	Project developers/ applicants and construction contractors	The City Building Division will review Project plans and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
GEOLOGY AND SOILS				
PPP GEO-1: CBC Title 24, Part 2. Structures built in the City are required to be built in compliance with the CBC (California Code of Regulations, Title 24, Part 2) that provides provisions for earthquake safety based on factors including building occupancy type, the types of soils onsite, and the probable strength of ground motion. Compliance with the CBC would require the incorporation of 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structure so that it would withstand the effects of strong ground shaking. Implementation of CBC standards would be verified by the City during the plan check and permitting process.	Prior to grading and building permit approval	Project developers/ applicants and construction contractors	The City Building Division will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
PPP GEO-2: Policy 8.5 of the Conservation/Open Space/Recreation Element. Project applicants would be required to submit applications for building and grading permits, and applications for subdivision for adjacency to, threats from, and impacts on geological hazards arising from seismic events, landslides, or other geologic hazards such as expansive soils and subsidence areas, which would be reviewed by the City during plan check.	Prior to grading and building permit approval	Project developers/ applicants and construction contractors	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
MM GEO-1: All future projects implemented through the proposed housing overlay would be required to conduct a project-specific geotechnical investigation to ensure that the site's soils are	Prior to grading and building permit approval	Project developers/ applicants and	The City Community Development Dept. will review and	

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
adequate for the construction and operation of the proposed project. Future projects would be required to implement measures identified within the project-specific geotechnical investigation.		construction contractors	approve development specific geotechnical investigation and ensure its requirements are included in development contracts, plans, and specifications and monitor for compliance.	Initials: _____ Date: _____
HYDROLOGY AND WATER QUALITY				
PPP HYD-1: SWPPP. Prior to issuance of any grading or demolition permits, the applicant shall provide the City Building Division evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	Prior to grading or demolition/building permit approval	Project developers/ applicants and construction contractors	The City Public Works and Community Development Departments will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
PPP HYD-2: City of Tustin Grading Manual. All future projects are required to comply with the City of Tustin Grading Manual (1990). Implementation of grading manual standards would be verified by the City during the plan check and permitting process.	Prior to grading or demolition/building permits approval and during construction activities	Project developers/ applicants and construction contractors	The City Community Development Dept. will examine project contracts, plans, and specifications for these requirements and monitor for compliance.	Initials: _____ Date: _____
PPP HYD-3: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the Project applicant and submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design, Source Control, and Treatment Control	Prior to grading permit approval	Project developers/ applicants and construction contractors	The City Public Works Dept. will examine project contracts, plans, and specifications for these requirements	Initials: _____ Date: _____

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
Best Management Practices (BMPs) that will be incorporated into the development Project to minimize the adverse effects on receiving waters.			and monitor for compliance.	
GREENHOUSE GAS EMISSIONS				
<p>Mitigation Measure GHG-1: Prior to issuance of a building permit, the City shall require that applicants for new residential development projects incorporate mitigation measures to reduce GHG emissions. The identified measures shall be included as part of the project’s approval. Possible mitigation measures to reduce operational emissions could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Increase in insulation such that heat transfer and thermal bridging is minimized; • Limit air leakage through the structure and/or within the heating and cooling distribution system; • Use of energy-efficient space heating and cooling equipment; • Installation of dual-paned or other energy efficient windows; • Use of interior and exterior energy efficient lighting that exceeds the incumbent California Title 24 Energy Efficiency performance standards; • Installation of automatic devices to turn off lights where they are not needed; • Application of an exterior paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings; • Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors; • Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems; • Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products. 	Prior to building permit approval	Project Developers /applicants	The City Community Development Dept. will review project plans and ensure mitigation measures to reduce GHG emissions are incorporated into the project, as appropriate, prior to issuance of building permit.	Initials: _____ Date: _____

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<ul style="list-style-type: none"> Landscaping palette emphasizing drought tolerant plants; Use of water-efficient irrigation techniques; <p>U.S. EPA Certified WaterSense-labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.</p>				
<p>Mitigation Measure GHG-2: Prior to discretionary approval by the City of Tustin (City) for residential development projects subject to California Environmental Quality Act (CEQA) review, project applicants shall prepare and submit a technical assessment evaluating potential project-related greenhouse gas (GHG) impacts to the City for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology. If project-related GHG emissions exceed applicable SCAQMD thresholds of significance and/or Statewide GHG reduction targets, project-specific measures shall be identified and implemented, which would be reviewed and confirmed by the City.</p>	<p>Prior to discretionary approval</p>	<p>Project Developers /applicants</p>	<p>The City Community Development Dept. Planning Division will ensure receipt, review, and approval of GHG technical assessment and inclusion of development specific measures, as appropriate, prior to discretionary approval.</p>	<p>Initials: _____ Date: _____</p>
NOISE				
<p>PPP NOI-1: Construction Hours. Per the Tustin City Code Section 4616, construction activities are allowed only between the hours of 7:00 AM and 6:00 PM, Monday through Friday and between 9:00 AM to 5:00 PM on Saturdays with no activity allowed on Sundays and City-observed federal holidays.</p>	<p>During construction</p>	<p>Project developer/ Construction contractor/ City of Tustin Building Department</p>	<p>The City Community Development Dept. will enforce grading and construction permitting; and monitor for compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>MM NOI-1: All future development shall prepare a project-specific Final Acoustical Report to confirm whether any proposed exterior noise sensitive areas would experience noise levels greater than 65 dBA CNEL and whether interior noise levels would exceed 45 dBA CNEL and identify any noise reduction features for the proposed development (e.g. upgraded windows with Sound Transmission Class (STC) ratings of 30–35). Additionally, the Final Acoustical Report shall confirm that proposed siting of noise-generating stationary sources, if any will not result in an exceedance of applicable noise thresholds at surrounding land uses.</p>	<p>Prior to grading and building permit approval</p>	<p>Project developers/ applicants</p>	<p>The City Community Development Dept. will review and approve development specific noise analysis and ensure any noise requirements are included in development contracts, plans, and specifications and</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
			monitor for compliance.	
RECREATION				
PPP R-1: City Park Requirements. Tustin City Code Section 9331 – Dedications, Reservations and Development Fees. All future development shall be consistent with this standard.	Prior to grading and building permit approval	Project developers/ applicants	The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
TRANSPORTATION				
PPP T-1: Sidewalk Standards. Sidewalks shall be provided on a private street for attached and detached residential products in accordance with Standard B102 of the City's Construction Standards, Storm Drain and On-Site Private Improvements, and is subject to compliance with applicable accessibility requirements of the American Disabilities Act, Title 24 of the Uniform Building Code as locally amended, and the Department of Housing and Urban Development's Fair Housing Accessibility Guidelines.	Prior to grading and construction permit approval	Project developers/ applicants and construction contractors	The City Building Division will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
PPP T-2: Traffic Control/Utilities. All future development constructed under the Project shall be subject to the traffic control standards specified by the City's latest <i>Standard Plans and Design Standards</i> , which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design.	Prior to grading or demolition/building permit approval	Project developers/ applicants and construction contractors	The City Public Works Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____
TRIBAL CULTURAL RESOURCES				
PPP TCR-1: Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for	Prior to grading or demolition/building permit approval	Project developers/ applicant, construction contractors	The City Community Development Dept. will review project plans and	Initials: _____ Date: _____

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
treatment and disposition of human remains and associated grave goods.			specifications to ensure these requirements are met and would monitor to verify compliance.	
<p>TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <p>a. Prior to the issuance of demolition or grading permits for any projects that would disturb previously undisturbed soils (native soils) or soils that have native fill, the project applicant/developer shall retain a Native American Monitor, with first preference given to the Gabrieleño Band of Mission Indians – Kizh Nation, who responded to the City’s request for consultation on November 14, 2023 (first preference Tribe, Tribe). The applicant/developer shall allow 45 days from the initial contact with the first preference tribe to enter into a contract for monitoring services. If the applicant/developer is unable to contact the Kizh Nation after three documented attempts, or is unable to secure an agreement, the applicant shall report to the lead agency, and the lead agency will contact the Kizh Nation to validate that the parties were unable to enter into an agreement. If the applicant/developer can demonstrate they were unable to secure an agreement with the first preference tribe, as validated and documented by the Community Development Department in writing, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant/developer may retain an alternative qualified tribal monitor from a culturally affiliated tribe, or if none are available, an otherwise qualified archaeologist may be retained as approved by the City.</p> <p>The monitor shall be retained prior to the issuance of a demolition permit or grading permit, and the commencement of any development related “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-</p>	Prior to grading or demolition/building permit approval; and during grading and demolition activities	Project developers/ applicant, construction contractors, Native American Monitor	The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.	Initials: _____ Date: _____

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>disturbing activity” shall include, but is not limited to, demolition, pavement removal, auguring, grubbing, boring, grading, excavation, drilling, and trenching for the purposes of reconstruction and new development. "Ground-disturbing activity" shall not include removal or maintenance of existing small facilities and utilities such as potholing, tree removal, and parking lot maintenance. This mitigation measure does not apply to activities that would only disturb soils made up of artificial fill, as verified by a soils or geotechnical report.</p> <p>b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, and cultural-related materials of significance to the Kizh Nation. Monitor logs will identify and describe any discovered Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and associated grave goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the consulting tribe. If a monitor is selected from a tribe other than the Kizh Nation, the Kizh Nation shall be contacted if any discoveries are found.</p> <p>d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the monitor from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities and that have the potential to impact local TCRs on the project site or in connection with the project are complete; or (2) the monitor determines based on field observations that there is no likelihood of encountering intact TCRs. Monitoring may be reduced in extent or frequency as determined appropriate by the monitor.</p>				

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
<p>TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any TCRs, all ground-disturbing activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been assessed by the tribal monitor and consulting archaeologist. If the monitor is other than the Gabrieleño Band of Mission Indians – Kizh Nation, the Kizh Nation shall be contacted and the monitor and/or Kizh Nation will recover and retain all discovered TCRs in the form and/or deemed appropriate, in agreement with Kizh Nation including for educational, cultural and/or historic purposes.</p>	<p>During grading</p>	<p>Project developers/ applicant, construction contractors, Native American Monitor</p>	<p>The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p> <p>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.</p> <p>b. If Native American human remains are discovered or recognized on the project site, then Health and Safety Code Section 7050.5 shall be followed.</p> <p>c. Human remains and associated grave goods shall be treated in the same manner per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.</p> <p>e. Any discovery of human remains/grave goods shall be kept confidential to prevent further disturbance.</p>	<p>During grading</p>	<p>Project developers/ applicant, construction contractors, Native American Monitor</p>	<p>The City Community Development Dept. will review project plans and specifications to ensure these requirements are met and would monitor to verify compliance.</p>	<p>Initials: _____ Date: _____</p>
<p>UTILITIES AND SERVICE SYSTEMS</p>				
<p>PPP UT-1: California Building Code. All future development constructed under the Project shall be subject to the latest version of the California Building Code (CBC) which outlines regulations for building planning and construction in the state, including</p>	<p>Prior to grading or demolition/building permit approval; during construction activities</p>	<p>Project developers/ applicants and construction contractors</p>	<p>The City Building Division will examine project contracts, plans, and specifications for</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure	Implementation Timing	Responsible Party	Verification Method	Date Completed and Initials
occupancy classification, structural design, building materials, infrastructure needs and fire-resistance requirements.			these requirements and monitor for compliance.	
<p>MM UT-1: Future proposed Projects shall prepare capacity analyses of existing water utilities in the area to ensure conveyance and pressure is adequate for future projects proposed. The developer shall then identify infrastructure improvements necessary for the proposed development. The developer will be responsible for preparing a capacity analysis in coordination with the City. The capacity analysis and infrastructure improvements shall be reviewed and approved by the City prior to approval of the construction permit.</p>	Prior to grading or building permit approval	Project developers/ applicant	The City Public Works Dept. will review the required capacity analysis ensure adequate capacity is available prior to approval of the construction permit.	Initials: _____ Date: _____
<p>MM UT-2: Future proposed Projects shall prepare capacity analyses of existing sewer utilities in the area to ensure conveyance and pressure is adequate for future projects proposed. The developer shall then identify infrastructure improvements necessary for the proposed development. The developer will be responsible for preparing a capacity analysis in coordination with the EOCWD and the City. The developer shall then submit the sewer capacity analysis to the Orange County Sanitation District (OC San) for review and verification that there is available sewer capacity. The capacity analysis and infrastructure improvements shall be reviewed and approved by EOCWD, OC San, and the City prior to approval of the construction permit.</p>	Prior to grading or building permit approval	Project developers/ applicant	The City Public Works Dept. will review the required capacity analysis ensure adequate capacity is available prior to approval of the construction permit.	Initials: _____ Date: _____