THE TUSTIN LEGACY SPECIFIC PLAN AMENDMENT

SCH NO. 1994071005

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

prepared with the assistance of
EPD Solutions Inc.,
Irvine CA, 92612
(949) 794-1180

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Draft Supplemental Environmental Impact Report

EPD SOLUTIONS, INC

E | P | D SOLUTIONS, INC

3333 Michelson Drive, Suite 500
Irvine CA, 92612
(949) 794-1180
www.epdsolutions.com

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1. Executive Summary

This Draft Supplemental Environmental Impact Report (DSEIR) evaluates whether the potential future construction and operation of the proposed Tustin Legacy Specific Plan Amendment (Modified Project) would result in environmental effects that were not examined in the previously approved Marine Corp Air Station (MCAS) Environmental Impact Report/Environmental Impact Statement (EIR/EIS), and subsequent environmental documents, including the most recent approved amendment, the 2017 Tustin Legacy Specific Plan Amendment (TLSP SPA) SEIR. This Draft SEIR has been prepared in conformance with State and City of Tustin environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA).

This Draft SEIR is being circulated for review and comment by the public and other interested parties, agencies, and organizations for 45 days in accordance with Section 15087 and Section 15105 of the CEQA Guidelines. During the 45-day review period, the Draft SEIR will be available for public review at the City of Tustin website http://www.tustinca.org/HousingElementRezone.

A physical copy is available for review at the following locations:

City of Tustin
300 Centennial Way
Tustin, CA 92780

Orange County Library – Tustin Branch
345 E. Main Street
Tustin, CA 92780

Written comments related to environmental issues in the Draft SEIR should be addressed to:

Samatha Beier, Senior Planner
City of Tustin
300 Centennial Way
Tustin, CA 92780
(714) 573-3354
HousingElementRezone@tustinca.org

A Notice of Availability of the Draft SEIR was published concurrently with distribution of this document.

1.1 PROJECT BACKGROUND

The City of Tustin is required by State law to periodically update its Housing Element, a mandatory component of the City's General Plan. The Housing Element is the City's housing policy and planning document that identifies housing needs and constraints, and sets forth goals, policies, and programs that address the future housing needs for all income levels over an eight-year planning period that coincides with a Regional Housing Needs Allocation (RHNA). The City of Tustin prepared the 2021-2029 Housing Element of the General Plan – the most recent update to the Housing Element that covers the Sixth Cycle planning period from October 15, 2021, to October 15, 2029 – in accordance with Government Code Section 65580 et seq. (*Housing Elements*).

On October 5, 2021, the City Council adopted Resolution No. 21-86, certifying the Negative Declaration (ND) for General Plan Amendment (GPA) 2021-0002, which analyzed environmental impacts related to the City's Draft Housing Element Update (HEU) of the General Plan (Resolution No. 21-87, approving GPA 2021-0002). Following preparation of the Draft HEU and certification of the ND, the Draft Housing Element went through several rounds of revisions and submittal for review to the State Department of Housing and Community Development (HCD). The City received formal HCD certification of the HEU on September 12,

2022. On October 4, 2022, the City Council adopted Resolution No. 22-47, approving GPA 2022-0002 for the final HEU.

The 2021-2029 Housing Element includes several provisions that aim to ensure the City can meet the required "fair share" of affordable housing units, as specified by the State of California. During the Housing Element process, the City assessed a number of sites and areas throughout the community that would be able to accommodate the City's assigned 2021 Regional Housing Needs Allocation (RHNA). The City identified 19 sites and one housing category (accessory dwelling units [ADUs]/junior accessory dwelling units [JADUs]) as qualifying sites to accommodate its RHNA allocation. Of the 19 Housing Element inventory sites, Sites 1A, 1B and 2 (Modified Project site), are within the TLSP and were identified as requiring rezoning under Housing Element Program 1.1a to allow for increased residential capacity.

1.2 PROJECT LOCATION

The Tustin Legacy Specific Plan (TLSP) area is in the City of Tustin. The City of Tustin is in the central portion of Orange County and is surrounded by the cities of Irvine to the south and east; Santa Ana to the west; and Orange and unincorporated Orange County to the north. Major freeways and highways within or bordering the City of Tustin are the I-5 freeway through the center, State Route (SR) 55 to the west, and SR 261 to the east, as illustrated in Figure 3-1, *Regional Location*.

The TLSP area encompasses approximately 1,606 acres, which includes 1,511 acres in southern Tustin and 95 acres in northeastern Irvine. The TLSP area is generally bounded by Red Hill Avenue to the west, Edinger Avenue to the north, Harvard Avenue to the east, and Barranca Parkway to the south. The local vicinity and the boundary of the TLSP area are illustrated in Figure 3-2, *Local Vicinity*.

The Modified Project site is the portion of the TLSP area that the Project proposes to amend through a Specific Plan Amendment (SPA). The Modified Project site consists of three TLSP subareas spread across two geographically defined areas, referred to as "Neighborhoods" within the TLSP: Neighborhood D (North and South) and Neighborhood G, as illustrated in Figure 3-3, *TLSP Neighborhoods*.

- Neighborhood D (PAs 8 and 13-14) encompasses 314 acres. Neighborhood D North is generally bounded by Valencia Avenue to the north, Tustin Ranch Road to the east, Warner Avenue to the south, and Armstrong Avenue to the west. Neighborhood D South is generally bounded by Warner Avenue to the north, Tustin Ranch Road to the east, Barranca Parkway to the south, and Armstrong Avenue to the west. As required by the California Department of Housing and Community Development (HCD), the City identified specific housing sites in its HEU as adequate and available for future residential development consistent with the State's requirements for various income categories. The parcels of Neighborhood D that were identified within the HEU as suitable for future development encompass a total of 84.73 acres within Neighborhood D North and Neighborhood D South. These housing sites included Housing Element (HE) Site 1A, a 39.87-acre within Neighborhood D North, and HE Site 1B, a 44.86-acre site within Neighborhood D South (84.73 acres total). Neighborhood D South was identified in the past two planning HE cycles as suitable for future housing. Neighborhood D North has never been considered for future housing prior to the HEU.
- Neighborhood G (PA 15) encompasses 271 acres. Neighborhood G is in the northeastern portion of the TLSP area. An approximate 50.23-acre undeveloped area within the western portion of the 271-acre Neighborhood G was identified within the HEU as suitable for future residential development. This site was included in Appendix B of the City's HEU as Site 2. Neighborhood G was identified in the previous planning cycle as suitable for future residential development. Neighborhood G is generally bounded by Edinger Avenue to the north, Jamboree Road to the east, Warner Avenue to the south and Tustin Ranch Road to the west.

1.3 PROJECT DESCRIPTION SUMMARY

The TLSP identifies a dwelling unit and nonresidential square footage capacity or "cap" for each neighborhood, as opposed to application of traditional density and floor area ratio standards. This allows for greater flexibility in design of the TLSP area. The proposed TLSP SPA would amend Planning Areas (PAs) and their respective neighborhoods, Neighborhood D North, D South, and G, to increase the residential caps to be consistent with the certified HEU, as shown in Table 3-2.

The proposed cap increase would add a total of 855 additional residential units to the existing residential capacity of the Modified Project area (Neighborhoods D and G). The capacity increase would also include 1,356 "buffer units" that were assigned in the City's HEU and are intended to make up for any potential units that are not developed as assumed under the HEU on other housing sites. Therefore, a total of 2,211 units have been added to the existing residential cap of the TLSP within PAs 8, 13-14, and 15 of Neighborhoods D and G.

Additionally, the provision for State density bonus is applicable to the TLSP area. Therefore, an additional 2,759 units have been conservatively included in this analysis to anticipate the potential application of density bonuses in future residential development projects.

Together, the HEU RHNA units, buffer units, and density bonus units total a potential increase of 4,970 units to the TLSP area that are analyzed in this DSEIR as the Modified Project.

Proposed SPA. The Modified Project is an SPA to the TLSP to increase allowed capacity for the future development of residential units within Neighborhood D South (PA 13-14), Neighborhood D North (PA 8), and Neighborhood G (PA 15), consistent with the approved HEU of the Tustin General Plan. Proposed additional capacity would include the housing units allocated the TLSP to accommodate the City's RHNA and buffer units included as part of the HEU. These units would be incorporated to the TLSP housing caps, and residential capacities would be updated accordingly for Neighborhood D North, providing a new total residential capacity of 1,911 units (555 units + 1,356 buffer units); Neighborhood D South, increasing the total residential capacity from 1,672 to 1,772 units; and Neighborhood G, increasing the residential capacity from 2,814 to 3,014 units. The Modified Project would designate APNs 430-381-41 and 430-381-91 of PA 8, Neighborhood D North, exclusively for residential land uses such that nonresidential uses are prohibited as part of the SPA.

The Draft SEIR also considers density bonus units available to developers under the Surplus Land Act (SLA) and State density bonus law Density bonus, applicable to all undeveloped residential land uses within the TLSP area, including the newly added 6th cycle RHNA units, as well as the remaining buildout capacity of existing residential land uses within the TLSP area. Additionally, minor changes to the planned roadway system in PA 15 of Neighborhood G would be made.

Nonresidential Uses. In addition to the proposed changes above, the TLSP nonresidential land use breakdown used for modeling and trip budgets of the Approved Project have been updated for the Modified Project analysis. These changes have been made to reflect a series of factors, including entitled/built projects, forecasted market conditions, and anticipated future development. However, changes to the proposed nonresidential land use breakdown would not require an SPA since proposed land uses would fit within existing nonresidential development caps and allowed uses of each of the PAs and neighborhoods. The land use breakdown is used strictly for trip budgeting and modeling purposes. Overall, the changes amongst the various nonresidential land uses would result in no net change in nonresidential square footage (see Table 3-2 below). Notable changes include a reduction in future hotel uses and an increase in continuing care/senior housing land use in Neighborhood D South, a reduction in community commercial uses and increase in office uses in Neighborhood D North, and a reduction in continuing care (senior housing) uses and increase in community commercial and office uses in Neighborhood G.

1.4 PROJECT OBJECTIVES

CEQA Guidelines §15124(b) (Title 14 California Code of Regulations [CCR]) requires "A statement of objectives sought by the proposed project. A clearly written statement of objectives would help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and would aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project." The proposed TLSP amendment outlines a variety of "Guiding Principles" and related Goals that form the Project Objectives of the Project, including the following:

- Implement Program 1.1a of the 6th Cycle HEU to provide for the opportunity for future residential development on three sites in the TLSP as identified by the City's HEU, with a minimum density of 20 units per acre (du/acre) on the selected sites.
- Reposition the remaining undeveloped lands in Planning Areas 8, 13, 14 & 15 to allow increased capacity for residential development and to accommodate various levels of affordability.
- Provide for the streamlining of residential development to accommodate various levels of affordability through implementation of clear and objective design standards.
- Amend the TLSP to be consistent with existing State housing law, including the provision for State density bonus.

1.5 SUMMARY OF IMPACTS

Table 1-1 summarizes the conclusions of the environmental analysis contained in this Draft SEIR. Section 7.0, *Effects Not Found Significant*, establishes that the proposed Project would not result in impacts related to certain thresholds from CEQA Appendix G, including Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Recreation, and Wildfire. Thus, no further assessment of those impacts was required in the Draft SEIR. Therefore, the numbering of impacts shown in Table 1-1 reflects the omission of further evaluation for certain thresholds.

Relevant standard conditions of approval are identified, and mitigation measures are provided for all potentially significant impacts. The level of significance of impacts after applying the existing and proposed mitigation measures are identified as either significant and unavoidable, less than significant, or no impact.

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Table 1-1: Summary of Impacts

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-1: Would the Project conflict with or obstruct implementation of the applicable air quality plan?		Potentially significant.	No feasible mitigation measures.	Significant and Unavoidable.
Impact AQ-2: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or State ambient air quality standard?	**PPP AQ-1: Rule 403.** The following measures shall be incorporated into construction plans and specifications as implementation of Rule 403: • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the proposed Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day. • The contractor shall ensure that traffic speeds on	Potentially significant.	**Applicable 2017 SEIR Mitigation Measures** **2017 SEIR MM AQ-2:** Prior to issuance of grading permits, the project applicant shall use low VOC architectural coatings for all interior and exterior painting operations. **2017 SEIR MM AQ-3:** Prior to the issuance of development permits for new non-residential projects with 100 or more employees, and expanded projects where additional square footage would result in a total of 100 or more employees, the City of Tustin and the City of Irvine, as applicable, shall impose a mix of TDM measures which, upon estimation, would result in an average vehicle ridership of at least 1.5, for each development with characteristics that would be reasonably conducive to successful implementation of such TDM measures. These TDM measures may include one or more of the following, as determined appropriate and feasible by each city on a case-by-case basis:	Significant and Unavoidable.

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
	unpaved roads and Project site areas are reduced to 15 miles per hour or less. **PPP AQ-2: Rule 1113.** The following measure shall be incorporated into construction plans and specifications as implementation of Rule 1113. The proposed Project shall only use "Low-Volatile Organic Compounds (VOC)" paints (no more than 50 gram/liter of VOC) consistent with SCAQMD Rule 1113. **PPP AQ-3: Rule 445.** The following measure shall be incorporated into construction plans and specifications as implementation of Rule 445. Wood burning stoves and fireplaces shall not be included or used in the new development. **PPP AQ-4: CALGreen Building Standards MERV 13 Filters.** Indoor air quality within mechanically ventilated buildings shall comply with Section 5.504.5.3 (Filters) of the California Green Building Standards Code Part 11 that requires utilization of at least a Minimum Efficiency Reporting Value (MERV) of 13 air filtration systems. The Code requires MERV 13 filters to be installed prior to occupancy and replaced		• Establish preferential parking for carpool vehicles. • Provide bicycle parking facilities. • Provide shower and locker facilities. • Provide carpool and vanpool loading areas. • Incorporate bus stop improvements into facility design. • Implement shuttles to shopping, eating, recreation, and/or parking and transit facilities. • Construct remote parking facilities. • Provide pedestrian circulation linkages. • Construct pedestrian grade separations. • Establish carpool and vanpool programs. • Provide cash allowances, passes, and other public transit and purchase incentives. • Establish parking fees for single occupancy vehicles. • Provide parking subsidies for rideshare vehicles.	

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
	and/or maintained as directed by the manufacturer.		• Institute a computerized commuter rideshare matching system. • Provide a guaranteed ride-home program for ridesharing. • Establish alternative work week, flex-time, and compressed work week schedules. • Establish telecommuting or work-at-home programs. Provide additional vacation and compensatory leave incentives. • Provide on-site lunch rooms/cafeterias and commercial service such as banks, restaurants, and small retail. • Provide on-site day care facilities. • Establish an employee transportation coordinator(s). **2017 SEIR MM AQ-4:** If not required under each individual development's TDM plan, the City of Tustin and the City of Irvine, as applicable, shall implement the following measures, as determined appropriate or feasible by each city on a case-by-case basis:	

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
			• Reschedule truck deliveries and pickups for off peak hours. • Implement lunch shuttle service from a worksite(s) to food establishments. • Implement compressed work week schedules where weekly work hours are compressed into fewer than five days, such as 9/80, 4/40, or 3/36. • Provide on site child care and after school facilities or contribute to off site developments within walking distance. • Provide on site employee services such as cafeterias, banks, etc. • Implement a pricing structure for single occupancy employee parking, and/or provide discounts to ride sharers. • Construct off site pedestrian facility improvements such as overpasses and wider sidewalks. • Include retail services within or adjacent to residential subdivisions.	

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
			• Provide shuttles to major rail transit centers or multi modal stations. • Contribute to regional transit systems (e.g., right of way, capital improvements, etc.). • Synchronize traffic lights on streets impacted by development. • Construct, contribute, or dedicate land for the provision of off site bicycle trails linking the facility to designated bicycle commuting routes. • Include residential units within a commercial development. • Provide off site bicycle facility improvements, such as bicycle trails linking the facility to designated bicycle commuting routes, or on site improvements, such as bicycle paths. • Include bicycle parking facilities such as bicycle lockers. • Include showers for bicycling and pedestrian employees' use. • Construct on site pedestrian facility improvements, such as building access, which is physically separated from	

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
			street and parking lot traffic, and walk paths **2017 SEIR MM AQ-5:** Applicants for new development projects within the Tustin Legacy Specific Plan shall require the construction contractor to use equipment that meets the US Environmental Protection Agency (EPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities, unless it can be demonstrated to the City of Tustin that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what would be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for EPA Tier 4 or higher emissions standards for construction equipment with more than 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the site for the verification of the City of		

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
			Tustin. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board Rule 2449. **Proposed Mitigation Measures** **Mitigation Measure AQ-1: Vehicle Trip Reduction.** Rental Units: Upon a residential dwelling being rented or offered for rent, the Project Applicant shall notify and offer to the tenant or prospective tenant, materials describing public transit, ridesharing, and nonmotorized commuting opportunities in the vicinity of the development. The materials shall be approved by the City of Tustin. The materials shall be provided no later than the time the rental agreement is executed. This information shall be submitted to the City of Tustin Planning Division for review and approval, prior to the issuance of the first certificate of occupancy. **Mitigation Measure AQ-2: Prohibition of Fireplaces.** The installation of wood-burning and natural gas devices shall be	

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
			prohibited inside residential dwelling units. The purpose of this measure is to limit emissions of ROG, NO_X, and particulate matter emissions from wood-burning and natural gas devices used for primary heat, supplemental heat, or ambiance. This prohibition shall be noted on the deed and/or lease agreements for tenants to obey. **Mitigation Measure AQ-3: Electric Landscape Equipment.** Prior to the issuance of occupancy permits, the Planning Division shall confirm that the proposed Project's Codes Covenants and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all landscaping equipment used on site shall be 100 percent electrically powered. All residential and non-residential properties shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable. **MM AQ-4: Low VOC Paint (Operations).** The Project Applicant shall require by contract specifications for commercial development to use interior and exterior architectural	

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
			coatings (paint and primer including parking lot paint) products that have a volatile organic compound rating of 10 grams per liter or less. Contract specifications shall be reviewed and approved by the City of Tustin prior to the issuance of occupancy permits. This measure shall be made a condition of approval for continued upkeep of the property.	
Impact AQ-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?	**PPP AQ-1: Rule 403.** As listed previously. **PPP AQ-2: Prohibition of Fireplaces.** As listed previously. **PPP AQ-3: Electric Landscape Equipment.** As listed previously. **PPP AQ-4: Low VOC Paint (Operations).** As listed previously.	Potentially significant.	**Applicable 2017 SEIR Mitigation Measures** **2017 SEIR MM AQ-6:** Prior to the issuance of grading permits, the applicants for individual new developments shall evaluate localized construction-related air quality impacts. Localized construction emissions shall be evaluated to the South Coast Air Quality Management District's Localized Significance Thresholds for construction. Applicable mitigation measures to reduce potential localized construction-related air quality impacts shall be included in the evaluation, as necessary, to minimize impacts to the extent feasible and shall be implemented. The evaluation shall be submitted to the City of Tustin for review. In addition, all recommended mitigation measures shall be noted on all construction plans submitted to the City of	Significant and Unavoidable.

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
			Tustin Building and Public Works Department for verification.	
Impact AQ-4: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		Less than significant.	No mitigation is required.	Less than significant.
Cumulative	**PPP AQ-1: Rule 403.** As listed previously. **PPP AQ-2: Prohibition of Fireplaces.** As listed previously. **PPP AQ-3: Electric Landscape Equipment.** As listed previously. **PPP AQ-4: Low VOC Paint (Operations).** As listed previously.	Potentially significant.	**Applicable 2017 SEIR Mitigation Measures** **2017 SEIR MM AQ-2:** As listed previously. **2017 SEIR MM AQ-3:** As listed previously. **2017 SEIR MM AQ-4:** As listed previously. **2017 SEIR MM AQ-5:** As listed previously. **2017 SEIR MM AQ-6:** As listed previously. **Proposed Mitigation Measures** **Mitigation Measure AQ-1: Vehicle Trip Reduction.** As listed previously. **Mitigation Measure AQ-2: Prohibition of Fireplaces.** As listed previously. **Mitigation Measure AQ-3: Electric Landscape Equipment.** As listed previously. **Mitigation Measure AQ-4: Low VOC Paint (Operations).** As listed previously.	Significant and unavoidable.
5.2 Energy				

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
Impact ENE-1: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?		Less than significant.	No mitigation measures are required.	Less than significant.
Impact ENE-2: Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?		No impact.	No mitigation measures are required.	No impact.
Cumulative		Less than significant.	No mitigation measures are required.	Less than significant.
5.3 Greenhouse Gas Emissions				
Impact GHG-1: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		Potentially significant.	**Applicable 2017 SEIR Mitigation Measures** **2017 SEIR MM AQ-3:** As listed previously. **2017 SEIR MM AQ-4:** As listed previously. **2017 SEIR MM AQ-5:** As listed previously. **Mitigation Measure AQ-1: Vehicle Trip Reduction.** As listed previously. **Mitigation Measure AQ-2: Prohibition of Fireplaces.** As listed previously. **Mitigation Measure AQ-3: Electric Landscape Equipment.** As listed previously.	Significant and Unavoidable.

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
			Mitigation Measure AQ-4: Low VOC Paint (Operations). As listed previously. **Proposed Mitigation Measures** **Mitigation Measure GHG-1: Solar Panels.** Projects shall be required to install solar photovoltaic (PV) panels or other source of renewable electricity generation onsite, based on the maximum roof area available for solar (i.e., solar-ready zone). The solar-ready zone shall in the minimum, comply with Section 110.10 of the 2022 California Energy Code and shall comply with access, pathway, ventilation, and spacing requirements, and exclude skylight area. The final PV generation facility size requires approval by Southern California Edison (SCE). SCE's Rule 21 governs operating and metering requirements for any facility connected to SCE's distribution system. Should SCE limit the offsite export, the Projects may utilize a battery energy storage system (BESS) to lower offsite export while maintaining onsite renewable generation to offset consumption. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. The schedule of photovoltaic system locations may be updated as needed.	

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
			Mitigation Measure GHG-2: LEED/CalGreen Tier 2 Charging Stations. Prior to the issuance of building permits, project applicant or successor in interest shall provide documentation to the City of Tustin demonstrating the following: • The project shall be designed to achieve Leadership in Energy and Environmental Design (LEED) certification to meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application in order to exceed 2022 Title 24 energy efficiency standards. • The project shall provide facilities to support electric charging stations per the Tier 2 standards in Section A5.106.5.3 (Nonresidential Voluntary Measures) and Section A5.106.8.2 (Residential Voluntary Measures) of the 2022 CALGreen Code. **Mitigation Measure GHG-3: Energy Efficient Appliances.** All major applicant provided in-unit residential appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, water heaters, and for space heating) provided/installed shall be electric (i.e., appliances that do not use natural gas, propane, or	

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
			other fossil fuels) and Energy Star certified or of equivalent energy efficiency where applicable. Prior to the issuance of the certificate of occupancy, the City of Tustin shall verify implementation of this requirement. Installation of electric Energy Star–certified or equivalent appliances shall be verified by the Planning and Building Department during plan check.	
Impact GHG-2: Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		Less than significant.	No mitigation measures are required.	Less than significant.
Cumulative		Potentially significant.	**Applicable 2017 SEIR Mitigation Measures** **2017 SEIR MM AQ-3:** As listed previously. **2017 SEIR MM AQ-4:** As listed previously. **2017 SEIR MM AQ-5:** As listed previously. **Proposed Mitigation Measures** **Mitigation Measure AQ-1: Vehicle Trip Reduction.** As listed previously. **Mitigation Measure AQ-2: Prohibition of Fireplaces.** As listed previously.	Significant and Unavoidable.

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
			Mitigation Measure AQ-3: Electric Landscape Equipment. As listed previously. **Mitigation Measure AQ-4: Low VOC Paint (Operations).** As listed previously. **Mitigation Measure GHG-1: Solar Panels.** As listed previously. **Mitigation Measure GHG-2: LEED/CalGreen Tier 2 Charging Stations.** As listed previously. **Mitigation Measure GHG-3: Energy Efficient Appliances.** As listed previously.	
5.4 Land Use and Planning				
Impact LU-2: Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?		Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(a)** The City of Tustin or City of Irvine, as appropriate, shall ensure that infrastructure is constructed in phases as triggered by identified thresholds in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements (see Table 4-2 at the end of this Mitigation Monitoring and Reporting Program). The Phasing Plan provides an organizational framework to facilitate development of the reuse	Less than significant.

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
			plan area in tandem with infrastructure necessary to support the planned development. (As amended by Addendum) This framework reflects the fact that each component of the infrastructure has its own threshold for accommodating additional development toward build out of the reuse plan area. The triggering mechanisms that identify timing of key infrastructure provisions are summarized in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements (see Table 4-2 at the end of this Mitigation Monitoring and Reporting Program). **(b)** Prior to a final map recordation (except for financing and re-conveyance purposes), the development applicant shall enter into an agreement with the City of Tustin and City of Irvine and any appropriate regional utility agencies, districts,	

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
			and providers, as applicable, to dedicate all easement, right-of-ways, or other land determined necessary to construct adequate utility infrastructure and facilities to serve the project as determined by the City, Agency, District, or other providers. **(c)** Prior to any final map recordation (except for financing and conveyance purposes), the development applicant shall enter into a secured agreement with the cities of Tustin and/or Irvine, as applicable, to participate on a pro rated basis in construction of capital improvements necessary to provide adequate utility facilities. **(d)** Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit to the City of Tustin and City of Irvine, as applicable, information from IRWD which outlines required facilities necessary to	

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
			provide adequate potable water and reclaimed water service to the development. **(e)** Prior to the issuance of building permits, the project developer shall ensure that fire hydrants capable of flows in amounts approved by the OCFA are in place and operational to meet fire flow requirements. (As amended by Addendum) **(f)** Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit to the City of Tustin and City of Irvine, as applicable, information from IRWD or the City of Tustin which outlines required facilities necessary to provide adequate sanitary sewage service to the development. **(g)** Prior to the issuance of grading permits or approval of any subdivision map (except for financing and re-conveyance purposes), whichever occurs first, for development within the	

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
			100 year flood plain, grading and drainage systems shall be designed by the project developer such that all building pads would be safe from inundation from runoff from all storms up to and including the theoretical 100 year storm, to the satisfaction of the City of Tustin Building Division or the Irvine Public Works Department, as applicable. Grading permits or subdivision maps generated for financing and conveyance purposes are exempt. **(h)** Prior to construction of regional flood control facilities, appropriate state and federal approvals, including agreements and permits, shall be obtained. These include but are not limited to Regional Water Quality Control Board permits, including NPDES permits; Section 401 water quality certifications; Section 404 permits from the USACOE, and Section 1601 or 1603 agreements from the	

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
			CDFG in a manner meeting the approval of the City of Tustin and the Irvine Public Works Department, as applicable. (As amended by Addendum) **(i)** Prior to issuance of any grading permit or approval of any subdivision map (except for financing and conveyance purposes), for any development that is either partially or completely located within the 100 year flood plain of the Flood Insurance Rate Map, the development applicant shall submit all required documentation to the FEMA and demonstrate that the application for a Conditional Letter of Map Revision for changes to the 100 year flood plain is satisfied in a manner meeting the approval of each respective city, as applicable. **(j)** Prior to the approval of any applicable subdivision map (except for financing and conveyance purposes),	

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
			the developer applicant shall design and construct local drainage systems for conveyance of the 10 year runoff. If the facility is in a local sump, it shall be designed to convey the 25 year runoff. **(k)** Prior to any grading for any new development, the following drainage studies shall be submitted to and approved by the City of Tustin, City of Irvine, and/or OCFCD, as applicable: (1) A drainage study including diversions (i.e., off site areas that drain onto and/or through the project site), with justification and appropriate mitigation for any proposed diversion. (2) A drainage study evidencing that proposed drainage patterns would not result in increased 100 year peak discharges within and downstream of the project limits, and would not worsen existing drainage conditions	

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
			at storm drains, culverts, and other street crossings including regional flood control facilities. The study shall also propose appropriate mitigation for any increased runoff causing a worsening condition of any existing facilities within or downstream of project limits. Implementation of appropriate interim or ultimate flood control infrastructure construction must be included. (3) Detailed drainage studies indicating how, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, building pads are made safe from runoff inundation which may be expected from all storms up to and including the	

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
			theoretical 100 year flood. **(l)** Prior to approval of any subdivision map (except for financing or conveyance purposes), an agreement will be executed with the OCFCD that provides for the identification and contribution of a project specific Fair Share contribution toward the construction of ultimate flood control facilities needed to accommodate build out of the affected project. Interim flood control facilities may be considered for approval provided such facilities meet OCFCD requirements. Nothing shall preclude the City of Tustin from transferring the obligation onto other project developers within the project area. **(m)** General The City of Tustin and the City of Irvine, each within its respective jurisdiction, shall ensure that adequate fire protection, police protection, libraries, and parks and recreation facilities (including	

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
			bikeways/trails) needed to adequately serve the reuse plan area shall be provided as necessary. To eliminate any negative impact the project could have on each community's general fund, financing mechanisms including but not limited to developer fees, assessment district financing, and/or tax increment financing (in the event that a redevelopment project area is created for the site), shall be developed and used as determined appropriate by each City. Specifically; (1) Applicants for private development projects shall be required to enter into an agreement with City of Tustin or the City of Irvine, as applicable, to establish a fair share mechanism to provide needed fire and police protection services, libraries, and parks and recreation facilities (including bikeways) through the use of fee	

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
			schedules, assessment district financing, Community Facility District financing, or other mechanisms as determined appropriate by each respective city. (2) Recipients of property through public conveyance process, or other conveyance procedures, shall be required to mitigate any impacts of their public uses of property on public services and facilities. (As amended by Addendum) **(n)** The cities of Tustin and Irvine shall jointly consult and coordinate with the Orange County Parks, Program Management and Coordination Division, in preparation of trail designs for the Peters Canyon and Barranca trails within the reuse plan area. Improvements for each of these trails would be installed upon completion of flood control channel	

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
			improvements and approval of their joint use by the OC Parks. **(o)** Fire Protection/ Emergency Medical Services Prior to the first final map recordation or building permit issuance for development (except for financing and re-conveyances purposes), the project developer could be required to enter into an agreement with the City of Tustin or City of Irvine/OCFA, as applicable, to address impacts of the project on fire services. Such agreement could include participation for fire protection, personnel and equipment necessary to serve the project and eliminate any negative impacts on fire protection services. **(p)** Prior to issuance of building permits, the project developer shall work closely with the OCFA to ensure that adequate fire protection measures are implemented in the project.	

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
			(q) Prior to issuance of building permits for phased projects, the project developer shall submit a construction phasing plan to the OCFA demonstrating that emergency vehicle access is adequate. **(r)** Prior to the issuance of building permits, the project developer shall submit a fire hydrant location plan for the review and approval of the Fire Chief and ensure that fire hydrants capable of flows in amounts approved by the OCFA are in place and operational to meet fire flow requirements. **(s)** Police Protection Prior to issuance of building permits, the project developer shall work closely with the respective Police Department to ensure that adequate security precautions are implemented in the project. **(t)** Schools Prior to the issuance of building permits, the project developer shall	

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
			submit to the respective City proof of payment of appropriate school fees adopted by the applicable school district pursuant to Government Code Section 65995. Alternatively, a project developer may enter into a mutual agreement with an applicable school district to provide alternative mitigation that addresses student generation increases. (As amended by Addendum) **(u)** Parks and Recreation Prior to the first final map recordation (except for financing and re-conveyance purposes) or building permit issuance for development within the City of Tustin portion of the site, the project developer shall be required to provide evidence of compliance with all requirements and standards of the City of Tustin Park Code. **(v)** Prior to the first final map recordation or building permit issuance within the City of Irvine portion of the site, the project developer shall	

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
			be required to provide evidence of compliance with all requirements and standards of the City of Irvine Park Code. **(w)** Prior to the first concept plan for tentative tract map in the City of Tustin, the project developer shall file a petition for the creation of a landscape maintenance district for the project area with the City of Tustin. The district shall include public neighborhood parks, landscape improvements, and specific trails (Barranca only), the medians in arterials, or other eligible items mutually agreed to by the petitioner and the City of Tustin. In the event that a district is not established prior to issuance of the first building permit, maintenance of items mentioned above shall be the responsibility of a community association. **(x)** Prior to approval of any subdivision map (except for financing or conveyance purposes), an agreement will be	

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
			executed with the following agencies for the associated trail improvements: a. County Parks — identification of a project specific Fair Share contribution toward the installation of necessary regional bikeway trail improvements within Peters Canyon Channel, to be installed in conjunction with the County of Orange's other channel improvements; b. City of Tustin — the identification of a project specific Fair Share contribution toward the installation of Class II bicycle trails through the project site. For the area of the site northeast of Irvine Center Drive, a separate agreement would be required to ensure the provision of a bikeway right-of-way easement, and design and construction of a bike trail along the SCRRA/OCTA rail tracks from Harvard Avenue westerly to the Peters Canyon Channel. In addition, project	

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
			developers of the areas of the site southeast of the Peters Canyon Channel would need to accommodate access to both the Peters Canyon Trail and the trail adjacent to the SCRRA/OCTA tracks in any project site design including dedication of any necessary recreational trail easements; c. City of Tustin — the identification of a project specific Fair Share contribution toward installation of Class I bikeway trail improvements northerly of Barranca Parkway after completion of the Barranca Channel improvements. For proposed developments adjacent to Barranca Channel, separate agreements would be required to ensure the establishment of a bikeway right-of-way easement between Jamboree Road and Red Hill Avenue.	
Cumulative		Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures**	Less than significant.

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
			(a). As listed previously. **(b).** As listed previously. **(c).** As listed previously. **(d).** As listed previously. **(e).** As listed previously. **(f).** As listed previously. **(m).** As listed previously. **(o).** As listed previously. **(p).** As listed previously. **(q).** As listed previously. **(r).** As listed previously. **(s).** As listed previously. **(t).** As listed previously. **(u).** As listed previously. **(v).** As listed previously. **(w).** As listed previously. **(x).** As listed previously.	
5.5 Noise				
Impact NOI-1: Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**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.	Potentially significant.	**Applicable 2017 SEIR Mitigation Measures** **2017 SEIR MM N-3:** For new development within the reuse area, the City of Tustin and City of Irvine, as applicable shall ensure that interior and exterior noise levels do not exceed those prescribed by state requirements and local city ordinances and general plans. Plans demonstrating noise regulation conformity shall be submitted for review and approval prior to	Less than significant.

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
			building permits being issued to accommodate reuse.	
Impact NOI-2: Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?	**PPP NOI-1: Construction Hours.** As listed previously.	Less than significant.	No mitigation measures are required.	Less than significant.
Impact NOI-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?		Less than significant.	No mitigation measures are required.	Less than significant.
Cumulative	**PPP NOI-1: Construction Hours.** As listed previously.	Less than significant.	No mitigation measures are required.	Less than significant.
5.6 Population and Housing				
Impact POP-1: Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?		Less than significant.	No mitigation measures are required.	Less than significant.
Cumulative		Less than significant.	No mitigation measures are required.	Less than significant.
5.7 Public Services				
Impact PS-1: Would the Project result in substantial adverse physical impacts associated with		Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures**	Less than significant.

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
the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: (i) Fire protection? (ii) Police protection? (iii) Schools? (iv) Parks? (v) Other public facilities?			**(f).** As listed previously. **(m).** As listed previously. **(o).** As listed previously. **(p).** As listed previously. **(q).** As listed previously. **(r).** As listed previously. **(s).** As listed previously.	
Cumulative		Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(f).** As listed previously. **(m).** As listed previously. **(o).** As listed previously. **(p).** As listed previously. **(q).** As listed previously. **(r).** As listed previously. **(s).** As listed previously.	Less than significant.
5.8 Transportation				
Impact TRA-1: Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?		Less than significant.	None required.	Less than significant.

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
Impact TRA-2: Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?		Less than significant.	None required.	Less than significant.
Impact TRA-4: Would the Project result in inadequate emergency access?	**PPP T-1: Traffic Control/Utilities.** All future development constructed under the Project shall be subject to the traffic control standards specified by the City's latest *Standard Plans and Design Standards*, which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design.	Less than significant.	None required.	Less than significant.
Cumulative	**PPP T-1: Traffic Control/Utilities.** As listed previously.	Less than significant.	None required.	Less than significant.
5.9 Tribal Cultural Resources				
Impact TCR-1: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a	**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 treatment and disposition of human remains and associated grave goods.	Potentially significant.	**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	Less than significant.

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
California Native American tribe, and that is: (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	**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, 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 within 48 hours of notification by the NAHC.		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	

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
			writing, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant/developer may retain an alternative qualified tribal monitor from a culturally affiliated tribe if approved by the City. The monitor shall be retained prior to the issuance of a demolition permit or grading permit, and the commencement of any development related "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, auguring, grubbing, boring, grading, excavation, drilling, and trenching for the purposes of reconstruction and new development. "Ground-disturbing activity" shall not include minor maintenance activities such as potholing, tree removal, and parking lot maintenance. This mitigation measure does not	

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
			apply to projects that would only disturb soils made up of artificial fill, as verified by a soils or geotechnical report. b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Kizh Nation. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be	

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
			provided to the project applicant/lead agency upon written request to the consulting tribe. If a monitor is selected from a tribe other than the Kizh Nation, the Kizh Nation shall be contacted if any discoveries are found. d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the consulting tribe from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities and that have the potential to impact local TCRs on the project site or in connection with the project are complete. **TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)** Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the tribal monitor and consulting archaeologist. If the consulting tribe is other than the Gabrieleño Band of Mission	

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
			Indians – Kizh Nation, the Kizh Nation shall be contacted and the consulting tribe will recover and retain all discovered TCRs in the form and/or manner the Kizh Nation deems appropriate, in the Kizh Nation sole discretion, and for any purpose the Kizh Nation deems appropriate, including for educational, cultural and/or historic purposes. **TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects** a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. b. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. c. Human remains and grave/burial goods shall be treated alike per California	

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
			Public Resources Code section 5097.98(d)(1) and (2). d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. e. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.	
Cumulative	**PPP TCR-1**: As listed previously. **PPP CUL-1: Human Remains.** As listed previously.	Potentially significant.	**Proposed Mitigation Measures** **TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.** As listed previously. **TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial).** As listed previously. **TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.** As listed previously.	Less than significant.
5.10 Utilities and Service Systems				
Impact UT-1: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications	**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	Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(a).** As listed previously. **(b).** As listed previously. **(c).** As listed previously. **(e).** As listed previously.	Less than significant.

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
facilities, the construction or relocation of which could cause significant environmental effects?	and construction in the state, including occupancy classification, structural design, building materials, infrastructure needs and fire-resistance requirements. **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. **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 *Standard Plans and Design Standards*, which includes the requirement for Traffic Control Plan during construction, the		**Proposed Mitigation Measure** **UT-1:** Prior to project approval, the development applicant shall coordinate with IRWD to conduct infrastructure analyses of water and sewer utilities in the project area to ensure existing conveyance and pressure is adequate to serve the project. Once development assumptions identified within the IRWD-approved Sub Area Master Plan (SAMP) are surpassed, project applicants shall coordinate with IRWD to update the SAMP for the TLSP area.	

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
	process prior to commencing construction within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design			
Impact UT-2: Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?		Less than significant.	None required.	Less than significant.
Impact HYD-1: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	**PPP HYD-1:** As listed previously.	Less than significant.	None required.	Less than significant.
Impact HYD-2: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	**PPP HYD-1:** As listed previously.	Less than significant.	None required.	Less than significant.
Impact UT-3: Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	**PPP UT-1:** As listed previously. **PPP HYD-1:** As listed previously. **PPP T-2:** As listed previously.	Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(a).** As listed previously. **(b).** As listed previously. **(c).** As listed previously. **(e).** As listed previously. **Proposed Mitigation Measure**	Less than significant.

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
			UT-1: As listed previously.	
Impact UT-4: Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	**PPP UT-1:** As listed previously. **PPP HYD-1:** As listed previously. **PPP T-2:** As listed previously.	Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(a).** As listed previously. **(b).** As listed previously. **(c).** As listed previously. **(e).** As listed previously. **Proposed Mitigation Measure** **UT-1:** As listed previously.	Less than significant.
Impact UT-5: Require or result in the construction of new stormwater drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	**PPP UT-1:** As listed previously. **PPP HYD-1:** As listed previously. **PPP HYD-2 WQMP**. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the Project applicant and submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design. Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development Project in order to minimize the adverse effects on receiving waters. **PPP T-2:** As listed previously.	Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(f).** As listed previously. **(g).** As listed previously. **(h).** As listed previously. **(i).** As listed previously. **(j).** As listed previously **(k).** As listed previously	Less than significant.
Impact HYD-3: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the	**PPP UT-1:** As listed previously. **PPP HYD-1:** As listed previously. **PPP HYD-2 WQMP**. Prior to the approval of the Grading Plan and issuance of Grading Permits	Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(f).** As listed previously. **(g).** As listed previously.	Less than significant.

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
addition of impervious surfaces, in a manner which would: Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	a completed Water Quality Management Plan (WQMP) shall be prepared by the Project applicant and submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design. Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development Project in order to minimize the adverse effects on receiving waters. **PPP T-2:** As listed previously.		**(h).** As listed previously. **(i).** As listed previously. **(j).** As listed previously **(k).** As listed previously	
Impact UT-6: Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	**PPP UT-1:** As listed previously. **Assembly Bill 939 (Chapter 1095, Statutes of 1989)** **Assembly Bill 341 (Chapter 476, Statutes of 2011)** **Assembly Bill 1826 (Chapter 727, Statutes of 2014)** **Assembly Bill 827** **Senate Bill 1383 (Chapter 395, Statutes of 2016)** **Tustin City Code Article 4, Chapter 3, Part 1**	Less than significant.	None required.	Less than significant.
Impact UT-7: Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	**PPP UT-1:** As listed previously. **Assembly Bill 939 (Chapter 1095, Statutes of 1989)** **Assembly Bill 341 (Chapter 476, Statutes of 2011)** **Assembly Bill 1826 (Chapter 727, Statutes of 2014)**	Less than significant.	None required.	Less than significant.

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
	Assembly Bill 827 **Senate Bill 1383 (Chapter 395, Statutes of 2016)** **Tustin City Code Article 4, Chapter 3, Part 1**			
UT-8: Require or result in the relocation or construction of a new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects.	**PPP UT-1:** As listed previously.	Less than significant.	None required.	Less than significant.
Cumulative	**PPP UT-1:** As listed previously. **PPP HYD-1:** As listed previously. **PPP HYD-2:** As listed previously. **PPP T-2:** As listed previously. **Assembly Bill 939 (Chapter 1095, Statutes of 1989)** **Assembly Bill 341 (Chapter 476, Statutes of 2011)** **Assembly Bill 1826 (Chapter 727, Statutes of 2014)** **Assembly Bill 827** **Senate Bill 1383 (Chapter 395, Statutes of 2016)** **Tustin City Code Article 4, Chapter 3, Part 1**	Potentially significant.	**Applicable MCAS FEIR/EIS Implementation Measures** **(a).** As listed previously. **(b).** As listed previously. **(c).** As listed previously. **(e).** As listed previously. **(f).** As listed previously. **(g).** As listed previously. **(h).** As listed previously. **(i).** As listed previously. **(j).** As listed previously **(k).** As listed previously. **Proposed Mitigation Measure** **UT-1:** As listed previously.	Less than significant.

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2. Introduction

This Draft Supplemental Environmental Impact Report (SEIR) is an informational document that evaluates the environmental effects that may result from the planning, construction, and operation of the Tustin Legacy Specific Plan (TLSP) Amendment Project ("Modified Project"), which requires approval of the SEIR, adoption of the TLSP Amendment to increase the allowed number of units in Neighborhood D and a portion of Neighborhood G, and adoption of Objective Design Standards.

2.1 PURPOSE OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) requires that all State and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority prior to acting on those projects. The CEQA Guidelines provide the following information regarding the purpose of an EIR:

- **Project Information and Environmental Effects.** As stated in Section 15121(a) of the CEQA Guidelines, the Draft SEIR is an "informational document" intended to inform the City, other public agencies with discretionary authority over aspects of the Modified Project, the general public, the local community, and other organizations, entities, and interested persons of the scope of the Modified Project, the significant environmental impacts of the Modified Project compared to the Adopted Specific Plan, feasible measures to avoid or minimize the significant effects, and a reasonable range of feasible alternatives to the Modified Project that would avoid or minimize the significant impacts.
- **Standards for Adequacy of an EIR.** A SEIR should be prepared with a sufficient degree of analysis to enable decision makers to make an intelligent decision that takes into account environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of a SEIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure (State CEQA Guidelines Section 15151).

As a public disclosure document, the purpose of an EIR is not to recommend either approval or denial of a project, but to provide information regarding the physical environmental changes that would result from an action being considered by a public agency to aid in the agency's decision-making process.

Pursuant to CEQA Guidelines Section 15162 and 15163, a Supplemental EIR (SEIR) is being prepared to update the prior environmental analysis. This SEIR contains information necessary to make the previously certified 2017 SEIR adequate for the proposed Tustin Legacy Specific Plan Amendment (the "Modified Project").

The overall purpose of this Draft SEIR is to inform the City's decision makers and the general public whether the Modified Project, as compared to the Adopted Specific Plan, would result in any new significant impacts or an increase in the severity of significant impacts previously identified for the Adopted Specific Plan. The Adopted Specific Plan is the "baseline" for the analysis in this Draft SEIR and was used in preparing the Initial Study for the Modified Project to evaluate the potential incremental impacts of the Modified Project.

The City must consider the information in this Draft SEIR and make certain findings with respect to each significant impact identified. The City will use the information in the Draft SEIR, along with other information received and/or developed during the public review process for the Draft SEIR, to determine whether to approve, modify, or not approve the Modified Project and, if approval is granted, to specify applicable and enforceable environmental mitigation measures as part of the Modified Project approvals.

2.2 LEGAL AUTHORITY

This Draft SEIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

Pursuant to CEQA Section 21067 and State CEQA Guidelines Article 4 and Section 15367, the City of Tustin is the Lead Agency under whose authority this Draft SEIR has been prepared. "Lead Agency" refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action on any approvals for the Modified Project, the City of Tustin has the obligation to: (1) ensure that this Draft SEIR has been completed in accordance with CEQA; (2) review and consider the information contained in this Draft SEIR as part of its decision-making process; (3) make a statement that this Draft SEIR reflects the City's independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary, (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or Modified Project alternatives identified in this Draft SEIR are infeasible and citing the specific benefits of the proposed Modified Project that outweigh its unavoidable adverse effects (State CEQA Guidelines Sections 15090 through 15093).

Pursuant to State CEQA Guidelines Sections 15040 through 15043, and upon completion of the CEQA review process, the City of Tustin will have the legal authority to do any of the following:

- Approve the Modified Project;
- Require feasible changes in any or all activities involved in the Modified Project in order to substantially lessen or avoid significant effects on the environment;
- Disapprove the Modified Project, if necessary, in order to avoid one or more significant effects on the environment that would occur if the Project was approved as proposed; or
- Approve the Modified Project even though the Project would cause a significant effect on the environment if the City of Tustin makes a fully informed and publicly disclosed decision that: (1) there is no feasible way to lessen the effect or avoid the significant effect; and (2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

2.3 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT PROCESS

A project-level analysis has been provided pursuant to State CEQA Guidelines Section 15161. This Draft SEIR meets the content requirements discussed in State CEQA Guidelines Article 9, beginning with State CEQA Guidelines Section 15120.

2.3.1 Notice of Preparation

Pursuant to the requirements of CEQA, the City of Tustin issued a Notice of Preparation (NOP) for the Modified Project, which was distributed on March 4, 2024, for a public review period of 30 days through April 3, 2024. The purpose of the NOP was to solicit early comments from public agencies with expertise in subjects that are discussed in this Draft SEIR and to solicit comments from the public regarding potential Project environmental impacts. As provided in the NOP, the City of Tustin determined through the initial review process that impacts related to the following topics are potentially significant and required a detailed level of analysis in this Draft SEIR.

- Air quality
- Energy
- Noise
- Population and housing

- Greenhouse gas emissions
- Hydrology and water quality (related to groundwater supply, stormwater drainage, and conflict with plans)
- Land use and planning
- Public services
- Transportation
- Tribal cultural resources
- Utilities and service systems

The NOP requested members of the public and public agencies to provide input on the scope and content of environmental impacts that should be included in the SEIR being prepared. Comments received on the NOP are included in Appendix A and summarized in Table 2-1, which also includes a reference to the Draft SEIR sections in which issues raised in the comment letters are addressed.

Table 2-1: Summary of NOP Comment Letters

Comment Letter and Commet	Relevant Draft SEIR Sections
State and Local Agencies	
Native American Heritage Commission, March 5, 2024	
The commenter includes a description of requirements for preparation of an Environmental Impact Report (EIR) pursuant to CEQA Guidelines Section 15064. Additionally, the commenter provides requirements and project applicability under Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18). The commenter recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project as early as possible. The commenter provides a summary of requirements for the AB 52 and SB 18 process.	Section 5.9, *Tribal Cultural Resources*
California Department of Transportation, April 3, 2024	
The commenter requests preparation of a Traffic Impact Study and coordination with Caltrans District 12 if impacts are found to be significant. The commenter provides reference to the guidance on preparing vehicle miles traveled analysis. Additionally, the commenter suggests discussion of multimodal transportation in the EIR. The commenter also notes that any work performed within the Caltrans right-of-way is subject to discretionary review and approval by Caltrans and an encroachment permit issued by Caltrans prior to construction.	Section 5.8, *Transportation.*
Organization Comments	
Rancho Santiago Community College District, March 29, 2024	
This comment letter notes that the Rancho Santiago Community College District has an Orange County Sheriff's Regional Training Academy (OCSRTA) located adjacent to the proposed Project area. The comment states that the District supports the proposed Project but recommends a spatial buffer be included between the OCSRTA facility and potential future sensitive uses.	Section 5.5, *Noise.*
Public Comments	
Jose Lee, March 20, 2024	
This comment letter expresses concern about increasing the residential density within the TLSP as it may lead to an increase in traffic.	Section 5.8, *Transportation.*

Comment Letter and Commet	Relevant Draft SEIR Sections
Tibor Kelemen, April 3, 2024	
This comment letter expresses concern about increasing the residential density in Neighborhood G as it may lead to an increase in traffic.	Section 5.8, *Transportation*.

2.3.2 Public Scoping Meeting

Pursuant to Section 15082(c)(1) of the CEQA Guidelines, the City of Tustin hosted a public scoping meeting for members of the public and public agencies to provide input as to the scope and content of the environmental information and analysis to be included in the Draft SEIR for the Project. A scoping meeting was held on March 20, 2024, at the Community Center at The Market Place (2691 El Camino Real).

2.3.3 Draft SEIR

Topics requiring a detailed level of analysis that are evaluated in this Draft SEIR have been identified based upon the responses to both the NOP and a review of the Project by the City of Tustin. Pursuant to State CEQA Guidelines Section 15125.5(a) which states, "An EIR shall identify and focus on the significant effects on the environment," the City of Tustin determined that Project impacts on the below topics would not be significant. Consequently, these topics are not analyzed in this Draft SEIR, but are further discussed in Section 7, *Effects Found Not Significant*.

- Aesthetics
- Agriculture and forestry resources
- Biological resources
- Cultural resources
- Geology and soil
- Hazards and hazardous materials
- Hydrology and water quality (related to water quality standards, drainage patterns, erosion, and flooding)
- Mineral resources
- Recreation
- Wildfire

The City of Tustin has filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research State Clearinghouse, indicating that this Draft SEIR has been completed and is available for review and comment. The Modified Project has the potential for causing significant effects on the environment extending beyond the City of Tustin; thus, the Modified Project meets the definition of a project of statewide, regional, or areawide significance pursuant to Section 15206 of the CEQA Guidelines and is subject to noticing requirements accordingly. A Notice of Availability (NOA) of the Draft SEIR was published concurrently with distribution of this document. The Draft SEIR is being circulated for review and comment by the public and other interested parties, agencies, and organizations for 45 days in accordance with State CEQA Guidelines Sections 15087 and 15105. During the 45-day review period, the Draft SEIR is available for public review digitally on the City of Tustin's website at:

https://www.tustinca.org/HousingElementRezone

A physical copy is available for review at the following locations:

City of Tustin
300 Centennial Way
Tustin, CA 92780

Orange County Library – Tustin Branch
345 E. Main Street
Tustin, CA 92780

Written comments related to environmental issues in the Draft SEIR should be addressed to:

Samatha Beier, Senior Planner
City of Tustin
300 Centennial Way
Tustin, CA 92780
(714) 573-3354
HousingElementRezone@tustinca.org

2.3.4 Final SEIR

Upon completion of the 45-day review period, written responses to all comments related to the environmental issues in the Draft SEIR will be prepared and incorporated into a Final SEIR. The written responses to comments will be made available at least 10 days prior to the public hearing at which the certification of the Final SEIR will be considered by the City of Tustin City Council. These comments, and their responses, will be included in the Final SEIR for consideration by the City of Tustin, as well as other responsible and trustee agencies per CEQA. The Final SEIR may also contain corrections and additions to the Draft SEIR and other information relevant to the environmental issues associated with the Modified Project. The Final SEIR will be available for public review prior to its certification by the City of Tustin. Notice of the availability of the Final SEIR will be sent to all who comment on the Draft SEIR.

2.4 ORGANIZATION OF THIS DRAFT SEIR

This Draft SEIR is organized into the following Sections. To help the reader locate information of interest, a brief summary of the contents of each chapter is provided.

- **Section 1, Executive Summary:** This section provides a brief summary of the Modified Project area, the Modified Project, and alternatives. This section also provides a summary of the potential environmental impacts and mitigation measures, applicable design features, applicable regulatory requirements, and the level of significance after implementation of the mitigation measure. The level of significance after implementation of the proposed mitigation measure(s) will be characterized as either *less than significant* or *significant and unavoidable*.
- **Section 2, Introduction:** This section provides an overview of the purpose and use of the SEIR, the scope of this Draft SEIR, a summary of the legal authority for the Draft SEIR, a summary of the environmental review process, and the general format of this document.
- **Section 3, Project Description:** This section provides a detailed description of the Modified Project, its objectives, and a list of Project-related discretionary actions.
- **Section 4, Environmental Setting:** This section provides a discussion of the existing conditions within the Project area.
- **Section 5, Environmental Impact Analysis:** This section is divided into sub-sections for each environmental impact area. Each sections includes a summary of the existing statutes, ordinances, and regulations that apply to the environmental impact area being discussed; the analysis of the Modified Project's direct and indirect environmental impacts on the environment, including potential cumulative impacts that could result from the Modified Project; applicable Project design features, standard conditions, and plans, policies, and programs that could reduce potential impacts; and feasible mitigation measures that would reduce or eliminate the significant adverse impacts identified. Impacts that cannot be mitigated to *less than significant* are identified as *significant and unavoidable*.
- **Section 6, Other CEQA Considerations:** This section summarizes the significant and unavoidable impacts that would occur from implementation of the Project and provides a summary of the environmental effects of the implementation of the Modified Project that were found not to be significant. Additionally, this

section provides a discussion of various CEQA-mandated considerations including growth-inducing impacts and the identification of significant irreversible changes that would occur from implementation of the Modified Project. This section also provides a discussion of impacts found not to be significant.

- **Section 7, Effects Found Not to be Significant:** This section summarizes the potential environmental effects related to the Modified Project that were determined not to be significant during preparation of this SEIR.
- **Section 8, Report Preparation and Persons Contacted:** This section lists authors of the Draft SEIR and City of Tustin staff that assisted with the preparation and review of this document. This section also lists other individuals and/or organizations that were contacted for information that is included in this Draft SEIR document.

2.5 INCORPORATION BY REFERENCE

State CEQA Guidelines Section 15150 allows for the incorporation "by reference all or portions of another document… most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand." The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of this Draft SEIR. Where this Draft SEIR incorporates a document by reference, the document is identified in the body of the Draft SEIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this Draft SEIR.

The Adopted TLSP is the "baseline" for the analysis in this Draft SEIR. A background on the TLSP is provided in Section 3.2, *Previous Specific Plan and Environmental Documentation*. The current (Amended) TLSP was approved by the City of Tustin on July 18, 2017, and provides the fundamental basis for the City's current land use and development policies for the TLSP area. The Amended TLSP was the subject of an environmental review under CEQA, and an SEIR for the 2017 TLSP Specific Plan Amendment (SPA) was approved in 2017 along with the SPA (State Clearinghouse Number (SCH) 1994071005). Accordingly, the SEIR for the TLSP is herein incorporated by reference with State CEQA Guidelines Section 15150. The documents are available on the City's website at http://www.tustinca.org/HousingElementRezone.

3. Project Description

"Project," as defined by the State CEQA Guidelines, means "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1)… enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700." (14 California Code of Regulations [CCR] Section 15378(a).

The Tustin Legacy Specific Plan Amendment Project ("Modified Project") analyzed in this Draft Supplemental EIR (SEIR) does not propose any development. The Draft SEIR analyzes buildout of the proposed Specific Plan Amendment (SPA) at a programmatic level of detail, based upon the maximum future buildout anticipated by the City of Tustin per the City's certified 2021-2029 Housing Element Update (HEU), compared to the previously approved Tustin Legacy Specific Plan, as amended in 2017 ("Approved Project").

3.1 PROJECT BACKGROUND

The City of Tustin prepared the 2021-2029 Housing Element of the General Plan in accordance with Government Code Section 65580 et seq. The City is required by State law to periodically update its Housing Element, a mandatory component of the City's General Plan. The update to the Housing Element covers the Sixth Cycle planning period from October 15, 2021, to October 15, 2029. The Housing Element is the City's housing policy and planning document that identifies housing needs and constraints, and sets forth goals, policies, and programs that address the future housing needs for all income levels over an eight-year planning period that coincides with the State-allocated Regional Housing Needs Allocation (RHNA).

On October 5, 2021, the City Council adopted Resolution No. 21-86, certifying the Negative Declaration (ND) for GPA 2021-0002 (and Resolution No. 21-87, approving GPA 2021-0002), which analyzed environmental impacts related to the City's Draft HEU of the General Plan. The Draft HEU was prepared as required by State Housing Element law. The City received formal certification of their HEU from the State Department of Housing and Community Development (HCD) on September 12, 2022. On October 4, 2022, the City Council adopted Resolution No. 22-47, approving General Plan Amendment 2022-0002 for the final HEU.

The 2021-2029 Housing Element includes several provisions that aim to ensure the City can meet the required "fair share" of affordable housing units as specified by the HCD. During the Housing Element process, the City assessed a number of sites and areas throughout the community that would be able to accommodate the City's remaining assigned 2021 RHNA. The City identified 19 sites and one housing category (accessory dwelling units [ADUs]/junior accessory dwelling units [JADUs]) as qualifying sites to accommodate the remaining allocated units. Of the 19 sites, Housing Element inventory site 1A, 1B and 2 (Modified Project area), which are within the TLSP, were identified as requiring rezoning under Housing Element Program 1.1a to allow for additional high density residential development.

3.2 PREVIOUS SPECIFIC PLAN AND ENVIRONMENTAL DOCUMENTATION

Specific Plans

The Marine Corps Air Station (MCAS) Tustin Specific Plan was adopted by ordinance on February 3, 2003, and established the zoning for the 1,606-acre TLSP area. It also established the necessary plans, development standards, regulations, infrastructure requirements, design guidelines, and implementation

programs on which subsequent, project-related development is founded. It is intended that local public works projects, design review plans, detailed site plans, grading and building permits, or any other action requiring ministerial or discretionary approval applicable to the project area be consistent with the Specific Plan. The Specific Plan was amended six times between 2010 and 2014 in response to changing market conditions. In 2011, the City developed a "Disposition Strategy" as a recommended framework for future disposition and development of properties in the Specific Plan, which was subsequently updated in February 2023 and re-titled as the "Tustin Legacy Development and Disposition Manual." The last comprehensive CEQA documentation prepared for the TLSP area was the 2017 Supplemental EIR/EIR associated with an amendment to the MCAS Tustin Specific Plan, which renamed the "MCAS Tustin Specific Plan" to "Tustin Legacy Specific Plan" and modified the numbering and land uses in the TLSP planning areas. A number of environmental addenda and tiering documents have also been prepared for projects implemented in the TLSP. The environmental documentation for the more significant implementation actions is described below.

2001 Final Environmental Impact Statement/Environmental Impact Report

A final joint program environmental impact statement/final environmental impact report ("2001 FEIS/EIR," State Clearinghouse [SCH] # 94071005) was prepared for the disposal and reuse of the MCAS Tustin and certified by the Tustin City Council on January 16, 2001 (Resolution 00-90). On March 2, 2001, a Record of Decision was issued by the US Navy approving the 2001 FEIS/EIR and Reuse Plan. The 2001 FEIS/EIR analyzed the consequences of the Navy disposal and local community reuse of the MCAS Tustin site per the Reuse Plan and the MCAS Tustin Specific Plan/Reuse Plan (Adopted Specific Plan or Adopted Project) in accordance with CEQA and the National Environmental Policy Act (NEPA). The 2001 FEIS/EIR covered the entire 1,606 acres of the TLSP area in both Tustin and Irvine. The 2001 FEIS/EIR included implementation actions that the cities were required to fulfill on the MCAS Tustin Specific Plan/Reuse Plan, including the adoption of the MCAS Tustin Specific Plan/Reuse Plan and MCAS Tustin Redevelopment Plan by the City of Tustin. The preferred reuse plan analyzed in the 2001 FEIS/EIR allowed up to 11.4 million square feet (SF) of nonresidential land uses and 4,601 residential units in the cities of Tustin and Irvine. Pursuant to the implementation actions, the Tustin City Council adopted the MCAS Tustin Specific Plan/Reuse Plan on February 3, 2003 (Ordinance No. 1257).

Since certification of the 2001 FEIS/EIR, the City has prepared one supplement and two addenda to the 2001 FEIS/EIR and has certified or adopted multiple CEQA documents for amendments to the MCAS Tustin Specific Plan and development projects in the Tustin Legacy area. The purpose and application of the supplement and addenda are summarized below. The original 2001 FEIS/EIR, the supplement, and the addenda are collectively referred to herein as the "FEIS/EIR."

2004 Supplemental EIR

The "Supplemental EIR to the Final EIS/EIR for the Disposal and Reuse of Marine Corps Air Station, Tustin, California: Extension of Tustin Ranch Road between Walnut Avenue and the Future Alignment of Valencia North Loop Road" ("2004 SEIR," SCH# 1994071005) was certified on December 6, 2004. It analyzed the impacts of a one-mile extension of Tustin Ranch Road from Walnut Avenue (north) to the future alignment of Valencia North Loop Road (south). The segment included an overpass spanning the Orange County Flood Control District right-of-way, the Orange County Transportation Authority/Southern California Regional Rail Authority railroad right-of-way, and Edinger Avenue.

The 2004 SEIR determined that there were no substantial changes in the existing conditions or new significant environmental impacts associated with aesthetics, agriculture resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services/utilities, and recreation. The 2004 SEIR focused on three environmental topics: transportation/traffic, air quality, and noise. Mitigation measures were adopted for all three topic areas. The significant unavoidable adverse impacts remained with respect

to air quality (construction-related and long-term emissions) and traffic (intersections of Tustin Ranch Road/Walnut Avenue and Jamboree Road/Barranca Parkway), and the 2004 SEIR relied on the statement of overriding considerations adopted with certification of the 2001 FEIS/EIR.

2006 Addendum

On April 3, 2006, the City certified the "MCAS Tustin Zone Change (Specific Plan Amendment) 05-002, Master Developer Disposition and Development Agreement, and Development Plan Addendum to the Final Environmental Impact Statement/Environmental Impact Report for the Disposal and Reuse of the MCAS Tustin" (2006 Addendum). The Specific Plan Amendment reduced permitted nonresidential development in the project area by about one million SF to approximately 10.4 million SF of nonresidential uses but retained the same number of residential units—i.e., 4,601. The zone change adjusted the planning area boundaries and redistributed or eliminated planned land uses but did not increase the overall development potential or residential capacity allowed under the Specific Plan. The Disposition and Development agreement was made to facilitate the sale, leasing, and development of Tustin Legacy.

2013 Addendum

An addendum to the FEIS/EIR was prepared to process General Plan Amendment 2013-001, Specific Plan Amendment 2013-001, Development Agreement 2013-002, and an Agreement for Exchange of Real Property between the City and South Orange County Community College District on 22 acres. The land transfer was in the western part of the TLSP area near the intersection of Red Hill Avenue and Valencia Avenue. The project added a new local street, Bell Avenue (now named Victory Road between Red Hill Avenue and Armstrong Avenue), to service adjacent uses; added an allowable land use (private for-profit noneducational uses); and increased allowable building square footages in the education village (Neighborhood A).

2017 Supplemental EIR/EIS

A Supplemental EIR/EIS (SEIR/EIS) was prepared to process the TLSP Amendment (2015-001) and General Plan Amendment (2015-002). The TLSP Amendment was prepared to facilitate development of the remaining undeveloped TLSP area in the City of Tustin. These remaining parcels would be sold, leased, or developed by the City. Eventually these parcels would be developed by a number of landowners within the framework established by the TLSP. Additionally, the TLSP Amendment included changes in land uses for the remaining Planning Areas 8 through 19, which resulted in 2,212 more residential units and 1,755,306 fewer SF of non-residential land use within the Tustin Legacy Specific Plan (TLSP). The TLSP SPA was approved by the City of Tustin on July 18, 2017.

2019 Brookfield Development (The Landing)

In 2019, Resolution No. 19-54 was signed, approving a Tentative Tract Map (TTM) and design review of a multifamily project including 400 condominium units within PA 8, 13, and 14 of Neighborhood D South. The project included 117 single family detached units, 129 townhomes, 154 flats and townhomes, a community facility, and other neighborhood amenities over approximately 107 gross acres. The project was determined to be consistent with the previously approved FEIS/EIR and subsequent CEQA documentation prepared for the project area. This project is partially constructed and is anticipated to be completed in July 2024.

Subsequent Environmental Review

The FEIS/EIR was a Program EIR that was intended as the CEQA compliance for future development consistent with the MCAS Tustin Specific Plan. The FEIS/EIR analyzed a multiyear development period for the planned urban reuse project. As individual development projects were proposed in the TLSP area, the City evaluated and determined whether the environmental impacts of individual activities were fully analyzed in the

FEIS/EIR. The City could approve projects that were within the scope of the project as analyzed by the FEIS/EIR. For projects that are not within the scope of the FEIS/EIR, the City would determine the appropriate level of CEQA review (as discussed in Chapter 1, *Executive Summary*, Section 1.2).

3.3 PROJECT LOCATION

The Tustin Legacy Specific Plan (TLSP) area is in the City of Tustin. The City of Tustin is in the central portion of Orange County and is surrounded by the cities of Irvine to the south and east; Santa Ana to the west; and Orange and unincorporated Orange County to the north. Major freeways and highways within or bordering the City of Tustin are the I-5 freeway through the center, State Route (SR) 55 to the west, and SR 261 to the east, as illustrated in Figure 3-1, *Regional Location*.

The TLSP area encompasses approximately 1,606 acres, which includes 1,511 acres in southern Tustin and 95 acres in northeastern Irvine. The TLSP area is generally bounded by Red Hill Avenue to the west, Edinger Avenue to the north, Harvard Avenue to the east, and Barranca Parkway to the south. The local vicinity and the boundary of the TLSP area are illustrated in Figure 3-2, *Local Vicinity*.

The Modified Project site is the portion of the TLSP area that the Project proposes to amend through a Specific Plan Amendment (SPA). The Modified Project site consists of three TLSP subareas spread across two geographically defined areas, referred to as "Neighborhoods" within the TLSP: Neighborhood D (North and South) and Neighborhood G.

- Neighborhood D (PAs 8 and 13-14) encompasses 314 acres. Neighborhood D North is generally bounded by Valencia Avenue to the north, Tustin Ranch Road to the east, Warner Avenue to the south, and Armstrong Avenue to the west. Neighborhood D South is generally bounded by Warner Avenue to the north, Tustin Ranch Road to the east, Barranca Parkway to the south, and Armstrong Avenue to the west. As required by the California Department of Housing and Community Development (HCD), the City identified specific housing sites in its HEU as adequate and available for future residential development consistent with the State's requirements for various income categories. The parcels of Neighborhood D that were identified within the HEU as suitable for future development encompass a total of 84.73 acres within Neighborhood D North and Neighborhood D South. These housing sites included Housing Element (HE) Site 1A, a 39.87-acre within Neighborhood D North, and HE Site 1B, a 44.86-acre site within Neighborhood D South (84.73 acres total). Neighborhood D South was identified in the past two planning HE cycles as suitable for future housing. Neighborhood D North has never been considered for future housing prior to the HEU.
- Neighborhood G (PA 15) encompasses 271 acres. Neighborhood G is in the northeastern portion of the TLSP area. An approximate 50.23-acre undeveloped area within the western portion of the 271-acre Neighborhood G was identified within the HEU as suitable for future residential development. This site was included in Appendix B of the City's HEU as Site 2. Neighborhood G was identified in the previous planning cycle as suitable for future residential development. Neighborhood G is generally bounded by Edinger Avenue to the north, Jamboree Road to the east, Warner Avenue to the south and Tustin Ranch Road to the west.

3.4 EXISTING CONDITIONS

Neighborhood D North is partially developed with the Legacy Magnet Academy in the north portion of the area. The remainder of Neighborhood D North is undeveloped but has been disturbed by prior grading and general infrastructure improvements.

Neighborhood D South is partially developed with a 533-unit apartment complex (Amalfi Apartments) and a residential community consisting of 400 for sale homes (The Landing at Tustin Legacy) in the central portion

of the neighborhood. The remainder of Neighborhood D South is undeveloped but has been disturbed by prior grading and infrastructure improvements.

The southern portion of Neighborhood G is currently developed with single-family and multi-family residential neighborhoods. There is also an existing unpaved surface parking lot in the northern portion of Neighborhood G. The remainder of Neighborhood G is undeveloped but has been disturbed by prior improvements.

The existing land use of the Modified Project site is identified below in Table 3-1, *Surrounding Existing Land Use and Zoning Designations,* and the existing conditions are shown in Figure 3-3, *Aerial View*.

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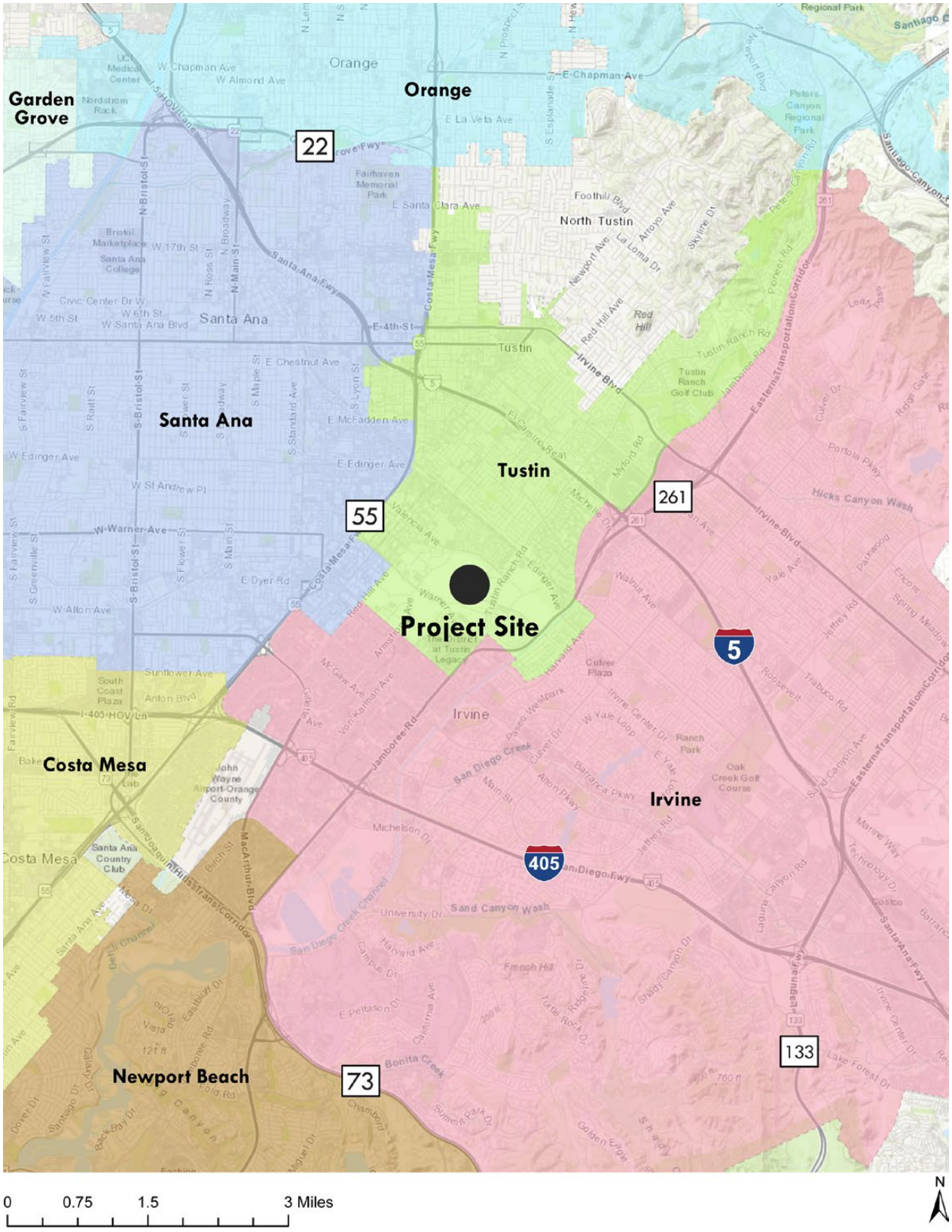
Regional Location



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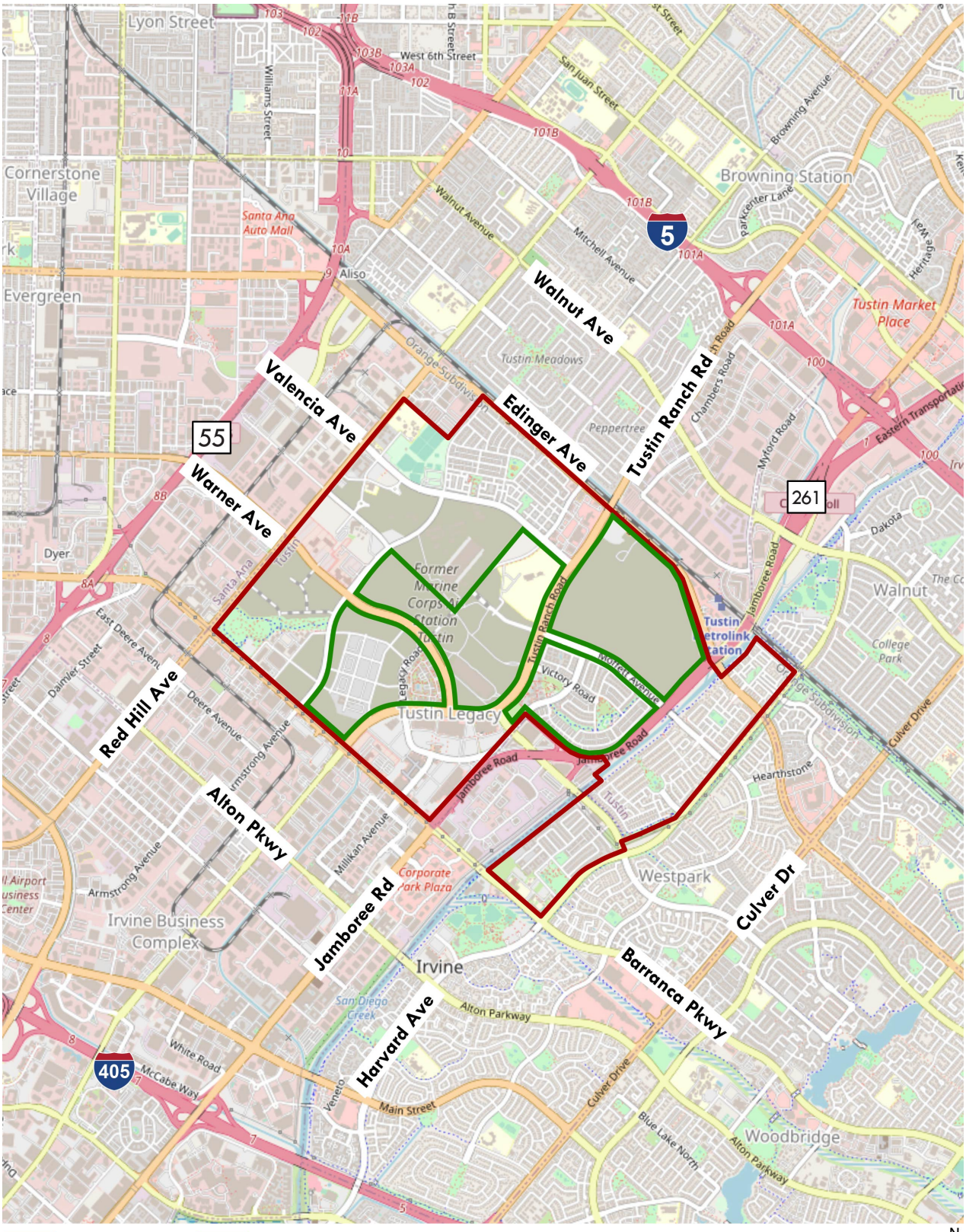
Local Vicinity



Tustin Legacy Specifc Plan Amendment SEIR
City of Tustin

Figure 3-2

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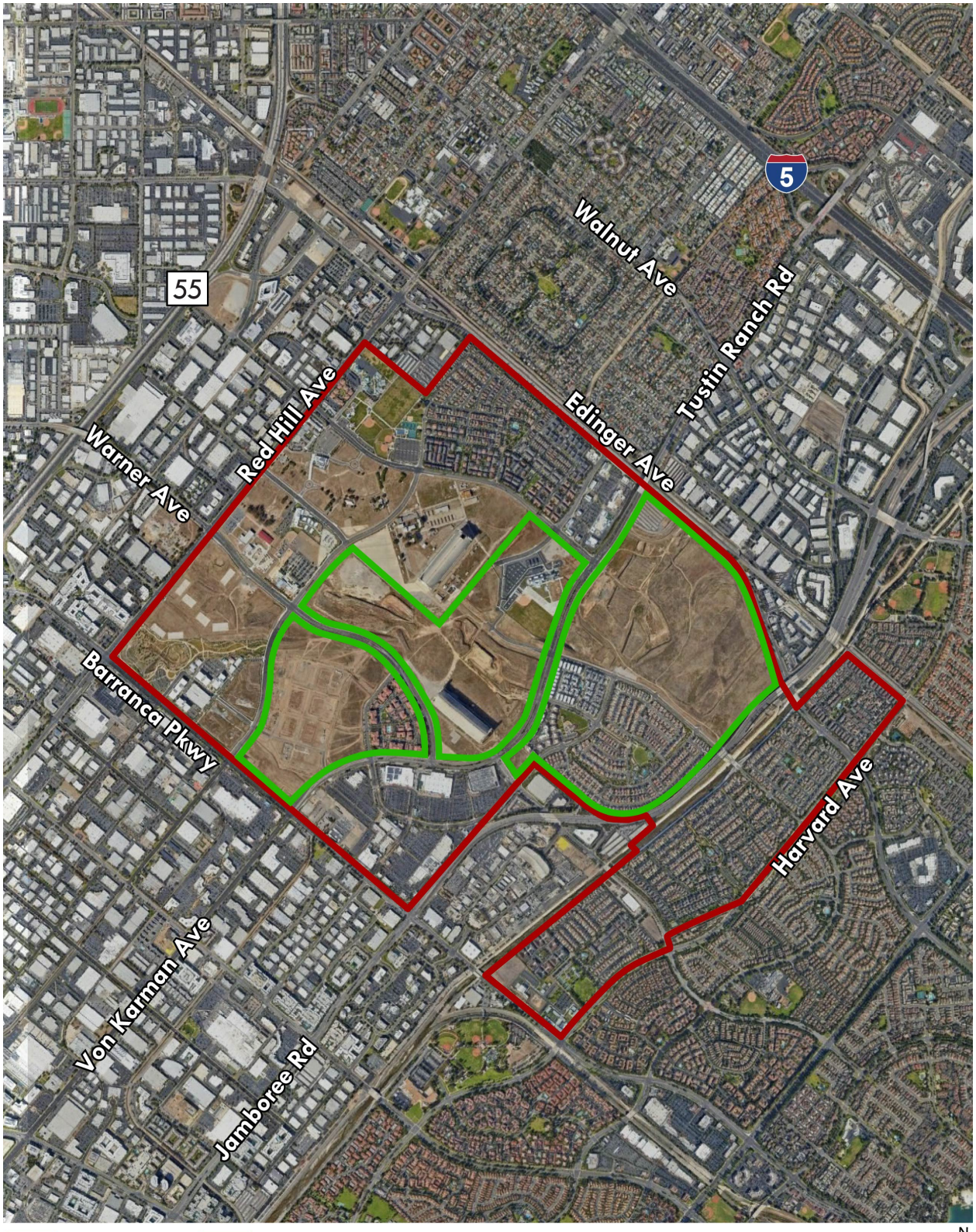
Aerial View


5
55
Walnut Ave
Tustin Ranch Rd
Red Hill Ave
Edinger Ave
Warner Ave
Barranca Pkwy
Harvard Ave
Von Karman Ave
Jamboree Rd
TLSP Area
Modified Project Site
N

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3.4.1 Existing Land Use and Zoning

The TLSP Land Use Plan divides the TLSP area into a collection of neighborhoods, each with their own characteristics and set of functions to perform within the TLSP area. HE Sites 1A and 1B are located in "Neighborhood D" and HE Site 2 is located in "Neighborhood G". The Modified Project site's existing TLSP Neighborhood designations are shown Figure 3-4, *TLSP Neighborhoods*.

The TLSP area, including the Modified Project site, have a General Plan land use designation of TLSP and a zoning designation of SP 1 – Tustin Legacy as shown in Figure 3-*5*, *Existing General Plan Land Use* and Figure 3-6*, Existing Zoning*.

The Land Use Plan for TLSP has been further divided into 13 separate Planning Areas (PA) and a number sub-planning areas, as shown in Figure 3-*7*, *Existing TLSP Land Use Plan*. Neighborhood D includes PAs 8, 13, and 14 and Neighborhood G includes PA 15. Each PA has been assigned a land use designation. PAs categorize the use and development regulations found within the TLSP. The Land Use Plan PA land use designations include Mixed-Use Transit, Mixed-Use Urban, Commercial, Commercial/Business, Residential, Park, Tustin Legacy Park Overlay, Transitional/Emergency Housing, Education Village, and Public Street Right-of-Way (ROW). Specific designations of the Modified Project sites are discussed further below.

Table 3-2 lists the TLSP designations.

Neighborhood D North/Planning Area 8

Neighborhood D North is designated as Mixed-Use Urban with a portion covered by the Tustin Legacy Park Overlay. The TLSP states that the Mixed-Use Urban designation is intended to provide flexibility for a range of uses including hotel, commercial retail, commercial entertainment, public recreation, high school, and residential. The Tustin Legacy Park Overlay designation is intended to be a linear park extending from the corner of PAs 9-12 at Barranca Parkway and Red Hill Avenue in a diagonal direction, to Edinger Avenue in PA 15 complete with a variety of landscape setting such as urban hardscapes and natural softscapes. Neighborhood D North currently provides for a maximum development of 1,547,690 SF nonresidential use (no residential).

Neighborhood D South/Planning Areas 13 & 14

Neighborhood D South is designated as Mixed-Use Urban with a portion of PA 13 covered by the Tustin Legacy Park Overlay. The TLSP states that the Mixed-Use Urban designation is intended to provide flexibility for a range of uses including hotel, commercial retail, commercial entertainment, public recreation, high school, and residential. According to the TLSP, Neighborhood D South currently provides for a maximum development of 1,672 dwelling units and 606,000 SF of nonresidential uses.

Neighborhood G/Planning Area 15

PA 15 is designated as Mixed-Use Transit with a portion covered by the Tustin Legacy Park Overlay. According to TLSP, the Mixed-Use Transit designation is intended to provide for transit-oriented, mixed-use developments with residential, office, commercial retail, and commercial service uses in a vertical or horizontal configuration. PA 15 is located across from the Tustin Metrolink Station and is envisioned as the transit-oriented, residential core of Tustin Legacy. Neighborhood G currently provides a development maximum of 2,814 dwelling units and 1,095,200 SF of nonresidential uses.

3.4.2 Surrounding General Plan and Zoning Designations

The surrounding land uses (within Tustin) are shown on Figure 3-*5*, *Existing General Plan Land Use*, and Figure 3-6, *Existing Zoning*. The Modified Project site is generally surrounded to the west by commercial and industrial uses; to the north by single-family residential uses and industrial and commercial uses; to the east by single-family residential and multi-family residential uses; and to the south by commercial and industrial uses. Additional details are provided in Table 3-1, below.

Table 3-1: Surrounding Existing Land Use and Zoning Designations

	Existing Land Use	General Plan Designation	Zoning Designation
Northwest (Tustin)	**Surrounding Modified Project site:** ATEP Irvine Valley College IDEA Orange County Rescue Mission Armed Forces Reserve Center Sheriff Regional Training Center **Surrounding TLSP area:** Business commercial, warehousing & offices	**Surrounding Modified Project site:** TLSP – Tustin Legacy Specific plan (Neighborhoods A, B & C) **Surrounding TLSP area:** Planned Community Commercial Business (PCCB) Industrial (I)	**Surrounding Modified Project site:** PA 1 & 3– Education Village PA 2 & 6 – Park PA 4-5 – Residential **Surrounding TLSP area:** Planned Community Commercial (PC COM)/ Pacific Center East (SP11) Planned Community Industrial (PC IND)/International Rectifier (SP3) Industrial (M)
Northeast (Tustin)	**Surrounding Modified Project site:** Coventry Court Luxury Senior Apartments (MFR) Columbus Square Residential (MFR) The Village at Tustin Legacy (commercial center) **Surrounding TLSP area:** Metrolink train tracks/station OCFCD Santa Ana/Santa Fe Channel (stormwater) Tustin Meadows & Peppertree Single Family residential (SFR) Warehousing, offices and parks	**Surrounding Modified Project site:** TLSP – Tustin Legacy Specific plan (Neighborhood B & G) **Surrounding TLSP area:** Planned Community Residential (PCR) Planned Community Commercial Business (PCCB)	**Surrounding Modified Project site:** PA 7 – Commercial PA 20 - Residential **Surrounding TLSP area:** Planned Community Residential (PC RES) Planned Community Industrial (PC IND)
Southwest (Tustin & Irvine)	**Surrounding Modified Project site:** Flight at Tustin Legacy (office and restaurant) The District at Tustin Legacy (commercial center) City facility & Emergency Shelter **Surrounding TLSP area:** Restaurants, retail, offices, industrial & storage	**Surrounding Modified Project site:** TLSP – Tustin Legacy Specific plan (Neighborhood E & F) **Surrounding TLSP area:** PA 36, Irvine Business Complex - Urban & Industrial	**Surrounding Modified Project site:** PA 9-12 – Commercial/ Business PA 16-19 – Commercial **Surrounding TLSP area:** PA 36, Irvine Business Complex: IBC Multi-Use
Southeast (Tustin & Irvine)	**Surrounding Modified Project site:** Tustin Field Residential (MFR &SFR) Columbus Grove (SFR) Parks The District at Tustin Legacy (commercial center) **Surrounding TLSP area:**	**Surrounding Modified Project site:** TLSP – Tustin Legacy Specific plan (Neighborhood G& H) **Surrounding TLSP area:**	**Surrounding Modified Project site:** PA 21 & 22 – Residential **Surrounding TLSP area:**

	Existing Land Use	General Plan Designation	Zoning Designation
	Culver Plaza Shopping Center OC Succulents Nursery Creekside Education Center Industrial, office, parks and single & multi-family residential uses	PA 38, Westpark II - Medium & Medium-High Density Residential PA 36, Irvine Business Complex - Urban & Industrial	PA 38, Westpark II: - Medium Density Residential & Medium-High Density Residential PA 36, Irvine Business Complex: IBC Industrial

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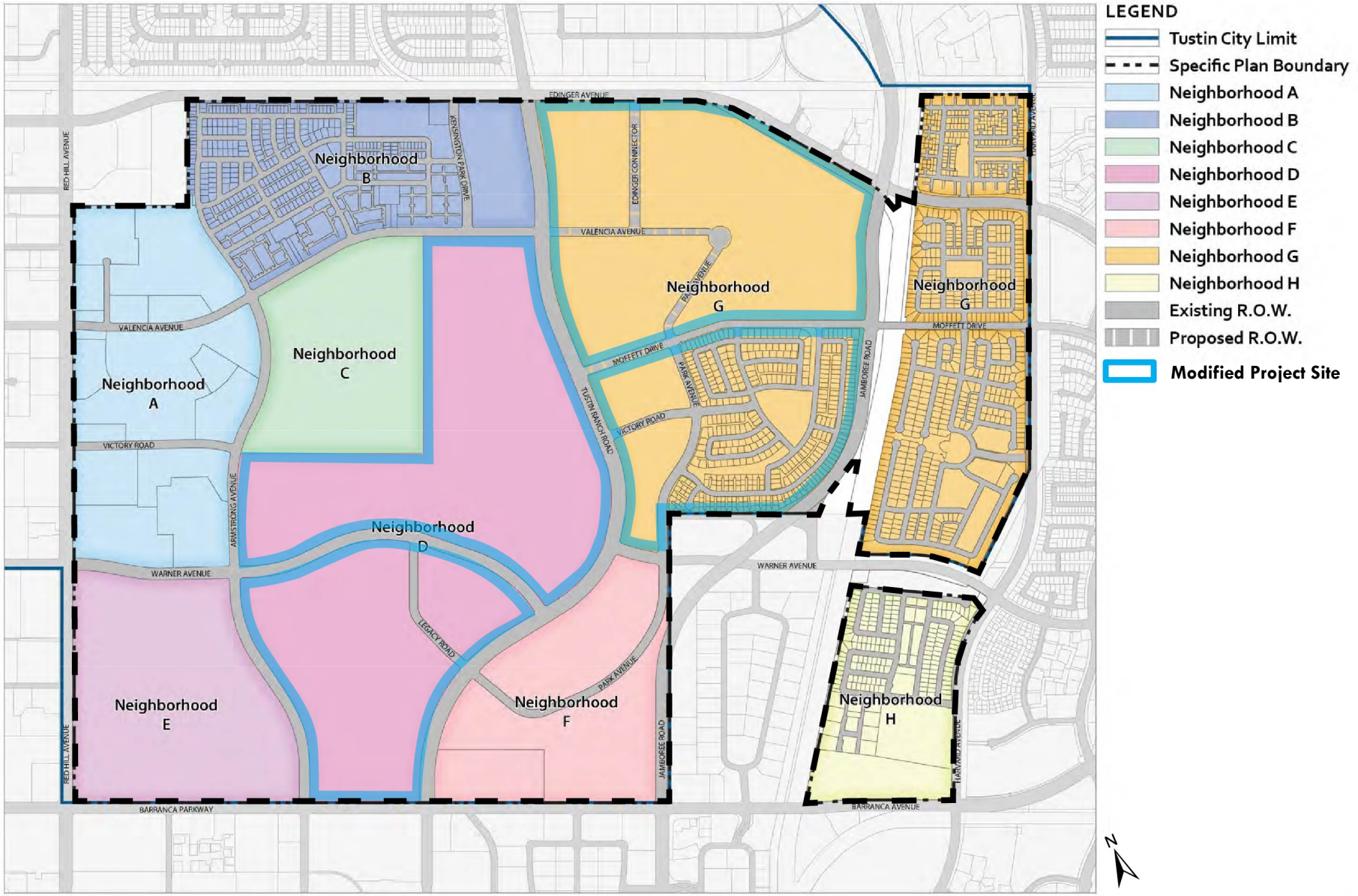
TLSP Neighborhoods



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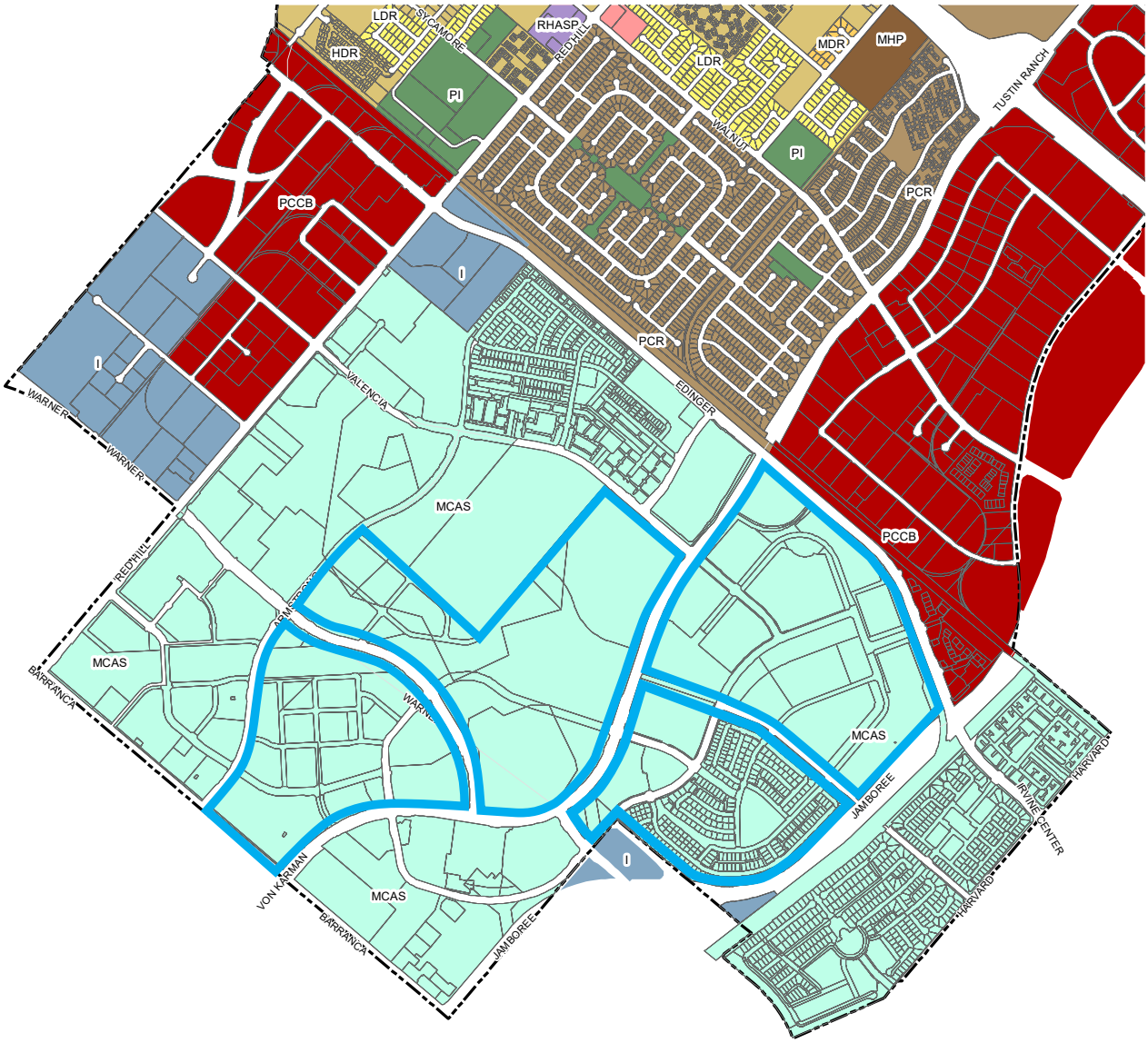
Existing General Plan Land Use Designation



Modified Project Site

TLSP - Tustin Legacy Specific Plan

I - Industrial

PCCB - Planned Community Commercial/Business

PCR - Planned Community Residential

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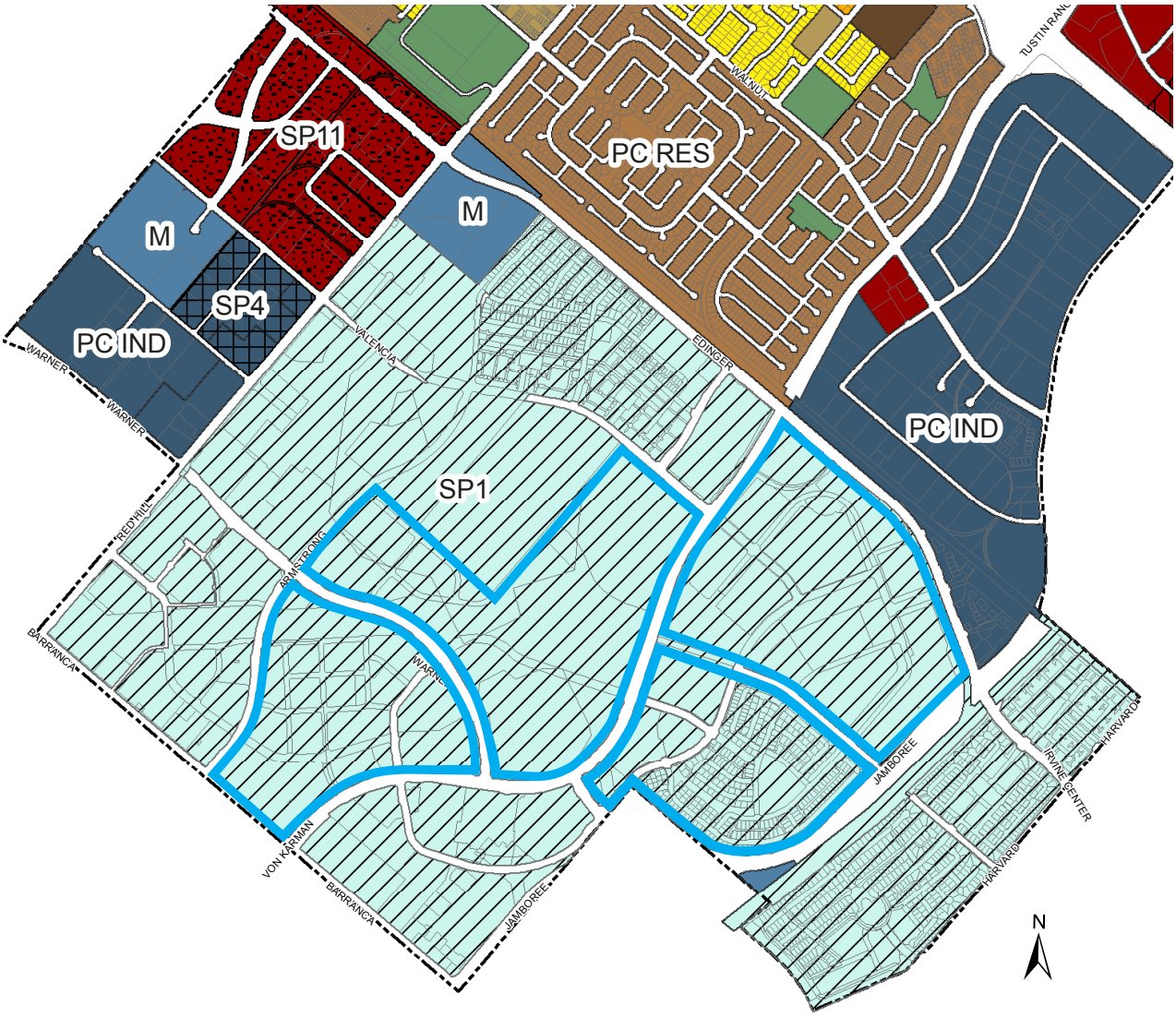
Existing Zoning



Modified Project Site

- R1 - Single Family Residential
- R2 - Duplex Residential
- R3 - Multiple Family Residential
- R4 - Suburban Residential
- PC RES - Planned Community Residential
- PD - Planned Development
- MHP - Mobile Home Park
- PR - Professional
- C1 - Retail Commercial
- C2 - Central Commercial
- CG - Commercial General
- PC COM - Planned Community Commercial
- PM - Planned Industrial
- M - Industrial
- PC IND - Planned Community Industrial
- PI - Public and Institutional
- PCPI - Planned Community Public and Institutional
- SP 1 - Tustin Legacy
- SP 3 - International Rectifier
- SP 4 - Tustin Plaza
- SP 6 - Holt Warren
- SP 8 - East Tustin
- SP 9 - Yorba Street
- SP 11 - Pacific Center East
- SP 12 - Downtown Commercial Core
- SP 13 - Red Hill Avenue

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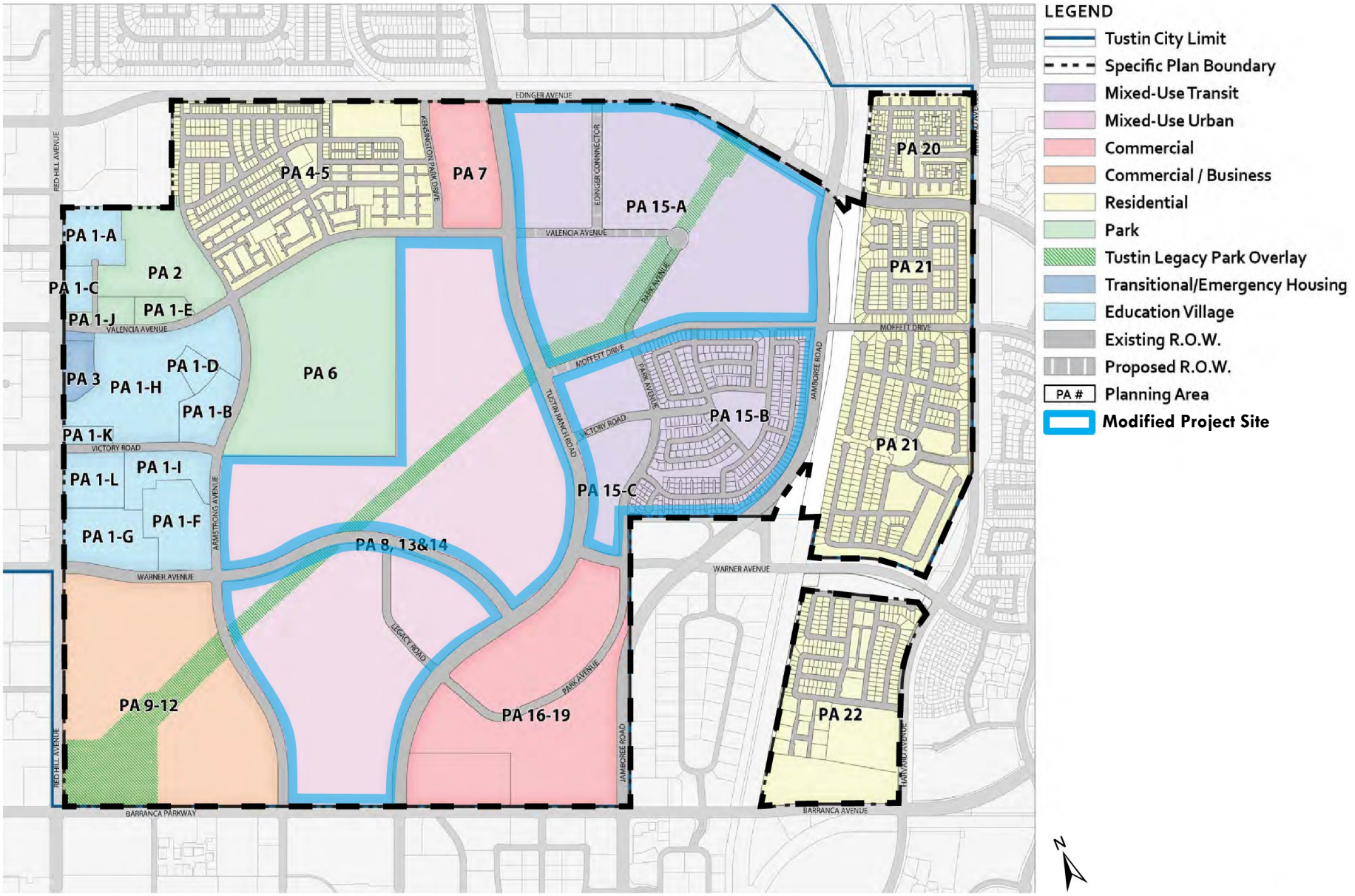
Existing Tustin Legacy Specific Plan Designation



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3.5 PROJECT OBJECTIVES

CEQA Guidelines §15124(b) (Title 14 California Code of Regulations [CCR]) requires "A statement of objectives sought by the proposed project. A clearly written statement of objectives would help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and would aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project." The proposed TLSP amendment outlines a variety of "Guiding Principles" and related goals that form the objectives of the Modified Project, including the following:

- Implement Program 1.1a of the 6th Cycle HEU to provide for the opportunity for future residential development on three sites in the TLSP as identified by the City's HEU, with a minimum density of 20 units per acre (du/acre) on the selected sites.
- Reposition the remaining undeveloped lands in Planning Areas 8, 13, 14 & 15 to allow increased capacity for residential development and to accommodate various levels of affordability.
- Provide for the streamlining of residential development to accommodate various levels of affordability through implementation of clear and objective design standards.
- Amend the TLSP to be consistent with existing State housing law, including the provision for State density bonus.

3.6 DESCRIPTION OF THE PROJECT

3.6.1 Project Overview

The TLSP identifies a dwelling unit and nonresidential square footage "cap" for each neighborhood, as opposed to application of traditional density and floor area ratio standards. This allows for greater flexibility in future development of the TLSP area. The proposed TLSP Specific Plan Amendment (SPA) would amend Neighborhood D South, D North, and G to increase the allowed residential capacity, as shown in Table 3-2, to be consistent with the certified HEU.

The proposed "upzoning," or "cap" increase, would add a total of 855 additional residential units to the existing residential capacity of the Modified Project site (Neighborhoods D and G). The capacity increase would also include 1,356 "buffer units" that were assigned in the City's HEU and are intended to make up for any potential units that are not developed as assumed under the HEU on other housing sites. Therefore, a total of 2,211 units have been added to the existing residential cap of the TLSP within Neighborhoods D and G.

The provision for State density bonus is applicable to the TLSP area. Therefore, an additional 2,759 units have been conservatively included in this analysis to anticipate the potential application of density bonuses in future residential development projects.

Together, the HEU RHNA units, buffer units, and density bonus units total an increase of 4,970 units to the TLSP area that are analyzed in this DSEIR as the Modified Project.

3.6.2 Proposed Specific Plan Amendment

The Modified Project is an SPA to the TLSP to increase allowed capacity for the future development of residential units within Neighborhood D South, Neighborhood D North, and Neighborhood G, consistent with the approved HEU of the Tustin General Plan. Proposed additional capacity would include the housing units allocated the TLSP to accommodate the City's RHNA, buffer units included as part of the HEU, and density bonus units available to developers under the Surplus Land Act and State density bonus law. Density bonus

is applicable to all undeveloped residential land uses within the TLSP area, including the newly added 6th cycle RHNA units, as well as the remaining buildout capacity of the existing residential land uses within the TLSP area.

Neighborhood D North/Planning Area 8

Neighborhood D (PA 8, 13 &14) within the TLSP is currently designated as Mixed-Use Urban, which is envisioned as an active living, working, shopping, and recreational environment. According to the approved TLSP, Neighborhood D North has no residential units allocated.

The 39.87-acre portion of Neighborhood D North identified for housing capacity within the HEU includes Assessor's Parcel Numbers (APNs) 430-381-38, -41, -91, and -95 (see Figure 3-8, *2021-2029 Housing Element Sites)*. The Modified Project would add 555 dwelling units to Neighborhood D buildout capacity, consistent with the adopted HEU.

Per Government Code Section 65583.2(h), where the inventory of City sites does not identify adequate sites to accommodate the City's RHNA for lower income households, the Housing Element must include a program to rezone additional adequate sites that can be developed for housing within the planning period and that are sufficient to accommodate 100 percent of the shortfall of sites necessary to accommodate the remaining housing need for very low-income and low-income households (i.e., lower-income households). Further, rezone sites needed to accommodate a lower-income shortfall must comply with the following requirements set forth in Government Code Section 65583.2(h):

- Permit owner-occupied and rental multifamily uses by right for developments in which twenty (20) percent or more of the units are affordable to lower income households. "By right" means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval.
- Permit the development of at least sixteen (16) units per site.
- Ensure the sites allow a minimum of twenty (20) dwelling units per acre.
- Ensure a) at least fifty (50) percent of the shortfall of low- and very low-income regional housing need can be accommodated on sites designated for exclusively residential uses, or b) if accommodating more than fifty (50) percent of the low and very low-income regional housing need on sites designated for mixed-uses, all sites designated for mixed-uses must allow 100 percent residential use and require residential use to occupy at least fifty (50) percent of the floor area in a mixed-use project.

Housing units added to the TLSP area to accommodate the City's RHNA, shown in Table 3-2 below, are considered "shortfall sites" subject to the requirements of Government Code Section 65583.2(h). In order to comply with the requirements of Government Code Section 65583.2(h), the City has identified a portion of Neighborhood D North (APNs 430-381-41 and 430-381-91) to be zoned as exclusively residential land use (i.e., would not allow for future mixed-use or nonresidential development) (see Figure 3-9, *Proposed Rezone*). These parcels would accommodate a minimum of 203 units. Therefore, the Project would include as part of the SPA, the designation of APNs 430-381-41 and 430-381-91 exclusively for residential land uses, such that, nonresidential uses are prohibited. The remaining parcels, 430-381-38 and -95, would accommodate 352 dwelling units (555 total units), which could be constructed as standalone residential or mixed-use projects.

In addition to the 555 units required for the City to meet their RHNA shortfall, 1,356 buffer units were allocated to Neighborhood D North. Buffer units were incorporated as contingency in the event that the City is unable to meet its RHNA obligation on other designated housing sites during the 2021-2029 planning period. These units would be incorporated to the TLSP housing caps, and residential capacities would be

updated for Neighborhoods D North accordingly under the TLSP SPA, providing a total residential maximum buildout of 1,911 units (555 units + 1,356 buffer units).

Neighborhood D South/Planning Areas 13 & 14

Neighborhood D South (PA 13 &14) is currently designated as Mixed-Use Urban, which is envisioned as an active living, working, shopping, and recreational environment. The Approved Project (2017 TLSP) designated Neighborhood D South to accommodate 1,672 residential units. Then the 2021-2029 Housing Element added 100 units to Neighborhood D South, increasing the total residential capacity of Neighborhood D South to from 1,672 to 1,772. The portion of Neighborhood D South identified for this increased housing capacity includes South Brookfield Tract 18197, Lot 2 and Lots 5-13 (see Figure 3-8, *2021-2029 Housing Element Sites*).

Neighborhood G/Planning Area 15

Neighborhood G (PA 15) within the TLSP is currently designated as Mixed-Use Urban, which is envisioned as an active living, working, shopping, and recreational environment, mixed-use transit-oriented development and residential uses. A maximum of 2,814 dwelling units and 1,095,200 square feet of nonresidential uses are the identified maximum capacities in Neighborhood G. The Mixed-Use Transit designation provides flexibility for residential, office, commercial retail, and commercial service uses in a vertical or horizontal configuration. This Planning Area also contains a portion of the Tustin Legacy Park Overlay.

The portion of Neighborhood G identified for increased housing capacity within the 2021-2029 Housing Element includes APNs 430-381-27 to -29, 430-391-03, -27, -28, -56, -59 to -64 (see Figure 3-8, *2021-2029 Housing Element Sites*). The Modified Project would add 200 dwelling units to the Neighborhood G buildout, increasing the capacity from 2,814 to 3,014 residential units.

Nonresidential Uses of TLSP

In addition to the proposed changes above, the TLSP nonresidential land use breakdown used for modeling and trip budgets of the Approved Project have been updated for the Modified Project analysis. These changes have been made to reflect a series of factors, including entitled/built projects, forecasted market conditions, and anticipated future development. Changes to the proposed nonresidential land use breakdown would not require an SPA since proposed land uses would fit within existing nonresidential development caps and allowed uses of each of the PAs and neighborhoods. The land use breakdown is used strictly for trip budgeting and modeling purposes. Overall, the changes amongst the various nonresidential land uses would result in no net change in nonresidential square footage (see Table 3-2 below). Notable changes include a reduction in future hotel uses and an increase in continuing care/senior housing land use in Neighborhood D South, a reduction in community commercial uses and increase in office uses in Neighborhood D North, and a reduction in continuing care (senior housing) uses and increase in community commercial and office uses in Neighborhood G.

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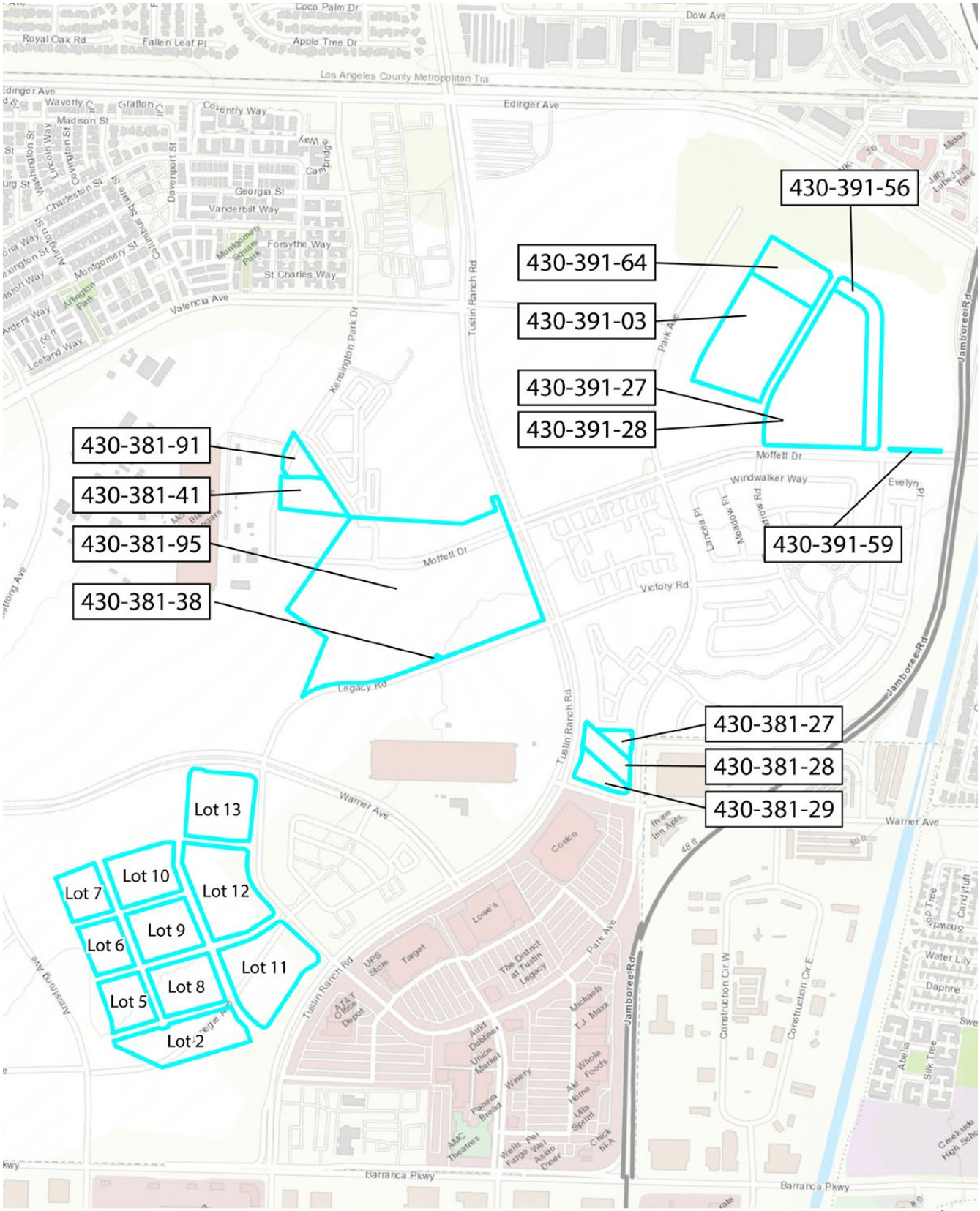
2021-2029 Housing Element Sites



Tustin Legacy Specific Plan Amendment SEIR
City of Tustin

Figure 3-8

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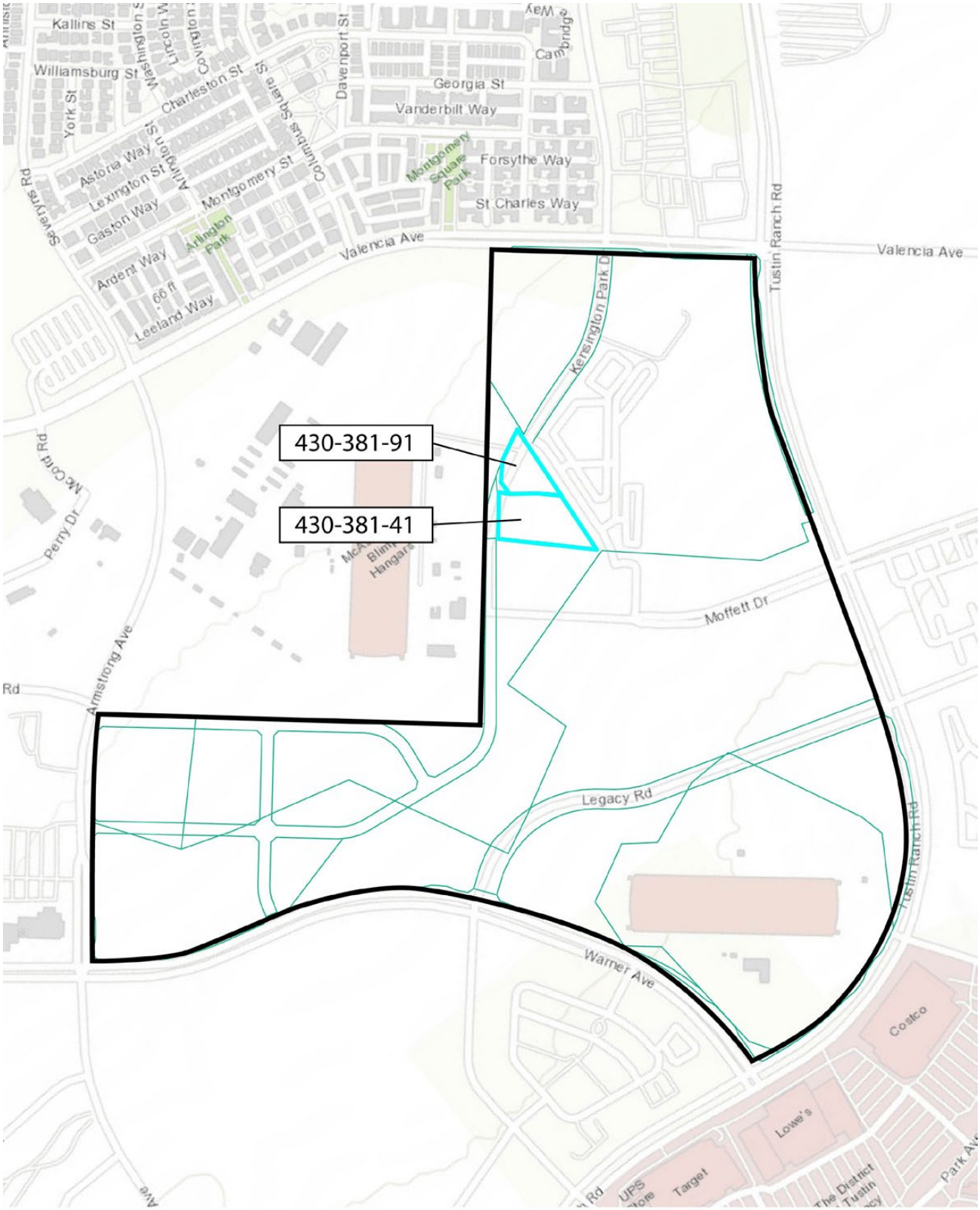
Proposed Rezone



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3.6.3 Specific Plan Amendment Buildout

Individual sites, or neighborhoods, within the TLSP do not have minimum or maximum densities; however, there is a development cap on the number of housing units in each of the neighborhoods.

The current 2017 TLSP identifies a total capacity of 6,813 residential units and 9,532,419 SF of nonresidential capacity within the entire TLSP area (see Table 3-2, *Specific Plan Amendment Summary*). The proposed TLSP SPA identifies a total capacity of 9,024 residential units and 9,532,419 SF of nonresidential capacity within the TLSP area (see Table 3-2, *Specific Plan Amendment Summary*).

Currently, within the Modified Project site (neighborhoods D and G), the 2017 TLSP identifies a total of 4,486 residential units and 3,248,890 SF of nonresidential capacity (see Table 3-3*, Comparison of Approved Project to Modified Project*). The proposed Modified Project identifies a total capacity of 6,697 residential units and 3,248,890 SF of nonresidential capacity (see Table 3-3*, Comparison of Approved Project to Modified Project*).

While the proposed SPA would increase the residential capacity by 2,211 units, the provision for density bonuses under State law is appliable to the Modified Project site as well. If existing density bonuses are applied to the proposed residential capacity under the SPA, an additional 2,759 units would need to be accommodated. As a result, the proposed allowed residential capacity increase of 2,211 and the potential of 2,759 density bonus units, for a total of 4,970 units, are conservatively analyzed throughout the environmental documentation for the Modified Project.

Changes in residential and nonresidential development capacity between the Approved Project and proposed Modified Project are listed in Table 3-3, *Comparison of Approved Project to Modified Project*. Although a specific development project is not proposed, for analysis purposes, the proposed SPA buildout year is assumed to be 2045.

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Table 3-2: Specific Plan Amendment Summary

PA	Land Use	Specific Plan Acres	Adopted Specific Plan		Proposed Amended Specific Plan		Difference (Proposed – Current)	Built/Approved		Remaining	
			Max Residential Units	Max Non-Residential Sq. Ft.	Max Residential Units	Max Non-Residential Sq. Ft.		Residential	Non-Residential	Residential	Non-Residential
1	Education Village	120	-	2,254,200	-	2,254,200	No Change	-	210,564	-	2,043,636
2	Community Park	29	-	1,000	-	1,000	No Change	-	2,000	-	(1,000)
3	Transitional/ Emergency Housing	5	-	387 133,294	-	387 133,294	No Change	-	387 133,294	0	0
4–5	Residential	106	895	-	895	-	No Change	895	-	0	0
6	Regional Park	85	-	574,992	-	574,992	No Change	-	-	-	574,992
7	Commercial	21	-	248,292	-	248,292	No Change	-	248,292	-	0
8 (D North)	Recreation/ Entertainment Core	190	-	1,547,690	1,911	1,547,690	1,911 DU No Change Sq. Ft.	-	-	1,911	1,547,690
9–12	Commercial/ Business	117	-	1,588,198	-	1,588,198	No Change	-	385,937	-	1,202,225
13-14 (D South)	Mixed-Use Urban	124	1,672	606,000	1,772	606,000	100 DU No Change Sq. Ft.	776	-	996	606,000
15 (G west)	Mixed-Use Transit	271	2,814	1,095,200	3,014	1,095,200	200 DU No Change Sq. Ft.	785	-	2,229	1,095,200
16–19	Commercial	103	-	1,483,553	-	1,483,553	No Change	-	1,016,000	-	467,553
20	Residential	29	376	-	376	-	No Change	376	-	0	
21	Residential	127	654	-	654	-	No Change	654	-	0	
22	Residential	73	402	-	402	-	No Change	**402**	-	**0**	
	ROW	**206**					**-**			**0**	
Total		**1,606**	**6,813**	**9,532,419**	**9,024**	**9,532,419**	**2,212 DU (1,755,306) Sq. Ft.**	**3,888**	**1,996,087**	**5,136**	**7,536,296**

Table 3-3: Comparison of Approved Project to Modified Project

Land Use	Unit	Neighborhood D South (PA 13 & 14)		Neighborhood D North (PA 8)		Neighborhood G (PA 15)		Approved Total	Proposed Total	Modified Project - Approved Project
		Approved Project[1]	Modified Project	Approved Project[1]	Modified Project[2]	Approved Project[1]	Modified Project			
Single Family Housing	DU	-	117	-	-	-	692	-	809	809
Multi-Family Housing	DU	1,672	1,655	-	1,911	2,814	2,322	4,486	5,888	1,402
Hotel	SF	165,600	36,000	-	36,000	-	-	165,600	72,000	(93,600)
Neighborhood Commercial	SF	-	-	-	-	95,200	-	95,200	-	(95,200)
Community Commercial	SF	20,400	10,000	1,547,690	1,038,690	-	36,500	1,568,090	1,085,190	(482,900)
Office	SF	420,000	443,000	-	473,000	-	704,700	420,000	1,620,700	1,200,700
Continuing Care - Senior Housing	SF	-	117,000	-	-	1,000,000	354,000	1,000,000	471,000	(529,000)
High School	STU	-	-	1,784	1,784	-	-	1,784	1,784	-
Park - Legacy Park (Passive)	AC	6	6	54	54	31	31	91.0	91.0	-
Park - Sports Park (Active)	AC	-	-	45	45	-	-	45.0	45.0	-
Total Residential	**DU**	**1,672**	**1,772**	**-**	**1,911**	**2,814**	**3,014**	**4,486**	**6,697**	**2,211**
Total Nonresidential	**SF**	**606,000**	**606,000**	**1,547,690**	**1,547,690**	**1,095,200**	**1,095,200**	**3,248,890**	**3,248,890**	**-**
Density Bonus	*DU*	-	655	-	956	-	1,148	-	2,759	2,759
Potential Residential Buildout w/ Density Bonus	**DU**	**1,672**	**2,427**	**-**	**2,867**	**2,814**	**4,162**	**4,486**	**9,456**	**4,970**

[1]Approved Project refers to the 2017 Specific Plan Amendment to the TLSP.
[2] Neighborhood D North includes 1,356 buffer units.
DU = dwelling units, SF = square feet, STU = number of students, AC = acres

3.6.4 Construction Assumptions

Roadways and utilities may be required to support development of projects under the proposed SPA. Future onsite infrastructure improvements that may be necessary for residential development within the TLSP area would include storm drains, wastewater, water (potable and reclaimed), and dry utilities that would connect to existing facilities within or adjacent to the Modified Project site. Specific infrastructure improvements required to support residential development within the TLSP area are not known at this time and will not be known until a development project is proposed.

For purposes of this analysis, several assumptions have been made regarding the construction of future projects. Future development of the additional 4,970 units associated with the proposed Project has been assumed to occur anytime between October 2024 and October 2029. No demolition of existing buildings has been assumed as part of the analysis.

3.7 DISCRETIONARY APPROVALS AND PERMITS

The City of Tustin has primary approval responsibility for the proposed TLSP Amendment. As such, the City serves as the Lead Agency for this SEIR pursuant to CEQA Guidelines §15050. The City of Tustin Planning Commission will evaluate this SEIR and the proposed TLSP Amendment and make a recommendation to the City Council whether the TLSP Amendment should be adopted and the SEIR be certified. The City Council is the decision-making authority for the Project and will consider the Project along with the Planning Commission's recommendation, the information in the SEIR and the Project's administrative record. The City Council will make a final decision to approve, approve with changes, or deny the Project. In the event of approval of the Project and certification of the SEIR, the City would later conduct administrative and discretionary reviews and grant ministerial and discretionary permits and approvals to implement Project requirements, conditions of approval, and future developments within the TLSP. Approval and implementation of the proposed TLSP Amendment requires City approval of the following discretionary actions:

City of Tustin

- Certification of the SEIR;
- Adoption of the TLSP amendment to increase the allowed units in Neighborhood D and a portion of Neighborhood G; and
- Adoption of citywide Objective Design Standards.

Potential future discretionary actions include, but are not limited to:

- Exclusive Negotiating Agreements (ENAs);
- Disposition and Development Agreements;
- Residential Density Bonuses; and/or
- Development Agreements.

As part of the proposed Project, subsequent approvals are anticipated to be requested from the following responsible agencies:

- Airport Land Use Commission;
- Tustin Unified School District;
- Santa Ana Unified School District (potentially, for a portion of Neighborhood D South);
- South Orange County Community College District; and/or
- Approval of a Water Supply Assessment from Irvine Ranch Water District.

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4. Environmental Setting

4.1 PHYSICAL ENVIRONMENTAL CONDITIONS

CEQA Guidelines Section 15125(a)(1) states that the physical environmental condition in the vicinity of the Project as it existed at the time the EIR's NOP was released for public review normally be used as the comparative baseline for the EIR. The NOP for this EIR was released for public review on March 4, 2024. The following pages include a description of the physical environmental conditions ("existing conditions") on a regional and local basis at the approximate time the NOP was released. More information regarding the Project site's environmental setting per topic area is provided in the subsections of Section 5, *Environmental Analysis*.

4.1.1 Air Quality

The City of Tustin is located within the South Coast Air Basin (Basin), which is under the jurisdiction of the SCAQMD. The Basin is a 6,600-square-mile coastal plain bounded by the Pacific Ocean to the southwest and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, and all of Orange County.

The ambient concentrations of air pollutants are determined by the amount of emissions released by sources and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the volume of emissions released by existing air pollutant sources.

Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The topography and climate of Southern California combine to make the Basin an area of high air pollution potential. The Basin is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the west and high mountains around the rest of the perimeter. The general region lies in the semi-permanent high-pressure zone of the eastern Pacific, resulting in a mild climate tempered by cool sea breezes with light average wind speeds. The usually mild climatological pattern is disrupted occasionally by periods of extremely hot weather, winter storms, or Tustin winds. During the summer months, a warm air mass frequently descends over the cool, moist marine layer produced by the interaction between the ocean's surface and the lowest layer of the atmosphere. The warm upper layer forms a cap over the cool marine layer and inhibits the pollutants in the marine layer from dispersing upward. In addition, light winds during the summer further limit ventilation. Furthermore, sunlight triggers the photochemical reactions which produce ozone.

Existing Conditions

SCAQMD maintains monitoring stations within district boundaries that monitor air quality and compliance with associated ambient standards. The Project site is located within the monitoring boundary of the Anaheim-Pampas Lane monitoring station (SRA 17), located at 1630 Pampas Lane in Anaheim, which is approximately 14 miles northwest of the TLSP area. The most recent 3 years of data is shown in Table 5.1-2, *Air Quality Monitoring Summary 2020-2022*, in Section 5.1, *Air Quality*, and identifies the number of days ambient air quality standards were exceeded in the area. The federal PM_{10} standard had no exceedances. The state PM_{10} standard was exceeded five times in 2020, one time in 2021, and one time in 2022. The federal $PM_{2.5}$ standard had 12 exceedances in 2020, 10 exceedances in 2021, and no exceedances in 2022. The State 1-hour ozone standard was exceeded six times in 2021, no times in 2021, and once in 2022. The State 8-

hour ozone standard was exceeded 16 times in 2020, no times in 2021, and once in 2022. The federal 8-hour standard was exceeded 15 times in 2021, no times in 2021, and once in 2022. The CO and NO_2 standards were not exceeded in this area during the 3-year period.

Sensitive Land Uses

Land uses such as schools, children's daycare centers, hospitals, and convalescent homes are considered more sensitive to poor air quality than the general public because the population groups associated with these uses have increased susceptibility to respiratory distress. In addition, residential uses are considered more sensitive to air quality conditions than commercial and industrial uses, because people generally spend longer periods of time at their residences, resulting in greater exposure to ambient air quality conditions. Recreational land uses are considered moderately sensitive to air pollution. Exercise places a high demand on respiratory functions, which can be impaired by air pollution, even though exposure periods during exercise are generally short. In addition, noticeable air pollution can detract from the enjoyment of recreation.

Existing offsite sensitive air quality receptors, where someone can remain for 24-hours in the vicinity of the Project site, consists of residences. The closest existing sensitive receptors are residences, The Bowery, located approximately 140 feet west of the TLSP boundary. However, in consideration that buildout of the TLSP has and will continue to occur over multiple phases, future sensitive receptors within 50 feet of the Modified Project site have been conservatively considered for analysis of the Modified Project site (to account of existing and future onsite and offsite receptors).

4.1.2 Energy

Electricity

The Southern California Edison Company (SCE) is the electrical purveyor in the City of Tustin. SCE provides electricity service to more than 15 million people in a 50,000 square-mile area of central, coastal and Southern California. California utilities are experiencing increasing demands that require modernization of the electric distribution grid to, among other things, accommodate two-way flows of electricity and increase the grid's capacity. SCE is in the process of implementing infrastructure upgrades to ensure the ability to meet future demands. In addition, as described by the Edison International 2022 Annual Report, the SCE electrical grid modernization effort supports implementation of California requirements to achieve carbon neutrality by 2045. The state has set Renewables Portfolio Standards that require retail sellers of electricity to provide 60 percent of power from renewable resources by 2030. The state also requires sellers of electricity to deliver 100 percent of retail sales from carbon-free sources by 2045, including interim targets of 90 percent by 2035 and 95 percent by 2040. In 2022, approximately 49 percent of power that SCE delivered to customers came from carbon-free resources (Southern California Edison, 2023).

According to the California Energy Commission (CEC), total electricity consumption in the SCE service area in 2022 was 85,870 GWh (31,604 GWh for the residential sector and 54,266 GWh for the non-residential sector). Total electricity consumption in Orange County in 2022 was 20,244 GWh (20,243,721,856 kilowatt hours [kWh]), including 7,830 GWh for the residential sector and 12,414 GWh for the non-residential sector.

The TLSP area is currently served by the electricity distribution system that exists along the roadways within and adjacent to the area.

Natural Gas

The Southern California Gas Company (SoCalGas) is the natural gas purveyor in the City of Tustin and is the principal distributor of natural gas in Southern California. SoCalGas provides natural gas to

approximately 21.8 million people in a 24,000 square mile service area throughout Central and Southern California. The gas supply available to SoCalGas is regionally diverse and includes supplies from California sources (onshore and offshore), Southwestern U.S. supply sources, the Rocky Mountains, and Canada (SoCalGas, 2023). SoCalGas designs its facilities and supplies to provide continuous service during extreme peak demands and has identified the ability to meet peak demands through 2035 (SoCalGas, 2023).

According to the CEC, total natural gas consumption in the SoCalGas service area in 2022 was 5,026 million therms (2,230 million therms for the residential sector). Total natural gas consumption in Orange County in 2021 was 573 million therms (572,454,744 therms), including 352 million therms for the residential sector and 221 million therms for the non-residential sector.

The TLSP area is currently served by the natural gas distribution system that exists within the roadways in and adjacent to the Project area.

Fuel

The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 miles per gallon (mpg) in 1980 to 22.9 mpg in 2021 (United States Department of Transportation, 2024). Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. This act, which originally mandated a national fuel economy standard of 35 mpg by year 2020, applies to cars and light trucks of Model Years 2011 through 2020 (United States Department of Energy, 2007). In March 2020, the United States Environmental Protection Agency (USEPA) and National Highway Traffic Safety Administration (NHTSA) finalized the Corporate Average Fuel Economy (CAFE) standards for Model Years 2024–2026 Passenger Cars and Light Trucks, further detailed below.

Gasoline is the most used transportation fuel in California, with 97 percent of all gasoline being consumed by light-duty cars, pickup trucks, and sport utility vehicles. According to the most recent data available, in 2021, total gasoline consumption in California was 289,918 thousand barrels (12.2 billion gallons) or 1,464.7 trillion British Thermal Units (BTU). Of the total gasoline consumption, 273,289 thousand barrels (11.5 billion gallons) or 1,380.7 trillion BTU were consumed for transportation (United States Energy Information Administration, 2024). Based on fuel consumption obtained from CARB's California Emissions Factor Model, Version 2021 (EMFAC2021), approximately 1.2 billion gallons of gasoline and approximately 157.1 million gallons of diesel will be consumed from vehicle trips in Orange County in 2024.

4.1.3 Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). The major concern with GHGs is that increases in their concentrations are contributing to global climate change. Global climate change is a change in the average weather on Earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the rate of global climate change and the extent of the impacts attributable to human activities, most in the scientific community agree that there is a direct link between increased emissions of GHGs and long-term global temperature increases.

The principal GHGs are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs). Because different GHGs have different warming potential, and CO_2 is the most common reference gas for climate change, GHG emissions are often quantified and reported as CO_2 equivalents (CO_2e). For example, SF_6 is a GHG commonly used in the utility industry as an insulating gas in circuit breakers and other electronic equipment. SF_6, while comprising a small fraction of the total GHGs emitted annually world-wide, is a much more potent GHG, with 22,800 times the global warming potential as CO_2. Therefore, an emission of one metric ton (MT) of SF_6 could be reported as an emission of 22,800 MT of CO_2e. Large emission sources are reported in million metric tons (MMT) of CO_2e.

Existing California GHG Conditions

California has significantly slowed the rate of growth of GHG emissions due to the implementation of energy efficiency programs as well as adoption of strict emission controls; but California is still a substantial contributor to the U.S. emissions inventory total. CARB compiles GHG inventories for the state. Based upon the 2022 GHG inventory data (i.e., the latest year for which data are available) for the 2000-2021 GHG emissions period, California emitted an average 381.3 million metric tons of CO_2e ($MMTCO_2e$) per year (California Air Resources Board, 2024).

4.1.4 Land Use and Planning

Land Use Designations

The TLSP area, including the Modified Project site, has a General Plan land use designation of TLSP and a zoning designation of SP 1 – Tustin Legacy as shown in Figure 3-5, *Existing General Plan Land Use* and Figure 3-6*, Existing Zoning*.

The Land Use Plan for TLSP has been further divided into 13 separate Planning Areas (PA) and several sub-planning areas, as shown in Figure 3-7, *Existing TLSP Land Use Plan*. Neighborhood D includes PAs 8, 13, and 14 and Neighborhood G includes PA 15. Each PA has been assigned a land use designation. PAs categorize the use and development regulations found within the TLSP. The Land Use Plan PA land use designations include Mixed-Use Transit, Mixed-Use Urban, Commercial, Commercial/Business, Residential, Park, Tustin Legacy Park Overlay, Transitional/Emergency Housing, Education Village, and Public Street Right-of-Way (ROW).

Neighborhood D North is designated as Mixed-Use Urban with a portion covered by the Tustin Legacy Park Overlay. The TLSP states that the Mixed-Use Urban designation is intended to provide flexibility for a range of uses including hotel, commercial retail, commercial entertainment, public recreation, high school, and residential. PA 15 is designated as Mixed-Use Transit with a portion covered by the Tustin Legacy Park Overlay. According to TLSP, the Mixed-Use Transit designation is intended to provide for transit-oriented, mixed-use developments with residential, office, commercial retail, and commercial service uses in a vertical or horizontal configuration.

Existing Land Uses

The TLSP area contains existing commercial, office, institutional, and residential development, parks, and vacant land. Existing commercial development consists of a regional shopping center (approximately 1,016,000 square feet) called The District, which has over 75 businesses, including specialty and big box retail, restaurants, entertainment, and a variety of services. There is also The Village at Tustin Legacy shopping center, which contains a grocery store, pharmacy, restaurants, commercial services, and health related services, including medical offices and a veterinarian. Flight at Tustin Legacy at the western end of TLSP is a creative office campus that currently has more than 450,000 square feet of leasable space, and an indoor restaurant mall (food hall). Flight at Tustin Legacy is expected to increase its office space to 870,000 square feet. Existing institutional uses include Heritage Elementary School and Legacy Magnet Academy (6-12th grades), which are part of the Tustin Unified School District. Other institutional uses include a regional law enforcement training facility, an Army Reserve Center, the Village of Hope transitional housing/emergency shelter operated by the OC Rescue Mission, the OC Animal Care Shelter, and a children and family care shelter operated by the County of Orange Social Services Agency. A daycare, Goddard School, is currently under construction. In addition to these uses, the South Orange County Community College District has a small campus with approximately 14,680 square feet of educational uses—the first phase of a larger mixed-use educational campus referred to as the Advanced Technology & Education Park (ATEP).

At the time that the 2017 TLSP SPA (Approved Project) was adopted, there existed residential development, consisting of five neighborhoods—Tustin Fields I and II, Columbus Square, Columbus Grove in Tustin, and Columbus Grove in Irvine. These neighborhoods total 2,507 units (402 units in Irvine and 2,105 in Tustin). Additionally, since 2017 a 225-unit affordable housing community (Anton Legacy), a 533-unit apartment complex (Amalfi Apartments), a 375-unit single-family neighborhood (Greenwood in Tustin Legacy), a 218-unit single family and multifamily neighborhood (Levity at Tustin Legacy), and a 400-unit single family and townhome neighborhood (The Landing at Tustin Legacy) which was recently under construction. The neighborhoods include recreation and parkland.

In the City of Irvine, the Irvine Unified School District has a small campus called the Creekside Education Center on approximately 20 acres at the northern corner of Barranca and Harvard. Approximately eight acres have been developed on the site with administration facilities, Creekside High School, and Irvine Adult School. These uses comprise 35,400 square feet of building space. A 15,000-square-foot central kitchen and 4,000-square-foot culinary arts institute were recently approved on a 4-acre portion of the site.

Several developments within the Modified Project site (Neighborhoods D and a portion of Neighborhood G) have been completed since certification of the Approved Project. The first phase of a 40-acre middle school and high school, Legacy Magnet Academy, at the southwest corner of Tustin Ranch Road and Valencia Avenue in Neighborhood D (North) was completed in 2020. The Landing at Tustin Legacy is a 400-unit above-moderate-income development within Neighborhood D South that was entitled in 2021 and nearing final completion. Additionally, the Alley Grove Promenade was recently constructed south of The Landing. The Alley Grove Promenade project is an approximately 2.8-acre open space pedestrian walkway and multimodal connection from Armstrong Avenue to Tustin Ranch Road through Neighborhood D South at Tustin Legacy. CalAtlantic Homes developed Levity at Tustin Legacy, a 218-unit above-moderate-income development within Neighborhood G. This project was entitled in 2018 and has since been completed.

On November 7, 2023, a fire erupted in Navy Hangar 28 (located in TLSP Neighborhood C). The Navy hangar was destroyed, and as of the date of this document, it has been demolished and debris removal will occur soon. Notably, the fire was contained to Navy Hangar 28, such that Navy Hangar 29 was not impacted, and remains unaltered.

Hazardous Waste and Groundwater Remediation Sites

The Tustin Legacy Specific Plan encompasses the former Marine Corps Air Station Tustin, which closed in 1999. Since that time, hazardous waste remediation has been occurring across the site under the authority of the Department of Navy. Specifically, the environmental remediation activities at Tustin Legacy (former Marine Corps Air Station (MCAS) Tustin) are handled by the BRAC (Base Realignment and Closure) Cleanup Team (BCT), comprised of the Department of the Navy, the Santa Ana Regional Water Quality Control Board and the CA Department of Toxic Substance Control (DTSC), and Restoration Advisory Board (RAB) (Orange County Grand Jury, 2020). These cleanup efforts have been heavily documented throughout various plans, agreements, and ongoing testing of the site. The TLSP works in tandem with the plans, policies, and regulations applicable to the hazardous sites within the TLSP, such that once the hazardous conditions of an area within the TLSP area are remediated to acceptable conditions (e.g., per the City's Memorandum of Agreement (MOA) with the Navy and DTSC), the area defaults to the approved land uses within the TLSP.

The following includes a summary of hazardous conditions of the TLSP area and remediation activities currently ongoing.

Ongoing MCAS Cleanup

A Federal Facilities Support Remediation Agreement (FFSRA) between the Navy and the DTSC is currently in place for the former MCAS Tustin, which governs the Navy's corrective action and response obligations

under the Resource Conservation and Recovery Act and CERCLA (City of Tustin, 2023). The Navy is able to transfer property with ongoing environmental remediation once the system treating the environmental issue is Operating Properly and Successfully (OPS) for a three-year period. This means that the Navy can transfer property even with ongoing cleanup activities, as long as the remedy selected for that particular issue is in place and performing.

The difficulty over the last 10+ years with the Navy transferring property has been changing environmental standards which have made OPS unobtainable. For example, in 2017 the State of California established a Maximum Contaminant Level (MCL) for 1,2,3 – trichloropropane (1,2,3-TCP) of .005 mg/l, when the previous MCL was 0.5 mg/l. This significant change in cleanup goals required the Navy to re-mobilize and re-sample several times, to ensure that the existing treatment system was successfully remediating to the new 1,2,3-TCP cleanup goal.

The original Economic Development Conveyance (EDC) between the Navy and City governs how 1,153 acres of the 1,600-acre former MCAS Tustin was to be transferred to the City (the remaining acreage was conveyed directly to other entities and agencies) (City of Tustin, 2023). Of the 1,153 acres transferred to the City, 979 acres were deeded to the City in 2002. The remaining 174 of the 1,153 acres, which are not yet owned by the City, are under a Lease In Furtherance of Conveyance (LIFOC) between the Navy and the City. The LIFOC grants the City a lease the remaining properties while the Navy undertakes additional environmental investigation and/or remediation under per FFSRA per their agreement.

The 174 LIFOC acres have been separated into eleven "carve-out" areas throughout the former Navy base. Contaminants within the carve-out areas represent footprints. Contaminants within the carve outs include trichloroethylene, trichloropropane, jet fuel, petroleum hydrocarbons, volatile organic compounds, metals, and polynuclear aromatic hydrocarbons. Additionally, asbestos-containing materials were identified in 77 former buildings onsite, and nonresidential buildings built before 1980 were assumed to contain lead-based paint. These conditions were identified in the FEIS/EIR, and subsequent CEQA documentation, as resulting in a less than significant impact after remediation of environmental contamination per existing federal and state regulatory compliance.

Since 2002, nine of the eleven carve-outs have met OPS conditions and have been conveyed to the City. These nine carve out areas constitute approximately 60 of the total 174 LIFOC acres remaining under LIFOC. Two of the eleven carveouts, Carve Outs 5 and 6, have not yet met OPS conditions and remain under Navy management. Carve Outs 5 and 6 total approximately 114 acres.

Groundwater contamination is identified as occurring within several plumes that underly Carve Outs 5 and 6. Trichloroethylene, trichloropropane, and other chlorinated hydrocarbons were found in groundwater and soil. Site remediation consists of pumping and treating groundwater, in-situ bioremediation, and monitored natural attenuation. Existing groundwater contamination sources are shown in Figure 5.4-1, *Hazardous Cleanup Sites*, in Section 5.4, *Land Use*, of this Draft SEIR.

PFAS

Per- and polyfluoroalkyl substances (PFAS) are an emerging contaminant nationwide and worldwide. The State of California has been regulating PFAS in drinking water since 2018. The Navy is currently assessing PFAS impacts at Tustin Legacy with DTSC and RWQCB oversight. The recent emergence of PFAS has created a new contaminant that will require extensive research, sampling, and potentially a new treatment strategy. Any conveyances of areas currently impacted by PFAS will likely be delayed until more information on PFAS has been collected, as well as guidance is given from the Environmental Protection Agency (EPA) to the Department of Defense (DOD) and ultimately to the Navy.

Scientific studies have shown that ingestion of PFAS over time may be linked to harmful health effects (City of Tustin, 2024). The most common method of ingestion of PFAS is through contaminated drinking water.

Drinking water at Tustin Legacy is supplied by the Irvine Ranch Water District from non-Tustin Legacy sources. The drinking water delivered to residences and businesses in Tustin does not contain any detectable levels of PFAS (IRWD, 2024).

Hangar Fire

The north hangar (Navy Hangar 28), located near Valencia Avenue and Armstrong Road, is currently owned by the Department of the Navy. The building sustained roof damage in October 2013 during a windstorm and was almost destroyed by a fire in November 2023. The portions of the building left standing have been demolished. The removal of demolition debris is in process.

The former MCAS Navy Hangar 28 incident response has evolved since the fire began on November 7, 2023, and a four-phase response approach has been initiated (Orange County Health Care Agency, 2024). Phase 1 included the fire response phase, which included fire suppression, debris removal, and application of water to asbestos containing materials (ACM) to reduce the number of airborne fibers. The second phase, the phase currently taking place at the time of the drafting of this document, includes debris stabilization, which involves application of soil sealant to debris, and removal of the hangar doors. The third stage is the maintain stabilization phase, which requires reapplication of soil sealant if monitoring exceedances occur. The final phase is remediation, which requires permitted remediation of ACM debris, such as potentially hauling contaminated soils offsite. Since phase one, monitoring has continued (24/7) around the north hangar and surrounding community testing for particulate matter (PM), volatile organic compounds (VOCs), asbestos and metals has been ongoing. ACM testing is performed intermittently. There have been no detections of airborne asbestos during air monitoring/sampling conducted thus far. The hazard of potential asbestos exposure has been significantly reduced now that the fire has been extinguished and a sealant has been applied to the debris that remains at the incident site. A website has been created that is dedicated to communication of the hangar fire and ongoing cleanup activities: https://www.tustinca.org/1457/North-Hangar-Fire-Community-Resource-Page. The latest information regarding the status of the site can be found on the City's website.

4.1.5 Noise

Existing Noise Levels

The primary existing noise sources in the TLSP area are roadways, including Barranca Parkway, Red Hill Avenue, Park Avenue, intermittent train noise, and commercial, office, and residential uses. To assess existing noise levels of the environment, long-term (24-hour) noise level measurements were conducted on February 8 and 9, 2024, at three locations as shown on Figure 5.5-1, *Noise Measurement Locations*, in Section 5.5, *Noise*, of this Draft SEIR. Table 5.5-7, *Summary of 24-Hour Ambient Noise Level Measurements*, in Section 5.5, *Noise*, provides a summary of the measured hourly noise levels and calculated CNEL level from the long-term noise level measurements. As shown, the existing ambient noise levels range from 69.2 dBA CNEL to 73.2 dBA CNEL.

Existing Vibration

Aside from periodic construction work that may occur in the vicinity of the TLSP area, the TLSP area and adjacent land uses are not currently exposed to substantial sources of groundborne vibration.

Existing Airport Noise

John Wayne Airport (SNA) is located approximately 1.5 miles to the southwest of the TLSP area. The TLSP area is located outside of the airport's 60 CNEL noise contour. In addition, the General Aviation Noise

Ordinance restricts airport operations between 11:00 p.m. and 7:00 a.m., to limit the hours of noise generated by SNA.

Sensitive Receivers

Noise sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include residences, schools, hospitals, and recreation areas. Existing offsite sensitive noise receptors where someone can remain for 24 hours in the vicinity of the Project site consists of residences. The Modified Project considers changes to the Approved Project through a proposed SPA. The Approved Project considers buildout of the TLSP as a whole and does not analyze the environmental impact of the project onto itself, but rather impacts on the surrounding area. Existing sensitive air quality receptors outside of the TLSP area where someone can remain for 24-hours in the vicinity of the Project site consists of residences. The closest existing sensitive receptors are residences, The Bowery, located approximately 140 feet west of the TLSP boundary (see *Figure 5-1, Cumulative Projects*, in Section *5, Environmental Impact Analysis*, of this Draft SEIR). However, in consideration that buildout of the TLSP has and will continue to occur over multiple phases, future sensitive receptors within 50 feet of the Modified Project site have been conservatively considered for this analysis (to account of existing and future onsite and offsite receptors).

4.1.6 Population and Housing

Population

According to the California Department of Finance (DOF), the City of Tustin had a population of 79,558 in 2023 (California Department of Finance, 2023). The Southern California Association of Governments (SCAG) estimates that the City of Tustin had a population of 80,400 persons in 2019 and estimates that the City's population will increase to 93,317 in 2050 which is a 16.1 percent increase.[1] In comparison, the SCAG projects the County of Orange will have a 7.8 percent increase in population between 2019 and 2050, as shown on Table 5.6-2, *City and County Existing and Projected Population, 2019-2050*, in Section *5.6, Population and Housing*, of this Draft SEIR.

Housing

The California DOF estimates that the City of Tustin contained 28,405 housing units in 2023. The housing types in the City of Tustin compared to those in the entire County are provided in Table 5.6-3, *City and County Housing Estimates by Type 2023*. As shown, the County has a higher percentage of detached single-family housing units and a lower percentage of single-family attached and multi-family housing units than the City. In addition, the California DOF details that the City had an average household size of 2.88 persons per household. In comparison, the County had an average household size of 2.83 persons per household.

Employment

The City of Tustin is estimated to contain 51,700 employment opportunities as of 2019. The SCAG regional growth projections anticipate the number of jobs in the City of Tustin to increase by 37.9 percent to 71,300 jobs in the year 2050. In comparison, the County is projected to see a 11.9 percent increase in the number of jobs by 2050, as shown in Table 5.6-5, *City and County Existing and Projected Employment, 2019-2050*.

[1] The 2050 population estimate was derived using the methodology presented in Section 4.5 of the SCAG Demographics & Growth Forecast which states an estimate of the future City-level population based on Connect SoCal's household forecast can be derived using a county-level Population:Housing ratio from TABLE 12 and applying it to the City's future household growth (Southern California Association of Governments, 2024).

The SCAG 2019 Local Profile for Tustin identifies that 7.3 percent of Tustin residents work and live in the City, while 92.7 percent commute to other places (Southern California Association of Governments, 2019). Of the commuters residing in Tustin, the largest percentage commute to the City of Irvine (18.6 percent), Santa Ana (10.4 percent), Anaheim (5.5 percent), and Orange (5.2 percent).

Jobs-Housing Ratio

The jobs-housing ratio is a general measure of the total number of jobs and housing units in a defined geographic area, without regard to economic constraints or individual preferences. SCAG applies the jobs-housing ratio at the regional and subregional levels to analyze the fit between jobs, housing, and infrastructure. A major focus of SCAG's regional planning efforts has been to improve this balance. SCAG defines the jobs-housing balance as follows:

> Jobs and housing are in balance when an area has enough employment opportunities for most of the people who live there and enough housing opportunities for most of the people who work there. The region as a whole is, by definition, balanced…. Job-rich subregions have ratios greater than the regional average; housing-rich subregions have ratios lower than the regional average. Ideally, job-housing balance would… assure not only a numerical match of jobs and housing but also an economic match in type of jobs and housing.

There is no ideal ratio adopted in state, regional, or city policies. However, the American Planning Association recommends a target ratio of 1.5 jobs per housing unit; communities with more than 1.5 jobs per dwelling unit are considered jobs-rich; those with fewer than 1.5 are "housing rich," meaning that more housing is provided than employment opportunities in the area (Weitz, 2003). A job-housing imbalance can indicate potential air quality and traffic problems associated with commuting. Table 5.6-6, *Jobs – Housing Trends in the City of Tustin*, provides the projected jobs-to-housing ratios for the City, based on SCAG's 2024-2050 RTP/SCS.

The projected 2050 jobs-to-housing ratios for the City of Tustin and Orange County are 2.1 and 1.61, respectively. This indicates that both the City of Tustin and Orange County are jobs-rich. Therefore, it is possible that people employed in the City of Tustin are commuting from elsewhere.

4.1.7 Public Services

Fire Protection Services

Fire protection and emergency medical services in the City of Tustin are provided by the Orange County Fire Authority (OCFA) through a contract for services. The OCFA provides fire suppression, emergency medical, rescue, fire prevention, hazardous materials coordination, and wildland management services. OCFA serves 23 cities in Orange County and all unincorporated areas. Within the City of Tustin, OCFA provides services from three fire stations.

The Project site's primary responsibility area is split between Station 37 and Station 6 (T. Rivers, personal communication, April 8, 2024). Station 37 is located within the TLSP area, southwest of the intersection of Edinger Avenue and Kensington Park Drive. Station 6 is located adjacent to the southern portion of the TLSP along Barranca Parkway in Irvine. The location, equipment, and staffing of Station 37 and Station 6 are provided in Table 5.7-1, *Location, Staffing, and Equipment for Station 37 and Station 6*, in Section 5.7, *Public Services*, of this Draft SEIR.

As provided by the OCFA 2022 Statistical Annual Report, in 2022 there were 6,449 incident totals from the three fire stations located within the City boundary (Orange County Fire Authority, 2022). Of the calls for service, 76.8 percent (4,953) were for emergency medical calls, 1.4 percent (93) were for fire

incidents, and 28.3 percent (1,403) were for other incidents, which includes: canceled service calls, ruptures, hazardous conditions, false alarms, and miscellaneous calls.

The OCFA standard for first-due response is 8:30 minutes at the 90th percentile. First-due refers to the fire department that is responsible for responding to an emergency call in a specific area. The standard response time for the effective response force (initial response of three engines, one ladder truck and one Battalion Chief) is 11:30 minutes at the 90th percentile. Table *5.7-2, OCFA Station 37, 21, and 43 Calls for Service and Response Data – 2023*, provides a summary of service and response metrics for the responding stations to the Project site (Station 37 and Station 6) in 2023. As shown, in 2023 the 90th percentile response time for Station 37 was 8:51 minutes and 8:51 minutes for Station 6.

Police Services

The Tustin Police Department provides police services throughout the City. Police Department headquarters are located at 300 Centennial Way, Tustin, CA 92780, which is approximately 1.8 miles northwest of the Project site.

As of May 2024, the Tustin Police Department has 83 full time Sworn Police Officers, 7 part time Sworn Officers, 44 full time civilian support personnel and 12 part time civilian support personnel. According to the California Department of Finance, the City of Tustin had a population of 78,559 residents in 2023 (California Department of Finance, 2023). Based on this population estimate, the City's sworn officer to population ratio is 1.1 officers per 1,000 population.

Tustin Police Department groups calls for service into four priority categories, described below.

- Priority 1: Immediate threat to life or significant threat to public safety. Priority 1 calls are dispatched immediately.
- Priority 2: Crimes in progress or other calls for service with a potential threat to public safety that do not rise to the level of a Priority 1 call. These calls are dispatched as soon as possible.
- Priority 3: Calls for service with a reporting party who is waiting for an officer.
- Priority 4: Report calls with a delay in reporting and limited suspect information.

Average response times for each call type between January 1, 2023, to December 31, 2023, City wide are provided below.

- Priority 1 – 00:05:43
- Priority 2 – 00:14:25
- Priority 3 – 00:42:27
- Priority 4 – 00:53:36

School Services

The TLSP is within the service areas of the Tustin Unified School District (TUSD), Irvine Unified School District (IUSD), and Santa Ana Unified School District (SAUSD), as shown in Figure *5.7-1, School District Boundaries*, in Section *5.7, Public Services*. TUSD serves the majority of the TLSP area, including Planning Areas 1, 2, 4-5, 6, 7, 8, 15, 16-19, and a portion of 13-14. IUSD serves a portion of Planning Area 15 and development east of Jamboree Road (Planning Areas 20, 21, and 22). SAUSD serves Planning Area 9-12 and a portion of Planning Area 13-14.

Tustin Unified School District

Tustin Unified School District (TUSD) serves a 24-square mile area and has a total of 30 schools including: 16 elementary schools, two (2) K-8 schools, one (1) K-12 school, four (4) middle schools, one (1) 6-12 school, four (4) high schools and one (1) adult education school.

According to the data from California Department of Education, TUSD has an enrollment of 21,830 students in the 2022/2023 school year (California Department of Education, 2024). Within the TUSD, the Modified Project site is in the attendance areas of the following schools.

- Heritage Elementary School (K-5) is located at 15400 Lansdowne Road within TLSP Neighborhood A.
- W.R. Nelson Elementary School (K-5) is located at 14392 Browning Avenue, approximately 0.6 miles northeast of the TLSP.
- Sycamore Magnet Academy Middle School (6-8) is located at 1402 Sycamore Avenue, approximately 0.3 miles north of the TLSP.
- Legacy Magnet Academy (6-12) is located at 15500 Legacy Road, which is within TLSP Neighborhood D.
- Tustin High School (9-12) is located at 1171 El Camino Real, approximately 1.2 miles north of the TLSP.

Table 5.7-3, *Existing School Capacity of TUSD Schools Serving the Project Site*, shows the total capacity, the 2023-2024 school year enrollments, and the remaining capacity of the schools that would serve TUSD students residing in the Modified Project site. As shown, W.R. Nelson Elementary, Sycamore Magnet Academy and Tustin High School have remaining capacity to serve between 50 and 265 additional students. Heritage Elementary School and Legacy Magnet Academy do not have any remaining capacity as of 2023-2024 data.

Irvine Unified School District

Irvine Unified School District (IRWD) serves a 53-sqaure mile area and more than 38,000 students in one (1) early childhood learning center, 24 elementary schools, five (5) K-8 schools, six (6) middle schools, five (5) high schools and one (1) alternative high school and two (2) virtual academies (Irvine Unified School District, 2024).

The portion of the TLSP that falls within the IUSD is fully built out and no further development within the boundary is anticipated. Therefore, no additional IUSD students would be generated by the Modified Project.

Santa Ana Unified School District

Santa Ana Unified School District (SAUSD) serves a 24-square mile area and has a total of 57 schools, including: 26 elementary schools, two K-6 schools, four K-8 schools, eight intermediate schools, seven high schools, four educational options secondary schools, one independent charter, one child development center, three early childhood education programs, and one K-6 deaf and hard of hearing regional program (Santa Ana Unified School District, 2024).

According to the data from California Department of Education, SAUSD has an enrollment of 42,247 students in the 2022/2023 school year (California Department of Education, 2024). Within the SAUSD, the Modified Project site is in the attendance areas of the following schools.

- Monroe Elementary School (K-5), located at 417 Ease Central Avenue, Santa Ana, approximately 1.3 miles west of the TLSP.
- McFadden Institute of Technology (6-8), located at 2701 South Raitt Street, Santa Ana, approximately 3 miles west of the TLSP.

- Century High School (9-12), located at 1401 South Grand Avenue, Santa Ana, approximately 1.4 miles northwest of the TLSP.

Table 5.7-4, *Existing School Capacity of SAUD Schools Serving the Project Site*, shows the total capacity, the 2023-2024 school year enrollments, and the remaining capacity of the SAUSD schools that would serve students residing in the Modified Project site. As shown, all three schools have a remaining capacity to serve between 264 and 1,180 additional students.

Library Services

The Orange County Public Library (OCPL) provides library services to the City, including the Project site. OCPL has 33 branch libraries in 24 incorporated cities and unincorporated areas of Orange County and has a system-wide collection of approximately 2.5 million items (Orange County Public Libraries, 2020). The City of Tustin has one branch library operated by OCPL: the Tustin Library, located at 345 East Main Street, approximately 1.6 miles northwest of the Project site. Additionally, the Heritage Park Library, operated by OCPL, is located at 14361 Yale Avenue in Irvine, is approximately 1.3 miles northeast of the Project site; and Heritage Park Regional Branch, operated by OCPL, is located at 14361 Yale Avenue in Irvine, approximately 1.6 miles east of the Project Site.

The Tustin Library branch has amenities such as public computers with internet access, a Memory Lab for library users to digitize their own documents, a local history collection featuring books specific to the Tustin community and surrounding area and OC Read. OC Read is a program designed to support adult learners to further their work, family, and personal goals.

OCPL has a service standard of 0.2 SF of library facility per capita for the purpose of projecting the need for additional library services (Orange County, 2020).

4.1.8 Transportation

Existing Site Access

The public roadway network serving the Project site includes the following roadways described below and listed in Table 5.8-1, *Existing Roadway Characteristics within Project Area*, in Section 5.8, *Transportation*, of this Draft SEIR.

Red Hill Avenue – Major Arterial

Red Hill Avenue, bordering the TLSP area to the west, is a regional-serving seven-lane major arterial highway that functions as a high-capacity connection between employment centers, residential areas, and the I-5 freeway. The cities of Tustin and Santa Ana share the right-of-way.

Edinger Avenue – Major Arterial

Edinger Avenue, bordering the TLSP area to the north, is a regional-serving six-lane major arterial highway that extends from Seal Beach in Los Angeles County to Dana Point in south Orange County (with multiple name changes along the way). Within the vicinity of TLSP area, it functions as a high-capacity connection between employment centers, residential, and commercial areas, the SR-55 freeway, and SR-261 Toll Road. It is flanked to the north by Southern Pacific Railroad and Tustin Metrolink Station. This segment is designated as a six-lane Smart Street by the OCTA.

Tustin Ranch Road (Von Karmen Avenue) – Major Arterial

Tustin Ranch Road is a 6-lane major arterial highway that bisects TLSP area, bridges over Edinger Avenue and the Southern Pacific Railroad tracks, and connects to I-5 on the north. It serves employment centers, residential neighborhoods, and commercial areas extending from Newport Beach through Tustin.

Warner Avenue – Major Arterial

The segment of Warner Avenue in the TLSP area completes the continuation of this major six-lane east-west arterial highway. Warner Avenue was designed to go around the southern blimp hangar, which results in an off-set intersection at Tustin Ranch Road. Warner Avenue extends through the heart of the TLSP area, and serves residential, employment, institutional, and commercial/entertainment uses.

Valencia Avenue – Secondary Arterial/ Local Collector

Valencia Avenue is a major entryway into the TLSP area, providing access to neighborhoods, shopping, recreation, and a range of education and other institutional uses. There are four slightly different right-of-way configurations, based on the traffic demands of adjacent uses and the overall urban character along different segments. The segment east of Edinger Connector has been designated as a local collector based on anticipated traffic demands.

Victory Road – Secondary Arterial

Victory Road is a secondary arterial in Planning Area (PA) 1 and PA 15. In PA 1, Victory Road provides secondary access into TLSP area from Red Hill Avenue. It is intended to primarily serve the Advanced Technology and Education Park (ATEP) campus, which flanks Victory Road on both sides. In PA 15, Victory Road is a residential street that connects to Tustin Ranch Road and provides access to the residential projects within the Mixed-Use Transit neighborhood.

Armstrong Avenue – Secondary Arterial

Armstrong Avenue is an important arterial that will serve the employment hub of the TLSP area, as well as provide access to other major public institutional uses within the site.

Moffett Drive – Secondary Arterial/Local Collector

Moffett Drive, east of Jamboree Road, is fully improved. From Tustin Ranch Road to Park Avenue, Moffett Drive is intended to function as a secondary arterial, with four travel lanes. Between Park Avenue and Jamboree Road, Moffett Drive is narrowed to two travel lanes and becomes a modified local collector.

Park Avenue – Secondary Arterial/Modified Local Collector

Park Avenue north of Warner Avenue is planned in several different configurations ranging from a secondary arterial to a modified local collector serving the Mixed-Use Transit neighborhoods. South of Warner Avenue, Park Avenue serves the regional shopping center called The District.

Legacy Road – Secondary Arterial

Legacy Road is an existing four-lane arterial within the Mixed-Use Urban neighborhood that serves residential uses.

Kensington Park Drive – Secondary Arterial

Kensington Park Drive is one of two access roads into TLSP area from Edinger Avenue. The intersection is fully signalized. The road is adjacent to Columbus Square on the west and The Village at Tustin Legacy shopping center on the east.

Existing Transit Service

Public transit bus service for the City is provided by the Orange County Transportation Authority (OCTA). Two Metrolink commuter rail routes serve the Tustin station: the Orange County Line operates between Oceanside in San Diego County and Los Angeles, and the Inland Empire-Orange County Line operates between San Bernardino and Oceanside. A total of 45 trains per day stop at the station (29 Orange County Line and 16 Inland Empire-Orange County Line) (Metrolink 2014). A Metrolink transit plaza is located across from the project area on the corner of Edinger Avenue and Jamboree Road. The proposed Specific Plan Amendment requires Planning Area 15, across from the transit station, to be transit oriented in terms of scale, form, design, and mix of uses. A pedestrian bridge across Edinger Avenue would be the primary pedestrian and bicycle connection between the project area and the transit station. Vehicular access would be provided by additional street access along Edinger Avenue.

Existing Bicycle and Pedestrian Facilities

The Recreational Bikeway/Trail Concept Plan provides an opportunity to complete vital links necessary for a comprehensive regional system as well as improved local system. There are three planning agencies involved in the implementation and maintenance of the bikeway/trail system for the Plan and adjacent areas: the City of Tustin, Orange County Public Works, and the City of Irvine. Each of these agencies has developed their own recreational bikeway and trail master plan to efficiently move cyclists within the respective communities served. Ongoing interagency coordination will be required to address the issues associated with bikeway and trail implementation.

The TLSP Recreational Bikeway/Trail Concept Plan links to adjacent on- and off-road bikeways/trails as identified in Figure 5.8-2, *TLSP Bikeways and Trails Plan*, in Section 5.8, *Transportation*, of this Draft EIR. These facilities are part of a local and regional network planned by the City of Tustin, County of Orange, and City of Irvine.

Existing Vehicle Miles Traveled

As identified in Section 3, *Project Description*, land uses that were modeled for the Approved Project (2017 TLSP) include 4,486 multi-family housing units, 165,600 SF of hotel, 95,200 SF neighborhood commercial, 1,568,090 SF community commercial, 420,000 SF office, 1,000,000 SF continuing care – senior housing, 1,784 high school students (attendance is used for modeling purposes in lieu of school size), and 91 acres of passive park space and 45 acres of active park space.

The 2017 SEIR determined the Approved Project would result in 239,797 daily trips. Using trip generation rates provided by the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition, 2021*, the Approved Project trip generation was calculated to be 100,661 daily trips, with a concentration of trips occurring during the PM peak time (see Appendix D).

VMT was not previously analyzed for the Approved Project. However, the 2016 Base Year home-based VMT per capita for the for the three TAZ zones are 8.3 for TAZ 1133, 14.0 for TAZ 1134, and 8.2 for TAZ 1136. The citywide Base Year 2016 home-based VMT is 15.0 VMT per capita (Appendix D). Existing VMT per capita rates across the Modified Project site is generally below the citywide VMT per capita (according to 2016 Base Year).

4.1.9 Tribal Cultural Resources

Tribal Cultural Resources

A records search from the South Central Coastal Information Center (SCCIC) at California State University, Fullerton was completed and encompassed the Project site and a 500-foot buffer surrounding the Project (BFSA Environmental Services, 2023). The results of the records search identified five archaeological resources that were previously recorded within the Project area. The five resources consist of three prehistoric resources, one historic resource, and one multicomponent resource.

The prehistoric resources include two isolate artifacts that include a stone bowl fragment and a granitic pestle. In addition, one prehistoric limited habitation site was also previously recorded within the Project area. These resources have been previously evaluated as not eligible to the California Register of Historic Resources (CRHR) based on previous studies by Demcak (2006, as cited in BFSA Environmental Services, 2023). The historic resources previously identified included two (2) former United States Marine Corp World War II era blimp hangars which have been previously evaluated as both CRHR eligible resources and National Register of Historic Places (NRHP) eligible resources. However, in November 2023 the northern blimp hangars was lost due to an accidental fire (the southern hangar was unaffected by the fire and remains extant). The southern hangar is in TLSP Neighborhood D. The multicomponent site is primarily historic in composition consisting of historic glass bottles of varying types, ceramics, flatware, and one prehistoric mano discovered during cultural resource monitoring for the Tustin Phase I Legacy Project (Kay, 2017, as cited in BFSA Environmental Services, 2023). The multicomponent site was not identified as eligible for listing to the CRHR.

In addition to the five resources identified inside the Project area, four resources were identified within the 500-foot search radius buffer. The resources include a prehistoric food preparation site, two prehistoric isolates, and historic military structures.

Sacred Lands File Search

The City requested a Sacred Lands File (SLF) search from the NAHC and received the results on October 19, 2023. The SLF returned negative results, indicating that no known tribal resources are located within the Project area.

4.1.10 Utilities and Service Systems

Water Supply and Demand

Water is supplied to TLSP by the Irvine Ranch Water District (IRWD). IRWD provides water services to a 181-square mile service area that includes all of the City of Irvine and portions of the surrounding cities of Tustin, Santa Ana, Orange, Costa Mesa, Lake Forest, Newport Beach, and unincorporated areas of Orange County.

IRWD's water supply is a combination of groundwater, imported water, and recycled water. Approximately 50 percent of IRWD's water supplies comes from local groundwater wells in the Orange County Groundwater Basin (OC Basin), and the Irvine and Lake Forst sub-basins. Imported water from the Metropolitan Water District of Southern California (MWD) makes up less than one-fifth of IRWD's supply. Water imported to Orange County comes from two sources; the Sacramento-San Joaquin Delta in Northern California through the State Water Project (SWP), and from the Colorado River through the Colorado River Aqueduct. IRWD meets about a quarter of the service area's water demands with recycled water.

Table 5.10-2, *IRWD Projected Water Supply*, in Section 5.10, *Utilities*, of this Draft SEIR, provides IRWD's total projected supply capacities expected to be available to IRWD through 2040. These future planned water supplies are based on historical groundwater production, planned future supply projects, as well as information from Metropolitan and Municipal Water District of Orange County's (MWDOC) 2020 UWMPs. There is a total projected water supply of 178,727 acre-feet per year available for the years 2025 through 2040.

The 2020 UWMP also describes that water demands per capita have been decreasing in recent years due to new state and local regulations related to water conservation. The 2020 UWMP describes that IRWD used 95 gallons per capita per day (GPCD) in 2020, which is below the target of 171 GPCD for 2020 (Irvine Ranch Water District, 2021). Table 5.10-2, *IRWD Projected Water Supply*, summarizes IRWD's projected overall water supplies with project buildout as determined by IRWD (Appendix E). As shown in Table 5.10-3, *IRWD Supply and Demand with Project Buildout During Normal, Dry, and Multiple Dry Year Scenarios (AF)*, IRWD has supply capabilities that would be sufficient to meet demands from 2025 to 2040 under the normal, single dry-year, and multiple dry years without the project and with project buildout. Thus, IRWD would continue to be able to utilize imported water supply as needed.

Water Infrastructure

The TLSP area potable water distribution system is owned and operated by IRWD. The IRWD SAMP for the TLSP area was updated by Michael Baker International on March 16, 2017. The updated SAMP includes updates to the potable water, wastewater collection and non-potable water distribution, and sewer infrastructure analysis to reflect land uses and buildout assumptions included within the Approved Project (2017 TLSP). Existing water infrastructure is shown in Figure 5.10-1, *Potable Water System*, in Section 5.10, *Utilities*, of this Draft SEIR.

The ultimate backbone potable water distribution system proposed for the TLSP service area is based on a computer hydraulic model simulation. Most of the on-site backbone system has been constructed to date. The ultimate distribution system proposes to add service pipelines within Planning Areas 8, 9-12, 13-14, and 15A, which will also provide additional looping that will enhance system reliability and maximize capacity of the potable water system (Michael Baker, 2017). Further development of the distribution system is unknown at this time and will be constructed in accordance with the *Tustin Legacy Specific Plan Phasing Program*. Figure 5.10-1, *Potable Water System*, illustrates the proposed ultimate system for serving the TLSP area.

Wastewater

Distribution

The Irvine Ranch Water District (IRWD) collects and conveys wastewater from the TLSP area through its regional collection systems in Harvard Avenue (which runs north-south and abuts the eastern boundary of the Specific Plan area) and Armstrong Avenue (which runs north-south within the western portion of the Specific Plan area). The TLSP area west of Peter's Canyon Channel, Planning Areas 1 through 19 (see Figure 3-7, *Existing TLSP Land Use Plan*), including all of the City's Disposition Areas, generally flow west to the 20-inch Tustin Ranch Road trunk sewer system or to the 27-inch trunk sewer system in Armstrong Avenue. The vast majority of the flows of the Specific Plan area are served by the Armstrong Avenue trunk sewer system. From the confluence of these two onsite trunk systems at Armstrong Avenue and Barranca Parkway, project area tributary flows are conveyed southwesterly through the Armstrong Avenue, MacArthur Boulevard, and Main Street trunk sewer systems to OCSD's treatment facility—Reclamation Plant No. 1. The Armstrong Avenue trunk sewer system is proposed to serve Planning Areas 1, 2, 3, and 9 through 12, as well as portions

of Planning Areas 4, 5, 8, 13, and 14. The sewer drainage basins are shown in Figure 5.10-2, *Sewer Drainage Basins*.

IRWD collects and treats nearly all the sewage generated within the IRWD service area. Sewage collected through IRWD's system is sent to one of the two IRWD water recycling plants, the Michelson Water Recycling Plant (MWRP) or the Los Alisos Water Recycling Plant (LAWRP). The majority of the sewage generated in IRWD's service area is treated to disinfected, tertiary recycled water standards. It is used within the service area for non-potable purposes thus offsetting potable water demands.

Wastewater Treatment

According to IRWD, current sewage flows from the Tustin Legacy Specific Plan are conveyed to Orange County Sanitation District (OCSD) (Lindsay, 2024). The Orange County Sanitation District (OC San) is a public agency that provides wastewater collection, treatment, and disposal services for approximately 2.6 million people in central and northwest Orange County. Reclamation Plant No. 1, the wastewater treatment plant that services the TLSP area, is in the City of Fountain Valley and has a capacity of 204 mgd for advanced primary and secondary treatment. In 2021-2022, the reported average daily flow of wastewater received was a total of 179 million gallons per day (MGD) (Orange County Sanitation District, 2024).

Site Drainage

Planning Area 20 was designated as a 100-year flood zone by the Federal Emergency Management Agency (FEMA). Peters Canyon Channel was also identified as a 100-year flood zone. The remainder of the TLSP area was determined to be outside of 100-year flood zones. TLSP development would require storm drainage improvements to reduce flood hazards in Planning Area 20. Impacts were identified as less than significant in the certified FEIS/EIR.

Implementation measures included in the 2004 Supplemental EIR required drainage studies and that projects make fair-share contributions to the Orange County Flood Control District for construction of flood control facilities required by the affected projects. No substantial change from previous analysis was identified in the 2006 Addendum.

In 2004, a Master Runoff Management Plan for Tustin Legacy (RBF Consulting) was approved by the City of Tustin. The Master Plan covered the ultimate buildout of the Tustin Legacy property, including all 22 Planning Areas and their ultimate land uses—e.g., residential, mixed use, commercial, and park space. A master backbone storm drain system was designed and sized to accommodate the ultimate buildout peak flow for each Planning Area and land use. The design of the master storm drain system also includes significant detention systems to control and manage downstream peak flows. Since the approval of the Master Plan, much of the backbone storm drain infrastructure and detention systems have been constructed.

Solid Waste

Solid waste services would be provided by the Orange County Waste and Recycling and CR&R Waste Services. In addition, the two closest landfills to the Project site are the Frank R. Bowerman Landfill in Irvine and the Olinda Alpha Sanitary Landfill in Brea. The Frank Bowerman Landfill is permitted to accept 11,500 tons per day of solid waste and is permitted to operate through 2053. In January 2024, the maximum tonnage received was 8,710.78 tons. Thus, the facility had additional capacity of 2,789.22 tons per day (CalRecycle, 2024). Per a Solid Waste Facility Permit (SWFP) issued on July 8, 2021, the Olinda Alpha Sanitary Landfill is permitted to receive 10,000 tons per day for 36 days of the year and is permitted to receive 8,000 tons per day for the other 271 days of the year. The Olinda Alpha Sanitary Landfill is permitted to operate through 2036. In January 2024, the maximum tonnage received was 8,404 tons, which

is below the 10,000 tons per day that the facility is allowed to receive for 36 days of the year (CalRecycle, 2024).

Electrical, Natural Gas, and Telecommunications Facilities

Electricity

Electricity is provided to the Project by Southern California Edison (SCE). SCE provides electric power to more than 15 million persons within its 50,000 square mile service area. According to SCE's 2022 Power Content Label Mix, SCE derives electricity from varied energy resources including: biomass and biowaste, geothermal, hydroelectric, solar, wind, nuclear, and natural gas. SCE also purchases power from independent power producers and utilities, which includes out-of-state providers (California Energy Commission, 2022).

Natural Gas

Natural gas would be provided to the Project by the Southern California Gas Company (SoCal Gas). SoCalGas provides natural gas to more than 21 million persons within its 24,000 square mile service area (SoCalGas, 2024).

Telecommunications

Telecommunications would be provided to the Project by AT&T and Cox Communications.

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5. Environmental Impact Analysis

This chapter examines the environmental setting of the Modified Project, analyzes its effects and the significance of its impacts, and recommends mitigation measures to reduce or avoid impacts. This chapter is divided into subsections for each environmental issue area that was determined to need further study in the Draft SEIR through the NOP review and comment process (see Appendix A). Environmental topic areas discussed in this Draft SEIR include the following:

5.1 Air Quality
5.2 Energy
5.3 Greenhouse Gas Emissions
5.4 Land Use and Planning
5.5 Noise
5.6 Population and Housing
5.7 Public Services
5.8 Transportation
5.9 Tribal Cultural Resources
5.10 Utilities and Service Systems (including criteria from Hydrology and Water Quality)

This Draft SEIR evaluates the direct and indirect impacts resulting from the planning, as well as the assumed future construction and operations of Modified Project buildout. Under CEQA, EIRs are intended to focus their discussion on significant impacts and may limit discussion of other impacts to a brief explanation of why the impacts are not significant.

The Initial Study for the Modified Project (Appendix A) determined that some specific issues under each of the environmental topics would not result in any new impacts or increase the severity of impacts due to implementation of the Modified Project as compared to the Adopted Specific Plan as analyzed by the 2017 SEIR. These findings are documented in Appendix A and summarized in Chapter 7 of this DSEIR. Pursuant to Public Resources Code § 21166 and CEQA Guidelines § 15162, these issues are not discussed further in Chapter 5, *Environmental Analysis*, of this SEIR.

FORMAT OF ENVIRONMENTAL TOPIC SECTIONS

Each environmental topic section generally includes the following main subsections:

- **Introduction.** This describes the purpose of analysis for the environmental topic and referenced documents used to complete the analysis. This subsection may define terms used.
- **Regulatory Setting.** This subsection describes applicable federal, state, and local plans, policies, and regulations that the Modified Project must address and may affect its implementation.
- **Environmental Setting.** This subsection describes the existing physical environmental conditions (environmental baseline) related to the environmental topic being analyzed.
- **Thresholds of Significance.** This subsection sets forth the thresholds of significance (significance criteria) used to determine whether impacts are "significant." The thresholds of significance used to assess the significant of impacts are based on those provided in Appendix G of the CEQA Guidelines.
- **Methodology.** This subsection provides a description of the methods used to analyze the impact and determine whether it would be significant or less than significant.
- **Environmental Impacts.** This subsection provides an analysis of the impact statements for each identified significance threshold. The analysis of each impact statement is organized as follows:
    - A statement of the CEQA threshold being analyzed.
    - The Draft SEIR's conclusion as to the significance of the impact.
    - An impact assessment that evaluates the changes to the physical environment that would result from the Modified Project.

  - An identification of significance comparing identified impacts of the Modified Project to the significance threshold with implementation of existing regulations, prior to implementation of any required mitigation.

- **Cumulative Impacts.** This subsection describes the potential cumulative impacts that would occur from the Modified Project's environmental effects in combination with other cumulative projects. This analysis considers Modified Project impacts in combination with SPECIFIC past, present, and probable future projects and/or through consistency with projections contained in applicable planning documents (see Table 5-1, *Cumulative Projects List*).
- **Existing Regulations and Regulatory Requirements.** A list of applicable laws and regulations that would reduce potentially significant impacts.
- **Level of Significance Before Mitigation.** A determination of the significance of the impacts after the application of applicable existing regulations and regulatory requirements.
- **Mitigation Measures.** For each impact determined to be potentially significant after the application of applicable laws and regulations, feasible mitigation measure(s) to be implemented are provided. Mitigation measures include enforceable actions to:

  - Avoid a significant impact;
  - Minimize the severity of a significant impact;
  - Rectify an impact by repairing, rehabilitating, or restoring the effected physical environment;
  - Reduce or eliminate the impact over time through preservation and/or maintenance operations during the life of the Modified Project; and/or
  - Compensating for the impact by replacing or providing substitute resources or environmental conditions.

- **Level of Significance After Mitigation.** This section provides the determination of the impact's level of significance after the application of regulations, regulatory requirements, and mitigation measures.

CUMULATIVE IMPACTS

Cumulative impacts refer to the combined effect of the proposed Modified Project's impacts with the impacts of other past, present, and reasonably foreseeable probable future projects. Both CEQA and the CEQA Guidelines require that cumulative impacts be analyzed in an EIR. As set forth in the CEQA Guidelines Section 15130(b), "the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone." The CEQA Guidelines direct that the discussion should be guided by practicality and reasonableness and focus on the cumulative impacts that would result from the combination of the proposed Modified Project and other projects, rather than the attributes of other projects which do not contribute to cumulative impacts.

According to Section 15355 of the CEQA Guidelines, 'cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

a) The individual effects may be changes resulting from a single project or a number of separate projects.
b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant project taking place over a period of time.

Therefore, the cumulative discussion in this Draft SEIR focuses on whether the impacts of the proposed Modified Project are cumulatively considerable within the context of impacts caused by other past, present, and reasonably foreseeable future projects. Additionally, pursuant to the CEQA Guidelines Section 15130(a)(1), an EIR should not discuss cumulative impacts that do not result at least in part from the Modified Project being evaluated in the SEIR. Thus, cumulative impact analysis is not provided for any environmental issue where the proposed Modified Project would have no environmental impact. Analysis of cumulative impacts is, however, provided for all Modified Project impacts that are evaluated within this Draft SEIR.

CEQA Guidelines Section 15130(b)(1) states that the information utilized in an analysis of cumulative impacts should come from one of the following, or a reasonable combination of the two:

- A list of past, present, and probable future projects producing related or cumulative impacts, including those projects outside the control of the lead agency; or
- A summary of projections contained in an adopted local, regional, or statewide plan or related planning document that describes or evaluates conditions contributing to the cumulative effect.

The cumulative analysis for air quality, greenhouse gas emissions, and transportation relies on projections contained in adopted local, regional, or statewide plans or related planning documents, such as Southern California Regional Transportation Plan, Southern California Association of Governments (SCAG) growth projections, and the San Bernardino County Transportation Analysis Model (SBTAM). The cumulative analyses for other environmental issues use the list of projects approach.

Different types of cumulative impacts occur over different geographic areas. For example, the geographic scope of the cumulative air quality analysis, where cumulative impacts occur over a large area, is different from the geographic scope considered for cumulative analysis of aesthetic resources, for which cumulative impacts are limited to Modified Project area viewsheds. Thus, in assessing aesthetic resources impacts, only development within and immediately adjacent to the Modified Project area would contribute to a cumulative visual effect is analyzed, whereas cumulative transportation impacts are based upon annual growth projections and the other proposed and/or foreseeable development within the traffic study area of roadways and intersections. Because the geographic scope and other parameters of each cumulative analysis discussion can vary, the cumulative geographic scope, and the cumulative projects included in the geographic scope (when the list of projects approach is used), are described for each environmental topic.

Table 5-1 provides a comprehensive list of projects considered in this cumulative environmental analysis, which was compiled per information provided by each agency. Due to the proximity to neighboring jurisdictions, the Modified Project considers past, present, and foreseeable future projects within portions of the City of Irvine and the City of Santa Ana in addition to the City of Tustin. Figure 5-1 shows the locations of the various projects.

Table 5-1: Cumulative Projects List

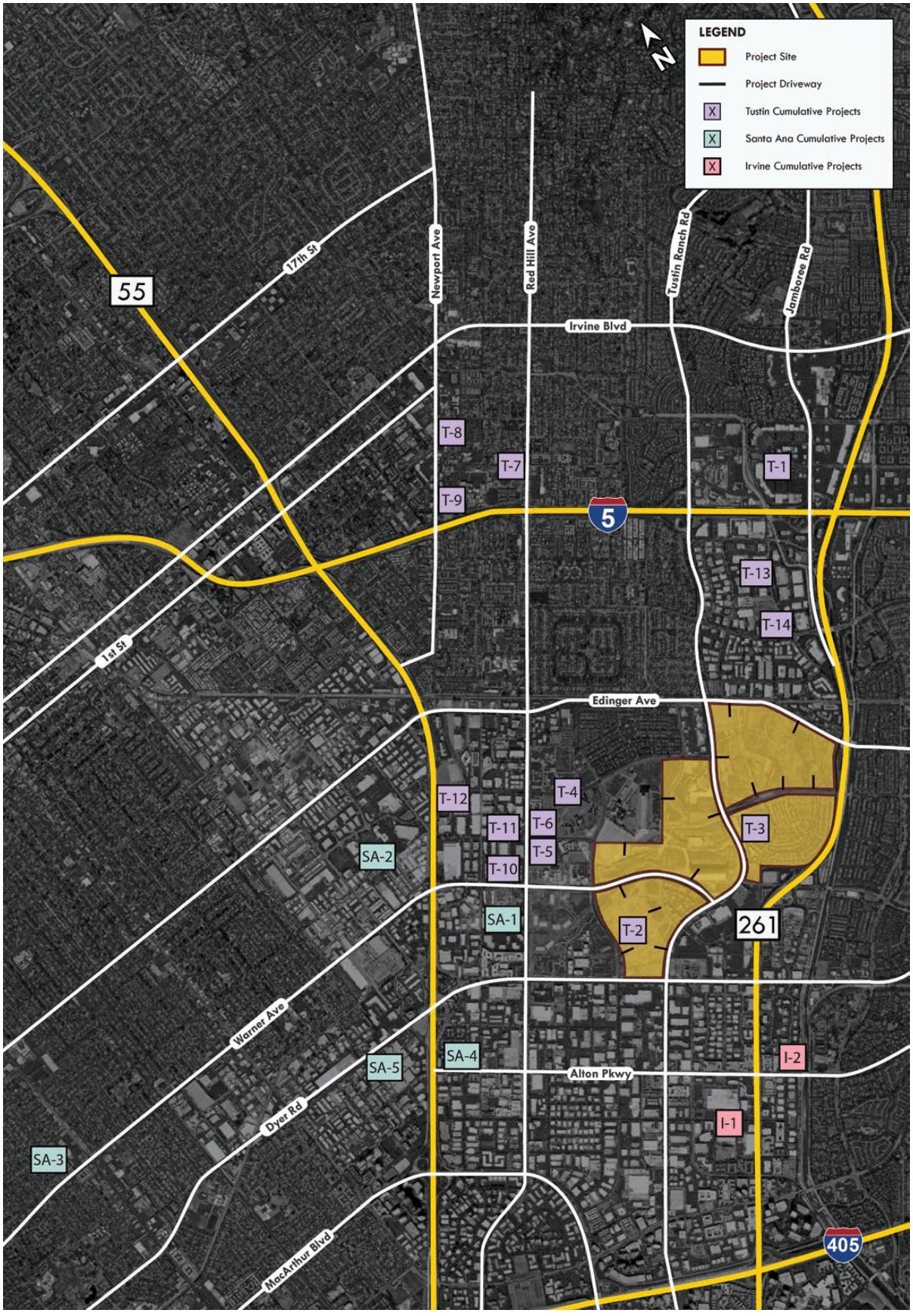
No.	Project	Address	Land Use	Size[2]
City of Santa Ana				
SA-1	Warner/Redhill (The Bowery) [1]	2300 Redhill Ave. Santa Ana, CA	Mixed Use (MFR & Commercial)	MFR: 1,100 DU Commercial: 80,000 SF
SA-2	PacifiCenter New Building [1]	1700 St. Andrew Place Santa Ana, CA	Industrial	161,500 SF
SA-3	Bristol Office Plaza New Building	1400 St. Gertrude Place Santa Ana, CA	Commercial	7,000 SF
SA-4	Anchor Stone Christian Church [1]	2938 Daimler Street Santa Ana, CA	Institution	3,843 SF

No.	Project	Address	Land Use	Size[2]
SA-5	Park 55 Development [1]	1221 Dyer Road Santa Ana, CA	Industrial	176,000 SF
City of Tustin				
T-1	Tustin Legacy Specific Plan Amendment	Portion of Neighborhood D & G Tustin, CA	SFR & MFR	4,466 DU
T-2	The Landing at Tustin Legacy	Portion of Neighborhood D South Tustin, CA	SFR & MFR	SFR: 114 DU MFR: 293 DU
T-3	ATEP - Goddard Preschool	1629 Victory Rd Tustin, CA	Institution	14,689 SF
T-4	ATEP - Saddleback Buildings	1634 Valencia Ave Tustin, CA	Institution	57,650 SF
T-5	ATEP - Advantech NA Campus	Red Hill Ave & Victory Rd Tustin, CA	Institution (Office & Warehouse)	Office: 109,117 SF Warehouse: 78,945 SF
T-6	ATEP - Legacy Medical Plaza	Red Hill Ave & Victory Rd Tustin, CA	Institution (Office & Warehouse)	Office: 108,942 SF Warehouse: 78,837 SF
T-7	The Hill Mixed Use Project	13751 & 13841 Red Hill Avenue Tustin, CA	Mixed Use (MFR & Commercial)	MFR: 137 Commercial: 7,000 SF
T-8	Farmers and Merchants Bank [1]	13612 Newport Ave Tustin, CA	Commercial	6,315 SF
T-9	City Ventures	14042 Newport Ave Tustin, CA	MFR	42 DU
T-10	Warner Corporate Plaza	1371 Warner Ave Tustin, CA	Business Park	19,000 SF
T-11	Centurion Plaza Redevelopment	15661 Red Hill Ave Tustin, CA	Warehouse	142,690 SF
T-12	New industrial buildings	1100 Valencia and 1101 Bell Tustin, CA	Industrial	311,770 SF
T-13	Panattoni 2 Industrial Building	14321 & 14351 Myford Tustin, CA	Industrial	148,437 SF
T-14	Conceptual Industrial Redevelopment	14511 Myford Tustin, CA	Industrial	103,480 SF
City of Irvine				
I-1	2602 McGaw Avenue	2602 McGaw Avenue Irvine, CA	MFR	184 DU
I-2	Westcliff University Childcare Facility	2941 Alton Parkway Irvine, CA	Institution (Office, Recreation, & Education)	22,367 SF

Notes: Multi-Family Residential (MFR). Single Family Residential (SFR)

[1] The project includes demolition and replacement of an existing use (non-vacant).

[2] Project size indicates the added dwelling units (DU) and/or square feet (SF) where expansion of existing facilities is proposed, not the total operational size.


LEGEND
Project Site
Project Driveway
Tustin Cumulative Projects
Santa Ana Cumulative Projects
Irvine Cumulative Projects
N
55
17th St
Newport Ave
Red Hill Ave
Tustin Ranch Rd
Jamboree Rd
Irvine Blvd
T-8
T-7
T-9
T-1
5
T-13
T-14
1st St
Edinger Ave
T-12
T-4
T-11
T-6
T-5
T-3
SA-2
T-10
SA-1
T-2
261
Warner Ave
SA-4
I-2
SA-5
Alton Pkwy
Dyer Rd
I-1
SA-3
MacArthur Blvd
405

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IMPACT SIGNIFICANCE CLASSIFICATIONS

The classifications below are used throughout the impact analysis in this Draft SEIR to describe the level of significance of environmental impacts. Although the criteria for determining significance are different for each topic area, the environmental analysis applies a uniform classification of the impacts based on definitions consistent with CEQA and the CEQA Guidelines.

- **No Impact.** The Modified Project would not change the environment.
- **Less Than Significant.** The Modified Project would not cause any substantial, adverse change in the environment.
- **Less Than Significant with Mitigation Incorporated.** The Draft SEIR includes mitigation measures that avoid substantial adverse impacts on the environment.
- **Significant and Unavoidable.** The Modified Project would cause a substantial adverse effect on the environment, and no feasible mitigation measures are available to reduce the impact to a less-than-significant level.

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5.1 Air Quality

5.1.1 INTRODUCTION

This section provides an overview of the existing air quality within the City of Tustin and surrounding region, a summary of applicable regulations, and analyses of potential short-term and long-term air quality impacts from implementation of the Modified Project. Mitigation measures are recommended as necessary to reduce significant air quality impacts. This section is based upon the following:

- *City of Tustin General Plan* (including 2021-2029 Housing Element), adopted November 2018 and updated October 2022.
- *Tustin Legacy Specific Plan Amendment*, as Amended in 2017
- *Tustin Legacy Specific Plan Amendment SEIR*
- *Tustin City Code*
- *Tustin Legacy Specific Plan Amendment Project Air Quality, Energy, and Greenhouse Gas Impact Report,* prepared by LSA, May 2024 (Appendix B)

5.1.2 REGULATORY SETTING

5.1.2.1 Federal Regulations

United States Environmental Protection Agency

Criteria Air Pollutants

At the federal level, the United States Environmental Protection Agency (USEPA) has been charged with implementing national air quality programs. The USEPA's air quality mandates are drawn primarily from the Federal Clean Air Act (CAA), which was enacted in 1970. The most recent major amendments to the CAA were made by Congress in 1990.

The CAA requires the USEPA to establish National Ambient Air Quality Standards (NAAQS). The USEPA has established primary and secondary NAAQS for the following criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM_{10}), fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less ($PM_{2.5}$), and lead. Table 5.1-1 shows the NAAQS for these pollutants. The CAA also requires each state to prepare an air quality control plan, referred to as a State Implementation Plan (SIP). The CAA Amendments of 1990 (CAAA) added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is modified regularly, intervals can vary between one to a few years, to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies. The USEPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments, and to determine whether implementing the SIPs will achieve air quality goals. If the USEPA determines a SIP to be inadequate, a federal implementation plan that imposes additional control measures may be prepared for the nonattainment area.

The USEPA also has regulatory and enforcement jurisdiction over emission sources beyond state waters (outer continental shelf), and those that are under the exclusive authority of the federal government, such as aircraft, locomotives, and interstate trucking. The USEPA's primary role at the state level is to oversee state air quality

programs. The USEPA sets federal vehicle and stationary source emissions standards and provides research and guidance in air pollution programs.

Hazardous Air Pollutants

The USEPA has programs for identifying and regulating hazardous air pollutants (HAPs). Title III of the CAAA directed the USEPA to promulgate National Emissions Standards for HAPs (NESHAP). Major sources are defined as stationary sources with potential to emit more than 10 tons per year (tpy) of any HAP or more than 25 tpy of any combination of HAPs; all other sources are considered area sources. The emissions standards are to be promulgated in two phases. In the first phase (1992–2000), the USEPA developed technology-based emission standards designed to produce the maximum emission reduction achievable. These standards are generally referred to as requiring maximum achievable control technology (MACT). For area sources, the standards may be different, based on generally available control technology. In the second phase (2001–2008), the USEPA promulgated health-risk-based emissions standards when deemed necessary, to address risks remaining after implementation of the technology-based NESHAP standards.

Table 5.1-1: Ambient Air Quality Standards for Criteria Pollutants

Pollutant	Averaging Time	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
Ozone	1 hour	0.09 ppm	---	High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue.	Formed when ROG and NO_X react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial / industrial mobile equipment.
	8 hours	0.07 ppm	0.075 ppm		
Carbon Monoxide (CO)	1 hour	20 ppm	35 ppm	Classified as a chemical asphyxiant, carbon monoxide interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen.	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hours	9.0 ppm	9 ppm		
Nitrogen Dioxide (NO_2)	1 hour	0.18 ppm	0.100 ppm	Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown.	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.
	Annual Arithmetic Mean	0.030 ppm	0.053 ppm		
Sulfur Dioxide (SO_2)	1 hour	0.25 ppm	75 ppb	Irritates upper respiratory tract; injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron, and steel. Limits visibility and reduces sunlight.	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	3 hours	---	0.50 ppm		
	24 hours	0.04 ppm	0.14 ppm		
	Annual Arithmetic Mean	---	0.03 ppm		
Respirable Particulate Matter (PM_{10})	24 hours	50 µg/m^3	150 µg/m^3	May irritate eyes and respiratory tract, decreases in lung capacity, cancer and increased mortality. Produces haze and limits visibility.	Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	Annual Arithmetic Mean	20 µg/m^3	---		
	24 hours	---	35 µg/m^3		

Pollutant	Averaging Time	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
Fine Particulate Matter ($PM_{2.5}$)	Annual Arithmetic Mean	12 µg/m³	12 µg/m³	Increases respiratory disease, lung damage, cancer, and premature death. Reduces visibility and results in surface soiling.	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; Also, formed from photochemical reactions of other pollutants, including NO_X, sulfur oxides, and organics.
Lead (Pb)	30 Day Average	1.5 µg/m³	---	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurological dysfunction (in severe cases).	*Present source:* lead smelters, battery manufacturing and recycling facilities. Past source: combustion of leaded gasoline.
	Calendar Quarter	---	1.5 µg/m³		
	Rolling 3-Month Average	---	0.15 µg/m³		
Hydrogen Sulfide	1 hour	0.03 ppm	No National Standard	Nuisance odor (rotten egg smell), headache and breathing difficulties (higher concentrations)	Geothermal power plants, petroleum production and refining
Sulfates (SO_4)	24 hour	25 µg/m³	No National Standard	Decrease in ventilatory functions; aggravation of asthmatic symptoms; aggravation of cardio-pulmonary disease; vegetation damage; degradation of visibility; property damage.	Industrial processes.
Visibility Reducing Particles	8 hour	Extinction of 0.23/km; visibility of 10 miles or more	No National Standard	Reduces visibility, reduced airport safety, lower real estate value, and discourages tourism.	See $PM_{2.5}$.

Note: ppm = parts per million; ppb = parts per billion; µg/m³ = micrograms per cubic meter.

The CAAA also required the USEPA to promulgate vehicle or fuel standards containing reasonable requirements that control toxic emissions of, at a minimum, benzene and formaldehyde. Performance criteria were established to limit mobile-source emissions of toxics, including benzene, formaldehyde, and 1,3-butadiene. In addition, Section 219 required the use of reformulated gasoline in selected areas with the most severe ozone nonattainment conditions to further reduce mobile-source emissions.

5.1.2.2 State Regulations

California Air Resources Board

Criteria Air Pollutants

The California Air Resources Board (CARB), a department of the California Environmental Protection Agency, oversees air quality planning and control throughout California. CARB is responsible for coordination and oversight of state and local air pollution control programs in California and for implementation of the

California Clean Air Act (CCAA). The CCAA, which was adopted in 1988, requires CARB to establish the California Ambient Air Quality Standards (CAAQS). CARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. Applicable CAAQS are also included in Table 5.1-1, above.

The CCAA requires all local air districts in the state to endeavor to achieve and maintain the CAAQS by the earliest practical date. The act specifies that local air districts shall focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate indirect sources.

Among CARB's other responsibilities are overseeing compliance by local air districts with California and federal laws, approving local air quality plans, submitting SIPs to the USEPA, monitoring air quality, determining and updating area designations and maps, and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

Diesel Regulations

The CARB and the Ports of Los Angeles and Long Beach have adopted several iterations of regulations for diesel trucks that are aimed at reducing diesel particulate matter (DPM). More specifically, the CARB Drayage Truck Regulation, the CARB statewide On-road Truck and Bus Regulation, and the Ports of Los Angeles and Long Beach "Clean Truck Program" (CTP) require accelerated implementation of "clean trucks" into the statewide truck fleet. In other words, older more polluting trucks will be replaced with newer, cleaner trucks as a function of these regulatory requirements. Moreover, the average statewide DPM emissions for Heavy Duty Trucks (HHDT), in terms of grams of DPM generated per mile traveled, will dramatically be reduced due to these regulatory requirements. Diesel emissions identified in this analysis would overstate future DPM emissions because not all the regulatory requirements are reflected in the modeling.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are airborne substances capable of causing short-term (acute) and long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

Air quality regulations also focus on TACs. In general, for those TACs that may cause cancer, there is no concentration that does not present some risk. In other words, there is no safe level of exposure. This contrasts with the criteria air pollutants, for which acceptable levels of exposure can be determined and for which the ambient standards have been established. Instead, the USEPA and CARB regulate HAPs and TACs, respectively, through statutes and regulations that generally require the use of the maximum achievable control technology or best available control technology for toxics and to limit emissions. These statutes and regulations, in conjunction with additional rules set forth by the districts, establish the regulatory framework for TACs.

TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807 [Chapter 1047, Statutes of 1983]) and the Air Toxics Hot Spots Information and Assessment Act (Hot Spots Act) (AB 2588 [Chapter 1252, Statutes of 1987]). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. This includes research, public participation, and scientific peer review before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted the USEPA's list of HAPs as TACs. Most recently, diesel PM was added to the CARB list of TACs. Once a TAC is identified, CARB then adopts an airborne toxics control measure for sources that emit that particular TAC.

If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate best available control technology to minimize emissions.

The Air Toxics Hot Spots Information and Assessment Act requires existing facilities emitting toxic substances above a specified level to prepare a toxic-emission inventory, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

CARB published the Air Quality and Land Use Handbook: A Community Health Perspective (Handbook), which provides guidance concerning land use compatibility with TAC sources (CARB, 2005). Although it is not a law or adopted policy, the Handbook offers advisory recommendations for the siting of sensitive receptors near uses associated with TACs, such as freeways and high-traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline stations, and industrial facilities, to help keep children and other sensitive populations out of harm's way. In addition, CARB has promulgated the following specific rules to limit TAC emissions:

- **CARB Rule 2485** (13 CCR, Chapter 10 Section 2485), Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling
- **CARB Rule 2480** (13 CCR Chapter 10 Section 2480), Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools
- **CARB Rule 2477** (13 CCR Section 2477 and Article 8), Airborne Toxic Control Measure for In-Use Diesel Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets and Facilities Where TRUs Operate

California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449(d)(3)

No vehicle or engines subject to this regulation may idle for more than 5 consecutive minutes. The idling limit does not apply to:

- Idling when queuing,
- Idling to verify that the vehicle is in safe operating condition,
- Idling for testing, servicing, repairing or diagnostic purposes,
- Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),
- Idling required to bring the machine system to operating temperature, and
- Idling necessary to ensure safe operation of the vehicle.

Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code (CALGreen) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2022 update that is applicable to building permit applications submitted after January 1, 2023. The updated 2022 standards focus on the following:

- Encouraging electric heat pump technology and use. Heat pumps use less energy and produce fewer emissions than traditional HVACs and water heaters.
- Establishing electric-ready requirements when natural gas is installed to provide for electric heating, cooking, and electric vehicle (EV) charging.
- Expanding solar photovoltaic (PV) system and battery storage standards.
- Strengthening ventilation standards to improve indoor air quality.

Indoor air quality within mechanically ventilated buildings is regulated by Section 5.504.5.3 (Filters) of the California Green Building Standards Code Part 11 that requires at least a Minimum Efficiency Reporting Value (MERV) of 13 air filtration systems for new buildings. The Code requires MERV 13 filters to be installed prior to occupancy and replaced and/or maintained as directed by the manufacturer.

In addition to these updated standards, the CALGreen standards that are applicable to the Modified Project include, but are not limited to, the following:

- Short-term bicycle parking. Provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack.
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5 percent of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility.
- Designated parking for clean air vehicles. Provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Title 24 Part 6 Table 5.106.5.2.
- Electric vehicle charging stations. Facilitate the future installation of electric vehicle supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight, and glare ratings per Title 24 Part 6 Table 5.106.8.
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste.
- Excavated soil and land clearing debris. 100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled.
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals.
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
    - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush.
    - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush. The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush.
    - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi. Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi. Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute. Metering faucets shall not deliver more than 0.20 gallons per cycle. Metering faucets for wash fountains shall have a maximum flow rate of not more than 0.20 gallons per cycle.
- Outdoor portable water use in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient (MWELO), whichever is more stringent.
- Water meters. Separate submeters or metering devices shall be installed for new buildings or where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day.

- Outdoor water use in rehabilitated landscape projects equal to or greater than 2,500 SF. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 SF requiring a building or landscape permit.
- Commissioning. For new buildings 10,000 SF and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements.

The 2022 CALGreen Building Standards Code has been adopted by the City of Tustin by reference in Municipal Code Section 8100.

5.1.2.3 Local and Regional Regulations

SCAQMD

Criteria Air Pollutants

South Coast Air Quality Management District (SCAQMD) attains and maintains air quality conditions in the South Coast Air Basin (Basin) through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of SCAQMD includes preparation of plans for attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. SCAQMD also inspects stationary sources of air pollution and responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements programs and regulations required by the CAA, CAAA, and CCAA. Air quality plans applicable to the Modified Project are discussed below.

Air Quality Management Plan

SCAQMD and the Southern California Association of Governments (SCAG) are responsible for preparing the Air Quality Management Plan (AQMP), which addresses federal and State CAA requirements. The AQMP details goals, policies, and programs for improving air quality in the Basin.

SCAG is mandated by law to develop a long-term regional transportation and sustainability plan every four years. The most recently adopted AQMP is the 2022 AQMP that was adopted by the SCAQMD Governing Board on December 2, 2022. The 2022 AQMP builds upon measures already in place from previous AQMPs. It also includes a variety of additional strategies such as regulation, accelerated deployment of available cleaner technologies (e.g., zero emissions technologies, when cost-effective and feasible, and low NOx technologies in other applications), best management practices, co-benefits from existing programs (e.g., climate and energy efficiency), incentives, and other CAA measures to achieve the 2015 federal 8-hour ozone standard. SCAQMD proposes a total of 49 control measures for the 2022 AQMP, including control measures focused on widespread deployment of zero emission and low NOx technologies through a combination of regulatory approaches and incentives.

SCAQMD Rules and Regulations

All projects are subject to SCAQMD rules and regulations. Specific rules applicable to the Modified Project include the following:

Rule 203 – Permit to Operate. A person shall not operate or use any equipment or agricultural permit unit, the use of which may cause the issuance of air contaminants, or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit to operate from the Executive Officer

or except as provided in Rule 202. The equipment or agricultural permit unit shall not be operated contrary to the conditions specified in the permit to operate.

Rule 401 – Visible Emissions. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any 1 hour that is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.

Rule 402 – Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any such persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

Rule 403 – Fugitive Dust. SCAQMD Rule 403 governs emissions of fugitive dust during and after construction. Compliance with this rule is achieved through application of standard Best Management Practices, such as application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph, and establishing a permanent ground cover on finished sites.

Rule 403 requires project applicants to control fugitive dust using the best available control measures such that dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating an offsite nuisance. Applicable Rule 403 dust suppression (and PM_{10} generation) techniques to reduce impacts on nearby sensitive receptors may include, but are not limited to, the following:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least three times daily. Locations where grading is to occur shall be thoroughly watered prior to earthmoving.
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 meters (2 feet) of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
- Suspend all grading activities when wind speeds (including instantaneous wind gusts) exceed 25 mph.
- Provide bumper strips or similar best management practices where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip.
- Replant disturbed areas as soon as practical.
- Sweep onsite streets (and offsite streets if silt is carried to adjacent public thoroughfares) to reduce the amount of particulate matter on public streets. All sweepers shall be compliant with SCAQMD Rule 1186.1, *Less Polluting Sweepers*.

Rule 431.2 – Sulfur Content of Liquid Fuels. This rule limits the sulfur content in diesel and other liquid fuels for the purpose of both reducing the formation of sulfur oxides and particulates during combustion and to enable the use of add-on control devices for diesel fueled internal combustion engines.

Rule 445 – Wood Burning. This rule prohibits permanently installed wood burning devices into any new development. A wood burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for

aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.

Rule 481 – Spray Coating. This rule applies to all spray painting and spray coating operations and equipment and states that a person shall not use or operate any spray painting or spray coating equipment unless one of the following conditions is met:

- The spray coating equipment is operated inside a control enclosure, which is approved by the Executive Officer. Any control enclosure for which an application for permit for new construction, alteration, or change of ownership or location is submitted after the date of adoption of this rule shall be exhausted only through filters at a design face velocity not less than 100 feet per minute nor greater than 300 feet per minute, or through a water wash system designed to be equally effective for the purpose of air pollution control.
- Coatings are applied with high-volume low-pressure, electrostatic and/or airless spray equipment.
- An alternative method of coating application or control is used which has effectiveness equal to or greater than the equipment specified in the rule.

Rule 1108 – Volatile Organic Compounds. This rule governs the sale, use, and manufacturing of asphalt and limits the volatile organic compound (VOC) content in asphalt used in the Basin. This rule also regulates the VOC content of asphalt used during construction. Therefore, all asphalt used during construction of the Modified Project must comply with SCAQMD Rule 1108.

Rule 1113 – Architectural Coatings. No person shall apply or solicit the application of any architectural coating within the SCAQMD with VOC content in excess of the values specified in the Rule. The VOC levels of paints are provided at the following SCAQMD website: http://xappprod.aqmd.gov/PublicProductSearch/PublicProductSearch.aspx. All paints will be applied using either high volume low-pressure spray equipment or by hand application.

Rule 1143 – Paint Thinners and Solvents. This rule governs the manufacture, sale, and use of paint thinners and solvents used in thinning of coating materials, cleaning of coating application equipment, and other solvent cleaning operations by limiting their VOC content. This rule regulates the VOC content of solvents used during construction. Solvents used during the construction phase must comply with this rule.

Rule 1186 – Emissions from Paved and Unpaved Roads. The purpose of this rule is to reduce the amount of particulate matter entrained in the ambient air as a result of vehicular travel and requires that any owner or operator of a paved public road on which there is visible roadway accumulations shall begin removal of such material through street cleaning within 72 hours of any notification of the accumulation and shall completely remove such material as soon as feasible.

Rule 1186.1 – Less-Polluting Sweepers. This rule requires public and private sweeper fleet operators to acquire alternative-fuel or otherwise less-polluting sweepers when purchasing or leasing these vehicles for sweeping operations.

City of Tustin General Plan

The City of Tustin addresses air quality in the Conservation, Open Space, and Recreation Element of the General Plan. The Conservation, Open Space, and Recreation Element contains policies that work to improve air quality and reduce particulate emissions. The following policies are applicable to the Modified Project:

Goal 1 Reduce air pollution through proper land use, transportation and energy use planning.

Policy 1.1 Cooperate with the South Coast Air Quality Management District and the Southern California Association of Governments in their effort to implement provisions of the region's Air Quality Management Plan, as amended.

Policy 1.2 Design safe and efficient vehicular access to commercial land uses from arterial streets to insure efficient vehicular ingress and egress.

Policy 1.3 Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.

Policy 1.7 Create the maximum possible opportunities for bicycles as an alternative transportation mode and recreational use.

Goal 2 **Improve air quality by influencing transportation choices of mode, time of day, or whether to travel and to establish a jobs/housing balance.**

Policy 2.1 Reduce vehicle trips through incentives, regulations and/or Transportation Demand Management (TDM) programs.

Policy 2.2 Reduce total vehicle miles traveled (VMT) through incentives, regulations and/or Transportation Demand Management.

Policy 2.6 Encourage non-motorized transportation through the provision of bicycle and pedestrian pathways.

Policy 2.7 Encourage employer rideshare and transit incentives programs by local businesses.

Policy 2.8 Manage non-residential parking supply to discourage auto use, while ensuring that economic development goals will not be sacrificed

5.1.3 ENVIRONMENTAL SETTING

5.1.3.1 Climate and Meteorology

The City of Tustin is located within the South Coast Air Basin (Basin), which is under the jurisdiction of the SCAQMD. The Basin is a 6,600-square-mile coastal plain bounded by the Pacific Ocean to the southwest and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, and all of Orange County.

The ambient concentrations of air pollutants are determined by the amount of emissions released by sources and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the volume of emissions released by existing air pollutant sources.

Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The topography and climate of Southern California combine to make the Basin an area of high air pollution potential. The Basin is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the west and high mountains around the rest of the perimeter. The general region lies in the semi-permanent high-pressure zone of the eastern Pacific, resulting in a mild climate tempered by cool sea breezes with light average wind speeds. The usually mild climatological pattern is disrupted occasionally by periods of extremely hot weather, winter storms, or winds. During the summer months, a warm air mass frequently descends over the cool, moist marine layer produced by the interaction between the ocean's

surface and the lowest layer of the atmosphere. The warm upper layer forms a cap over the cool marine layer and inhibits the pollutants in the marine layer from dispersing upward. In addition, light winds during the summer further limit ventilation. Furthermore, sunlight triggers the photochemical reactions which produce ozone.

5.1.3.2 Criteria Air Pollutants

As described previously under Section 5.1.2, *Regulatory Setting*, the CARB and the USEPA currently focus on the following air pollutants as indicators of ambient air quality: ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM_{10}), fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less ($PM_{2.5}$), and lead. These pollutants are referred to as "criteria air pollutants" because they are the most prevalent air pollutants known to be injurious to human health. Extensive health-effects criteria documents regarding the effects of these pollutants on human health and welfare have been prepared over the years.[1] Standards have been established for each criteria pollutant to meet specific public health and welfare criteria set forth in the federal CAA. California has generally adopted more stringent ambient air quality standards for the criteria air pollutants (CAAQS or state standards) and has adopted air quality standards for some pollutants for which there is no corresponding national standard (NAAQS), such as sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.

Ozone. Ozone, the main component of photochemical smog, is primarily a summer and fall pollution problem. Ozone is not emitted directly into the air but is formed through a complex series of chemical reactions involving other compounds that are directly emitted. These directly emitted pollutants (also known as ozone precursors) include reactive organic gases (ROGs) or volatile organic compounds (VOCs), and oxides of nitrogen (NO_X). While both ROGs and VOCs refer to compounds of carbon, ROG is a term used by CARB and is based on a list of exempted carbon compounds determined by CARB. VOC is a term used by the USEPA and is based on its own exempt list. The time period required for ozone formation allows the reacting compounds to spread over a large area, producing regional pollution problems. Ozone concentrations are the cumulative result of regional development patterns rather than the result of a few significant emission sources.

Once ozone is formed, it remains in the atmosphere for one or two days. Ozone is then eliminated through reaction with chemicals on the leaves of plants, attachment to water droplets as they fall to earth ("rainout"), or absorption by water molecules in clouds that later fall to earth with rain ("washout"). Short-term exposure to ozone can irritate the eyes and cause constriction of the airways. In addition to causing shortness of breath, ozone can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

Carbon Monoxide. CO is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest during the winter morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the Basin. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Dioxide. NO_2 is a reddish-brown gas that is a by-product of combustion processes. Automobiles and industrial operations are the main sources of NO_2. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form NO_2. The combined emissions of NO and NO_2 are

[1] Additional sources of information on the health effects of criteria pollutants can be found at CARB and USEPA's websites at http://www.arb.ca.gov/research/health/health.htm and https://www.epa.gov/criteria-air-pollutants, respectively.

referred to as NO_X, which are reported as equivalent NO_2. Aside from its contribution to ozone formation, NO_2 can increase the risk of acute and chronic respiratory disease and reduce visibility. NO_2 may be visible as a coloring component of a brown cloud on high pollution days, especially in conjunction with high ozone levels.

Sulfur Dioxide. SO_2 is a colorless, extremely irritating gas or liquid that enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries. When SO_2 oxidizes in the atmosphere, it forms sulfur trioxide (SO_3). Collectively, these pollutants are referred to as sulfur oxides (SO_X). Major sources of SO_2 include power plants, large industrial facilities, diesel vehicles, and oil-burning residential heaters. Emissions of SO_2 aggravate lung diseases, especially bronchitis. This compound also constricts the breathing passages, especially in people with asthma and people involved in moderate to heavy exercise. SO_2 potentially causes wheezing, shortness of breath, and coughing. Long-term SO_2 exposure has been associated with increased risk of mortality from respiratory or cardiovascular disease.

Particulate Matter. PM_{10} and $PM_{2.5}$ consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively (a micron is one-millionth of a meter). PM_{10} and $PM_{2.5}$ represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. Acute and chronic health effects associated with high particulate levels include the aggravation of chronic respiratory diseases, heart and lung disease, and coughing, bronchitis and respiratory illnesses in children. Particulate matter can also damage materials and reduce visibility. One common source of $PM_{2.5}$ is diesel exhaust emissions.

PM_{10} consists of particulate matter emitted directly into the air (e.g., fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires, and natural windblown dust) and particulate matter formed in the atmosphere by condensation and/or transformation of SO_2 and ROG. Traffic generates particulate matter emissions through entrainment of dust and dirt particles that settle onto roadways and parking lots. PM_{10} and $PM_{2.5}$ are also emitted by burning wood in residential wood stoves and fireplaces and open agricultural burning. $PM_{2.5}$ can also be formed through secondary processes such as airborne reactions with certain pollutant precursors, including ROGs, ammonia (NH_3), NO_X, and SO_X.

Lead. Lead is a metal found naturally in the environment and present in some manufactured products. There are a variety of activities that can contribute to lead emissions, which are grouped into two general categories, stationary and mobile sources. On-road mobile sources include light-duty automobiles; light-, medium-, and heavy-duty trucks; and motorcycles. Emissions of lead have dropped substantially over the past 40 years. The reduction before 1990 is largely due to the phase-out of lead as an anti-knock agent in gasoline for on-road automobiles. Substantial emission reductions have also been achieved due to enhanced controls in the metals processing industry. In the Basin, atmospheric lead is generated almost entirely by the combustion of leaded gasoline and contributes less than one percent of the material collected as total suspended particulates.

5.1.3.3 Existing Conditions

SCAQMD maintains monitoring stations within district boundaries that monitor air quality and compliance with associated ambient standards. The Modified Project site is located within the monitoring boundary of the Anaheim-Pampas Lane monitoring station (SRA 17), located at 1630 Pampas Lane in Anaheim, which is approximately 14 miles northwest of the TLSP area. The most recent 3 years of data is shown on Table 5.1-2 and identifies the number of days ambient air quality standards were exceeded in the area.

The federal PM_{10} standard had no exceedances. The state PM_{10} standard was exceeded 5 times in 2020, 1 time in 2021, and 1 time in 2022. The federal $PM_{2.5}$ standard had 12 exceedances in 2020, 10

exceedances in 2021, and no exceedances in 2022. The State 1-hour ozone standard was exceeded 6 times in 2021, no times in 2021, and once in 2022. The State 8-hour ozone standard was exceeded 16 times in 2020, no times in 2021, and once in 2022. The federal 8-hour standard was exceeded 15 times in 2021, no times in 2021, and once in 2022. The CO and NO_2 standards were not exceeded in this area during the 3-year period.

Table 5.1-2: Air Quality Monitoring Summary 2020-2022

Pollutant	Standard	2020	2021	2022
Carbon Monoxide (CO)				
Maximum 1-hour concentration (ppm)		2.3	2.1	2.4
Number of days exceeded:	State: > 20 ppm	0	0	0
	Federal: > 35 ppm	0	0	0
Maximum 8-hour concentration (ppm)		1.7	1.5	1.4
Number of days exceeded:	State: > 9 ppm	0	0	0
	Federal: > 9 ppm	0	0	0
Ozone (O_3)				
Maximum 1-hour concentration (ppm)		0.142	0.089	0.102
Number of days exceeded:	State: > 0.09 ppm	6	0	1
Maximum 8-hour concentration (ppm)		0.098	0.068	0.077
Number of days exceeded:	State: > 0.07 ppm	16	0	1
	Federal: > 0.07 ppm	15	0	1
Coarse Particulates (PM_{10})				
Maximum 24-hour concentration ($\mu g/m^3$)		74.8	63.6	67.0
Number of days exceeded:	State: > 50 $\mu g/m^3$	5	1	1
	Federal: > 150 $\mu g/m^3$	0	0	0
Annual arithmetic average concentration ($\mu g/m^3$)		30.8	23.4	20.9
Exceeded for the year:	State: > 20 $\mu g/m^3$	Yes	Yes	Yes
	Federal: > 50 $\mu g/m^3$	No	No	No
Fine Particulates ($PM_{2.5}$)				
Maximum 24-hour concentration ($\mu g/m^3$)		64.8	54.4	33.1
Number of days exceeded:	Federal: > 35 $\mu g/m^3$	12	10	0
Annual arithmetic average concentration ($\mu g/m^3$)		12.4	11.6	9.9
Exceeded for the year:	State: > 12 $\mu g/m^3$	Yes	No	No
	Federal: > 12 $\mu g/m^3$ [a]	No	No	No
Nitrogen Dioxide (NO_2)				
Maximum 1-hour concentration (ppm)		0.071	0.067	0.053
Number of days exceeded:	State: > 0.250 ppm	0	0	0
Annual arithmetic average concentration (ppm)		0.013	0.012	0.012
Exceeded for the year:	Federal: > 0.053 ppm	No	No	No

a. On February 7, 2024, the federal annual $PM_{2.5}$ standard was revised from 12.0 $\mu g/m^3$ to 9.0 $\mu g/m^3$. Because the data presented is through 2022, it is uses the 12.0 $\mu g/m^3$ standard that was in effect through 2022.
$\mu g/m^3$ = micrograms per cubic meter
ND = No data. There were insufficient (or no) data to determine the value.
ppm = parts per million
Source: *Air Quality, Energy, and Greenhouse Gas Impact Analysis* (Appendix B)

Both CARB and the USEPA use this type of monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of these designations is to identify the areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are

nonattainment, attainment, and unclassified. Nonattainment is defined as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the primary or secondary ambient air quality standard for the pollutant. Attainment is defined as any area that meets the primary or secondary ambient air quality standard for the pollutant. Unclassifiable is defined as any area that cannot be classified on the basis of available information as meeting or not meeting the primary or secondary ambient air quality standard for the pollutant. In addition, California designations include a subcategory of nonattainment-transitional, which is given to nonattainment areas that are progressing and nearing attainment.

The Basin is currently designated as a nonattainment area for O_3, PM_{10}, and $PM_{2.5}$ under the CAAQS, as well as the $PM_{2.5}$ under the NAAQS. The Basin is designated as attainment or unclassified for the remaining CAAQS and NAAQS. See Table 5.1-3, for attainment designations for the Basin.

Table 5.1-3: Attainment Status of Criteria Pollutants in the Basin

Pollutant	State	Federal
O_3 1 hour	Nonattainment	Extreme Nonattainment
O_3 8 hour	Nonattainment	Extreme Nonattainment
PM_{10}	Nonattainment	Attainment/Maintenance
$PM_{2.5}$	Nonattainment	Serious Nonattainment
CO	Attainment	Attainment/Maintenance
NO_2	Attainment	Attainment/Maintenance
SO_2	N/A	Attainment/Unclassified
Lead	Attainment	Attainment[1]
All others	Attainment/Unclassified	Attainment/Unclassified

Notes:
[1] Except in Los Angeles County
CO = carbon monoxide, NO_2 = nitrogen dioxide, O_3 = ozone, PM_{10} = particulate matter less than 10 microns in size, $PM_{2.5}$ = particulate matter less than 2.5 microns in size, SO_2 = sulfur dioxide, N/A = not applicable
Source: *Air Quality, Energy, and Greenhouse Gas Impact Analysis* (Appendix B)

Sensitive Land Uses

Land uses such as schools, children's daycare centers, hospitals, and convalescent homes are considered to be more sensitive to poor air quality than the general public because the population groups associated with these uses have increased susceptibility to respiratory distress. In addition, residential uses are considered more sensitive to air quality conditions than commercial and industrial uses, because people generally spend longer periods of time at their residences, resulting in greater exposure to ambient air quality conditions. Recreational land uses are considered moderately sensitive to air pollution. Exercise places a high demand on respiratory functions, which can be impaired by air pollution, even though exposure periods during exercise are generally short. In addition, noticeable air pollution can detract from the enjoyment of recreation.

The Modified Project considers changes to the Approved Project through a proposed SPA. The Approved Project considers buildout of the TLSP as a whole and does not analyze the environmental impact of the Modified Project onto itself, but rather impacts on the surrounding area. Existing sensitive air quality receptors outside of the TLSP area where someone can remain for 24-hours in the vicinity of the Modified Project site consists of residences. The closest existing sensitive receptors are residences, The Bowery, located approximately 140 feet west of the TLSP boundary (see Figure 5-1, *Cumulative Projects*). However, in consideration that buildout of the TLSP has and will continue to occur over multiple phases, future sensitive

receptors within 50 feet of the Modified Project site have been conservatively considered for analysis of the Modified Project site (to account of existing and future onsite and offsite receptors).

5.1.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

AQ-1 Conflict with or obstruct implementation of the applicable air quality plan;

AQ-2 Result in a cumulatively considerable net increase of any criteria pollutant for which the Modified Project region is non-attainment under an applicable federal or state ambient air quality standard;

AQ-3 Expose sensitive receptors to substantial pollutant concentrations; or

AQ-4 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Regional Thresholds

The SCAQMD's regional significance thresholds are listed in Table 5.1-4. The SCAQMD's CEQA air quality methodology provides that any projects that result in daily emissions that exceed any of these thresholds would have both an individually (project-level) and cumulatively significant air quality impact.

Table 5.1-4: SCAQMD Regional Air Quality Thresholds

Pollutant	Construction	Operations
Reactive Organic Gases (ROG)	*75*	*55*
Carbon Monoxide (CO)	*550*	*550*
Nitrogen Oxides (NO_X)	100	*55*
Sulfur Oxides (SO_X)	150	150
Coarse Particulates (PM_{10})	150	150
Fine Particulates ($PM_{2.5}$)	*55*	*55*

Localized Significance Thresholds

SCAQMD has also developed localized significance thresholds (LSTs) that represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards, and thus would not cause or contribute to localized air quality impacts. LSTs are developed based on the ambient concentrations of that pollutant for each of the 38 source receptor areas (SRAs) in the Basin. The Modified Project site is located within Central Orange County (SRA 17). The localized thresholds, which are found in the mass rate look-up tables in the "Final Localized Significance Threshold Methodology" document prepared by SCAQMD, were developed for use on projects that are less than or equal to 5-acres in size and are only applicable to the following criteria pollutants: NOx, CO, PM_{10}, and $PM_{2.5}$.

The Modified Project's construction activities could actively disturb approximately 5.0 acres per day during grading activities. The applicable SCAQMD localized thresholds from the *Final Localized Significance Threshold Methodology* document's mass rate look-up tables are used to evaluate construction emissions. The applicable LSTs construction thresholds for grading up to 5 acres per day at 82 feet (25 meters), which is the closest sensitive receptor threshold provided by SCAQMD for LSTs, are provided in Table 5.1-5.

Table 5.1-5: SCAQMD Localized Significance Construction Thresholds at 25 Meters

Project Size	Maximum Pounds Per Day			
	NO_X	CO	PM_{10}	$PM_{2.5}$
1 Acre	81.0	485.0	4.0	3.0
2 Acres	115.0	715.0	6.0	4.0
5 Acres	183.0	1,253.0	13.0	7.0

Source: *Air Quality, Energy, and Greenhouse Gas Impact Analysis* (Appendix B)

CO Hotspots Thresholds

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to ambient air quality standards is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds. With the turnover of older vehicles and introduction of cleaner fuels as well as implementation of control technology on industrial facilities, CO concentrations in the South Coast Air Basin and the state have steadily declined.

The analysis identifies whether ambient CO levels in the vicinity of the Modified Project are above or below State and federal CO standards. Because ambient CO levels are below the standards throughout the Basin, a project would be considered to have a significant CO impact if project emissions result in an exceedance of one or more of the following 1-hour or 8-hour standards:

- California State 1-hour CO standard of 20 parts per million (ppm)
- California State 8-hour CO standard of 9 ppm

5.1.5 METHODOLOGY

This analysis focuses on the nature and magnitude of the change in the air quality environment due to implementation of the Modified Project, based on the maximum development assumptions that are outlined in Section 3, *Project Description*. Air pollutant emissions associated with the Modified Project would result from construction equipment usage and from construction-related traffic. Additionally, emissions would be generated from operations of the future residential buildings and from traffic generated by the new residences. The net increase in emissions generated by these activities and other secondary sources have been quantitatively estimated and compared to the applicable thresholds of significance recommended by SCAQMD.

AQMP Consistency

SCAQMD's CEQA Handbook suggests an evaluation of the following two criteria to determine whether a project involving a legislative land use action (such as the proposed General Plan land use and zoning designation changes) would be consistent or in conflict with the AQMP:

1. The Modified Project would not generate population and employment growth that would be inconsistent with SCAG's growth forecasts.

2. The Modified Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

Consistency Criterion No. 1 refers to the SCAG's growth forecast and associated assumptions included in the AQMP. The future air quality levels projected in the AQMP are based on SCAG's growth projections, which are based, in part, on the general plans of cities located within the SCAG region. Therefore, if the level of housing related to the Modified Project is consistent with the applicable assumptions used in the development of the AQMP, the Modified Project would not jeopardize attainment of the air quality levels identified in the AQMP.

Consistency Criterion No. 2 refers to the CAAQS. An impact would occur if the long-term emissions associated with the Modified Project would exceed SCAQMD's regional significance thresholds for operation-phase emissions.

Construction

Short-term construction-generated emissions of criteria air pollutants and ozone precursors from development of the proposed TLSP Amendment buildout were assessed in accordance with methods recommended by SCAQMD. The Modified Project's regional emissions were modeled using the California Emissions Estimator Model (CalEEMod), as recommended by SCAQMD. CalEEMod was used to determine whether short-term construction-related emissions of criteria air pollutants would exceed applicable regional thresholds and where mitigation would be required. Modeling was based on Project-specific data and predicted short-term construction-generated emissions were compared with applicable SCAQMD regional thresholds for determination of significance.

In addition, to determine whether or not construction activities associated with development of the Modified Project would create significant adverse localized air quality impacts on nearby sensitive receptors, the worst-case daily emissions contribution from the Modified Project were compared to SCAQMD's LSTs that are based on the pounds of emissions per day that can be generated by a project without causing or contributing to adverse localized air quality impacts. The daily total onsite combustion, mobile, and fugitive dust emissions associated with construction were evaluated against SCAQMD's LSTs as appropriate for each activity.

Operations

Long-term (i.e., operational) regional emissions of criteria air pollutants and precursors, including mobile- and area-source emissions from the Modified Project, were also quantified using the CalEEMod computer model. Area-source emissions were modeled according to the size and type of the land uses proposed. Mass mobile-source emissions were modeled based on the increase in daily vehicle trips that would result from buildout of the proposed TLSP Amendment. Trip generation rates were available from the *Vehicle Miles Traveled (VMT) Study* prepared for the Modified Project (see Appendix D of this Draft SEIR). Predicted long-term operational emissions were compared with applicable SCAQMD thresholds for determination of significance.

5.1.6 ENVIRONMENTAL IMPACTS

Summary of Impacts Previously Identified

The certified FEIS/EIR addressed consistency of the MCAS Specific Plan with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plans (AQMPs), construction-related emissions,

operational emissions, localized carbon monoxide (CO) "hotspots," and air toxics. The FEIS/EIR concluded that the MCAS Tustin Specific Plan would not be consistent with the 1994 and 1997 AQMPs because these plans did not consider the planned intensity assumed by the Specific Plan. This impact was significant and unavoidable, and a statement of overriding considerations was adopted.

The FEIS/EIR concluded that there were significant and unavoidable construction-related (short-term) emissions that exceeded the SCAQMD thresholds. Even with incorporation of mitigation measures, impacts were determined to remain significant and a statement of overriding considerations was adopted.

Operational emissions were also considered significant and unavoidable even with implementation of the City's Traffic Reduction/Traffic Demand Management program (Ordinance No. 1062, approved in 1991), which has policies to reduce long-term emissions. A statement of overriding considerations was adopted for this impact. However, the FEIS/EIR concluded that operational emissions from businesses would comply with SCAQMD's regulations for operation and would be less than significant.

The FEIS/EIR concluded that no sensitive receptors would be exposed to CO hotspots. The analysis included intersections with the highest traffic volumes and LOS during the years 2005 and 2020.

Air quality impacts were then subsequently analyzed within the following previously approved CEQA documents:

- The 2004 Supplemental EIR determined that the Modified Project would not result in new additional impacts and the implementation of Tustin Ranch Road would be consistent with applicable policies and would reduce overall CO Hotspot impacts. However, the impact of the Approved Project on air quality would remain significant and unavoidable.
- The 2006 Addendum concluded that there was no substantial change and a reduced impact due to the reduction of nonresidential square footage and redistribution of residential uses. The Modified Project incorporated all applicable mitigation measures and revised MM AQ-1 to reflect amendments to Rules 402 and 403. No new impacts were identified.
- The 2013 Addendum analyzed a specific project and updated the air quality analysis to identify construction and operational related impacts resulting from the construction of up to 816,929 square feet of academic office space and the extension of Bell Avenue. Based on this analysis it was determined that SCAQMD thresholds would not be exceeded, and no new significant impacts would occur.
- Because the 2016 Air Quality Management Plan (AQMP) was being drafted at the time that the 2017 SEIR was released, the thresholds in the 2017 SEIR were based on the adopted 2012 AQMP. The 2017 SEIR found that the 2012 AQMP would not accommodate more dwelling units associated with the 2017 TLSP SPA, and these additional residential units weren't accounted for (2017 Draft SEIR, p. 5.1-19). Therefore, the Approved Project was found to be inconsistent with the 2012 AQMP.
- Compared to the Adopted Specific Plan as quantified using CalEEMod, the 2017 SPA was determined to result in an increase in VOC, CO, SO_X, PM_{10}, and $PM_{2.5}$ air pollutant emissions (2017 Draft SEIR, p. 5.1-20). However, the net change in emissions would not exceed SCAQMD's regional significance thresholds for construction emissions. Therefore, there would not be a substantial increase in the severity of previously identified impacts regarding construction emissions.
- The total emissions associated with implementation of the Modified Project were identified to exceed the SCAQMD operation-related regional significance thresholds for all of the criteria air pollutants except for SO_2 (2017 Draft SEIR, p. 5.1-20). This result is similar to the total long-term emissions associated with the Adopted Specific Plan. However, implementation of the Modified Project was found to result in reduced emissions for NO_X, CO, SO_2, PM_{10}, and $PM_{2.5}$ when compared to the Adopted Specific Plan, due to an anticipated decrease in vehicle trips associated with the 2017 TLSP SPA.
- Findings of the 2017 SEIR anticipated that the Modified Project and Adopted Specific Plan would generate similar localized construction-related emissions and would both result in a significant localized

construction-related emissions impacts (2017 Draft SEIR, p. 5.1-24). Therefore, no new significant impacts would occur.

- The Initial Study prepared for the 2017 SEIR determined that the proposed change in land use mix from nonresidential to residential would not generate a substantial increase in odor generation and no new impacts on objectionable odors would occur (PlaceWorks, 2015, p. A-50). However, the Modified Project would accommodate more dwelling units, and the growth associated with these additional residential land uses is accounted for in the 2012 AQMP. Therefore, similar to the Adopted Specific Plan, the Modified Project was determined inconsistent with the 2012 AQMP and impacts were determined to be significant and unavoidable.

Proposed TLSP Amendment Project

Since certification of the FEIS/EIR and subsequent analyses, there have been several changes to the regulatory environment. On October 1, 2015, the USEPA strengthened the NAAQS for ground-level ozone, lowering the primary and secondary ozone standard levels to 70 parts per billion (ppb). The South Coast Air Basin is classified as an "extreme" nonattainment area for the 2015 Ozone NAAQS. The 2022 AQMP was developed to address the requirements for meeting this standard and was adopted December 2, 2022, by the South Coast AQMD Governing Board. Additionally, a newer version (version 2020.4.0) of CalEEMod was released that has updated emissions factors. Therefore, the emissions calculated for the Adopted TLSP used a version of the model that is now outdated.

IMPACT AQ-1: THE MODIFIED PROJECT WOULD RESULT IN A CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN.

Significant and Unavoidable Impact. The SCAQMD's 2022 AQMP, which was adopted on December 2, 2022, is the applicable air quality plan for the City of Tustin. Pursuant to Consistency Criterion No. 1, the SCAQMD AQMP is the applicable air quality plan for the Modified Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by SCAG are considered consistent with the AQMP growth projections, since the forecast assumptions by SCAG forms the basis of the land use and transportation control portions of the AQMP. Additionally, because SCAG's regional growth forecasts are based upon, among other things, land uses designated in general plans and specific plans, a project that is consistent with the land use designated in a general plan would also be consistent with the SCAG's regional forecast projections, and thus also with the AQMP growth projections.

The Modified Project would increase the TLSP residential capacity to be consistent with the 2021–2029 Housing Element Update. As discussed in the Modified Project Description, the proposed TLSP Amendment would add a total of 855 additional residential units to the existing residential capacity, in addition to 1,356 buffer units that are intended to make up for any potential units that are not developed on the other Housing Element Update sites. Also, the application of density bonuses for 2,759 units have been included. Together, the Housing Element Update RHNA units, buffer units, and density bonus; total buildout of the proposed TLSP Amendment would provide for 4,970 units.

The AQMP growth assumptions and the Modified Projections in the AQMP for achieving air quality goals are based on the SCAG's RTP/SCS household and employment growth trends. According to SCAG's 2024-2050 RTP/SCS (Connect SoCal, 2024), the City's households and employment are forecast to increase by approximately 7,000 households, and 19,600 jobs, respectively, between 2019 and 2050 (Southern California Association of Governments, 2024). The additional 4,970 housing units included in the proposed TLSP Amendment would not exceed the SCAG RTP/SCS projected growth; but would rather accommodate the City's required housing pursuant to the SCAG RHNA, as provided for in the City's Housing Element.

The City's 2021–2029 Housing Element identifies several adequate sites, including the proposed TLSP Amendment area, that are able to accommodate the development of additional housing units for the City to

meet its housing needs identified in the SCAG's RHNA allocation. The proposed TLSP Amendment would provide consistency with the Housing Element. In addition, the new housing included in the TLSP Amendment would accommodate the RTP/SCS projection of 19,600 new jobs within the City by 2050. Therefore, since the purpose of the Modified Project is to accommodate planned regional housing growth included in the SCAG RHNA, the Modified Project would not exceed the growth assumptions in the SCAG's 2024-2050 RTP/SCS or the AQMP.

In addition, implementing residential development within the TLSP area would utilize existing infrastructure such as roadways, drainage, sewer, water, and other utilities, and would be consistent with the SCAG objective to "Encourage patterns of urban development and land use that reduce costs in infrastructure construction and make better use of existing facilities." As a result, the Modified Project would comply with Consistency Criterion No. 1 listed above in the Methodology Section.

Regarding Consistency Criterion No. 2, which evaluates the potential of the Modified Project to increase the frequency or severity of existing air quality violations; as described previously, an impact related to Consistency Criterion No. 2 would occur if the long-term emissions associated with the Modified Project would exceed SCAQMD's regional significance thresholds for operation-phase emissions. As detailed below in Impact AQ-2, operation of the Modified Project would exceed the threshold of significance for emissions of VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$. Therefore, the Modified Project would result in an impact related to Consistency Criterion No. 2. As a result, impacts related to consistency with the AQMP would be significant and unavoidable. This is consistent with the impacts identified in the 2017 SEIR.

Overall, despite the Modified Project's consistency with SCAG's 2024-2050 RTP/SCS growth forecasts and the City's Housing Element, the proposed TLSP Amendment would lead to increased regional air quality operational emissions that would exceed thresholds. Therefore, the Modified Project would result in a conflict with, or obstruct, implementation of the AQMP and impacts would be significant and unavoidable. This finding is consistent with the findings of the 2017 SEIR, therefore no new significant impacts would occur.

IMPACT AQ-2: THE MODIFIED PROJECT WOULD RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF A CRITERIA POLLUTANT FOR WHICH THE MODIFIED PROJECT REGION IS IN NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD.

Construction

Less than Significant. Construction activities associated with the Modified Project would occur in phases and result in emissions of CO, VOCs, NOx, SOx, PM_{10}, and $PM_{2.5}$. Pollutant emissions associated with construction would be generated from the following: (1) demolition, grading, and excavation; (2) construction workers traveling to and from the Modified Project site; (3) delivery and hauling of construction supplies to, and debris and soils export from, the Modified Project site; (4) fuel combustion by onsite construction equipment; (5) building construction; application of architectural coatings; and paving. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants. However, construction activities would be limited to the hours between 7:00 am to 6:00 pm, Monday through Friday, and 5:00 pm and 9:00 am on Saturdays, excluding federal holidays, per Municipal Code Section 4616.

The construction phasing for the Modified Project is planned to be implemented over a 20-year period between 2025 and 2045. The maximum daily construction emissions were estimated using CalEEMod; and the modeling includes compliance with SCAQMD Rules 403, 431.2, 1113, and 1186 / 1186.1 (described above), which are requirements that would reduce air contaminants during construction. In addition, SEIR MM AQ-5 requires use of Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities, which included in the modeling assumptions. Also, SEIR MM AQ-2 requires low VOC architectural coatings for all interior and exterior painting operations.

Table 5.1-6 provides the maximum daily unmitigated emissions of criteria air pollutants from construction of the additional residential units and shows that SCAQMD thresholds would not be exceeded and therefore, impacts would be less than significant, and no new construction related emissions impacts would occur.

Table 5.1-6: Maximum Peak Unmitigated Construction Emissions

Project Construction	Maximum Pollutant Emissions (lbs/day)					
	VOCs	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Project Peak Daily Emissions	38.0	43.7	188.0	0.2	55.0	13.4
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes: CO = carbon monoxide, lbs/day = pounds per day, NOx = nitrogen oxides, $PM_{2.5}$ = particulate matter less than 2.5 microns in size, PM_{10} = particulate matter less than 10 microns in size, SCAQMD = South Coast Air Quality Management District, SOx = sulfur oxides, VOCs = volatile organic compounds.
Source: *Air Quality, Energy, and Greenhouse Gas Impact Analysis* (Appendix B)

Operation

Significant and Unavoidable Impact. Implementation of the Modified Project would result in long-term emissions of criteria air pollutants from area sources generated by the proposed residential uses, such as vehicular emissions, natural gas consumption, landscaping, applications of architectural coatings, and use of consumer products.

The emissions from the Modified Project are primarily from vehicle trips. As described in Section 5.14, *Transportation*, the Modified Project would generate an increase in 15,678 daily trips. As shown in Table 5.1-7, the emissions associated with the increased residential development within the TLSC area would result in exceedance of SCAQMD thresholds for VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$, which is consistent with the threshold exceedances that would occur from buildout of the existing TLSP. Due to the increase in vehicle trips and localized emissions from the increase in residences proposed by the Modified Project, the exceedance of the thresholds would be exacerbated compared to buildout of the existing TLSP.

Table 5.1-7: Unmitigated Operational Emissions

Emission Type	Pollutant Emissions (lbs/day)					
	VOCs	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Approved Project						
Approved Project Mobile Sources	215.0	115.7	1,473.0	4.0	464.1	118.7
Approved Project Area Sources	228.1	68.9	416.3	0.5	5.9	5.8
Approved Project Energy Sources	1.3	22.4	12.9	0.1	1.8	1.8
Total Approved Project Emissions	**444.4**	**207.1**	**1,902.2**	**4.6**	**471.7**	**126.3**
SCAQMD Thresholds	55.0	55.0	550.0	150.0	150.0	55.0
Exceeds Threshold?	**Yes**	**Yes**	**Yes**	**No**	**Yes**	**Yes**
Proposed Modified Project						
Modified Project Mobile Sources	217.5	120.0	1,551.9	4.2	497.6	127.3
Modified Project Area Sources	391.9	144.5	776.9	1.0	12.2	12.1
Modified Project Energy Sources	2.9	50.0	27.4	0.3	4.0	4.0
Total Modified Project Emissions	**612.3**	**314.5**	**2,356.1**	**5.5**	**513.8**	**143.3**
SCAQMD Thresholds	55.0	55.0	550.0	150.0	150.0	55.0
Exceeds Threshold??	**Yes**	**Yes**	**Yes**	**No**	**Yes**	**Yes**

Emission Type	Pollutant Emissions (lbs/day)					
	VOCs	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Increase in Emissions (Modified Project – Approved Project)	167.9	107.4	453.9	0.9	42.1	17.0

Notes: CO = carbon monoxide, lbs/day = pounds per day, NOx = nitrogen oxides, $PM_{2.5}$ = particulate matter less than 2.5 microns in size, PM_{10} = particulate matter less than 10 microns in size, SCAQMD = South Coast Air Quality Management District, SOx = sulfur oxides, VOCs = volatile organic compounds.
Source: Air Quality, Energy, and Greenhouse Gas Impact Analysis, Appendix B.

Therefore, the City has included Mitigation Measures AQ-1 though AQ-4, which require distribution of trip reduction opportunities, prohibition of fireplaces, required use of electric landscaping equipment, and use of low VOC paint, which would reduce emissions. However, the majority of the Modified Project's emission exceedances are from vehicular trips consumer products that the City cannot control emissions of; and therefore, cannot feasibly be reduced below the SCAQMD thresholds. As a result, impacts from operations of the proposed TLSP Amendment would be significant and unavoidable, which is consistent with the findings of the 2017 SEIR. However, the volume of emissions would be increased in comparison to the buildout of the existing TLSP.

Health Impacts of Exceeded Criteria Pollutant Emissions. The significant and unavoidable impact with respect to NOx emissions is due largely to vehicle trips. NOx is a "criteria" pollutant, a pollutant that is regulated by the USEPA pursuant to the federal Clean Air Act. The potential health impacts of criteria pollutants are analyzed on a regional level, not on a facility/project level. The SCAQMD and the San Joaquin Valley Unified Air Pollution Control District (SJVAPD), experts in the area of air quality, both recognize that a meaningful, accurate analysis of potential health impacts resulting from criteria pollutants is not currently possible and not likely to yield substantive information that promotes informed decision making. The SJVAPD, in its amicus curiae brief for the recent California Supreme Court decision in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, explained that "it is not feasible to conduct a [health impact analysis] for criteria air pollutants because currently available computer modeling tools are not equipped for this task." The SJVAPD described a project-specific health impact analysis as "not practicable and not likely to yield valid information" because "currently available modeling tools are not well suited for this task." The SJVAPD further noted that "…the CEQA air quality analysis for criteria pollutants is not really a localized, project-level impact analysis but one of regional" cumulative impacts.

It should also be noted that CO, NOx, and VOC are "precursor" pollutants, which makes analysis of potential health impacts even more difficult. CO, NOx, and VOC are precursors to ozone, which is formed in the atmosphere from the chemical reaction of CO, NOx, and VOC in the presence of sunlight. As explained by the SCAQMD in its amicus curiae brief for *Sierra Club v. County of Fresno*, it takes time and the influence of meteorological conditions for these reactions to occur, so ozone may be formed at a distance downwind from the sources." Given this, "…it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region." Therefore, SCAQMD opined that while it "may be feasible" for large, regional projects with very high emissions of CO, NOx, and VOC to conduct an accurate health impact analysis, SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by CO, NOx, or VOC emissions from relatively small projects.

Thus, the difficulties with preparing potential health impact analysis related to the Modified Project's CO, NOx, and VOC emissions are twofold. First, current modeling is not capable of correlating emissions of criteria pollutants to concentrations that can be reasonably linked to specific health impacts. Second, CO, NOx, and VOC are precursor emissions and concentrations of CO, NOx, and VOC are impacted by regional atmospheric conditions. CO, NOx, and VOC emitted by the Modified Project may, depending upon interactions with the sun and other emissions, convert to ozone by complex chemical processes. Thus, there is

a significant level of unpredictability associated with such conversion to ozone, as noted by the SCAQMD and the SJVAPD. It should also be noted that this Draft Supplemental EIR does identify health concerns related to CO and NOx emissions. Table 5.1-1 includes a list of criteria pollutants and summarizes common sources and effects. Thus, this Draft SEIR's analysis is reasonable and intended to foster informed decision making.

IMPACT AQ-3: THE MODIFIED PROJECT WOULD NOT EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Localized Construction Emissions

Significant and Unavoidable Impact.

As described previously, the daily construction emissions generated onsite by can be evaluated against SCAQMD's LSTs to determine whether the emissions would cause or contribute to adverse localized air quality impacts. The nearest offsite sensitive receptor to the potential area of construction for new residences is approximately 140 feet (43 meters) away. The SCAQMD LST methodology provides thresholds for projects with boundaries located 25, 50, 100, 200, and 500 meters away and projects disturbing 1-, 2-, and 5-acres in size.

Buildout of the residences included in the proposed TLSP Amendment is anticipated to occur over a period of approximately 20 years and would comprise smaller development projects with their own construction time frames and construction equipment. Concentrations of criteria air pollutants generated by construction activities depend on the emissions generated onsite and the distance to the nearest sensitive receptor. Consistent with the existing buildout of the TLSP, the buildout of the proposed TLSP Amendment, could result in construction adjacent to sensitive receptors. Thus, the Modified Project has the potential to expose sensitive receptors to substantial pollutant concentrations. Therefore, a conservative analysis has been included of typical construction activities of a 5-acre project site at the SCAQMD minimum threshold distance of 25 meters. As detailed in Table 5.1-8, the LST emissions within this construction scenario would not exceed the SCAQMD thresholds, and impacts would be anticipated to be less than significant within 50 feet of a sensitive receptor.

Table 5.1-8: Summary of Unmitigated Localized Construction Emissions

Source	NO_x	CO	PM_{10}	$PM_{2.5}$
On-Site Project Construction Emissions	19.4	35.3	7.8	4.0
Localized Significance Threshold	183.0	1,253.0	13.0	7.0
Exceeds Threshold?	**No**	**No**	**No**	**No**

Notes: CO = carbon monoxide, lbs/day = pounds per day, NOx = nitrogen oxides, $PM_{2.5}$ = particulate matter less than 2.5 microns in size, PM_{10} = particulate matter less than 10 microns in size.
Source: Air Quality, Energy, and Greenhouse Gas Impact Analysis, Appendix B.

Additionally, construction equipment exhaust and fugitive particulate matter emissions would be required to comply with all applicable SCAQMD rules that would be ensured through construction permitting process. However, due to the unknown locations and specific construction activities that would occur for each project that would occur pursuant to the proposed TLSP Amendment, localized construction emissions have the potential to expose sensitive receptors to substantial concentrations of criteria air pollutant emissions and result in a significant impact. Consistent with the findings of the 2017 SEIR, Mitigation Measure AQ-6 would be implemented for each development project to require a construction specific assessment of potential project-related localized quality impacts and implementation of feasible mitigation measures to reduce emissions.

However, because the future locations and potential concentrations of construction emissions are unknown, and the Modified Project would implement infill development of residential units within residential areas, potential significant LST construction emissions could occur that may be significant and unavoidable, which is consistent with the findings of the 2017 SEIR. Therefore, no new significant impacts would occur.

CO Hotspots

Less than Significant Impact. An adverse CO concentration, known as a "hot spot", would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur. Ambient CO levels monitored at the Anaheim-Pampas Lane monitoring station (SRA 17), the closest station to the TLSP area, showed a highest recorded 1-hour concentration of 2.4 ppm (the State standard is 20 ppm) and a highest 8-hour concentration of 1.7 ppm (the State standard is 9 ppm) during the past 3 years (Table 5.1-2). The highest CO concentrations would normally occur during peak traffic hours; hence, CO impacts calculated under peak traffic conditions represent a worst-case analysis.

In 2003, the SCAQMD estimated that a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a CO hot spot.

Buildout from the existing TLSP would generate approximately 100,611 ADT, including 5,118 AM peak hour trips and 338 PM peak hour trips while buildout associated with the proposed TLSPA Amendment would generate approximately 116,289 ADT, including 8,370 AM peak hour trips and 11,123 PM peak hour trips. As such, the Modified Project would result in an increase in 15,678 ADT, including 3,251 AM peak hour trips and 1,777 PM peak hour trips (Appendix D). These AM and PM peak hour increases in traffic would be distributed amongst various intersections would be far below the 24,000 vehicles per hour that have the potential to cause a CO hot spot. In addition, given the extremely low level of CO concentrations in the City, project-related vehicles are not expected to contribute significantly or result in the CO concentrations exceeding the State or federal CO standards. Thus, impacts would be less than significant, which is consistent with the 2017 SEIR findings.

Friant Ranch Case

In December 2018, in the case of *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, California Supreme Court held that an EIR's air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. As noted in the *Brief* of Amicus Curiae by the SCAQMD in the Friant Ranch case (April 6, 2015, Appendix 10.1), SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes.

The SCAQMD discusses that it may be infeasible to quantify health risks caused by projects similar to the Modified Project, due to many factors. It is necessary to have data regarding the sources and types of air toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). The *Brief* states that it may not be feasible to perform a health risk assessment for airborne toxics that will be emitted by a generic industrial building that was built on "speculation" (i.e., without knowing the future tenant(s). Even where a health risk assessment can be prepared, however, the resulting maximum health risk value is only a calculation of risk - it does not necessarily mean anyone will contract cancer as a result of the Modified Project. The *Brief* also cites the author of the CARB methodology, which reported that a $PM_{2.5}$ methodology is not suited for small projects and may yield unreliable results. Similarly, SCAQMD staff does not currently know of a way to accurately quantify O_3-related health impacts caused by NO_X or VOC emissions from relatively small projects, due to photochemistry and regional model limitations. The *Brief* concludes, with respect to the Friant Ranch EIR, that

although it may have been technically possible to plug the data into a methodology, the results would not have been reliable or meaningful.

On the other hand, for extremely large regional projects (unlike the Modified Project), the SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources – as part of their rulemaking activity, specifically 6,620 lbs/day of NO_X and 89,180 lbs/day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to O_3.

The Modified Project does not generate anywhere near 6,620 lbs/day of NO_X or 89,190 lbs/day of VOC emissions. As shown previously on Table 5.1-6, the peak operational emissions from buildout of the proposed TLSPA Amendment would generate 314.5 lbs/day of NO_X (4.8 percent of 6,620 lbs/day). The VOC emissions would be a maximum of 612.3 lbs/day of during operations (0.7 percent of 89,190 lbs/day). Therefore, the emissions are not sufficiently high enough to use a regional modeling program to correlate health effects on a Basin-wide level.

IMPACT AQ-4: THE MODIFIED PROJECT WOULD NOT RESULT IN OTHER EMISSIONS (SUCH AS THOSE LEADING TO ODORS) ADVERSELY AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE.

Less Than Significant Impact. The Modified Project would not emit other emissions, such as those generating objectionable odors, that would affect a substantial number of people. The threshold for odor is identified by SCAQMD Rule 402, Nuisance, which states:

> *A person 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. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.*

The type of facilities that are considered to result in other emissions, such as objectionable odors, include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

The Modified Project would provide for infill development of residential units and related open space/recreation areas. Residential land uses do not involve the types of uses that would emit objectionable odors affecting a substantial number of people. In addition, odors generated by non-residential land uses that could be near the Modified Project area are required to be in compliance with SCAQMD Rule 402, which would prevent nuisance odors.

During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary, intermittent in nature, limited to the City's allowable construction hours, and would not affect a substantial number of people. Any odors would be confined to the immediate vicinity of the construction equipment. Also, the short-term construction-related odors would cease upon the drying or hardening of the odor-producing materials.

In addition, all Project-generated solid waste would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations and would not generate objectionable odors. Therefore, impacts associated with other operation- and construction-generated emissions, such as odors, would be less than significant.

5.1.7 CUMULATIVE IMPACTS

As described previously, per SCAQMD's methodology, if an individual project would result in air emissions of criteria pollutants that exceeds the SCAQMD's thresholds for project-specific impacts, then it would also result in a cumulatively considerable net increase of these criteria pollutants.

As described in Impact AQ-2 above, emissions from operational activities would result in exceedance of regional thresholds for VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$. The large majority of operational-source NOx emissions (by weight) would be generated by vehicle emissions that neither Project applicants nor the City have the ability to reduce. The majority of the Modified Project's VOC emission exceedances are from use of consumer products that the City cannot control emissions of; and therefore, cannot feasibly be reduced below the SCAQMD thresholds. As a result, NOx and VOC emissions from implementation of the Modified Project would be cumulatively considerable, and cumulative air quality impacts would be significant and unavoidable, which is consistent with the findings of the 2017 SEIR.

5.1.8 EXISTING STANDARD CONDITIONS AND PLANS, PROGRAMS, OR POLICIES

Plans, Program and Policies

The following Plans, Programs, and Policies (PPP) related to air quality are incorporated into the Modified Project and would reduce impacts related to air quality.

PPP AQ-1: Rule 403. The following measures shall be incorporated into construction plans and specifications as implementation of Rule 403:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Modified Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, 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.

PPP AQ-2: Rule 1113. The following measure shall be incorporated into construction plans and specifications as implementation of Rule 1113. The Modified Project shall only use "Low-Volatile Organic Compounds (VOC)" paints (no more than 50 gram/liter of VOC) consistent with SCAQMD Rule 1113.

PPP AQ-3: Rule 445. The following measure shall be incorporated into construction plans and specifications as implementation of Rule 445. Wood burning stoves and fireplaces shall not be included or used in the new development.

PPP AQ-4: CALGreen Building Standards MERV 13 Filters. Indoor air quality within mechanically ventilated buildings shall comply with Section 5.504.5.3 (Filters) of the California Green Building Standards Code Part 11 that requires utilization of at least a Minimum Efficiency Reporting Value (MERV) of 13 air filtration systems. The Code requires MERV 13 filters to be installed prior to occupancy and replaced and/or maintained as directed by the manufacturer.

5.1.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impacts AQ-1, AQ-2, and AQ-3 would be potentially significant.

Upon implementation of regulatory requirements Impact AQ-4 would be less than significant.

5.1.10 MITIGATION MEASURES

2017 SEIR Mitigation Measures Applicable to the Modified Project

2017 SEIR MM AQ-2: Prior to issuance of grading permits, the Modified Project applicant shall use low VOC architectural coatings for all interior and exterior painting operations.

2017 SEIR MM AQ-3: Prior to the issuance of development permits for new non-residential projects with 100 or more employees, and expanded projects where additional square footage would result in a total of 100 or more employees, the City of Tustin and the City of Irvine, as applicable, shall impose a mix of TDM measures which, upon estimation, would result in an average vehicle ridership of at least 1.5, for each development with characteristics that would be reasonably conducive to successful implementation of such TDM measures. These TDM measures may include one or more of the following, as determined appropriate and feasible by each city on a case-by-case basis:

- Establish preferential parking for carpool vehicles.
- Provide bicycle parking facilities.
- Provide shower and locker facilities.
- Provide carpool and vanpool loading areas.
- Incorporate bus stop improvements into facility design.
- Implement shuttles to shopping, eating, recreation, and/or parking and transit facilities.
- Construct remote parking facilities.
- Provide pedestrian circulation linkages.
- Construct pedestrian grade separations.
- Establish carpool and vanpool programs.
- Provide cash allowances, passes, and other public transit and purchase incentives.
- Establish parking fees for single occupancy vehicles.
- Provide parking subsidies for rideshare vehicles.
- Institute a computerized commuter rideshare matching system.
- Provide a guaranteed ride-home program for ridesharing.
- Establish alternative work week, flex-time, and compressed work week schedules.
- Establish telecommuting or work-at-home programs. Provide additional vacation and compensatory leave incentives.
- Provide on-site lunch rooms/cafeterias and commercial service such as banks, restaurants, and small retail.
- Provide on-site day care facilities.
- Establish an employee transportation coordinator(s).

2017 SEIR MM AQ-4: If not required under each individual development's TDM plan, the City of Tustin and the City of Irvine, as applicable, shall implement the following measures, as determined appropriate or feasible by each city on a case-by-case basis:

- Reschedule truck deliveries and pickups for off peak hours.
- Implement lunch shuttle service from a worksite(s) to food establishments.
- Implement compressed work week schedules where weekly work hours are compressed into fewer than five days, such as 9/80, 4/40, or 3/36.
- Provide on site child care and after school facilities or contribute to off site developments within walking distance.
- Provide on site employee services such as cafeterias, banks, etc.
- Implement a pricing structure for single occupancy employee parking, and/or provide discounts to ride sharers.
- Construct off site pedestrian facility improvements such as overpasses and wider sidewalks.
- Include retail services within or adjacent to residential subdivisions.
- Provide shuttles to major rail transit centers or multi modal stations.
- Contribute to regional transit systems (e.g., right of way, capital improvements, etc.).
- Synchronize traffic lights on streets impacted by development.
- Construct, contribute, or dedicate land for the provision of off site bicycle trails linking the facility to designated bicycle commuting routes.
- Include residential units within a commercial development.
- Provide off site bicycle facility improvements, such as bicycle trails linking the facility to designated bicycle commuting routes, or on site improvements, such as bicycle paths.
- Include bicycle parking facilities such as bicycle lockers.
- Include showers for bicycling and pedestrian employees' use.
- Construct on site pedestrian facility improvements, such as building access, which is physically separated from street and parking lot traffic, and walk paths.

2017 SEIR MM AQ-5: Applicants for new development projects within the Tustin Legacy Specific Plan shall require the construction contractor to use equipment that meets the US Environmental Protection Agency (EPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities, unless it can be demonstrated to the City of Tustin that such equipment is not available.

Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what would be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations.

Prior to construction, the Modified Project engineer shall ensure that all demolition and grading plans clearly show the requirement for EPA Tier 4 or higher emissions standards for construction equipment with more than 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the site for the verification of the City of Tustin. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board Rule 2449.

2017 SEIR MM AQ-6: Prior to the issuance of grading permits, the applicants for individual new developments shall evaluate localized construction-related air quality impacts. Localized construction emissions shall be evaluated to the South Coast Air Quality Management District's Localized Significance Thresholds for construction. Applicable mitigation measures to reduce potential localized construction-related air quality impacts shall be included in the evaluation, as necessary, to minimize impacts to the extent feasible and shall be implemented. The evaluation shall be submitted to the City of Tustin for review. In addition, all

recommended mitigation measures shall be noted on all construction plans submitted to the City of Tustin Building and Public Works Department for verification.

Proposed Specific Plan Amendment Project Mitigation Measures

Mitigation Measure AQ-1: Vehicle Trip Reduction. Rental Units: The Modified Project Applicant of for-rent residential developments shall notify and offer to the tenant or prospective tenant, materials describing public transit, ridesharing, and nonmotorized commuting opportunities in the vicinity of the development. The materials shall be approved by the City of Tustin. The materials shall be provided no later than the time the rental agreement is executed. A program outlining the implementation of this measure shall be submitted to the City of Tustin Planning Division for review and approval, prior to the issuance of the first certificate of occupancy.

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

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

Mitigation Measure AQ-4: Low VOC Paint (Operations). The Modified Project Applicant shall require by contract specifications for commercial development to use interior and exterior architectural coatings (paint and primer including parking lot paint) products that have a volatile organic compound rating of 10 grams per liter or less. Contract specifications shall be reviewed and approved by the City of Tustin prior to the issuance of building permits. This measure shall be made a condition of approval for continued upkeep of the property.

5.1.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Emissions from operation of the proposed TLSP Amendment would exceed SCAQMD's thresholds for VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$, which is consistent with the threshold exceedances that would occur from buildout of the existing TLSP. Due to the increase in vehicle trips and localized emissions from the increase in residences proposed by the Modified Project, the exceedance of the thresholds would be exacerbated compared to buildout of the existing TLSP. The majority of NOx emissions are from vehicles and the majority of VOC emissions would be derived from consumer products, neither of which the City has the ability to reduce emissions of. Therefore, VOC, NOx, CO, PM_{10}, and $PM_{2.5}$ emissions from implementation of the Modified Project would result in both a project level and a cumulatively considerable significant and unavoidable impact. Hence, Impacts AQ-1 and AQ-2 would be significant and unavoidable after mitigation, which is consistent with the findings of the 2017 SEIR.

Impact AQ-3 Consistent with the existing buildout of the TLSP, the buildout of the proposed TLSP Amendment, could result in construction adjacent to sensitive receptors and has the potential to expose sensitive receptors to substantial pollutant concentrations. Construction equipment exhaust and fugitive particulate matter emissions would be required to comply with all applicable SCAQMD rules that would be ensured through

construction permitting process. However, localized construction emissions have the potential to expose sensitive receptors to substantial concentrations of criteria air pollutant emissions and result in a significant and unavoidable impact. This is consistent with the findings of the 2017 SEIR. Therefore, no new significant impacts would occur.

5.1.12 REFERENCES

City of Tustin. (2018, November). *City of Tustin General Plan*. Retrieved from https://www.tustinca.org/DocumentCenter/View/713/City-of-Tustin-General-Plan-PDF

City of Tustin. (2023, November 27). *Municode*. Retrieved from City of Tustin Municipal Code: https://library.municode.com/ca/tustin/codes/code_of_ordinances?nodeId=HOUSCO

LSA Associates. (2024). *Air Quality, Energy, and Greenhouse Gas Impact Report*.

PlaceWorks. (2017, June). *Tustin Legacy Specific Plan Amendment Supplemental Environmental Impact Report*. Retrieved from City of Tustin Specific Plans: https://www.tustinca.org/400/Specific-Plans

5.2 Energy

5.2.1 INTRODUCTION

This section of the Draft Supplemental Environmental Impact Report (DSEIR) assesses the significance of the use of energy, including electricity, natural gas and gasoline, and diesel fuels, that would result from implementation of the proposed TLSP Amendment Project. It discusses existing energy use patterns and examines whether the proposed Project (including development and operation) would result in the consumption of large amounts of fuel or energy or use such resources in a wasteful manner.

Refer to Section 5.3, *Greenhouse Gas Emissions*, for a discussion of the relationship between energy consumption and greenhouse gas (GHG) emissions, and Section 5.10, *Utilities and Service Systems*, for a discussion of water consumption. This section includes data from:

- *City of Tustin General Plan* (including 2021-2029 Housing Element), adopted November 2018 and updated October 2022.
- *Tustin Legacy Specific Plan Amendment*, as Amended in 2017
- *Tustin Legacy Specific Plan Amendment SEIR*
- Tustin City Code
- *Tustin Legacy Specific Plan Amendment Project Air Quality, Energy, and Greenhouse Gas Impact Report*, prepared by LSA, May 2024 (Appendix B)

5.2.2 REGULATORY SETTING

5.2.2.1 State Regulations

Energy Independence and Security Act, Corporate Average Fuel Efficiency Standards

In response to *Massachusetts et al. vs. Environmental Protection Agency et al.*, the Bush Administration issued an executive order on May 14, 2007, directing the U.S. Environmental Protection Agency and the Department of Transportation to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. On December 19, 2007, the Energy Independence and Security Act of 2007 was signed into law, requiring an increased Corporate Average Fuel Economy (CAFE) standard of 35 miles per gallon (mpg) for the combined fleet of cars and light trucks by the 2020 model year.

In addition to setting increased CAFE standards for motor vehicles, the Energy Independence and Security Act includes the following additional provisions:

- Renewable Fuel Standard (Section 202)
- Appliance and Lighting Efficiency Standards (Sections 301–325)
- Building Energy Efficiency (Sections 411–441)

Additional provisions of the Act address energy savings in government and public institutions, promoting research for alternative energy, additional research in carbon capture, international energy programs, and the creation of green jobs.

California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449(d)(3)

No vehicle or engines subject to this regulation may idle for more than 5 consecutive minutes. The idling limit does not apply to:

- Idling when queuing,
- Idling to verify that the vehicle is in safe operating condition,
- Idling for testing, servicing, repairing, or diagnostic purposes,
- Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),
- Idling required to bring the machine system to operating temperature, and
- Idling necessary to ensure safe operation of the vehicle.

California Public Utilities Commission Plans and Programs

The California Public Utilities Commission (CPUC) has authority to set electric rates, regulate natural gas utility service, protect consumers, promote energy efficiency, and ensure electric system reliability. The CPUC has established rules for the planning and construction of new transmission facilities, distribution facilities, and substations. Utility companies are required to obtain permits to construct certain power line facilities or substations. The CPUC also has jurisdiction over the siting of natural gas transmission lines.

The CPUC regulates distributed energy generation policies and programs for both customers and utilities. This includes incentive programs (e.g., California Solar Initiative) and net energy metering policies. Net energy metering allows customers to receive a financial credit for power generated by their onsite system and fed back to the utility. The CPUC is involved with utilities through a variety of energy procurement programs, including the Renewable Portfolio Standard program.

In 2008, the CPUC adopted the Long-Term Energy Efficiency Strategic Plan, which is a road map to achieving maximum energy savings in California through 2020. Consistent with California's energy policy and electricity "loading order," the Energy Efficiency Strategic Plan indicates that energy efficiency is the highest priority resource in meeting California's energy needs. The CPUC also adopted energy goals that require all new residential construction in California to be zero net energy by 2020. The zero-net energy goal means new buildings must use a combination of improved efficiency and distributed renewable energy generation to meet 100 percent of their annual energy need. In addition to the zero net energy goals for residential buildings by 2020, the CPUC has adopted goals that all new commercial construction in California will be zero net energy by 2030, and 50 percent of existing commercial buildings will be retrofit to zero net energy by 2030.

Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased from 33 percent to 50 percent by December 31, 2030, thereby doubling energy efficiency within the State. SB 350 makes revisions to the California Renewable Portfolio Standards (RPS) Program and to certain other requirements on public utilities and publicly owned electric utilities. SB 350 also requires local publicly-owned electric utilities to establish annual targets for energy efficiency savings and demand reduction consistent with a statewide goal established by the CPUC and provides incentives for electrification of rail facilities. Local utilities would be required to develop more detailed strategies and incentives for use of renewable energy sources, resulting in an increased demand for renewable energy generation.

SB 350 emphasizes the important role of electric vehicles in California's overall scheme to combat climate change, declaring that "[d]eploying electric vehicles should assist in grid management, integrating generation

from eligible renewable energy resources, and reducing fuel costs for vehicle drivers." The bill promotes the development of additional electric vehicle charging infrastructure to encourage greater use of electric cars and requires electrical utilities to include expansion of electrical vehicle charging facilities as part of their strategies and incentives for reducing overall energy consumption.

Assembly Bill 1007 (Pavley, Chapter 371, Statutes of 2005)

Assembly Bill 1007 required the California Energy Commission (CEC) to prepare a state plan (State Alternative Fuels Plan) to increase the use of alternative fuels in California. The Commission prepared the State Alternative Fuels Plan in partnership with the California Air Resources Board and in consultation with other state, federal, and local agencies. The final State Alternative Fuels Plan, published in December 2007, attempts to achieve an 80 percent reduction in greenhouse gas emissions associated with personal transportation, even as California's population increases. Measures proposed that would reduce petroleum fuel use include:

1. Lowering the energy needed for personal transportation by tripling the energy efficiency of on-road vehicles by 2050 through:
    a. Conventional gas, diesel, and flexible fuel vehicles (FFVs) averaging more than 40 miles per gallon (mpg).
    b. Hybrid gas, diesel, and FFVs averaging almost 60 mpg.
    c. All electric and plug-in hybrid electric vehicles (PHEVs) averaging well over 100 mpg (on a greenhouse gas equivalents [GGE] basis) on the electricity cycle.
    d. Fuel cell vehicles averaging over 80 mpg (on a GGE basis).
2. Moderating growth in per capita driving, reducing today's average per capita driving miles by about 5 percent or back to 1990 levels.
3. Changing the energy sources for transportation fuels from the current 96 percent petroleum-based to approximately:
    a. 30 percent from gasoline and diesel from traditional petroleum sources or lower GHG emission fossil fuels such as natural gas.
    b. 30 percent from transportation biofuels.
    c. 40 percent from a mix of electricity and hydrogen.
4. Producing transportation biofuels, electricity, and hydrogen from renewable or very low carbon-emitting technologies that result in, on average, at least 80 percent lower life cycle GHG emissions than conventional fuels.
5. Encouraging more efficient land uses and greater use of mass transit, public transportation, and other means of moving goods and people.

Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code (CALGreen) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2022 update that is applicable to building permit applications submitted after January 1, 2023. The updated 2022 standards focus on the following:

- Encouraging electric heat pump technology and use. Heat pumps use less energy and produce fewer emissions than traditional HVACs and water heaters.

- Establishing electric-ready requirements when natural gas is installed to provide for electric heating, cooking, and electric vehicle (EV) charging.
- Expanding solar photovoltaic (PV) system and battery storage standards.
- Strengthening ventilation standards to improve indoor air quality.

In addition to these updated standards, the CALGreen standards that are applicable to the proposed Project include, but are not limited to, the following:

- Short-term bicycle parking. Provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack.
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5 percent of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility.
- Designated parking for clean air vehicles. Provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Title 24 Part 6 Table 5.106.5.2.
- Electric vehicle charging stations. Facilitate the future installation of electric vehicle supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight, and glare ratings per Title 24 Part 6 Table 5.106.8.
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste.
- Excavated soil and land clearing debris. 100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled.
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals.
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
    - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush.
    - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush. The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush.
    - Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi. Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi. Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute. Metering faucets shall not deliver more than 0.20 gallons per cycle. Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle.
- Outdoor portable water use in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient (MWELO), whichever is more stringent.
- Water meters. Separate submeters or metering devices shall be installed for new buildings or where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day.

- Outdoor water use in rehabilitated landscape projects equal or greater than 2,500 SF. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 SF requiring a building or landscape permit.
- Commissioning. For new buildings 10,000 SF and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements.

The 2022 CALGreen Building Standards Code has been adopted by the City of Tustin by reference in Municipal Code Section 8100.

5.2.2.2 Local Regulations

City of Tustin General Plan

The City of Tustin policies related to energy are provided in the Conservation, Open Space, and Recreation Element of the General Plan. The following energy use related policies are applicable to the proposed Project:

Goal 1 **Reduce air pollution through proper land use, transportation and energy planning.**

Policy 1.3 Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.

Policy 1.7 Create the maximum possible opportunities for bicycles as an alternative transportation mode and recreational use.

Goal 2 **Improve air quality by influencing transportation choices of mode, time of day, or whether to travel and to establish a jobs/housing balance.**

Policy 2.1 Reduce vehicle trips through incentives, regulations and/or Transportation Demand Management (TDM) programs.

Policy 2.2 Reduce total vehicle miles traveled (VMT) through incentives, regulations and/or Transportation Demand Management.

Policy 2.6 Encourage non-motorized transportation through the provision of bicycle and pedestrian pathways.

Goal 4 **Reduce emissions through reduced energy consumption.**

Policy 4.1 Promote energy conservation in all sectors of the City including residential, commercial, and industrial.

Policy 4.2 Promote local recycling of waste and the use of recycled materials.

Tustin City Code

Tustin City Code Section 8100 incorporates the California Energy Code and the California Green Building Standards Code by reference.

5.2.3 ENVIRONMENTAL SETTING

5.2.3.1 Electricity

The Southern California Edison Company (SCE) is the electrical purveyor in the City of Tustin. SCE provides electricity service to more than 15 million people in a 50,000 square-mile area of central, coastal and Southern California. California utilities are experiencing increasing demands that require modernization of the electric distribution grid to, among other things, accommodate two-way flows of electricity and increase the grid's capacity. SCE is in the process of implementing infrastructure upgrades to ensure the ability to meet future demands. In addition, as described by the Edison International 2022 Annual Report, the SCE electrical grid modernization effort supports implementation of California requirements to achieve carbon neutrality by 2045. The state has set Renewables Portfolio Standards that require retail sellers of electricity to provide 60 percent of power from renewable resources by 2030. The state also requires sellers of electricity to deliver 100 percent of retail sales from carbon-free sources by 2045, including interim targets of 90 percent by 2035 and 95 percent by 2040. In 2022 approximately 49 percent of power that SCE delivered to customers came from carbon-free resources (SCE, 2023).

According to the California Energy Commission (CEC), total electricity consumption in the SCE service area in 2022 was 85,870 GWh (31,604 GWh for the residential sector and 54,266 GWh for the non-residential sector). Total electricity consumption in Orange County in 2022 was 20,244 GWh (20,243,721,856 kilowatt hours [kWh]), including 7,830 GWh for the residential sector and 12,414 GWh for the non-residential sector.

The TLSP area is currently served by the electricity distribution system that exists along the roadways within and adjacent to the area.

5.2.3.2 Natural Gas

The Southern California Gas Company (SoCalGas) is the natural gas purveyor in the City of Tustin and is the principal distributor of natural gas in Southern California. SoCalGas provides natural gas to approximately 21.8 million people in a 24,000 square mile service area throughout Central and Southern California. The gas supply available to SoCalGas is regionally diverse and includes supplies from California sources (onshore and offshore), Southwestern U.S. supply sources, the Rocky Mountains, and Canada (CGEU, 2023). SoCalGas designs its facilities and supplies to provide continuous service during extreme peak demands and has identified the ability to meet peak demands through 2035 (CGEU, 2023).

According to the CEC, total natural gas consumption in the SoCalGas service area in 2022 was 5,026 million therms (2,230 million therms for the residential sector). Total natural gas consumption in Orange County in 2021 was 573 million therms (572,454,744 therms), including 352 million therms for the residential sector and 221 million therms for the non-residential sector (California Energy Commission , 2023).

The TLSP area is currently served by the natural gas distribution system that exists within the roadways within and adjacent to the area.

5.2.3.3 Fuel

The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 miles per gallon (mpg) in 1980 to 22.9 mpg in 2021 (U.S. Department of Transportation, 2024). Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. This act, which originally mandated a national fuel economy standard of 35 mpg by year 2020, applies to cars and light trucks of Model Years 2011 through

2020 (U.S. Department of Energy, 2007). In March 2020, the United States Environmental Protection Agency (USEPA) and National Highway Traffic Safety Administration (NHTSA) finalized the Corporate Average Fuel Economy (CAFE) standards for Model Years 2024–2026 Passenger Cars and Light Trucks, further detailed below.

Gasoline is the most used transportation fuel in California, with 97 percent of all gasoline being consumed by light-duty cars, pickup trucks, and sport utility vehicles. According to the most recent data available, in 2021, total gasoline consumption in California was 289,918 thousand barrels (12.2 billion gallons) or 1,464.7 trillion British Thermal Units (BTU). Of the total gasoline consumption, 273,289 thousand barrels (11.5 billion gallons) or 1,380.7 trillion BTU were consumed for transportation (U.S. Energy Information Administration, 2022). Based on fuel consumption obtained from CARB's California Emissions Factor Model, Version 2021 (EMFAC2021), approximately 1.2 billion gallons of gasoline and approximately 157.1 million gallons of diesel will be consumed from vehicle trips in Orange County in 2024.

5.2.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a project could have a significant effect if it were to:

E-1 Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

E-2 Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

5.2.5 METHODOLOGY

A number of factors are considered when weighing whether a project would use a proportionately large amount of energy or whether the use of energy would be wasteful in comparison to other projects. Factors such as the use of onsite renewable energy features, energy conservation features or programs, and relative use of transit are considered.

According to Appendix F of the CEQA Guidelines, conserving energy is defined as decreasing overall per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. Neither Appendix F of the CEQA Guidelines nor Public Resources Code Section 21100(b)(3) offer a numerical threshold of significance that might be used to evaluate the potential significance of energy consumption of a project. Rather, the emphasis is on reducing "the wasteful, inefficient, and unnecessary consumption of energy."

Construction activities would result in wasteful, inefficient, or unnecessary use of energy if, for example, construction equipment is old or not well maintained, if equipment is left to idle when not in use, if travel routes are not planned to minimize vehicle miles traveled, or if excess lighting or water is used during construction activities. Energy usage during project operation would be considered "wasteful, inefficient, and unnecessary" if the project were to violate federal, state, and/or local energy standards, including Title 24 of the California Code of Regulations, inhibit pedestrian or bicycle mobility, inhibit access to transit, or inhibit feasible opportunities to use alternative energy sources, such as solar energy, or otherwise inhibit the conservation of energy.

5.2.6 ENVIRONMENTAL IMPACTS

Summary of Impacts Previously Identified

Energy was not analyzed by previous CEQA documentation.

Proposed TLSP Amendment Project

IMPACT E-1: THE PROJECT WOULD NOT RESULT IN A POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES, DURING PROJECT CONSTRUCTION OR OPERATION.

Less than Significant Impact.

Construction

During the construction phases of the proposed Project energy would be consumed in 3 general forms:

1. Petroleum-based fuels used to power off-road construction vehicles and equipment on the Project site, construction worker travel to and from the Project site, as well as delivery truck trips;
2. Electricity associated with providing temporary power for lighting and electric equipment; and
3. Energy used in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Construction activities related to new projects pursuant to the proposed TLSP Amendment would not result in inefficient or wasteful use of fuel. Construction would occur pursuant to the City's allowable construction hours, pursuant to City permitting. The demand for construction-related electricity and fuels would be limited to those time frames and would vary based on construction activities for each development project, which would be reviewed by City staff during the typical development review and permitting process.

Truck idling is regulated by CCR Title 13, Motor Vehicles, Section 2449(d)(3) Idling, that limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Additionally, construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment during the City's construction permitting process. Compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption.

As indicated in Table 5.2-1, buildout of the proposed TLSP Amendment would consume approximately 722,247.3 gallons of diesel fuel per year and approximately 1,797,763.8 gallons of gasoline per year during construction, which is an increase of 158,694.6 gallons of diesel fuel per year and approximately 828,461.5 gallons of gasoline per year over buildout of the existing TLSP.

Table 5.2-1: Estimated Construction Energy Usage

Energy Type	Total Energy Consumption	Annual Energy Consumption
Approved Project		
Approved Project Diesel Fuel (total gallons)	11,271,055.1	563,552.8
Approved Project Gasoline (total gallons)	19,386,047.1	969,302.4
Proposed Modified Project		
Modified Project Diesel Fuel (total gallons)	14,444,946.8	722,247.3
Modified Project Gasoline (total gallons)	35,955,276.2	1,797,763.8
Increase in Energy Usage (Proposed Modified Project – Approved Project)		
Increase in Diesel Fuel (total gallons)	3,173,891.7	158,694.6
Increase in Gasoline (total gallons)	16,569,229.1	828,461.5

Note: The annual energy consumption was calculated by averaging the total energy consumption over the 20-year buildout period.

Source: *Air Quality, Energy, and Greenhouse Gas Impact Analysis* (Appendix B)

Based on fuel consumption obtained from the EMFAC2021 model, approximately 1.2 billion gallons of gasoline and approximately 157.1 million gallons of diesel will be consumed from vehicle trips in Orange County in 2024. Therefore, the energy usage associated with buildout of the proposed TLSP Amendment would increase the annual construction fuel use in Orange County by approximately 0.5 percent for diesel fuel usage and by 0.1 percent for gasoline fuel. As such, project construction would have a minimal effect on local and regional energy supplies. Furthermore, impacts related to energy use during construction would be temporary and relatively small in comparison to Orange County's overall use of the State's available energy resources. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or the State. Construction activities would comply with all applicable regulations, as required through the City's development permitting process, and would not use large amounts of energy or fuel in a wasteful, inefficient, or unnecessary manner. Thus, impacts related to construction energy usage would be less than significant.

Operation

Once operational, the residential uses included in the proposed TLSP Amendment would generate demand for electricity, natural gas, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, and lighting of building areas, water heating, operation of electrical systems and appliances, parking lot and outdoor lighting, and the transport of electricity, natural gas, and water to the areas where they would be consumed. This use of energy is typical for urban development, and no operational activities or land uses would occur that would result in extraordinary energy consumption.

Fuel Demand

Buildout of the proposed TLSP Amendment would result in an increase of 15,678 daily vehicle trips that would generate an increased use of fuel (Appendix D). As detailed in Table 5.2-2, this increase in fuel is estimated to be 9,171,101.1 gallons of gasoline and 965,303.8 gallons of diesel fuel per year, which is an increase of 6,665,377 gallons of gasoline and 701,564 gallons of diesel fuel per year over buildout of the existing TLSP.

Based on fuel consumption obtained from EMFAC2021, approximately 1.2 billion gallons of gasoline and approximately 157.1 million gallons of diesel will be consumed from vehicle trips in Orange County in 2024. Therefore, vehicle trips associated with the buildout of the proposed TLSP Amendment would increase the annual fuel use in Orange County by approximately 0.8 percent for gasoline and approximately 0.6 percent for diesel. Fuel consumption associated with vehicle trips generated by the proposed TLSP Amendment would not be inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Table 5.2-2: Estimated Operational Energy Usage at Buildout

Energy Type	Annual Energy Consumption
Approved Project	
Electricity Consumption (kWh/year)	45,612,144
Natural Gas Consumption (therms/year)	867,801
Gasoline (gallons/year)	2,505,724.1
Diesel Fuel (gallons/year)	263,739.9
Proposed Modified Project	
Electricity Consumption (kWh/year)	82,337,291

Natural Gas Consumption (therms/year)	1,946,109
Gasoline (gallons/year)	9,171,101.1
Diesel Fuel (gallons/year)	965,303.8
Increase in Energy Usage (Proposed Modified Project – Approved Project)	
Electricity Consumption (kWh/year)	36,725,147
Natural Gas Consumption (therms/year)	1,078,308
Gasoline (gallons/year)	6,665,377
Diesel Fuel (gallons/year)	701,564

Source: *Air Quality, Energy, and Greenhouse Gas Impact Analysis* (Appendix B)

Electricity Demand

As shown in Table 5.2-2, the estimated electricity demand from buildout of the proposed TLSP Amendment is 82,337,291 kWh per year, which is an increase in 36,725,147 kWh per year over buildout of the existing TLSP. Total electricity consumption in Orange County in 2022 was 20,244 GWh (20,243,721,856 kWh). Thus, operation of the proposed TLSP Amendment at buildout would increase the annual electricity consumption in Orange County by approximately 0.4 percent.

Natural Gas Demand

Additionally, as shown in Table 5.2-2, the estimated natural gas demand associated with development consistent with the proposed TLSP Amendment is 1,946,109 therms per year, which is an increase in 1,078,308 therms per year over buildout of the existing TLSP. Total natural gas consumption in Orange County in 2022 was 573 million therms (572,454,744 therms). Thus, operation of the proposed TLSP Amendment at buildout would increase the annual natural gas consumption in Orange County by approximately 0.3 percent.

Electrical and natural gas demand associated with future operations would not be considered inefficient, wasteful, or unnecessary because all future development would be required to adhere to all federal, State, and local requirements for energy efficiency, including the latest Title 24 standards that would be verified during the City's development review and permitting procedures. Title 24 building energy efficiency standards establish minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting, which would ensure that energy usage is not wasteful or inefficient.

Land Use Type and Location Demand

The residential units that would be developed pursuant to the proposed TLSP would consist of urban infill development within an area providing a mix of residential, open space, and commercial (retail/restaurant) uses. The TLSP includes and is located near existing employment, commercial, residential, and retail destinations and existing public bus stops and in proximity to freeways and destination locations, which would result in reduced vehicle trips and efficient use of energy.

The California Air Pollution Control Officers Association (CAPCOA) has a guidance document titled *Quantifying Greenhouse Gas Mitigation Measures* (2010) that identifies land use characteristics of projects that reduce vehicle trip distances and the associated transportation-related energy demand, as described below.

- **Area Density:** CAPCOA identifies that increases in area density, measured in terms of persons, jobs, or dwelling units per unit area, reduces VMT associated with transportation[1], as it reduces the distance people travel for work or services and provides a foundation for the implementation of other strategies such as enhanced transit services (CAPCOA guidance measure LUT-1). According to CAPCOA, the reduction in VMT from increases in area density applies to urban and suburban settings for residential, retail, office, industrial, and mixed-use projects. The proposed TLSP Amendment would provide additional residential units within an urban area near employment opportunities, services, retail/restaurant, and open space. The proposed TLSP Amendment would provide an increase in area residential density and an improvement to the jobs-housing balance. As detailed in Section 5.6, *Population and Housing*, the Project region has an existing and projected future imbalance between the number of jobs and housing units, and per CAPCOA guidance, the addition of residential units within the area would reduce VMT and the VMT-related fuel demand. Therefore, the proposed TLSP Amendment is consistent with infill development that increases area density as described by CAPCOA. Thus, based on the CAPCOA guidance the proposed Project would not result in wasteful, inefficient, or unnecessary use of fuel, and impacts would be less than significant.
- **Location Efficiency:** Location efficiency describes the location of a project relative to the type of urban landscape such as an urban area, compact infill, or suburban center. CAPCOA guidance measure LUT-2.22 describes that a reduction in VMT and the related use of energy occurs from development within urban areas that include residential, retail, office, industrial, mixed-uses, and transportation access. As described previously, the TLSP is an urban area and the proposed TLSP Amendment would provide for additional residential units near employment, retail, and services that would provide for efficient use of transportation energy. The TLSP location also provides for efficient energy use to access existing freeways (that include I-405, I-5, and SR-55), regionally serving arterial roadways (Barranca Parkway, Red Hill Avenue, Jamboree Road, Edinger Avenue, Warner Avenue), and the OCTA bus lines that run within and adjacent to the TLSP area.

  In addition, the TLSP area contains sidewalks and is within walking and bicycling distance of various existing retail services, such as groceries, restaurants, banks, entertainment, and recreation facilities. According to the CAPCOA guidance, factors that contribute to VMT reductions include pedestrian connectivity between the project site and offsite destinations. The City of Tustin requires new residential development to include installation of sidewalks (and bicycle lanes on specific roadways) that would connect to existing facilities. Both walking and bicycling to nearby destinations would reduce transportation energy use. Thus, the TLSP location provides for efficient use of transportation energy supplies and is consent with policies for reducing VMT.

  In addition, the TLSP area contains and is surrounded by existing infrastructure would provide for efficient delivery of electricity and natural gas to the new development. Furthermore, other existing and future regulations are likely to result in more efficient use of all types of energy, and reduction in reliance on non-renewable sources of energy. These include the Federal Energy Independence and Security Act, the State Long Term Energy Efficiency Strategic Plan, SB 350, and AB 1007 (described above), which are designed to reduce reliance on non-renewable energy resources and reduce demand by providing

[1] CalEEMod, by default, assumes that trip distances in the South Coast Air Basin (Basin) are slightly longer than the statewide average. This is because the commute patterns in the Basin involve a substantial portion of the population commuting relatively far distances, which is documented in the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which shows that in existing and future plan conditions, more than 50 percent of all work trips are 10 miles or longer (SCAG, Performance Measures Appendix, page 13, 2016). Thus, work trips that would be less than 10 miles would assist in meeting the 2016 RTP/SCS goal of reducing overall VMT in the region.

federal tax credits for purchasing fuel-efficient items and improving the renewable fuel, appliance, and lighting standards. Thus, the proposed TLSP Amendment would not result in wasteful, inefficient, or unnecessary use of fuel, and impacts would be less than significant.

IMPACT E-2: THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENTY.

No Impact. Proposed development projects pursuant to the proposed TLSP Amendment would be required to meet the CCR Title 24 energy efficiency standards in effect during the permitting process. The City's administration of the CCR Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. In addition, future development pursuant to the proposed TLSP Amendment would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. The proposed TLSP Amendment would not result in obstruction of opportunities for use of renewable energy. New developments would be required to incorporate the use of solar energy, pursuant to the CALGreen requirements. Through the City's development permitting process, new development would be required to comply with most current Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including water and space heating and cooling equipment, building insulation and roofing, and lighting. Thus, the proposed TLSP Addendum would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would not occur.

The City's General Plan also includes several policies related to energy. The applicable policies and the proposed TLSP Amendment's consistency are described in Table 5.2-3.

Table 5.2-3: Consistency with General Plan Energy Related Policies

General Plan Policy	Project Consistency
Conservation, Open Space, and Recreation Element	
Policy 1.3 Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.	**Consistent**. The proposed TLSP Addendum would provide for additional multiple family developments close to commercial areas within the TLSP that would encourage pedestrian travel.
Policy 1.7 Create the maximum possible opportunities for bicycles as an alternative transportation mode and recreational use.	**Consistent**. As detailed in Section 5.8, *Transportation*, The TLSP Recreational Bikeway/Trail Concept Plan links to adjacent on- and off-road bikeways/trails as identified in Figure 5.8-2 that would provide biking alternatives for transportation and recreational use. The proposed TLSP Addendum would provide for additional residences close to the bikeways that would implement usage.
Policy 2.1 Reduce vehicle trips through incentives, regulations and/or Transportation Demand Management (TDM) programs.	**Consistent**. The proposed TLSP Addendum would provide for additional residences close to services, recreation, employment, and retail/restaurant uses that would reduce vehicle trips.
Policy 2.2 Reduce total vehicle miles traveled (VMT) through incentives, regulations and/or Transportation Demand Management.	**Consistent**. he proposed TLSP Addendum would provide for additional residences close to services, recreation, employment, and retail/restaurant uses that would reduce vehicle trips.
Policy 2.6 Encourage non-motorized transportation through the provision of bicycle and pedestrian pathways.	**Consistent**. As detailed in Section 5.8, *Transportation*, The TLSP Recreational Bikeway/Trail Concept Plan links to adjacent on- and off-road bikeways/trails as identified in Figure 5.8-2 that would provide biking and pedestrian alternatives for transportation. The proposed

General Plan Policy	Project Consistency
	TLSP Addendum would provide for additional residences close to the bikeways and pedestrian pathways that would encourage non-motorized transportation.
Policy 4.1 Promote energy conservation in all sectors of the City including residential, commercial, and industrial.	**Consistent**. Energy conservation would be promoted in all new TLSP development by compliance with existing energy related regulations including Title 24 and CALGreen that would be verified during the development review and permitting process of each project.
Policy 4.2 Promote local recycling of waste and the use of recycled materials.	**Consistent**. Recycling and use of recycled materials would be promoted in all new TLSP development by compliance with existing regulations including Title 24 and CALGreen that would be verified during the development review and permitting process of each project.

Thus, the proposed TLSP Amendment would not interfere with any plan for renewable energy or energy efficiency, and no impacts would occur.

5.2.7 CUMULATIVE IMPACTS

The geographic context for analysis of cumulative impacts regarding energy includes past, present, and future development within Southern California because energy supplies (including electricity, natural gas, and petroleum) are generated and distributed throughout the Southern California region.

All development projects throughout the region would be required to comply with the energy efficiency standards in the Title 24 requirements. Additionally, some of the developments could provide for additional reductions in energy consumption by use of solar panels, sky lights, or other LEED type energy efficiency infrastructure. With implementation of the existing energy conservation regulations, cumulative electricity and natural gas consumption would not be cumulatively wasteful, inefficient, or unnecessary.

Petroleum consumption associated with the residential uses included in the proposed TLSP Amendment would be primarily attributable to transportation, especially vehicular use. However, state fuel efficiency standards and alternative fuels policies (per AB 1007 Pavely) would contribute to a reduction in fuel use, and the Federal Energy Independence and Security Act and the State Long Term Energy Efficiency Strategic Plan would reduce reliance on non-renewable energy resources. For these reasons, the consumption of petroleum would not occur in a wasteful, inefficient, or unnecessary manner and would be less than cumulatively considerable.

5.2.8 EXISTING STANDARD CONDITIONS AND PLANS, PROGRAMS, OR POLICIES

The following standard regulation would reduce potential impacts related to energy:

- California Energy Code (Code of Regulations, Title 24 Part 6).

5.2.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, Impacts E-1and E-2 would be less than significant.

5.2.10 MITIGATION MEASURES

2017 SEIR Mitigation Measures Applicable to the Proposed Project

None.

Proposed TLSP Amendment Project Mitigation Measures

None.

5.2.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts related to energy would be less than significant.

5.2.12 REFERENCES

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5.3 Greenhouse Gas Emissions

5.3.1 INTRODUCTION

This section evaluates the potential for implementation of the proposed Project to cumulatively contribute to greenhouse gas (GHG) emissions impacts. No single project is large enough to result in a measurable increase in global concentrations of GHG emissions; therefore, impacts of the proposed Project are considered on a cumulative basis. This evaluation is based on the methodology recommended by the South Coast Air Quality Management District (SCAQMD). This section also addresses the proposed Project's consistency with applicable plans, policies, and public agency regulations adopted for the purpose of reducing the emissions of GHGs. The analysis within this section is based on the following:

- *City of Tustin General Plan* (including 2021-2029 Housing Element), adopted November 2018 and updated October 2022.
- *Tustin Legacy Specific Plan Amendment*, as Amended in 2017
- Tustin City Code
- *Tustin Legacy Specific Plan Amendment Project Air Quality, Energy, and Greenhouse Gas Impact Report,* prepared by LSA, May 2024 (Appendix B)

5.3.2 REGULATORY SETTING

5.3.2.1 Federal Regulations

GHG Endangerment Ruling

In *Massachusetts v. Environmental Protection Agency* 549 U.S. 497 (2007), decided on April 2, 2007, the United States Supreme Court (Supreme Court) found that four GHGs, including CO_2, are air pollutants subject to regulation under Section 202(a)(1) of the Clean Air Act (CAA). The Supreme Court held that the United States Environmental Protection Agency (USEPA) Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the USEPA Administrator signed two distinct findings regarding GHGs under section 202(a) of the CAA:

- Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs—carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)—in the atmosphere threaten the public health and welfare of current and future generations.
- Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to GHG pollution, which threatens public health and welfare.

These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed in the section "Clean Vehicles" below. After a lengthy legal challenge, the Supreme Court declined to review an Appeals Court ruling that upheld the USEPA Administrator's findings.

Clean Vehicle Requirements

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light duty trucks. The law has become more stringent over time. On May 19, 2009, President Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the U.S. On April 1, 2010, the USEPA, and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) announced a joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the U.S.

The first phase of the national program applied to passenger cars, light-duty trucks, and medium-duty (MD) passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet an estimated combined average emissions level of 250 grams of CO_2 per mile, equivalent to 35.5 miles per gallon (mpg) to cut CO_2 emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold. The USEPA and the NHTSA issued second-phase national standards for light-duty vehicles for model years 2017 through 2025 to achieve an equivalent to 54.5 mpg.

5.3.2.2 State Regulations

California Assembly Bill 1493 – Pavley

In 2002, the California legislature adopted regulations to reduce GHG emissions in the transportation sector. In September 2004, pursuant to AB 1493, the California Air Resources Board (CARB or Board) approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year. In September 2009, CARB adopted amendments to the Pavley regulations to reduce GHG from 2009 to 2016. CARB, the USEPA and the U.S. Department of Transportation's National Highway Traffic and Safety Administration have coordinated efforts to develop fuel economy and GHG standards for model 2017-2025 vehicles. The GHG standards are incorporated into the "Low Emission Vehicle" Regulations.

California Executive Order S-3-05 – Statewide Emission Reduction Targets

Executive Order S-3-05 was established by Governor Arnold Schwarzenegger in June 2005. Executive Order S-3-05 establishes statewide emission reduction targets through the year 2050:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

Assembly Bill 1279

Assembly Bill (AB) 1279 requires the state to achieve net zero GHG as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter. The bill also requires California to reduce statewide GHG emissions by 85 percent compared to 1990 levels and directs the California Air Resources Board to work with relevant state agencies to achieve these goals.

California Assembly Bill 32 (AB 32), Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006)

In 2006, the Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32)], which created a comprehensive, multi-year program to reduce GHG emissions in California. AB 32 required CARB to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by

the Board in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan. Each of the Scoping Plans have included a suite of policies to help the state achieve its GHG targets, in large part leveraging existing programs whose primary goal is to reduce harmful air pollution. The 2017 Scoping Plan identifies how the state can reach the 2030 climate target to reduce GHG emissions by 40 percent from 1990 levels, and substantially advance toward the 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels.

The AB 32 Scoping Plan also anticipates that local government actions will result in reduced GHG emissions because local governments have the primary authority to plan, zone, approve, and permit development to accommodate population growth and the changing needs of their jurisdictions. The Scoping Plan also relies on the requirements of Senate Bill 375 (discussed below) to align local land use and transportation planning for achieving GHG reductions.

The Scoping Plan must be updated every five years to evaluate AB 32 policies and ensure that California is on track to achieve the GHG reduction goals. On December 15, 2022, CARB adopted the 2022 Scoping Plan. The 2022 Scoping Plan builds on the previous Scoping Plans as well as the requirements set forth by AB 1279, which directs the state to become carbon neutral no later than 2045. To achieve this statutory objective, the 2022 Scoping Plan lays out how California can reduce GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045. The Scoping Plan scenario to do this is to "deploy a broad portfolio of existing and emerging fossil fuel alternatives and clean technologies, and align with statutes, Executive Orders, Board direction, and direction from the governor." The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world.

Senate Bill 375

In August 2008, the legislature passed, and on September 30, 2008, Governor Schwarzenegger signed, SB 375 (Steinberg), which addresses GHG emissions associated with the transportation sector through regional transportation and sustainability plans. Regional GHG reduction targets for the automobile and light-truck sector for 2020 and 2035, as determined by CARB, are required to consider the emission reductions associated with vehicle emission standards (see SB 1493), the composition of fuels (see Executive Order S-1-07), and other CARB-approved measures to reduce GHG emissions. Regional metropolitan planning organizations (MPOs) will be responsible for preparing a Sustainable Communities Strategy (SCS) within their Regional Transportation Plan (RTP). The goal of the SCS is to establish a development plan for the region, which, after considering transportation measures and policies, will achieve, if feasible, the GHG reduction targets. If an SCS is unable to achieve the GHG reduction target, an MPO must prepare an Alternative Planning Strategy demonstrating how the GHG reduction target would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. SB 375 provides incentives for streamlining CEQA requirements by substantially reducing the requirements for "transit priority projects," as specified in SB 375, and eliminating the analysis of the impacts of certain residential projects on global warming and the growth-inducing impacts of those projects when the projects are consistent with the SCS or Alternative Planning Strategy. On September 23, 2010, CARB adopted the SB 375 targets for the regional MPOs.

Executive Order B-30-15 – 2030 Statewide Emission Reduction Target

Executive Order B-30-15 was signed by then Governor Jerry Brown on April 29, 2015, establishing an interim statewide GHG reduction target of 40 percent below 1990 levels by 2030, which is necessary to guide regulatory policy and investments in California in the midterm, and put California on the most cost-effective path for long-term emission reductions. Under this Executive Order, all state agencies with jurisdiction over sources of GHG emissions are required to continue to develop and implement emissions reduction programs to reach the state's 2050 target and attain a level of emissions necessary to avoid

dangerous climate change. According to the Governor's Office, this Executive Order is in line with the scientifically established levels needed in the United States to limit global warming below 2°C – the warming threshold at which scientists say there will likely be major climate disruptions such as super droughts and rising sea levels.

Senate Bill 32 (Chapter 249, Statutes of 2016)

Senate Bill 32 was signed on September 8, 2016, by then Governor Jerry Brown. SB 32 requires the state to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15. The new legislation builds upon the AB 32 goal of 1990 levels by 2020 and provides an intermediate goal to achieving S-3-05, which sets a statewide GHG reduction target of 80 percent below 1990 levels by 2050. A related bill that was also approved in 2016, AB 197 (Chapter 250, Statutes of 2016) creates a legislative committee to oversee regulators to ensure that CARB is not only responsive to the Governor, but also the Legislature.

AB 398 – Extension of Cap-and-Trade Program to 2030 (Chapter 617, Statutes of 2017)

AB 398 was signed by then Governor Brown on July 25, 2017, and became effective immediately as urgency legislation. AB 398, among other things, extended the cap-and-trade program through 2030.

Senate Bill 97 (Chapter 185, Statutes of 2007)

SB 97 (Health and Safety Code Section 21083.5) was adopted in 2007 and required the Office of Planning and Research to prepare amendments to the CEQA Guidelines for the mitigation of GHG impacts. The amendments became effective on March 18, 2010. The CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. A new section, CEQA Guidelines Section 15064.4, was added to assist agencies in determining the significance of GHG emissions. The CEQA Section gives discretion to the lead agency whether to: (1) use a model of methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant or cumulatively considerable.

Also amended were CEQA Guidelines Sections 15126.4 and 15130, which address mitigation measures and cumulative impacts respectively. However, GHG mitigation measures are referenced in general terms, and no specific measures are identified. Additionally, the revision to the cumulative impact discussion requirement (Section 15130) simply directs agencies to analyze GHG emissions in an EIR when a project's incremental contribution of emissions may be cumulatively considerable, however it does not answer the question of when emissions are cumulatively considerable.

Section 15183.5 permits programmatic GHG analysis and later project-specific tiering, as well as the preparation of Greenhouse Gas Reduction Plans. Compliance with such plans can support a determination that a project's cumulative effect is not cumulatively considerable, according to proposed Section 15183.5(b).

CARB Advanced Clean Truck Regulation

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission "last-mile" delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty

vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

- Zero-Emission Truck Sales: Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.
- Company and Fleet Reporting: Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

CARB Advanced Clean Fleets Regulation

CARB adopted the Advanced Clean Fleets Regulation in April 2023 which requires fleet owners operating vehicles for private services such as last-mile delivery and federal fleets, along with state and local government fleets to begin their transition to zero-emission vehicles in 2024. In addition, drayage trucks are required to be zero-emissions by 2035, work trucks and day cab tractors must be zero-emission by 2039, and sleeper cap tractors and specialty vehicles must be zero-emission by 2042. The Advanced Clean Fleets rule includes an end to combustion truck sales in 2036.

Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code (CALGreen) is updated every three years. The most recent update was the 2022 California Green Building Code Standards became effective on January 1, 2023.

The CALGreen standards that reduce GHG emissions and are applicable to the proposed Project include, but are not limited to, the following:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5 percent of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- Designated parking for clean air vehicles. In new projects or additions to alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided is contained in Table 5.106. 5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight, and glare ratings per Table 5.106.8 (5.106.8).

- Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1. 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).
- Excavated soil and land clearing debris. 100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
    - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
    - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor- mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
    - Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
- Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 SF or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).
- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 SF. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 SF requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 SF and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

The CALGreen Building Standards Code has been adopted by the City of Tustin by reference in Municipal Code Section 8100.

City of Tustin General Plan

The City of Tustin addresses greenhouse gas generating activities in the Conservation, Open Space, and Recreation Element of the General Plan. The following policies are applicable to the proposed Project:

Goal 1 **Reduce air pollution through proper land use, transportation and energy planning.**

Policy 1.3 Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.

Policy 1.7 Create the maximum possible opportunities for bicycles as an alternative transportation mode and recreational use.

Goal 2 **Improve air quality by influencing transportation choices of mode, time of day, or whether to travel and to establish a jobs/housing balance.**

Policy 2.1 Reduce vehicle trips through incentives, regulations and/or Transportation Demand Management (TDM) programs.

Policy 2.2 Reduce total vehicle miles traveled (VMT) through incentives, regulations and/or Transportation Demand Management.

Policy 2.6 Encourage non-motorized transportation through the provision of bicycle and pedestrian pathways.

Goal 4 **Reduce emissions through reduced energy consumption.**

Policy 4.1 Promote energy conservation in all sectors of the City including residential, commercial, and industrial.

Policy 4.2 Promote local recycling of waste and the use of recycled materials.

5.3.3 ENVIRONMENTAL SETTING

Gases that trap heat in the atmosphere are called GHGs. The major concern with GHGs is that increases in their concentrations are causing global climate change. Global climate change is a change in the average weather on Earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the rate of global climate change and the extent of the impacts attributable to human activities, most in the scientific community agree that there is a direct link between increased emissions of GHGs and long-term global temperature increases.

The principal GHGs are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs). Because different GHGs have different warming potential, and CO_2 is the most common reference gas for climate change, GHG emissions are often quantified and reported as CO_2 equivalents (CO_2e). For example, SF_6 is a GHG commonly used in the utility industry as an insulating gas in circuit breakers and other electronic equipment. SF_6, while comprising a small fraction of the total GHGs emitted annually world-wide, is a much more potent GHG, with 22,800 times the global warming potential as CO_2. Therefore, an emission of one metric ton (MT) of SF_6 could be reported as an emission of 22,800 MT of CO_2e. Large emission sources are reported in million metric tons (MMT) of CO_2e. The principal GHGs are described below, along with their global warming potential.

Carbon dioxide: Carbon dioxide (CO_2) is an odorless, colorless, natural GHG. Carbon dioxide's global warming potential is 1. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic (manmade) sources are from burning coal, oil, natural gas, and wood.

Methane: Methane (CH_4) is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years, and its global warming potential is 28. Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter.

Nitrous oxide: Nitrous oxide (N_2O) (laughing gas) is a colorless GHG that has a lifetime of 121 years, and its global warming potential is 265. Sources include microbial processes in soil and water, fuel combustion, and industrial processes.

Sulfur hexafluoride: Sulfur hexafluoride (SF_6) is an inorganic, odorless, colorless, and nontoxic, nonflammable gas that has a lifetime of 3,200 years and a high global warming potential of 23,500. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas.

Perfluorocarbons: Perfluorocarbons (PFCs) have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Their global warming potential ranges from 7,000 to 11,000. Two main sources of perfluorocarbons are primary aluminum production and semiconductor manufacturing.

Hydrofluorocarbons: Hydrofluorocarbons (HFCs) are a group of GHGs containing carbon, chlorine, and at least one hydrogen atom. Their global warming potential ranges from 100 to 12,000. Hydrofluorocarbons are synthetic manmade chemicals used as a substitute for chlorofluorocarbons in applications such as automobile air conditioners and refrigerants.

Some of the potential effects in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more forest fires, and more drought years (CARB, 2009). Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects:

- Higher maximum temperatures and more hot days over nearly all land areas;
- Higher minimum temperatures, fewer cold days and frost days over nearly all land areas;
- Reduced diurnal temperature range over most land areas;
- Increase of heat index over land areas; and
- More intense precipitation events.

There are also many secondary effects that are projected to result from global warming, including global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. While the possible outcomes and the feedback mechanisms involved are not fully understood and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great.

GHGs are produced by both direct and indirect emissions sources. Direct emissions include consumption of natural gas, heating and cooling of buildings, landscaping activities and other equipment used directly by land uses. Indirect emissions include the consumption of fossil fuels for vehicle trips, electricity generation, water usage, and solid waste disposal.

Existing California GHG Conditions

California has significantly slowed the rate of growth of GHG emissions due to the implementation of energy efficiency programs as well as adoption of strict emission controls; but is still a substantial contributor to the U.S. emissions inventory total. CARB compiles GHG inventories for the state. Based upon the 2022 GHG inventory data (i.e., the latest year for which data are available) for the 2000-2021 GHG emissions period, California emitted an average of 381.3 million metric tons of CO_2e ($MMTCO_2e$) per year (CARB, 2024).

5.3.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a project could have a significant effect if it were to:

GHG-1 Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or

GHG-2 Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

CEQA Guidelines Section 15064.4 provides discretion to the lead agency whether to: (1) use a model of methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. In addition, CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant, but recommends that lead agencies consider several factors that may be used in the determination of significance of project related GHG emissions, including:

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines Section 15130(f) describes that the effects of GHG emissions are by their very nature cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis. Additionally, CEQA Guidelines Section 15064(h)3 states that a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides requirements to avoid or lesson the cumulative problem.

The SCAQMD formed a working group to identify greenhouse gas emissions thresholds for land use projects that could be used by local lead agencies in the Basin in 2008. The working group developed several different options that are contained in the SCAQMD Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold, that could be applied by lead agencies, which includes the following tiered approach:

- Tier 1 consists of evaluating whether the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a greenhouse gas reduction plan. If a project is consistent with a qualifying local greenhouse gas reduction plan, it does not have significant greenhouse gas emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project's construction emissions are averaged over 30 years and are added to the project's operational emissions. If a project's emissions are below one of the following screening thresholds, then the project is less than significant:
  - All land use types: 3,000 $MTCO_2e$ per year
  - Based on land use type:
    - Residential: 3,500 $MTCO_2e$ per year
    - Commercial: 1,400 $MTCO_2e$ per year
    - Mixed use: 3,000 $MTCO_2e$ per year
    - Industrial use: 10,000 $MTCO_2e$ per year when SCAQMD is the lead agency

SCAQMD used the Executive Order S-3-05-year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO_2 concentrations at 450 ppm, thus stabilizing global climate.

For the purpose of this analysis, the proposed project will be compared to the SCAQMD screening-level Tier 3 Numerical Screening Threshold of 3,000 $MTCO_2e$ per year for all land use type projects, which is consistent with the threshold used in the 2017 SEIR.

5.3.5 METHODOLOGY

The California Emissions Estimator Model (CalEEMod) version 2022.1 is the most recent version and has been used to determine construction and operational GHG emissions from the proposed Project. The purpose of this model is to calculate construction-source and operational-source GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG reductions achieved from mitigation measures, if applied. Construction emissions are quantified and per SCAQMD methodology, the total GHG emissions for construction activities are divided by 30-years, and then added to the annual operational phase of GHG emissions.

In addition, CEQA requires the lead agency to consider the extent to which the proposed Project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Therefore, this section addresses whether the proposed Project complies with various programs and measures designed to reduce GHG emissions. There is no statewide program or regional program or plan that has been adopted with which all new development must comply; thus, this analysis has identified the most relevant to the City of Tustin and the proposed Project.

5.3.6 ENVIRONMENTAL IMPACTS

Summary of Impacts Previously Identified

The certified FEIS/EIR did not evaluate greenhouse gas (GHG) emissions impacts because it was not included in the CEQA Guidelines Appendix G checklist, and the City of Tustin did not have adopted thresholds, at the time of preparation. However, the 2017 SEIR did analyze GHG emissions.

The 2017 Draft SEIR found that annual GHG emissions associated with both the Adopted TLSP, and the Modified Project would exceed the SCAQMD bright-line threshold of 3,000 $MTCO_2e$ per year (2017 Draft SEIR, p. 5.2-23). In addition, both the Adopted TLSP and Modified Project would also exceed the AB 32 and forecasted SB 32 efficiency metrics. However, under full buildout conditions, the Modified Project would reduce annual emissions by 12,239 $MTCO_2e$ per year compared to the Adopted TLSP, which represents a 5 percent overall decrease. The reductions would primarily be in the energy and transportation sectors. For the energy sector, the reduction is attributed to the overall decrease in non-residential square footage. Mitigation Measures AQ-3 and AQ-4 related to non-residential projects were included to reduce potentially significant GHG emissions, which were focused on the future implementation of Transportation Demand Management (TDM) techniques. With implementation of Mitigation Measures AQ-3 and AQ-4 related to non-residential project trips, Pursuant to Public Resources Code § 21166 and CEQA Guidelines § 15162, the changes proposed by the 2017 TLSP SPA were determined to not result in any new impacts, or increase the severity of impacts, with respect to GHG emissions impacts.

The 2017 SEIR Initial Study found that, regarding CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the 2017 TLSP SPA would not result in any new impacts or increase the severity of impacts with respect to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions (PlaceWorks, 2015, p. 55). The Initial Study found that the project was

consistent with both applicable plans adopted for the purposes of reducing GHG, CARB's 2008 Scoping Plan and SCAG's 2012 RTP/SCS. Therefore, impacts were determined to be less than significant, and this topic was not carried forward in the 2017 SEIR.

Proposed TLSP Amendment Project

Since certification of the 2017 SEIR, the SCAG RTP/SCS has undergone several updates. The RTP/SCS is revised every four years. On September 3, 2020, SCAG's Regional Council unanimously voted to approve and fully adopt Connect SoCal (2020–2045 RTP/SCS), and the addendum to the Connect SoCal Program Environmental Impact Report. The updated 2024 SCAG Connect SoCal RTP/SCS was officially adopted in April 2024 as the new RTP/SCS for the SCAG jurisdiction. Several updates are reflected within the Connect SoCal 2024 plan, including growth projections and forecasting for the region. Connect SoCal 2024 reflects a continuation of the shift toward more efficient resource management. Although the document has been adopted by SCAG, the RTP/SCS still requires certification from the state, which has not yet occurred and is ongoing as of the release date of this Draft SEIR. A principal requirement of the RTP is that the USEPA Transportation Conformity Regulations are complied with at the regional level. The California Sustainable Communities and Climate Protection Act of 2008, better known as Senate Bill 375, mandates the integration of transportation, land use, and housing planning with the objective of smarter growth. Under SB 375, the California Air Resources Board issues a travel-based greenhouse gas (GHG) emissions reduction target for the region and requires MPOs to develop a Sustainable Communities Strategy that demonstrates target achievement in alignment with the RTP and the Regional Housing Needs Assessment (RHNA). SCAG's 6th cycle RHNA methodology allocated the majority of the region's housing need to jurisdictions on the basis of job accessibility and transit accessibility as defined in Connect SoCal 2020. As such, ensuring that local plans to accommodate this need are reflected in Connect SoCal 2024's forecasted regional development pattern is one tool in achieving the region's GHG and conformity targets.

Since certification of the 2017 SEIR, the CARB Scoping Plan has undergone several updates as well. A 2017 CARB Scoping Plan was adopted to achieve California's 2030 GHG Target. Additionally, the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279.

IMPACT GHG-1: THE PROJECT WOULD GENERATE GHG EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Significant and Unavoidable Impact.

Construction

As described in Section 3, *Project Description*, buildout of the proposed TLSP Amendment is analyzed to occur between 2025 and 2045, which provides for a conservative analysis of emissions impacts. The construction-related activities for future development pursuant to the proposed TLSP Amendment would likely involve site preparation, excavation, grading, paving, construction of structures and infrastructure, and architectural coatings. These construction activities would result in the emission of GHGs from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Total estimated construction related GHG emissions from construction from buildout of the proposed TLSP Amendment were amortized over 30 years per SCAQMD methodology. As shown on Table 5.3-1, it is estimated that buildout would result in 201,303.0 $MTCO_2e$ construction emissions. When annualized over 30-years per SCAQMD methodology, annual emissions would be 6,710.0 $MTCO_2e$. However, as detailed in Section 5.1, *Air Quality*, and listed below, construction within the TLSP area is required to implement 2017 SEIR MM AQ-5, which requires the use of equipment meeting CARB Tier 4 emissions standards or higher for off-road diesel-

powered construction equipment with more than 50 horsepower during construction activities, which was not included in the modeling and would reduce total construction emissions.

Operation

Operation of the new residential uses proposed in the TLSP Amendment would generate GHG emissions from vehicle trips, electricity and natural gas consumption, water, and wastewater transport (the energy used to pump water), and solid waste generation. GHG emissions from electricity consumed by the new residential uses would be generated off site by fuel combustion at the electricity provider. GHG emissions from water transport are also indirect emissions resulting from the energy required to transport water from its source. GHG emissions from solid waste disposal are associated with the anaerobic breakdown of material.

As shown in Table 5.3-1, construction and operation of the new residential uses proposed in the TLSP Amendment would generate 115,031.4 $MTCO_2e$ per year ($MTCO_2e$/yr), an increase of approximately 35,133.7 $MTCO_2e$/yr over buildout of the existing TLSP. All of these emissions would exceed the SCAQMD threshold of 3,000 MT CO2e/yr.

Table 5.3-1: Project Generated Increase in Greenhouse Gas Emissions

Emissions Source	Operational Emissions (MT/yr)			
	CO_2	CH_4	N_2O	CO_2e
Approved Project				
Approved Project Mobile Sources	55,046.0	2.4	2.4	55,820.0
Approved Project Area Sources	1,142.9	<0.1	<0.1	1,144.5
Approved Project Energy Sources	15,610.0	1.1	0.1	15,665.0
Approved Project Water Sources	790.2	13.2	0.3	1,213.4
Approved Project Waste Sources	641.7	64.1	0.0	2,245.2
Total Approved Project Emissions	73,230.0	80.8	2.8	76,088.1
Approved Project Amortized Construction Emissions				3,809.6
Total Approved Project Annual Emissions				**79,897.7**
SCAQMD Threshold				3,000
Exceed?				**Yes**
Proposed Modified Project				
Proposed Modified Project Mobile Sources	68,399.0	2.9	2.9	69,330.0
Proposed Modified Project Area Sources	2,350.6	0.1	<0.1	2,353.7
Proposed Modified Project Energy Sources	30,192.0	2.1	0.2	30,296.0
Proposed Modified Project Water Sources	1,695.3	25.0	0.6	2,501.2
Proposed Modified Project Waste Sources	1,097.7	109.7	0.0	3,840.4
Proposed Modified Project Emissions	103,735	139.8	3.6	108,321.3
Proposed Modified Project Amortized Construction Emissions				6,710.1
Total Proposed Modified Project Annual Emissions				**115,031.4**
SCAQMD Threshold				3,000
Exceed?				**Yes**
Increase in Emissions (Proposed Modified Project – Approved Project)				**35,133.7**

CH4 = methane, CO_2 = carbon dioxide, CO_2e = carbon dioxide equivalent, MT/yr = metric tons per year, N_2O = nitrous oxide, SCAQMD = South Coast Air Quality Management District.
Source: *Air Quality, Energy, and Greenhouse Gas Impact Analysis* (Appendix B)

Consistent with buildout of the existing TLSP, a majority of the GHG emissions generated from buildout and operation of the proposed TLSP Amendment are associated with mobile sources. As detailed in Section 5.1, *Air Quality*, and listed below, the 2017 SEIR Mitigation Measures MM AQ-3 and MM AQ-4 would require TDM measures for future employment uses within the TLSP area, and MM AQ-5 would require use of Tier construction equipment, which would lower GHG emissions from operation of the proposed uses included in the proposed TLSP Amendment.

Also, as detailed in Section 5.1, *Air Quality*, and listed below, additional mitigation is provided, which includes Mitigation Measure AQ-1: Vehicle Trip Reduction, Mitigation Measure AQ-2: Prohibition of Fireplaces, Mitigation Measure AQ-3: Electric Landscape Equipment, and Mitigation Measure AQ-4: Low VOC Paint (Operations) would reduce operational air quality emissions and would also reduce GHG emissions.

Additionally, Mitigation Measure GHG-1 is included to require installation of photovoltaic solar panels to the maximum roof area; Mitigation Measure GHG-2 is included to require the new development projects meet or exceed CALGreen Tier 2 standards with charging stations; and Mitigation Measure GHG-3 is included to require use of energy efficient appliances.

Further, the new residential development generated from the proposed TLSP Amendment would be located within an area with bicycle lanes and sidewalks and implements a mix of uses within the TLSP area that would provide for non-vehicular travel that would reduce GHG emissions. However, mitigation to substantially reduce the proposed Project's mobile GHG emissions is not feasible due to the limited ability of the future developments and City to reduce emissions from mobile sources. Neither the project applicants nor the Lead Agency (City of Tustin) can substantively or materially affect reductions in mobile-source emissions.

Overall, impacts related to buildout of the proposed TLSP Amendment would be consistent with the impact conclusions set forth in the 2017 SEIR, which determined that impacts related to GHG emissions would be significant and unavoidable.

IMPACT GHG-2: THE PROJECT WOULD NOT CONFLICT WITH AN APPLICABLE PLAN, POLICY OR REGULATION OF AN AGENCY ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSION OF GHGS.

Less than Significant Impact. The proposed TLSP Amendment would provide for housing near freeways and transit in an employment and commercial area to plan for projected growth in the region and help to improve the jobs to housing balance (detailed in Section 5.6, *Population and Housing*). The proposed TLSP Amendment would provide more housing within an area with employment, services, and retail commercial that has the potential to reduce GHG emissions from the reduction of VMT. The close location of complementary uses would limit the need to travel outside of the TLSP area for many amenities and retail/service needs. The pedestrian and bicycle infrastructure and Orange County Transportation Authority (OCTA) bus routes promote non-vehicular transportation and reduce the vehicle miles traveled and related GHG emissions. Providing additional residential within a mixed-use location is consistent with the intent of the AB 32 Scoping Plan and SB 375, which is focused on changing land use patterns and improving transportation alternatives.

The proposed Project would be implemented pursuant to the CALGreen Building/Title 24 requirements and would provide new land uses in a sustainable manner. The City's administration of the Title 24 requirements includes review of proposed energy conservation measures during the permitting process, which ensures that all requirements are met. Typical Title 24 measures include insulation; use of energy-efficient heating, ventilation, and air conditioning equipment; solar-reflective roofing materials; energy-efficient indoor and outdoor lighting systems; reclamation of heat rejection from refrigeration equipment to generate hot water;

and incorporation of skylights, and solar infrastructure. In complying with the Title 24 standards, the proposed Project would be implementing regulations that reduce GHG emissions.

Also, the CARB Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32. The CARB Scoping Plan recommendations serve as statewide measures to reduce GHG emissions levels. The proposed Project would be consistent with the applicable measures established in the 2022 Scoping Plan, as shown in Table 5.3-2. The proposed TLSPA Amendment would be consistent with SCAG strategies to provide infill residential development and increase the availability of transit-oriented development. In addition, as shown in Section 5.4, *Land Use and Planning*, the proposed TLSP Amendment is consistent with SCAG's 2024 Connect SoCal RTP/SCS.

CARB Scoping Plan

The new development pursuant to the proposed TLSP Amendment would include energy-efficient/energy-conserving design features and operation of the new commercial, residential, and open space areas would not interfere with the state's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it does not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022), as demonstrated in Table 5.3-2. CARB's 2022 Scoping Plan reflects the 2045 target of an 85 percent reduction below 1990 levels, set by Executive Order B-55-18, and codified by AB 1279. In addition, the proposed TLSP Amendment would be consistent with the following state policies that were adopted for the purpose of reducing GHG emissions.

As detailed in Table 5.3-2 and the discussion below, the proposed Project would not conflict with the CARB Scoping Plan and related regulations.

- Pavley emissions standard and Low Carbon Fuel Standard: Pavley emissions standards (AB 1493) apply to all new passenger vehicles and the Low Carbon Fuel Standard became effective in 2010 and regulates the transportation fuel used. The second phase of implementation of the Pavley regulations per AB 1493 is referred to as the Advanced Clean Car program, which combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for current model years through 2025. The regulation reduces GHGs from new cars by 34 percent from 2016 levels by 2025. The proposed Project is consistent with these requirements as they apply to all new passenger vehicles and vehicle fuel purchased in California.
- Medium/Heavy-Duty Vehicle Regulations: Medium/heavy-duty vehicle regulations are implemented by the state to reduce emissions from trucks. Since the new development that would occur pursuant to the proposed TLSP Amendment would utilize trucks for construction and some operational purposes, these regulations would aid in reducing GHG emissions. The proposed Project is consistent with this measure and its implementation as medium and heavy-duty vehicles associated with construction and operation would be required to comply with the requirements of this regulation.
- Tractor-Trailer Greenhouse Gas Regulation: Tractor-trailers subject to this state regulation are primarily 53-foot or longer box-type trailers, are required to be either use USEPA SmartWay certified tractors and trailers or retrofit their existing fleet with SmartWay verified technologies. The proposed Project would be consistent with this regulation, as it applies to specific trucks that are used throughout the state.
- Energy Efficiency – Title 24/CALGreen: The new development that would occur pursuant to the proposed TLSP Amendment would be subject to the CALGreen Code Title 24 building energy efficiency requirements that offer builders better windows, insulation, lighting, ventilation systems, and other features as listed in Section 5.5.2, Regulatory Setting that reduce energy consumption. Compliance with the CALGreen standards would be verified by the City during the building permitting process.
- Renewable Portfolio Standard. As a customer of Southern California Edison (SCE), the p new development that would occur pursuant to the proposed TLSP Amendment would purchase from an

increasing supply of renewable energy sources and more efficient baseload generations, reduce GHG emissions, and be consistent with this requirement.

- Million Solar Roofs Program: The proposed Project is consistent with this scoping plan measure as the new development that would occur pursuant to the proposed TLSP Amendment would be required to comply with existing CALGreen/Title 24 standards, including the installation of solar panels.
- Water Efficiency and Waste Diversion: Development and operation of new development that would occur pursuant to the proposed TLSP Amendment would be implemented in consistency with water conservation requirements (as included in CALGreen/Title 24) and solid waste recycling and landfill diversion requirements of the State.

Table 5.3-2: Project Consistency with the CARB 2022 Scoping Plan

Action	Consistency
GHG Emissions Reductions Relative to the SB 32 Target	
40 percent below 1990 levels by 2030.	**Consistent.** The new development pursuant to the proposed TLSP Amendment would comply with the Title 24, Part 6 building energy requirements along with other local and state initiatives that aim to achieve the 40 percent below 1990 levels by 2030 goal. This would be ensured through the City's existing development permitting process. Further, the 2017 SEIR Mitigation Measures MM AQ-3 and MM AQ-4 would require TDM measures for future employment uses within the TLSP area, and MM AQ- would require use of Tier construction equipment, which would lower GHG emissions from operation of the proposed uses included in the proposed TLSP Amendment.
Smart Growth/Vehicle Miles Traveled VMT	
VMT per capita reduced 25 percent below 2019 levels by 2030, and 30 percent below 2019 levels by 2045.	**Consistent.** As discussed in Section 5.8, *Transportation*, the Project's HB VMT per capita would be 32.1% below the City's threshold under base conditions and 20.3% below the City's threshold under future conditions. Thus, the Project would result in less than significant impacts related to VMT and is consistent with policies aimed at reducing VMT.
Light-Duty Vehicle (LDV) Zero-Emission Vehicles (ZEVs)	
100 percent of LDV sales are ZEV by 2035.	**Consistent.** The proposed Project would be designed and constructed in accordance with the Title 24 Part 6 and Part 11 requirements, which includes ZEV designated parking spaces and charging stations.
Truck ZEVs	
100 percent of medium-duty (MDV)/HDC sales are ZEV by 2040 (AB 74 University of California Institute of Transportation Studies [ITS] report).	**Consistent.** The new development pursuant to the proposed TLSP Amendment would be designed and constructed in accordance with the most updated Title 24 regulations, which includes prewiring for truck ZEV charging stations and/or providing electrical plug-ins at designated commercial loading docks.
Aviation	
20 percent of aviation fuel demand is met by electricity (batteries) or hydrogen (fuel cells) in 2045. Sustainable aviation fuel meets most or the rest of the aviation fuel demand that has not already transitioned to hydrogen or batteries.	**Not Applicable.** The proposed Project would not utilize aviation fuel.

Action	Consistency
Ocean-going Vessels (OGV)	
2020 OGV At-Berth regulation fully implemented, with most OGVs utilizing shore power by 2027. 25 percent of OGVs utilize hydrogen fuel cell electric technology by 2045.	**Not Applicable.** The proposed Project would not utilize any OGVs.
Port Operations	
100 percent of cargo handling equipment is zero-emission by 2037. 100 percent of drayage trucks are zero emission by 2035.	**Not Applicable.** The proposed Project would not impact any operations at any ports.
Freight and Passenger Rail	
100 percent of passenger and other locomotive sales are ZEV by 2030. 100 percent of line haul locomotive sales are ZEV by 2035. Line haul and passenger rail rely primarily on hydrogen fuel cell technology, and others primarily utilize electricity.	**Not Applicable.** The proposed Project would not involve any rail operations.
Oil and Gas Extraction	
Reduce oil and gas extraction operations in line with petroleum demand by 2045.	**Not Applicable.** The proposed Project would not involve any oil or gas extraction.
Petroleum Refining	
CCS on majority of operations by 2030, beginning in 2028. Production reduced in line with petroleum demand.	**Not Applicable.** The proposed Project would not involve any petroleum refining.
Electricity Generation	
Sector GHG target of 38 million metric tons of carbon dioxide equivalent ($MTCO_2e$) in 2030 and 30 $MTCO_2e$ in 2035. Retail sales load coverage134 20 gigawatts (GW) of offshore wind by 2045. Meet increased demand for electrification without new fossil gas-fired resources.	**Consistent.** The proposed Project would comply with the Title 24, Part 6 building requirements, including related to renewable energy generation requirements as well as improved insulation reducing energy consumption.
New Residential and Commercial Buildings	
All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.	**Consistent.** The proposed Project would comply with the Title 24, Part 6 building energy requirements.
Existing Residential Buildings	
80 percent of appliance sales are electric by 2030 and 100 percent of appliance sales are electric by 2035. Appliances are replaced at end of life such that by 2030 there are 3 million all-electric and electric-ready homes—and by 2035, 7 million homes—as well as contributing to 6 million heat pumps installed statewide by 2030.	**Consistent.** The proposed Project does not involve the operation of any existing residential buildings. However, appliances within future residences would comply with the Title 24, Part 6 building energy requirements.
Existing Commercial Buildings	
80 percent of appliance sales are electric by 2030, and 100 percent of appliance sales are electric by 2045. Appliances are replaced at end of life, contributing to 6 million heat pumps installed statewide by 2030.	**Consistent.** The proposed Project does not involve the continued operations of existing commercial buildings. However, appliances within future buildings would comply with the Title 24, Part 6 building energy requirements.

Action	Consistency
Energy Demand	
7.5 percent of energy demand electrified directly and/or indirectly by 2030; 75 percent by 2045.	**Consistent.** The new development pursuant to the proposed TLSP Amendment would comply with the Title 24, Part 6 building energy requirements, including renewable energy generation requirements, as well as improved insulation reducing energy consumption.
Construction Equipment	
25 percent of energy demand electrified by 2030 and 75 percent electrified by 2045.	**Consistent.** Through City permitting, the new development pursuant to the proposed TLSP Amendment would be required to use construction equipment that is registered by CARB and meet CARB's standards. CARB sets its standards to be in line with the goal of reducing energy demand by 25 percent in 2030 and 75 percent in 2045.
Energy Generation	
Electrify 0 percent of boilers by 2030 and 100 percent of boilers by 2045. Hydrogen for 25 percent of process heat by 2035 and 100 percent by 2045. Electrify 100 percent of other energy demand by 2045.	**Consistent.** The new development pursuant to the proposed TLSP Amendment would comply with the Title 24, Part 6 building energy requirements, including installing electrical wiring for all built in appliances, electric outlets for landscape equipment, solar panels, and provision of electric charging stations.
Stone, Clay, Glass, and Cement	
CCS on 40 percent of operations by 2035 and on all facilities by 2045. Process emissions reduced through alternative materials and CCS.	**Not Applicable.** Uses proposed in the TLSP Amendment do not involve manufacturing or storage of stone, clay, glass, or cement.
Other Industrial Manufacturing	
0 percent energy demand electrified by 2030 and 50 percent by 2045.	**Not Applicable.** The proposed TLSP Amendment does not include industrial manufacturing, but would comply with the Title 24, Part 6, including increases in renewable energy generation requirements as well as improved insulation reducing energy consumption.
Combined Heat and Power	
Facilities retire by 2040.	**Not Applicable.** The proposed TLSP Amendment does not involve any existing combined heat and power facilities.
25 percent energy demand electrified by 2030 and 75 percent by 2045.	**Not Applicable.** The proposed TLSP Amendment does not involve generation of energy; but future development per the proposed TLSP Amendment would comply with the Title 24 renewable energy generation requirements.
Low Carbon Fuels for Transportation	
Biomass supply is used to produce conventional and advanced biofuels, as well as hydrogen.	**Not Applicable.** The proposed TLSP Amendment does not involve any production of biofuels.
Low Carbon Fuels for Buildings and Industry	
In 2030s, biomethane135 blended in pipeline Renewable hydrogen blended in fossil gas pipeline at 7 percent energy (~20 percent by volume), ramping up between 2030 and 2040. In 2030s, dedicated hydrogen pipelines constructed to serve certain industrial clusters	**Not Applicable.** The proposed TLSP Amendment does not involve any production of fuels for buildings and industry.
Non-combustion Methane Emissions	
Increase landfill and dairy digester methane capture.	**Not Applicable.** The proposed TLSP Amendment does not involve any landfill and/or dairy uses.

Action	Consistency
Some alternative manure management deployed for smaller dairies. Moderate adoption of enteric strategies by 2030. Divert 75 percent of organic waste from landfills by 2025. Oil and gas fugitive methane emissions reduced 50 percent by 2030 and further reductions as infrastructure components retire in line with reduced fossil gas demand.	
High GWP Potential Emissions	
Low GWP refrigerants introduced as building electrification increases, mitigating HFC emissions.	**Consistent.** The new development pursuant to the proposed TLSP Amendment would comply with the Title 24, Part 6 building energy requirements, including use of low GWP refrigerants, which would be verified through the City's existing development permitting process.

Scoping Plan Appendix D, Local Actions

The 2022 CARB Scoping Plan includes a set of Local Actions set forth in Appendix D to the Scoping Plan, which aim at providing local jurisdictions with tools to reduce GHG emissions to assist the state in reaching the reduction targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section for evaluating plan-level and project-level alignment with the State's Climate Goals within CEQA GHG analysis. Within this section, CARB identifies multiple recommendations and strategies that should be considered for new development to demonstrate consistency with the 2022 Scoping Plan. Specifically, this section is focused on strategies for residential and mixed-use projects. The document is organized into two categories: examples of plan-level GHG reduction actions that could be implemented by local governments and examples of onsite project design features and mitigation measures that could be applied to individual projects under CEQA.

The future development that would occur pursuant to the proposed TLSP Amendment would include a number of example project design features and mitigation measures from the 2022 CARB Scoping Plan for construction and operation. For instance, the Scoping Plan's construction measures include enforcing idling time restrictions on construction vehicles, requiring construction vehicles to operate highest tier engines commercially available, diverting and recycling construction waste, minimizing tree removal, and increased use of electric and renewable fuel powered construction equipment and required renewable diesel fuel where commercially available. These measures are consistent with existing requirements for idling trucks [CCR Title 13, Motor Vehicles, Section 2449(d)(3)] and the 2017 SEIR Mitigation Measure AQ-5, which requires use of Tier 4 construction equipment.

Appendix D Notes that residential and mixed-use projects that meet the following three priority areas are clearly consistent with the State's goals and would accommodate growth in a manner which is consistent with the State's GHG reduction and equity prioritization goals.

- Transportation Electrification. Table 3 in Appendix D to the 2022 CARB Scoping Plan notes that to be consistent with the State's goals, projects should provide EV charging infrastructure that, at minimum, meets the CALGreen code. The new development pursuant to the proposed TLSP Amendment would be required to meet CALGreen standards.
- VMT Reduction. The Scoping Plan notes that to be consistent with the VMT reduction attribute, projects should be located on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer); do not result in the loss or conversion of natural and

working lands; and consist of transit-supportive densities in areas with both employment and residential uses. The proposed TLSP Amendment provides for additional infill residential development that would be surrounded by existing urban uses, does not result in the loss of natural and working lands. The proposed TLSP Amendment would locate residential near commercial retail services, office, and other uses that would reduce mobile-source emissions. In addition, both the 2017 SEIR mitigation measures and the additional mitigation measures included herein require VMT reduction features, services, and information provision.

- Building Decarbonization. Building decarbonization involves maximizing energy efficiency and eliminating the use of fossil fuel consumption. Future developments pursuant to the proposed TLSP Amendment would be required to meet CALGreen energy efficiency standards, including electric charging stations. Mitigation Measure AQ-3 requires the use of electric landscape equipment, Mitigation Measure GHG-2 requires projects meet CalGreen Tier 2 standards and provide charging stations, and Mitigation Measure GHG-3 requires installation of Energy Star or equivalent energy efficiency rated appliances. Therefore, the future development that would occur pursuant to the proposed TLSP Amendment would be developed in a manner that promotes energy efficiency and minimizes the reliance on fossil fuels.

As the proposed TLSP Amendment would implement key residential and mixed-use attributes included in Appendix D and the proposed Project would be consistent with the actions and strategies set forth in Appendix D of the 2022 CARB Scoping Plan.

General Plan

The City's General Plan also includes several policies related to reduction of GHG emissions. The applicable policies and the proposed TLSP Amendment's consistency are described in Table 5.3-3.

Table 5.3-3: Consistency with General Plan Energy Related Policies

General Plan Policy	Project Consistency
Conservation, Open Space, and Recreation Element	
Policy 1.3 Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.	**Consistent**. The proposed TLSP Addendum would provide for additional multiple family developments close to commercial areas within the TLSP that would encourage pedestrian travel.
Policy 1.7 Create the maximum possible opportunities for bicycles as an alternative transportation mode and recreational use.	**Consistent**. As detailed in Section 5.8, *Transportation*, The TLSP Recreational Bikeway/Trail Concept Plan links to adjacent on- and off-road bikeways/trails as identified in Figure 5.8-2, *TLSP Bikeways and Trails Plan*, that would provide biking alternatives for transportation and recreational use. The proposed TLSP Amendment would provide for additional residences close to the bikeways that would implement usage.
Policy 2.1 Reduce vehicle trips through incentives, regulations and/or Transportation Demand Management (TDM) programs.	**Consistent**. The proposed TLSP Amendment would provide for additional residences close to services, recreation, employment, and retail/restaurant uses that would reduce vehicle trips.
Policy 2.2 Reduce total vehicle miles traveled (VMT) through incentives, regulations and/or Transportation Demand Management.	**Consistent**. The proposed TLSP Amendment would provide for additional residences close to services, recreation, employment, and retail/restaurant uses that would reduce vehicle trips.

General Plan Policy	Project Consistency
Policy 2.6 Encourage non-motorized transportation through the provision of bicycle and pedestrian pathways.	**Consistent**. As detailed in Section 5.8, *Transportation*, The TLSP Recreational Bikeway/Trail Concept Plan links to adjacent on- and off-road bikeways/trails as identified in Figure 5.8-2, *TLSP Bikeways and Trails Plan*, that would provide biking and pedestrian alternatives for transportation. The proposed TLSP Amendment would provide for additional residences close to the bikeways and pedestrian pathways that would encourage non-motorized transportation.
Policy 4.1 Promote energy conservation in all sectors of the City including residential, commercial, and industrial.	**Consistent**. Energy conservation would be promoted in all new TLSP development by compliance with existing energy related regulations including Title 24 and CalGreen that would be verified during the development review and permitting process of each project.
Policy 4.2 Promote local recycling of waste and the use of recycled materials.	**Consistent**. Recycling and use of recycled materials would be promoted in all new TLSP development by compliance with existing regulations including Title 24 and CalGreen that would be verified during the development review and permitting process of each project.

The proposed Project is consistent with AB 32 and SB 32 through implementation of municipal code measures that address GHG emissions related to building energy, solid waste management, wastewater, and water conveyance, which would be verified by the City during the Project development review and permitting process.

Overall, the proposed Project would not result in a conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. The proposed Project would be implemented in compliance with state energy standards provided in Title 24. The proposed Project would not interfere with the state's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it would be consistent with the CARB 2022 Scoping Plan, which is intended to achieve the reduction targets required by the state. In addition, the proposed Project would be consistent with the relevant City General Plan policies. Thus, the proposed Project would not result in a conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, and impacts would be less than significant.

5.3.7 CUMULATIVE IMPACTS

GHG emissions impacts are assessed in a cumulative context, since no single project can cause a discernible change to climate. Climate change impacts are the result of incremental contributions from natural processes, and past and present human-related activities. Therefore, the area in which a proposed project in combination with other past, present, or future projects, could contribute to a significant cumulative climate change impact would not be defined by a geographical boundary such as a project site or combination of sites, city or air basin. GHG emissions have high atmospheric lifetimes and can travel across the globe over a period of 50 to 100 years or more. Even though the emissions of GHGs cannot be defined by a geographic boundary and are effectively part of the global issue of climate change, because CEQA only applies to California, the geographic area for analysis of cumulative GHG emissions impacts is the state of California.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006 (Nunez), recognizes that California is the source of substantial amounts of GHG emissions. The statute begins with several legislative findings and declarations of intent, including the following:

> *Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems" (California Health and Safety Code, Section 38501(a)).*

Thus, AB 32 recognizes the significance of the statewide cumulative impact of GHG emissions from sources throughout the state and sets a performance standard for mitigation of that cumulative impact.

The analysis of GHG emission impacts under CEQA contained in this EIR effectively constitutes an analysis of a project's contribution to the cumulative impact of GHG emissions. As described previously, the estimated increase in GHG emissions from buildout of the proposed TLSP Amendment would exceed the 3,000 MTCO2e/yr screening threshold. Therefore, the GHG emissions from the proposed Project would be significant and cumulatively considerable.

5.3.8 EXISTING STANDARD CONDITIONS AND PLANS, PROGRAMS, OR POLICIES

The following requirements would reduce impacts related to GHG emissions.

- California Assembly Bill 1493 (Pavley)
- California Executive Order S-3-05
- Assembly Bill 32 (Global Warming Solutions Act of 2006)
- Senate Bill 375 (Steinberg)
- California Executive Order B-30-15
- Assembly Bill 1279 (Carbon Neutrality)
- California Energy Code
- California Green Building Standards Code

5.3.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact GHG-1 would be potentially significant.

Impact GHG-2 would be less than significant.

5.3.10 MITIGATION MEASURES

2017 SEIR Mitigation Measures Applicable to the Proposed Project

2017 SEIR MM AQ-3: Prior to the issuance of development permits for new non-residential projects with 100 or more employees, and expanded projects where additional square footage would result in a total of 100 or more employees, the City of Tustin and the City of Irvine, as applicable, shall impose a mix of TDM measures which, upon estimation, would result in an average vehicle ridership of at least 1.5, for each development with characteristics that would be reasonably conducive to successful implementation of such TDM measures. These TDM measures may include one or more of the following, as determined appropriate and feasible by each city on a case-by-case basis:

- Establish preferential parking for carpool vehicles.
- Provide bicycle parking facilities.
- Provide shower and locker facilities.
- Provide carpool and vanpool loading areas.
- Incorporate bus stop improvements into facility design.
- Implement shuttles to shopping, eating, recreation, and/or parking and transit facilities.
- Construct remote parking facilities.
- Provide pedestrian circulation linkages.
- Construct pedestrian grade separations.
- Establish carpool and vanpool programs.
- Provide cash allowances, passes, and other public transit and purchase incentives.
- Establish parking fees for single occupancy vehicles.
- Provide parking subsidies for rideshare vehicles.
- Institute a computerized commuter rideshare matching system.
- Provide a guaranteed ride-home program for ridesharing.
- Establish alternative work week, flex-time, and compressed work week schedules.
- Establish telecommuting or work-at-home programs. Provide additional vacation and compensatory leave incentives.
- Provide on-site lunch rooms/cafeterias and commercial service such as banks, restaurants, and small retail.
- Provide on-site day care facilities.
- Establish an employee transportation coordinator(s).

2017 SEIR MM AQ-4: If not required under each individual development's TDM plan, the City of Tustin and the City of Irvine, as applicable, shall implement the following measures, as determined appropriate or feasible by each city on a case-by-case basis:

- Reschedule truck deliveries and pickups for off peak hours.
- Implement lunch shuttle service from a worksite(s) to food establishments.
- Implement compressed work week schedules where weekly work hours are compressed into fewer than five days, such as 9/80, 4/40, or 3/36.
- Provide on site child care and after school facilities or contribute to off site developments within walking distance.
- Provide on site employee services such as cafeterias, banks, etc.
- Implement a pricing structure for single occupancy employee parking, and/or provide discounts to ride sharers.
- Construct off site pedestrian facility improvements such as overpasses and wider sidewalks.
- Include retail services within or adjacent to residential subdivisions.
- Provide shuttles to major rail transit centers or multi modal stations.
- Contribute to regional transit systems (e.g., right of way, capital improvements, etc.).
- Synchronize traffic lights on streets impacted by development.
- Construct, contribute, or dedicate land for the provision of off site bicycle trails linking the facility to designated bicycle commuting routes.
- Include residential units within a commercial development.
- Provide off site bicycle facility improvements, such as bicycle trails linking the facility to designated bicycle commuting routes, or on site improvements, such as bicycle paths.

- Include bicycle parking facilities such as bicycle lockers.
- Include showers for bicycling and pedestrian employees' use.
- Construct on site pedestrian facility improvements, such as building access, which is physically separated from street and parking lot traffic, and walk paths.

2017 SEIR MM AQ-5: Applicants for new development projects within the Tustin Legacy Specific Plan shall require the construction contractor to use equipment that meets the USEPA Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities, unless it can be demonstrated to the City of Tustin that such equipment is not available.

Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what would be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations.

Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for USEPA Tier 4 or higher emissions standards for construction equipment with more than 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the site for the verification of the City of Tustin. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board Rule 2449.

Proposed TLSP Amendment Project Mitigation Measures

Mitigation Measure AQ-1: Vehicle Trip Reduction. As listed previously in Section 5.1, *Air Quality*.

Mitigation Measure AQ-2: Prohibition of Fireplaces. As listed previously in Section 5.1, *Air Quality*.

Mitigation Measure AQ-3: Electric Landscape Equipment. As listed previously in Section 5.1, *Air Quality*.

Mitigation Measure AQ-4: Low VOC Paint (Operations). As listed previously in Section 5.1, *Air Quality*.

Mitigation Measure GHG-1: Solar Panels. Projects shall be required to install solar photovoltaic (PV) panels or other source of renewable electricity generation onsite, based on the maximum roof area available for solar (i.e., solar-ready zone). The solar-ready zone shall in the minimum, comply with Section 110.10 of the 2022 California Energy Code and shall comply with access, pathway, ventilation, and spacing requirements, and exclude skylight area.

The final PV generation facility size requires approval by Southern California Edison (SCE). SCE's Rule 21 governs operating and metering requirements for any facility connected to SCE's distribution system. Should SCE limit the offsite export, the Projects may utilize a battery energy storage system (BESS) to lower offsite export while maintaining onsite renewable generation to offset consumption. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. The schedule of photovoltaic system locations may be updated as needed.

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

- The project shall be designed to achieve Leadership in Energy and Environmental Design (LEED) certification to meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application in order to exceed 2022 Title 24 energy efficiency standards.

- The project shall provide facilities to support electric charging stations per the Tier 2 standards in Section A5.106.5.3 (Nonresidential Voluntary Measures) and Section A5.106.8.2 (Residential Voluntary Measures) of the 2022 CALGreen Code.

Mitigation Measure GHG-3: Energy Efficient Appliances. All major applicant provided in-unit residential appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, water heaters, and for space heating) provided/installed shall be electric (i.e., appliances that do not use natural gas, propane, or other fossil fuels) and Energy Star certified or of equivalent energy efficiency where applicable. Prior to the issuance of the certificate of occupancy, the City of Tustin shall verify implementation of this requirement. Installation of electric Energy Star–certified or equivalent appliances shall be verified by the Planning and Building Department during plan check.

5.3.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The impacts related to GHG emissions would be cumulatively significant and unavoidable after implementation of feasible mitigation. Although the Project would not conflict with an applicable plan adopted for the purpose of reducing GHGs, the level of emissions generated from buildout and operation of the proposed TLSP Amendment would result in cumulatively significant GHG impacts.

5.3.12 REFERENCES

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5.4 Land Use and Planning

5.4.1 INTRODUCTION

In accordance with CEQA Guidelines Section 15125(d), this section provides a summary of the plans, policies, and regulations of the City of Tustin, and regional, state, and federal agencies that have policy and regulatory control over the TLSP area and the proposed Modified Project. Policy conflicts do not, in and of themselves, indicate a significant environmental effect within the meaning of CEQA. To the extent that physical environmental impacts may result from such conflicts, those impacts are analyzed in this SEIR in the specific topical sections to which the impact pertains (e.g., noise, air quality, greenhouse gas emissions, or transportation). More specifically, this section examines the potential for the proposed Modified Project to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect, including relevant goals and policies of the updated City of Tustin General Plan (2018), the City's zoning code, and the SCAG Final 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), "Connect SoCal 2024."

- *City of Tustin General Plan (including 2021-2029 Housing Element). Adopted November 2018 (updated October 2022).*
- *Tustin City Code*
- Connect SoCal 2024 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Adopted April 2024.

5.4.2 REGULATORY SETTING

5.4.2.1 Federal Regulations

Federal Facility Site Remediation Agreement

A Federal Facility Site Remediation Agreement (FFSRA) between the Department of the Navy (DON) and California Department of Toxic Substances Control was signed for Former Marine Corps Air Station (MCAS) Tustin on 18 August 1999. The FFSRA defines DON's response action obligations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and corrective action obligations under the Resource Conservation and Recovery Act.

5.4.2.2 State Regulations

California Planning and Zoning Law

The legal framework under which California cities and counties exercise local planning and land use functions is set forth in California Planning and Zoning Law, Government Code Sections 65000-66499.58. Under State planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. As stated in Section 65302 of the California Government Code, "The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principle, standard, and plan proposals." While a general plan will contain the community vision for future growth, California law also requires each plan to address the mandated elements listed in Section 65302. The mandatory elements for all jurisdictions are land use,

circulation, housing, conservation, open space, noise, and safety. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals.

5.4.2.3 Local and Regional Regulations

SCAG Final 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), (ConnectSoCal 2024)

The Southern California Association of Governments (SCAG) is designated by federal law as a Metropolitan Planning Organization (MPO) and under state law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) and 191 cities in an area covering more than 38,000 square miles. SCAG develops transportation and housing strategies for Southern California as a whole.

On April 4, 2024, SCAG's Regional Council adopted Connect SoCal (Connect SoCal) - The 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (2024 RTP/SCS), which includes long range regional transportation plans, regional transportation improvement programs, regional housing needs allocations, and other plans for the region. Most of the plan's goals are related to regional transportation infrastructure and the efficiency of transportation in the region.

2024 SCAG Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (Connect SoCal 2024)

The 2024 SCAG Connect SoCal RTP/SCS was officially adopted in April 2024 as the new RTP/SCS for the SCAG jurisdiction. Several updates are reflected within the Connect SoCal 2024 plan, including growth projections and forecasting for the region. Connect SoCal 2024 reflects a continuation of the shift toward more efficient resource management. This refers to transportation infrastructure, land resources, and environmental resources. This plan projects that 66 percent of new households and 54 percent of new jobs between 2019–2050 will be in Priority Development Areas, either near transit or in walkable communities.

City of Tustin General Plan

The General Plan (GP) is the City's principal long-range policy and planning document guiding the development, conservation, and enhancement of Tustin. The GP was adopted by the City in 2018 and contains seven elements that provide a comprehensive collection of goals and policies related to the physical development of the City. The City is also required by State law to periodically update its Housing Element, a mandatory component of the City's General Plan. The 2021-2029 Housing Element Update (HEU) was adopted by the City in 2021 and certified by the State of California Housing and Community Development Department (HCD) in 2022. The land use-related GP goals and policies that are relevant to the Modified Project are listed below by GP Element. All other GP goals and policies are provided in the respective corresponding topical sections within this SEIR.

Land Use Element

Goal 1 **Provide for a well-balanced land use pattern that accommodates existing and future needs for housing, commercial and industrial land, open space and community facilities and services, while maintaining a healthy, diversified economy adequate to provide future City services.**

Policy 1.1 Preserve the low-density quality of Tustin's existing single-family neighborhoods while permitting compatible multi-family development to meet regional housing needs where best

suited from the standpoint of current development, accessibility, transportation and public facilities.

Policy 1.7 As part of the City's attraction to business and industry, provide adequate sites to house future employees.

Policy 1.10 Ensure that the distribution and intensity of land uses are consistent with the Land Use Plan and classification system.

Goal 2 **Ensure that future land use decisions are the result of sound and comprehensive planning.**

Goal 3 **Ensure that new development is compatible with surrounding land uses in the community, the City's circulation network, availability of public facilities, existing development constraints and the City's unique characteristics and resources.**

Goal 4 **Assure a safe, healthy and aesthetically pleasing community for residents and businesses.**

Policy 4.1 Mitigate traffic congestion and unacceptable levels of noise, odors, dust and light and glare which affect residential areas and sensitive receptors.

Policy 4.2 Ensure a sensitive transition between commercial or industrial uses and residential uses by means of such techniques as buffering, landscaping and setbacks.

Policy 4.3 Where mixed uses are permitted, ensure compatible integration of adjacent uses to minimize conflicts.

Goal 6 **Improve urban design in Tustin to ensure development that is both architecturally and functionally compatible, and to create uniquely identifiable neighborhoods, commercial and business park districts.**

Policy 6.2 Encourage and promote high quality design and physical appearance in all development projects.

Policy 6.4 Preserve and enhance the City's special residential character and "small town" quality by encouraging and maintaining Tustin's low density residential neighborhoods through enforcement of existing land use and property development standards and the harmonious blending of buildings and landscape.

Policy 6.12 Review and revise, as necessary, the City's development standards to improve the quality of new development in the City and to protect the public health and safety.

Goal 8 **Ensure that necessary public facilities and services should be available to accommodate development proposed on the Land Use Policy Map.**

Policy 8.1 Encourage within economic capabilities, a wide range of accessible public facilities and community services including fire and police protection, flood control and drainage, educational, cultural and recreational opportunities and other governmental and municipal services. Senate Bill (SB) 50, adopted in 1998, prohibits the City from using the inadequacy of school facilities as a basis for denying or conditioning the development of property. SB 50, however, gave school districts new authority to raise school impact mitigation fees. In addition, the voters passed Proposition 1A in November 1998, which provides $9.2 billion dollars in bonds to construct new or expand existing schools. In summary, school districts have the financial means and legal authority to respond to new development.

Policy 8.7 To ensure an orderly extension of essential services and facilities, and preservation of a free-flowing circulation system, continue to require provision of essential facilities and services at the developer's expense where these systems do not exist or are not already part of the City's financed capital improvement program.

Policy 8.8 Maintain and improve, where necessary, the City's infrastructure and facilities.

Goal 14 (Previously Goal 13): Continue to implement the Specific Plan/Reuse Plan for MCAS Tustin which maximizes the appeal of the site as a mixed use, master planned development and that includes the following qualities seeking to create results that are very special and worthy of the site's present and historical importance.

Policy 14.1 Promote new uses and design which will peacefully coexist with surrounding residences and businesses in Tustin and adjacent cities, minimizing impacts on noise, air quality, traffic, and other environmental features wherever possible.

Policy 14.2 Encourage a development pattern that offers a connectedness between buildings and uses, and has a strong sense of place through architectural style and creative landscape design.

Policy 14.3 Encourage a mixture of uses that enable people living or working on the site to choose to meet a significant part of their daily needs within the site.

Policy 14.4 Implement the balanced reuse plan that responds to community needs but which does not drain City resources. Wherever possible, tax revenues generated by uses on the site should offset the costs of public services.

Policy 14.5 Promote high quality architecture, landscaping, signage, open space design, circulation patterns, and landscape patterns distinct from surrounding areas.

Policy 14.6 Encourage the distinguished history of the Base to be preserved in one or more locations on site.

Policy 14.7 Promote uses and institutions which will accommodate and attract 21st Century jobs and technologies.

Policy 14.8 Encourage uses that benefit broader community's needs and which are balanced with development that is compatible with the Tustin community.

Policy 14.9 Ensure that land and water are clean and safe to use and that other environmental considerations are taken into account during design.

Policy 14.10 Promote a successful transition from military to civilian use that reasonably satisfies the public interests at local, countywide, regional, state and federal levels consistent with the need for any reuse plan to be fiscally sound and to foster economic development.

Policy 14.11 Strategically place development in a manner responsive to requirements for hazardous material cleanup, circulation and infrastructure capacity, and market absorption.

Housing Element

Goal 1 Provision of an adequate supply of housing to meet the need for a variety of housing types and the diverse socio-economic needs of all community residents commensurate with the City's identified housing needs in the RHNA allocation.

Policy 1.1 Provide site opportunities inventory of vacant and underutilized land for development of housing that responds to diverse community needs in terms of housing type, cost and location, emphasizing locations near services and transit.

Policy 1.4 Initiate development permit and zoning code streamlining strategies to encourage and expedite residential development (i.e. accessory dwelling units, affordable housing units, and investments in existing buildings) to reduce and eliminate regulatory barriers.

Policy 1.5 Encourage infill development or site redevelopment within feasible development sites for homeownership and rental units through the implementation of smart growth principles, allowing for the construction of higher density housing, affordable housing, and mixed-use development (the vertical and horizontal integration of commercial and residential uses) in proximity to employment opportunities, community facilities and services, and amenities.

Goal 2 **Promote fair housing opportunities for all people regardless of their special characteristics as protected under state and federal fair housing laws.**

Policy 2.3 Promote the dispersion and integration of housing for low- and very-low income families throughout the community.

Policy 2.6 Promote fair housing opportunities by supporting the continuation of policies that require relocation assistance, and/or to provide incentives and assistance for purchase of the units by low- and moderate-income households.

Goal 5 **Ensure that new housing is sensitive to the existing natural and built environment.**

Policy 5.1 Prioritize sustainable housing developments in proximity to services and employment centers thereby enabling the use of public transit, walking or bicycling and promoting an active lifestyle.

Policy 5.2 Promote green building practices for more sustainable energy conservation measures in the construction of new housing or rehabilitated units.

Program 1.2a Program 1.2a provides that the City will amend its Zoning Code to remove subjective design guidance in TCC Section 9272 (Design Review) and adopt new Objective Design Standards (ODS) to ensure that the City can provide clear guidance regarding project design, in order to streamline the development of high-quality residential development. The ODS would include provisions consistent with the requirements of Senate Bill (SB) 35. Program 1.2a is anticipated to be complete in October 2024.

Program 1.2c Program 1.2c directs the City to develop parking standards to facilitate residential housing production as part of mixed-use developments, adaptive reuse projects, and new residential developments. The program provides that parking displaced as a result of redevelopment may be replaced with vertical parking structures, as needed, to provide required parking. Additionally, the parking standards would incentivize creative parking strategies such as parking credits for transit rich development, and allowance of parking structures and parking lifts, by right and subject to the ODS.

Circulation Element

Goal 1 **Preserve the low-density quality of Tustin's existing single-family neighborhoods while permitting compatible multi-family development to meet regional housing needs where best suited from the standpoint of current development, accessibility, transportation and public facilities.**

Policy 1.2 Develop and implement circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, warrant requirements, capacity, maximum grades and associated features such as medians and bicycle lanes or trails that are adjacent or off-road.

Policy 1.3 Coordinate roadway improvements with applicable regional, state and federal transportation plans and proposals.

Policy 1.10 Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts.

Policy 1.11 Encourage new development which facilitates transit services, provides for non-vehicular circulation and minimizes vehicle miles traveled.

Policy 1.13 Minimize effects of transportation noise wherever possible so as to comply with the Noise Element.

Policy 1.15 Ensure construction of existing roadways to planned widths, as new developments are constructed.

Policy 1.16 Continue to require dedication of right-of-way and construction of required public improvements on streets adjacent to construction projects at the developer's expense.

Goal 2 **Provide for a truck circulation system that provides for the effective transport of commodities while minimizing the negative impacts throughout the City.**

Goal 3 **Support development of a network of regional transportation facilities which ensure the safe and efficient movement of people and goods from within the City to areas outside its boundaries, and which accommodate the regional travel demands of developing areas outside the City.**

Goal 4 **Maximize the efficiency of the circulation system through the use of transportation system management and demand management strategies.**

Goal 5 **Support development of a public transportation system that provides mobility to all City inhabitants and encourages use of public transportation as an alternative to automobile travel.**

Policy 5.2 Require new development to fund transit facilities, such as bus shelters and turn-outs, where deemed necessary to meet public needs arising in conjunction with development.

Policy 5.5 Promote new development that is designed in a manner which facilitates provision or expansion of transit service and provides non-automobile circulation within the development.

Goal 6 **Increase the use of non-motorized modes of transportation.**

Policy 6.1 Promote the safety of pedestrians and bicyclists by adhering to uniform standards and practices, including designation. of bicycle lanes, off-road bicycle trails, proper signage, and adequate sidewalk, bicycle lane, and off-road bicycle trail widths.

Policy 6.2 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways between developments, schools and public facilities.

Policy 6.14 Require new development to dedicate land and fund improvement of bicycle, pedestrian and equestrian facilities, where deemed necessary to meet public needs arising in conjunction with development.

Conservation, Open Space, and Recreation Element

Goal 1 **Reduce air pollution through proper land use, transportation and energy use planning.**

Policy 1.1 Cooperate with the South Coast Air Quality Management District and the Southern California Association of Governments in their effort to implement provisions of the region's Air Quality Management Plan, as amended.

Policy 1.3 Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.

Policy 1.4 Develop neighborhood parks near concentrations of residents to encourage pedestrian travel to the recreation facilities.

Policy 1.6 Cooperate and participate in regional air quality management plans, programs, and enforcement measures.

Goal 2 **Improve air quality by influencing transportation choices of mode, time of day, or whether to travel and to establish a jobs/housing balance.**

Policy 2.1 Reduce vehicle trips through incentives, regulations and/or Transportation Demand Management (TDM) programs.

Policy 2.2 Reduce total vehicle miles traveled (VMT) through incentives, regulations and/or Transportation Demand Management.

Policy 2.12 Implement land use policy contained in the Land Use Element toward the end of achieving jobs/housing balance goals.

Goal 3 **Reduce particulate emissions to the greatest extent feasible.**

Policy 3.1 Adopt incentives, regulations, and/or procedures to minimize particulate emissions from paved and unpaved roads, agricultural uses, parking lots, and building construction.

Goal 4 **Reduce emissions through reduced energy consumption.**

Policy 4.1 Promote energy conservation in all sectors of the City including residential, commercial, and industrial.

Goal 5 **Protect water quality and conserve water supply.**

Policy 5.2 Protect groundwater resources from depletion and sources of pollution.

Policy 5.3 Conserve imported water by requiring water conservation techniques, water conserving appliances, and drought-resistant landscaping.

Policy 5.5 Protect water quality by responsible agency support of enforcement of water quality standards for water imported into the County, and to preserve the quality of water in the groundwater basin and streams.

Goal 7 **Conserve and protect natural plant and animal communities.**

Policy 7.2 Conserve important plant communities and wildlife habitats, such as riparian areas, wildlife movement corridors, wetlands, and significant tree stands through the practice of creative site planning, revegetation, and open space easements/dedications.

Policy 7.4 Require new development to revegetate graded areas.

Goal 8 **Conserve and protect significant topographical features, important watershed areas, resources, and soils.**

Policy 8.2 Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage control improvements.

Policy 8.3 Encourage the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems.

Policy 8.5 Review 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.

Policy 8.10 Mitigate the impacts of development on sensitive lands such as steep slopes, wetlands, cultural resources, and sensitive habitats through the environmental review process.

Goal 10 **Reduce solid waste produced within City.**

Policy 10.2 Ensure that the City diverts from landfills a maximum of 50% of the solid waste generated in the City as required by the California Integrated Waste Management Board.

Goal 11 **Conserve energy resources through use of available energy technology and conservation practices.**

Goal 12 **Maintain and enhance the City's unique culturally and historically significant building sites or features.**

Policy 12.2 Retain and protect significant areas of archaeological, paleontological, or historical value for education and scientific purposes.

Goal 13 **Preserve Tustin's archaeological and paleontological resources.**

Policy 13.1 Require a site inspection by certified archaeologists or paleontologists for new development in designated sensitive areas.

Policy 13.2 Require mitigation measures where development will affect archaeological or paleontological resources.

Goal 14 **Encourage the development and maintenance of a balanced system of public and private parks, recreation facilities, and open spaces that serves the needs of existing and future residents in the City of Tustin.**

Policy 14.8 Encourage and, where appropriate, require the inclusion of recreation facilities and open space within future residential, industrial and commercial developments.

Policy 14.12 Ensure that the City's laws and related implementation tools relating to park dedication and development (e.g., ordinances, regulations, in-lieu fee schedules, etc.) reflect current land and construction costs, and are, in fact, providing adequate park land and facilities concurrent with population growth.

Goal 17 **Operate and maintain existing and future parks and recreation facilities so they are safe, clean, and attractive to the public; and preserve, protect, and enhance both existing and potential natural recreation areas to ensure that long-term public investments and values are not unreasonably preempted, compromised, or prevented by neglect or short-term considerations.**

Policy 17.2 Require park designs (including landscape treatments, buildings, irrigation, etc.) that are durable, reasonably standardized, and economical to maintain.

Goal 18 **Ensure that the recreational goals and policies are pursued and realized in an organized, incremental, and cost-effective manner and consistent with the City of Tustin's financial resources and legal authorities and the appropriate responsibilities of other agencies, the private sector, and individual and group users.**

Policy 18.5 Conserve the City's Quimby Act authority by utilizing, wherever practicable, the City's broad powers to enact and enforce its General Plan, Specific Plan(s), Redevelopment Plan(s), subdivision ordinance and Zoning Ordinance to secure public and private recreation sites, open space, trails, and other related land use objectives of community planning significance.

Public Safety Element

Goal 1 **Reduce the risk to the community's inhabitants from flood hazards.**

Policy 1.5 Require detention basins as a flood control measure where applicable to reduce the risk from flood hazards.

Goal 3 **Reduce the risk to the community from geologic and seismic hazards.**

Policy 3.1 Require review of soil and geologic conditions by a State-Licensed Engineering Geologist to determine stability prior to the approval of development where appropriate.

Policy 3.5 Ensure that structures for human occupancy, critical structures, and vital emergency facilities are designed to minimize damage from potential geologic/seismic hazards and avoid functional impairment.

Goal 4 **Reduce the risk to the community's inhabitants from exposure to hazardous materials and wastes.**

Policy 4.3 Transportation of hazardous waste will be minimized and regulated where possible to avoid environmentally sensitive areas and populated, congested, and dangerous routes.

Goal 5 **Reduce the risk to the community's inhabitants from fires or explosions.**

Policy 5.4 Enforce building code requirements that assure adequate fire protection.

Goal 6 **Stabilize demand for law enforcement services.**

Policy 6.1 Provide appropriate levels of police protection within the community.

Policy 6.5 Promote the use of defensible space concepts (site and building lighting, visual observation of open spaces, secured areas, etc.) in project design to enhance public safety.

Noise Element

Goal 2 **Incorporate noise considerations into land use planning decisions.**

Policy 2.3 Use noise/land use compatibility standards as a guide for future planning and development.

Policy 2.4 Review Modified Projects in terms of compatibility with nearby noise-sensitive land uses with the intent of reducing noise.

Policy 2.5 Require new residential developments located in proximity to existing commercial/industrial operations to control residential interior noise levels as a condition of approval.

Policy 2.6 Require that commercial uses developed as part of a mixed-use project (with residential) not be noise intensive. Design mixed-use structures to prevent transfer of noise from the commercial to the residential use.

Policy 2.7 Require new commercial/industrial operations located in proximity to existing or proposed residential areas to incorporate noise mitigation into project design.

Goal 3 Develop measures to control non-transportation noise impacts.

Policy 3.1 Implement a review process of Tustin's noise ordinance, and City policies and regulations affecting noise.

Policy 3.2 Minimize the impacts of construction noise on adjacent land uses through limiting the permitted hours of activity.

Policy 3.3 Require City departments to observe state and federal occupational safety and health noise standards.

Growth Management Element

Goal 2 Ensure adequate transportation facilities are provided for existing and future inhabitants of the City.

Policy 2.1 Require that all new development pay its share of the street improvement costs associated with the development, including regional traffic mitigation.

Policy 2.5 All new development shall be required to establish a development phasing program which phases approval of development commensurate with required improvements to roadway capacity. The Phasing Plan shall include an overall buildout development plan which can demonstrate the ability of the infrastructure to support the planned development.

Policy 2.6 Development phasing for new projects shall be a component of the development review and entitlement process and shall be approved prior to issuance of building or grading permits.

Tustin City Code

The City's Municipal Code Chapter 2, Z*oning*, regulates the location and uses of specific uses within the city, including residences, businesses, trades, industries, use of buildings, structures, and land, the location, height, bulk, and size of buildings and structures. The zoning standards are implemented to:

- Encourage the most appropriate use of land.
- Conserve and stabilize property value.
- Provide adequate open spaces for light and air and to prevent and fight fires.
- Prevent the undue concentration of population.
- Lessen congestion on streets and highways.
- Promote the health, safety, and the general welfare of the people, all as part of the General Plan of the City.

Tustin Legacy Specific Plan

As stated within the TLSP, "A key function of the Specific Plan is to streamline future detailed planning and environmental review procedures related to development and reuse of the Plan area. The Plan and accompanying Supplemental Environmental Impact Report (SEIR) provides the necessary regulations and environmental documentation so that future development and reuse proposals in conformance with this Plan

may proceed without a requirement for new or additional environmental documentation." The TLSP includes four chapters; 1) Introduction, 2) The Plan, 3) Regulating Code, and 4) Administration and Implementation. Chapter 2, The Plan, provides the vision for the larger TLSP area. Chapter 3, Regulating Code, includes the specific development standards and allowed uses for each individual planning area within the TLSP.

The 2017 TLSP includes seven objectives for the future development of the specific plan area:

Objective 1 Implement a revised land use and urban design plan for the community that weaves the existing development into an updated comprehensive vision for achieving a better balance of residential, commercial, and employment uses, well connected by a variety of transportation modes, parks, and open space.

Objective 2 Reposition the remaining undeveloped lands in Planning Area 15 to be transit oriented in terms of site design, mixing and increased intensity of land uses, walkability, location and design of public spaces, and direct pedestrian access to the adjacent Tustin Metrolink Station.

Objective 3 Reposition the remaining undeveloped land in Planning Areas 8, 13, and 14 to become a new mixed-use urban center designed around a "Main Street" that connects to the adjacent Tustin Legacy Park and The District.

This large area would also include a range of commercial recreation, cultural, and entertainment uses within and adjacent to the Tustin Legacy Park.

Objective 4 Establish new zoning designations for mixed-use development that provides flexibility for both horizontal and vertical mixed-use projects in Neighborhoods D and G through Mixed-Use Urban and Mixed-Use TOD land use designations.

Objective 5 Preserve the Tustin Legacy Park concept from the Adopted Specific Plan, and provide additional design direction related to trails, recreation activities, integration with adjacent development, and park design features.

Objective 6 Implement an updated mobility plan for Tustin Legacy that ensures a well-connected system of roadways, pedestrian paths, bicycle routes, and bus and shuttle routes that provide safe and convenient access to uses within Tustin Legacy, the adjacent Metrolink Station, and other offsite destinations.

Objective 7 Maintain the existing nonresidential land use/trip budget total for Tustin Legacy, while allowing for the reallocation of trips between certain neighborhoods, based on the revised mix of land uses for the remaining lands owned by the City of Tustin.

Tustin Legacy Development and Disposition Manual

The Development and Disposition Manual (Development Manual) provides a recommended framework to implement the City of Tustin's vision for the redevelopment of the former MCAS Tustin, as identified in the Specific Plan, in compliance with all federal, state, and local regulations. This document focuses on the calculated conveyance and development of City-owned property at Tustin Legacy and seeks to provide flexibility in adapting to changing market conditions, and land and infrastructure constraints. It provides guidance in making property disposition decisions by the City which acts in the capacity of Executive Developer for Tustin Legacy. The latest updated manual was prepared in 2022.

5.4.3 ENVIRONMENTAL SETTING

5.4.3.1 Existing Land Uses

Tustin Legacy Specific Plan Area

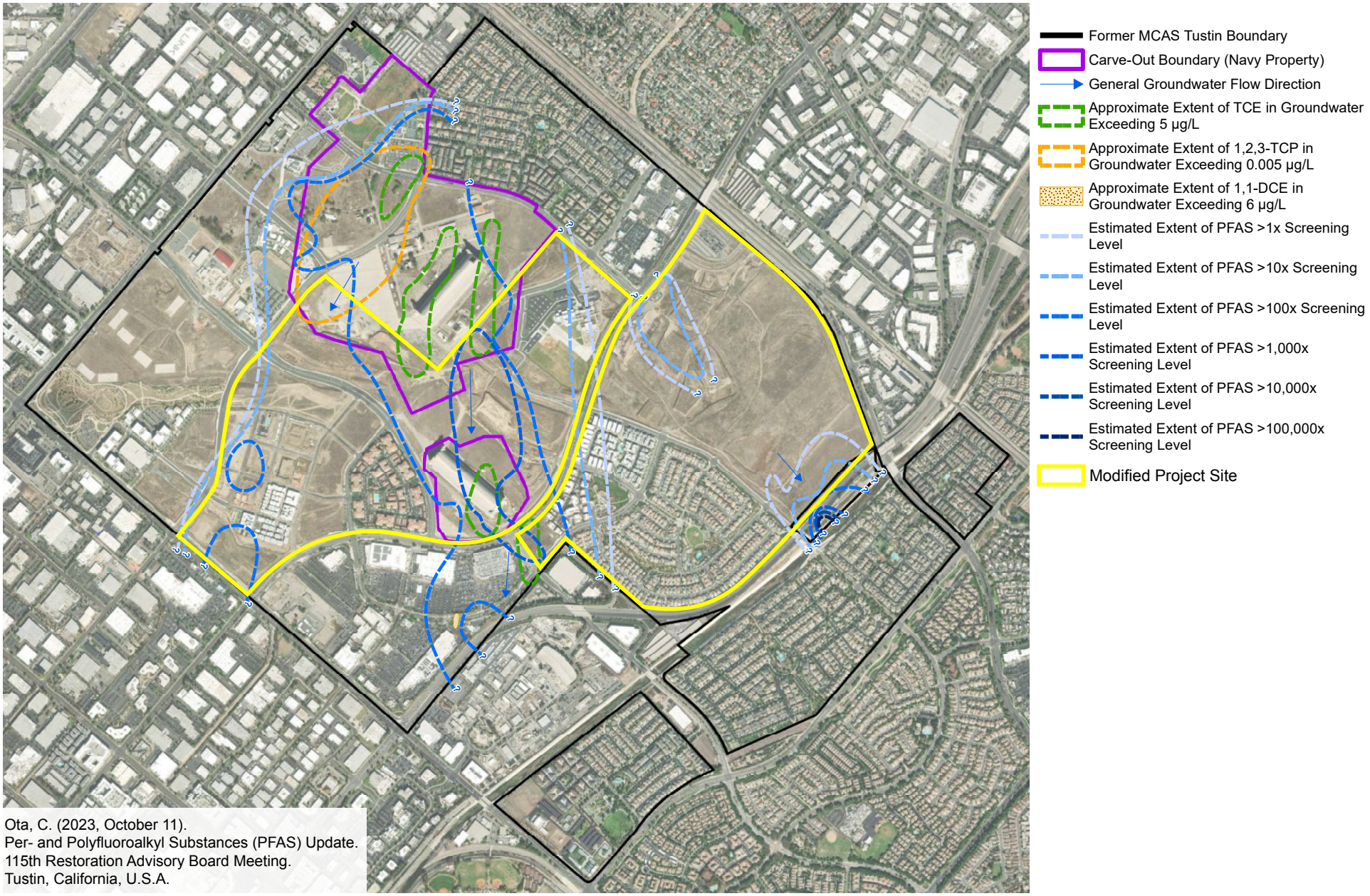
The TLSP area contains existing commercial, office, institutional, and residential development, parks, and vacant land. Approximately 1,035 acres have been developed or transferred to other land owners. The remaining portion of the TLSP area encompasses 565 acres, of which 480 of those acres are City-controlled and approximately 85 acres are not. As of March 2024, 3,856 residential units have been entitled/constructed, 1.6 million square feet (SF) of commercial space has been developed, and over 90 acres of park space have been dedicated and improved. A large portion of the western TLSP area has been transferred and utilized as institutional space for schools, the Army Reserve Center, Village of Hope, OC Animal Care Shelter, and a children and family care shelter operated by County of Orange Social Services. In addition to these uses, the South Orange County Community College District has a small campus with approximately 14,680 square feet of educational uses—the first phase of a larger mixed-use educational campus referred to as the Advanced Technology & Education Park (ATEP). See Figure 5.4-1, *TLSP Existing Land Use*.

Projects that are active or were recently completed at the time of the release of this Draft Supplemental Environmental Impact Report (SEIR) include:

- The Landing (nearly complete): 400 for sale single family and townhomes for sale over 25 acres in Neighborhood D South;
- Alley Grove Promenade (complete): 2.8-acre open space pedestrian walkway/multimodal connection from Armstrong Avenue to Tustin Ranch Road through Neighborhood D South;
- Confluent ENA: 264 units for senior congregate care over 6 acres in Neighborhood D South;
- Bark Barracks (under construction): dog park;
- Neighborhood D South Infrastructure (under construction): grading, utilities, road improvements to support Confluent ENA, Legacy Park Phase 2, Armstrong Avenue Pedestrian Bridge, and South Hangar power hookups;
- Armstrong Avenue Pedestrian Bridge (planned): Concrete edge girder w/wood accents and lighting design to provide connection from Legacy Park Phase 1 to Phase 2;
- Legacy Park Phase 2 (under construction): 5 acres of park space in Neighborhood D South;
- ATEP Additions (under construction): Irvine Valley College IDEA building complete and Saddleback at ATEP, Goddard School, and Advantech North America HQ opening or near completion in Neighborhood A; and
- Legacy Magnet Academy: 40-acre middle school and high school, at the southwest corner of Tustin Ranch Road and Valencia Avenue in Neighborhood D (North) was completed in 2020.

On November 7, 2023, a fire erupted in Navy Hangar 28 (of Neighborhood C, PA 6). The Navy hangar was destroyed, and as of the date of this document, it has been demolished and debris removal will occur soon. Notably, the fire was contained to Navy Hangar 28, such that Navy Hangar 29 (of Neighborhood D, PA 8) was not impacted, and remains unaltered.

Hazardous Cleanup Sites



Ota, C. (2023, October 11).
Per- and Polyfluoroalkyl Substances (PFAS) Update.
115th Restoration Advisory Board Meeting.
Tustin, California, U.S.A.

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5.4.3.2 Existing General Plan and Zoning Designation

The TLSP area, including the Modified Project site, has a General Plan land use designation of TLSP and a zoning designation of SP 1 – Tustin Legacy, as shown in Figure 3-5, *Existing General Plan Land Use*, and Figure 3-6*, Existing Zoning*.

The Land Use Plan for TLSP has been further divided into 13 separate Planning Areas (PAs) and several sub-planning areas, as shown in Figure 3-7, *Existing TLSP Land Use Plan*. Neighborhood D includes PAs 8, 13, and 14 and the portion of Neighborhood G within the Modified Project includes PA 15. Each PA has been assigned a land use designation. PAs categorize the use and development regulations found within the TLSP. The Land Use Plan PA land use designations include Mixed-Use Transit, Mixed-Use Urban, Commercial, Commercial/Business, Residential, Park, Tustin Legacy Park Overlay, Transitional/Emergency Housing, Education Village, and Public Street Right-of-Way (ROW). Specific designations of the Modified Project sites are discussed further below.

The Modified Project site's existing TLSP Neighborhood designations are shown in Figure 3-4, *TLSP Neighborhoods*. Table 3-2, *Specific Plan Amendment Summary*, lists the TLSP designations.

Neighborhood D North/Planning Area 8

Neighborhood D North is designated as Mixed-Use Urban with a portion covered by the Tustin Legacy Park Overlay. The TLSP states that the Mixed-Use Urban designation is intended to provide flexibility for a range of uses including hotel, commercial retail, commercial entertainment, public recreation, high school, and residential. The Tustin Legacy Park Overlay designation is intended to be a linear park extending from the corner of PAs 9-12 at Barranca Parkway and Red Hill Avenue in a diagonal direction, to Edinger Avenue in PA 15, complete with a variety of landscape settings such as urban hardscapes and natural softscapes. Neighborhood D North currently provides for a maximum development of 1,547,690 SF nonresidential use (no residential).

Neighborhood D South/Planning Areas 13 & 14

Neighborhood D South is designated as Mixed-Use Urban with a portion of PA 13 covered by the Tustin Legacy Park Overlay. The TLSP states that the Mixed-Use Urban designation is intended to provide flexibility for a range of uses including hotel, commercial retail, commercial entertainment, public recreation, high school, and residential. According to the TLSP, Neighborhood D South currently provides for a maximum development of 1,672 dwelling units and 606,000 SF of nonresidential uses.

Neighborhood G/Planning Area 15

PA 15 is designated as Mixed-Use Transit with a portion covered by the Tustin Legacy Park Overlay. According to TLSP, the Mixed-Use Transit designation is intended to provide for transit-oriented, mixed-use developments with residential, office, commercial retail, and commercial service uses in a vertical or horizontal configuration. PA 15 is located across from the Tustin Metrolink Station and is envisioned as the transit-oriented, residential core of Tustin Legacy. Neighborhood G currently provides a development maximum of 2,814 dwelling units and 1,095,200 SF of nonresidential uses.

5.4.3.3 Hazardous Waste and Groundwater Remediation Sites

The Tustin Legacy Specific Plan encompasses the former Marine Corps Air Station Tustin, which closed in 1999. Since that time, hazardous waste remediation has been occurring across the site under the authority of the Department of Navy. Specifically, the environmental remediation activities at Tustin Legacy (former

MCAS Tustin) are handled by the BRAC (Base Realignment and Closure) Cleanup Team (BCT), comprised of the Department of the Navy, the Santa Ana Regional Water Quality Control Board and the CA Department of Toxic Substance Control (DTSC), and Restoration Advisory Board (RAB) (Orange County Grand Jury, 2020). These cleanup efforts have been heavily documented throughout various plans, agreements, and ongoing testing of the site. The TLSP works in tandem with the plans, policies, and regulations applicable to the hazardous sites within the TLSP, such that once the hazardous conditions of an area within the TLSP area are remediated to acceptable conditions (e.g., per the City's MOA with the Navy and DTSC), the area defaults to the approved land uses within the TLSP.

The following includes a summary of hazardous conditions of the TLSP area and remediation activities currently ongoing.

Ongoing MCAS Cleanup

A Federal Facilities Support Remediation Agreement (FFSRA) between the Navy and the DTSC is currently in place for the former MCAS Tustin, which governs the Navy's corrective action and response obligations under the Resource Conservation and Recovery Act and CERCLA (City of Tustin, 2023). The Navy is able to transfer property with ongoing environmental remediation once the system treating the environmental issue is Operating Properly and Successfully (OPS) for a three-year period. This means that the Navy can transfer property even with ongoing cleanup activities, as long as the remedy selected for that particular issue is in place and performing.

The difficulty over the last 10+ years with the Navy transferring property has been changing environmental standards, which have made OPS unobtainable. For example, in 2017 the State of California established a Maximum Contaminant Level (MCL) for 1,2,3 – trichloropropane (1,2,3-TCP) of .005 mg/l, when the previous MCL was 0.5 mg/l. This significant change in cleanup goals required the Navy to re-mobilize and re-sample several times, to ensure the existing treatment system was successfully remediating to the new 1,2,3-TCP cleanup goal.

The original Economic Development Conveyance (EDC) between the Navy and City governs how 1,153 acres of the 1,600-acre former MCAS Tustin was to be transferred to the City (the remaining acreage was conveyed directly to other entities and agencies) (City of Tustin, 2023). Of the 1,153 acres transferred to the City, 979 acres were deeded to the City in 2002. The remaining 174 of the 1,153 acres, which are not yet owned by the City, are under a Lease In Furtherance of Conveyance (LIFOC) between the Navy and the City. The LIFOC grants the City a lease on the remaining properties while the Navy undertakes additional environmental investigation and/or remediation per the FFSRA agreement.

The 174 LIFOC acres have been separated into eleven "carve out" areas throughout the former Navy base. Contaminants within the carve outs include trichloroethylene, trichloropropane, jet fuel, petroleum hydrocarbons, volatile organic compounds, metals, and polynuclear aromatic hydrocarbons. Additionally, asbestos-containing materials were identified in 77 former buildings onsite, and nonresidential buildings built before 1980 were assumed to contain lead-based paint. These conditions were identified in the FEIS/EIR, and subsequent CEQA documentation, as resulting in a less than significant impact after remediation of environmental contamination, per existing federal and state regulatory compliance.

Since 2002, nine of the eleven carve-outs have met OPS conditions and have been conveyed to the City. These nine carve out areas constitute approximately 60 of the total 174 LIFOC acres. Two of the eleven carve-outs, Carve Outs 5 and 6, have not yet met OPS conditions and remain under Navy management. Carve Outs 5 and 6 total approximately 114 acres.

Groundwater contamination is identified as occurring within several plumes that underly Carve Outs 5 and 6. Trichloroethylene, trichloropropane, and other chlorinated hydrocarbons were found in groundwater and

soil. Site remediation consists of pumping and treating groundwater, in-situ bioremediation, and monitored natural attenuation. Existing groundwater contamination sources are shown in Figure 5.4-2, *Hazardous Cleanup Sites*.

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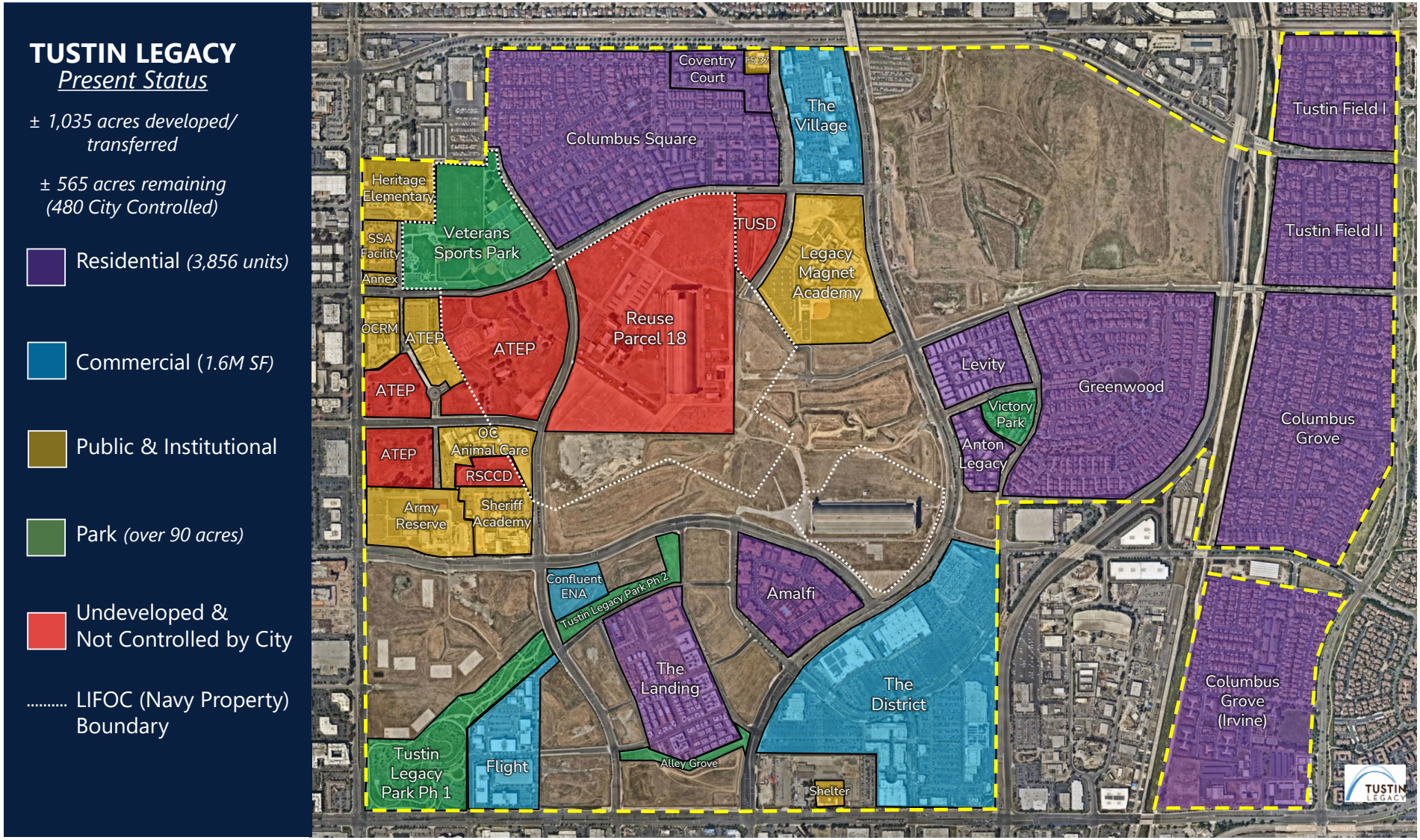
Tustin Legacy Present Status



Tustin Legacy Specific Plan Amendment SEIR
City of Tustin

Figure 5.4-2

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PFAS

Per- and polyfluoroalkyl substances (PFAS) are an emerging contaminant nationwide and worldwide. The State of California has been regulating PFAS in drinking water since 2018. The Navy is currently assessing PFAS impacts at Tustin Legacy with DTSC and RWQCB oversight. The recent emergence of PFAS has created a new contaminant that will require extensive research, sampling, and potentially a new treatment strategy. Any conveyances of areas currently impacted by PFAS will likely be delayed until more information on PFAS has been collected, as well as guidance is given from the Environmental Protection Agency (EPA) to the Department of Defense (DOD) and ultimately to the Navy.

Scientific studies have shown that ingestion of PFAS over time may be linked to harmful health effects (City of Tustin, 2024). The most common method of ingestion of PFAS is through contaminated drinking water. Drinking water at Tustin Legacy is supplied by the Irvine Ranch Water District from non-Tustin Legacy sources. The drinking water delivered to residences and businesses in Tustin does not contain any detectable levels of PFAS (IRWD, 2024).

Hangar Fire

The north hangar (Navy Hangar 28), located near Valencia Avenue and Armstrong Road in Neighborhood C, is currently owned by the Department of the Navy. The building sustained roof damage in October 2013 during a windstorm and was destroyed by a fire in November 2023. The portions of the building left standing have been demolished. The removal of demolition debris is in process.

The former MCAS Navy Hangar 28 incident has evolved since the fire began on November 7, 2023, and a four-phase response approach has been initiated (Orange County Health Care Agency, 2024). While the fire was contained to Neighborhood C, cleanup and monitoring efforts extend to the surrounding areas. Phase 1 included the fire response phase, which included fire suppression, debris removal, and application of water to asbestos containing materials (ACM) to reduce the amount of airborne fibers. The second phase, the phase currently taking place at the time of the drafting of this document, includes debris stabilization, which involves application of a soil sealant to debris, and removal of the hangar doors. The third stage is the maintain stabilization phase, which requires reapplication of soil sealant if monitoring exceedances occur. The final phase is remediation, which requires permitted remediation of ACM debris, such as potentially hauling contaminated soils offsite. Since phase one, monitoring has continued (24/7) around the north hangar and surrounding community, testing for particulate matter (PM), volatile organic compounds (VOCs), asbestos and metals has been ongoing. ACM testing is performed intermittently. There have been no detections of airborne asbestos during air monitoring/sampling conducted thus far. The hazard of potential asbestos exposure has been significantly reduced now that the fire has been extinguished and a sealant has been applied to the debris that remains at the incident site. A website has been created that is dedicated to communication of the hangar fire and ongoing cleanup activities: https://www.tustinca.org/1457/North-Hangar-Fire-Community-Resource-Page. The latest information regarding the status of the site can be found on the City's website.

5.4.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

LU-1 Physically divide an established community.

LU-2 Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The Initial Study (Appendix A) established that the Modified Project would not result in impacts related to Threshold LU-1; therefore, no further assessment of this threshold is required in this Draft SEIR.

5.4.5 METHODOLOGY

The analysis of land use consistency impacts considers whether the Modified Project would be inconsistent with (or conflict with) regional and local plans, policies, and regulations that are applicable to the Modified Project site, including the SCAG RTP/SCS, City of Tustin GP, TLSP, and City zoning code. Consistent with the scope and purpose of this SEIR, this discussion primarily focuses on those goals and policies that relate to avoiding or mitigating environmental impacts, and an assessment of whether any inconsistency with these standards creates a significant physical impact on the environment. Thus, a project's inconsistency with a policy is only considered significant if such inconsistency would cause significant physical environmental impacts (as defined by CEQA Guidelines Section 15382).

CEQA Guidelines Section 15125(d) requires that an EIR discuss inconsistencies with applicable plans that the decision-makers should address. A project need not be consistent with each and every policy and objective in a planning document. Rather, a project is considered consistent with the provisions of the identified regional and local plans if it meets the general intent of the plans and would not preclude the attainment of the primary goals of the land use plan or policy.

5.4.6 ENVIRONMENTAL IMPACTS

Summary of Impacts Associated with the Approved Project

The original MCAS Tustin Specific Plan FEIS/EIR determined that the project required amendments to the cities of Tustin and Irvine General Plans and Zoning Ordinances. The FEIS/EIR found that the intensification and change of land uses pursuant to the MCAS Tustin Specific Plan could create land use incompatibilities with surrounding land uses and internal incompatibilities within the project area. Mitigation measures were incorporated requiring the City of Tustin and the City of Irvine to amend their General Plan and Zoning Ordinance to be consistent with the project. The measures also require that the appearance of future development on the site is similar to other master planned areas adjacent to the specific plan area.

In 2001, the City of Tustin adopted a General Plan land use designation "MCAS Tustin Specific Plan," and the MCAS Tustin Specific Plan was adopted on February 3, 2003 (Ordinance 1257). As described previously, the MCAS Tustin Specific Plan established the zoning designations, development standards, and entitlement framework for future development in the Specific Plan area.

The 2017 SEIR analyzed the Approved Project's consistency with the Tustin General Plan, SCAG 2016–2040 RTP/SCS, and the Airport Environs Land Use Plan (AELUP) for John Wayne Airport. Overall, the SEIR determined that the Approved Project would be consistent with all applicable land use plans.

IMPACT LU-2: THE PROJECT WOULD NOT CAUSE A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH ANY LAND USE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT.

Less than Significant With Mitigation.

The following analysis evaluates the Modified Project's consistency with the Tustin General Plan, SCAG 2016– 2040 RTP/SCS, and the Airport Environs Land Use Plan (AELUP) for John Wayne Airport through the context of proposed changes to the previously Approved Project. The analysis also evaluates consistency with the recently adopted SCAG 2024– 2050 RTP/SCS and updated City of Tustin General Plan Housing Element goals and policies, which were not evaluated previously under the 2017 SEIR.

SCAG Final 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), (Connect SoCal 2024)

SCAG strategies focus largely on implementing transit-oriented development and increasing the use of regional transit, encouraging development patterns and densities that reduce infrastructure costs, and providing a variety of housing types including affordable housing. The proposed SPA would implement SCAG strategies related to high-density, infill development, and improvement of the job/housing balance that is centered around public transit opportunities. The proposed SPA provides for reuse of an old military base within the center of an urbanized area. Development of the TLSP area would make efficient use of the existing circulation and utility infrastructure of the surrounding area. The Modified Project would allow for future development of additional residential uses within a mixed-use environment in which residents would benefit from the proposed onsite uses and nearby shopping, restaurant, and employment opportunities, which will reduce VMT while meeting regional housing goals.

The Notice of Preparation (NOP) was circulated for the Modified Project from March 5, 2024, to April 3, 2024. At the time of NOP circulation, the 2020-2045 RTP/SCS was the adopted plan for the SCAG region. As described below, a new RTP/SCS has been adopted by SCAG but has not yet been certified by the state. Therefore, for analysis purposes, goals and policies from both RTP/SCS have been evaluated in consistency with the Modified Project. Table 5.4-2 below describes consistency of the Project with the policies of the 2020-2045 SCAG RTP/SCS. As described, the Modified Project would be consistent with, and therefore not conflict with, the RTP/SCS.

Table 5.4-1: Consistency with SCAG's 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy Goals

Goal/Policy	2017 SEIR Approved Project Compliance[1]	Modified Project Compliance
RTP/SCS G1: Align the plan investments and policies with improving regional economic development and competitiveness.	**Not Applicable.** This is not a project-specific goal and is therefore not applicable.	**No Change.**
RTP/SCS G2: Maximize mobility and accessibility for all people and goods in the region. **RTP/SCS G3:** Ensure travel safety and reliability for all people and goods in the region. **RTP/SCS G4:** Preserve and ensure a sustainable regional transportation system. **RTP/SCS G5:** Maximize the productivity of our transportation system.	**Consistent.** The circulation network proposed by the Modified Project is designed to be consistent with the City of Tustin General Plan Circulation Element and prioritize multimodal travel. The Modified Project accommodates current and future bus service to the area as planned by the OCTA. A Metrolink transit plaza is located across from the project area on the corner of Edinger Avenue and Jamboree Road. The Modified Project requires PA 15, across from the transit station, to be transit oriented in terms of scale, form, design, and mix of uses. A pedestrian bridge across Edinger Avenue would be the primary pedestrian and bicycle connection between the project area and the transit station. Vehicular access would be provided by additional street access along Edinger Avenue. As part of the development plan for the Modified Project, proposed infrastructure would include a pedestrian and vehicular circulation system, including roadways, landscaping, parks, street lighting, sidewalks, and pedestrian paths. The access and circulation plan is intended to efficiently integrate the Modified Project into the City's transportation network. As shown in Figure 3-7 of this DSEIR, the proposed system of vehicular streets would provide convenient, efficient, and safe access to uses within the project boundaries as well as to offsite destinations. Access into the project area is provided via entries along Barranca Parkway, Edinger Avenue, Jamboree Road, Red Hill Avenue, Armstrong	**No Change.** The Modified Project does not propose changes to the pedestrian and vehicular circulation system, including roadways, landscaping, parks, street lighting, sidewalks, and pedestrian paths currently planned under the Approved Project. Additionally, planned pedestrian access and connection would be maintained. The Modified Project would increase the number of maximum dwelling units allowed under PA 15/Neighborhood G. Future residential development would still be required to be consistent with existing standards for transit-oriented development in terms of scale, form, design, and mix of uses.

Goal/Policy	2017 SEIR Approved Project Compliance[1]	Modified Project Compliance
	Avenue, Tustin Ranch Road, Valencia Avenue, Warner Avenue, Victory Road, Harvard Avenue, and Moffett Drive. The circulation plan would connect Moffett Drive to Tustin Ranch Road. Access points proposed along the perimeter public streets would be coordinated with access to adjacent land uses. Internal circulation within each planning area would consist of smaller access roads or private streets serving development. The Modified Project maximizes the sustainability and efficiency of the project area's transportation network by modifying the layout and width of street rights-of-way to reflect proposed changes to permitted land uses. Although the proposed circulation system is not a dramatic departure from the Adopted Specific Plan, it better reflects the walkable nature of the Modified Project. Under the Modified Project, major arterial highways such as Tustin Ranch Road and Warner Avenue would still traverse the site, increasing connectivity in the area's existing roadway network. However, areas designated for walkable mixed-use development (PA 8, 13-14 and PA 15-A) are now proposed to have through-traffic distributed among a larger number of lower-traffic, lower-speed collector streets compared the Adopted Specific Plan. Implementation of this conceptual street layout would increase the safety of pedestrians and bicyclists.	
RTP/SCS G6: Protect the environment and health of our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).	**Consistent.** The various sections of this DSEIR outline existing regulations, standard conditions, and mitigation measures that reduce and/or eliminate environmental and health-related impacts of the Modified Project, as applicable and feasible. For example, Section 5.1, *Air Quality*, of this DSEIR addresses air quality impacts, and Section 5.3, *Greenhouse Gas Emissions*, addresses climate impacts of the Modified Project. Note that even with mitigation incorporated, the project would	**No Change.** This DSEIR includes existing regulations, standard conditions, and mitigation measures that reduce and/or eliminate environmental and health-related impacts of the Modified Project, as applicable and feasible. The Modified Project would increase the maximum number of dwelling units allowed to be developed in Neighborhoods D and G under the TLSP. As a result, air quality and greenhouse gas (GHG) impacts are anticipated to be greater than

Goal/Policy	2017 SEIR Approved Project Compliance[1]	Modified Project Compliance
	result in significant and unavoidable impacts related to air quality and greenhouse gas emissions impacts. For the Modified Project's encouragement of active transportation modes, see the response to Tustin General Plan Circulation Element Goal 6, above.	previously analyzed under the Approved Project (see Section 5.1, *Air Quality*, and 5.3, *Greenhouse Gas Emissions*). Impacts to air quality and GHG would remain significant and unavoidable, predominately due to mobile-source emissions. However, future development would be required to prepare project-specific analyses to determine potential air quality impacts and incorporate mitigation as necessary to reduce impacts. Project-specific analyses would ensure that future projects would not result in health risk impacts on surrounding residents. As specified for the Approved Project, the Modified Project would continue to prioritize active modes of transportation and minimize VMT through the incorporation of mixed-use development. Therefore, the Modified Project would remain consistent.
RTP/SCS G7: Actively encourage and create incentives for energy efficiency, where possible.	**Not Applicable.** This is not a project-specific goal and is therefore not applicable.	**No Change.** For information about the Modified Project's impact on energy use, see Section 5.2, *Energy*, and for impacts on GHG, see Section 5.3, *Greenhouse Gas Emissions*, of this DSEIR.
RTP/SCS G8: Encourage land use and growth patterns that facilitate transit and active transportation.	**Consistent.** See response to RTP/SCS Goals G2 through G5.	**No Change.** See response to RTP/SCS Goals G2 through G5.
RTP/SCS G9: Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.	**Not Applicable.** This is not a project-specific goal and is therefore not applicable.	**No Change.**

Notes:
[1] "Modified Project" refers to the 2017 TLSP project that has since been approved. "Adopted Specific Plan" refers to the 2013 TLSP that was previously adopted prior to approval and implementation of the 2017 TLSP.
Sources: SCAG 2020-2045 RTP/SCS (Connect SoCal 2020) (Southern California Association of Governments, 2020);Tustin Legacy Specific Plan Amendment Supplemental Environmental Impact Report (Placeworks, 2017)

SCAG Final 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), (Connect SoCal 2024)

As defined under Code Regs. tit. 14 § 15126.2 "the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published". The Notice of Preparation, included as Appendix A to this SEIR, was circulated for public review from March 4, 2024, to April 3, 2024, and set the environmental baseline for the Modified Project. As described previously, SCAG is required by federal and state law to prepare and update the RTP/SCS every four years. Connect SoCal, the 2024-2050 RTP/SCS, was approved on April 4, 2024. Although the 2024 RTP/SCS was approved after the environmental baseline was set for the Project, Table 5.4-2 below lists applicable strategic policies included in the updated 2024-2050 RTP/SCS that the Modified Project would be consistent with. As described above and in Table 5.4-2, the Modified Project would implement SCAG strategies related to high-density, infill development, and improvement of the job/housing balance that is centered around public transit opportunities consistent with Connect SoCal Policies.

Table 5.4-2: Project Consistency with 2024 SCAG Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy Policies

2024 Connect SoCal Strategy Policy	Modified Project Consistency with Policy
Complete Streets	
Support implementation of Complete Streets demonstrations (including those addressing curb space management) to accommodate and optimize new technologies and micromobility devices, first/last mile connections to transit and last-mile deliveries	**Consistent.** The Project does not currently propose any development or roadway improvements. Roadway improvements and transit needs would be determined at the time a development project is proposed, and would coordinate with applicable regional, state, and federal transportation parties, as necessary. Future projects under the proposed Modified Project would be required to implement the TLSP Mobility Plan (Section 2.3 of the TLSP) that provides for the needs of pedestrians, bicyclists, motorists, and transit users. Future projects would also be required to comply with the circulation system standards and traffic control standards specified by the City's latest *Standard Plans and Design Standards* as ensured and verified by the City during the plan check and permitting process, prior to obtaining building permits (PPP T-1 and T-2).
Support community-led Complete Streets plans and projects, including those that take into account how to mitigate or adapt to climate change impacts (e.g., extreme heat)	**Not Applicable.** This is not a project-specific goal and is therefore not applicable.
Transit and Multimodal Integration	
Increase multimodal connectivity (e.g., first/last mile transit and airport connections), which includes planning for and developing mobility hubs throughout the SCAG region	**Consistent.** The TLSP includes a Mobility Plan and transit-priority areas based on the local OCTA and Metrolink transit systems. The Project site is located near commercial, retail, and office uses. Additionally, as described in Section 5.8, *Transportation*, the Modified Project is located near established public transit and would promote an active lifestyle. The Modified Project would continue to implement the existing Mobility Plan and transit goals.
Through land use planning, support residential development along high-frequency transit corridors and around transit/rail facilities and centers	**Consistent.** Under the TLSP, the remaining undeveloped lands in Planning Area (PA) 15 are planned to be transit oriented in terms of site design, mixing and increased intensity of land uses, walkability, location and design of public spaces, and direct pedestrian access to the adjacent Tustin Metrolink Station. Future residential development under the Modified Project would be consistent with the established design objectives of PA 15. Additionally, the Modified Project would continue to implement the adopted Mobility Plan within the TLSP as the

2024 Connect SoCal Strategy Policy	Modified Project Consistency with Policy
	Modified Project areas continue to be built out. Additionally, as described in Section 5.8, *Transportation*, the Modified Project is located near established public transit and would promote an active lifestyle.
Expand the region's networks of bicycle and pedestrian facilities. This includes creating more low stress facilities, such as separated bikeways and bike paths, slow streets, and open streets	**Consistent.** The Project does not currently propose any development or roadway improvements. Roadway improvements and transit needs would be determined at the time a development project is proposed, and would coordinate with applicable regional, state, and federal transportation parties, as necessary. Future projects under the proposed Modified Project would be required to implement the TLSP Mobility Plan (Section 2.3 of the TLSP) that provides for the needs of pedestrians, bicyclists, motorists, and transit users. Future projects would also be required to comply with the circulation system standards and traffic control standards specified by the City's latest *Standard Plans and Design Standards* as ensured and verified by the City during the plan check and permitting process, prior to obtaining building permits (PPP T-1 and T-2).
Safety	
Work with local, state and federal partners to advance safer roadways, including reduced speeds to achieve zero deaths and reduce GHGs	**Not Applicable.** This is not a project-specific goal and is therefore not applicable.
Priority Development Areas	
Support the development of housing in areas with existing and planned infrastructure and availability of multimodal options, and where a critical mass of activity can promote location efficiency	**Consistent.** The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan. On November 7, 2019, SCAG's Regional Council voted to approve the Draft RHNA Methodology. The approved draft methodology allocated RHNA "fair share" to various jurisdictions based on several variables, including access to job and transit (Southern California Association of Governments, 2020). At the regional level, SCAG planned for future housing growth with a concentration in areas that have existing and planned infrastructure and availability of multimodal options through their "fair share" allocations. The Modified Project is proposed to make the TLSP consistent with the certified 2021-2029 Housing Element, which was prepared to accommodate the City's 6th Cycle RHNA allocation. Therefore, the Modified Project supports SCAG's regional efforts to develop housing in existing and planned infrastructure and availability of multimodal options through implementation of their State Housing Law responsibilities.
Housing the Region	
Provide technical assistance for jurisdictions to complete and implement their housing elements and support local governments and Tribal Entities to advance housing production	**Consistent.** The Project is being proposed pursuant to the certified HEU, which was prepared to accommodate the City's RHNA, as delegated by SCAG. The City will continue to partner with SCAG and other planning organizations in fulfillment of City and regional goals.
Identify and pursue partnerships at the local, regional, state and federal levels to align utility, transit and infrastructure investments with housing development and equitable outcomes across the region	**Not Applicable.** This is not a project-specific goal and is therefore not applicable.
Sustainable Development	
Research the availability of resources that can support the development of water	**Consistent.** The Modified Project is proposed pursuant to the City's HEU. No development is proposed as part of the Modified Project. The HEU

2024 Connect SoCal Strategy Policy	Modified Project Consistency with Policy
and energy-efficient building practices, including green infrastructure	Goal 5 states "Ensure that new housing is sensitive to the existing natural and built environment." Several policies are included to support this goal, including requirements for sustainable development and energy conservation. All future projects proposed within the Project site would be required to comply with the City's goals, policies, and programs. Compliance with the City's goals and policies would be verified during plan check. Additionally, all future development proposed as part of the Project would comply with CALGreen/Title 24 requirements.
Air Quality	
Coordinate with local, regional, state and federal partners to meet federal and state ambient air-quality standards and improve public health	**Consistent.** As described in Section 5.1, *Air Quality*, particulate emissions would mostly be derived from mobile source emissions. Future development would continue to prioritize the implementation of multimodal transportation to minimize mobile source emissions from the TLSP area. See Response to RTP/SCS G6. All future projects would be required to comply with all relevant State, regional, and local regulations and policies for reducing particulate emissions.
Clean Transportation	
Support the deployment of clean transit and technologies to reduce greenhouse gas emissions as part of the CARB innovative clean technology (ICT) rule	**Consistent.** The CARB innovative clean technology (ICT) rule requires all public transit agencies to gradually reduce fleet vehicle tailpipe emissions and encourages them to provide innovative first and last-mile connectivity and improved mobility for transit riders. Under the TLSP, the remaining undeveloped lands in Planning Area (PA) 15 are planned to be transit oriented in terms of site design, mixing and increased intensity of land uses, walkability, location and design of public spaces, and direct pedestrian access to the adjacent Tustin Metrolink Station. Future residential development under the Modified Project would be consistent with the established design objectives of PA 15. Additionally, the Modified Project would continue to implement the adopted Mobility Plan within the TLSP as the Modified Project areas continue to be built out. Additionally, as described in Section 5.8, *Transportation*, the Modified Project is located near established public transit and would promote an active lifestyle.
Natural and Agricultural Lands Preservation	
Work with implementation agencies to support, establish or supplement voluntary regional advance mitigation programs (RAMP) for regionally significant transportation projects to mitigate environmental impacts, reduce per-capita VMT and provide mitigation opportunities through the Intergovernmental Review Process	**Consistent.** As discussed in Section 5.8, *Transportation,* the Project would result in a less than significant impact on VMT. This is due to the mixed-use nature of the Modified Project area. The Modified Project area is located near major transit hubs and combines commercial and residential land uses within walking distance to one another in order to facilitate walkability and reduce reliance on private vehicles.
Continue efforts to support partners in identifying priority conservation areas—including habitat, wildlife corridors, and natural and agricultural lands—for permanent protection	**Consistent.** As previously determined through the 2001 FEIS/EIR, development of the TLSP area would result in potential impacts to pond turtles and jurisdictional waters. As such, Mitigation Measures Bio-1 through Bio-4 were incorporated and require ongoing implementation to mitigate potential impacts to pond turtles and jurisdictional waters. As determined in Section 5.4, *Biological Resources*, of the Initial Study prepared for this DSEIR (see Appendix A), the Modified Project would not result in any new impacts to habitat, wildlife corridors, or natural lands. Further Mitigation Measure Bio-5 was included to require surveys for future development projects to ensure additional impacts would not occur, and/or would be mitigated appropriately, based on site conditions at the time of proposed development.

2024 Connect SoCal Strategy Policy	Modified Project Consistency with Policy
Support the integration of nature-based solutions into implementing agency plans to address urban heat, organic waste reduction, protection of wetlands, habitat and wildlife corridor restoration, greenway connectivity and similar efforts	**Consistent.** See above regarding protection of biological resources. As of July 1, 2021, the City of Tustin offers all residents the ability to recycle food scraps by placing them in their green waste cart. Historically, this cart has been used for yard trimmings only. The waste service provider takes all organic material to their composting facility to be turned into soil amendment. Future residential projects implemented through TLSP would also be provided organic waste composting services.
Climate Resilience	
Develop partnerships and programs to support local and regional climate adaptation, mitigation and resilience initiatives	**Not Applicable.** This is not a project-specific goal and is therefore not applicable.
Collaborate with partners to foster adoption of systems and technologies that can reduce water demand and/or increase water supply, such as alternative groundwater recharge technologies, stormwater capture systems, urban cooling infrastructure and greywater usage systems	**Consistent.** Future projects would be required to implement water-efficient landscaping and water conserving appliances pursuant to Section 9701 of Article 9, Chapter 7 of the City of Tustin Municipal Code. Compliance would be reviewed by the City during the permitting process. Additionally, development and construction of the Project site would require preparation and adherence to SWPPP and WQMP (PPP HYD-1 and -2). Therefore, development of the site would not deplete or pollute groundwater resources. Additionally, all future development proposed as part of the Project would comply with CALGreen/Title 24 requirements.
Workforce Development	
Provide technical assistance to help local jurisdictions realize their economic and workforce-development goals	**Not Applicable.** This is not a project-specific goal and is therefore not applicable.
Encourage the growth of, and equitable access to, living-wage jobs throughout the region	**Consistent.** The Modified Project does not propose any development. The TLSP includes a variety of land uses, including commercial and institutional, which would facilitate new employment opportunities within a variety of sectors such as business, education, and retail.

Source: Southern California Association of Governments (SCAG) 2024 Connect SoCal Regional Transportation Plan/ Sustainable Communities Strategy

City of Tustin General Plan (and 2021-2029 Housing Element Update)

Table 5.4-3 demonstrates the Modified Project's relationship with goals and policies in the Tustin General Plan. This analysis primarily relies on goals, but also evaluates the project's consistency with individual policies that pertain to the project area specifically.

Table 5.4-3: Consistency with Relevant General Plan Goals and Policies

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Land Use Element – Goals		
Goal 1: Provide for a well-balanced land use pattern that accommodates existing and future needs for housing, commercial and industrial land, open space and community facilities and services, while maintaining a healthy, diversified economy adequate to provide future City services.	**Consistent.** The 2017 Modified Project allowed a broad range of residential product types and other land uses, including educational, retail, commercial/business, entertainment, and recreational uses. The 2017 Modified Project revised the mix of these uses precisely to better respond to market conditions and community needs.	**No Change.** The Modified Project would continue to allow for future development of a broad range of residential product types and other land uses.
Policy 1.1 Preserve the low-density quality of Tustin's existing single-family neighborhoods, while permitting compatible multi-family development to meet regional housing needs where best suited from the standpoint of current development, accessibility, transportation and public facilities.	*Not previously included.*	**Consistent.** During the Housing Element process, the City identified the Modified Project site as a suitable site for rezoning to allow higher density housing. The Project would include a SPA of the Modified Project site to allow for additional future development of 2,211 units housing units (not including density bonus units), consistent with the City's certified 2021-2029 Housing Element. The allowed densities under this Project would provide for a variety of housing types and diverse socio-economic needs.
Policy 1.7 As part of the City's attraction to business and industry, provide adequate sites to house future employees.	*Not previously included.*	**Consistent.** Section 5.6, *Population and Housing*, of this DSEIR evaluates the Modified Project's impact on jobs-housing balance. The Modified Project would reduce (improve) the jobs-housing ratio slightly by adding 4,970 residential units. Buildout of the Modified Project would result in a jobs-housing ratio of 2.08 while buildout of the Approved Project would result in a jobs-housing ratio of 2.76. The Modified Project would result in overall more balanced jobs-housing conditions within the TLSP area.
Policy 1.10 Ensure that the distribution and intensity of land uses are consistent with the Land Use Plan and classification system.	*Not previously included.*	**Consistent.** As part of the Modified Project, the TLSP Land Use Table would be revised to accommodate for the intensities approved in the City's updated General Plan Housing Element and as mandated by state density bonus law.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Goal 2: Ensure that future land use decisions are the result of sound and comprehensive planning.	**Consistent.** Specific plans act as a bridge between the General Plan and individual development proposals. Rather than allow ad-hoc development, circulation improvements, and public amenities, the Modified Project plans for these in a comprehensive manner. The plan contains maps, diagrams, development standards, and design guidelines that emphasize compatibility between development projects and between neighborhoods. The mix of allowable land uses in the Specific Plan area is aimed at allowing long-term, phased growth in Tustin while ensuring that each land use type is not overbuilt. The circulation system is designed to be a highly connective, multimodal network of roadways and trails that are appropriately designed and sized for the land uses they access.	**No Change.** The Modified Project proposes an SPA to meet existing demands based on State Housing law and current market conditions. The amended TLSP would continue to facilitate development in a planned and comprehensive manner.
Goal 3: Ensure that new development is compatible with surrounding land uses in the community, the City's circulation network, availability of public facilities, existing development constraints and the City's unique characteristics and resources.	**Consistent.** See response to Goal 2, above.	**No Change.**
Goal 4: Assure a safe, healthy and aesthetically pleasing community for residents and businesses.	**Consistent.** The 2017 Modified Project included development standards, regulations, infrastructure requirements, design guidelines, and implementation programs on which subsequent, project-related development are founded. The revised site layout, land use pattern, and circulation system proposed by the 2017 Modified Project addressed safety by creating a hierarchy of streets that differentiates between streets that are designed to provide through-traffic and those that access homes and businesses. Provisions in the Modified Project also require compliance with state and local regulations related to hazardous materials and demolition and remediation of decommissioned military facilities. The 2017 Modified Project promoted the health of existing and future residents by expanding the planned network of parks and open space to	**No Change.** The Modified Project would continue to implement the design guidelines previously adopted. Additionally, objective design standards would be incorporated in the TLSP through the SPA to meet the goals of the 2021-2029 HEU and streamline future development of housing within identified housing sites. As such, the objective design standards would be complimentary and conform to existing standards but provide additional detail and clarification regarding certain housing products. The Modified Project site overlays portions of LIFOC Carve Outs 5 and 6 of Neighborhood G and Neighborhood D North. Development of the Modified Project site directly overlying active carve out areas would not be able to occur until the site is remediated to acceptable conditions in compliance with state and federal law. The Modified Project

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
	include a linear park overlay that diagonally traverses the project area. This overlay is intended to provide opportunities for exercise and recreation and create an overall more walkable community. Aesthetic concerns are addressed by the Modified Project's design guidelines, which address land use compatibility issues; landscaping design; architectural character and design; setbacks and buffers; and signage. The guidelines are designed to ensure that high quality design is implemented throughout the Specific Plan area while allowed each planning area to have its own community character.	would introduce residential land use as a new allowed use within Neighborhood D North. Therefore, future development would need to comply with the stringent standards set forth in the existing MOA, FFSRA, and subsequent agreements between the Navy, City, RWQCB, and DTSC that set forth criteria for the safe redevelopment of the former MCAS base. Existing compliance criteria cover existing hazardous conditions, including new hazardous conditions not previously analyzed, such as PFAS contamination and debris removal following the hangar fire. Compliance with PPP LU-1 would ensure that the Modified Project would result in no impact through execution of existing agreements regarding reuse of the former MCAS military site undergoing continued remediation efforts.
Policy 4.1 Mitigate traffic congestion and unacceptable levels of noise, odors, dust and light and glare which affect residential areas and sensitive receptors.	*Not previously included.*	The Modified Project would allow for residential use within Neighborhood D North, an area previously dedicated to nonresidential development. However, Neighborhood D North (PA 8, 13-14) is surrounded by existing and future residential land uses and the introduction of residential to this area would be compatible with the existing uses. This DSEIR includes existing regulations, standard conditions, and mitigation measures that reduce and/or eliminate environmental impacts of the Modified Project, as applicable and feasible. The Modified Project would increase the maximum number of dwelling units allowed to be developed in Neighborhoods D and G under the TLSP. As a result, air quality, GHG, and noise impacts are anticipated to be greater than previously analyzed under the Approved Project (see Section 5.1, *Air Quality*, 5.3, *Greenhouse Gas Emissions*, and 5.5, *Noise*). However, future development would be required to prepare project-specific analyses to determine potential air quality impacts and incorporate mitigation as necessary to reduce

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
		impacts. Additionally, noise impacts from project-related traffic on off-site sensitive receptors would be less than significant, as described in Section 5.5, and no mitigation measures are required. As specified for the Approved Project, the Modified Project would continue to prioritize active modes of transportation and minimize VMT through the incorporation of mixed-use development. The Approved Circulation Plan would be carried forward under the Modified Project.
Policy 4.2 Ensure a sensitive transition between commercial or industrial uses and residential uses by means of such techniques as buffering, landscaping and setbacks.	*Not previously included.*	**Consistent.** The TLSP includes development standards for various land uses and identifies buffering measures between residential and commercial/institutional land uses. Further, as part of the Modified Project, ODS would be included for the streamlining of certain housing projects consistent with state law and the City's Housing Element. These development standards and design standards would address setbacks, landscaping, and buffering techniques for the purpose of transitioning between various land use types and intensities.
Policy 4.3 Where mixed uses are permitted, ensure compatible integration of adjacent uses to minimize conflicts.	*Not previously included.*	**Consistent.** See response to Policy 4.2.
Goal 6: Improve urban design in Tustin to ensure development that is both architecturally and functionally compatible, and to create uniquely identifiable neighborhoods, commercial and business park districts.	**Consistent.** See last paragraph of response to Goal 4, above. The Modified Project includes design guidelines that address urban design at the project, neighborhood, and community levels.	**No Change.** See responses to Goal 4, above.
Policy 6.2 Encourage and promote high quality design and physical appearance in all development projects.	*Not previously included.*	**Consistent.** Future projects implemented under the TLSP would be required to comply with the development standards and ODS developed for each product type. These standards promote high quality design and visual cohesion.
Policy 6.4 Preserve and enhance the City's special residential character and "small town"	*Not previously included.*	**Consistent.** The TLSP provides flexibility for the development of various housing product types. The

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
quality by encouraging and maintaining Tustin's low density residential neighborhoods through enforcement of existing land use and property development standards and the harmonious blending of buildings and landscape.		Modified Project would increase intensity within certain portions of the TLSP area (Neighborhoods D and G), generally, areas designated for mixed-use and medium to high density residential development. Development of Neighborhoods D and G would be complemented with enhanced streetscapes, public open spaces, and connectivity through community trails and walkways. Existing low density residential areas and areas within the City of Tustin planned for the accommodation of low density residential would remain unaffected by the Modified Project.
Policy 6.12 Review and revise, as necessary, the City's development standards to improve the quality of new development in the City and to protect the public health and safety.	*Not previously included.*	**Consistent.** The Modified Project would include preparation of Objective Design Standards (ODS), which were identified as needed by the City's updated Housing Element. ODS would improve the overall quality of future design while maintaining public health and safety standards through regulatory compliance.
Goal 7: Promote expansion of the City's economic base and diversification of economic activity.	**Consistent.** The 2017 Modified Project allows up to 9,532,419 square feet of nonresidential uses, including retail, office, service commercial, and specialized employment and merchandizing uses. Buildout of this development capacity would greatly diversify the City's economic activity. In addition to more traditional types of employment-generating uses, the approved project includes two districts that generate economic activity. The Mixed Use Urban in Planning Area 8, 13-14, would allow a range of uses that emphasize hotel, commercial retail, commercial entertainment, and public recreation. The Education Village in Planning Area 1 would provide for a mix of public-serving, office, institutional, and/or government uses. Supporting office, research and development, and commercial uses would be permitted to complement educational uses.	**No Change.** The Modified Project would continue to allow up to 9,532,419 square feet of nonresidential uses, including retail, office, service commercial, and specialized employment and merchandizing uses. Minor changes have been made regarding anticipated breakdown of future land uses based on existing development and market conditions (see Table 3-3, *Comparison of Approved Project to Modified Project*, in Section 3, *Project Description*); however, total capacity for future nonresidential development would remain the same under the Modified Project.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Goal 8: Ensure that necessary public facilities and services should be available to accommodate development proposed on the Land Use Policy Map.	**Consistent.** The Land Use Plan designates a location for a High School in Planning Area 8, near the intersection of Valencia and Tustin Ranch Road. This school would be operated by Tustin Unified School District (TUSD). The Specific Plan area is already home to several public and quasi-public facilities, including Heritage Elementary School, the Orange County Sheriff's Regional Training Academy, Orange County Rescue Mission, and the Advanced Technology & Education Park. Per the proposed Land Use Plan, additional public facilities would be allowed elsewhere in the Specific Plan area, particularly in the Education Village. Educational, governmental, and other institutional uses would be allowed in this designation. Public services, including school services, library services, police protection and law enforcement services, fire protection, water, wastewater treatment, and utilities would be expanded as necessary to serve new residents and other new development in the Specific Plan area.	**No Change.** The Modified Project would increase the allowed residential capacity for Neighborhood D South by 100 units, D North by 1,911 units, and G by 200 units. As described in Section 5.10, *Utilities and Service Systems*, and Section 5.7, *Public Services*, the Modified Project would result in a less than significant impact with mitigation on utilities and public services. The Modified Project does not propose any actual development. However, through continued implementation of Implementation Measures (a) through (x) from the 2006 MCAS Specific Plan EIS/EIR Addendum, and application of the Infrastructure Phasing Plan incorporated as part of the 2006 Addendum, each future project would be responsible for constructing or paying fair share fees towards necessary infrastructure improvements and public service needs based on their proposed development.
Policy 8.1 Encourage within economic capabilities, a wide range of accessible public facilities and community services including fire and police protection, flood control and drainage, educational, cultural and recreational opportunities and other governmental and municipal services. Senate Bill (SB) 50, adopted in 1998, prohibits the City from using the inadequacy of school facilities as a basis for denying or conditioning the development of property. SB 50, however, gave school districts new authority to raise school impact mitigation fees. In addition, the voters passed Proposition 1A in November 1998, which provides $9.2 billion dollars in bonds to construct new or expand existing schools. In summary, school districts have the financial means and legal authority to respond to new development.	*Not previously included.*	**Consistent.** The Modified Project would increase the allowed residential capacity for Neighborhood D South by 100 units, D North by 1,911 units, and G by 200 units. As described in Section 5.10, *Utilities and Service Systems*, and Section 5.7, *Public Services*, the Modified Project would result in a less than significant impact with mitigation on utilities and public services. The Modified Project does not propose any actual development. However, through continued implementation of Implementation Measures (a) through (x) from the 2006 MCAS Specific Plan EIS/EIR Addendum, and application of the Infrastructure Phasing Plan incorporated as part of the 2006 Addendum, each future project would be responsible for constructing or paying fair share fees towards necessary infrastructure improvements and public service needs based on their proposed development.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Policy 8.7 To ensure an orderly extension of essential services and facilities, and preservation of a free-flowing circulation system, continue to require provision of essential facilities and services at the developer's expense where these systems do not exist or are not already part of the City's financed capital improvement program.	*Not previously included.*	**Consistent.** See Response to Policy 8.1.
Policy 8.8 Maintain and improve, where necessary, the City's infrastructure and facilities.	*Not previously included.*	**Consistent.** See Response to Policy 8.1.
Goal 14 (Previously Goal 13): Continue to implement the Specific Plan/Reuse Plan for MCAS Tustin which maximizes the appeal of the site as a mixed use, master planned development and that includes the following qualities seeking to create results that are very special and worthy of the site's present and historical importance.	**Consistent.** The 2017 Modified Project is a continuation of 16 years of efforts to plan a mixed-use master planned community on the MCAS Tustin site. The 2017 Modified Project is intended to maximize the appeal of the site by revising its layout and land use mix to reflect changing market conditions and community needs. Responses for Land Use Element Policies 13.1 through 13.11, below, further demonstrate consistency with this goal.	**No Change.** The Modified Project maintains the vision and future improvements of the Approved Plan. The Modified Project would allow for additional future residential units to be constructed within Neighborhood D and G. Responses for Land Use Element Policies 14.1 through 14.11 (formerly 13.1 through 13.11), below, further demonstrate the Modified Project's consistency with this goal.
Land Use Element – Policies for Reuse of the MCAS Tustin Site		
Policy 14.1: Promote new uses and design which will peacefully coexist with surrounding residences and businesses in Tustin and adjacent cities, minimizing impacts on noise, air quality, traffic, and other environmental features wherever possible.	**Consistent.** The land uses shown in the proposed Land Use Plan have been arranged to reflect land use patterns in adjacent neighborhoods and cities. The easternmost portion of the Specific Plan area east of Jamboree Road (PA 20 through PA 22) and the northwest corner of the Specific Plan area (PA 4 and PA 5) have already been developed with residential uses reflecting those to the east and north, in Irvine and Tustin, respectively. Nonresidential uses are primarily planned for the southern (PA 16-19) and western (PA 1 and PA 9-12) portions of the Specific area, where they would, in a way, serve as an extension of nonresidential uses in the Irvine Business Complex (IBC) to the south and west. Mixed-Use Transit is proposed for PA 15 to provide mixed-use transit-oriented development and residential uses that would connect to the Tustin Metrolink Station at the intersection of Edinger	**No Change.** The Modified Project would allow for residential use within Neighborhood D North, an area previously dedicated to nonresidential development. However, Neighborhood D North (PA 8, 13-14) is surrounded by existing and future residential land uses, such that the introduction of residential to this area would be compatible with the existing uses. This DSEIR includes existing regulations, standard conditions, and mitigation measures that reduce and/or eliminate environmental impacts of the Modified Project, as applicable and feasible. The Modified Project would increase the maximum number of dwelling units allowed to be developed in Neighborhoods D and G under the TLSP. As a result, air quality, GHG, and noise impacts are anticipated to be greater than previously analyzed

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
	Avenue and Jamboree Road. Furthermore, the circulation system is designed to tie into the surrounding street network and provide new routes through the former MCAS base, rather than be inwardly focused and push all new traffic out to its periphery.	under the Approved Project (see Section 5.1, *Air Quality*, 5.3, *Greenhouse Gas Emissions*, and 5.5, *Noise*). However, future development would be required to prepare project-specific analyses to determine potential air quality impacts and incorporate mitigation as necessary to reduce impacts. Additionally, noise impacts from project-related traffic on off-site sensitive receptors would be less than significant, as described in Section 5.5, and no mitigation measures are required. As specified for the Approved Project, the Modified Project would continue to prioritize active modes of transportation and minimize VMT through the incorporation of mixed-use development. The Approved Circulation Plan would be carried forward under the Modified Project.
Policy 14.2: Encourage a development pattern that offers a connectedness between buildings and uses, and has a strong sense of place through architectural style and creative landscape design.	**Consistent.** The linear park overlay introduced by the 2017 Modified Project improved connectedness between uses in the Specific Plan area because it provides a continuous linear park that runs in a diagonal direction across the project area. The linear park would traverse commercial/business uses (PA 9-12); a walkable mixed-use district (PA 8, 13-14); and a transit-oriented district (PA 15-A). The linear park would create a unifying element - both physically and visually - to the Specific Plan area and promote walking and biking between land uses. The 2017 Modified Project's design guidelines provide further direction on adequate building-to-building adjacencies, ensuring that pedestrian circulation and sight lines are highly prioritized. The guidelines also address architectural and community character and their role in creating a cohesive sense of place.	**No Change.** The Modified Project would maintain existing design standards and overlays of the Approved Project. Additionally, the Modified Project would include additional objective design standards (ODS) for future residential development implemented as part of the TLSP and City of Tustin Housing Element. These standards would be complimentary to existing design, while supporting to streamline future residential development projects, especially those with an affordable housing component.
Policy 14.3: Encourage a mixture of uses that enable people living or working on the site to	**Consistent.** At buildout, the project area would feature approximately 6,813 residential units, an 85-acre regional park, and 11.3 million square feet of nonresidential building space, including	**No Change.** The Modified Project would continue to maintain the mixed-use nature of the Specific Plan area. The Modified Project proposes to increase the residential capacity of Neighborhoods D North, D

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
choose to meet a significant part of their daily needs within the site.	commercial/business, retail, entertainment, office, educational, and institutional uses. These uses would allow people to live, work, shop, and spend leisure time all within the boundaries of the Specific Plan area. The diverse mix of uses allowed in the project area is already represented by existing retail (The District at Tustin Legacy), residential neighborhoods (Columbus Grove, Columbus Square, Tustin Fields, Amalfi Apartments, Anton Legacy affordable apartments, and Greenwood), and public facilities (Heritage School, South Orange County Community College District campus, Tustin Family Campus, Village of Hope, Army Reserves Center and the Orange County Sheriff's Regional Training Academy) constructed in the project area during the last decade. The 2017Modified Project increased the mixed-use nature of the Specific Plan area by proposing two walkable mixed-use districts near the center of the site. PA 8, 13-14 would be a 314-acre mixed-use district, which allows for a variety of residential and commercial/business uses. PA 15 would consist of 184 acres of transit-oriented, mixed-use development and 86 acres of residential uses. The Mixed-Use Transit designation provides flexibility for residential, office, commercial retail, and commercial service uses in a vertical or horizontal configuration. In addition to providing housing and employment opportunities, both these areas would be accessed by the proposed linear park, which would provide opportunities for recreation. Additionally, these new uses would be place near the Education Village providing a range of public-serving uses (Neighborhood A) and affordable housing provided in Neighborhood B.	South, and G by a total of 2,211 units, while maintaining the current nonresidential capacity.
Policy 14.4: Implement the balanced reuse plan that responds to community needs but which does not drain City resources. Wherever possible, tax	**Consistent.** See response to Goal 7, above. Buildout of the 2017 Modified Project would result in a diverse array of employment-generating and tax- revenue-generating land uses. Although the cost to increase public services and	**No Change.** The Modified Project would continue to leverage municipal tax revenues, development fees, and other sources of financial assistance to implement public components of the TLSP.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
revenues generated by uses on the site should offset the costs of public services.	infrastructure in the Specific Plan area would be paid for, in part, with municipal tax revenues, much of this cost would be incurred by private development as it is constructed.	
Policy 14.5: Promote high quality architecture, landscaping, signage, open space design, circulation patterns, and landscape patterns distinct from surrounding areas.	**Consistent.** See response to Goal 4, above.	**No Change.** See response to Goal 4, above.
Policy 14.6: Encourage the distinguished history of the Base to be preserved in one or more locations on site.	**Consistent.** The 2017 Modified Project includes language requiring compliance with the Memorandum of Agreement (MOA) between the State Historic Preservation Office, the Advisory Council on Historic Preservation, Department of Navy, County of Orange, and City of Tustin. The City has complied with the requirements of the MOA to document the history of the hangers and former Base.	**No Change.** The Modified Project would maintain the previously agreed upon MOA. On November 7, 2023, a fire erupted in Navy Hangar 28. The Navy hangar was destroyed and is undergoing complete demolition and removal. Notably, the fire was contained to Navy Hangar 28, such that Navy Hangar 29 was not impacted, and remains unaltered. Prior to the fire, the historic documentation requirements of the MOA were fulfilled.
Policy 14.7: Promote uses and institutions which will accommodate and attract 21st Century jobs and technologies.	**Consistent.** As outlined in Table 3-2 of this DSEIR, the 2017 Modified Project allows for a wide variety of nonresidential uses to be developed in the Specific Plan area. Rather than prescribe specific types of employment generating uses in specific locations, the plan is intended to be flexible and oriented to the long-range economic health of Tustin. The IBC, to the south and west, is already home to many innovative technology firms, consulting companies, and other knowledge-economy industries. Buildout of the 2017 Modified Project would promote more of these types of jobs in a 117-acre commercial district proposed for the southwest corner of the Specific Plan area (PA 9-12). This district includes 94 acres designated for Commercial/Business uses, allowing for up to 1.6 million square feet of research and development, professional and creative office, retail, senior care facilities, and specialized employment and merchandizing uses. The Education Village proposed to the north of PA	**No Change.** The Modified Project does not propose any development. The TLSP includes a variety of land uses, including commercial and institutional, which would facilitate new employment opportunities within a variety of sectors such as business, education, and retail.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
	9-12 in PA 1 allows a variety of educational and institutional uses that would be expected to serve as an incubator for technological innovation in Orange County's job centers, especially those in adjacent business parks. PA 1 is already home to the Advanced Technology & Education Park (ATEP), a career-training school that focuses on advanced technology and technical workforce development. The campus is operated as a partnership between Irvine Valley College and Saddleback College.	
Policy 14.8: Encourage uses that benefit broader community's needs and which are balanced with development that is compatible with the Tustin community.	**Consistent.** See responses to Goal 1 and Goal 2, above.	**No Change.** See responses to Goal 1 and Goal 2, above.
Policy 14.9: Ensure that land and water are clean and safe to use and that other environmental considerations are taken into account during design.	**Consistent.** Soil and groundwater remediation has been ongoing since certification of the 2001 FEIS/EIR. Responsibility for cleanup in the Specific Plan area remains unchanged by the 2017 Modified Project. Since almost all hazardous materials sites have been fully remediated and "closed" with no further action needed, a majority of the land in the Specific Plan area can be safely developed with new land uses.	**No Change.** Responsibility for cleanup in the TLSP area remains unchanged by the Modified Project. Development of the Modified Project site under LIFOC and/or overlying identified hazardous "carve out" areas and groundwater plumes would be remediated to acceptable conditions per existing regulations and agreements prior to any future development, as identified under PPP LU-1. Compliance with PPP LU-1 would ensure that the Modified Project would result in no impact due to the execution of existing agreements regarding reuse of the former MCAS military site undergoing continued remediation efforts. See response to Goal 4, above.
Policy 14.10: Promote a successful transition from military to civilian use that reasonably satisfies the public interests at local, countywide, regional, state and federal levels consistent with the need for any reuse plan to be fiscally sound and to foster economic development.	**Consistent.** The 2017 Modified Project is consistent with the MOA between the State Historic Preservation Office, the Advisory Council on Historic Preservation, Department of Navy, County of Orange, and City of Tustin. Changes to the Specific Plan proposed by the 2017 Modified Project were specifically tailored to respond to changing market conditions for residential, office, and retail development, with the goal of fostering long- term economic development in Tustin.	**No Change.** The Modified Project maintains the previously agreed upon MOA and proposed residential capacity increases would not inhibit or conflict with the implementation of existing reuse plans.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Policy 14.11: Strategically place development in a manner responsive to requirements for hazardous material cleanup, circulation and infrastructure capacity, and market absorption.	**Consistent.** Soil and groundwater remediation has been ongoing since certification of the 2001 FEIS/EIR. Most hazardous material sites in the project area, including asbestos-containing materials and buildings containing lead-based paint, have been demolished. Three hazardous material sites continue to be monitored for compliance. The Navy is responsible for remediating all such sites, which would be overlain by proposed residential uses and developed to residential standards pursuant to the compliance programs.	**No Change.** Responsibility for cleanup in the TLSP area remains unchanged by the Modified Project. Development of the Modified Project site under LIFOC and/or overlying identified hazardous "carve out" areas and groundwater plumes would be remediated to acceptable conditions per existing regulations and agreements prior to any future development, as identified under PPP LU-1. Compliance with PPP LU-1 would ensure that the Modified Project would result in no impact with existing agreements regarding reuse of the former MCAS military site undergoing continued remediation efforts. See response to Goal 4, above. Additionally, the *Tustin Legacy Development and Disposition Manual* includes plans for the transference and phased development of the TLSP area. This plan considers numerous variables, including hazardous material cleanup, circulation and infrastructure capacity, and market absorption in the strategy for future development and implementation of the TLSP. The Modified Project would be consistent with and developed according to the manual.
Circulation Element – Goals		
Goal 1: Provide a system of streets that meets the needs of current and future inhabitants and facilitates the safe and efficient movement of people and goods throughout the City consistent with the City's ability to finance and maintain such a system.	**Consistent.** As provided under the Adopted Specific Plan, implementation of the 2017 Modified Project would involve the construction of an extensive network of arterial roadways, local streets, bike lanes/trails, and pedestrian routes. For additional information about the funding of roadway improvements in the Specific Plan area, see Section 5.8, *Transportation*, of this DSEIR.	**No Change.** The Modified Project proposes to increase the residential capacity of Neighborhoods D North, D South, and G by a total of 2,211 units, while maintaining the current nonresidential capacity. The Approved Circulation Plan would be carried forward under the Modified Project. A Traffic Impact Assessment (TIA), which evaluates level of service (LOS) was completed for the Approved Project. A new TIA was prepared for the Modified Project to identify potential traffic impacts and improvements as a result of the Modified Project. There are no major impacts or changes to the

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
		approved circulation system anticipated as a result of the Modified Project (EPD Solutions, 2024). The TIA is available for review upon request with the City of Tustin. Funding mechanisms would remain the same as described under the Approved Project.
Policy 1.2 Develop and implement circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, warrant requirements, capacity, maximum grades and associated features such as medians and bicycle lanes or trails that are adjacent or off-road.	*Not previously included.*	**Consistent.** Future development projects would be required to adhere to the California Vehicle Code (CVC) and California Manual of Traffic Control Devices (MUTCD), as well as the City's roadway design standards per City guidelines and municipal code. The TLSP area would be developed according to the plan's Circulation Plan and development standards included in Chapter 3 of the TLSP, including trails, bicycle and pedestrian infrastructure.
Policy 1.3 Coordinate roadway improvements with applicable regional, state and federal transportation plans and proposals.	*Not previously included.*	**Consistent.** Future development would prepare individual traffic studies as necessary and coordinate with Caltrans, the City of Irvine, Metrolink, and other entities, as necessary.
Policy 1.10 Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts.	*Not previously included.*	**Consistent.** A plan-level TIA has been completed as part of the Modified Project and is available for review upon request with the City. Each future project would be required to prepare independent traffic studies as necessary consistent with the City's TIA and VMT screening thresholds included in the City's VMT Study Guidelines.
Policy 1.11 Encourage new development which facilitates transit services, provides for non-vehicular circulation and minimizes vehicle miles traveled.	*Not previously included.*	**Consistent.** Under the TLSP, the remaining undeveloped lands in Planning Area (PA) 15 are planned to be transit oriented in terms of site design, mixing and increased intensity of land uses, walkability, location and design of public spaces, and direct pedestrian access to the adjacent Tustin Metrolink Station. Future residential development under the Modified Project would be consistent with the established design objectives of PA 15. Additionally, the Modified Project would continue to implement the adopted Mobility Plan within the TLSP as the Modified Project areas continue to be

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
		built out. Additionally, as described in Section 5.8, *Transportation*, the Modified Project is located near established public transit and would promote an active lifestyle.
Policy 1.13 Minimize effects of transportation noise wherever possible so as to comply with the Noise Element.	*Not previously included.*	**Consistent.** As discussed under Section 5.5, *Noise,* the Modified Project is anticipated to result in less than significant impacts related to traffic noise compared to the Approved Project. Future development projects would be required to conduct studies that show interior noise level consistency with the applicable noise standards.
Policy 1.15 Ensure construction of existing roadways to planned widths, as new developments are constructed.	*Not previously included.*	**Consistent.** All future projects would be required to pay fair share improvements towards roadway improvements. Under Mitigation Measure b, developers would be required for identifying applicable dedications for buildout of roadways to planned widths.
Policy 1.16 Continue to require dedication of right-of-way and construction of required public improvements on streets adjacent to construction projects at the developer's expense.	*Not previously included.*	**Consistent.** See Response to Policy 1.15.
Goal 2: Provide for a truck circulation system that provides for the effective transport of commodities while minimizing the negative impacts throughout the City.	**Consistent.** The Circulation Element of the Tustin General Plan mentions only Irvine Boulevard and Red Hill Avenue (in the vicinity of Irvine Boulevard) as truck routes. Red Hill Avenue serves as the western boundary of the Specific Plan area. However, implementation of the 2017 Modified Project would not impede continued truck travel on that roadway. Nonresidential uses are proposed for areas adjacent to Red Hill Avenue to minimize localized air quality and noise impacts associated with truck travel and sensitive receptors.	**No Change.** The Modified Project does not propose any increases or decreases to capacity or intensity of future nonresidential land use. Implementation of the Modified Project would not result in any changes to truck circulation that could have negative impacts on adjacent sensitive receptors.
Goal 3: Support development of a network of regional transportation facilities which ensure the safe and efficient movement of people and goods from within the City to areas outside its boundaries,	**Consistent.** Section 5.8, *Transportation*, of this 2017 DSEIR evaluates the 2017 Modified Project's impact on regional transportation facilities, including intersections and roadway segments identified in the Orange County Congestion Management Program. Furthermore, land use	**No Change.** The Modified Project proposes to increase the residential capacity of Neighborhoods D North, D South, and G by a total of 2,211 units, while maintaining the current nonresidential capacity.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
and which accommodate the regional travel demands of developing areas outside the City.	changes proposed by the 2017 Modified Project are designed to create a transit-oriented district in PA 15-A near the Tustin Metrolink station, incentivizing use of the station for commuting in and out of the Specific Plan area. See also Circulation Element Goal 2.	The Approved Circulation Plan would be carried forward under the Modified Project. A Traffic Impact Assessment (TIA), which evaluates level of service (LOS) was completed for the Approved Project. A new TIA was prepared for the Modified Project to identify potential traffic impacts and improvements as a result of the Modified Project. There are no major impacts or changes to the approved circulation system anticipated as a result of the Modified Project (EPD Solutions, 2024). The TIA is available for review upon request with the City of Tustin. Funding mechanisms would remain the same as described under the Approved Project.
Goal 4: Maximize the efficiency of the circulation system through the use of transportation system management and demand management strategies.	**Consistent.** Mitigation Measures AQ-3 and AQ-4 in the 2001 FEIS/EIR require project applicants for specific types of nonresidential development projects, and in some cases the City of Tustin, to identify and implement transportation demand measures. Mitigation Measures AQ-3 and AQ-4 remain applicable under the Modified Project.	**No Change.** Mitigation Measures AQ-3 and AQ-4 remain applicable under the Modified Project.
Goal 5: Support development of a public transportation system that provides mobility to all City inhabitants and encourages use of public transportation as an alternative to automobile travel.	**Consistent.** See responses to Circulation Element Goals 3 and 4, above. The 2017 Modified Project includes a land use pattern designed to ensure convenient access to - and encourage use of - the Tustin Metrolink Station. Furthermore, as shown in Figure 3-7, *Vehicular Circulation Plan*, of the 2017 Modified Project, the plan is designed to be served by the Orange County Transportation Agency's (OCTA's) bus network, which would be modified to utilize existing and new roadways in the Specific Plan area.	**No Change.** The Modified Project accommodates current and future bus service to the area as planned by the OCTA. A Metrolink transit plaza is located on the corner of Edinger Avenue and Jamboree Road. The Modified Project would require PA 15 (Neighborhood G), across from the transit station, to be transit oriented in terms of scale, form, design, and mix of uses. A pedestrian bridge across Edinger Avenue would be the primary pedestrian and bicycle connection between the TLSP area and the transit station. Vehicular access would be provided by additional street access along Edinger Avenue. As part of the development plan for the Approved Project, proposed infrastructure includes a pedestrian and vehicular circulation system, including roadways, landscaping, parks, street lighting, sidewalks, and pedestrian paths. The access and circulation plan is intended to efficiently

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		integrate the Modified Project into the City's transportation network.
Policy 5.2 Require new development to fund transit facilities, such as bus shelters and turn-outs, where deemed necessary to meet public needs arising in conjunction with development.	*Not previously included.*	**Consistent.** A plan-level TIA has been completed as part of the Modified Project and is available for review upon request with the City. Each future project would be required to prepare independent traffic studies as necessary consistent with the City's TIA and VMT screening thresholds included in the City's VMT Study Guidelines. Additionally, future projects located near transit would coordinate with applicable transit authorities to ensure adequate levels of service.
Policy 5.5 Promote new development that is designed in a manner which facilitates provision or expansion of transit service and provides non-automobile circulation within the development.	*Not previously included.*	**Consistent.** See Response to Policy 1.11.
Goal 6: Increase the use of non-motorized modes of transportation.	**Consistent.** The 2017 Modified Project dramatically increases the amount of the Specific Plan dedicated to mixed uses. These areas, including a mixed-use district designed with a linear park (PA 8, 13-14), and transit-oriented district near the Tustin Metrolink station (PA 15-A), are designed to minimize impediments to walking and biking between uses, and encourage use of existing transit service. The overall mix of uses allowed in the Specific Plan area is also aimed at making the area somewhat self-sufficient. Conceivably, a person could work in the commercial/business district (PA 9-12) or go to school in the Education Village (PA 1); shop in The District (PA 16-19); exercise and/or play in the Recreation (PA 2); and live in one of the Specific Plan area's numerous residential neighborhoods. While this diversity of land uses would not totally eliminate vehicle trips within the Specific Plan area, it, along with the proposed network of streets and trails, would allow for many residents to travel by nonmotorized modes on a regular basis if they choose. The most powerful incentive for nonmotorized travel	**No Change.** The Modified Project proposes increased residential capacity for Neighborhoods D and G of the TLSP. The mixed-use district designed with a linear park (PA 8, 13-14), and transit-oriented district near the Tustin Metrolink station (PA 15-A) would be maintained by the Modified Project. Additionally, the Linear Park Overlay would be maintained under the TLSP SPA to allow for further connectivity and walkability. Therefore, the design of TLSP would intentionally incentivize the use of alternative modes of transportation.

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	proposed by the 2017 Modified Project is the introduction of the Linear Park Overlay. At buildout, the linear park would diagonally traverse a large cross-section of the project area, including residential, commercial, institutional, and recreational land uses. The linear park is designed specifically to create an opportunity for people to move throughout the area without relying on car travel.	
Policy 6.1 Promote the safety of pedestrians and bicyclists by adhering to uniform standards and practices, including designation. of bicycle lanes, off-road bicycle trails, proper signage, and adequate sidewalk, bicycle lane, and off-road bicycle trail widths.	*Not previously included.*	**Consistent.** See Response to Policy 1.2.
Policy 6.2 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways between developments, schools and public facilities.	*Not previously included.*	**Consistent.** See Response to Policy 1.2.
Policy 6.14 Require new development to dedicate land and fund improvement of bicycle, pedestrian and equestrian facilities, where deemed necessary to meet public needs arising in conjunction with development.	*Not previously included.*	**Consistent.** See Response to Policy 1.15.
Conservation, Open Space, and Recreation Element		
Goal 1: Reduce air pollution through proper land use, transportation and energy use planning.	*Not previously included.*	**Consistent.** This DSEIR includes existing regulations, standard conditions, and mitigation measures that reduce and/or eliminate environmental and health-related impacts of the Modified Project, as applicable and feasible. The Modified Project would increase the maximum number of dwelling units allowed to be developed in Neighborhoods D and G under the TLSP. As a result, air quality and greenhouse gas (GHG) impacts are anticipated to be greater than previously analyzed under the Approved Project (see Section 5.1, *Air Quality*, and 5.3, *Greenhouse Gas Emissions*). Impacts to air quality and GHG would remain significant and

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
		unavoidable, predominately due to mobile-source emissions. However, future development would be required to prepare project-specific analyses to determine potential air quality impacts and incorporate mitigation as necessary to reduce impacts. Project-specific analyses would ensure that future projects would not result in health risk impacts on surrounding residents. As specified for the Approved Project, the Modified Project would continue to prioritize active modes of transportation and minimize VMT through the incorporation of mixed-use development. Additionally, the TLSP incorporates access to transit services within the land use planning and includes policies to incentivize TDM measures. Therefore, the Modified Project would remain consistent.
Policy 1.1 Cooperate with the South Coast Air Quality Management District and the Southern California Association of Governments in their effort to implement provisions of the region's Air Quality Management Plan, as amended.	*Not previously included.*	**Consistent.** Future projects would be required to comply with applicable Air Quality Management District rules and thresholds. Mitigation would be implemented at the project-level based on future development proposals. See Section 5.1, *Air Quality,* and Section 5.3, *Greenhouse Gas*.
Policy 1.3 Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.	*Not previously included.*	**Consistent.** As discussed in Section 5.8, *Transportation,* the Project would result in a less than significant impact on VMT. This is due to the mixed-use nature of the Modified Project area. The Modified Project area is located near major transit hubs and combines commercial and residential land uses within walking distance to one another in order to facilitate walkability and reduce reliance on private vehicles.
Policy 1.4 Develop neighborhood parks near concentrations of residents to encourage pedestrian travel to the recreation facilities.	*Not previously included.*	**Consistent.** As discussed in the Initial Study prepared for the Modified Project (see Appendix A), the Modified Project would comply with the recreational goals of the TLSP by providing accessible recreational amenities near residential areas.

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Policy 1.6 Cooperate and participate in regional air quality management plans, programs, and enforcement measures.	*Not previously included.*	**Consistent.** See Response to Policy 1.1.
Goal 2: Improve air quality by influencing transportation choices of mode, time of day, or whether to travel and to establish a jobs/housing balance.	*Not previously included.*	**Consistent.** See response to Goal 1. Section 5.6, *Population and Housing*, of this DSEIR evaluates the Modified Project's impact on jobs-housing balance. The Modified Project would reduce (improve) the jobs-housing ratio slightly by adding 4,970 residential units (including potential density bonus units). Buildout of the Modified Project could result in a jobs-housing ratio of 2.08 while buildout of the Approved Project could result in a jobs-housing ratio of 2.76. The Modified Project would result in overall more balanced jobs-housing conditions within the TLSP area.
Policy 2.1 Reduce vehicle trips through incentives, regulations and/or Transportation Demand Management (TDM) programs.	*Not previously included.*	**Consistent.** See response to Goal 1. 2017 SEIR MM AQ-3 requires the implementation of TDM measures for certain nonresidential projects.
Policy 2.2 Reduce total vehicle miles traveled (VMT) through incentives, regulations and/or Transportation Demand Management.	*Not previously included.*	**Consistent.** See response to Goal 2.
Policy 2.12 Implement land use policy contained in the Land Use Element toward the end of achieving jobs/housing balance goals.	*Not previously included.*	**Consistent.** See response to Goal 2.
Goal 3: Reduce particulate emissions to the greatest extent feasible.	*Not previously included.*	**Consistent.** As discussed in Section 5.1, *Air Quality*, emissions associated with the increased residential development within the TLSP area would result in exceedance of SCAQMD thresholds for VOCs, NO_X, CO, PM_{10}, and $PM_{2.5}$, which is consistent with the threshold exceedances that would occur from buildout of the Approved Project. Due to the increase in vehicle trips and localized emissions from the increase in residences proposed by the Project, the exceedance of the thresholds would be exacerbated compared to buildout of the Approved Project. However, the City has included

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		Mitigation Measures AQ-1 though AQ-4, which require distribution of trip reduction opportunities, prohibition of fireplaces, required use of electric landscaping equipment, and use of low VOC paint, which would reduce emissions. However, the majority of the Modified Project's emission exceedances are from vehicular trips consumer products that the City cannot control emissions of; and therefore, cannot feasibly be reduced below the SCAQMD thresholds. Therefore, the Modified Project would reduce emissions to the greatest extent feasible.
Policy 3.1 Adopt incentives, regulations, and/or procedures to minimize particulate emissions from paved and unpaved roads, agricultural uses, parking lots, and building construction.	*Not previously included.*	**Consistent.** As described in Section 5.1, *Air Quality*, the Modified Project would result in emissions resulting from building construction. SEIR MM AQ-5 requires use of Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities, which included in the modeling assumptions. Also, SEIR MM AQ-2 requires low VOC architectural coatings for all interior and exterior painting operations. Table 5.1-6, *Maximum Peak Unmitigated Construction Emissions*, in Section 5.1, provides the maximum daily unmitigated emissions of criteria air pollutants from construction of the additional residential units and shows that SCAQMD thresholds would not be exceeded and therefore, impacts would be less than significant, and no new construction related emissions impacts would occur. Therefore, the Modified Project would be consistent.
Goal 4: Reduce emissions through reduced energy consumption.	*Not previously included.*	**Consistent.** Section 5.2, *Energy,* includes energy consumption anticipated by construction and operation of the Modified Project. Future construction would be required to comply with City and state policies and regulations that minimize

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
		overall energy consumption, such as CALGreen standards.
Policy 4.1 Promote energy conservation in all sectors of the City including residential, commercial, and industrial.	*Not previously included.*	**Consistent.** See Response to Goal 4.
Goal 5: Protect water quality and conserve water supply.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Policy 5.2 Protect groundwater resources from depletion and sources of pollution.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Policy 5.3 Conserve imported water by requiring water conservation techniques, water conserving appliances, and drought-resistant landscaping.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Policy 5.5 Protect water quality by responsible agency support of enforcement of water quality standards for water imported into the County, and to preserve the quality of water in the groundwater basin and streams.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Goal 7: Conserve and protect natural plant and animal communities	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Policy 7.2 Conserve important plant communities and wildlife habitats, such as riparian areas, wildlife movement corridors, wetlands, and significant tree stands through the practice of creative site planning, revegetation, and open space easements/dedications.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).

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Policy 7.4 Require new development to revegetate graded areas.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Goal 8: Conserve and protect significant topographical features, important watershed areas, resources, and soils.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Policy 8.2 Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage control improvements.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Policy 8.3 Encourage the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Policy 8.5 Review 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.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Policy 8.10 Mitigate the impacts of development on sensitive lands such as steep slopes, wetlands, cultural resources, and sensitive habitats through the environmental review process.	*Not previously included.*	**Consistent.** See Table 5-1, *Consistency with 2018 General Plan Policies Protection Biological Resources,* within the Initial Study prepared for the Modified Project (Appendix A).
Goal 10: Reduce solid waste produced within City.	*Not previously included.*	**Consistent.** As discussed in Section 5.10, *Utilities and Service Systems,* future project construction would generate solid waste for landfill disposal in the form of packaging and discarded materials that would be removed from the site. Construction waste would be properly characterized as required by law and recycled or disposed of at an appropriate type of landfill for such materials. Section 5.408.1 of the 2022 California Green

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		Building Standards Code requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Thus, the construction solid waste that would be disposed of at the landfill would be approximately 35 percent of the waste generated. Additionally, the Modified Project at buildout would generate approximately 5,775 tons of solid waste per year, at least 75 percent of which is required by California law to be recycled, which would reduce the volume of landfilled solid waste to approximately 1,444 tons per year, or 27.8 tons per week. Future projects implementing TLSP buildout would also be required to comply with all applicable State and local waste diversion requirements, including AB 939, AB 341, AB 1836, AB 827 and SB 1383. Therefore, the Modified Project would comply with all solid waste statute and regulations; and impacts would be less than significant.
Policy 10.2 Ensure that the City diverts from landfills a maximum of 50% of the solid waste generated in the City as required by the California Integrated Waste Management Board.	*Not previously included.*	**Consistent.** See Response to Goal 10.
Goal 11: Conserve energy resources through use of available energy technology and conservation practices.	*Not previously included.*	**Consistent.** See Response to Goal 4.
Goal 12: Maintain and enhance the City's unique culturally and historically significant building sites or features.	*Not previously included.*	**Consistent.** As discussed under the Cultural Resources section of the Initial Study prepared for the Modified Project (Appendix A), the Modified Project would not impact cultural resources, including the historic hangars located within the Modified Project site. The Modified Project would maintain the previously agreed upon MOA. On November 7, 2023, a fire erupted in Navy Hangar 28. The Navy hangar was destroyed and is undergoing debris removal. Notably, the fire was contained to Navy Hangar 28, such that Navy

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
		Hangar 29 was not impacted, and remains unaltered. Prior to the fire, historic documentation requirements were fulfilled. The Modified Project does not propose any changes or disturbances to Hangar 29 beyond what was previously analyzed under the Approved Project. Therefore, no further impacts would occur.
Policy 12.2 Retain and protect significant areas of archaeological, paleontological, or historical value for education and scientific purposes.	*Not previously included.*	**Consistent.** See Response to Goal 12.
Goal 13: Preserve Tustin's archaeological and paleontological resources.	*Not previously included.*	**Consistent.** See Response to Goal 12.
Policy 13.1 Require a site inspection by certified archaeologists or paleontologists for new development in designated sensitive areas.	*Not previously included.*	**Consistent.** See Response to Goal 12.
Policy 13.2 Require mitigation measures where development will affect archaeological or paleontological resources.	*Not previously included.*	**Consistent.** See Response to Goal 12.
Goal 14: Encourage the development and maintenance of a balanced system of public and private parks, recreation facilities, and open spaces that serves the needs of existing and future residents in the City of Tustin.	*Not previously included.*	**Consistent.** As discussed in the Recreation section of the Initial Study (Appendix A), under the Modified Project, the TLSP would maintain adequate park and recreation space and amenities to serve future residents based on anticipated buildout of the TLSP area. Existing and planned park facilities would be consistent with the Approved Project and future development would be required to provide park space consistent with the City's municipal code requirement of the dedication of 3 acres of parkland per 1,000 residents.
Policy 14.8 Encourage and, where appropriate, require the inclusion of recreation facilities and open space within future residential, industrial and commercial developments.	*Not previously included.*	**Consistent.** See Response to Goal 14.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Policy 14.12 Ensure that the City's laws and related implementation tools relating to park dedication and development (e.g., ordinances, regulations, in-lieu fee schedules, etc.) reflect current land and construction costs, and are, in fact, providing adequate park land and facilities concurrent with population growth.	*Not previously included.*	**Consistent.** Development proposed through implementation of the TLSP would be required to pay fees or dedicate land consistent with the City Municipal Code, Article 9, Chapter 3, Part 3, Section 9331(d).
Goal 17: Operate and maintain existing and future parks and recreation facilities so they are safe, clean, and attractive to the public; and preserve, protect, and enhance both existing and potential natural recreation areas to ensure that long-term public investments and values are not unreasonably preempted, compromised, or prevented by neglect or short-term considerations.	*Not previously included.*	**Consistent.** See Response to Goal 14 and Policy 14.12. Applicable development park fees would go towards the maintenance and operation of park facilities, as necessary.
Policy 17.2 Require park designs (including landscape treatments, buildings, irrigation, etc.) that are durable, reasonably standardized, and economical to maintain.	*Not previously included.*	**Consistent.** See Response to Goal 14. The Modified Project does not propose development; however, future projects would be reviewed to ensure durable, reasonably standardized, and economical design.
Goal 18: Ensure that the recreational goals and policies are pursued and realized in an organized, incremental, and cost-effective manner and consistent with the City of Tustin's financial resources and legal authorities and the appropriate responsibilities of other agencies, the private sector, and individual and group users.	*Not previously included.*	**Consistent.** See Response to Goal 14 and Policy 14.12.
Policy 18.5 Conserve the City's Quimby Act authority by utilizing, wherever practicable, the City's broad powers to enact and enforce its General Plan, Specific Plan(s), Redevelopment Plan(s), subdivision ordinance and Zoning Ordinance to secure public and private recreation sites, open space, trails, and other related land use objectives of community planning significance.	*Not previously included.*	**Consistent.** See Response to Goal 14 and Policy 14.12.
Public Safety Element		

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Goal 1: Reduce the risk to the community's inhabitants from flood hazards.	*Not previously included.*	**Consistent.** The Approved Project includes measures that require future development to analyze flood hazard prior to project approval. Under Mitigation Measure i, prior to issuance of any grading permit or approval of any subdivision map (except for financing and conveyance purposes), for any development that is either partially or completely located within the 100 year flood plain of the Flood Insurance Rate Map, the development applicant shall submit all required documentation to the FEMA and demonstrate that the application for a Conditional Letter of Map Revision for changes to the 100 year flood plain is satisfied in a manner meeting the approval of each respective city, as applicable. Mitigations Measures (a) through (x) include responsibilities of future developers as part of the TLSP Phasing Plan, which outline requirements for drainage improvements and other utility coordination.
Policy 1.5 Require detention basins as a flood control measure where applicable to reduce the risk from flood hazards.	*Not previously included.*	**Consistent.** See Response to Goal 1.
Goal 3: Reduce the risk to the community from geologic and seismic hazards.	*Not previously included.*	**Consistent.** Future projects would be required to conduct project-level geotechnical studies. Since certification of the 2017 SEIR, several updates to the CBC as occurred and the 2022 CBC has been adopted and will be the applicable standard for development moving forward. Several changes have been made since the 2013 CBC. All geotechnical investigations and building specifications will be conducted in compliance with the most current applicable set of CBC standards. Verification of compliance with applicable standards would be confirmed during plan check on a project-by-project basis.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Policy 3.1 Require review of soil and geologic conditions by a State-Licensed Engineering Geologist to determine stability prior to the approval of development where appropriate.	*Not previously included.*	**Consistent.** See Response to Goal 3.
Policy 3.5 Ensure that structures for human occupancy, critical structures, and vital emergency facilities are designed to minimize damage from potential geologic/seismic hazards and avoid functional impairment.	*Not previously included.*	**Consistent.** See Response to Goal 3.
Goal 4: Reduce the risk to the community's inhabitants from exposure to hazardous materials and wastes.	*Not previously included.*	**Consistent.** The Approved Project was found to result in less than significant impacts related to risk due to exposure of hazardous materials and wastes through compliance with applicable federal, state, and local regulations (see Appendix A of the 2017 SEIR). As discussed below, new hazardous conditions (PFAS and the hangar fire) would also pose a less than significant risk through compliance with the same regulatory mechanisms as described in the SEIR certified for the Approved Project. As discussed in the Hazards and Hazardous Materials section of the Initial Study prepared for the Modified Project, future development projects would result in a less than significant impact due to construction and operational hazards through regulatory compliance as well.
Policy 4.3 Transportation of hazardous waste will be minimized and regulated where possible to avoid environmentally sensitive areas and populated, congested, and dangerous routes.	*Not previously included.*	**Consistent.** See Response to Goal 4. Transportation of hazardous waste due to ongoing site remediation is coordinated through hazard agencies including the Navy, Orange County Health, and Department of Toxic Substance Control based on existing agreements and is routed to avoid potential dangers and sensitive areas. Potential transport under future development projects would be regulated through federal and state law.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Goal 5: Reduce the risk to the community's inhabitants from fires or explosions.	*Not previously included.*	**Consistent.** As noted previously, on November 7, 2023, a fire caused severe damage to Hangar 28, resulting in a total loss of the structure. While the source of the fire has yet to be determined, the Navy has undertaken several measures to ensure fire risk to the site is mitigated. Future structures under the Modified Project would be inspected by the City's fire services and would be required to comply with the CBC, as verified through plan check on a project-by-project basis.
Policy 5.4 Enforce building code requirements that assure adequate fire protection.	*Not previously included.*	**Consistent.** See Response to Goal 5.
Goal 6: Stabilize demand for law enforcement services.	*Not previously included.*	**Consistent.** As described in Section 5.6, *Population and Housing*, of this SEIR, the Modified Project is anticipated to result in 13,817 additional residents. However, future applicants would be required to coordinate with the Tustin Police Department prior to project approval to ensure that adequate security precautions and design features are in place. This residential population is expected to create the typical range of police service calls. Consistent with the Approved Project, the Modified Project includes Implementation Measure (m) which requires the City of Tustin to ensure that adequate police protection are provided. Implementation Measure (s) is incorporated to require future project developers to coordinate with Tustin Police Department to ensure that adequate security precautions are implemented into future development projects. Funding from property taxes, as a result of population growth, would be expected to grow roughly proportional to any increase in residential units and businesses in the City. Tustin Police Department would continue to add staff and equipment on an as-needed basis to accommodate the incrementally increasing demands from future development, including the Modified Project. Therefore, the additional demand for police services and protection

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
		generated by the Modified Project would be satisfied through the General Fund. Therefore, impacts would be less than significant with payment of DIFs, the City's General Fund, and Implementation Measures from the FEIR/EIS.
Policy 6.1 Provide appropriate levels of police protection within the community.	*Not previously included.*	**Consistent.** See Response to Goal 6.
Policy 6.5 Promote the use of defensible space concepts (site and building lighting, visual observation of open spaces, secured areas, etc.) in project design to enhance public safety.	*Not previously included.*	**Consistent.** Future development proposed through the TLSP would be reviewed by the City and police enforcement to ensure proper crime prevention design, such as proper lighting, security, and other public safety features.
Noise Element		
Goal 2: Incorporate noise considerations into land use planning decisions.	*Not previously included.*	**Consistent.** As discussed under Section *5.5, Noise,* the Modified Project is anticipated to result in less than significant impacts related to traffic noise compared to the Approved Project. Future development projects would be required to conduct studies that show interior noise level consistency with the applicable noise standards.
Policy 2.3 Use noise/land use compatibility standards as a guide for future planning and development.	*Not previously included.*	**Consistent.** See Response to Goal 2.
Policy 2.4 Review Modified Projects in terms of compatibility with nearby noise-sensitive land uses with the intent of reducing noise.	*Not previously included.*	**Consistent.** See Response to Goal 2.
Policy 2.5 Require new residential developments located in proximity to existing commercial/industrial operations to control residential interior noise levels as a condition of approval.	*Not previously included.*	**Consistent.** See Response to Goal 2.
Policy 2.6 Require that commercial uses developed as part of a mixed-use project (with residential) not be noise intensive. Design mixed-use	*Not previously included.*	**Consistent.** See Response to Goal 2.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
structures to prevent transfer of noise from the commercial to the residential use.		
Policy 2.7 Require new commercial/industrial operations located in proximity to existing or proposed residential areas to incorporate noise mitigation into project design.	*Not previously included.*	**Consistent.** See Response to Goal 2.
Goal 3: Develop measures to control non-transportation noise impacts.	*Not previously included.*	**Consistent.** See Response to Goal 2.
Policy 3.1 Implement a review process of Tustin's noise ordinance, and City policies and regulations affecting noise.	*Not previously included.*	**Consistent.** See Response to Goal 2.
Policy 3.2 Minimize the impacts of construction noise on adjacent land uses through limiting the permitted hours of activity.	*Not previously included.*	**Consistent.** As discussed under Section 5.5, *Noise,* noise levels would not exceed the FTA construction noise criteria of 90 dBA during the daytime hours, as construction would occur between the hours between 7:00 am to 6:00 pm, Monday through Friday, and 5:00 pm and 9:00 am on Saturdays. Thus, impacts related to construction noise would be less than significant.
Policy 3.3 Require City departments to observe state and federal occupational safety and health noise standards.	*Not previously included.*	**Consistent.** Future projects would be required to comply with applicable state and federal noise safety standards.
Growth Management Element – Goals		
Goal 1: Reduce traffic congestion.	**Consistent.** Section 5.7, *Transportation*, of this DSEIR evaluates the 2017 Modified Project's impact on regional transportation facilities, including intersections and roadway segments identified in the Orange County Congestion Management Program. When compared to buildout of the Adopted Specific Plan, the 2017 Modified Project would not exacerbate future levels of service at area intersections or freeway segments.	**No Change.** The Modified Project proposes to increase the residential capacity of Neighborhoods D North, D South, and G by a total of 2,211 units, while maintaining the current nonresidential capacity. The Approved Circulation Plan would be carried forward under the Modified Project. A Traffic Impact Assessment (TIA), which evaluates level of service (LOS) was completed for the Approved Project. A new TIA was prepared for the Modified Project to identify potential traffic impacts and

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
		improvements as a result of the Modified Project. There are no major impacts or changes to the approved circulation system anticipated as a result of the Modified Project (EPD Solutions, 2024). The TIA is available for review upon request with the City of Tustin. Funding mechanisms would remain the same as described under the Approved Project.
Goal 2: Ensure adequate transportation facilities are provided for existing and future inhabitants of the City.	**Consistent.** See responses to Circulation Element Goals 1 through 6, above.	**No Change.** See responses to Circulation Element Goals 1 through 6, above.
Policy 2.5 All new development shall be required to establish a development phasing program which phases approval of development commensurate with required improvements to roadway capacity. The Phasing Plan shall include an overall buildout development plan which can demonstrate the ability of the infrastructure to support the planned development.	**Consistent.** Section 5.6, *Population and Housing*, of the 2017 DSEIR evaluated the Modified Project's impact on jobs-housing balance. As discussed in that section, the 2,212 additional housing units and approximately 18,802 jobs generated by the Modified Project would create a more balanced jobs-housing ratio in the City (1.76) compared to buildout of the Adopted Specific Plan (2.03).	**No Change.** Section 5.6, *Population and Housing*, of this DSEIR evaluates the Modified Project's impact on jobs-housing balance. The Modified Project would reduce (improve) the jobs-housing ratio slightly by adding 4,970 residential units. Buildout of the Modified Project would result in a jobs-housing ratio of 2.08 while buildout of the Approved Project would result in a jobs-housing ratio of 2.76. The Modified Project would result in overall more balanced jobs-housing conditions within the TLSP area.
Policy 2.6 Development phasing for new projects shall be a component of the development review and entitlement process and shall be approved prior to issuance of building or grading permits.	*Not previously included.*	**Consistent.** See Response to Policy 2.5.
Goal 1: Provision of an adequate supply of housing to meet the need for a variety of housing types and the diverse socio-economic needs of all community residents commensurate with the City's identified housing needs in the RHNA allocation.	*Not previously included.*	**Consistent.** During the Housing Element process, the City identified the Modified Project site as a suitable site for rezoning to allow higher density housing. The Project would include a SPA of the Modified Project site to allow for additional future development of 2,211 units housing units (not including density bonus units), consistent with the City's certified 2021-2029 Housing Element. The allowed densities under this Project would provide for a variety of housing types and diverse socio-economic needs. Thus, the Modified Project would be consistent with Goal 1.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Goal 2: Promote fair housing opportunities for all people regardless of their special characteristics as protected under state and federal fair housing laws.	*Not previously included.*	**Consistent.** The Modified Project is proposed as a result of the City's 2021-2029 Housing Element. The Modified Project would support in facilitation of the City's larger goals and objectives to provide for fair housing conditions within the City. Specifically, the Modified Project is anticipated to support in the facilitation of development of affordable housing and housing to accommodate various special housing needs of the regional population.
Goal 5: Ensure that new housing is sensitive to the existing natural and built environment.	*Not previously included.*	**Consistent.** The existing and proposed objective design standards (ODS) would ensure high visual character and quality of future residential development proposed within the Modified Project site. Additionally, each future residential project implemented as a result of the SPA and Housing Element would require, at minimum, a project-level plan check. Thus, the Modified Project would be consistent with Goal 5.
Housing Element – Policies		
Policy 1.1: Provide site opportunities inventory of vacant and underutilized land for development of housing that responds to diverse community needs in terms of housing type, cost and location, emphasizing locations near services and transit.	*Not previously included.*	**Consistent.** During the Housing Element process, the City identified the Modified Project site as a suitable site for rezoning to allow higher density housing. The Project would include a SPA of the Modified Project site to allow for additional future development of 2,211 units housing units (not including density bonus units), consistent with the City's certified 2021-2029 Housing Element. The allowed densities under this Project would provide for a variety of housing types and diverse socio-economic needs. Additionally, the TLSP is intentionally planned to incentivize transit and other alternative modes of transportation through the use of transit-oriented development and land use planning, the implementation of TDM measures, and the use of connective recreational areas. Thus, the Modified Project is consistent with this policy.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Policy 1.4: Initiate development permit and zoning code streamlining strategies to encourage and expedite residential development (i.e. accessory dwelling units, affordable housing units, and investments in existing buildings) to reduce and eliminate regulatory barriers.	*Not previously included.*	**Consistent.** Per Housing Element Program 1.2a, the City will develop ODS to ensure high quality residential development, while simultaneously meeting the City's goal of streamlining residential development to meet its RHNA goals. As part of the Project, ODS would be further developed. Thus, the Modified Project would be consistent with Policy 1.4.
Policy 1.5: Encourage infill development or site redevelopment within feasible development sites for homeownership and rental units through the implementation of smart growth principles, allowing for the construction of higher density housing, affordable housing, and mixed-use development (the vertical and horizontal integration of commercial and residential uses) in proximity to employment opportunities, community facilities and services, and amenities.	*Not previously included.*	**Not Applicable.** The TLSP area is the site of the former MCAS military base and is predominately vacant and undeveloped. Implementation of the TLSP would not result in infill development, but rather redevelopment of an underutilized area within the City. However, the TLSP would allow for implementation of smart growth principles, allowing for the construction of higher density housing, affordable housing, and mixed-use development (the vertical and horizontal integration of commercial and residential uses) in proximity to employment opportunities, community facilities and services, and amenities.
Policy 2.3: Promote the dispersion and integration of housing for low- and very-low income families throughout the community.	*Not previously included.*	**Consistent.** The Modified Project is proposed as a result of the City's 2021-2029 Housing Element. The Modified Project would support in facilitation of the City's larger goals and objectives to provide for fair housing conditions within the City. Specifically, the Modified Project is anticipated to support in the facilitation of development of affordable housing and housing to accommodate various special housing needs of the regional population.
Policy 2.6: Promote fair housing opportunities by supporting the continuation of policies that require relocation assistance, and/or to provide incentives and assistance for purchase of the units by low- and moderate-income households.	*Not previously included.*	**Not Applicable.** This is not a Project-specific policy and is therefore not applicable. The TLSP implements the City's Housing Element and supports in facilitation of the City's housing goals and policies. The Modified Project does not impair the City's ability to implement this policy.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
Policy 5.1: Prioritize sustainable housing developments in proximity to services and employment centers thereby enabling the use of public transit, walking or bicycling and promoting an active lifestyle.	*Not previously included.*	**Consistent.** The Modified Project allows for the future implementation of mixed-use development and the development of housing sited in proximity to services and employment centers. The TLSP is intentionally planned to incentivize transit and other alternative modes of transportation through the use of transit-oriented development and land use planning, the implementation of TDM measures, and the use of connective recreational areas. Thus, the Modified Project is consistent with this policy.
Policy 5.2: Promote green building practices for more sustainable energy conservation measures in the construction of new housing or rehabilitated units.	*Not previously included.*	**Consistent.** As described in Section 5.2, *Energy*, future development under the Modified Project would be required to adhere to State and local regulations regarding green building and sustainable practices such as Title 24. Thus, the Modified Project would be consistent with Policy 5.2.
Program 1.2a Program 1.2a provides that the City will amend its Zoning Code to remove subjective design guidance in TCC Section 9272 (Design Review) and adopt new Objective Design Standards (ODS) to ensure that the City can provide clear guidance regarding project design, in order to streamline the development of high-quality residential development. The ODS would include provisions consistent with the requirements of Senate Bill (SB) 35. Program 1.2a is anticipated to be complete in October 2024.	*Not previously included.*	**Consistent.** The Project would be in fulfillment of Program 1.2a, which would include rezone of the Modified Project site in accordance with state law and the creation of citywide ODS to ensure clear guidance for future allowed residential uses.
Program 1.2c Program 1.2c directs the City to develop parking standards to facilitate residential housing production as part of mixed-use developments, adaptive reuse projects, and new residential developments. The program provides that parking displaced as a result of redevelopment may be replaced with vertical parking structures, as needed, to provide required parking. Additionally, the parking standards would incentivize creative parking strategies such as parking credits for transit rich development, and	*Not previously included.*	**Consistent.** The Project would be in fulfillment of Program 1.2a, which would include rezone of the Modified Project site in accordance with state law and the creation of citywide ODS to ensure clear guidance for future allowed residential uses. Parking would be implemented per the existing parking standards. The TLSP includes transit-oriented districts where development would be catered to transit and alternative transportation.

Goal/Policy	Approved Project Compliance with Goal/Policy	Modified Project Compliance with Goal/Policy
allowance of parking structures and parking lifts, by right and subject to the ODS.		

Table 5.4-4: Project Consistency with Tustin Legacy Specific Plan

Goal, Policy, or Objective	Project Consistency
1. Implement a revised land use and urban design plan for the community that weaves the existing development into an updated comprehensive vision for achieving a better balance of residential, commercial, and employment uses, well connected by a variety of transportation modes, parks, and open space.	**Consistent.** The Modified Project would include an SPA to the TLSP. The SPA would increase the existing residential caps for Neighborhood D and G. The Modified Project is proposed as part of the City's updated 2021-2029 Housing Element, which requires the City to rezone several areas of the City in order to accommodate the City's fair share RHNA based on regional housing needs. Therefore, the Modified Project would update the TLSP to provide a balance of residential, commercial, and employment uses in an area well-connected by a variety of transportation modes, parks, and open space.
2. Reposition the remaining undeveloped lands in Planning Area 15 to be transit oriented in terms of site design, mixing and increased intensity of land uses, walkability, location and design of public spaces, and direct pedestrian access to the adjacent Tustin Metrolink Station.	**Consistent.** The Modified Project would increase allowable future residential capacity of Neighborhood G. However, the Modified Project would maintain consistency with the Approved Project in plans for Planning Area 15 to be transit oriented in terms of site design, mixing and increased intensity of land uses, walkability, location and design of public spaces, and direct pedestrian access to the adjacent Tustin Metrolink Station.
3. Reposition the remaining undeveloped land in Planning Areas 8, 13, and 14 to become a new mixed-use urban center designed around a "Main Street" that connects to the adjacent Tustin Legacy Park and The District. This large area would also include a range of commercial recreation, cultural, and entertainment uses within and adjacent to the Tustin Legacy Park.	**Consistent.** The Modified Project would increase allowable future residential capacity of Neighborhood D. However, the Modified Project would maintain consistency with the Approved Project in plans for Planning Areas 8, 13, and 14 to become a new mixed-use urban center designed around a "Main Street" that connects to the adjacent Tustin Legacy Park and The District. A parcel within Neighborhood D North (APNs 430-381-41 and 430-381-91) would be zoned as exclusively residential land use; however, this area would make up a very small portion of Neighborhood D and would not conflict with the larger mixed-use vision of the TLSP for this area. The Modified Project would not reduce the allowed nonresidential capacity of Planning Areas 8, 13, and 14.
4. Establish new zoning designations for mixed-use development that provides flexibility for both horizontal and vertical mixed-use projects in Neighborhoods D and G through Mixed-Use Urban and Mixed-Use TOD land use designations.	**Consistent.** The Modified Project would include updated development standards that clarify and expand on existing requirements. Specifically, the ODS would support the streamlined design review of development proposals for housing sites identified as part of the City's updated Housing Element. The intent of the TLSP development standards is to provide flexibility for both horizontal and vertical mixed-use projects in Neighborhoods D and G, while the ODS would provide clarity for residential development.
5. Preserve the Tustin Legacy Park concept from the Adopted Specific Plan, and provide additional design direction related to trails, recreation activities, integration with adjacent development, and park design features.	**Consistent.** The Modified Project would maintain the Tustin Legacy Park in its current approved condition.
6. Implement an updated mobility plan for Tustin Legacy that ensures a well-connected system of	**Consistent.** The Modified Project proposes increased residential capacity for Neighborhoods D and G of the

Goal, Policy, or Objective	Project Consistency
roadways, pedestrian paths, bicycle routes, and bus and shuttle routes that provide safe and convenient access to uses within Tustin Legacy, the adjacent Metrolink Station, and other offsite destinations.	TLSP. The mixed-use district designed with a linear park (PA 8, 13-14), and transit-oriented district near the Tustin Metrolink station (PA 15-A) would be maintained by the Modified Project. Additionally, the Linear Park Overlay would be maintained under the TLSP SPA to allow for further connectivity and walkability.
7. Maintain the existing nonresidential land use/trip budget total for Tustin Legacy, while allowing for the reallocation of trips between certain neighborhoods, based on the revised mix of land uses for the remaining lands owned by the City of Tustin.	**Consistent.** The Modified Project would maintain the existing nonresidential capacity as approved under the Approved Project. The anticipated buildout of nonresidential land uses has slightly shifted since the Approved Project; however, the overall trips generated by nonresidential land uses would be anticipated to generally reduce as a result of these changes despite an overall anticipated increase in trips due to the addition of residential capacity, as shown in Table 5.8-2, *Modified Project Trip Generation*, in Section 5.8, *Transportation*.

Airport Environs Land Use Plan for John Wayne Airport

The Modified Project site is within the airport planning area for John Wayne Airport, which is approximately 1.5 miles to the southwest in an unincorporated portion of Orange County adjacent to the cities of Costa Mesa, Irvine, and Newport Beach. The Modified Project site is not within the airport impact zone or in airport safety compatibility zones 1 through 5, where residential and public buildings are restricted or prohibited (Airport Land Use Commission for Orange County, 2008). Therefore, land uses proposed for the Modified Project site do not conflict with the AELUP for John Wayne Airport.

However, the Modified Project site is within the AELUP-designated notification area and is subject to Federal Aviation Administration (FAA) notification and height restrictions pursuant to Federal Aviation Regulations Part 77 (FAR Part 77). As provided under the Approved Specific Plan, structures that exceed height restrictions outlined in the AELUP would require an obstruction evaluation by FAA and the airport land use commission to determine whether hazards to airport operations would result. Height restrictions applicable to the TLSP would not change as a result of the Modified Project. Therefore, impacts related to the Modified Project's AELUP consistency remain less than significant.

Federal Facility Site Remediation Agreement (FFSRA)

The SEIR certified for the Approved Project determined that impacts related to hazardous conditions related to previous activities associated with the former MCAS facility would not cause a significant environmental impact because all future development and transport of hazardous materials would be required to comply with existing federal, state, and local regulations related to hazardous materials. The use, transport, and disposal of hazardous materials would be required to comply with existing regulations of several agencies, including the Department of Toxic Substances Control (DTSC), the EPA, California Division of Occupational Safety and Health, Orange County Environmental Health, and the Orange County Fire Authority. Additionally, the Navy is responsible for remediating all hazardous materials sites overlain by proposed residential uses to residential standards pursuant to existing compliance programs.

The Modified Project would increase the allowed residential cap for TLSP Neighborhoods D and G pursuant through the implementation of an SPA. The SPA would allow residential development in portions of Neighborhood D that were not previously intended for residential use. Additionally, two new hazardous conditions have been recognized within the TLSP area since certification of the SEIR for the Approved Project. PFAS has been recognized as a pollutant of concern within recent years by the EPA and has been identified as present in certain portions of the TLSP area. Further, in November 2023, the Hangar 28 experienced a

fire that nearly completely destroyed the structure and cause the release of asbestos into the air and within the soil, as well as several other pollutants of concern. While the fire was contained to Hangar 28 within Neighborhood C, cleanup and monitoring efforts extend to the surrounding areas.

As mentioned above, an FFSRA between the Navy and the DTSC is currently in place for the former MCAS Tustin, which governs the Navy's corrective action and response obligations under the Resource Conservation and Recovery Act and CERCLA (City of Tustin, 2023). Under the Modified Project, hazardous conditions (trichloroethylene, trichloropropane, other chlorinated hydrocarbons, etc.) previously recognized under the Approve Project would continue to be handled according to the FFSRA and applicable state and federal criteria set by DTSC, EPA, and regional health authorities. Research regarding the remediation of PFAS from the TLSP is ongoing and development of impacted areas would not be authorized until EPA has provided clear guidelines for PFAS and the site has been remediated accordingly (City of Tustin, 2023). In April 2024, EPA issued the first-ever national, legally enforceable drinking water standard to protect communities from exposure to harmful PFAS (U.S. Environmental Protection Agency, 2024). Additional guidance is forthcoming and will be required prior to the conclusion of PFAS remediation efforts within the TLSP area. The Navy has included PFAS as a pollutant under their responsibility for remediation pursuant to federal law and existing agreements. The Navy is also responsible for the cleanup of the hangar fire and ongoing remediation and monitoring (Orange County Health Care Agency, 2024).

Therefore, the Modified Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, including the existing FFSRA agreement. All hazardous conditions are currently covered under the existing agreement and regulations that govern the cleanup and disposition of the former MCAS facility, including new hazards related to PFAS and the hangar fire. Further, through implementation of PPP LU-1, the Modified Project would result in a less than significant impact.

5.4.7 CUMULATIVE IMPACTS

Under the Approved Project, cumulative impacts on land use were determined to be less than significant. Although cumulative projects considered as part of the previously approved 2017 SEIR were anticipated to result in new residential and nonresidential development in the City, the SEIR determined that areas surrounding the TLSP area are largely built out and would not be expected to experience substantial redevelopment as a result of the Approved Project. Further, the approved 2017 SEIR determined that implementation of the Approved Project would not introduce a novel land use or circulation pattern in central Orange County and would not spur redevelopment in adjacent communities (i.e., Irvine or Santa Ana) that would conflict with those cities' land use plans. Overall, the Approved Project, in combination with buildout of the Tustin General Plan, was determined to be a desired and intended impact of the policies outlined in the General Plan and 2016–2040 RTP/SCS. The goals identified in those documents advocate a balance of residential and nonresidential development, and neighborhoods designed around multimodal travel. Implementation of the Approved Project was found to be consistent with all applicable goals.

Similar to the conclusion of the 2017 SEIR certified for the Approved Project, cumulative projects identified in Table 5-1, *Cumulative Projects List,* would be anticipated to result in new residential and nonresidential development in the City. However, areas surrounding the TLSP area are largely built out and would not be expected to experience substantial redevelopment as a result of the Modified Project. The Modified Project would increase the allowed residential capacity of Neighborhoods D and G and provide objective design standards (ODS) to reduce subjectivity and streamline residential development. The Modified Project is proposed in fulfillment of the City's 2021-2029 Housing Element goals and objectives, and further, as a result of state-mandated growth management initiatives prescribed through the RHNA. The Modified Project is an intended impact of the plans and policies adopted by SCAG through the 2024 SCAG Connect SoCal RTP/SCS, the City of Tustin General Plan, and the Approved TLSP. As shown in Tables 5.4-1 through 5.4-4,

the Modified Project would be consistent with all applicable plans, policies, and regulations. Additionally, potential future development implemented as part of the Modified Project would be required comply with existing Implementation Measures (a) through (x), which establish requirements for future planning, funding, and implementation of expanded amenities, utilities, and services as a result of anticipated growth. Therefore, the Modified Project would result in a less than significant project-level impact and impacts would not be cumulatively considerable.

5.4.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- City of Tustin Municipal Code and Zoning Code
- Airport Environs Land Use Plan for John Wayne Airport
- Federal Aviation Regulations Part 77
- Resource Conservation and Recovery Act
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Plans, Programs, or Policies

PPP LU-1: A Federal Facility Site Remediation Agreement (FFSRA) between the Department of the Navy (DON) and Department of Toxic Substance Control was signed for Former MCAS Tustin on 18 August 1999. The FFSRA defines DON's response action obligations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and corrective action obligations under the Resource Conservation and Recovery Act. All remediation activities pursuant to the FFSRA shall be carried out prior to (or in conjunction with in certain approved conditions) implementation of the TLSP. All future development shall comply with the requirements and criteria under the FFSRA and as set forth by DTSC, U.S. Environmental Protection Agency (EPA), RWQCB, and applicable local agencies (including the City of Tustin and City of Irvine).

5.4.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Without Implementation Measures (a) through (x), impacts would be potentially significant.

5.4.10 MITIGATION MEASURES

MCAS FEIR/EIS Implementation Measures Applicable to the Modified Project

(a) The City of Tustin or City of Irvine, as appropriate, shall ensure that infrastructure is constructed in phases as triggered by identified thresholds in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements (see Table 4-2 at the end of this Mitigation Monitoring and Reporting Program). The Phasing Plan provides an organizational framework to facilitate development of the reuse plan area in tandem with infrastructure necessary to support the planned development.

(As amended by Addendum)

This framework reflects the fact that each component of the infrastructure has its own threshold for accommodating additional development toward build out of the reuse plan area. The triggering mechanisms that identify timing of key infrastructure provisions are summarized in Table 4-2 of the

revised Specific Plan Phasing Plan, Phasing Plan Requirements (see Table 4-2 at the end of this Mitigation Monitoring and Reporting Program).

(b) Prior to a final map recordation (except for financing and re-conveyance purposes), the development applicant shall enter into an agreement with the City of Tustin and City of Irvine and any appropriate regional utility agencies, districts, and providers, as applicable, to dedicate all easement, right-of-ways, or other land determined necessary to construct adequate utility infrastructure and facilities to serve the project as determined by the City, Agency, District, or other providers.

(c) Prior to any final map recordation (except for financing and conveyance purposes), the development applicant shall enter into a secured agreement with the cities of Tustin and/or Irvine, as applicable, to participate on a pro-rated basis in construction of capital improvements necessary to provide adequate utility facilities.

(d) Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit to the City of Tustin and City of Irvine, as applicable, information from IRWD which outlines required facilities necessary to provide adequate potable water and reclaimed water service to the development.

(e) Prior to the issuance of building permits, the project developer shall ensure that fire hydrants capable of flows in amounts approved by the OCFA are in place and operational to meet fire flow requirements. (As amended by Addendum)

(f) Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit to the City of Tustin and City of Irvine, as applicable, information from IRWD or the City of Tustin which outlines required facilities necessary to provide adequate sanitary sewage service to the development.

(g) Prior to the issuance of grading permits or approval of any subdivision map (except for financing and re-conveyance purposes), whichever occurs first, for development within the 100 year flood plain, grading and drainage systems shall be designed by the project developer such that all building pads would be safe from inundation from runoff from all storms up to and including the theoretical 100 year storm, to the satisfaction of the City of Tustin Building Division or the Irvine Public Works Department, as applicable. Grading permits or subdivision maps generated for financing and conveyance purposes are exempt.

(h) Prior to construction of regional flood control facilities, appropriate state and federal approvals, including agreements and permits, shall be obtained. These include but are not limited to Regional Water Quality Control Board permits, including NPDES permits; Section 401 water quality certifications; Section 404 permits from the USACOE, and Section 1601 or 1603 agreements from the CDFG in a manner meeting the approval of the City of Tustin and the Irvine Public Works Department, as applicable.

(As amended by Addendum)

(i) Prior to issuance of any grading permit or approval of any subdivision map (except for financing and conveyance purposes), for any development that is either partially or completely located within the 100 year flood plain of the Flood Insurance Rate Map, the development applicant shall submit all required documentation to the FEMA and demonstrate that the application for a Conditional Letter of Map Revision for changes to the 100 year flood plain is satisfied in a manner meeting the approval of each respective city, as applicable.

(j) Prior to the approval of any applicable subdivision map (except for financing and conveyance purposes), the developer applicant shall design and construct local drainage systems for conveyance of the 10 year runoff. If the facility is in a local sump, it shall be designed to convey the 25 year runoff.

(k) Prior to any grading for any new development, the following drainage studies shall be submitted to and approved by the City of Tustin, City of Irvine, and/or OCFCD, as applicable:

(1) A drainage study including diversions (i.e., off site areas that drain onto and/or through the project site), with justification and appropriate mitigation for any proposed diversion.
(2) A drainage study evidencing that proposed drainage patterns would not result in increased 100 year peak discharges within and downstream of the project limits, and would not worsen existing drainage conditions at storm drains, culverts, and other street crossings including regional flood control facilities. The study shall also propose appropriate mitigation for any increased runoff causing a worsening condition of any existing facilities within or downstream of project limits. Implementation of appropriate interim or ultimate flood control infrastructure construction must be included.
(3) Detailed drainage studies indicating how, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, building pads are made safe from runoff inundation which may be expected from all storms up to and including the theoretical 100 year flood.

(l) Prior to approval of any subdivision map (except for financing or conveyance purposes), an agreement will be executed with the OCFCD that provides for the identification and contribution of a project specific Fair Share contribution toward the construction of ultimate flood control facilities needed to accommodate build out of the affected project. Interim flood control facilities may be considered for approval provided such facilities meet OCFCD requirements. Nothing shall preclude the City of Tustin from transferring the obligation onto other project developers within the project area.

(m) General

The City of Tustin and the City of Irvine, each within its respective jurisdiction, shall ensure that adequate fire protection, police protection, libraries, and parks and recreation facilities (including bikeways/trails) needed to adequately serve the reuse plan area shall be provided as necessary. To eliminate any negative impact the project could have on each community's general fund, financing mechanisms including but not limited to developer fees, assessment district financing, and/or tax increment financing (in the event that a redevelopment project area is created for the site), shall be developed and used as determined appropriate by each City. Specifically;

(1) Applicants for private development projects shall be required to enter into an agreement with City of Tustin or the City of Irvine, as applicable, to establish a fair share mechanism to provide needed fire and police protection services, libraries, and parks and recreation facilities (including bikeways) through the use of fee schedules, assessment district financing, Community Facility District financing, or other mechanisms as determined appropriate by each respective city.
(2) Recipients of property through public conveyance process, or other conveyance procedures, shall be required to mitigate any impacts of their public uses of property on public services and facilities. (As amended by Addendum)

(n) The cities of Tustin and Irvine shall jointly consult and coordinate with the Orange County Parks, Program Management and Coordination Division, in preparation of trail designs for the Peters

Canyon and Barranca trails within the reuse plan area. Improvements for each of these trails would be installed upon completion of flood control channel improvements and approval of their joint use by the OC Parks.

(o) Fire Protection/Emergency Medical Services

Prior to the first final map recordation or building permit issuance for development (except for financing and re-conveyances purposes), the project developer could be required to enter into an agreement with the City of Tustin or City of Irvine/OCFA, as applicable, to address impacts of the project on fire services. Such agreement could include participation for fire protection, personnel and equipment necessary to serve the project and eliminate any negative impacts on fire protection services.

(p) Prior to issuance of building permits, the project developer shall work closely with the OCFA to ensure that adequate fire protection measures are implemented in the project.

(q) Prior to issuance of building permits for phased projects, the project developer shall submit a construction phasing plan to the OCFA demonstrating that emergency vehicle access is adequate.

(r) Prior to the issuance of building permits, the project developer shall submit a fire hydrant location plan for the review and approval of the Fire Chief and ensure that fire hydrants capable of flows in amounts approved by the OCFA are in place and operational to meet fire flow requirements.

(s) Police Protection

Prior to issuance of building permits, the project developer shall work closely with the respective Police Department to ensure that adequate security precautions are implemented in the project.

(t) Schools

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

(As amended by Addendum)

(u) Parks and Recreation

Prior to the first final map recordation (except for financing and re-conveyance purposes) or building permit issuance for development within the City of Tustin portion of the site, the project developer shall be required to provide evidence of compliance with all requirements and standards of the City of Tustin Park Code.

(v) Prior to the first final map recordation or building permit issuance within the City of Irvine portion of the site, the project developer shall be required to provide evidence of compliance with all requirements and standards of the City of Irvine Park Code.

(w) Prior to the first concept plan for tentative tract map in the City of Tustin, the project developer shall file a petition for the creation of a landscape maintenance district for the project area with the City of Tustin. The district shall include public neighborhood parks, landscape improvements, and specific trails (Barranca only), the medians in arterials, or other eligible items mutually agreed to by the petitioner and the City of Tustin. In the event that a district is not established prior to issuance of the

first building permit, maintenance of items mentioned above shall be the responsibility of a community association.

(x) Prior to approval of any subdivision map (except for financing or conveyance purposes), an agreement will be executed with the following agencies for the associated trail improvements:

a. County Parks — identification of a project specific Fair Share contribution toward the installation of necessary regional bikeway trail improvements within Peters Canyon Channel, to be installed in conjunction with the County of Orange's other channel improvements;

b. City of Tustin — the identification of a project specific Fair Share contribution toward the installation of Class II bicycle trails through the project site. For the area of the site northeast of Irvine Center Drive, a separate agreement would be required to ensure the provision of a bikeway right-of-way easement, and design and construction of a bike trail along the SCRRA/OCTA rail tracks from Harvard Avenue westerly to the Peters Canyon Channel. In addition, project developers of the areas of the site southeast of the Peters Canyon Channel would need to accommodate access to both the Peters Canyon Trail and the trail adjacent to the SCRRA/OCTA tracks in any project site design including dedication of any necessary recreational trail easements;

c. City of Tustin — the identification of a project specific Fair Share contribution toward installation of Class I bikeway trail improvements northerly of Barranca Parkway after completion of the Barranca Channel improvements. For proposed developments adjacent to Barranca Channel, separate agreements would be required to ensure the establishment of a bikeway right-of-way easement between Jamboree Road and Red Hill Avenue.

5.4.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation Measures (a) through (x) identified above, along with existing regulatory programs, would reduce potential impacts associated with land use to a level that is less than significant. Therefore, no significant unavoidable adverse impacts related to land use would occur.

5.4.12 REFERENCES

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5.5 Noise

5.5.1 INTRODUCTION

This Draft SEIR section evaluates the potential noise and vibration impacts that could result from buildout of the proposed Modified Project. It discusses the existing noise environment within and around the TLSP area, as well as the regulatory framework for regulation of noise. This section analyzes the effect of the Modified Project on the existing ambient noise environment during construction and operational activities; and evaluates noise effects for consistency with relevant local agency noise policies and regulations. The analysis in this section also addresses impacts related to groundborne vibration. Information in this section is based on the following:

- *City of Tustin General Plan* (including 2021-2029 Housing Element), adopted November 2018 and updated October 2022.
- *City of Tustin General Plan EIR*, certified 2018
- *Tustin Legacy Specific Plan Amendment Final Supplemental Environmental Impact Report (FEIR),* prepared by PlaceWorks, certified July 2017
- Tustin City Code
- *Tustin Legacy Specific Plan Amendment Project Noise and Vibration Impact Analysis*, prepared by LSA, May 2024 (Appendix C)

Noise and Vibration Terminology

Various noise descriptors are utilized in this EIR analysis, and are summarized as follows:

Ambient noise level: The background noise level associated with a given environment at a specified time and is usually a composite of sound from many sources from many directions.

dB: Decibel, the standard unit of measurement for sound pressure level.

dBA: A-weighted decibel, an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.

Leq: The equivalent sound level, which is used to describe noise over a specified period of time, typically 1 hour, in terms of a single numerical value. The Leq of a time-varying signal and that of a steady signal are the same if they deliver the same acoustic energy over a given time. The Leq may also be referred to as the average sound level.

Lmax: The instantaneous maximum noise level experienced during a given period of time.

Lmin: The instantaneous minimum noise level experienced during a given period of time.

Lx: The sound level that is equaled or exceeded "x" percent of a specified time period. The "x" thus represents the percentage of time a noise level is exceeded. For instance, L50 and L90 represents the noise levels that are exceeded 50 percent and 90 percent of the time, respectively.

Ldn: Also termed the "day-night" average noise level (DNL), Ldn is a measure of the average of A-weighted sound levels occurring during a 24-hour period, accounting for the greater sensitivity of most people to nighttime noise by weighting noise levels at night ("penalizing" nighttime noises). Noise between 10:00 p.m. and 7:00 a.m. is weighted by adding 10 dBA to take into account the greater annoyance of nighttime noises.

CNEL: The Community Noise Equivalent Level, which, similar to the Ldn, is the average A-weighted noise level during a 24-hour day that is obtained after an addition of 5 dBA to measured noise levels between the hours of 7:00 p.m. to 10:00 p.m. and after an addition of 10 dBA to noise levels between the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Effects of Noise

Noise is generally loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity that is a nuisance or disruptive. The effects of noise on people can be placed into four general categories:

- Subjective effects (e.g., dissatisfaction, annoyance)
- Interference effects (e.g., communication, sleep, and learning interference)
- Physiological effects (e.g., startle response)
- Physical effects (e.g., hearing loss)

Although exposure to high noise levels has been demonstrated to cause physical and physiological effects, the principal human responses to typical environmental noise exposure are related to subjective effects and interference with activities. Interference effects refer to interruption of daily activities and include interference with human communication activities, such as normal conversations, watching television, telephone conversations, and interference with sleep. Sleep interference effects can include both awakening and arousal to a lesser state of sleep. With regard to the subjective effects, the responses of individuals to similar noise events are diverse and are influenced by many factors, including the type of noise, the perceived importance of the noise, the appropriateness of the noise to the setting, the duration of the noise, the time of day and the type of activity during which the noise occurs, and individual noise sensitivity.

In general, the more a new noise level exceeds the previously existing ambient noise level, the less acceptable the new noise level will be to those hearing it. With regard to increases in A-weighted noise levels, the following relationships generally occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived by the human ear.
- Outside of the laboratory, a 3-dBA change in noise levels is considered to be a barely perceivable difference.
- A change in noise levels of 5 dBA is considered to be a readily perceivable difference.
- A change in noise levels of 10 dBA is subjectively heard as doubling of the perceived loudness.

Noise Attenuation

Stationary point sources of noise, including mobile sources such as idling vehicles, attenuate (lessen) at a rate of 6 dBA per doubling of distance from the source over hard surfaces to 7.5 dBA per doubling of distance from the source over hard surfaces, depending on the topography of the area and environmental conditions (e.g., atmospheric conditions, noise barriers [either vegetative or manufactured]). Thus, a noise measured at 90 dBA 50 feet from the source would attenuate to about 84 dBA at 100 feet, 78 dBA at 200 feet, 72 dBA at 400 feet, and so forth. Widely distributed noise, such as a large industrial facility spread over many acres or a street with moving vehicles, would typically attenuate at a lower rate, approximately 4 to 6 dBA per doubling of distance from the source.

Hard sites are those with a reflective surface between the source and the receiver, such as asphalt or concrete surfaces or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the changes in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source.

Soft sites have an absorptive ground surface such as soft dirt, grass, or scattered bushes and trees. In addition to geometric spreading, an excess ground attenuation value of 1.5 dBA (per doubling distance) is normally assumed for soft sites. Line sources (such as traffic noise from vehicles) attenuate at a rate between 3 dBA for hard sites and 4.5 dBA for soft sites for each doubling of distance from the reference measurement.

Fundamentals of Vibration

Vibration is energy transmitted in waves through the ground or man-made structures. These energy waves generally dissipate with distance from the vibration source. There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe vibration impacts to buildings but is not always suitable for evaluating human response (annoyance) because it takes some time for the human body to respond to vibration signals. Instead, the human body responds to average vibration amplitude often described as the root mean square (RMS). The RMS amplitude is defined as the average of the squared amplitude of the signal and is most frequently used to describe the effect of vibration on the human body. Decibel notation (VdB) is commonly used to measure RMS. VdB serves to reduce the range of numbers used to describe human response to vibration. Typically, ground-borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Sensitive receivers for vibration include structures (especially older masonry structures), people (especially residents, the elderly, and sick), and vibration-sensitive equipment.

The background vibration-velocity level in residential areas is generally 50 VdB. Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

5.5.2 REGULATORY SETTING

5.5.2.1 Federal Regulations

Federal Transit Administration

The Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (Federal Transit Adminstration, 2018) provides general assessment construction noise criteria based on the composite noise levels per construction phase, which are provided in Table 5.5-1.

Table 5.5-1: FTA Construction Noise Criteria

Land Use	Daytime 1-hour Leq (dBA)	Nighttime 1-hour Leq (dBA)
Residential	90	80
Commercial	100	100
Industrial	100	100

dBA = A-weighted decibels
Leq = equivalent continuous sound level
Source: *Transit Noise and Vibration Impact Assessment Manual* (FTA, 2018).

The FTA *Transit Noise and Vibration Impact Assessment Manual* also provides criteria for vibration impacts. Table 5.5-2 provides the criteria for assessing the potential for interference or annoyance from vibration levels in a building and Table 5.5-3 lists the potential vibration building damage criteria from construction activities. FTA guidelines show that a vibration level of up to 0.5 in/sec in PPV is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster), and would not result in any construction vibration damage. For non-engineered timber and masonry buildings, the construction building vibration damage criterion is 0.2 in/sec in PPV.

Table 5.5-2: Vibration Annoyance Residential Thresholds

Land Use	Max L_v (VdB)	Description of Use
Residential Day	78	Vibration that is barely felt. Adequate for computer equipment and low-power optical microscopes (up to 20×).
Residential Night and Operating Rooms	72	Vibration is not felt, but ground-borne noise may be audible inside quiet rooms. Suitable for medium-power microscopes (100×) and other equipment of low sensitivity.

Source: *Transit Noise and Vibration Impact Assessment Manual* (FTA, 2018)

Table 5.5-3: Construction Vibration Damage Thresholds

Building Category	PPV (in/sec)
Reinforced concrete, steel, or timber (no plaster)	0.50
Engineered concrete and masonry (no plaster)	0.30
Non-engineered timber and masonry buildings	0.20
Buildings extremely susceptible to vibration damage	0.12

Source: *Transit Noise and Vibration Impact Assessment Manual* (FTA, 2018)

5.5.2.2 State Regulations

Title 24, California Building Code

State regulations related to noise include requirements for the construction of new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings that are intended to limit the extent of noise transmitted into habitable spaces. These requirements are collectively known as the California Noise Insulation Standards and are found in California Code of Regulations, Title 24 (known as the Building Standards Administrative Code), Part 2 (known as the California Building Code), Appendix Chapters 12 and 12A. For limiting noise transmitted between adjacent dwelling units, the noise insulation standards specify the extent to which walls, doors, and floor ceiling assemblies must block or absorb sound. For limiting noise from exterior sources, the noise insulation standards set forth an interior standard of DNL 45 dBA in any habitable room and, where such units are proposed in areas subject to noise levels greater than DNL 60 dBA, require an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. If the interior noise level depends upon windows being closed, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment.

The mandatory measures for non-residential buildings state that new construction shall provide an interior noise level that does not exceed an hourly equivalent level of 50 dBA Leq in occupied areas during any hour of operation. Title 24 standards are enforced through the City's building permit application process.

5.5.2.3 Local and Regional Regulations

General Plan

The City's General Plan Land Use Element includes the following goals and policies that are relevant to the Modified Project:

Goal 2 **Ensure that future land use decisions are the result of sound and comprehensive planning.**

Policy 2.6 Maintain consistency with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport in terms of maximum allowable building height, noise levels, safety areas, and other applicable standards.

The City's General Plan Noise Element includes the following goals and policies that are relevant to the Modified Project:

Goal 2 **Incorporate noise considerations into land use planning decisions.**

Policy 2.3 Use noise/land use compatibility standards as a guide for future planning and development.

Policy 2.4 Review Modified Projects in terms of compatibility with nearby noise-sensitive land uses with the intent of reducing noise impacts.

Policy 2.5 Require new residential developments located in proximity to existing commercial/industrial operations to control residential interior noise levels as a condition of approval.

Policy 2.8 Replace a significant noise source with non-noise generating land uses when plans for future use of areas are developed.

Goal 3 **Develop measures to control non-transportation noise impacts.**

Policy 3.1 Use noise/land use compatibility standards as a guide for future planning and development.

Policy 3.2 Minimize the impacts of construction noise on adjacent land uses through limiting the permitted hours of activity.

Policy 3.2 Use noise/land use compatibility standards as a guide for future planning and development.

The City's Noise Element also includes standards related to excessive noise levels. The City's General Plan noise standards for land uses are provided in Table 5.5-4.

Table 5.5-4: City of Tustin General Plan Noise Element Standards

Land Use	Noise Standards[1]	
	Interior[2,3]	Exterior
Residential-Single family, multifamily, duplex, mobile home	CNEL 45 dB	CNEL 65 dB[4]
Residential-Transient lodging, hotels, motels, nursing homes, hospitals	CNEL 45 dB	CNEL 65 dB
Private offices, church sanctuaries, libraries, board rooms, conference rooms, theaters, auditoriums, concert halls, meeting halls, etc.	Leq(12) 45 dB(A)	-
Schools	Leq(12) 45 dB(A)	Leq(12) 67 dB(A)[5]
General offices, reception, clerical, etc.	Leq(12) 50 dB(A)	-
Bank lobby, retail store, restaurant, typing pool, etc.	Leq(12) 55 dB(A)	-
Manufacturing, kitchen, warehousing, etc.	Leq(12) 65 dB(A)	-

Land Use	Noise Standards[1]	
	Interior[2,3]	Exterior
Parks, playgrounds	-	CNEL 65 dB[5]
Golf courses, outdoor spectator sports, amusement parks	-	CNEL 70 dB[5]

Notes:
[1] CNEL: Community Noise Equivalent Level; Leq(12): The A-weighted equivalent sound level averaged over a 12-hour period (usually the hours of operation).
[2] Noise standard with windows closed. Mechanical ventilation shall be provided per UBC requirements to provide a habitable environment.
[3] Indoor environment excluding bathrooms, toilets, closets and corridors.
[4] Outdoor environment limited to rear yard of single-family homes, multifamily patios and balconies (with a depth of 6' or more) and common recreation areas.
[5] Outdoor environment limited to playground areas, picnic areas, and other areas of frequent human use.
Source: City of Tustin General Plan Noise Element

City of Tustin Municipal Code

Pursuant to the Tustin City Code (TCC) Section 6-4614 and 6-4615, noise levels at residential properties are restricted from exceeding certain noise levels for extended periods of time. Table 5.5-5 provides the Municipal Code interior and exterior noise standards that are applied to residential properties.

Table 5.5-5: Tustin City Code Residential Noise Standards

Noise Zone	Exterior/ Interior	Time Period	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 min)	L_{max} (Anytime)
Residential	Exterior	7:00 AM to 10:00 PM	55	60	65	70	75
		10:00 PM to 7:00 AM	50	55	60	65	70
	Interior	7:00 AM to 10:00 PM	—	—	55	60	65
		10:00 PM to 7:00 AM	—	—	45	50	55
Mixed-Use	Exterior	Anytime	60	65	70	75	80

Source: City of Tustin Municipal Code, Article 4, Chapter 6, Section 4614 and 4615.

With respect to construction-related noise, Chapter 6, Section 4616 of the Tustin City Code specifies that noise sources associated with construction activities are prohibited before the hours of 7:00 AM and after 6:00 PM, Monday through Friday; before 9:00 AM and after 5:00 PM on Saturdays; anytime on Sundays; or anytime during City-observed federal holidays.

City of Irvine Municipal Code

Section 6-8-204 of the Irvine Municipal Code establishes the maximum permissible noise level that may intrude into a neighbor's property. Table 5.5-6 provides the City's maximum noise standard based on the noise zone, the location of the noise (exterior/interior), and the time period. These noise standards do not apply to multifamily residence private balconies.

Table 5.5-6: City of Irvine Municipal Code Residential Noise Standards

Noise Zone	Exterior/ Interior	Time Period	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 min)	L_{max} (Anytime)
1	Exterior	7:00 AM to 10:00 PM	55	60	65[1]	70	75
		10:00 PM to 7:00 AM	50	55	60	65[1]	70
	Interior	7:00 AM to 10:00 PM	—	—	55	60	65

Noise Zone	Exterior/ Interior	Time Period	L_{50} (30 mins)	L_{25} (15 mins)	L_8 (5 mins)	L_2 (1 min)	L_{max} (Anytime)
		10:00 PM to 7:00 AM	—	—	45	50	55

[1] This standard does not apply to multifamily residence private balconies. Multifamily developments with balconies that do not meet the 65 dBA CNEL criterion are required to provide occupancy disclosure notices to all future tenants regarding potential noise impacts.
Source: City of Irvine Municipal Code Section 6-8-204.

The City of Irvine Municipal Code Section 6-8-205a regulates timing of construction activities and includes special provisions for sensitive land uses. Construction activities shall occur only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday. No construction shall be permitted outside of these hours or on Sundays and federal holidays, except for Columbus Day, unless a temporary waiver is granted by the Chief Building Official or his/her authorized representative. Trucks, vehicles, and equipment that are making or are involved with material deliveries, loading or transferring materials, equipment service, or maintenance of any devices or appurtenances for or within any construction project in the city shall not be operated or driven on City streets outside of these hours or on Sundays and federal holidays unless the City grants a temporary waiver.

5.5.3 ENVIRONMENTAL SETTING

5.5.3.1 Existing Noise Levels

The primary existing noise sources in the TLSP area are roadways, including Barranca Parkway, Red Hill Avenue, Park Avenue, intermittent train noise, and commercial, office, and residential uses. To assess existing noise levels of the environment, long-term (24-hour) noise level measurements were conducted on February 8 and 9, 2024, at three locations as shown on Figure 5.5-1, *Noise Measurement Locations*. Table 5.5-7 provides a summary of the measured hourly noise levels and calculated CNEL level from the long-term noise level measurements. As shown, the existing ambient noise levels range from 69.2 to 73.2 dBA CNEL.

Table 5.5-7: Summary of 24-Hour Ambient Noise Level Measurements

Location		Daytime Noise Levels[1] (dBA Leq)	Evening Noise Levels[2] (dBA Leq)	Nighttime Noise Levels[3] (dBA Leq)	Daily Noise Levels (dBA CNEL)
LT-1	Tustin Legacy Park. Along the western corner near the Barranca Parkway and Red Hill Avenue intersection, on a light pole approximately 110 ft away from the Red Hill Avenue centerline.	66.1 – 71.1	65.1 – 65.7	56.5 – 64.7	70.2
LT-2	2810 Warner Avenue, Irvine. Located near the western façade of the Park Apartments Irvine, on a tree approximately 120 ft away from the Park Avenue centerline.	65.7 – 69.4	61.7 – 63.9	54.3 – 66.5	69.2
LT-3	117 Liberty Street, Tustin. Near the northern façade of a townhome, on a tree approximately 70 ft away from the rail tracks centerline.	64.7 – 71.5	65.8 – 71.3	64.9 – 67.3	73.2

[1] Daytime = from 7:00 a.m. to 7:00 p.m.
[2] Evening = from 7:00 p.m. to 10:00 p.m.
[3] Nighttime = from 10:00 p.m. to 7:00 a.m.
Source: Noise and Vibration Impact Analysis (see Appendix C).

5.5.3.2 Existing Vibration

Aside from periodic construction work that may occur in the vicinity of the TLSP area, the TLSP area and adjacent land uses are not currently exposed to substantial sources of groundborne vibration.

5.5.3.3 Existing Airport Noise

John Wayne Airport is located approximately 1.5 miles to the southwest of the TLSP area. The TLSP area is located outside of the airport's 60 CNEL noise contour. In addition, the General Aviation Noise Ordinance restricts airport operations between 11:00 p.m. and 7:00 a.m., to limit the hours of noise generated by John Wayne Airport.

5.5.3.4 Sensitive Receptors

Sensitive receptors are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include residences, schools, hospitals, and recreation areas. Existing offsite sensitive noise receptors where someone can remain for 24 hours in the vicinity of Modified Project site consists of residences.

The Modified Project considers changes to the Approved Project through a proposed SPA. The Approved Project considers buildout of the TLSP as a whole and does not analyze the environmental impact of the project onto itself, but rather impacts on the surrounding area. Existing sensitive air quality receptors outside of the TLSP area where someone can remain for 24-hours in the vicinity of the Project site consists of residences. The closest existing sensitive receptors are residences, The Bowery, located approximately 140 feet west of the TLSP boundary (see *Figure 5-1, Cumulative Projects*). However, in consideration that buildout of the TLSP has and will continue to occur over multiple phases, future sensitive receptors within 50 feet of the Modified Project site have been conservatively considered for analysis of the Modified Project site (to account of existing and future onsite and offsite receptors).

Noise Monitor Locations

Tustin Legacy Specific Plan Amendment SEIR
City of Tustin

Figure 5.5-1

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5.5.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to result in:

NOI-1 Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of Modified Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

NOI-2 Generation of excessive groundborne vibration or groundborne noise levels.

NOI-3 For a project located within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in Modified Project area to excessive noise levels.

Construction Noise and Vibration

A potentially significant construction noise and vibration impact could occur if Project-related construction activities:

- Occur after 6:00 p.m. and before 7:00 am. Monday through Friday, after 5:00 p.m. and before 9:00 a.m. on Saturdays, or anytime on Sundays or City-observed federal holidays;
- Create noise levels which exceeds the Federal Transit Administration (FTA) threshold of daytime exterior construction noise level of 90 dBA Leq or 80 dBA Leq nighttime acceptable noise level threshold at nearby sensitive receiver locations; or
- Generate vibration levels which exceed the FTA threshold of 78 VdB at residences for annoyance or 0.2 PPV in/sec at nearby buildings for construction.

Off-Site Traffic Noise

A potentially significant noise and vibration impact could occur if offsite traffic noise levels at noise-sensitive land uses (e.g., residential, etc.) creates a *barely perceptible* 3 dBA CNEL or greater project-related noise level increase.

Operational Noise

The Modified Project may result in a potentially significant operational noise impact if Project-related operational (stationary source) noise levels exceed the exterior 55 dBA daytime (7:00 a.m. to 10:00 p.m.) or 50 dBA nighttime (10:00 p.m. to 7:00 a.m.) noise level standards for sensitive residential land uses.

5.5.5 METHODOLOGY

Construction Noise

To identify the temporary construction noise contribution to the existing ambient noise environment, the construction noise levels anticipated from usage of construction equipment necessary for future buildout of the residential uses included in the proposed Modified Project are compared against the thresholds listed previously to assess the level of significance associated with temporary construction noise level impacts.

Operational Noise

The primary source of noise associated with the operation from buildout of the Modified Project would be from vehicular trips. The expected roadway noise level increases from vehicular traffic were calculated using the Federal Highway Administration (FHWA) traffic noise prediction model and the average daily traffic volumes prepared for the Modified Project. As detailed in Section 5.8, *Transportation,* buildout from the Approved Project would generate approximately 100,611 ADT, including 5,118 AM peak hour trips and 9,346 PM peak hour trips while buildout associated with incorporation of the proposed Modified Project would generate approximately 116,289 ADT, including 8,370 AM peak hour trips and 11,123 PM peak hour trips. As such, the Modified Project would result in an increase in 15,679 ADT, including 3,251 AM peak hour trips and 1,777 PM peak hour trips. These AM and PM peak hour increases in traffic would be distributed amongst various intersections and increase ambient noise. The increase in noise levels generated by the vehicular trips have been quantitatively estimated and compared to applicable noise standards and thresholds of significance.

Secondary sources of noise would include new stationary sources (such as heating, ventilation, and air conditioning units) associated with the buildout of the additional residences included in the proposed Modified Project. The increase in noise levels generated by these activities has been qualitatively analyzed and compared to applicable noise standards and thresholds of significance.

Vibration

Aside from noise levels, groundborne vibration would also be generated during construction of future buildout of the Modified Project by various construction-related activities and equipment; and could be generated by truck traffic traveling to and from Modified Project site. The potential ground-borne vibration levels resulting from construction activities occurring from buildout of the proposed Modified Project were estimated by data published by the FTA. Thus, the groundborne vibration levels generated by these sources have also been quantitatively estimated and compared to the applicable thresholds of significance listed previously.

5.5.6 ENVIRONMENTAL IMPACTS

Summary of Impacts Previously Identified

The certified FEIS/EIR determined that noise impacts would be significant if noise levels for sensitive receptors exceeded noise criteria established in the noise elements of the general plans for the cities of Tustin, Irvine, and Santa Ana. Sensitive receptors are residences, schools, libraries, hospitals, and recreational areas. The FEIS/EIR identified that an increase of 3 dB over existing noise levels experienced by a sensitive receptor would be a significant impact.

The FEIS/EIR determined that the increase in traffic levels would not result in a significant impact to roadways surrounding the Specific Plan area. However, significant noise impacts were found for residents near the extension of Tustin Ranch Road to Von Karman Avenue and to residential and park uses adjacent to Warner Avenue between Harvard Avenue and Culver Drive.

The FEIS/EIR found that future sensitive receptors developed in accordance with the Specific Plan would incorporate applicable regulations and impacts would be less than significant.

The FEIS/EIR determined that there would be a significant impact to existing onsite housing planned for reuse. Mitigation measures were incorporated to reduce noise levels below 65 dB to less-than-significant levels.

The 2004 Supplemental EIR analyzed the extension of Tustin Ranch Road between Walnut Avenue and the Future Alignment of the Valencia North Loop. It determined that short-term construction noise impacts would be less than significant. It identified a significant impact to sensitive receptors along Tustin Ranch Road. Mitigation Measure MM N-1, requiring installation of a sound wall, reduced this impact to less than significant. This sound wall has been constructed.

The 2006 Addendum recognized that minor internal changes to the roadway network would change noise levels for land uses near the roadways. However, it found that there were no new significant short-term construction-related or long-term traffic noise impacts and that mitigation measures from the FEIS/EIR would apply.

Under the 2017 SEIR, one new noise impact was identified, traffic noise impacts along Moffett Drive from Park Avenue to Sonora Street/Meridian Way and along Valencia Avenue from Tustin Ranch Road to Park Avenue would increase noise impacts compared to the Adopted TLSP (2017 Draft SEIR, p. 5.4-20). However, the analysis found that with application of noise mitigation measures from the FEIR/EIS and 2004 SEIR, which includes various noise buffering construction techniques and future construction of a soundwall along Tustin Ranch Road, impacts were determined to be less than significant with mitigation.

Proposed Modified Project

Since certification of the 2017 SEIR, the noise environment described in the FEIS/EIR has not changed. Major noise sources on or near the TLSP area include vehicular traffic along surrounding major roadways, the railroad along Edinger Avenue, and aircraft noise from John Wayne Airport located less than two miles to the southwest. The TLSP area is not within a 60 dB CNEL noise contour from John Wayne Airport.

IMPACT NOI-1: MODIFIED PROJECT WOULD NOT RESULT IN GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF MODIFIED PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.

Construction

Less than Significant Impact.

The construction phasing for the Modified Project is planned to be implemented over a 20-year period between 2025 and 2045 and would occur between the hours between 7:00 am to 6:00 pm, Monday through Friday, and 5:00 pm and 9:00 am on Saturdays, with no construction on Sundays or City-observed holidays, per Tustin City Code Section 4616.

Construction Traffic Noise

Construction crew commutes and the transport of construction equipment and materials to construction areas would incrementally increase noise levels on roads leading to the TLSP area. Although there would be a relatively high single-event noise-exposure potential causing intermittent noise nuisance (passing trucks at 50 ft would generate up to 84 dBA Lmax), the effect on longer-term ambient noise levels would be small when compared to existing daily traffic volumes on Jamboree Road, Barranca Parkway, or Red Hill Avenue. It is estimated that during construction of the residential units included in the proposed Modified Project, an additional 12,514 vehicles, consisting of worker and hauling trips, would be added to the roadways leading to the TLSP area. Because the existing traffic volume on Jamboree Road (between 48,449 and 75,334 ADT), Barranca Parkway (between 23,247 and 34,011 ADT), and Red Hill Avenue (28,247 ADT)[1] is considerably

[1] Traffic volumes are provided in Table P of the Noise and Vibration Impact Analysis prepared for the Modified Project attached as Appendix C.

more than 12,514, construction-related vehicle trips would not approach existing daily traffic volumes and traffic noise would not increase by 3 dBA CNEL. A noise level increase of less than 3 dBA would not be perceptible to the human ear in an outdoor environment. Therefore, construction-related noise impacts associated with worker commute and equipment transport would be less than significant.

Construction Equipment Noise

Construction activities for the residential units would include site preparation, grading, building construction, paving, and architectural coatings. As such, noise generated by construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that can reach high levels when combined. Table 5.5-8 lists typical construction equipment noise levels at a distance of 50 ft between the equipment and a noise receptor, taken from the Federal Highway Administration's (FHWA) Roadway Construction Noise Model.

Table 5.5-8: Construction Reference Noise Levels

Equipment Description	Acoustical Usage Factor (%)[1]	Maximum Noise Level (Lmax) at 50 Feet[2]
Auger Drill Rig	20	84
Backhoes	40	80
Compactor (ground)	20	80
Compressor	40	80
Cranes	16	85
Dozers	40	85
Dump Trucks	40	84
Excavators	40	85
Flat Bed Trucks	40	84
Forklift	20	85
Front-end Loaders	40	80
Graders	40	85
Impact Pile Drivers	20	95
Jackhammers	20	85
Paver	50	77
Pickup Truck	40	55
Pneumatic Tools	50	85
Pumps	50	77
Rock Drills	20	85
Rollers	20	85
Scrapers	40	85
Tractors	40	84
Trencher	50	80
Welder	40	73

[1] Usage factor is the percentage of time during a construction noise operation that a piece of construction equipment is operating at full power.
[2] Maximum noise levels were developed based on Specification 721.560 from the Central Artery/Tunnel program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.
Source: Noise and Vibration Impact Analysis (see Appendix C).

The construction composite noise levels at a distance of 50 feet would range from 74 dBA Leq to 88 dBA Leq with the highest noise levels occurring during the site preparation and grading phases. In general, a doubling of distance would decrease noise levels by 6 dBA while halving the distance would increase noise levels by 6 dBA.

The details of future developments and the related construction pursuant to the proposed Modified Project are unknown. Thus, an analysis based on a typical development of a 5-acre site at the closest sensitive receptors is provided. Table 5.5-9 shows that the composite noise levels from the center of construction activities within a 5-acre site would be 73 dBA Leq, while the nearest existing offsite sensitive uses would reach 71 dBA Leq. These noise levels do not take into account intervening topography or barriers.

Table 5.5-9: Construction Noise Levels at Sensitive Receptors

Receptor (Location)	Composite Noise Level (dBA Leq) at 50 ft[1]	Distance (ft)	Composite Noise Level (dBA Leq)
Residences within 50 Feet of New Infill Sites	88	280	73
The Bowery Mixed-use Development (West of TLSP Area)		370	71

Source: Noise and Vibration Impact Analysis (see Appendix C).

These noise levels would not exceed the FTA construction noise criteria of 90 dBA during the daytime hours, as construction would occur between the hours between 7:00 am to 6:00 pm, Monday through Friday, and 5:00 pm and 9:00 am on Saturdays. Thus, impacts related to construction noise would be less than significant. This is consistent with the findings of the 2017 SEIR, and there would be no increase in the impacts previously identified.

Operation

Less than Significant with Mitigation Incorporated.

Traffic Noise Impacts

The primary source of noise associated with the operation from buildout of the Modified Project would be from vehicular trips. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. The level of traffic noise depends on three primary factors: (1) the volume of traffic; (2) the speed of traffic; and (3) the number of trucks in the flow of traffic.

The expected roadway noise level increases from vehicular traffic were calculated using the FHWA traffic noise prediction model and the average daily traffic volumes prepared for the Modified Project. As detailed in Section 5.8, *Transportation*, buildout from the Approved Project would generate an increase of 15,679 ADT, including 3,251 AM peak hour trips and 1,777 PM peak hour trips. These AM and PM peak hour increases in traffic would be distributed amongst various roadway segments and increase ambient noise.

Table 5.5-10, *Traffic Noise Levels Without and With Buildout of the Proposed Modified Project*, shows that the increase in Project-related traffic noise would be no greater than 0.9 dBA. Noise level increases less than 3 dBA are not perceptible to the human ear in an outdoor environment. Therefore, traffic noise impacts from project-related traffic on off-site sensitive receptors would be less than significant, and there would be no increase in the impacts previously identified.

Stationary Noise Impacts

The site of the new residences within the Modified Project site and adjacent offsite land uses would be potentially exposed to stationary-source noise impacts from the proposed onsite heating, ventilation, and

air conditioning (HVAC) equipment and truck deliveries and loading and unloading activities. It is expected that on-site stationary sources would meet the City of Tustin maximum noise level standards.

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

Table 5.5-10: Traffic Noise Levels Without and With Buildout of the Proposed Modified Project

Roadway Segment	Existing		Opening Year – No Project		Opening Year – With Project			Future Year – No Project		Future Year – With Project		
	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)
Walnut Ave. between Tustin Ranch Rd. and Jamboree Rd. SB.	23,157	67.4	23,634	67.5	23,788	67.5	0.0	23,873	67.5	24,028	67.5	0.0
Walnut Ave. between Jamboree Rd. SB. and Jamboree Rd. NB.	16,868	66.0	17,464	66.2	17,504	66.2	0.0	18,104	66.3	18,144	66.3	0.0
Edinger Ave. between Newport Ave. and Del Amo Ave.	24,765	66.4	28,825	67.1	29,432	67.2	0.1	36,539	68.1	37,146	68.2	0.1
Edinger Ave. between Del Amo Ave. and Red Hill Ave.	26,835	66.8	31,409	67.5	32,074	67.6	0.1	40,377	68.6	41,043	68.6	0.0
Edinger Ave. between Red Hill Ave. and Kensington Park Dr.	23,443	66.2	26,573	66.7	27,341	66.9	0.2	31,862	67.5	32,630	67.6	0.1
Edinger Ave. between Kensington Park Dr. and Jamboree Rd. SB.	22,449	66.0	23,968	66.3	24,508	66.4	0.1	27,123	66.8	27,663	66.9	0.1
Von Karman Ave. between Barranca Pkwy. and Alton Pkwy.	26,488	67.4	29,000	67.8	29,643	67.9	0.1	34,285	68.5	34,927	68.6	0.1
Edinger Ave. between Jamboree Rd. NB and Harvard Ave.	25,738	66.6	26,959	66.8	27,125	66.8	0.0	29,092	67.1	29,258	67.2	0.1
Valencia Ave. between Red Hill Ave. and Armstrong Ave.	10,156	63.5	11,327	64.0	11,703	64.1	0.1	13,015	64.6	13,391	64.7	0.1
Valencia Ave. between Armstrong Ave. and Kensington Park Dr.	11,761	64.1	13,252	64.7	13,632	64.8	0.1	15,528	65.4	15,908	65.5	0.1
Valencia Ave. between Kensington Park Dr. and Tustin Ranch Rd.	15,695	65.4	19,245	66.3	19,905	66.4	0.1	24,614	67.4	25,275	67.5	0.1
Moffett Dr. between Tustin Ranch Rd. and Park Ave.	3,238	57.7	6,892	61.0	8,459	61.9	0.9	14,721	64.3	16,288	64.7	0.4
Victory Rd. between Tustin Ranch Rd. and Park Ave.	1,904	56.0	2,078	56.4	2,332	56.9	0.5	2,452	57.1	2,705	57.5	0.4
Victory Rd. between Red Hill Ave. and Armstrong Ave.	691	51.6	4,025	59.2	4,762	60.0	0.8	11,169	63.7	11,906	63.9	0.2

Roadway Segment	Existing		Opening Year – No Project		Opening Year – With Project			Future Year – No Project		Future Year – With Project		
	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)
Warner Ave. between Red Hill Ave. and Armstrong Ave.	13,197	64.6	16,687	65.7	18,035	66.0	0.3	22,892	67.0	24,240	67.3	0.3
Warner Ave. between Armstrong Ave. and Legacy Rd.	10,960	63.8	15,231	65.3	16,713	65.7	0.4	23,209	67.1	24,691	67.4	0.3
Warner Ave. between Legacy Rd. and Tustin Ranch Rd.	7,888	62.4	8,459	62.7	8,647	62.8	0.1	9,684	63.3	9,872	63.4	0.1
Warner Ave. between Tustin Ranch Rd. and Park Ave.	16,754	65.7	18,644	66.1	19,506	66.3	0.2	22,694	67.0	23,556	67.2	0.2
Warner Ave. between Park Ave. and Jamboree Rd.	20,527	66.6	21,588	66.8	22,057	66.9	0.1	23,863	67.2	24,331	67.3	0.1
Warner Ave. between Jamboree Rd. and Harvard Ave.	17,318	65.8	17,749	65.9	18,159	66.0	0.1	18,673	66.2	19,082	66.2	0.0
Park Ave. between Tustin Ranch Rd. and The District	12,147	64.0	13,361	64.4	13,844	64.6	0.2	14,790	64.9	15,272	65.0	0.1
Barranca Pkwy. between Red Hill Ave. and Aston St.	30,169	66.9	32,224	67.2	32,375	67.2	0.0	35,847	67.7	35,998	67.7	0.0
Barranca Pkwy. between Aston St. and Armstrong Ave.	29,137	66.8	30,226	66.9	30,401	66.9	0.0	31,779	67.1	31,954	67.2	0.1
Barranca Pkwy. between Armstrong Ave. and Von Karman Ave.	30,950	67.0	31,785	67.1	31,926	67.1	0.0	32,795	67.3	32,936	67.3	0.0
Barranca Pkwy. between Von Karman Ave. and The District	28,240	66.6	30,063	66.9	30,124	66.9	0.0	33,189	67.3	33,250	67.3	0.0
Barranca Pkwy. between The District and Jamboree Rd.	34,011	67.4	36,360	67.7	36,799	67.8	0.1	41,395	68.3	41,834	68.3	0.0
Barranca Pkwy. between Jamboree Rd. and Harvard Ave.	23,247	65.8	24,050	65.9	24,126	65.9	0.0	25,772	66.2	25,847	66.2	0.0
Alton Pkwy. between Red Hill Ave. and Von Karman Ave.	13,451	64.2	14,783	64.6	14,861	64.7	0.1	17,538	65.4	17,617	65.4	0.0
Alton Pkwy. between Von Karman Ave. and Jamboree Rd.	14,902	64.7	15,355	64.8	15,360	64.8	0.0	16,327	65.1	16,332	65.1	0.0

Roadway Segment	Existing		Opening Year – No Project		Opening Year – With Project			Future Year – No Project		Future Year – With Project		
	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)
Alton Pkwy. between Jamboree Rd. and Harvard Ave.	15,998	65.0	16,666	65.2	16,838	65.2	0.0	17,999	65.5	18,171	65.5	0.0
Red Hill Ave. between Edinger Ave. and Valencia Rd.	21,703	66.3	22,781	66.5	22,965	66.5	0.0	24,358	66.8	24,542	66.8	0.0
Red Hill Ave. between Valencia Rd. and Victory Rd.	23,835	66.7	25,955	67.1	26,753	67.2	0.1	28,946	67.6	29,745	67.7	0.1
Red Hill Ave. between Victory Rd. and Warner Ave.	24,191	66.8	25,374	67.0	25,577	67.0	0.0	26,502	67.2	26,705	67.2	0.0
Red Hill Ave. between Warner Ave. and Carnegie Ave.	23,020	66.6	24,461	66.8	25,014	66.9	0.1	27,098	67.3	27,651	67.4	0.1
Red Hill Ave. between Carnegie Ave. and Barranca Pkwy.	24,300	66.8	25,972	67.1	26,449	67.2	0.1	29,455	67.6	29,933	67.7	0.1
Red Hill Ave. between Barranca Pkwy. and Alton Pkwy.	27,510	67.3	28,434	67.5	28,684	67.5	0.0	30,317	67.8	30,566	67.8	0.0
Armstrong Ave. between Valencia Ave. and Victory Rd.	2,951	58.1	3,836	59.3	3,915	59.4	0.1	5,635	61.0	5,714	61.0	0.0
Armstrong Ave. between Victory Rd. and Warner Ave.	3,210	58.5	4,748	60.2	4,840	60.3	0.1	7,946	62.4	8,037	62.5	0.1
Armstrong Ave. between Warner Ave. and Barranca Pkwy.	4,747	60.2	6,575	61.6	6,783	61.8	0.2	10,493	63.7	10,701	63.7	0.0
Kensington Park Dr. between Edinger Ave. and Valencia Ave.	7,057	61.7	8,497	62.5	8,858	62.7	0.2	10,263	63.3	10,623	63.4	0.1
Tustin Ranch Rd. between Walnut Ave. and Valencia Ave.	33,978	68.0	38,619	68.6	40,145	68.7	0.1	46,230	69.4	47,756	69.5	0.1
Legacy Rd. between Warner Ave. and Tustin Ranch Rd.	3,278	58.3	4,733	59.9	5,569	60.6	0.7	6,676	61.4	7,512	61.9	0.5
Tustin Ranch Rd. between Valencia Ave. and Moffett Dr.	30,381	67.5	32,935	67.9	34,089	68.0	0.1	38,311	68.5	39,464	68.7	0.2
Tustin Ranch Rd. between Moffett Dr. and Victory Rd.	28,663	67.3	31,371	67.7	32,783	67.9	0.2	37,076	68.4	38,487	68.6	0.2

Roadway Segment	Existing		Opening Year – No Project		Opening Year – With Project			Future Year – No Project		Future Year – With Project		
	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)
Tustin Ranch Rd. between Victory Rd. and Warner Av N.	28,485	67.3	30,770	67.6	31,755	67.7	0.1	35,567	68.2	36,552	68.3	0.1
Tustin Ranch Rd. between Warner Ave. N. and Warner Ave. S.	27,493	67.1	29,169	67.4	29,796	67.5	0.1	32,662	67.8	33,289	67.9	0.1
Tustin Ranch Rd. between Warner Ave. S. and Legacy Rd.	20,813	65.9	21,739	66.1	22,123	66.2	0.1	23,623	66.4	24,008	66.5	0.1
Tustin Ranch Rd. between Legacy Rd. and Barranca Pkwy.	23,676	66.5	26,744	67.0	27,581	67.1	0.1	33,220	67.9	34,057	68.0	0.1
The District between Park Ave. and Barranca Pkwy.	8,936	62.7	9,842	63.1	10,375	63.3	0.2	11,003	63.6	11,536	63.8	0.2
Park Ave. between Moffett Dr. and Victory Rd.	1,017	53.3	2,064	56.3	2,520	57.2	0.9	4,308	59.5	4,764	60.0	0.5
Park Ave. between Victory Rd. and Jamboree Rd.	2,996	57.9	3,819	59.0	4,183	59.4	0.4	5,582	60.6	5,947	60.9	0.3
Park Ave. between Jamboree Rd. and Warner Ave.	8,584	62.5	9,991	63.2	10,338	63.3	0.1	13,007	64.3	13,354	64.4	0.1
Park Ave. between Warner Ave. and The District	9,358	62.9	9,977	63.2	10,242	63.3	0.1	11,304	63.7	11,569	63.8	0.1
Jamboree Rd. between Barranca Pkwy. and Alton Pkwy.	48,449	69.1	49,440	69.2	49,964	69.3	0.1	51,562	69.4	52,087	69.5	0.1
Jamboree Rd. between Walnut Ave. and Edinger Ave.	75,334	71.1	76,477	71.1	76,602	71.1	0.0	78,343	71.2	78,469	71.2	0.0
Jamboree Rd. between Edinger Ave. and Warner Ave.	74,989	71.0	75,560	71.1	75,708	71.1	0.0	76,784	71.1	76,931	71.2	0.1
Jamboree Rd. between Warner Ave. and Barranca Pkwy.	59,053	70.0	59,405	70.0	59,577	70.0	0.0	60,160	70.1	60,331	70.1	0.0
Harvard Ave. between Walnut Ave. and Edinger Ave.	7,335	62.1	8,264	62.6	8,359	62.7	0.1	10,256	63.6	10,350	63.6	0.0
Harvard Ave. between Edinger Ave. and Moffett Dr.	5,656	61.0	6,515	61.6	6,619	61.7	0.1	7,903	62.4	8,006	62.5	0.1

Roadway Segment	Existing		Opening Year – No Project		Opening Year – With Project			Future Year – No Project		Future Year – With Project		
	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)
Harvard Ave. between Moffett Dr. and Warner Ave.	11,063	63.9	11,896	64.2	11,970	64.2	0.0	13,227	64.7	13,300	64.7	0.0
Harvard Ave. between Warner Ave. and Barranca Pkwy.	13,193	64.6	13,606	64.8	13,669	64.8	0.0	14,063	64.9	14,126	64.9	0.0
Harvard Ave. between Barranca Pkwy. and Alton Pkwy.	16,038	65.5	16,265	65.6	16,312	65.6	0.0	16,344	65.6	16,392	65.6	0.0
Walnut Ave. between Jamboree Rd. NB and Harvard Ave.	18,677	66.4	19,945	66.7	20,011	66.7	0.0	22,076	67.2	22,142	67.2	0.0
Red Hill Ave. between Sycamore Ave. and Edinger Ave.	28,247	67.4	28,695	67.5	28,935	67.6	0.1	29,510	67.6	29,750	67.7	0.1
Edinger Ave. between Auto Mall Dr. and Newport Ave.	36,326	68.1	42,128	68.7	42,702	68.8	0.1	48,296	69.3	48,869	69.4	0.1
SR-55 between Edinger Ave. and Barranca Pkwy.	268,324	83.4	277,669	83.6	277,763	83.6	0.0	294,346	83.8	294,440	83.8	0.0
Newport Ave. between Edinger Ave. and SR-55 NB Ramp	13,871	64.6	18,081	65.8	18,411	65.8	0.0	21,821	66.6	22,152	66.6	0.0
Newport Ave. between SR-55 NB Ramp and Valencia Ave.	10,183	63.3	12,976	64.3	13,805	64.6	0.3	15,145	65.0	15,974	65.2	0.2
Del Amo Ave. between Newport Ave. and Edinger Ave.	5,374	60.5	5,753	60.8	5,812	60.8	0.0	6,412	61.3	6,470	61.3	0.0
Valencia Ave. between Newport Ave. and Red Hill Ave.	7,706	62.0	9,283	62.9	10,141	63.2	0.3	12,663	64.2	13,521	64.5	0.3
Warner Ave. between Grand Ave. and Red Hill Ave.	19,580	66.1	22,860	66.8	23,505	66.9	0.1	27,660	67.6	28,305	67.7	0.1
Dyer Rd. between Red Hill Ave. and Pullman St.	30,625	68.0	32,663	68.3	33,040	68.4	0.1	36,251	68.8	36,627	68.8	0.0
Moffett Dr. between Harvard Ave. and Park Ave.	3,163	57.3	5,965	60.1	7,251	60.9	0.8	11,971	63.1	13,256	63.5	0.4
Jamboree Rd SB Ramp between Park Ave. and Jamboree Rd. SB.	7,276	60.4	7,746	60.6	8,006	60.8	0.2	8,752	61.2	9,012	61.3	0.1

Roadway Segment	Existing		Opening Year – No Project		Opening Year – With Project			Future Year – No Project		Future Year – With Project		
	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 ft from Centerline of Nearest Lane	Increase from Baseline Conditions (dBA)
Jamboree Rd NB Ramp between Warner Ave. and Jamboree Rd. NB.	10,198	61.8	10,397	61.9	10,585	62.0	0.1	10,824	62.1	11,012	62.2	0.1

ADT = average daily traffic
CNEL= Community Noise Equivalent Level
dBA = A-weighted decibels
Source: Noise and Vibration Impact Analysis (see Appendix C)

IMPACT NOI-2: MODIFIED PROJECT WOULD NOT RESULT IN GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.

Less than Significant Impact.

Construction

Construction activities for future development of the proposed residential units included in the Modified Project would include excavation, and grading activities, which have the potential to generate low levels of groundborne vibration. People working in close proximity to the construction could be exposed to the generation of excessive groundborne vibration or groundborne noise levels related to construction activities. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Site ground vibrations from construction activities very rarely reach the levels that can damage structures, but they can be perceived in the audible range and be felt in buildings very close to a construction site.

Based on the reference vibration levels provided by the FTA, a large bulldozer represents the peak source of vibration out of all construction activity and equipment needed with a reference velocity of 0.089 in/sec peak particle velocity (PPV) or 87 vibration velocity decibels (VdB) of ground-borne vibration when measured at 25 feet as shown in Table 5.5-11.

Table 5.5-11: Vibration Source Levels for Construction Equipment

Equipment	Reference PPV/Lv at 25 feet	
	Peak Particle Velocity (inches/second)	Approximate Vibration Level (Lv) (VdB) at 25 feet
Pile Driver (Impact), Typical	0.644	104
Pile Driver (Sonic), Typical	0.170	93
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large Bulldozer[2]	**0.089**	**87**
Caisson Drilling	0.089	87
Loaded Trucks[2]	**0.076**	**86**
Jackhammer	0.035	79
Small Bulldozer	0.003	58

[1] RMS vibration velocity in decibels (VdB) is 1 µin/sec.
[2] Equipment shown in bold is expected to be used on site.
µin/sec = microinches per second; ft = foot/feet; in/sec = inch/inches per second; LV = velocity in decibels; PPV = peak particle velocity; RMS = root-mean-square; VdB = vibration velocity decibels
Source: Noise and Vibration Impact Analysis (see Appendix C)

A significant vibration impact related to annoyance would be a vibration level of 78 VdB at residential uses, and a building damage impact could occur if construction activities of the future buildout generate vibration levels which exceed the FTA guidelines vibration threshold of 0.2 PPV in/sec at receiver locations. The primary source of vibration during future construction would be the operation of a bulldozer. As shown on Table 5.5-11, a large bulldozer would create a vibration level of 0.089 inch per second PPV at 25 feet.

As shown on Table 5.5-12, the vibration levels at the closest sensitive receptors from the center of construction activities of a typical 5-acre site would be 56 VdB, which is below the 78 VdB threshold for annoyance. Therefore, annoyance impacts related to temporary construction vibration would be less than significant.

Table 5.5-12: Construction Vibration Annoyance Levels at Nearest Receptors

Receptor (Location)	Reference Vibration Level (VdB) at 25 ft[1]	Distance (ft) [2]	Vibration Level (VdB)
Residences within 50 Feet of New Infill Sites	87	280	56
The Bowery Mixed-use Development (West of TLSP Area)		370	52

[1] The reference vibration level is associated with a large bulldozer, which is expected to be representative of the heavy equipment used during construction.
[2] The reference distance is associated with average condition, identified by the distance from the center of construction activities to surrounding structures.
ft = foot/feet
PPV = peak particle velocity
Source: Noise and Vibration Impact Analysis (see Appendix C).

Additionally, as shown on Table 5.5-13, the vibration level at the nearest structures would be 0.031 inch per second PPV at buildings 50 feet from the new infill development sites and 0.007 inch per second PPV at the closest existing offsite sensitive receptors, which is below the FTA vibration threshold of 0.2 PPV inch per second. Therefore, impacts related to building damage during temporary construction vibration would be less than significant.

Table 5.5-13: Construction Vibration Damage Potential at Nearest Receptors

Receptor (Location)	Reference Vibration Level (PPV) at 25 ft[1]	Distance (ft)[2]	Vibration Level (PPV)
Residences within 50 Feet of New Infill Sites	0.089	50	0.031
The Bowery Mixed-use Development (West of TLSP Area)		140	0.007

[1] The reference vibration level is associated with a large bulldozer, which is expected to be representative of the heavy equipment used during construction.
[2] The reference distance is associated with the peak condition, identified by the distance from the perimeter of construction activities to surrounding structures.
ft = foot/feet
PPV = peak particle velocity
Source: Noise and Vibration Impact Analysis (see Appendix C).

Further, because construction activities are allowed only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays with no activity allowed on Sundays and City-observed federal holidays pursuant to Tustin City Code Chapter 6, Section 4616, vibration impacts would not occur during the more sensitive nighttime hours. Therefore, impacts related to construction vibration would be less than significant, and there would be no increase in the impacts previously identified.

Operation

As described previously, no development is proposed as part of the Modified Project, thus the following analysis considers the future development of residential units associated with buildout of the proposed Modified Project.

Potential vibration impacts associated with the operations of the Modified Project after buildout would be from vehicular traffic such as heavy trucks for residents moving in and out of the units, product deliveries to retail and restaurant uses, and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. However, vibration levels generated from

Project-related traffic on the adjacent roadways by on-road vehicles would not be excessive because the rubber tires and suspension systems of on-road vehicles provide vibration isolation. The residential development contemplated by Modified Project would not generate a considerable level of heavy truck traffic or any other source of vibration. Thus, operational vibration impacts would be less than significant, and there would be no increase in the impacts previously identified.

IMPACT NOI-3: MODIFIED PROJECT WOULD NOT, FOR A PROJECT LOCATED WITHIN THE VICINITY OF A PRIVATE AIRSTRIP OR AN AIRPORT LAND USE PLAN, OR WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, EXPOSE PEOPLE RESIDING OR WORKING IN MODIFIED PROJECT AREA TO EXCESSIVE NOISE LEVELS.

Less than Significant. Modified Project site is located approximately 1.5 miles northeast of John Wayne Airport. According to Figure 5.5-2, *Airport Noise Contours,* of the John Wayne Airport AELUP, the Modified Project site is not located within the 65 dBA CNEL noise contours (OC Airport Land Use Commission, 2008). No other airports exist within the vicinity of Modified Project. Thus, implementation and development of Modified Project would not result in a safety hazard or exposure to excessive noise for people residing or working in the area, and impacts would be less than significant. There would be no increase in the impacts previously identified.

5.5.7 CUMULATIVE IMPACTS

Cumulative noise assessment considers development of the Modified Project in combination with ambient growth and other development projects within the vicinity of Modified Project area. As noise is a localized phenomenon, and drastically reduces in magnitude as distance from the source increases, only projects and ambient growth in the nearby area could combine with the Modified Project to result in cumulative noise impacts.

Future development of the Modified Project in combination with the related projects would result in an increase in construction-related and traffic-related noise. However, Tustin City Code Chapter 6, Section 4616 requires construction activities to not occur between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, between 5:00 p.m. and 9:00 a.m. on Saturdays, or anytime on Sunday or City-observed federal holidays. Also, construction noise and vibration are localized in nature and decrease substantially with distance. Consequently, in order to achieve a substantial cumulative increase in construction noise and vibration levels, more than one source emitting high levels of construction noise would need to be in close proximity to construction of the future buildout.

Table 5-1, *Cumulative Projects List*, in Section 5, *Environmental Impact Analysis*, lists the cumulative projects and provides their location. The list includes five projects within the City of Santa Ana, fourteen projects within the City of Tustin, and two projects within the City of Irvine. As shown on Figure 5-1, *Cumulative Projects*, one project is located within the Modified Project area (T-2) and one cumulative project is to the east of the Modified Project area (T-3) and could be within hearing distance of future development pursuant to the Modified Project. Cumulative Project No. T-2 proposes 114 single-family residences and 293 multi-family residences that would be consistent with the proposed Modified Project, and not result in a cumulatively considerable noise impact. In addition, cumulative project T-3 consists of a preschool; and other nearby cumulative projects include community college buildings and office buildings, which are consistent with the noise generated by residential uses and would not result in cumulatively considerable increases in ambient noise.

Cumulative construction could result in the exposure of people to the generation of excessive groundborne vibration and noise increases. Although, the timing of future construction activities under the proposed

Modified Project are currently unknown, construction activities for cumulative projects would be reviewed for the potential to result in impacts and be conditioned under typical construction permitting to ensure that impacts would not occur and that adherence to the Municipal Code would occur. Thus, cumulative noise and vibration impacts associated with construction activities would be less than significant.

Cumulative mobile source noise impacts would occur primarily as a result of increased traffic on local roadways due to the Modified Project and related projects within the study area. Therefore, cumulative traffic-generated noise impacts have been assessed based on the contribution of the Modified Project traffic volumes on the roadways in Modified Project vicinity. The increase in noise levels associated with the traffic volumes of the Modified Project were previously identified. As detailed, buildout of the Modified Project would result in noise levels much lower than the 3 dBA threshold. Therefore, Modified Project would not result in a cumulatively considerable impact when combined with existing and future development. Cumulative impacts would be less than significant.

5.5.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- California Code of Regulations, Title 24
- Tustin City Code Section 6-4614 and 6-4615
- City of Irvine Municipal Code Section 6-8-204

Plans, Programs, or Policies

- City of Tustin General Plan Noise Element
- **PPP NOI-1:** Construction Hours. Construction shall comply with Tustin City Code Section 4616, which allows construction activities 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.

5.5.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Prior to mitigation, Impact NOI-1 would be potentially significant without mitigation. With compliance with existing regulations, Impact NOI-2 would be less than significant. No impact would occur related to Impact NOI-3.

5.5.10 MITIGATION MEASURES

2017 SEIR Mitigation Measures Applicable to the Modified Project

2017 SEIR MM N-3: For new development within the reuse area, the City of Tustin and City of Irvine, as applicable shall ensure that interior and exterior noise levels do not exceed those prescribed by state requirements and local city ordinances and general plans. Plans demonstrating noise regulation conformity shall be submitted for review and approval prior to building permits being issued to accommodate reuse.

Proposed Specific Plan Amendment Project Mitigation Measures

None.

5.5.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impact NOI-1 would be less than significant after mitigation.

This is consistent with the findings identified in the FEIS/EIR and the 2017 SEIR for the Adopted Specific Plan. Pursuant to Public Resources Code § 21166 and CEQA Guidelines § 15162, the changes proposed by the proposed Modified Project after incorporation of mitigation measures would not result in any new impacts, or increase the severity of impacts, with respect to noise impacts.

5.5.12 REFERENCES

Airport Land Use Commission for Orange County. (2008, April). *Airport Land Use Commission*. Retrieved from John Wayne Airport Orange County: https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/

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City of Tustin. (2024). *Chapter 6, Noise Control*. Retrieved from City of Tustin Municipal Code: https://library.municode.com/ca/tustin/codes/code_of_ordinances?nodeId=ART4HESA_CH6NOCO_4617EX

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5.6 Population and Housing

5.6.1 INTRODUCTION

This section examines the existing population, housing, and employment conditions in the City of Tustin, and assesses the Modified Project's potential impacts related to unplanned direct and indirect growth. The demographic data and analysis presented in this section is based, in part, on the following resources:

- *Tustin Legacy Specific Plan Amendment*, as amended in 2017
- *City of Tustin General Plan (including 2021-2029 Housing Element),* adopted November 2018, updated October 2022
- Tustin City Code
- *E-5 City/County Population and Housing Estimates, 1/1/2023*, California Department of Finance (DOF)
- *Demographics and Growth Forecast,* 2024, Southern California Association of Governments (SCAG)

Although evaluation of population, housing, and employment typically involves economic and social, rather than physical environmental issues, population, housing, and employment growth are often precursors to physical environmental impacts. According to Section 15382 of the CEQA Guidelines, "[a]n economic or social change by itself shall not be considered a significant impact on the environment." Socioeconomic characteristics should be considered in an EIR only to the extent that they create adverse impacts on the physical environment.

5.6.2 REGULATORY SETTING

5.6.2.1 Federal Regulations

No federal laws, regulations, or executive orders apply to this Project.

5.6.2.2 State Regulations

California Housing Element Law

California Planning and Zoning Law requires each city and county to adopt a general plan to guide future growth (California Government Code Section 65300). Among other things, the general plan must include a housing element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. At the State level, the California Department of Housing and Community Development (HCD) estimates the relative share of California's projected population growth that would occur in each county based on California Department of Finance (DOF) population projections and historical growth trends. These figures are compiled by HCD in a Regional Housing Needs Assessment (RHNA) for each region of California. Where there is a regional council of governments, HCD provides the RHNA to the council. Such is the case for the City of Tustin, which is a member of the Southern California Association of Governments (SCAG). The council, in this case SCAG, then assigns a share of the regional housing need to each of its cities and counties. The HCD oversees the process to ensure that the council of governments distributes its share of the State's projected housing need.

Regional Housing Needs Allocation

The RHNA is mandated by State housing law as part of the periodic process of updating housing elements of local general plans. State law requires that housing elements identify RHNA targets set by HCD to

encourage each jurisdiction in the state to provide its fair share of very low-, low-, moderate-, and upper-income housing. The RHNA provides a long-term outline for housing within the context of local and regional trends and housing production goals.

SCAG determines total housing need for each city and county in Southern California based on three general factors: 1) the number of housing units needed to accommodate future population and employment growth; 2) the number of additional units needed to allow for housing vacancies; and 3) the number of very low, low, moderate, and above-moderate income households needed. All cities and counties are required to ensure that sufficient sites are planned and zoned for housing, such that area would be available to accommodate the projected housing needs, and to implement proactive programs that facilitate and encourage the production of housing commensurate with its housing needs.

The planning period for the 6th Cycle RHNA as prepared by SCAG is an eight-year period from June 30, 2021, to October 15, 2029. The 6th Cycle RHNA allocated 6,278 housing units to the City of Tustin. The income breakdown of the required housing units is provided in Table 5.6-1.

Table 5.6-1: City of Tustin RHNA by Income Level

Income Level Category	Number of Housing Units	Percent of Total
Very Low (< 50% of AMI)	1,724	25%
Low (50% to 80% of AMI)	1,046	15%
Moderate (80% to 120% of AMI)	1,132	17%
Above Moderate (> 120% of AMI)	2,880	42%
Total	**6,782**	**100%**

Notes: AMI = Area Median Income
Source: (Southern California Associated of Governments, 2021)

SCAG Regional Transportation Plan/Sustainable Communities Strategy

On April 4, 2024, SCAG adopted "Connect SoCal," the 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Connect SoCal integrates transportation planning with economic development and sustainability planning to comply with State greenhouse gas (GHG) emissions reduction goals, such as Senate Bill 375. The RTP/SCS is updated every four years as required by federal and State regulations.

According to the RTP/SCS, by 2050, the population of Southern California is projected to increase by two million people, with an increase of 1.6 million housing units, and 1.3 million jobs. However, growth is not expected to be uniform across the region's counties or cities. During that time, transportation infrastructure will need to substantially expand while also meeting the GHG emissions-reduction targets set by the California Air Resources Board.

SCAG is empowered by State law to assess regional housing needs and provide a specific allocation of housing needs for all economic segments of the community for each of the region's counties and cities. The determination of each city's and county's share of regional housing needs that is required by law to be reflected in municipal general plan housing elements is based on the growth projections of the RTP/SCS.

SCAG Regional Growth Projections

SCAG is responsible for producing socioeconomic forecasts and developing, refining, and maintaining macro and small-scale forecasting models. The forecasts are developed in five-year increments. The current SCAG projections are provided through the year 2045. Consistency with the growth forecast, at the sub-regional

level, is one criterion that SCAG uses in exercising its federal mandate to review "regionally significant" development projects for conformity with regional plans.

SCAG Connect SoCal projects that the number of local employment opportunities in the City of Tustin will increase from 51,700 in 2019 to 71,300 in 2050. Additionally, SCAG projects the City's housing units will increase from 27,000 in 2019 to 34,000 in 2050 (Southern California Association of Governments, 2024).

5.6.2.3 Local and Regional Regulations

General Plan

The following goals and policies from the City's 2021-2029 Housing Element are relevant to the Modified Project.

Goal 1 **Provision of an adequate supply of housing to meet the need for a variety of housing types and the diverse socio-economic needs of all community residents commensurate with the City's identified housing needs in the RHNA allocation.**

Policy 1.1 **Variety of Housing Choices.** Provide site opportunities inventory of vacant and underutilized land for development of housing that responds to diverse community needs in terms of housing type, cost and location, emphasizing locations near services and transit.

Policy 1.3 **Regulatory Incentives.** Support the use of regulatory incentives, such as density bonuses and deferment of impact fees, to offset the costs of affordable housing while ensuring that potential impacts are addressed.

Policy 1.5 **Smart Growth Principles.** Encourage infill development or site redevelopment within feasible development sites for homeownership and rental units through the implementation of smart growth principles, allowing for the construction of higher density housing, affordable housing, and mixed-use development (the vertical and horizontal integration of commercial and residential uses) in proximity to employment opportunities, community facilities and services, and amenities.

5.6.3 ENVIRONMENTAL SETTING

5.6.3.1 Population

The SCAG estimates that the City of Tustin had a population of 80,400 persons in 2019 and estimates that the City's population will increase to 93,317 in 2050, which is a 16.1 percent increase.[1] In comparison, the SCAG projects the County of Orange will have a 7.8 percent increase in population between 2019 and 2050, as shown on Table 5.6-2.

Table 5.6-2: City and County Existing and Projected Population, 2019-2050

Year	City of Tustin Population	County of Orange Population
2019	80,400	3,191,000
2050	93,317	3,439,000

[1]The 2050 population estimate was derived using the methodology presented in Section 4.5 of the SCAG Demographics & Growth Forecast which states an estimate of the future City-level population based on Connect SoCal's household forecast can be derived using a county-level Population: Housing ratio from TABLE 12 [of the SCAG document] and applying it to the City's future household growth (Southern California Association of Governments, 2024).

Year	City of Tustin Population	County of Orange Population
Projected Change	+12,919	+248,000
Projected Percent Change	+16.1	+7.8

Source: (Southern California Association of Governments, 2024)

5.6.3.2 Housing

The California DOF estimates that the City of Tustin contained 28,405 housing units in 2023. The housing types in the City of Tustin compared to those in the entire County are provided in Table 5.6-3. As shown, the County has a higher percentage of detached single-family housing units and a lower percentage of single-family attached and multi-family housing units than the City. In addition, the California DOF details that the City had an average household size of 2.88 persons per household. In comparison, the County had an average household size of 2.83 persons per household (California Department of Finance, 2023).

Table 5.6-3: City and County Housing Estimates by Type 2023

	City of Tustin Housing Units		County of Orange Housing Units	
Unit Type	**Number**	**Percent**	**Number**	**Percent**
Single-family detached	9,910	34.9%	570,763	49.6%
Single-family attached	3,944	13.9%	143,166	12.4%
Multi-family (2-4 units)	3,956	13.9%	94,541	8.2%
Multi-family (5+ units)	9,731	34.3%	309,290	26.9%
Mobile Homes	864	3.0%	32,183	2.8%
Total	28,405	100%	1,149,943	100%

Source: (California Department of Finance, 2023)

The California DOF population and housing estimates for 2023 detail that the City of Tustin has a vacancy rate of 3.4 percent. In comparison, the vacancy rate Countywide is higher at 5.1 percent (California Department of Finance, 2023).

As shown in Table 5.6-4, SCAG estimates that between 2019 and 2050, the number of housing units in the City will increase by 25.9 percent while the number of housing units in the County will increase by 17.2 percent.

Table 5.6-4: City and County Existing and Projected Housing Units, 2019-2050

Year	City of Tustin Housing Units	County of Orange Housing Units
2019	27,000	1,069,000
2050	34,000	1,253,000
Projected Change 2019-2050	7,000	184,000
Projected Percent Change 2019-2050	25.9	17.2

Source: (Southern California Association of Governments, 2024)

5.6.3.3 Employment

The City of Tustin is estimated to contain 51,700 employment opportunities as of 2019. The SCAG regional growth projections anticipate the number of jobs in the City of Tustin to increase by 37.9 percent to 71,300 jobs in the year 2050. In comparison, the County is projected to see an 11.9 percent increase in the number of jobs by 2050, as shown in Table 5.6-5.

Table 5.6-5: City and County Existing and Projected Employment, 2019-2050

Year	City of Tustin Employment	County of Orange Employment
2019	51,700	1,805,000
2050	71,300	2,019,000
Projected Change 2019-2050	19,600	214,000
Projected Percent Change 2019-2050	37.9	11.9

Source: (Southern California Association of Governments, 2024)

The SCAG 2019 Local Profile for Tustin identifies that 7.3 percent of Tustin residents work and live in the City, while 92.7 percent commute to other places (Southern California Association of Governments, 2019). Of the commuters residing in Tustin, the largest percentage commute to the City of Irvine (18.6 percent), Santa Ana (10.4 percent), Anaheim (5.5 percent), and Orange (5.2 percent).

Jobs – Housing Ratio

The jobs-housing ratio is a general measure of the total number of jobs and housing units in a defined geographic area, without regard to economic constraints or individual preferences. SCAG applies the jobs-housing ratio at the regional and subregional levels to analyze the fit between jobs, housing, and infrastructure. A major focus of SCAG's regional planning efforts has been to improve this balance. SCAG defines the jobs-housing balance as follows:

> *Jobs and housing are in balance when an area has enough employment opportunities for most of the people who live there and enough housing opportunities for most of the people who work there. The region as a whole is, by definition, balanced…. Job-rich subregions have ratios greater than the regional average; housing-rich subregions have ratios lower than the regional average. Ideally, job-housing balance would… assure not only a numerical match of jobs and housing but also an economic match in type of jobs and housing.*

There is no ideal ratio adopted in State, regional, or city policies. However, the American Planning Association recommends a target ratio of 1.5 jobs per housing unit; communities with more than 1.5 jobs per dwelling unit are considered "jobs rich;" those with fewer than 1.5 are "housing rich," meaning that more housing is provided than employment opportunities in the area (Weitz, 2003). A job-housing imbalance can indicate potential air quality and traffic problems associated with commuting. Table 5.6-6 provides the projected jobs-to-housing ratios for the City, based on SCAG's 2024-2050 RTP/SCS.

Table 5.6-6: Jobs – Housing Trends in the City of Tustin

	Employment in 2019	Number of Dwelling Units in 2019	2019 Jobs to Housing Ratio	Employment in 2050	Number of Dwelling Units in 2050	2050 Jobs to Housing Ratio
City of Tustin	51,700	27,000	1.91	71,300	34,000	2.1
County of Orange	1,805,000	1,069,000	1.67	2,019,000	1,253,000	1.61

Source: (Southern California Association of Governments, 2024)

As shown on Table 5.6-6, the projected 2050 jobs-to-housing ratios for the City of Tustin and Orange County are 2.1 and 1.61, respectively. This indicates that both the City of Tustin and Orange County are anticipated to be jobs-rich, similar to the 2019 data. Therefore, it is possible that people employed in the City of Tustin are commuting from elsewhere.

5.6.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

POP-1 Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

POP-2 Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The Initial Study (Appendix A) established that the Modified Project would not result in impacts related to Threshold POP-2; therefore, no further assessment of this threshold is required in this Draft SEIR.

5.6.5 METHODOLOGY

CEQA Guidelines Section 15064(e) states that a social or economic change generally is not considered a significant effect on the environment unless the changes can be directly linked to a physical adverse change. Additionally, CEQA Guidelines Appendix G indicates that a project could have a significant effect if it would induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure). Therefore, population impacts are considered potentially significant if growth associated with the Modified Project would exceed projections for the area and if such an exceedance would have the potential to create a significant adverse physical change to the environment.

The methodology used to determine population, housing, and employment impacts began with data collection regarding existing population and housing trends, which was obtained from the U.S. Census, state of California DOF, and SCAG. Population and household data was derived from the 2023 DOF Estimates, as this was the available dataset at the time the NOP was released. The DOF benchmarked all 2023 population and housing estimates to the 2020 decennial census. SCAG projections were used to analyze long term population, household, and employment growth. U.S. Census data was used to capture the current employment statistics in the City of Tustin. If projected growth with the Project would exceed growth projections for the City and could create a significant change to the environment, the resulting growth would be considered "substantial," and a significant impact would result.

5.6.6 ENVIRONMENTAL IMPACTS

Summary of Previous Environmental

The certified FEIS/EIR found that development of the Adopted Specific Plan would have resulted in a total population of 12,514, (10,900 in Tustin), resulting in a net population increase of approximately 9,350 persons. The FEIS/EIR analyzed the demolition of the barracks units and conversion to civilian use. Buildout of the Adopted Specific Plan allowed 4,601 residential units, including the 1,537 converted or replaced units. In addition, the FEIS/EIR found that buildout would have resulted in about 24,500 net new jobs, or a net increase of approximately 24,500 jobs. In addition, the Project was expected to generate 15,081 indirect jobs. The FEIS/EIR concluded that the increase in population, housing, and employment due to the implementation of the Adopted Specific Plan was a beneficial impact because it would fulfill an identified shortfall in housing and meet the goals of the Project to generate jobs.

The FEIS/EIR determined that there would be no adverse impact related to the jobs/housing balance. It was determined that the majority of new jobs would be filled by existing residents within Orange County, and

enough new housing would be provided for employees residing outside of the County. No significant impact was identified.

The 2006 Addendum updated the demographic data and growth projections for the City of Tustin and County of Orange using the 2004 Orange County Projections (Center for Demographics Research, 2004). The OCP 2004 projections include buildout projections assumed for the Adopted Specific Plan. The changes in projections showed an increase in population and employment in Tustin with a slightly lower housing stock, indicating a larger household size.

The 2006 Addendum determined that there would be a reduction of 879 employees and an increase of 21 residential units and 24 residents. The 2006 Addendum determined that these small changes in employment, housing, and population would not result in any new significant impacts. Further, the Project would have a similar impact on the jobs/housing balance countywide.

The 2017 TLSP SPA was anticipated to result in the construction of 6,813 residential units and 9,532,419 square feet of nonresidential building space. The 2017 TLSP SPA was therefore found to result in an overall increase of 2,212 dwelling units and a decrease of 1,755,306 square feet of building space. The 2017 SEIR determined that buildout of the 2017 TLSP SPA would increase the Project area's population by an estimated 6,526 additional residents compared to the Adopted Specific Plan, which was estimated to generate 9,374 residents. This represents an increase of 69.6 percent increase from the Adopted Specific Plan. The additional 6,526 residents that would be generated in Tustin upon buildout of the Modified Project would exceed the amount of growth anticipated to occur in the City by regional projections: 4,616 more residents than CDR projections for 2035, 4,394 more residents than SCAG's projection for 2035, and 4,494 more residents than SCAG's projection for 2040. Furthermore, additional residents generated by the Modified Project compared to those generated by the Adopted TLSP would represent 79.5 percent of the population growth anticipated for buildout of the City by the Tustin General Plan. Based on all three of these metrics, the Modified Project would induce substantial growth in the area beyond that studied in the Certified EIR. However, Orange County remains a jobs-rich region, and housing proposed by the Modified Project would result in a beneficial impact to the region related to the balance of jobs and housing. The 2017 SEIR also determined that buildout of the 2017 TLSP SPA would result in a jobs-housing ratio of 2.76 (18,802 total jobs). Although both scenarios are exceptionally jobs-rich, the 2017 TLSP SPA was found to be substantially more balanced than the Adopted TLSP, which had a jobs-housing ratio of 5.11 (23,621 total jobs). The 2017 SEIR determined that the comparatively more housing-rich 2017 TLSP SPA is consistent with SCAG's intent to place more housing in jobs-rich portions of Orange County, which is jobs-rich. Implementation of the 2017 TLSP SPA was found to result in a less-than-significant impact relating to population growth.

IMPACT POP-1: THE PROJECT WOULD NOT INDUCE SUBSTANTIAL UNPLANNED POPULATION GROWTH IN AN AREA, EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE).

Less than Significant.

This threshold was previously addressed within the 2017 TLSP SPA SEIR under threshold P-1. Impacts were determined to be less than significant.

Population Growth

As shown in Table 3-2, *Specific Plan Amendment Summary*, in Section 3, *Project Description*, of this DSEIR, implementation of the Approved Project would result in the construction of 4,486 residential units and 3,248,890 square feet of nonresidential building space. The proposed Modified Project proposes a total capacity of 6,697 residential units and 3,248,890 square feet of nonresidential capacity within the TLSP

area. The difference between these two scenarios represents an overall increase of 2,211 dwelling units. However, the Modified Project also includes 2,759 density bonus units. Buildout of the Modified Project with density bonus units would result in a total development capacity of 9,456 dwelling units within the TLSP area. The difference between the Approved Project and Modified Project with density bonus units it 4,970 dwelling units.

The Modified Project would permit development of a net increase of 4,970 dwelling units compared to the Approved Project. The DOF estimates that the City of Tustin had an average household size of 2.88 persons and a vacancy rate of 3.4 percent in 2023 (California Department of Finance, 2023). Thus, the average number of persons per housing unit in the City of Tustin in 2023 is estimated as the average household size (2.88 persons) times the occupancy rate (96.6 percent), or 2.78 persons. Using this persons per household estimate, buildout of the Modified Project would result in approximately 13,817 additional residents compared to the Approved Project (as amended in 2019) which was estimated to generate 17,242 residents.[2] Therefore, with addition of the Modified Project, the total population of the TLSP buildout is estimated at 31,059 residents.

Table 5.6-7 shows estimated buildout populations for the Approved Project and Modified Project, as well as projections for the City of Tustin prepared by the Center for Demographic Research (CDR) at California State University, Fullerton and SCAG.

Table 5.6-7: Estimated Population Growth for the Approved Project and Modified Project

Scenario			Number of Residents
Project Area	Approved Project (per 2019 Addendum)		17,242
	Modified Project	Population Generated by Additional Units	13,817
		Total Population	31,059
City of Tustin	Existing Conditions (2023)		79,558
	CDR Projections (2023)	2025	81,120
		2030	96,409
		2035	95,615
		2040	95,210
		2045	94,119
		2050	92,330
	SCAG Projections (2024)	2050	93,317
	Tustin General Plan (2018)	Buildout	104,312

Source: (California Department of Finance, 2023) (California State University Fullerton, 2023) (Southern California Association of Governments, 2024) (City of Tustin, 2018)

As shown in Table 5.6-7, SCAG forecasts that Tustin's population will be 93,317 in 2050. Similarly, CDR estimates Tustin's population will be 92,330 in 2050. The additional 13,817 residents that would be generated in the City through buildout of the Modified Project would exceed the amount of growth anticipated by the CDR in the year 2050 by 1,045. Additionally, anticipated buildout of the Modified Project would exceed the amount of growth anticipated by SCAG in the year 2050 by 58. The residents

[2] This number was calculated by adding the projected number residents analyzed in the 2017 TLSP SEIR (15,900 residents) and the residents that would be generated from the additional 471 units added to the TLSP through the 2019 addendum. The additional residents that would be generated through buildout of the additional 471 residences was calculated by using 2019 estimates from the DOF which found that the average persons per household in the City in 2019 was 3.0 and the occupancy rate was 95.1.

anticipated by the Modified Project would not exceed CDR projections for 2025 through 2045. Residents that would be generated through buildout of the Modified Project would represent approximately 13 percent of the population growth anticipated for buildout of the City by the Tustin General Plan. Thus, while the Project would result in an increase in population in the TLSP Area, the increase in population and number of housing units that would result from the Modified Project would not exceed projections for the City except CDR and SCAG projections for the year 2050.

Further, as reflected in Table 5.6-1, SCAG determined the City needs to provide a total of 6,782 housing units to meet their RHNA. Thus, while the Modified Project would result in an increase to projected planned population, the Project would in part satisfy the State requirements to provide new housing opportunities to increase housing supply. Additionally, the Modified Project supports the goals and policies of the Housing Element (see page 5.6-3) aimed to support a variety of housing types and densities.

Jobs-Housing Balance. For purposes of this analysis, the study area is considered the entire TLSP area, rather than the focused Modified Project site. Effects of the Modified Project on jobs-housing balance are evaluated by adding project-generated jobs and housing units to forecasts of employment and housing. As described previously, the City of Tustin is job rich, with an existing jobs-housing ratio of 1.91. The Modified Project would reduce (improve) the jobs-housing ratio slightly by adding 4,970 residential units. The Modified Project would provide a regional beneficial effect of providing the opportunity for housing on the Project site in a jobs-rich area, where employees can easily travel to nearby employment opportunities.

Table 5.6-8 shows the jobs-housing ratio of buildout of the Modified Project compared to buildout of the Approved Project. As shown, buildout of the Modified Project would result in a jobs-housing ratio (within the Project area) of 2.08 while buildout of the Approved Project would result in a jobs-housing ratio of 2.76. Thus, while both scenarios are considered jobs-rich, the Modified Project is more housing-rich and closer to balanced conditions.

Table 5.6-8: Project Area Jobs – Housing Ratio

	Jobs[1]	Units[2]	Jobs-Housing Ratio
Approved Project	18,802	6,813	2.76
Modified Project	18,802	9,024	2.08

Notes: [1] Assumes 507 square feet per employee (The Natelson Company, 2001).
[2] The Modified Project number of units does not take into account potential density bonus units.

Table 5.6-9 compares housing and employment for the City of Tustin under the Approved Project and Modified Project to SCAG's projections for the City. As shown in the table, buildout of both project scenarios would result in a more housing-rich community compared to existing conditions. The SCAG estimates indicate that the City is anticipated to become more jobs-rich in the future.

Table 5.6-9: City of Tustin Jobs – Housing Ratio

	Jobs	Units	Jobs-Housing Ratio
Existing Conditions	40,900	28,405	1.44
Existing Conditions plus Approved Project	47,308	33,362	1.42
Existing Conditions plus Modified Project	47,308	35,102	1.35
SCAG Projections (2020)	71,300	34,000	2.09

Source: (California Employment Development Department, 2023), (California Department of Finance, 2023), (Southern California Association of Governments, 2024)

Table 5.6-10 compares housing and employment for Orange County under the Approved Project and Modified Project to SCAG's projections for the City. As shown in the table, buildout of both project scenarios

would not affect the jobs-housing balance of the County. The SCAG estimates indicate that the County is anticipated to become more jobs-rich in the future.

Table 5.6-10: Orange County Jobs – Housing Ratio

	Jobs	Units	Jobs-Housing Ratio
Existing Conditions	1,539,300	1,149,943	1.34
Existing Conditions plus Approved Project	1,545,708	1,154,429	1.34
Existing Conditions plus Modified Project	1,545,708	1,156,640	1.34
SCAG Projections (2050)	2,019,000	1,253,000	1.61

Source: (California Employment Development Department, 2023), (California Department of Finance, 2023)

Similarly to the Approved Project, implementation of the Modified Project would directly and indirectly induce population growth in the TLSP area and would slightly skew the jobs-housing ratio towards a more housing-rich ratio. However, the purpose of the Modified Project is to implement the provisions of the City's 2021-2029 Housing Element in order to ensure the City can meet their required RHNA as specified by the HCD and SCAG. Further, the Modified Project supports goals and policies of the Housing Element aimed to support a variety of housing types and densities. Additionally, as identified in Table 5.4-2, *Project Consistency with 2024 SCAG Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy Policies*, in Section 5.4, *Land Use and Planning*, of this DSEIR, implementation of the Modified Project would be consistent with applicable goals of the 2024-2050 RTP/SCS, including SCAG's intent to increase housing in jobs-rich portions of Orange County, which as a whole is jobs-rich. Therefore, implementation of the Modified Project would result in a less-than-significant impact related to population growth.

5.6.7 CUMULATIVE IMPACTS

As described in the analysis above, implementation of the Modified Project would induce population and housing unit growth within the City of Tustin and Orange County. However, the growth anticipated from the Modified Project would not exceed the SCAG population or housing growth projections for the City and would represent a nominal percentage of SCAG's overall projections for the City of Tustin. Further, while the Modified Project would make the TLSP area more housing-rich than the Approved Project, the Modified Project would not have a significant impact on the County's overall balance of jobs and housing. Therefore, impacts related to cumulative growth would be less than significant and not cumulatively considerable.

5.6.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

California Government Code Sections 65300, 65580–65589

Plans, Programs, or Policies

None.

5.6.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact POP-2 would be less than significant.

5.6.10 MITIGATION MEASURES

No mitigation measures are required.

5.6.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant and unavoidable adverse impacts related to population and housing would occur.

5.6.12 REFERENCES

California Department of Finance. (2023, May). *E-5 Population and Housing Estimates for Cities, Counties, and the State — January 1, 2021-2023*. Retrieved from State of California Department of Finace.

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5.7 Public Services

5.7.1 INTRODUCTION

This section describes the existing fire protection, police protection, schools, and library facilities that serve the Project site and vicinity and evaluates the potential for implementation of the proposed Project to result in impacts to these facilities. This section of the EIR addresses whether there are physical environmental effects of new or expanded facilities that are necessary to maintain acceptable service levels related to fire, police, schools, and library services.

Impacts related to park services were determined to be less than significant through preparation of the Initial Study (Appendix A); therefore, park services are not addressed in this SEIR. Public utilities and service systems, including water, wastewater, drainage, and solid waste, are addressed in Section 5.10, *Utilities and Service Systems*.

Information within this section is based on the following:

- *Tustin Legacy Specific Plan Amendment*, as Amended in 2017
- *City of Tustin General Plan (including 2021-2029 Housing Element),* adopted November 2018, updated October 2022.
- Tustin City Code
- Data provided by each service provider

Because CEQA focuses on physical environmental effects, this section analyzes whether any physical changes resulting from an increase in service demands from development pursuant to the proposed Project could result in significant adverse environmental effects. Thus, an increase in staffing associated with public services, or an increase in calls for services, would not, by itself, be considered a physical change in the environment. However, physical changes in the environment resulting from the construction of new facilities or an expansion of existing facilities to accommodate the increased staff or equipment needs resulting from the proposed Project could constitute a significant impact.

5.7.2 FIRE PROTECTION SERVICES

5.7.2.1 Fire Protection Services Regulatory Setting

California Fire Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which include regulations concerning building standards (as also set forth in Title 24, Part 9 of the California Code of Regulations, the California Building Code), fire protection and notification systems, fire protection devices (such as extinguishers and smoke alarms), building evacuation and access standards, and fire suppression training.

California Health and Safety Code

Additional State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for building standards, fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

California Occupational Safety and Health Administration

In accordance with the California Code of Regulations, Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Fighting Equipment," California Occupational Safety and Health Administration (Cal/OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire house sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

Orange County Fire Authority Fire Prevention Guideline B-09, Fire Master Plans for Commercial and Residential Development

The Orange County Fire Authority (OCFA) Fire Prevention Guideline B-09 requires new structures to meet standards related to access driveways, siting of hydrants, water supply, and building access, as required by the California Fire Code. The guideline requires specific information be provided during the submittal of plans for development projects to demonstrate compliance with all codes and other regulations governing water availability for firefighting and emergency access to sites and structures within the jurisdictions served by the OCFA. In addition, the guideline requires that plans be reviewed by the OCFA.

City of Tustin General Plan

The City's General Plan Public Safety Element contains the following goals and policies related to fire services.

Goal 5 **Reduce the risk to the community's inhabitants from fires or explosions.**

Policy 5.1 Work closely with the Orange County Fire Authority to continue to operate an education program regarding fire hazards.

Policy 5.2 Encourage the use of fire retardant roofing materials.

Policy 5.3 Establish and maintain mutual aid agreements with surrounding jurisdictions for fire protection.

Policy 5.4 Enforce building code requirements that assure adequate fire protection.

Policy 5.5 Study alternatives for upgrading emergency water line capacities in deficient areas.

Policy 5.6 Cooperate with Orange County Fire Authority to ensure the provision of adequate and cost-effective fire protection services.

Tustin City Code

Chapter 8100 – Building and Construction Codes Adopted by Reference. The Tustin Code of Ordinances adopts the California Fire Code as published by the California Building Standards Commission and the International Code Council by reference. The California Fire Code is Title 24, Part 9 of the California Code of Regulations, and regulates new structures, alterations, additions, changes in use or changes in structures. The Code includes specific information regarding safety provisions, emergency planning, fire-resistant construction, fire protection systems, means of egress and hazardous materials.

5.7.2.2 Fire Protection Services Environmental Setting

Fire protection and emergency medical services in the City of Tustin are provided by the OCFA through a contract for services. The OCFA provides fire suppression, emergency medical, rescue, fire prevention, hazardous materials coordination, and wildland management services. The OCFA serves 23 cities in Orange County and all unincorporated areas. Within the City of Tustin, the OCFA provides services from three fire stations.

The primary responsibility area for the Project site is split between Station 37 and Station 6 (T. Rivers, personal communication, April 8, 2024). Station 37 is located within the TLSP area, southwest of the intersection of Edinger Avenue and Kensington Park Drive. Station 6 is located adjacent to the southern portion of the TLSP along Barranca Parkway in Irvine. The location, equipment, and staffing of Station 37 and Station 6 are provided in Table 5.7-1.

Table 5.7-1: Location, Staffing, and Equipment for Station 37 and Station 6

Fire Station	Location	Distance from Site	Equipment	Staffing
Station 37	15011 Kensington Park Drive, Tustin, CA 92780	Located within TLSP	-Division 4 -Medic Engine 37	Daily Staffing: -1 Division 4 Chief -1 Fire Captain -1 Fire Apparatus Engineer -2 Firefighters Total Station Staffing: 13
Station 6	3180 Barranca Pkwy, Irvine, CA 92606	300 feet	-Battalion 5 -Heavy Rescue 6 -Medic Engine 6	Daily Staffing: -1 Battalion Chief -2 Fire Captains -2 Fire Apparatus Engineers -4 Firefighters Total Station Staffing: 27

As provided by the OCFA 2022 Statistical Annual Report, there were 6,449 incident totals from the three fire stations in the City (Station 21, Station 37, and Station 43) in 2022 (Orange County Fire Authority, 2022). Of the calls for service, 76.8 percent (4,953) were for emergency medical calls, 1.4 percent (93) were for fire incidents, and 28.3 percent (1,403) were for other incidents, including cancelled service calls, ruptures, hazardous conditions, false alarms, and miscellaneous calls.

According to Table PS-3, *Emergency Service Standards*, of the Tustin General Plan, Tustin has a target response time of 5 minutes for 90 percent of incidents related to fire response and basic life support unit responses. The standard response time for the advanced life support unit is 10 minutes for 90 percent of incidents (City of Tustin, 2018).

The OCFA standard for first-due response is 8:30 minutes at the 90th percentile. First-due refers to the fire department that is responsible for responding to an emergency call in a specific area. The standard response time for the effective response force (initial response of three engines, one ladder truck and one Battalion Chief) is 11.5 minutes at the 90th percentile. Table 5.7-2 provides a summary of service and response metrics for the responding stations to the Project site (Station 37 and Station 6) in 2023. As shown, in 2023 the 90th percentile response time was 8:51 minutes for Station 37 and 8:18 minutes for Station 6.

Table 5.7-2: OCFA Station 37, 21, and 43 Calls for Service and Response Data – 2023

Fire Station	Emergency Medical Calls	Fire Calls	Other Calls	Total Calls for Services	90th Percentile Response (min:second)
Station 37	1,544	33	533	2,111	8:51
Station 6	1,440	28	554	2,022	8:18

Source: Rivers, 2024

5.7.2.3 Fire Protection Services Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for fire protection services.

5.7.2.4 Fire Protection Services Methodology

The potential impacts related to fire protection services were evaluated based on the ability of existing fire department staffing, equipment, and facilities to meet the additional demand for fire protection and emergency medical services resulting from implementation of the proposed Project. Impacts are considered significant if implementation of the proposed Project would result in inadequate staffing levels, response times, and/or increased demand for services that would require the construction or expansion of new or altered facilities that might have an adverse physical effect on the environment. For fire services, a significant impact could occur if the proposed Project generated the need for additional personnel or equipment that could not be accommodated within the existing stations and would require the construction of a new station or an expansion of an existing station.

5.7.2.5 Fire Protection Services Environmental Impacts

Summary of Previous Environmental Impacts

The certified FEIS/EIR determined that implementation of the Specific Plan would require additional firefighting personnel and equipment at existing fire stations. However, it found that buildout would not require new or expanded fire stations. All development projects would be required to meet Orange County Fire Authority (OCFA) regulations, and impacts were determined to be less than significant. Additionally, the FEIS/EIR included implementation measures which required coordination between future developers/applicants and the City of Tustin or the City of Irvine, depending on the development site's jurisdiction, to provide adequate fire protection facilities.

Subsequent to the certification of the FEIS/EIR, in May 2003, the Navy Disposal Plan transferred to the City of Tustin a 1.25-acre site at Edinger Avenue and the West Connector for construction of a new fire station. The fire station was to be funded through development in Tustin Legacy and in the City of Irvine within the former Marine Corps Air Station (MCAS) Tustin.

Subsequently, the OCFA re-evaluated its need for fire protection facilities with respect to response times and determined it needed to move Station 37 to a new location in the Specific Plan area. In March 2005, the City entered into a Memorandum of Understanding with the OCFA for a new fire station at Tustin Legacy.

The 2006 Addendum found that the project would place a similar demand for fire protection services as the original project and that the fire station proposed in the Specific Plan area would meet the needs of the

project. As determined by the FEIS/EIR, future projects would be required to comply with all OCFA regulations.

At the time that the 2017 TLSP SPA was approved, OCFA Fire Station 37 at Edinger Avenue and Kensington Park Drive had been completed. The 2017 TLSP SPA was anticipated to result in an increase of 2,212 residential units and a decrease of approximately 1.7 million square feet of nonresidential uses. Although the project would result in an increase in demand for fire protection due to the resulting increase of 6,371 residents, there would be a decrease of 1.7 million square feet of nonresidential uses offsetting the increase in demand. With the construction of the new fire station (Station 37) within the TLSP area, the 2017 SEIR Initial Study found that no other new or expanded off-site fire protection facilities were determined to be required (2017 TLSP Initial Study, p. 82). The 2017 TLSP SPA was required to meet OCFA regulations and standard conditions. No new significant impacts were identified.

Existing Conditions

The TLSP continues to be served by the OCFA. Prior to adoption of the 2017 SEIR, the OCFA and the City completed construction of Fire Station 37 in 2014, located at 15011 Kensington Park Drive, which serves the TLSP area. No changes to facilities have been made since adoption of the 2017 TLSP SPA.

Modified Project Environmental Impacts

IMPACT PS-1: THE PROJECT WOULD NOT RESULT IN SUBSTANTIAL ADVERSE PHYSICAL IMPACTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED FIRE PROTECTION SERVICE FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS AND RESPONSE TIMES OR OTHER PERFORMANCE OBJECTIVES FOR FIRE PROTECTION SERVICES.

This threshold was previously addressed within Section 5.14 of the Initial Study prepared for the 2017 TLSP SPA SEIR under threshold (a). Impacts were determined to be less than significant.

Less than Significant Impact with Mitigation. The proposed Project is an SPA which would amend Neighborhoods D South, D North, and G to increase the allowed residential capacity to be consistent with the 2021-2029 Housing Element Update. No development is proposed as part of this Project; however, the proposed maximum residential capacity would be 2,211 dwelling units, plus the potential for 2,759 density bonus units, for a total of 4,970 dwelling units.

Construction and operation of future residential development as a result of the proposed Project would increase demands for fire protection and emergency medical services over the existing site condition. As described in Section 5.6, *Population and Housing*, of this SEIR, buildout of the Modified Project would increase the Project area's population by an estimated 13,817 additional residents. The increased residential population is expected to create the typical range of service calls to OCFA, largely related to medical emergencies. Medical emergencies accounted for 76.8 percent of OCFA service calls in Tustin during 2022, while fire calls consisted of 1.4 percent of service calls (OCFA 2022).

As described above in Section 5.7.2.2, *Fire Protection Service Environmental Setting*, the Project site's primary responsibility area is split between Station 37 and Station 6. Station 37 is located within the TLSP and Station 6 is located adjacent to the TLSP. The existing 90th percentile on-scene response time for emergency calls from Station 37 is 8:51 minutes, which slightly exceeds the response time standard 90th percentile of 8:30 minutes. The existing 90th percentile response time for emergency calls from Station 6 is 8:18 minutes, which is within the response time standard.

While there is no specific development proposed as part of this Project, approval of the Modified Project would allow up to 4,970 additional residential units, for a total buildout capacity of 9,456 residential units within the TLSP. Therefore, calls for service from the future additional population at the Project site could result in an increase in response times, and result in Station 6 exceeding the existing standards for service or result in Station 37 further exceeding the existing standards for service, if the calls coincide with other calls for service.

Fire vehicles, equipment, and expansion of existing facilities in the TLSP area are funded partially through collection of special taxes associated with Community Facilities Districts (CFDs). Most of the existing CFD within TLSP collect taxes that fund both facilities (Tax A) and services (Tax B). All currently undeveloped properties within the TLSP are part of, or will be annexed into, CFD No. 2018-01 (City Council Resolution No. 18-15). CFD 18-01 collects funds for services (Tax B) as authorized under Government Code Section 53313, including but not limited to police services; fire services; ambulance and paramedic services; recreation programs; maintenance of parks, parkways and open spaces; flood and storm protection; and street and sidewalk maintenance.

However, the majority of the funds for facilities, equipment, and service personnel come from the City's General Fund. Funding from property taxes, as a result of population growth, would be expected to grow roughly proportional to any increase in residential units and businesses in the City. Therefore, the additional demand for fire services and protection generated by the proposed Project would be satisfied through the General Fund.

Additionally, future development as a result of the proposed Project would be developed pursuant to the most recent California building and fire codes, which would improve the fire safety of the Project site compared to the existing buildings. California's building/fire codes are published in their entirety every three years and were most recently updated in 2022. As all projects within the City, the proposed Project would be required per City permitting to comply with existing regulations, including the 2022 California Fire Code and the OCFA Fire Prevention Guideline B-09, Fire Master Plans for Commercial and Residential Development, which include regulations for water supply, built in fire protection systems, adequate emergency access, fire hydrant availability, and fire-safe building materials, such as the following:

- Structures would have automatic fire sprinkler systems per National Fire Protection Association Standard for the Installation of Sprinkler Systems (NFPA 13) as required by the California Building and Fire Codes.
- A fire alarm system would be installed per the requirements of the California Fire Code.
- Access to and around structures would meet OCFA and California Fire Code requirements.
- A water supply system to supply fire hydrants and fire hydrant spacing would meet OCFA and California Fire Code requirements.
- Turning radius and access in and around the Project site and buildings would be designed to accommodate large fire department vehicles and their weight per OCFA Fire Prevention Guideline B-09.
- All electrically operated gates shall install emergency opening devices as approved by the OCFA.
- High rise provisions would be required for buildings over 75 feet high.
- Occupancy permits are required prior to occupancy of any part of the proposed Project.

Further, consistent with the Approved Project, the proposed Project includes Implementation Measures (m), (o), (p), (q), and (r). Implementation Measure (m) requires the City of Tustin and the City of Irvine, each within its respective jurisdiction, to ensure that adequate fire protection are provided. This can be done by requiring applicants for private development projects to enter into an agreement with City of Tustin or the City of Irvine, as applicable, to establish a fair share mechanism to provide needed fire protection services, through the use of fee schedules, assessment district financing, Community Facility District financing, or other mechanisms as determined appropriate by each respective city. Implementation Measure (o) requires future

developers to enter into an agreement with the City of Tustin or City of Irvine/OCFA, if needed and as applicable, to address impacts of the project on fire services. Implementation Measure (p) requires that prior to issuance of building permits, future project developers coordinate with the OCFA to ensure that adequate fire protection measures are implemented in the project. Implementation Measure (q) applies to phased projects and requires the project developer to submit a construction phasing plan to the OCFA demonstrating that emergency vehicle access is adequate. Implementation Measure (r) requires future project developers to submit a fire hydrant location plan for the review and approval of the Fire Chief and ensure that fire hydrants capable of flows in amounts approved by the OCFA are in place and operational to meet fire flow requirements.

Overall, impacts related to fire protection services would be less than significant with implementation of Implementation Measures (Mitigation Measures) from the Approved Project.

5.7.2.6 Cumulative Impacts

The geographic context for cumulative fire protection and emergency services is the OCFA service area. Like the proposed Project, cumulative projects in the City would be reviewed by City and OCFA staff prior to permit approval to ensure that the projects implement fire protection design features per the California Building Code and the California Fire Code, which are intended to reduce risk of fire and impacts on fire protection services. Additionally, cumulative development would be subject to payment of DIFs to offset their respective increases in demand for fire and emergency services. Further, property and sales tax collected from cumulative projects would increase the City's General Fund in rough proportion to population increases, providing funding for any improvements necessary to maintain adequate fire protection facilities, equipment, and/or personnel. Therefore, cumulative impacts associated with fire services would be less than cumulatively considerable.

5.7.2.7 Fire Protection Services Existing Standard Conditions and Plans, Programs or Policies

The following standard regulations would reduce potential impacts related to fire protection services:

- OCFA Fire Prevention Guideline B-09, Fire Master Plans for Commercial and Residential Development.
- Tustin City Code, Chapter 8100, Building and Construction Codes Adopted by Reference.

5.7.2.8 Fire Protection Service Level of Significance Before Mitigation

Impact PS-1 would be potentially significant.

5.7.2.9 Fire Protection Services Mitigation Measures

Adopted FEIR/EIS Implementation Measures Applicable to the Project

(m). General. The City of Tustin and the City of Irvine, each within its respective jurisdiction, shall ensure that adequate fire protection, police protection, libraries, and parks and recreation facilities (including bikeways/trails) needed to adequately serve the reuse plan area shall be provided, as necessary. To eliminate any negative impact the project could have on each community's general fund, financing mechanisms including but not limited to developer fees, assessment district financing, and/or tax increment financing (in the event that a redevelopment project area is created for the site), shall be developed and used as determined appropriate by each City. Specifically:

1. Applicants for private development projects shall be required to enter into an agreement with City of Tustin or the City of Irvine, as applicable, to establish a fair-share mechanism to provide needed fire and police protection services, libraries, and parks and recreation facilities (including bikeways) through the use of fee schedules, assessment district financing, Community Facility District financing, or other mechanisms as determined appropriate by each respective city.
2. Recipients of property through public conveyance process, or other conveyance procedures, shall be required to mitigate any impacts of their public uses of property on public services and facilities.

(o). Fire Protection/Emergency Medical Services. Prior to the conveyance of land from the City to a developer, and/or the first final map recordation or building permit issuance for development (except for financing and re-conveyances purposes), the project developer could be required to enter into an agreement with the City of Tustin or City of Irvine/OCFA, as applicable, to address impacts of the project on fire services. Such agreement could include participation for fire protection, personnel and equipment necessary to serve the project and eliminate any negative impacts on fire protection services.

(p). Prior to issuance of building permits, the project developer shall work closely with the OCFA to ensure that adequate fire protection measures are implemented in the project.

(q). Prior to issuance of building permits for phased projects, the project developer shall submit a construction phasing plan to the OCFA demonstrating that emergency vehicle access is adequate.

(r). Prior to the issuance of building permits, the project developer shall submit a fire hydrant location plan for the review and approval of the Fire Chief and ensure that fire hydrants capable of flows in amounts approved by the OCFA are in place and operational to meet fire flow requirements.

5.7.2.10 Fire Protection Service Level of Significance After Mitigation

No significant unavoidable adverse impacts related to fire protection services would occur.

5.7.3 POLICE SERVICES

5.7.3.1 Police Services Regulatory Setting

City of Tustin General Plan

The City's General Plan Public Safety Element contains the following goals and policies related to police services.

Goal 6 **Stabilize demand for law enforcement services.**

Policy 6.1 Provide appropriate levels of police protection within the community.

Policy 6.2 Periodically evaluate service levels and service criteria.

Policy 6.3 Pursue State and Federal monies to offset the cost of providing police protection.

Policy 6.4 Cooperate with the Orange County Sheriff's Department and surrounding police departments to provide back-up police assistance in emergency situations.

Policy 6.5 Promote the use of defensible space concepts (site and building lighting, visual observation of open spaces, secured areas, etc.) in project design to enhance public safety.

Policy 6.6 Enhance public awareness and participation in crime prevention by developing new, and expanding existing, educational programs dealing with personal safety awareness, such as neighborhood watch, commercial association programs, and community-oriented policing.

5.7.3.2 Police Services Environmental Setting

The Tustin Police Department provides police services throughout the City, including to the Project site. Police Department headquarters are located at 300 Centennial Way, Tustin, CA 92780, which is approximately 3.5 roadway miles north of the Project site. Additionally, Tustin Police Department "Annex" is located at 15445 Lansdowne Road, approximately 1.1 roadway mile north of the Project site.

As of May 2024, the Tustin Police Department has 83 full time sworn police officers, 7 part time sworn officers, 44 full time civilian support personnel and 12 part time civilian support personnel. According to the California Department of Finance, the City of Tustin had a population of 78,559 residents in 2023 (California Department of Finance, 2023). Based on this population estimate, the City's sworn officer to population ratio is 1.1 officers per 1,000 population.

Police Department Performance Standards

According to the Table PS-3, *Emergency Service Standards*, of the Tustin General Plan, the Tustin Police Department has a target response time of 3:30 minutes for emergency calls and 13 minutes for non-emergency calls (City of Tustin, 2018).

Tustin Police Department groups calls for service into four priority categories, described below.

- Priority 1: Immediate threat to life or significant threat to public safety. Priority 1 calls are dispatched immediately.
- Priority 2: Crimes in progress or other calls for service with a potential threat to public safety that do not rise to the level of a Priority 1 call. These calls are dispatched as soon as possible.
- Priority 3: Calls for service with a reporting party who is waiting for an officer.
- Priority 4: Report calls with a delay in reporting and limited suspect information.

Average response times for each call type between January 1, 2023, to December 31, 2023, City wide are provided below.

- Priority 1 – 00:05:43
- Priority 2 – 00:14:25
- Priority 3 – 00:42:27
- Priority 4 – 00:53:36

5.7.3.3 Police Services Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to result in substantial adverse physical impacts associated with the provision of new or physically altered police department facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

5.7.3.4 Police Services Methodology

The potential impacts related to police services were evaluated based on the ability of existing and planned Police Department staffing, equipment, and facilities to meet the additional demand for police services resulting from implementation of the proposed Project. Impacts are considered significant if implementation of the proposed Project would result in inadequate staffing levels, response times, and/or increased demand for services that would require the construction or expansion of new or altered facilities that might have an adverse physical effect on the environment. For police services, a significant impact could occur if the proposed Project generated the need for additional personnel or equipment that could not be accommodated within the existing station and substations and would require the construction of a new station or an expansion of an existing station.

5.7.3.5 Police Services Environmental Impacts

Summary of Previous Environmental Impacts

The certified FEIS/EIR determined that implementation of the Specific Plan would increase the demand for police services in the cities of Tustin and Irvine. The FEIS/EIR identified the need for two additional patrol units and three additional investigative units in the Tustin Police Department, and two additional sworn officers in the Irvine Police Department. However, it found that buildout would not require new or expanded police facilities and impacts would be less than significant. The FEIS/EIR included implementation measures which required coordination between future developers/applicants and the City of Tustin or the City of Irvine, depending on the development site's jurisdiction, in order to provide adequate police protection facilities. The 2006 Addendum found similar impacts with respect to police services and no new impacts were identified.

The 2017 SEIR Initial Study found that, although the 2017 TSLP SPA anticipated increase of 6,371 residents would result in an increase in demand for police protection, this would be offset by the reduction in approximately 1.7 million square feet of nonresidential uses (2017 TLSP Initial Study, p. 83). Service level impacts are anticipated to be similar to that analyzed in the FEIS/EIR. No new police facilities were determined to be needed and no significant physical impacts were identified. Additionally, developers are required to coordinate with the Tustin Police Department prior to project approval to ensure adequate security precautions and design features are in place. No new significant impacts are anticipated.

Modified Project Environmental Impacts

IMPACT PS-2 THE PROJECT WOULD NOT RESULT IN SUBSTANTIAL ADVERSE PHYSICAL IMPACTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED POLICE SERVICE FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS AND RESPONSE TIMES OR OTHER PERFORMANCE OBJECTIVES FOR POLICE SERVICES.

This threshold was previously addressed within Section 5.14 the Initial Study prepared for the 2017 TLSP SPA SEIR under threshold (b). Impacts were determined to be less than significant.

Less than Significant Impact with Mitigation. While there is no specific development proposed as part of this Project, approval of the Modified Project would allow up to 4,970 additional residential units for a total buildout capacity of 9,456 residential units within the TLSP. Thus, construction and operation of future residential development as a result of the proposed Project would increase demands for police protection services over the existing site condition. As described in Section 5.6, *Population and Housing*, of this SEIR, the

proposed Project is anticipated to result in 13,817 additional residents. This residential population is expected to create the typical range of police service calls.

Crime and safety issues during Project construction may include theft of building materials and construction equipment, malicious mischief, graffiti, and vandalism. During operation, the proposed Project is anticipated to generate a typical range of police service calls, such as vehicle burglaries, residential thefts, commercial shoplifting, and disturbances. However, future applicants would be required to coordinate with the Tustin Police Department prior to project approval to ensure that adequate security precautions and design features are in place. Consistent with the Approved Project, the proposed Project includes Implementation Measure (m), which requires the City of Tustin to ensure that adequate police protection are provided. Additionally, Implementation Measure (s) is incorporated to require future project developers to coordinate with Tustin Police Department to ensure that adequate security precautions are implemented into future development projects.

Is should be noticed that existing public facilities and services in the TLSP area are funded partially through collection of special taxes associated with Community Facilities Districts (CFDs). Most of the existing CFD within TLSP collect taxes that fund both facilities (Tax A) and services (Tax B). All currently undeveloped properties within the TLSP are part of, or will be annexed into, CFD No. 2018-01 (City Council Resolution No. 18-15). CFD 18-01 collects funds for services (Tax B) as authorized under Government Code Section 53313, including but not limited to police services; fire services; ambulance and paramedic services; recreation programs; maintenance of parks, parkways and open spaces; flood and storm protection; and street and sidewalk maintenance.

Nevertheless, the Police Department's operating budget and expansion of facilities, personnel, and equipment primarily comes from the City's General Fund. Funding from property taxes, as a result of population growth, would be expected to grow roughly proportional to any increase in residential units and businesses in the City. Tustin Police Department would continue to add staff and equipment on an as-needed basis to accommodate the incrementally increasing demands from future development, including the proposed Project. Therefore, the additional demand for police services and protection generated by the proposed Project would be satisfied through the General Fund. Therefore, impacts would be less than significant with the City's General Fund, and Implementation Measures from the Approved Project.

5.7.3.6 Police Services Cumulative Impacts

The geographic area for cumulative analysis of police services is the service territory for Tustin Police Department. The Police Department's operating budget is primarily generated through tax revenues and fees collected from penalties and requested services. Increased property and sales tax from cumulative projects would increase the City's General Fund in rough proportion to population increases, providing funding for any improvements necessary to maintain adequate police protection facilities, equipment, and/or personnel. Consequently, although the cumulative demand for police services would incrementally increase over time, the addition of new officers and equipment to serve the demand is not likely to result in any significant adverse cumulative impacts associated with the construction of new facilities or the alteration of existing facilities. Further, should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA review. Therefore, cumulative impacts associated with police services would be less than significant.

5.7.3.7 Police Services Existing Standard Conditions and Plans, Programs or Policies

There are no applicable regulations related to police services that would reduce potential impacts.

5.7.3.8 Police Services Level of Significance Before Mitigation

Impact PS-2 would be potentially significant.

5.7.3.9 Police Services Mitigation Measures

Adopted FEIR/EIS Implementation Measures Applicable to the Project

(m). General. The City of Tustin and the City of Irvine, each within its respective jurisdiction, shall ensure that adequate fire protection, police protection, libraries, and parks and recreation facilities (including bikeways/trails) needed to adequately serve the reuse plan area shall be provided, as necessary. To eliminate any negative impact the project could have on each community's general fund, financing mechanisms including but not limited to developer fees, assessment district financing, and/or tax increment financing (in the event that a redevelopment project area is created for the site), shall be developed and used as determined appropriate by each City. Specifically:

1. Applicants for private development projects shall be required to enter into an agreement with City of Tustin or the City of Irvine, as applicable, to establish a fair-share mechanism to provide needed fire and police protection services, libraries, and parks and recreation facilities (including bikeways) through the use of fee schedules, assessment district financing, Community Facility District financing, or other mechanisms as determined appropriate by each respective city.
2. Recipients of property through public conveyance process, or other conveyance procedures, shall be required to mitigate any impacts of their public uses of property on public services and facilities.

(s). Police Protection. Prior to issuance of building permits, the project developer shall work closely with the respective Police Department to ensure that adequate security precautions are implemented into the project.

5.7.3.10 Police Services Level of Significance After Mitigation

No significant unavoidable adverse impacts related to police services would occur.

5.7.4 SCHOOL SERVICES

5.7.4.1 School Services Regulatory Setting

California State Assembly Bill 2926: School Facilities Act of 1986

In 1986, AB 2926 was enacted to authorize the levy of statutory fees on new residential and commercial/industrial development in order to pay for school facilities. AB 2926 was expanded and revised in 1987 through the passage of AB 1600, which added Sections 66000 et seq. to the Government Code. Under this statute, payment of statutory fees by developers serves as CEQA mitigation to satisfy the impact of development on school facilities.

California Senate Bill (SB) 50

The passage of SB 50 in 1998 defined the needs analysis process that is codified in Government Code Sections 65995.5 through 65998. Under the provisions of SB 50, school districts may collect fees to offset the costs associated with increasing school capacity as a result of development. Level I fees are assessed based upon the proposed square footage of residential, commercial/industrial, and/or parking structure uses. Level II fees require the developer to provide one-half of the costs of accommodating students in new schools, and the State provides the other half. Level III fees require the developer to pay the full cost of

accommodating the students in new schools and are implemented at the time the funds available from Proposition 1A (approved by the voters in 1998) are expended. School districts must demonstrate to the State their long-term facilities needs and costs based on long-term population growth in order to qualify for this source of funding.

City of Tustin General Plan

The City's General Plan Land Use Element contains the following goals and policies related to school services.

Goal 8 **Ensure that necessary public facilities and services should be available to accommodate development proposed on the Land Use Policy Map.**

Policy 8.1 Encourage within economic capabilities, a wide range of accessible public facilities and community services including fire and police protection, flood control and drainage, educational, cultural and recreational opportunities and other governmental and municipal services. Senate Bill (SB) 50, adopted in 1998, prohibits the City from using the inadequacy of school facilities as a basis for denying or conditioning the development of property. SB 50, however, gave school districts new authority to raise school impact mitigation fees. In addition, the voters passed Proposition 1A in November 1998, which provides $9.2 billion dollars in bonds to construct new or expand existing schools. In summary, school districts have the financial means and legal authority to respond to new development.

Goal 9 **Continue to provide for a planned community in East Tustin compatible with the land use characteristics of the local area and sensitive to the natural environment.**

Policy 9.2 Provide for supporting land uses in East Tustin, including neighborhood commercial centers, park and recreational facilities, and schools, to serve the residential community.

5.7.4.2 School Services Environmental Setting

The TLSP is within the service areas of the Tustin Unified School District (TUSD), Irvine Unified School District (IUSD), and Santa Ana Unified School District (SAUSD), as shown in Figure 5.7-1, *School District Boundaries*. TUSD serves the majority of the TLSP area, including Planning Areas 1, 2, 4-5, 6, 7, 8, 15, 16-19, and a portion of 13-14. IUSD serves development east of Jamboree Road (Planning Areas 20, 21, and 22). SAUSD serves Planning Area 9-12 and a portion of Planning Area 13-14.

Tustin Unified School District

TUSD serves a 24-square mile area and has a total of 30 schools including: 16 elementary schools, two K-8 schools, one K-12 school, four middle schools, one 6-12 school, four high schools and one adult education school.

According to the data from California Department of Education, TUSD has an enrollment of 21,830 students in the 2022/2023 school year (California Department of Education, 2024). Within the TUSD, the Modified Project site is in the attendance areas of the following schools:

- Heritage Elementary School (K-5) is located at 15400 Lansdowne Road within TLSP Neighborhood A.
- W.R. Nelson Elementary School (K-5) is located at 14392 Browning Avenue, approximately 0.6 mile northeast of the TLSP.
- Sycamore Magnet Academy Middle School (6-8) is located at 1402 Sycamore Avenue, approximately 0.4 mile north of the TLSP.
- Legacy Magnet Academy (6-12) is located at 15500 Legacy Road, within TLSP Neighborhood D.
- Tustin High School (9-12) is located at 1171 El Camino Real, approximately 1.2 miles north of the TLSP.

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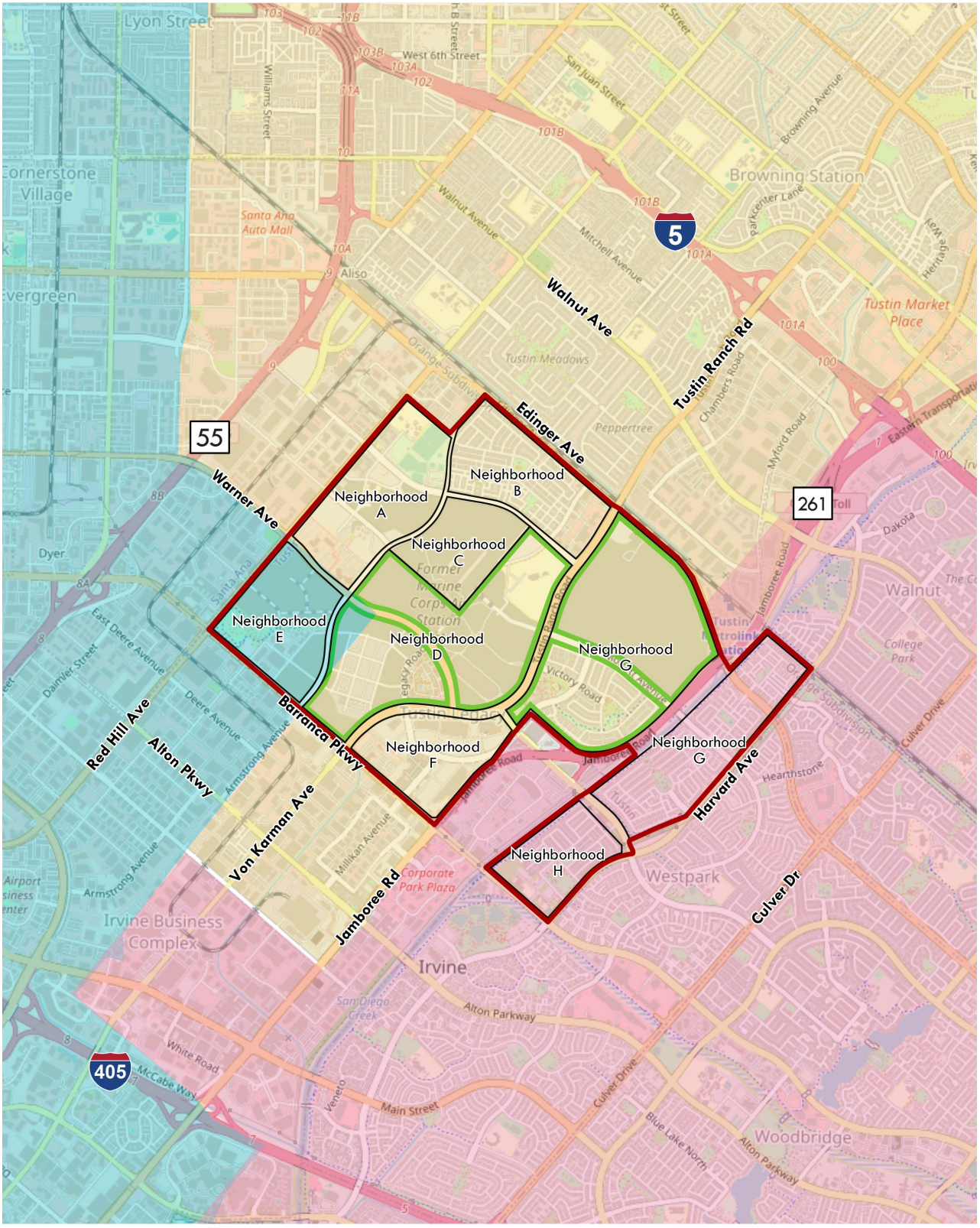
School District Boundaries



Tustin Legacy Specific Plan Amendment SEIR
City of Tustin

Figure 5.7-1

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Table 5.7-3 shows the total capacity, the 2023-2024 school year enrollments, and the remaining capacity of the schools that would serve TUSD students residing in the Modified Project site. As shown, W.R. Nelson Elementary, Sycamore Magnet Academy, and Tustin High School have remaining capacity to serve between 50 and 265 additional students. Heritage Elementary School and Legacy Magnet Academy do not have remaining capacity as of 2023-2024 data.

Table 5.7-3: Existing School Capacity of TUSD Schools Serving the Project Site

School	2023-2024 Enrollment	2023-2024 Capacity	Remaining Capacity
Heritage Elementary School (K-5)	528	500	-28
W.R. Nelson Elementary School (K-5)	464	514	50
Sycamore Magnet Academy (6-8)	1,161	1,314	153
Legacy Magnet Academy (6-12)	904	810	-94
Tustin High School (9-12)	1,818	2,083	265

Source: (Special District Financing and Administration, April 2024)

Irvine Unified School District

IUSD serves a 53-square mile area and more than 38,000 students in one early childhood learning center, 24 elementary schools, five K-8 schools, six middle schools, five high schools, one alternative high school, and two virtual academies (Irvine Unified School District, 2024).

The Modified Project site does not fall within the portion of Neighborhood G that is within the IUSD service area. Additionally, the portion of the TLSP that falls within the IUSD is fully built out and no further development within the boundary is anticipated. Therefore, no additional IUSD students would be generated by the Modified Project.

Santa Ana Unified School District

The SAUSD serves a 24-square mile area and has a total of 57 schools including 26 elementary schools, two K-6 schools, four K-8 schools, eight intermediate schools, seven high schools, four educational options secondary schools, one independent charter, one child development center, three early childhood education programs, and one K-6 deaf and hard of hearing regional program (Santa Ana Unified School District, 2024).

According to the data from the California Department of Education, the SAUSD had an enrollment of 42,247 students in the 2022/2023 school year (California Department of Education, 2024). Within the SAUSD, the Modified Project site is in the attendance areas of the following schools.

- Monroe Elementary School (K-5), located at 417 Ease Central Avenue, Santa Ana, approximately 1.3 miles west of the TLSP.
- McFadden Institute of Technology (6-8), located at 2701 South Raitt Street, Santa Ana, approximately 3 miles west of the TLSP.
- Century High School (9-12), located at 1401 South Grand Avenue, Santa Ana, approximately 1.4 miles northwest of the TLSP.

Table 5.7-4 shows the total capacity, the 2023-2024 school year enrollments, and the remaining capacity of the SAUSD schools that would serve students residing in the Modified Project site. As shown, all three schools have remaining capacity to serve between 264 and 1,180 additional students.

Table 5.7-4: Existing School Capacity of SAUD Schools Serving the Project Site

School	2023-2024 Enrollment	2023-2024 Capacity	Remaining Capacity
Monroe Elementary School	236	500	264
McFadden Institute of Technology	1,061	1,525	464
Century High School	1,385	2,565	1,180

Source: J. Cogan, personal communication, March 20, 2024.

5.7.4.3 School Services Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for school services.

5.7.4.4 School Services Methodology

The potential impacts related to school services were evaluated based on the ability of existing and planned schools to accommodate the student population that would be generated by the Modified Project. Specifically, impacts on schools are determined by analyzing the estimated increase in student population as a result of Project build out, and comparing the increase to the capacity of schools that would serve the Project site to determine whether new or altered facilities would be required, the construction of which could result in adverse environmental effects.

As described in the TUSD 2024 Fee Justification Report for Residential and Commercial/Industrial Development, school districts anticipate the number of students that would be generated by new residential development to plan for needed facilities. The generation rates used by the TUSD are listed in Table 5.7-5.

Table 5.7-5: Tustin Unified School District Student Generation Rates

Housing Type	Generation Rate
Elementary School (K-5)	
Single Family	0.1842
Multifamily	0.1425
Middle School (6-8)	
Single Family	0.1057
Multifamily	0.0794
High School (9-12)	
Single Family	0.1410
Multifamily	0.1059

Source: (Special District Financing & Administration, April 2024)

Generation rates as described in the SAUSD 2022 Residential Development School Fee Justification Study are listed in Table 5.7-6.

Table 5.7-6: Santa Ana Unified School District Student Generation Rates

Housing Type	Generation Rate
Elementary School (K-5)	
Single Family	0.4028
Multifamily	0.1937
Middle School (6-8)	
Single Family	0.2203
Multifamily	0.1111
High School (9-12)	
Single Family	0.2868
Multifamily	0.1427

Source: (Cooperative Strategies, 2022)

5.7.4.5 School Services Environmental Impacts

Summary of Previous Environmental Impacts

Tustin Unified School District

The 2001 FEIS/EIR determined that the project would generate a total of 2,432 students: 1,473 within the TUSD, 959 within the IUSD and no students within the SAUSD. The Specific Plan provided for two elementary schools and one high school onsite. TUSD determined that those schools would be adequate to house students generated by the project. TUSD would collect school facilities impact fees pursuant to SB 50.

The 2006 Addendum determined that the project would result in a reduction of 497 students within TUSD compared to the student generation presented in the FEIS EIR for the original Specific Plan (estimated to be 1,473 students). No new impacts were identified. The 2006 Addendum also recognized the future development of three school sites in TUSD identified in the 2001 FEIS/EIR and analyzed the impact of expanding the Heritage school by 5-acres to accommodate a combination elementary/middle school.

The 2017 SEIR found that the additional residential units as a result of the 2017 TLSP SPA would generate about 1,250 additional students within TUSD boundaries. The addition of 1,250 students to the schools serving the Project area has the potential to exceed the available capacity for some schools if all development were to occur at the time of project approval. The need for additional services is addressed through compliance with school impact fee assessment. Several school facilities were planned for the TLSP area at the time the 2017 SEIR was being prepared, including an expansion of the existing Heritage School enrollment capacity from 600 students to 900 students; development of a 40.03-acre site to house Legacy Academy, a 6–12 magnet science, technology, engineering and math (STEM) school; development of an alternative education facility, and possible development of additional District administrative facilities. The 2017 SEIR determined that the planned facilities would be able to accommodate anticipated demand. Therefore, the 2017 SEIR determined that the project would have a less than significant impact on school facilities (2017 Draft SEIR, p. 5.6-9).

Irvine Unified School District

The Adopted Specific Plan includes a site for a K–8 school in the IUSD and noted project-generated students in grades 9–12 would attend existing and planned IUSD high schools. The 2001 FEIS/EIR determined that the project would generate 2,432 students: 959 within the IUSD, a net increase of 302 students. It identified a 20-acre school site within the IUSD boundaries to accommodate the increased student population. The

2006 Addendum determined that the project would result in a reduction of 107 students within IUSD. No new significant impacts were identified.

The 2017 SEIR did not analyze impacts related to IUSD because the project did not fall within IUSD's boundaries.

Santa Ana Unified School District

The 2001 FEIS/EIR determined that no new students would be generated directly to the SAUSD resulting from housing development. However, commercial development would indirectly generate new students if new employees were to seek housing nearby within the SAUSD boundaries. These impacts were addressed with a settlement agreement between the City of Tustin and the SAUSD.

The 2006 Addendum recognized a reduction of approximately 0.7 million square feet of nonresidential uses, reducing the potential for indirect student generation. It found that impacts would be reduced compared to the original project.

The 2017 SEIR did not analyze impacts related to the SAUSD because the project did not fall within the SAUSD's boundaries.

Existing Conditions

The TUSD has already completed construction of Heritage Elementary School, a 10-acre site located in Neighborhood A. The first phase of a 40-acre middle school and high school, Legacy Magnet Academy, at the southwest corner of Tustin Ranch Road and Valencia Avenue in Neighborhood D was completed in 2020. This site was a conveyance agreement and grant deed agreement between the City and the TUSD.

Located in Neighborhood H, on the northwest corner of Barranca Parkway and Harvard Avenue, the IUSD has a small campus called the Creekside Education Center. Creekside High School and Irvine Adult School are both located on this approximately 20-acre site.

Modified Project Environmental Impacts

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

This threshold was previously addressed within the 2017 TLSP SPA SEIR under threshold SS-1. Impacts were determined to be less than significant.

Less than Significant Impact with Mitigation. Buildout of the Modified Project would result in the construction of 6,697 total residential units in the Specific Plan area. Overall, this represents an increase of 2,211 units when compared to the 4,486 units allowed under the Approved Specific Plan.

Assuming the potential for density bonus units, the Modified Project would result in the potential addition of 4,970 residential units within the TUSD boundaries. Using the student generation rates found in Table 5.7-6, the additional residential units have the potential to generate about 1,713 additional students within TUSD boundaries. Table 5.7-7, below, summarizes the number of students that would be generated by different residential unit types.

Table 5.7-7: Tustin Unified School District Students at Project Buildout

Grade Level	Generation Rate	Units	Students
Elementary School (K-5)			
Single Family	0.1842	809	149
Multifamily	0.1425	4,161	593
	Subtotal	*4,970*	*742*
Middle School (6-8)			
Single Family	0.1057	809	86
Multifamily	0.0794	4,161	330
	Subtotal	*4,970*	*416*
High School (9-12)			
Single Family	0.1410	809	114
Multifamily	0.1059	4,161	441
	Subtotal	*4,970*	*555*
		TOTAL	**1,713**

Source: (Special District Financing & Administration, April 2024)

The addition of 1,713 students to the schools serving the Modified Project area has the potential to exceed the available capacity for the schools if all future development were to occur simultaneously. As shown in Table 5.7-7, buildout of the Modified Project could generate 742 elementary school students, 416 middle school students and 555 high school students. Based on the current school capacity information shown in Table 5.7-3, the Modified Project would generate more students than can be accommodated by the available existing capacity. However, buildout of the Modified Project is expected to occur incrementally over a 20-year period.

A service letter was sent to TUSD requesting information regarding the District's ability to serve buildout of the Project. On April 5, 2024, Tom Rizzuti, Director of Facilities and Planning, responded stating that TUSD has no current plans to build new schools in the District. However, a second classroom at Legacy Magnet Academy has been designed and could be constructed if appropriate demand and funding are in place. Additionally, the response stated that the District reserves the right to send students generated by the Project to other schools in the District if space is not available at the current schools of attendance. Thus, although two of the schools serving the Project site are over capacity, the District would be able to send students generated by the Modified Project to other schools within the District that have capacity to accommodate additional students (T. Rizzuti, personal communication, April 5, 2024).

As described above, a portion of Neighborhood D South falls within the service area of SAUSD. The Project would increase the overall unit cap in Neighborhood D South from 1,672 to 1,772 and allow up to 655 density bonus units. Assuming the potential for density bonus units, the Modified Project would result in the potential addition of 755 residential units within the SAUSD boundaries. Using the student generation rates found in Table 5.7-6, the additional residential units have the potential to generate about 393 additional students within SAUSD boundaries. Table 5.7-8, below, summarizes the number of students that would be generated by different residential unit types.

Table 5.7-8: Santa Ana Unified School District Students at Project Buildout

Housing Type	Generation Rate	Units	Students
Elementary School (K-5)			
Single Family	0.4028	117	47

Housing Type	Generation Rate	Units	Students
Multifamily	0.1937	638	124
	Subtotal	*755*	*171*
Middle School (6-8)			
Single Family	0.2203	117	26
Multifamily	0.1111	638	71
	Subtotal	*755*	*97*
High School (9-12)			
Single Family	0.2868	117	34
Multifamily	0.1427	638	91
	Subtotal	*755*	*125*
		TOTAL	**393**

Source: (Cooperative Strategies, 2022)

As shown in Table 5.7-9, the addition of 393 SAUSD students to the schools serving the Modified Project area would be accommodated by the remaining capacity in each of the schools.

Table 5.7-9: Remaining Santa Ana Unified School District Capacity with Buildout of Proposed Project

School	2023/2024 Capacity	2023/2024 Enrollment	Remaining Capacity	Project Generated Students	Remaining Capacity with Project
Tustin Ranch Elementary School (K-5)	236	500	264	171	93
Pioneer Middle School (6-8)	1,061	1,525	464	97	367
Beckman High School (9-12)	1,385	2,565	1,180	125	1,055

Source: (Cooperative Strategies, 2022) (California Department of Education, 2024)

As described within Section 5.7.4.1, *School Services Regulatory Setting*, the need for additional school facilities is addressed through compliance with the school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) sets forth a State school facilities construction program that includes restrictions on a local jurisdiction's ability to condition a project on mitigation of a project's impacts on school facilities in excess of fees set forth in the Government Code. These fees are collected by school districts at the time of issuance of building permits for commercial, industrial, and residential projects. The Project incorporates Implementation Measure (f) from the Adopted FEIR/EIS which requires future project developers to provide proof to the City that the appropriate school fees have been paid pursuant to Government Code Section 65995. Alternatively, Implementation Measure (f) allows the project developer to enter into a mutual agreement with an applicable school district to provide alternative mitigation that addresses student generation increases. The existing TUSD development impact fee is $4.08 per square foot for all new residential development, and $0.66 per square foot for new commercial development (City of Tustin, 2018). The existing SAUSD development impact fee is $4.79 per square foot for all new residential development, and $0.78 per square foot for new commercial development. However, these schools fees will increase on June 24, 2024, and July 15, 2024 for TUSD and SAUSD, respectively. The new development impact fee for both districts will be $5.17 for new residential development and $0.84 for commercial development (Santa Ana Unified School District, 2024) (Tustin Unified School District, 2024). Pursuant to Government Code Section 65995, applicants pay developer fees to the appropriate school districts at the time building permits are issued, and payment of the adopted fees provides full and complete mitigation of school impacts. As a result, impacts related to school facilities would be less than significant with implementation of Implementation Measure (f).

5.7.4.6 School Services Cumulative Impacts

The geographic context for cumulative impacts to schools is the TUSD and SAUSD boundaries, respectively. The proposed Project and other development within TUSD and SAUSD could generate additional students resulting in the need to expand or construct new schools. As school district enrollments expand, short-term and long-term plans must be made to accommodate the additional students. However, as described above, the State provided authority for school districts to assess impact fees for both residential and non-residential development projects. Fees collected in accordance with Government Code Section 65995(b) allow TUSD and SAUSD to plan and construct for future growth. Furthermore, the payment of those fees constitutes full mitigation for the impacts generated by new development, per Government Code Section 65995, which would reduce potential impacts related to the projects cumulative school service impacts to a less-than-significant level.

5.7.4.7 School Services Existing Standard Conditions and Plans, Programs or Policies

Government Code Section 65995(b).

5.7.4.8 School Services Level of Significance Before Mitigation

Impact PS-3 would be potentially significant.

5.7.4.9 School Services Mitigation Measures

Adopted 2017 SEIR Implementation Measures Applicable to the Project

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

5.7.4.10 School Services Level of Significance After Mitigation

No significant unavoidable adverse impacts related to school services would occur.

5.7.5 LIBRARY SERVICES

5.7.5.1 Library Services Regulatory Setting

There are no relevant federal, State, or local regulations related to library services.

5.7.5.2 Library Services Environmental Setting

The Orange County Public Library (OCPL) provides library services to the City, including the Project site. OCPL has 33 branch libraries in 24 incorporated cities and unincorporated areas of Orange County and has a system-wide collection of approximately 2.5 million items (Orange County Public Libraries, 2020). The City of Tustin has one branch library operated by OCPL: the Tustin Library, located at 345 East Main Street, approximately 1.6 miles northwest of the Project site. Additionally, the Heritage Park Library, operated by OCPL, is located at 14361 Yale Avenue in Irvine, approximately 1.3 miles northeast of the Project site; and

Heritage Park Regional Branch, operated by OCPL, is located at 14361 Yale Avenue in Irvine, approximately 1.6 miles east of the Project Site.

The Tustin Library branch has amenities such as public computers with internet access, a Memory Lab for library users to digitize their own documents, a local history collection featuring books specific to the Tustin community and surrounding area and OC Read. OC Read is a program designed to support adult learners to further their work, family, and personal goals.

OCPL has a service standard of 0.2 square feet of library facility per capita for the purpose of projecting the need for additional library services (Orange County, 2020).

5.7.5.3 Library Services Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to result in substantial adverse physical impacts associated with the provision of new or physically altered library facility, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for library services.

5.7.5.4 Library Services Methodology

The potential impacts related to library services were evaluated based on the ability of existing and planned libraries to accommodate the population that would be generated by the proposed Project. Specifically, impacts on libraries are determined by identifying the extent to which the Project would increase demand for services and analyzing the estimated increase in capacity of libraries that would serve the Project site to determine whether new or altered facilities would be required, the construction of which could result in adverse environmental effects.

5.7.5.5 Library Services Environmental Impacts

Summary of Previous Environmental Impacts

The certified FEIS/EIR identified three public libraries within three miles of the TLSP area. It found that implementation of the TLSP would not require construction of a new library facility, and impacts were less than significant. Subsequently, the OCPL entered into an agreement with the City of Tustin to expand the Tustin Branch Library in the Tustin Civic Center. The Project was approved in September 2005 and evaluated in a Mitigated Negative Declaration (SCH 2002041001) adopted in May 2002. In 2009, the new 32,000-square-foot library opened, replacing the 15,000-square-foot facility built in 1974. The new library has a book capacity of 209,000 volumes.

The 2017 SEIR Initial Study determined that the 2017 TLSP SPA would add 4,609 residents (2,212 dwelling units) to the site compared to the Adopted TLSP, resulting in a total of 17,859 residents. Using the OCPL service standard of 0.2 square feet of library space per capita, the FEIS/EIR estimated that the Adopted TLSP would generate a demand for approximately 2,500 square feet of library space. Using the same service standard, the 2017 TLSP SPA would generate demand for a net increase of 922 square feet of library space, or 3,572 square feet total at buildout. The Tustin Library increased its facilities by 14,000 square feet in 2009. Therefore, the additional demand of 922 square feet was accommodated by the existing library facilities and would not require the construction of a new or expanded facility (2017 TLSP Initial Study, p. 84). No new significant impacts were identified.

Modified Project Environmental Impacts

IMPACT PS-4: THE PROJECT WOULD NOT RESULT IN SUBSTANTIAL ADVERSE PHYSICAL IMPACTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED LIBRARY FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.

Less than Significant Impact.

This threshold was previously addressed within Section 5.14 of the Initial Study prepared for the 2017 TLSP SPA SEIR under threshold (e). No new significant impact was identified.

As described previously, the Modified Project would permit development of a net increase of 4,466 dwelling units compared to the Approved Project. As described in Chapter 5.6, *Population and Housing*, of this SEIR, buildout of the Project could result in an additional 13,817 residents in the City. This increase in population would increase the demand for library services in the City. Based on the OCPL's service standards of 0.2 square feet of library space per capita, the Modified Project would require approximately 2,764 square feet of additional library space. However, as described in Section 5.7.5.2 above, there are three libraries within two miles of the TLSP which would be available for use by future residents generated under the Modified Project. Additionally, future residents with an OCPL Library Card would be able to check out materials from any of the 32 library branches within OCPL's network (Orange County Public Library, 2024). Therefore, future buildout of the proposed Project would not result in the need for new or physically altered library facilities, the construction of which could cause significant environmental impacts. Therefore, impacts to library services would be less than significant.

Additionally, funding for OCPL services is provided through County property taxes dedicated to the library. These funds are used to upgrade and expand existing facilities, as needed (The Davis Company, 2010). Thus, as future development under the Modified Project occurs, County property taxes would be collected for use by OCPL.

5.7.5.6 Library Services Cumulative Impacts

The geographic scope for cumulative library services is the OCPL service area. Development of the proposed Project and cumulative projects would proportionally contribute to property taxes, a portion of which would be dedicated to OCPL services. Cumulative projects could introduce residents into OCPL's service area and increase demand for library services. However, all projects in the County would contribute towards County property taxes that fund OCPL services throughout the County. These funds would be utilized to upgrade and expand existing and/or planned library facilities and resources, as needed. Further, should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA review. Therefore, impacts from cumulative impacts associated with library services would be less than significant.

5.7.5.7 Library Services Existing Standard Conditions and Plans, Programs or Policies

None.

5.7.5.8 Library Services Level of Significance Before Mitigation

Impact PS-4 would be less than significant.

5.7.5.9 Library Services Mitigation Measures

No mitigation measures are required.

5.7.5.10 Library Services Level of Significance After Mitigation

No significant unavoidable adverse impacts related to library services would occur.

5.7.6 REFERENCES

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5.8 Transportation

5.8.1 INTRODUCTION

This section addresses potential transportation impacts that may result from implementation of the proposed Tustin Legacy Specific Plan (TLSP) Specific Plan Amendment (SPA). The following discussion addresses the existing transportation conditions in the Modified Project area, identifies applicable regulations, evaluates the Modified Project's consistency with applicable goals and policies, identifies impacts of the Approved Project and analyzes new environmental impacts of the Modified Project, and, if necessary, recommends measures to reduce or avoid adverse impacts anticipated from implementation of the proposed Modified Project. This analysis has been prepared in accordance with CEQA requirements to evaluate potential transportation impacts based on vehicle miles traveled (VMT).

Since the analysis was prepared for the original 2001 FEIS/EIR, updated traffic models have been developed, which take into account the current circulation system, funded improvements, and updated local and regional growth projections. In order to provide a valid comparison of the Modified Project's traffic impacts to the Adopted Specific Plan, this traffic analysis shows the traffic impacts of the Adopted Specific Plan and Modified Projects using the Orange County Transportation Analysis Model (OCTAM 5.0), per the *City of Tustin Vehicle Miles Traveled Analysis Guidelines* (City of Tustin, 2024).

Information within this section is based on the following:

- *City of Tustin General Plan* (including 2021-2029 Housing Element), adopted November 2018 and updated October 2022
- *Tustin Legacy Specific Plan (*formerly the Marine Corps Air Station [MCAS] Tustin Specific Plan), adopted January 2001 and last updated July 2017
- *Tustin Legacy Specific Plan Amendment Final Supplemental Environmental Impact Report (FEIR),* certified July 2017, prepared by PlaceWorks
- Tustin City Code
- *Connect SoCal 2024 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS), adopted April 2024
- *The Tustin Legacy Specific Plan Amendment Vehicle Miles Traveled (VMT) Analysis*, prepared by EPD Solutions (Appendix D)
- *City of Tustin VMT Analysis Guidlines*, March 2024

Transportation Terminology

- **Major:** A six- to nine-lane divided roadway with no on-street parking, with a typical right-of-way width of 120 to 144 feet and a curb-to-curb pavement width of 102 to 126 feet. Major arterials typically carry a significant volume of regional traffic. When the traffic volumes warrant a major arterial highway in areas where a full 120 to 144 feet of right-of-way is not feasible due to existing structures or topography, a lesser right-of-way (no less than 100 feet) can be used to accommodate a six-lane facility. This is referred to as a "modified major" on the City Arterial Highway Plan.
- **Primary:** A four-lane divided roadway, with a typical right-of-way width of 100 feet and curb-to-curb pavement width of 84 feet. Regional traffic will typically be less than for a major arterial, but primary arterials form an important component of the regional transportation system. When the traffic volumes warrant a primary arterial highway in areas where a full 100 feet of right-of-way is not feasible due to existing structures or topography, a lesser right-of-way (no less than 80 feet) can be used to

accommodate a four-lane facility. This is referred to as a "modified primary" on the City Arterial Highway Plan.

- **Secondary:** A four-lane undivided roadway, with a typical right-of-way width of 80 feet and a curb-to-curb pavement width of 64 feet. These roadways serve as collectors, distributing traffic between local streets, and major and primary arterials.
- **Collector:** A two-lane undivided roadway, with a minimum right-of-way width of 66 feet and a minimum curb-to-curb width of 50 feet. The width may be increased to accommodate roadway features such as bicycle lanes, on-street parking, and turn lanes. At LOS "C," this road type accommodates up to approximately 10,000 vehicle trips per day. This road functions as a collector facility, however it tends to move traffic between two arterials rather than between local streets, it has been added to the City's arterial highway system because it provides network continuity and is regionally significant and may serve through traffic demand where projected volumes do not warrant a higher classification such as Secondary.
- **Divided Collector:** A two-lane, two-way divided roadway, with a minimum right-of-way width of 80 feet and a minimum curb-to-curb width of 56 feet including on-street parking and bike lanes. The width may be decreased when no parking spaces are provided or increased to accommodate roadway features such as turn lanes. At LOS "C," this road type accommodates up to approximately 15,000 vehicle trips per day. Similar to Collectors, this road functions as a collector facility, however it tends to move traffic between two arterials rather than between local streets, it has been added to the City's arterial highway system because it provides network continuity and is regionally significant and may serve through traffic demand where projected volumes do not warrant a higher classification such as Secondary.
- **Class I Bike Path or Bike Trail.** Provides a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians; crossflows with motorized vehicles minimized. Minimum width for Class I (two-way) is 8 feet, with a desired width of 10-12 feet, and minimum shoulder width of 2 feet on each side. Minimum width for Class I (one-way) is 5 feet, with a minimum shoulder width of 2 feet on each side.
- **Class II Bike Lane.** Provides a restricted right-of-way on a roadway's shoulder designated for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited; vehicle parking and crossflows by pedestrians and motorists permitted. Vehicle parking in a Class II bike lane is not desirable and should be discouraged and/or restricted where possible. Additional lane width (12 feet minimum and 13 feet desirable) shall be required if on-street parking is permitted. The typical width is 8 feet. A reduction in width to allow for restriping of an existing roadway or for added turning lanes may be permitted. In such cases, a 5-foot width, or gutter width plus 3 feet, whichever is greater, is the minimum width.
- **Class III Bikeway.** Provides for shared use of roadway facilities. These bikeways share the street with motor vehicles or share the sidewalk with pedestrians. In both conditions, bicycle use is a secondary function of the pavement.
- **Traffic Analysis Zone (TAZ).** Traffic Analysis Zone (TAZ) refers to the geographic unit used for traffic analysis within transportation planning models, such as the Orange County Transportation Analysis Model (OCTAM) VMT Screening Tool model. A TAZ is a special area delineated by state and/or local transportation officials for tabulating traffic-related data especially journey-to-work and place-of-work statistics. A TAZ usually consists of one or more census blocks, block groups, or census tracts.
- **Transit Priority Area (TPA).** As defined by Senate Bill (SB) 743, a Transit Priority Area (TPA) is an area located within a one-half mile of an existing or planned "major transit stop" or an existing stop along a "high quality transit corridor." Per Public Resources Code, Section 21064.3, "'Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Per Public Resources Code,

Section 21155, a high-quality transit corridor means a "corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours."

- **Vehicle Miles Traveled (VMT).** VMT is defined as the total miles traveled by vehicles (within a transportation network).
- **Low VMT Area.** The City of Tustin defines low VMT areas as Traffic Analysis Zones (TAZs) with a total daily VMT per capita or VMT per employee that is less than the base level for the city.

5.8.2 REGULATORY SETTING

5.8.2.1 State Regulations

Senate Bill 743 (Steinberg, 2013)

On September 27, 2013, Senate Bill 743 (SB 743) was signed into State law. The California legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the State had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of greenhouse gas (GHG) emissions, as required by the California Global Warming Solutions Act of 2006 (AB 32).

SB 743 requires the California Governor's Office of Planning and Research to amend the State CEQA Guidelines to provide an alternative to level of service (LOS) as the metric for evaluating transportation impacts under CEQA. Particularly within areas served by transit, SB 743 requires the alternative criteria to promote the reduction of greenhouse gas emissions, development of multimodal transportation networks, and diversity of land uses. The alternative metric for transportation impacts detailed in the State CEQA Guidelines is vehicle miles traveled (VMT). Jurisdictions had until July 1, 2020, to adopt and begin implementing VMT thresholds for traffic analysis.

AB 1358: California Complete Streets Act

The California Complete Streets Act was implemented on January 1, 2011, which required circulation elements to address the transportation system from a multimodal perspective. The bill states that streets, roads, and highways must "meet the needs of all users…in a manner suitable to the rural, suburban, or urban context of the general plan." This bill requires a circulation element to plan for all modes of transportation where appropriate—including walking, biking, car travel, and transit. The Complete Streets Act also requires circulation elements to consider the multiple users of the transportation system, including children, adults, seniors, and people with disabilities. The TLSP implements complete streets planning through the Mobility Plan (Section 2.3 of the TLSP) by providing new and improved pedestrian and bicycle circulation facilities near existing bus routes.

California Fire Code

The California Fire Code sets requirements pertaining to fire safety and life safety, including for emergency access and evacuation (California Code of Regulations Title 24 Part 9). The California Fire Code is incorporated by reference in Article 8 Chapter 8100 of the Tustin City Code.

5.8.2.2 Local and Regional Regulations

SCAG Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is the designated metropolitan planning organization for six (6) Southern California counties: Ventura, Los Angeles, San Bernardino, Riverside,

Orange, and Imperial. As the designated metropolitan planning organization, SCAG is mandated by the federal and State governments to prepare plans for regional transportation and air quality conformity. The most recent plan adopted by SCAG is the 2024-2050 Connect SoCal 2024 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which was adopted in April 2024. The RTP/SCS integrates transportation planning with economic development and sustainability planning and aims to comply with State GHG emissions reduction goals, such as SB 375. With respect to transportation infrastructure, SCAG anticipates, in the RTP/SCS, that the six-county region will have to accommodate 20,909,000 residents by 2050 while also meeting the GHG emissions reduction targets set by the California Air Resources Board. SCAG is empowered by State law to assess regional housing needs and provide a specific allocation of housing needs for all economic segments of the community for each of the region's counties and cities. In addition, SCAG has taken on the role of planning for regional growth management.

Orange County Transportation Authority

The Orange County Transportation Authority (OCTA) serves as transportation planner and coordinator, designer, builder, and operator for Orange County. OCTA funds improvements to all modes of transportation through several programs, including the Congestion Management Program (CMP). OCTA operates bus transit services throughout Orange County, including Tustin.

The Orange County Congestion Management Program (CMP) was established in 1991 to reduce traffic congestion and to provide a mechanism for coordinating land use and development decisions and was most recently updated in 2023. Compliance with CMP requirements ensure a city's eligibility to compete for the State gas tax funds for local transportation projects. The CMP requires that a traffic impact analysis be conducted for any project generating 2,400 or more daily trips, or 1,600 or more daily trips for projects that directly access the CMP Highway System. Per the CMP guidelines, this number is based on the desire to analyze any impacts that comprise 3 percent or more of the existing CMP highway system facilities' capacity.

City of Tustin General Plan

The City's General Plan includes the following policies related to transportation in the Circulation Element and the Growth Management Element:

Circulation Element

Goal 1 **Provide a system of streets that meets the needs of current and future inhabitants and facilitates the safe and efficient movement of people and goods throughout the City consistent with the City's ability to finance and maintain such a system.**

Policy 1.2 Develop and implement circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, warrant requirements, capacity, maximum grades and associated features such as medians and bicycle lanes or trails that are adjacent or off-road.

Policy 1.3 Coordinate roadway improvements with applicable regional, state and federal transportation plans and proposals.

Policy 1.4 Develop and implement thresholds and performance standards for acceptable levels of service.

Policy 1.10 Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts.

Policy 1.11 Encourage new development which facilitates transit services, provides for non-vehicular circulation and minimizes vehicle miles traveled.

Policy 1.15 Ensure construction of existing roadways to planned widths, as new developments are constructed.

Policy 1.16 Continue to require dedication of right-of-way and construction of required public improvements on streets adjacent to construction projects at the developer's expense.

Goal 5 **Support development of a public transportation system that provides mobility to all City inhabitants and encourages use of public transportation as an alternative to automobile travel.**

Policy 5.2 Require new development to fund transit facilities, such as bus shelters and turn-outs, where deemed necessary to meet public needs arising in conjunction with development.

Policy 5.5 Promote new development that is designed in a manner which facilitates provision or expansion of transit service and provides non-automobile circulation within the development.

Goal 6 **Increase the use of non-motorized modes of transportation.**

Policy 6.1 Promote the safety of pedestrians and bicyclists by adhering to uniform standards and practices, including designation. of bicycle lanes, off-road bicycle trails, proper signage, and adequate sidewalk, bicycle lane, and off-road bicycle trail widths.

Policy 6.2 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways between developments, schools and public facilities.

Policy 6.8 Support retrofit installation of sidewalks in industrial districts and Planned Community Business Parks as development occurs.

Policy 6.14 Require new development to dedicate land and fund improvement of bicycle, pedestrian and equestrian facilities, where deemed necessary to meet public needs arising in conjunction with development.

Goal 7 **Provide for well-designed and convenient parking facilities.**

Policy 7.1 Consolidate parking, where appropriate, to eliminate the number of ingress and egress points onto arterials.

Policy 7.2 Provide sufficient off-street parking for all land uses.

Growth Management Element

Goal 2 **Ensure adequate transportation facilities are provided for existing and future inhabitants of the City.**

Policy 2.1 Require that all new development pay its share of the street improvement costs associated with the development, including regional traffic mitigation.

Tustin Legacy Specific Plan

Objectives

The 2017 TLSP includes several objectives related to the transportation system of the TLSP area. The following objectives are applicable to the Modified Project area.

Objective 1 Implement a revised land use and urban design plan for the community that weaves the existing development into an updated comprehensive vision for achieving a better balance of residential, commercial, and employment uses, well connected by a variety of transportation modes, parks, and open space.

Objective 2 Reposition the remaining undeveloped lands in Planning Area 15 to be transit oriented in terms of site design, mixing and increased intensity of land uses, walkability, location and design of public spaces, and direct pedestrian access to the adjacent Tustin Metrolink Station.

This large area would also include a range of commercial recreation, cultural, and entertainment uses within and adjacent to the Tustin Legacy Park.

Objective 6 Implement an updated mobility plan for Tustin Legacy that ensures a well-connected system of roadways, pedestrian paths, bicycle routes, and bus and shuttle routes that provide safe and convenient access to uses within Tustin Legacy, the adjacent Metrolink Station, and other offsite destinations.

Objective 7 Maintain the existing nonresidential land use/trip budget total for Tustin Legacy, while allowing for the reallocation of trips between certain neighborhoods, based on the revised mix of land uses for the remaining lands owned by the City of Tustin.

Mobility Plan

Additionally, the 2017 TLSP includes a Mobility Plan (Section 2.3 of the TLSP) that provides for the needs of pedestrians, bicyclists, motorists, and transit users. The mobility plan is intended to: (1) provide efficient accessibility to the regional and local transportation system; (2) to supply adequate internal circulation capacity; and (3) to efficiently service the proposed land uses. The mobility plan addresses all aspects of the public realm within the public right-of-way, including landscaping, sidewalks, bikeways, parking, and travel lanes. Design and development standards for the circulation system are organized by each of the roadway classifications defined in the TLSP.

5.8.3 ENVIRONMENTAL SETTING

5.8.3.1 Existing Site Access

The public roadway network serving the Project site includes the following roadways described below and listed in Table 5.8-1, *Existing Roadway Characteristics within Project Area*,.

Red Hill Avenue – Major Arterial

Red Hill Avenue, bordering the TLSP area to the west, is a regional-serving seven-lane major arterial highway that functions as a high-capacity connection between employment centers, residential areas, and the I-5 freeway. The cities of Tustin and Santa Ana share the right-of-way.

Edinger Avenue – Major Arterial

Edinger Avenue, bordering the TLSP area to the north, is a regional-serving six-lane major arterial highway that extends from Seal Beach in Los Angeles County to Dana Point in south Orange County (with multiple name changes along the way). Within the vicinity of TLSP area, it functions as a high-capacity connection between employment centers, residential, and commercial areas, the SR-55 freeway, and SR-261 Toll Road. It is flanked to the north by Southern Pacific Railroad and Tustin Metrolink Station. This segment is designated as a six-lane Smart Street by the OCTA.

Tustin Ranch Road (Von Karmen Avenue) – Major Arterial

Tustin Ranch Road is a 6-lane major arterial highway that bisects TLSP area, bridges over Edinger Avenue and the Southern Pacific Railroad tracks, and connects to I-5 on the north. It serves employment centers, residential neighborhoods, and commercial areas extending from Newport Beach through Tustin.

Warner Avenue – Major Arterial

The segment of Warner Avenue in the TLSP area completes the continuation of this major six-lane east-west arterial highway. Warner Avenue was designed to go around the southern blimp hangar, which results in an off-set intersection at Tustin Ranch Road. Warner Avenue extends through the heart of the TLSP area, and serves residential, employment, institutional, and commercial/entertainment uses.

Valencia Avenue – Secondary Arterial/ Local Collector

Valencia Avenue is a major entryway into the TLSP area, providing access to neighborhoods, shopping, recreation, and a range of education and other institutional uses. There are four slightly different right-of-way configurations, based on the traffic demands of adjacent uses and the overall urban character along different segments. The segment east of Edinger Connector has been designated as a local collector based on anticipated traffic demands.

Victory Road – Secondary Arterial

Victory Road is a secondary arterial in Planning Area (PA) 1 and PA 15. In PA 1, Victory Road provides secondary access into TLSP area from Red Hill Avenue. It is intended to primarily serve the Advanced Technology and Education Park (ATEP) campus, which flanks Victory Road on both sides. In PA 15, Victory Road is a residential street that connects to Tustin Ranch Road and provides access to the residential projects within the Mixed-Use Transit neighborhood.

Armstrong Avenue – Secondary Arterial

Armstrong Avenue is an important arterial that will serve the employment hub of the TLSP area, as well as provide access to other major public institutional uses within the site.

Moffett Drive – Secondary Arterial/Local Collector

Moffett Drive, east of Jamboree Road, is fully improved. From Tustin Ranch Road to Park Avenue, Moffett Drive is intended to function as a secondary arterial, with four travel lanes. Between Park Avenue and Jamboree Road, Moffett Drive is narrowed to two travel lanes and becomes a modified local collector.

Park Avenue – Secondary Arterial/Modified Local Collector

Park Avenue north of Warner Avenue is planned in several different configurations ranging from a secondary arterial to a modified local collector serving the Mixed-Use Transit neighborhoods. South of Warner Avenue, Park Avenue serves the regional shopping center called The District.

Legacy Road – Secondary Arterial

Legacy Road is an existing four-lane arterial within the Mixed-Use Urban neighborhood that serves residential uses.

Kensington Park Drive – Secondary Arterial

Kensington Park Drive is one of two access roads into TLSP area from Edinger Avenue. The intersection is fully signalized. The road is adjacent to Columbus Square on the west and The Village at Tustin Legacy shopping center on the east.

Table 5.8-1, *Existing Roadway Characteristics within Project Area*, shows the roadway characteristics of the roadways directly serving the Project site. Figure 5.8-1 illustrates the TLSP Vehicular Circulation Plan.

Table 5.8-1: Existing Roadway Characteristics within Project Area

Roadway	Designation	Number of Lanes Fronting Project Site	Sidewalk Complete	Bike Lane
Redhill Avenue	Major Arterial	7-Lane Divided	Yes	Yes
Edinger Avenue	Major Arterial	6-Lane Divided	Yes	Yes
Tustin Ranch Road (Von Karmen Avenue)	Major Arterial	6-Lane Divided	Yes	Yes
Warner Avenue	Major Arterial	6-Lane Divided	Yes	Yes
Valencia Avenue	Secondary Arterial	4-Lane Divided	No (north side is complete)[1]	No
Victory Road	Secondary Arterial	4-Lane Undivided	Yes	Yes
Armstrong Avenue	Secondary Arterial	5-Lane Undivided	No (partial west side) [1]	Yes
Moffett Drive	Secondary Arterial	2-Lane Divided	Yes	Yes
Park Avenue	Secondary Arterial	4-Lane Divided	Yes	Yes
Legacy Road	Secondary Arterial	5-Lane Divided	Yes	Yes
Kensington Park Drive	Secondary Arterial	4-Lane Undivided	Yes	Yes

[1] Planned for future completion according to the City's Circulation Map

5.8.3.2 Existing Transit Service

Public transit bus service for the City is provided by the Orange County Transportation Authority (OCTA). Two Metrolink commuter rail routes serve the Tustin station: (1) the Orange County Line operates between Oceanside in San Diego County and Los Angeles, and (2) the Inland Empire-Orange County Line operates between San Bernardino and Oceanside. A total of 45 trains per day stop at the station (29 Orange County Line and 16 Inland Empire-Orange County Line) (Metrolink 2014). A Metrolink transit plaza is located across from the project area on the corner of Edinger Avenue and Jamboree Road. The proposed Specific Plan Amendment requires Planning Area 15, across from the transit station, to be transit oriented in terms of scale, form, design, and mix of uses. A pedestrian bridge across Edinger Avenue would be the primary pedestrian and bicycle connection between the project area and the transit station. Vehicular access would be provided by additional street access along Edinger Avenue.

5.8.3.3 Existing Bicycle and Pedestrian Facilities

The Recreational Bikeway/Trail Concept Plan provides an opportunity to complete vital links necessary for a comprehensive regional system as well as improved local system. There are three planning agencies involved in the implementation and maintenance of the bikeway/trail system for the Plan and adjacent areas: the City of Tustin, Orange County Public Works, and the City of Irvine. Each of these agencies has developed their own recreational bikeway and trail master plan to efficiently move cyclists within the respective communities served. Ongoing interagency coordination will be required to address the issues associated with bikeway and trail implementation.

The TLSP Recreational Bikeway/Trail Concept Plan links to adjacent on- and off-road bikeways/trails as identified in Figure 5.8-2. These facilities are part of a local and regional network planned by the City of Tustin, County of Orange, and City of Irvine.

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City of Tustin

Figure 5.8-1

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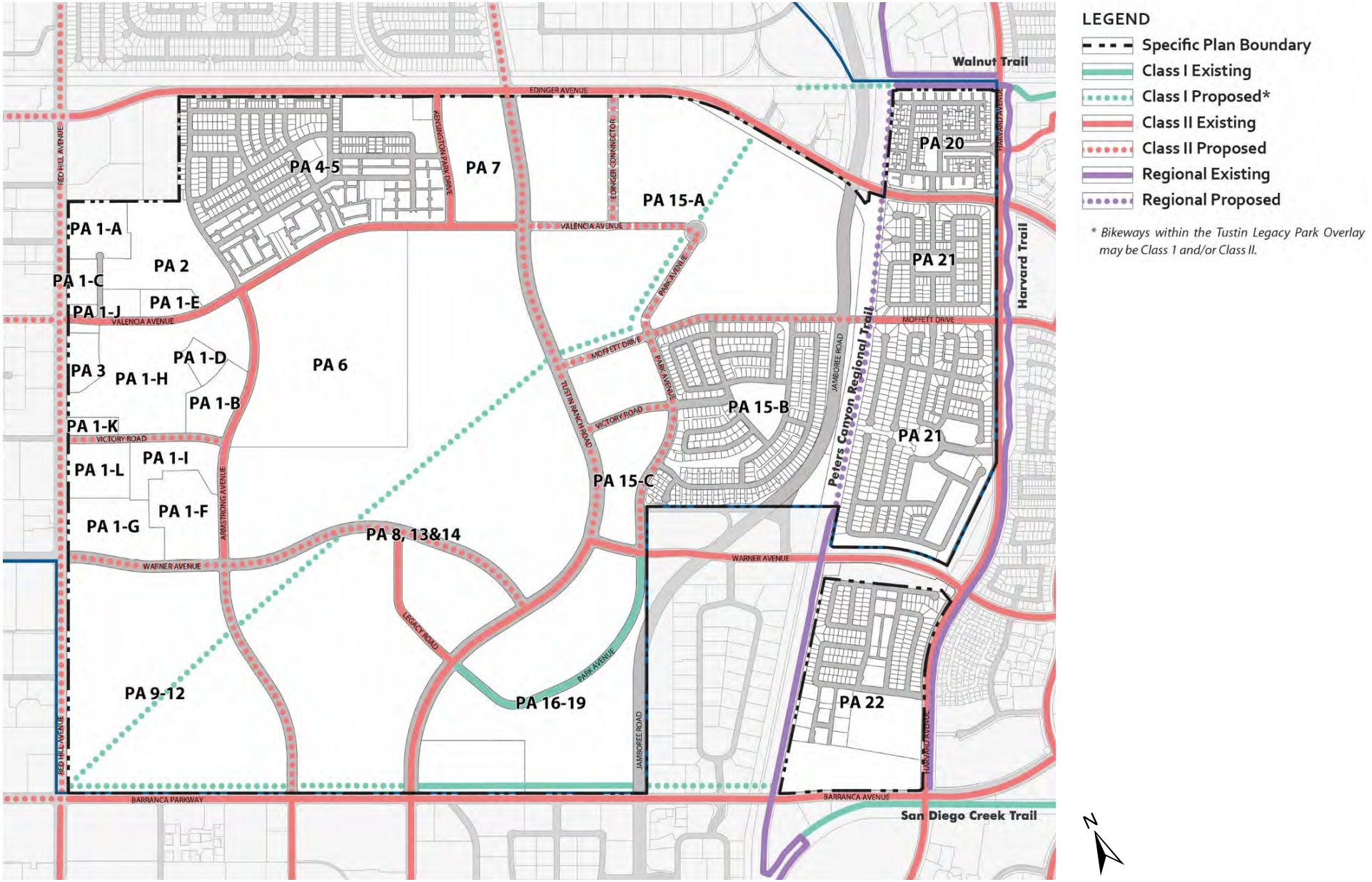
TLSP Bikeways and Trail Plans



Source: Placeworks, 2017. *Tustin Legacy Specific Plan Amendment.*
Note: Several portions of the planned infrastructure depicted have been constructed since publication of the 2017 SEIR.

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5.8.3.4 Existing VMT

As identified in Section 3, *Project Description*, land uses that were modeled for the Approved Project (2017 TLSP) include 4,486 multi-family housing units, 165,600 SF of hotel, 95,200 SF neighborhood commercial, 1,568,090 SF community commercial, 420,000 SF office, 1,000,000 SF continuing care – senior housing, 1,784 high school students (attendance is used for modeling purposes in lieu of school size), and 91 acres of passive park space and 45 acres of active park space.

The 2017 SEIR determined the Approved Project would result in 239,797 daily trips. Using trip generation rates provided by the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition, 2021*, the Approved Project trip generation was calculated to be 100,661 daily trips, with a concentration of trips occurring during the PM peak time.

VMT was not previously analyzed for the Approved Project. However, the 2016 Base Year home-based VMT per capita for the for the three TAZ zones are 8.3 for TAZ 1133, 14.0 for TAZ 1134, and 8.2 for TAZ 1136. The citywide Base Year 2016 home-based VMT is 15.0 VMT per capita (Appendix D). Existing VMT per capita rates across the Modified Project site is generally below the citywide VMT per capita (according to 2016 Base Year).

5.8.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

TRA-1 Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

TRA-2 Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).

TRA-3 Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

TRA-4 Result in inadequate emergency access.

The Initial Study (Appendix A) established that the Modified Project would not result in impacts related to Threshold TRA-3; therefore, no further assessment of this threshold is required in this Draft EIR.

5.8.5 METHODOLOGY

To determine whether the potential future buildout of the Project would result in a significant impact related to conflict with a program, plan, ordinance, or policy related to the effectiveness of the circulation system, the extent to which the Modified Project would provide facilities to enhance the use of public transit, pedestrian, and bicycle mobility, the Modified Project was compared to adopted plans for public transit, pedestrian mobility, and bicycle facilities. A significant impact would result if the Modified Project resulted in a conflict that could result in an impact on the environment.

As outlined in CEQA Guidelines Section 15064.3, except as provided for roadway capacity transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, this analysis has been prepared in accordance with CEQA requirements to evaluate potential transportation impacts based on VMT. The *City of Tustin Vehicle Miles Traveled Analysis Guidelines* provides criteria for projects that would be considered to have a less-than-significant impact on VMT and therefore could be screened out from further analysis. For those projects that are not screened out, mitigation measures would be applied to reduce potential impacts to less than significant. Projects that are not screened out, generate more than 2,400 net daily trips, and require a zone change and/or general plan amendment

would likely need to prepare VMT modeling. Consistent with the City's Guidelines, the VMT screening thresholds were used to identify if the Modified Project could have an impact on VMT, which is detailed below. Trips generated by the Modified Project have been estimated based on trip generation rates provided by the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition, 2021*.

Trip Generation Methodology

The Project trip generation was calculated using trip rates from the ITE *Trip Generation 11th Edition, 2021*. Existing conditions (Baseline) were assessed using ITE trip rates for Land Use Code 310 (Hotel), 822 (Neighborhood Commercial), 820 (Community Commercial), 710 (Office), 251 (Continuing Care - Senior Housing) and 525 (High School). The rates for Project Parks (Legacy Park and Sports Park) were taken from the previously approved TLSP. Based on the density of the proposed housing, trip rates for Land Use Code 210 (Single-family Housing) and 221 Multifamily Housing (Mid-Rise) were used. The ITE rates used for the trip generation can be found in Appendix D.

Vehicle Miles Traveled Analysis Methodology

Consistent with the City's Guidelines, the City's VMT screening thresholds were used to identify if the Project could have an impact on VMT. When a project fails to meet the screening criteria, a more comprehensive VMT analysis may be warranted. The City's guidelines require use of the OCTAM for preparation of VMT analysis. The model includes validated scenarios for 2016 and 2045. These scenarios have been validated using existing traffic counts. Data for years between 2016 and 2045 can be extrapolated using linear interpolation between the 2016 and 2045 model output. The model was run for the base year (2016) and future year (2045) with and without project conditions (i.e., four full model runs). The Project is located within three OCTAM TAZ zones: TAZ 1133 (Neighborhood D North), TAZ 1134 (Neighborhood G West), and TAZ 1136 (Neighborhood D South).

The City of Tustin VMT Guidelines utilizes recommendations provided by the California Office of Planning and Research (OPR) and modeling data provided by OCTA to establish the following VMT thresholds of significance projects. The City's significance threshold for residential projects is based on the project's home-based VMT per capita and the City's significance threshold for non-residential projects is based on the project's employment VMT, per employee. The significance criteria from the City's guidelines are as follows:

Residential Projects. A significant transportation impact occurs if:

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

Non-Residential Projects. A significant transportation impact occurs if:

1. The project's base year employment VMT per employee exceeds the OCTAM base model year citywide average VMT per employee for the City of Tustin.
2. The project's future year employment VMT per employee exceeds the OCTAM base model year citywide average VMT per employee for the City of Tustin.

5.8.6 ENVIRONMENTAL IMPACTS

Summary of Impacts Associated with the Approved Project

On January 20, 2016, the Governor's Office of Planning and Research released revisions to its proposed CEQA guidelines for the implementation of SB 743. Final review and rulemaking for the new guidelines were

not yet approved at the time of the 2017 TLSP SPA SEIR preparation and certification. Since approval of the 2017 SEIR, State law requires that "automobile delay, as described solely by level of service of similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (Public Resources Code § 21099[b][2]). Since the Governor's Office of Planning and Research had not yet amended the CEQA Guidelines to implement this change at the time of the 2017 SEIR analysis, automobile delay was still considered a significant impact, and the City of Tustin utilized established LOS criteria for determining impacts of the Approved Project.

The Approved Project anticipated a total trip generation of 239,797 daily trips for the entire TLSP area, a 12,322-trip increase from the previously adopted 2013 version of the TLSP. The Initial Study prepared for the 2017 SEIR determined that the Approved Project would result in less-than-significant impacts on hazards due to a design feature, consistent with the original FEIS/EIR. Likewise, the Initial Study determined the Approved Project would not decrease the safety or performance of pedestrian, bicycle, or transit facilities and the Approved Project is consistent with the conclusion of the original FEIS/EIR that impacts would be less than significant.

IMPACT TRA-1: THE PROJECT WOULD NOT CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, BICYCLE, AND PEDESTRIAN FACILITIES.

Less Than Significant Impact.

In general, the following traffic analysis is regarded as a hypothetical scenario and is not reflective of an immediate-term construction project. The analysis is, ultimately, misleading because it assumes that the Modified Project would be fully built out immediately upon adoption of the TLSP SPA. In reality the proposal is a long-range development project that would be constructed incrementally, and full buildout is not realized until a future projected date; thus, this analysis conservatively overestimates impacts by assuming immediate, concurrent buildout. Furthermore, the following analysis does not account for surrounding future development and related changing land uses, and it does not account for the corresponding change in trip distribution patterns associated with changing land uses. For these reasons, the analysis provided here for the proposed Modified Project is included for disclosure, information, and comparison purposes only.

This threshold was addressed under Impact 5.7-1 of the 2017 SEIR (page 5.7-12); however, the discussion was heavily focused on the project's impacts on LOS of roadway segments and intersections. Per SB 743, an updated analysis has been provided below, which moves away from using LOS as a metric for determining whether the Modified Project would result in significant impacts. Further, a Traffic Impact Analysis (TIA) has been prepared separately from this Draft Supplemental Environmental Impact Report (DSEIR) and is available for review upon request through the City.

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Table 5.8-2: Modified Project Trip Generation

Land Use	ITE Trip Rate/Unit[1]			Unit	Neighborhood D South (PA 13 & 14)				Neighborhood D North (PA 8)				Neighborhood G (PA 15)				Total			
No-Project	**Daily**	**AM**	**PM**		**Approved Project**	**Daily Trips**	**AM Trips**	**PM Trips**	**Approved Project**	**Daily Trips**	**AM Trips**	**PM Trips**	**Approved Project**	**Daily Trips**	**AM Trips**	**PM Trips**	**Approved Project**	**Daily Trips**	**AM Trips**	**PM Trips**
Single Family Housing	9.43	0.7	0.94	DU	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Multi-Family Housing	4.54	0.37	0.39	DU	1,672	7,591	619	652	-	-	-	-	2,814	12,776	1,041	1,097	4,486	20,366	1,660	1,750
Hotel	7.99	0.46	0.59	RM	550	4,395	253	325	-	-	-	-	-	-	-	-	550	4,395	253	325
Neighborhood Commercial	54.45	2.36	6.59	TSF	-	-	-	-	-	-	-	-	95.2	5,184	225	627	95	5,184	225	627
Community Commercial	37.01	0.84	3.4	TSF	20.4	755	17	69	1,547.69	57,280	1,300	5,262	-	-	-	-	1,568	58,035	1,317	5,332
Office	10.84	1.52	1.44	TSF	420	4,553	638	605	-	-	-	-	-	-	-	-	420	4,553	638	605
Continuing Care - Senior Housing	4.31	0.24	0.3	DU	-	-	-	-	-	-	-	-	404	1,741	97	121	404	1,741	97	121
High School	1.94	0.52	0.14	STU	-	-	-	-	1,784	3,461	928	250	-	-	-	-	1,784	3,461	928	250
Park - Legacy Park (Passive)	5	0	0	AC	6	30	-	-	54	270	-	-	31	155	-	-	91	455	-	-
Park - Sports Park (Active)	53.8	0.01	7.5	AC	-	-	-	-	45	2,421	0	338	-	-	-	-	45	2,421	0	338
No-Project Total						**17,323**	**1,527**	**1,651**		**63,432**	**2,228**	**5,849**		**19,855**	**1,363**	**1,846**		**100,611**	**5,118**	**9,346**
Project Land Use Changes	**Daily**	**AM**	**PM**	**Unit**	**Project Addition**	**Daily Trips**	**AM Trips**	**PM Trips**	**Project Addition**	**Daily Trips**	**AM Trips**	**PM Trips**	**Project Addition**	**Daily Trips**	**AM Trips**	**PM Trips**	**Project Addition**	**Daily Trips**	**AM Trips**	**PM Trips**
Single Family Housing	9.43	0.7	0.94	DU	117	1,103	82	110	-	-	-	-	692	6,526	484	650	809	7,629	566	760
Multi-Family Housing	4.54	0.37	0.39	DU	638	2,897	236	249	2,867	13,016	1,061	1,118	656	2,978	243	256	4,161	18,891	1,540	1,623
Hotel	7.99	0.46	0.59	RM	(430)	(3,436)	(198)	(254)	121	967	56	71	-	-	-	-	(309)	(2,469)	(142)	(182)
Neighborhood Commercial	54.45	2.36	6.59	TSF	-	-	-	-	-	-	-	-	(95)	(5,184)	(225)	(627)	(95)	(5,184)	(225)	(627)
Community Commercial	37.01	0.84	3.4	TSF	(10)	(385)	(9)	(35)	(509)	(18,838)	(428)	(1,731)	37	1,351	31	124	(483)	(17,872)	(406)	(1,642)
Office	10.84	1.52	1.44	TSF	23	249	35	33	473	5,127	719	681	705	7,639	1,071	1,015	1,201	13,016	1,825	1,729
Continuing Care - Senior Housing	4.31	0.24	0.3	DU	521	2,246	125	156	-	-	-	-	(134)	(578)	(32)	(40)	387	1,668	93	116
High School	1.94	0.52	0.14	STU	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Park - Legacy Park (Passive)	5	0	0	AC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Park - Sports Park (Active)	53.8	0.01	7.5	AC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Project Changes Total						**2,674**	**271**	**259**		**272**	**1,408**	**140**		**12,732**	**1,572**	**1,378**		**15,679**	**3,251**	**1,777**
Total Land Use	**Daily**	**AM**	**PM**	**Unit**	**Modified Project**	**Daily Trips**	**AM Trips**	**PM Trips**	**Modified Project**	**Daily Trips**	**AM Trips**	**PM Trips**	**Modified Project**	**Daily Trips**	**AM Trips**	**PM Trips**	**Modified Project**	**Daily Trips**	**AM Trips**	**PM Trips**
Single Family Housing	9.43	0.7	0.94	DU	117	1,103	82	110	-	-	-	-	692	6,526	484	650	809	7,629	566	760
Multi-Family Housing	4.54	0.37	0.39	DU	2,310	10,487	855	901	2,867	13,016	1,061	1,118	3,470	15,754	1,284	1,353	8,647	39,257	3,199	3,372
Hotel	7.99	0.46	0.59	RM	120	959	55	71	121	967	56	71	-	-	-	-	241	1,926	111	142
Neighborhood Commercial	54.45	2.36	6.59	TSF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community Commercial	37.01	0.84	3.4	TSF	10	370	8	34	1,039	38,442	872	3,532	36.5	1,351	31	124	1,085	40,163	912	3,690
Office	10.84	1.52	1.44	TSF	443	4,802	673	638	473	5,127	719	681	704.7	7,639	1,071	1,015	1,621	17,568	2,463	2,334
Continuing Care - Senior Housing	4.31	0.24	0.3	DU	521	2,246	125	156	-	-	-	-	270	1,164	65	81	791	3,409	190	237
High School	1.94	0.52	0.14	STU	-	-	-	-	1,784	3,461	928	250	-	-	-	-	1,784	3,461	928	250
Park - Legacy Park (Passive)	5	0	0	AC	6	30	-	-	54	270	-	-	31	155	-	-	91	455	-	-
Park - Sports Park (Active)	53.8	0.01	7.5	AC	-	-	-	-	45	2,421	0	338	-	-	-	-	45	2,421	0	338
Total						**19,997**	**1,799**	**1,910**		**63,704**	**3,636**	**5,989**		**32,588**	**2,935**	**3,224**		**116,289**	**8,370**	**11,123**

[1] Trip rates from the Institute of Transportation Engineers, Trip Generation Manual,11th Edition, 2021.
[2] Units:
DU = Dwelling Units
RM = Rooms
TSF = Thousand Square Feet
STU = Students
AC = Acres

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As stated above, the Modified Project trip generation was calculated using trip rates from the ITE *Trip Generation 11th Edition, 2021*. As shown in Table 5.8-2, the recalculated trip generation for the Approved Project yielded an anticipated 100,611 total daily trips within the Modified Project site (Neighborhood D North, D South, and G). The Modified Project would be anticipated to generate 15,679 new daily trips, including 3,251 trips during the AM peak hour and 1,777 trips during the PM peak hour, within the Modified Project site. Therefore, a total of 116,289 trips would be anticipated as a result of buildout of the Modified Project within the Modified Project area.

Roadway: The 2017 TLSP includes a Mobility Plan, which describes future roadway alignments to be constructed as the TLSP area is continuously built out. At the time of the 2017 TLSP adoption, most major and secondary arterial roadways had been constructed along with several local roadways and connectors serving existing developments. Since 2017, several developments have been constructed and new local roads have been implemented to provide access.

The Modified Project does not propose a specific development project, rather it allows the future development of additional dwelling units compared to the Approved Project. The Modified Project would continue to require vehicular access to the site from the adjacent roadways and no major changes to the Mobility Plan would be required. All future development facilitated by the Modified Project would be required to make necessary driveway and roadway improvements as specified by the TLSP Phasing Plan. Specific roadway improvements required to support residential development within the Project site are not known at this time and will not be known until a development project is proposed. All future projects under the Modified Project would be required to comply with the circulation system standards and to adhere to uniform standards and practices of the City. Compliance with standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, warrant requirements, capacity, maximum grades and associated features such as medians would be ensured and verified by the City during the plan check and permitting process, prior to obtaining building permits.

Consistency with applicable goals and policies of the City of Tustin General Plan and the TLSP can be found in Section 5.4, *Land Use*, within Table 5.4-3, *Consistency with Relevant General Plan Goals and Policies*, and Table 5.4-4, *Project Consistency with Tustin Legacy Specific Plan*. As discussed in Section 5.4, the Modified Project would result in a less-than-significant impact on consistency with existing local goals and policies. Therefore, the Modified Project would not conflict with existing program, plan, or policy addressing the roadway system.

Transit Services: As described previously, the Project vicinity is served by OCTA. The Project site includes four bus stops for Route 59; three stops along Barranca Parkway and one stop along Tustin Ranch Road. Additionally, the Project site includes six bus stops for Route 72; five stops along Warner Avenue and one stop along Tustin Ranch Road. Additionally, the Tustin Metrolink Station is located at the intersection of Edinger Avenue and Jamboree Road. The Metrolink Station has a stop for the Metrolink Inland Empire-Orange County Line. This existing transit service would continue to serve its ridership in the area. Furthermore, specific infrastructure improvements required to support residential development within the Project site are not known at this time and will not be known until a development project is proposed. However, potential future projects would be required, if deemed necessary, to fund transit facilities as ensured and verified by the City during the plan check and permitting process, prior to obtaining building permits. Therefore, the Modified Project would not alter or conflict with existing roadway facilities addressed in the circulation element, and impacts related to roadway facilities would not occur.

Bicycle Facilities: As detailed previously, there are bike lanes currently serving the Project site. Figure 5.8-2, *TLSP Bikeway and Trails Plan*, shows existing and proposed bike lanes and trailways within the TLSP area. In the existing condition within the Modified Project site, Class II Bike Lanes exist along one side of Armstrong Avenue and along both sides of Warner Avenue, Tustin Ranch Road, Valencia Avenue, Moffet Drive, and

Edinger Avenue. Additionally, the Peters Canyon Regional Trail is adjacent to Jamboree Road, at the eastern edge of TLSP Neighborhood G.

The Project site has been developed with institutional, residential, and government uses and planned bike facility improvements within and bordering the site have already been implemented. Implementation of the Project would not alter or conflict with existing or planned bike lanes or bicycle transportation. Any future development that would be constructed under the Project would be reviewed by the City during plan check for consistency with City bicycle facilities (e.g., driveways, cutouts, and safety considerations) per the City General Plan and TLSP. Thus, impacts related to bicycle facilities would not occur.

Pedestrian Facilities: Within the Modified Project site, sidewalks currently exist along one side of Armstrong Avenue, on both sides of Warner Avenue, Tustin Ranch Road, and Valencia Avenue. The Project simply increases the number of dwelling units permitted, and therefore does not propose any construction or demolition of sidewalks. However, potential future development facilitated by the Project may include sidewalk improvements. Specific sidewalk improvements proposed as part of future development within the Project site are not known at this time and will not be known until a development project is proposed. Future projects under the Project would be required to comply with and adhere to uniform standards and practices, including designation of bicycle lanes and adequate sidewalk as ensured and verified by the city during the plan check and permitting process, prior to obtaining building permits. Therefore, the Modified Project would not conflict with pedestrian facilities, but instead would provide additional facilities. Thus, impacts related to pedestrian facilities would not occur.

Policies: Section 5.4, *Land Use*, includes a list of applicable goals and policies related to the Project. Table 5.4-2 through 5.4-4 includes analysis of the Project's consistency with the 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy, City of Tustin General Plan, and the TLSP. As discussed in Section 5.4, the Project would be consistent with all applicable goals and policies. Thus, impacts related to conflict with a program, plan, ordinance, or policy addressing the circulation system of the Project site and surrounding area would not occur.

IMPACT TRA-2: THE PROJECT WOULD NOT CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES § 15064.3, SUBDIVISION (B).

Less than Significant.

VMT was not previously analyzed for the Approved Project under the 2017 SEIR.

As described previously, State CEQA Guidelines Section 15064.3(b) focuses on determining the significance of VMT-related transportation impacts. The City of Tustin VMT Guidelines (2024) contain screening thresholds to assess whether a project has the potential to result in an impact, and if mitigation or further VMT analysis would be required. If none of the screening criteria are met, then the project would require mitigation and potentially a VMT analysis to determine the extent the VMT thresholds are exceeded.

The applicability of each criterion to the Project is discussed below.

Screening Criteria 1 – Affordable Housing Screening

As per the City's Guidelines, projects that consist of 100 percent affordable housing will have a less-than-significant impact on VMT. The Project does not consist of 100 percent affordable housing and therefore would not satisfy the requirements of Screening Criteria 1.

Screening Criteria 2 – High Quality Transit Screening

As per the City's Guidelines, projects located within one half mile of qualifying transit may be presumed to have a less-than-significant impact on VMT. Qualifying transit is defined as (1) a major transit stop meaning

a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (Pub. Resources Code, § 21064.3); or (2) a high-quality transit corridor meaning a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours (Pub. Resources Code, § 21155).

According to the City's guidelines, Tustin Metrolink Station qualifies as a high-quality transit stop. Neighborhood G is located within one-half mile of the Tustin Metrolink Station; however, Neighborhood D North is located approximately one mile from Tustin Metrolink Station and Neighborhood D South is located approximately 1.5 miles from Tustin Metrolink Station. Therefore, the Project would not satisfy the requirements of Screening Criteria 2.

Screening Criteria 3 – Project Type Screening

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

This screening criteria is discussed separately for the non-residential and residential portions of the Project below.

Screening Criteria 4 – Low VMT Area Screening

As per the City's Guidelines, projects located in a low VMT generating area would have a less than significant impact on VMT. A low VMT generating area is defined as traffic analysis zones (TAZs) with a total daily VMT/Service Population (employment plus population) that is less than the base level for the city.

This screening criteria is discussed separately for the non-residential and residential portions of the Project below.

Screening Criteria 5 – Generating less than 500 daily vehicle trips

As per the City's Guidelines, projects which generate less than 500 daily vehicle trips would have a less than significant impact on VMT.

This screening criteria is discussed separately for the non-residential and residential portions of the Project below.

Non-Residential VMT Screening

Screening Criteria 3 – Project Type Screening

The non-residential portion of the project proposes locally serving office use with a net square footage of 0 SF, which is less than 50,000 SF. Therefore, it would satisfy the requirements of Screening Criteria 3.

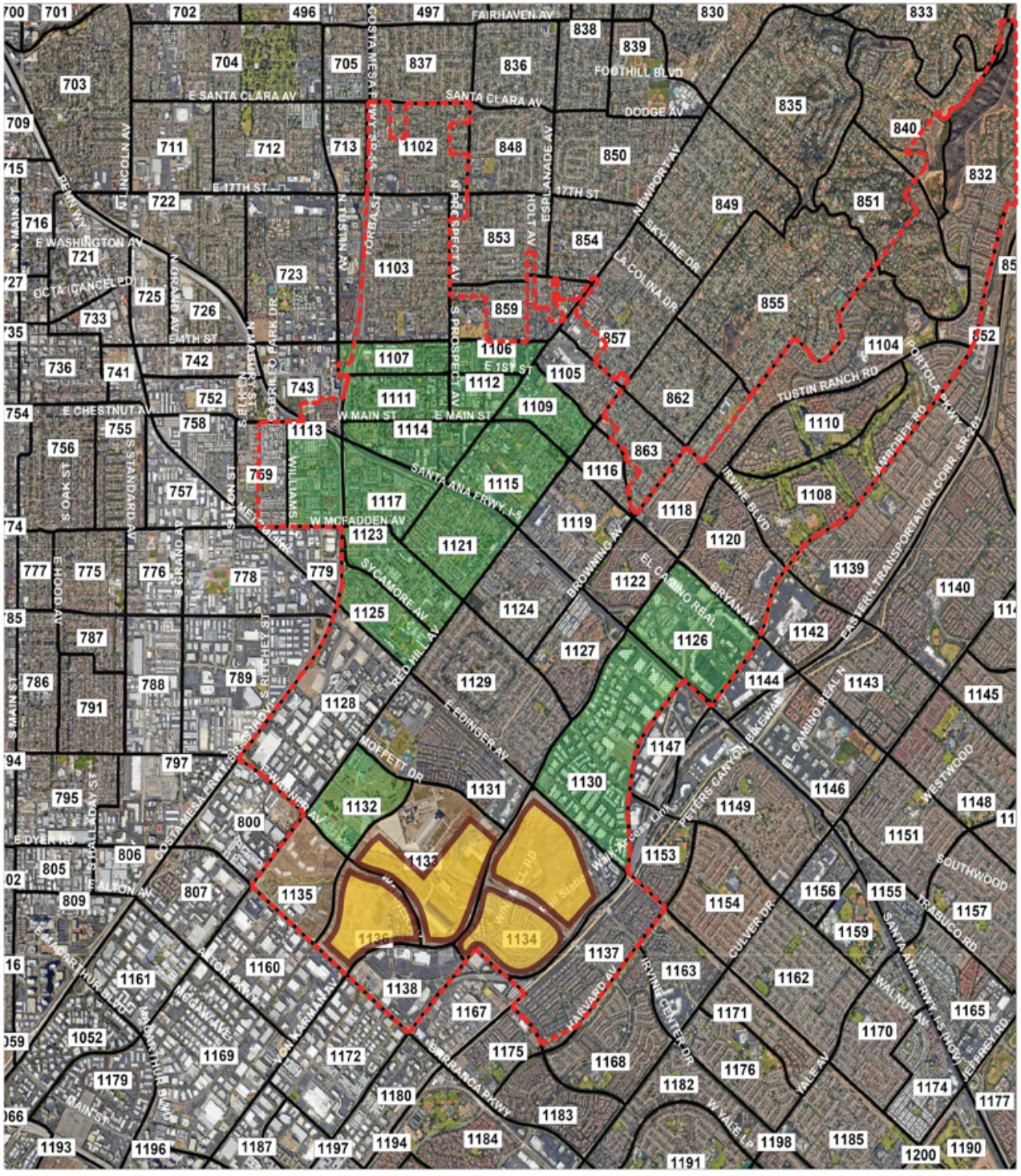
Screening Criteria 4 – Low VMT Area Screening

The Map of Low VMT Generating Area for VMT per employee from the City's Guidelines is shown in Figure 5.8-3, *Low VMT Areas – VMT Per Employee*. As shown in Figure 5.8-3, the non-residential portion of the Project is not located in a low VMT area. Therefore, the non-residential portion of the Project would not satisfy the requirements of Screening Criteria 4.

Screening Criteria 5 - Generating less than 500 daily vehicle trips

As shown in Table 5.8-2, Modified Project Trip Generation, the non-residential portion of the Project is forecasted to generate 10,841 fewer (negative 10,841) daily trips, which is less than 500 daily vehicle trips. Therefore, the non-residential portion of the Project would meet Screening Criteria 5.

Low VMT Areas-VMT Per Employee



Tustin Legacy Specifc Plan Amendment SEIR
City of Tustin

Figure 5.8-3

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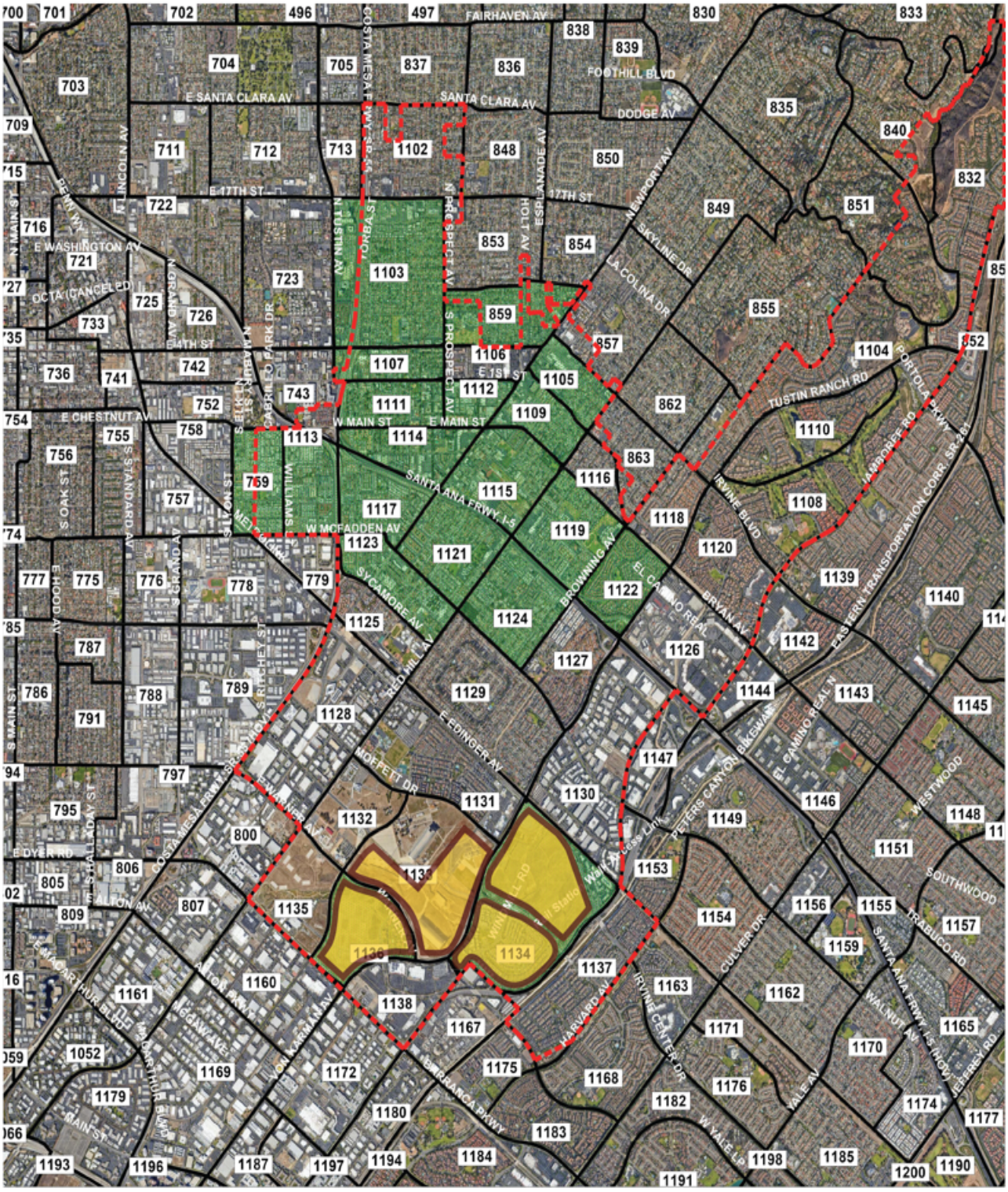
Low VMT Areas-VMT Per Capita



Tustin Legacy Specifc Plan Amendment SEIR
City of Tustin

Figure 5.8-4

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Nonresidential Screening Conclusions

Overall, the non-residential portion of the Project would meet Screening Criteria 3 and 5. Therefore, the non-residential portion of the Project's impact on VMT would be considered less-than-significant and an analysis of VMT would not be required.

Residential VMT Screening

Screening Criteria 3 - Project Type Screening

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

Screening Criteria 4 - Low VMT Area Screening

The Map of Low VMT Generating Area for VMT per capita from the City's Guideline is shown in Figure 5.8-4, *Low VMT Areas – VMT Per Capita*. As shown in Figure 5.8-4, the Project is not located in a low VMT area. Therefore, the residential portion of the Project would not satisfy the requirements of Screening Criteria 4.

Screening Criteria 5 - Generating less than 500 daily vehicle trips

As shown in Table 5.8-2, *Modified Project Trip Generation*, the residential portion of the Project is forecasted to generate 26,520 daily trips, which is more than 500 daily vehicle trips. Therefore, the residential portion of the Project would not meet Screening Criteria 5.

Residential Screening Conclusions

As demonstrated above, the residential portion of the Project does not meet any of the City's screening criteria. Therefore, an analysis of VMT is provided below.

Project Residential VMT Evaluation

As described previously, State CEQA Guidelines Section 15064.3(b) focuses on determining the significance of VMT-related transportation impacts. As stated above, according to the City's Guidance, a project's VMT impacts are considered significant if the project's base year home-based VMT per capita exceeds the OCTAM base model year citywide average VMT per capita for the City of Tustin. Additionally, if the project's future year home-based VMT per capita exceeds the OCTAM base model year citywide average VMT per capita for the City of Tustin.

As shown in Table 5.8-3, *VMT Analysis of Project Impact per City Guidelines*, all three Project TAZs' home-based VMT per capita would be lower than the OCTAM base model year citywide average home-based VMT per capita for the City of Tustin under both base and future year conditions. The Project TAZs' home-based VMT per capita would be 44.4 percent below the City's threshold under base conditions for TAZ 1133, 6.3 percent below the City's threshold under base conditions for TAZ 1134, and 45.2 percent below the City's threshold under base conditions for TAZ 1136. The Project TAZ's home-based VMT per capita would be 27.5 percent below the City's threshold under future conditions for TAZ 1133, 3.7 percent below the City's threshold under future conditions for TAZ 1134, and 40.1 percent below the City's threshold under future conditions for TAZ 1136. Overall, the Project's home-based VMT per capita would be 32.1 percent below the City's threshold under base conditions and 20.3 percent below the City's threshold under future conditions. Therefore, the residential portion of the Project would result in a less than significant VMT impact. Overall, pursuant to the City's VMT analysis guidelines and guidance from OPR and CEQA Guidelines Section 15064.3(b), the entire Project can be assumed to have a less-than-significant VMT impact.

Table 5.8-3: VMT Analysis of Project Impact per City Guidelines

	Base Year 2016	**Future Year 2045**
Project TAZ 1133 Zone Total Home-based VMT	72,732	94,803
TAZ 1133 Total Residents	8,744	8,744
Project TAZ 1133 Home-based VMT per capita	**8.3**	**10.8**
City of Tustin Baseline Home-based VMT	1,356,977	1,356,977
City of Tustin Baseline Home-based VMT per Capita	**15.0**	**15.0**
Percent Above/Below Threshold	-44.4%	-27.5%
Impact?	**No**	**No**
	Base Year 2016	**Future Year 2045**
Project TAZ 1134 Zone Total Home-based VMT	73,824	182,731
TAZ 1134 Total Residents	5,267	12,694
Project TAZ 1134 Home-based VMT per capita	**14.0**	**14.4**
City of Tustin Baseline Home-based VMT	1,356,977	1,356,977
City of Tustin Baseline Home-based VMT per Capita	**15.0**	**15.0**
Percent Above/Below Threshold	-6.3%	-3.7%
Impact?	**No**	**No**
	Base Year 2016	**Future Year 2045**
Project TAZ 1136 Zone Total Home-based VMT	17,387	66,278
TAZ 1136 Total Residents	2,134	7,402
Project TAZ 1136 Home-based VMT per capita	**8.2**	**9.0**
City of Tustin Baseline Home-based VMT	1,356,977	1,356,977
City of Tustin Baseline Home-based VMT per Capita	**15.0**	**15.0**
Percent Above/Below Threshold	-45.2%	-40.1%
Impact?	**No**	**No**
	Base Year 2016	**Future Year 2045**
TLSP Total Home-based VMT	163,943	343,812
TLSP Total Residents	16,145	28,840
TLSP HB VMT per capita	**10.2**	**11.9**
City of Tustin Baseline Home-based VMT	1,356,977	1,356,977
City of Tustin Baseline Total Residents	90,762	90,762
City of Tustin Baseline Home-based VMT per Capita	**15.0**	**15.0**
Percent Above/Below Threshold	-32.1%	-20.3%
Impact?	**No**	**No**

IMPACT TRA-4: THE PROJECT WOULD NOT RESULT IN INADEQUATE EMERGENCY ACCESS.

Less than Significant.

This threshold was previously addressed within the Initial Study prepared for the 2017 TLSP SPA SEIR, under threshold (e). Impacts were determined to be less than significant.

Construction

As described above, the Project does not propose a specific development. However, the Project would provide for future proposed development through implementation of the SPA. Future development allowed under the SPA is speculative, but may require construction activities, including equipment and supply staging and storage. However, all future development would be required to ensure emergency access in accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), which would be ensured through the City's permitting process. Additionally, all potential road closures would be subject to review and approval by the City, including issuance of an encroachment permit. Once the offsite roadway, utility, pedestrian, and other potential improvements are completed, all road conditions will be restored to normal. Thus, implementation of the Project, including potential future development through the City's permitting process, would ensure existing regulations are adhered to. Therefore, impacts related to inadequate emergency access during construction activities would be less than significant.

Operation

Operation of potential future development would also not result in inadequate emergency access or access to nearby uses. Future applicants would be required to design and construct internal access and provide fire suppression facilities (e.g., hydrants and sprinklers) in conformance with City's *Standard Plans and Design Standards* (PPP T-1). Additionally, the City's Fire Department (OCFA) would review the development plans prior to approval to ensure adequate emergency access pursuant to the requirements in the International Fire Code and Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). As a result, the Modified Project would not result in inadequate emergency access or access to nearby uses, and no impacts would occur.

5.8.7 CUMULATIVE IMPACTS

Alternative Transportation

The evaluation of Impact TRA-1 concluded that the Modified Project would not result in significant impacts related to alternative transportation or policies addressing the circulation system. Cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews of sidewalk, bike lane, and bus stop designs that would not allow potential cumulatively considerable impacts related to alternative transportation. Therefore, the Project would not cumulatively combine with other projects to result in impacts related to alternative transportation. The Project would be consistent with all applicable plans and policies; and therefore, the Project would not contribute to a cumulatively considerable impact associated with alternative transportation.

Vehicle Miles Traveled

The cumulative traffic study area for the Modified Project includes the City of Tustin and surrounding jurisdictions. The information utilized in this cumulative analysis is based on the potential to combine with impacts from projects in the vicinity of the Modified Project, as discussed in Table 5-1, *Cumulative Projects List*, in Section 5, *Environmental Impacts*, and projections contained within OCTAM.

OPR's *Technical Advisory on Evaluating Transportation Impacts in CEQA* states that "a project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact." As discussed under Impact TR-2, the Project would have a less-than-significant VMT impact. Therefore, the Modified Project would not result in a cumulatively considerable impact related to VMT and cumulative traffic impacts would also be less than significant.

Emergency Access

The evaluation of Impact TRA-4 concluded that the Modified Project would not result in inadequate emergency access. Cumulative development in the City and surrounding jurisdictions would be subject to similar site-specific reviews, including reviews of roadway design, design of future infrastructure improvements, and compliance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9) which would ensure projects would not result in unsafe traffic conditions or inadequate emergency access. Therefore, the Modified Project would not result in a cumulatively considerable impact related to inadequate emergency access.

5.8.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9)
- City of Tustin General Plan Circulation Element
- Tustin City Code
- Tustin Legacy Specific Plan
- *City of Tustin VMT Analysis Guidlines, March 2024*

Plans, Programs, or Policies

PPP T-1: Traffic Control/Utilities. All future development constructed under the Project shall be subject to the traffic control standards specified by the City's latest *Standard Plans and Design Standards*, which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design.

5.8.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact TRA-1, TRA-2 and TRA-4 would be less than significant.

5.8.10 MITIGATION MEASURES

No mitigation measures are required for the Modified Project.

5.8.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impact TRA-1, TRA-2 and TRA-4 would be less than significant.

5.8.12 REFERENCES

City of Tustin. (1997, November). *East Tustin Specific Plan.* Retrieved from https://www.tustinca.org/DocumentCenter/View/704/East-Tustin-Specific-Plan-PDF?bidId=

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5.9 Tribal Cultural Resources

5.9.1 INTRODUCTION

This section addresses potential impacts to tribal cultural resources (TCRs) from implementation of the proposed Project. Information within this section is based on the following:

- *City of Tustin General Plan* (including 2021-2029 Housing Element), adopted November 2018, updated October 2022)
- *Archaeological Resources Records Search Results for the Tustin Legacy Specific Plan Amendment Project, Tustin, California*, September 6, 2023, prepared by BFSA Environmental Services (Appendix A)

Additionally, part of this analysis is based upon Project-specific coordination and consultation with California Native American tribes that are traditionally and culturally affiliated with the Project region. In accordance with Public Resources Code (PRC) Section 15120(d), certain information and communications that disclose the location of archaeological sites and sacred lands are allowed to be exempt from public disclosure.

5.9.2 REGULATORY SETTING

5.9.2.1 Federal Regulations

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) of 1979 regulates the protection of archaeological resources and sites on federal and Native American lands. The ARPA regulates authorized archaeological investigations on federal lands; increased penalties for looting and vandalism of archaeological resources; and requires that the locations and natures of archaeological resources be kept confidential in most cases. In 1988, amendments to the ARPA included a requirement for public awareness programs regarding archaeological resources.

Native American Graves Protection and Repatriation Act (NAGPRA)

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

5.9.2.2 State Regulations

California Public Resources Code (PRC)

Archaeological resources are protected pursuant to a wide variety of State policies and regulations enumerated under the California PRC. In addition, cultural resources are recognized as nonrenewable resources and therefore receive protection under the PRC and the California Environmental Quality Act (CEQA).

PRC Sections 5097.9 to 5097.991 provide protection for Native American historical and cultural resources and sacred sites and identify the powers and duties of the Native American Heritage Commission (NAHC). These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.

California Senate Bill 18

Senate Bill 18 (SB 18) (California Government Code Section 65352.3) sets forth requirements for local governments to consult with California Native American tribes identified by the California NAHC to aid in the protection of TCRs. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning to protect, or mitigate impacts on, TCRs. The Tribal Consultation Guidelines: Supplement to General Plan Guidelines (California Office of Planning and Reserach, 2005), identifies the following contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

Because the proposed Project includes approval of a Specific Plan Amendment, it is subject to the statutory requirements of SB 18 Tribal Consultation Guidelines.

California Assembly Bill 52

Assembly Bill 52 (AB 52) established a requirement under CEQA to consider "tribal cultural values, as well as scientific and archaeological values when determining impacts and mitigation." Public Resources Code (PRC) Section 21074(a) defines "tribal cultural resources" (TCRs) as "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" that are either "[i]ncluded or determined to be eligible for inclusion in the California Register of Historical Resources" or "in a local register of historical resources." Additionally, defined cultural landscapes, historical resources, and archaeological resources may be considered TCRs. PRC Section 21074(b), (c). The lead agency may also in its discretion treat a resource as a TCR if it is supported with substantial evidence.

Projects for which a notice of preparation for a Draft EIR was filed on or after July 1, 2015, are required to have lead agencies offer California Native American tribes traditionally and culturally affiliated with the project area consultation on CEQA documents prior to submitting an EIR in order to protect TCRs. PRC Section 21080.3.1(b) defines "consultation" as "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement." Consultation must "be conducted in a way that is mutually respectful of each party's sovereignty [and] recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance." The consultation process is outlined as follows:

1. California Native American tribes traditionally and culturally affiliated with the project area submit written requests to participate in consultations.
2. Lead agencies are required to provide formal notice to the California Native American tribes that requested to participate within 14 days of the lead agency's determination that an application package is complete or decision to undertake a project.

3. California Native American tribes have 30 days from receipt of notification to request consultation on a project.
4. Lead agencies initiate consultations within 30 days of receiving a California Native American tribe's request for consultation on a project.
5. Consultations are complete when the lead agencies and California Native tribes participating have agreed on measures to mitigate or avoid a significant impact on a TCR, or after a reasonable effort in good faith has been made and a party concludes that a mutual agreement cannot be reached (PRC Sections 21082.3(a), (b)(1)-(2); 21080.3.1(b)(1)).

AB 52 requires that the CEQA document disclose significant impacts on TCRs and discuss feasible alternatives or mitigation to avoid or lessen an impact.

California Health and Safety Code Section 7050.5

Health & Safety Code Section 7050.5 requires that if human remains are discovered within a project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines the remains are not subject to his or her authority and recognizes or has reason to believe the human remains are those of a Native American, he/she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

California Public Resources Code Sections 5097.9 to 5097.991

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites and identify the powers and duties of the NAHC. These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.

5.9.2.3 Local and Regional Regulations

City of Tustin General Plan

Conservation/Open Space/Recreation Element

Goal 12 **Maintain and enhance the City's unique culturally and historically significant building sites or features.**

Policy 12.1 Identify, designate, and protect facilities of historical significance, where feasible.

Policy 12.2 Retain and protect significant areas of archaeological, paleontological, or historical value for education and scientific purposes.

Policy 12.3 Development adjacent to a place, structure or object found to be of historic significance should be designed so that the uses permitted and the architectural design will protect the visual setting of the historical site.

Goal 13: **Preserve Tustin's archaeological and paleontologic resources.**

Policy 13.1 Require a site inspection by certified archaeologists or paleontologists for new development in designated sensitive areas.

Policy 13.2 Require mitigation measures where development will affect archaeological or paleontological resources.

5.9.3 ENVIRONMENTAL SETTING

Tribal Cultural Resources

A records search from the South Central Coastal Information Center (SCCIC) at California State University, Fullerton was completed and encompassed the Project site and a 500-foot buffer surrounding the Project (BFSA Environmental Services, 2023). The results of the records search identified five archaeological resources that were previously recorded within the Project area. The five resources consist of three prehistoric resources, one historic resource, and one multicomponent resource.

The prehistoric resources include two isolate artifacts that include a stone bowl fragment and a granitic pestle. In addition, one prehistoric limited habitation site was also previously recorded within the Project area. These resources have been previously evaluated as not eligible to the California Register of Historic Resources (CRHR) based on previous studies by Demcak (2006, as cited in BFSA Environmental Services, 2023). The historic resources include former United States Marine Corp World War II era blimp hangars which have been previously evaluated as both CRHR eligible resources and National Register of Historic Places (NRHP) eligible resources and remain extant. The multicomponent site is primarily historic in composition consisting of historic glass bottles of varying types, ceramics, flatware, and one prehistoric mano discovered during cultural resource monitoring for the Tustin Phase I Legacy Project (Kay, 2017, as cited in BFSA Environmental Services, 2023). The multicomponent site was not identified as eligible for listing to the CRHR.

In addition to the five resources identified inside the Project area, four resources were identified within the 500-foot search radius buffer. The resources include a prehistoric food preparation site, two prehistoric isolates, and historic military structures.

Sacred Lands File Search

The City requested a Sacred Lands File (SLF) search from the NAHC and received the results on October 19, 2023. The SLF returned negative results, indicating that no known tribal resources are located in the Project area.

5.9.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a Project could have a significant effect if it were to:

TCR-1 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

5.9.5 METHODOLOGY

As described above, the City requested a SLF search from the NAHC and received negative results, indicating that no known tribal resources are located in the Project area. The City also requested from the NAHC a list of Native American tribes who may have knowledge of cultural resources in the Project area.

In compliance with SB 18 and AB 52, on August 28, 2023, and October 26, 2023, the City sent letters to the following Native American tribes that may have knowledge regarding TCRs in the Project vicinity.

- Campo Band of Diegueno Mission Indians
- Ewiiaapaayp Band of Kumeyaay Indians
- Gabrieleno Band of Mission Indians Kizh Nation
- Gabrieleno Tongva San Gabriel Mission Indians
- Gabrieleno Tongva San Gabriel Band of Mission Indians
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino Tongva Tribe
- Juaneno Mission Indians Acjachemen Belardes
- Juaneno Band of Mission Indians Acjachemen Nation 84A
- La Posta Band of Diegueno Mission Indians
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- Pala Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseno Indians

The Gabrieleño Band of Mission Indians – Kizh Nation responded on November 14, 2023. Consultation with the Gabrieleño Band of Mission Indians – Kizh Nation occurred via email and the Tribe provided requested mitigation measures.

5.9.6 ENVIRONMENTAL IMPACTS

Prior Environmental Findings

This topic was not previously addressed within the certified FEIR/EIS or subsequent environmental documentation for the TLSP.

IMPACT TCR-1: THE PROJECT WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE § 21074 AS EITHER A SITE, FEATURE, PLACE, CULTURAL LANDSCAPE THAT IS GEOGRAPHICALLY DEFINED IN TERMS OF THE SIZE AND SCOPE OF THE LANDSCAPE, SACRED PLACE, OR OBJECT WITH CULTURAL VALUE TO A CALIFORNIA NATIVE AMERICAN TRIBE, AND THAT IS:

(I) LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES, OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES AS DEFINED IN PUBLIC RESOURCES CODE SECTION 5020.1(K), OR

(II) A RESOURCE DETERMINED BY THE LEAD AGENCY, IN ITS DISCRETION AND SUPPORTED BY SUBSTANTIAL EVIDENCE, TO BE SIGNIFICANT PURSUANT TO CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE § 5024.1. IN

APPLYING THE CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCE CODE § 5024.1, THE LEAD AGENCY SHALL CONSIDER THE SIGNIFICANCE OF THE RESOURCE TO A CALIFORNIA NATIVE AMERICAN TRIBE.

Less than Significant with Mitigation Incorporated.

Potential future Project construction could include demolition, site preparation, grading, building construction, architectural coating, and paving activities. Project buildout would include the development of up to 4,970 additional residential units within the Modified Project site. Project construction would include excavation at depths that could reach native, undisturbed soils that may contain unknown tribal cultural resources. Project excavation and construction could result in impacts to inadvertent tribal cultural resource finds that could cause substantial adverse change to the significance of such resources.

Based on literature review (i.e., records check and archival research), no prehistoric resource sites or isolates—including a historic TCR—as defined by PRC Section 5020.1(k) have been identified within the Project site.

As described above, a SLF search and a list of Native American tribes who may have knowledge of cultural resources in the Project area was requested from the NAHC. The NAHC responded with a list of Native American tribes and that the SLF search yielded negative results for known TCRs or sacred lands within the Project area. To identify if any TCRs are potentially located within the Project site, the City sent notices to the Native American tribes provided by the NAHC on August 28, 2023, and October 26, 2023, regarding the Project.

One response was received from the Gabrieleño Band of Mission Indians – Kizh Nation on November 14, 2023. The tribe requested to consult over email and provided mitigation measures to be incorporated into the Project. As a result, Mitigation Measure TCR-1 is included which requires retainment of a Native American monitor, with first preference given to the consulting tribe, prior to the commencement of ground-disturbing activities. In addition, Mitigation Measure TCR-2 is incorporated and provides procedures to follow in case of an inadvertent TCR discovery. Finally, Mitigation Measure TCR-3 is incorporated which complies with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98.

No construction is proposed as part of this Project. However, future development associated with the Project would be required to adhere to Mitigation Measures TCR-1, TCR-2, and TCR-3. Implementation of Mitigation Measures TCR-1, TCR-2, and TCR-3 would ensure that potential impacts as a result of the inadvertent discovery of TCRs during future development would be less than significant.

5.9.7 CUMULATIVE IMPACTS

The cumulative study area for TCRs includes the City of Tustin, which contains the same general tribal historic setting. Other projects throughout the City that would involve ground disturbances could reveal buried TCRs.

Cumulative impacts to TCRs would be reduced by compliance with applicable regulations and consultations required by SB 18 and AB 52. As described above, the Project site and vicinity is not known to contain TCRs; however, Mitigation Measures TCR-1, TCR-2, and TCR-3 would be implemented to ensure that impacts would not occur in the case of an inadvertent discovery of a potential TCR. These mitigation measures would ensure that the proposed Project would not contribute to a cumulative loss of TCRs. Therefore, cumulative impacts would be less than significant.

5.9.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- California Government Code Sections 5097.9-5097.99
- California Health and Safety Code Section 7050.5
- California Public Resources Code Sections 21073 et seq. (AB 52)

Plans, Programs, or Policies

The following Plans, Programs, or Policies (PPP) related to TCRs are incorporated into the Project and would reduce impacts related to TCRs. These actions will be included in the Project's Mitigation Monitoring and Reporting Program (MMRP):

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 treatment and disposition of human remains and associated grave goods.

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, 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 within 48 hours of notification by the NAHC.

5.9.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Without mitigation, Impact TCR-1 would be **potentially significant**.

5.9.10 MITIGATION MEASURES

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 if approved by the City.

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

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

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

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

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

a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
b. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.

c. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
e. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

5.9.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Mitigation Measures identified above, along with existing regulatory programs, would reduce potential impacts associated with TCRs for Impact TCR-1 to a level that is less than significant. Therefore, no significant and unavoidable adverse impacts related to TCRs would occur.

5.9.12 REFERENCES

BFSA Environmental Services. (2023). *Archaeological Resources Records Search Results for the Tustin Legacy Specific Plan Amendment Project, Tustin, California.*

City of Tustin. (2018). *City of Tustin General Plan.*

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5.10 Utilities and Service Systems

5.10.1 INTRODUCTION

This section evaluates the potential effects on utilities and service systems from implementation of the proposed Project by identifying anticipated demand and existing and planned utility availability. This includes water supply and infrastructure, wastewater, drainage, and solid waste. Electric power, natural gas, telecommunications, and renewable energy resources are described in Section 5.3, *Energy*.

Water supply and infrastructure capacity information in this section is based on the following:

- *City of Tustin General Plan* (including 2021-2029 Housing Element), adopted November 2018 and updated October 2022
- *Tustin Legacy Specific Plan (*formerly the Marine Corps Air Station [MCAS] Tustin Specific Plan), adopted January 2001 and last updated July 2017
- *Tustin Legacy Specific Plan Amendment Final Supplemental Environmental Impact Report (FEIR),* certified July 2017, prepared by PlaceWorks.
- Tustin City Code
- *Irvine Ranch Water District 2020 Urban Water Management Plan*
- *Tustin Legacy Water Supply Assessment, Irvine Ranch Water District*, February 2024 (Appendix E)
- Data provided by each service provider via personal communications (available upon request with the City of Tustin Planning Department)

Because CEQA focuses on physical environmental effects, this section analyzes whether increases in demand for water, wastewater, stormwater drainage, and solid waste utilities that would result from the proposed Project would result in significant adverse physical environmental effects. For example, physical changes in the environment resulting from the construction of new facilities or an expansion of existing wastewater facilities could constitute a significant impact under CEQA.

Several documents have been prepared over the years to support the planning of future infrastructure supply and demand of the TLSP area. The documents applicable to the Modified Project and referenced throughout the analysis of this section are described below.

5.10.1.1 Tustin Legacy Specific Plan Infrastructure Plan

The Tustin Legacy Specific Plan (TLSP) Infrastructure Plan, included as Section 2.6 of the TLSP, provides the framework for future infrastructure improvements anticipated for the TLSP area. The infrastructure plans were developed in partnership with individual service providers based on the approved Land Use Plan. The Infrastructure Plan covers potable water, reclaimed water, sanitary sewer, and storm drainage. Individual infrastructures are further discussed in the respective sections below.

5.10.1.2 Tustin Legacy Sub Area Master Plan

In 2008, an updated Sub-Area Master Plan (SAMP) — the MCAS Tustin/Legacy Park Revised Sub-Area Master Plan completed by RBF Consulting and finalized by Irvine Ranch Water District (IRWD) in April 2008 (2008 SAMP) — was prepared to provide a comprehensive potable water, wastewater collection and non-potable water distribution, and sewer infrastructure analysis in support of the infrastructure needed to serve the TLSP area. The 2008 SAMP was prepared as an update to the Marine Corps Air Facility Tustin Redevelopment Sub-Area Master Plan, which was adopted by Irvine Ranch Water District in 1999. The

SAMP was updated once again by Michael Baker International on March 16, 2017. The updated SAMP includes updates to the potable water, wastewater collection,d non-potable water distribution, and sewer infrastructure analysis to reflect land uses and buildout assumptions included within the Approved Project (2017 TLSP).

5.10.1.3 Tustin Legacy Specific Plan Phasing Plan

The Phasing Plan, included in Section 4.4 of the TLSP, was included to facilitate development of the TLSP area while assuring provision of infrastructure necessary to support planned development. The plan incorporates performance standards that trigger various utility and public service improvements as future development continues to be considered for the TLSP area. Since the adoption of the Specific Plan, the Phasing Plan has been revised as part of the adopted FEIS/EIR MMRP to incorporate additional facilities and requirements. Table 5.10-1 identifies the type of facilities, scope of improvements, and general triggering mechanism for those facility improvements.

The Phasing Plan is applicable to the Modified Project site and land developers would be responsible for the implementation of the plan accordingly.

Table 5.10-1: Phasing Plan

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

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

Source: 2017 Tustin Legacy Specific Plan

5.10.2 WATER

5.10.2.1 Water Regulatory Setting

Safe Drinking Water Act

The United States Environmental Protection Agency (U.S. EPA) administers the Safe Drinking Water Act, which is the primary federal law that regulates the quality of drinking water and establishes standards to protect public health and safety. The State Water Resources Control Board, Division of Drinking Water (DDW) implements the requirements of the Act and oversees public water system quality statewide. USEPA establishes legal drinking water standards for contaminants that could threaten public health.

California Urban Water Management Planning Act

Section 10610 of the California Water Code established the California Urban Water Management Planning Act (CUWMPA). CUWMPA requires urban water suppliers to initiate planning strategies to ensure an appropriate level of reliability in its water service. CUWMPA states that every urban water supplier that provides water to 3,000 or more customers, or that annually provides more than 3,000 acre-feet of water service, should make every effort to ensure the appropriate level of reliability in its water service to meet the needs of its various categories of customers during normal, dry, and multiple-dry years. The CUWMPA describes the contents of Urban Water Management Plan's (UWMP) as well as methods for urban water suppliers to adopt and implement the plans. As described below, IRWD is the water purveyor for the TLSP area and has an updated 2020 UWMP that addresses water supply and demand through 2045.

Senate Bill 610

Senate Bill (SB) 610 requires public urban water suppliers with 3,000 or more service connections to identify existing and planned sources of water for planned developments of a certain size. It further requires the public water system to prepare a specified water supply assessment (WSA) for projects that meet the following criteria:

a) A proposed residential development of more than 500 dwelling units;
b) A proposed shopping center employing more than 1,000 persons or having more than 500,000 SF of floor space;
c) A commercial office building employing more than 1,000 persons or having more than 250,000 SF of floor space;
d) A hotel or motel, or both, with more than 500 rooms;
e) An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 SF of floor area; and
f) A mixed-use project that includes one or more of the projects above.

The components of a WSA include a summary of existing water demand, future water demand by the project, and confirmation that water is available for the project during normal years, a single dry year, and multiple dry years during a 20-year future projection period. The WSA must also describe whether the project's water demand is accounted for in the water supplier's UWMP (IRWD 2020 UWMP).

Senate Bill 221

SB 221 requires the local water provider to provide "written verification" of "sufficient water supplies" to serve the project. SB 221 applies only to residential projects of 500 units or more (infill or low-income or very-low-income housing subdivisions are exempt) and requires the land use planning agency to include as a condition of approval of a tentative map, parcel map, or development agreement a requirement that "sufficient water supply" be available. Sufficiency under SB 221 differs from SB 610 in that it is determined by considering the availability of water over the past 20 years; the applicability of any urban water shortage contingency analysis prepared per Water Code Section 10632; the reduction in water supply allocated to a specific use by an adopted ordinance; and the amount of water that can be reasonably relied upon from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer. In most cases, the WSA prepared under SB 610 meets the requirement for proof of water supply under SB 221.

Senate Bill 1262

SB 1262, which amends Section 66473.7 of the Government Code and Section 10910 of the Water Code requires WSAs to include additional information regarding sustainable groundwater management if water supply for a project includes groundwater, including:

- Whether the department has identified the basin as being subject to critical conditions of overdraft pursuant to Section 12924.
- If a groundwater sustainability agency has adopted a groundwater sustainability plan or has an approved alternative, a copy of that alternative or plan.

As described below, the city obtains a portion of its water supply from the Orange County Groundwater Basin (OC Basin). Thus, this additional information is provided in the Project-specific WSA (Appendix E).

CALGreen Building Code

California Code of Regulations Title 24, Part 11, establishes the California Green Building Code or CALGreen. The CALGreen Code is updated every three years and sets forth water efficiency standards (i.e., maximum flow rates) for all new plumbing and irrigation fittings and fixtures. Article 8, Chapter 1, Section 8100 of the Tustin City Code (TCC) adopts the California Green Building Standards Code by reference.

Sustainable Groundwater Management Act of 2014

The 2014 Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The Department of Water Resources (DWR) categorizes the priority of groundwater basins. For critically over-drafted basins, sustainability should be reached by 2040. For the remaining high and medium priority basins, 2042 is the deadline. The SGMA also requires local public agencies and Groundwater Sustainability Agency in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSP) or Alternatives to GSPs. GSPs are detailed road maps for how groundwater basins will reach long term sustainability. If a basin is adjudicated, then a GSA does not need to be formed, nor does a GSP need to be prepared.

The Project overlies the Orange County Groundwater Basin (OC Basin). Pursuant to the SGMA, the DWR has designated the OC Basin, (also known as Basin 8-1), as a medium priority basin for purposes of groundwater management. The SGMA specifically calls for Orange County Water District (OCWD), which regulates the OC Basin, to serve as the GSA. The SGMA allows Special Act Districts created by statute, such as OCWD, to prepare and submit an alternative to a GSP that is "functionally equivalent" to a GSP. Basin 8-1 includes the OCWD service area and several fringe areas outside of OCWD that are within the Basin 8-1 boundary. Per the requirements of SGMA, an Alternative Plan must encompass the entire groundwater basin as defined by DWR. On January 1, 2017, OCWD and the overlying agencies within Basin 8-1, including IRWD, jointly prepared and submitted an alternative plan in compliance with SGMA (Basin 8-1 Alternative). The Basin 8-1 Alternative was updated in January 2022 (Orange County Water District; City of La Habra; Irvine Ranch Water District, 2022).

City of Tustin General Plan

The Tustin General Plan Conservation/Open Space/Recreation Element includes the following goals and policies that are related to water supply and the proposed Project.

Goal 5 **Protect water quality and conserve water supply.**

Policy 5.2 Protect groundwater resources from depletion and sources of pollution.

Policy 5.3 Conserve imported water by requiring water conservation techniques, water conserving appliances, and drought-resistant landscaping.

Policy 5.4 Support the expansion of reclaimed water production and use wherever possible and economically feasible.

Policy 5.5 Protect water quality by responsible agency support of enforcement of water quality standards for water imported into the County, and to preserve the quality of water in the groundwater basin and streams.

Policy 5.6 Coordinate water quality and supply programs with all responsible water agencies, and cooperate and participate in plan preparation and programs.

Tustin Legacy Specific Plan

The Tustin Legacy Specific Plan includes the following information related to water supply and the proposed Project.

Section 2.6 – Infrastructure

Water

The Specific Plan discusses that the TLSP area is serviced by the IRWD which supplies domestic water to the area through a north to south 12-inch pipeline in the center of the former base.

The TLSP also describes that the proposed backbone domestic water system was based on the IRWD SAMP, which recommends that pipe systems follow a loop pattern and provide service areas with multiple sources of supply. The TLSP further describes that the proposed domestic water system pipes were sized by IRWD based on demands, water pressure requirements, flow velocity criteria, and the fire-flow specifications of the Orange County Fire Authority (OCFA). However, surveys and more specific knowledge of the land use would be required to determine the network's final pipe sizes. However, the TLSP describes that final decision on water line locations and sizing shall be determined and approved by IRWD, in addition to the City Engineers of Tustin and Irvine, as applicable.

Reclaimed Water

The TLSP describes that reclaimed water is currently supplied to the TLSP area by IRWD through a 16-inch pipeline in Barranca Parkway as well as a 6-inch to 8-inch pipeline in Tustin Ranch Road.

The TLSP also includes a proposed reclaimed water plan for the area and describes that pipe sizes were determined by IRWD based on demands, water pressure requirements, and flow velocity criteria. However, surveys and more specific knowledge of the land uses would be required to determine the network's final pipe sizes.

Section 4.4 – Phasing Plan

Domestic (Potable)Water

To the maximum extent possible, the backbone water line system is anticipated to be phased along with the internal arterial highway construction program, since both are designed to serve geographic areas they develop. If any highways in which domestic water lines are to be located are actually built before their scheduled phase it will be recommended that water lines be installed at that time. In such cases, the line may be capped until connection is needed.

Reclaimed (Non-Potable) Water

To the maximum extent possible, the backbone water line system for reclaimed water will be coordinated with arterial highway construction. If any highways in which reclaimed water lines are to be located are actually built before their scheduled phase, it is recommended that water lines be installed at that time. In such cases, the line may be capped until connection is needed. Four potential well sites, generally located in the southerly portion of the project, will be the subject of subsequent negotiation, the results of which shall guide any conditions associated with well locations/relocations.

The Modified Project would be required to implement the TLSP Revised Phasing Plan as necessary, described above in Section 5.10.1.

Tustin City Code

Article 9, Chapter 7 – Water Efficient Landscapes. The City promotes water use efficiency through water efficient landscape requirements, which were adopted by Ordinance in December 2015. The code applies to new landscape projects of 500 square feet or greater and rehabilitated landscape projects of 2,500 square feet or greater. The code section provides implementation procedures and water use standards for the purpose of providing water efficient landscapes in compliance with State law.

Article 4, Chapter 10 – Water Management Plan. The City created a comprehensive Water Conservation Program pursuant to the California Water Code based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortages. The Water Conservation Program establishes permanent water use restrictions and regulations to be implemented during times of declared water shortages. It establishes six (6) levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

Sections 4950 et seq. – Water Conservation Program. The City of Tustin's Water Conservation Program is set forth in Sections 4950 et seq. of the Tustin City Code. The Water Conservation Program consists of four stages of increasing restrictions on water use. Compliance with Stage 1 is voluntary, while compliance with stages 2 through 4 is mandatory. Stages 1 and 2 consist largely of restrictions on outdoor water use; while stages 3 and 4 also include restrictions on commercial, industrial, institutional, manufacturing or processing use.

5.10.2.2 Water Environmental Setting

Water is supplied to TLSP by the IRWD. IRWD provides water services to a 181-square mile service area that includes all of the City of Irvine and portions of the surrounding cities of Tustin, Santa Ana, Orange, Costa Mesa, Lake Forest, Newport Beach, and unincorporated areas of Orange County.

Water Supply and Demand

IRWD's water supply is a combination of groundwater, imported water, and recycled water. Approximately 50 percent of IRWD's water supplies comes from local groundwater wells in the Orange County Groundwater Basin (OC Basin), and the Irvine and Lake Forest sub-basins. Imported water from the Metropolitan Water District of Southern California (MWD) makes up less than one-fifth of IRWD's supply. Water imported to Orange County comes from two sources; the Sacramento-San Joaquin Delta in Northern California through the State Water Project (SWP), and from the Colorado River through the Colorado River Aqueduct. IRWD meets about a quarter of the service area's water demands with recycled water.

Table 5.10-2 provides IRWD's total projected supply capacities expected to be available to IRWD through 2040. These future planned water supplies are based on historical groundwater production, planned future supply projects, as well as information from Metropolitan and Municipal Water District of Orange County's (MWDOC) 2020 UWMPs.

Table 5.10-2: IRWD Projected Water Supply

Source	Additional Information on Source	Projected Water Supply (acre-feet)			
		2025	2030	2035	2040
Purchased or Imported Water	Potable	51,027	51,027	51,027	51,027
Surface Water (not desalinated)	Baker WTP Local Surface Water	3,048	3,048	3,048	3,048

Source	Additional Information on Source	Projected Water Supply (acre-feet)			
		2025	2030	2035	2040
Groundwater (not desalinated)	Potable	49,480	49,480	49,480	49,480
Purchased or Imported Water	Untreated	17,347	17,347	17,347	17,347
Recycled Water		42,012	42,012	42,012	42,012
Groundwater (not desalinated)	For Recycled System	3,461	3,461	3,461	3,461
Groundwater (not desalinated)	Future Potable Water	12,352	12,352	12,352	12,352
Total Projected Water Supplies		**178,727**	**178,727**	**178,727**	**178,727**

Source: (Irvine Ranch Water District, 2021)

The 2020 UWMP also describes that water demands per capita have been decreasing in recent years due to new state and local regulations related to water conservation. The 2020 UWMP describes that IRWD used 95 gallons per capita per day (GPCD) in 2020, which is below the target of 171 GPCD for 2020 (Irvine Ranch Water District, 2021). Table 5.10-2 summarizes IRWD's projected overall water supplies with project buildout as determined by IRWD (Appendix E). As shown in Table 5.10-3, IRWD has supply capabilities that would be sufficient to meet demands from 2025 to 2040 under the normal, single dry-year, and multiple dry years without the project and with project buildout. Thus, IRWD would continue to be able to utilize imported water supply, as needed.

Table 5.10-3: IRWD Supply and Demand with Project Buildout During Normal, Dry, and Multiple Dry Year Scenarios (AF)

Forecast Year	2025	2030	2035	2040	2044
Normal Year					
Maximum Supply Capability	101,911	104,711	104,711	104,711	104,711
Existing Demand	76,540	80,802	83,150	83,359	83,525
Existing Demand + Project	76,467	80,981	83,748	83,958	84,126
Cumulative Buildout Demand	76,467	80,981	83,748	83,958	84,126
Reserve Supply with Project	25,444	23,730	20,963	20,753	20,585
Single-Dry Year					
Maximum Supply Capability	99,863	102,663	102,663	102,663	102,663
Existing Demand	81,898	86,458	88,971	89,194	90,015
Existing Demand + Project	81,820	86,649	89,611	89,835	90,015
Cumulative Buildout Demand	81,820	86,649	89,611	89,835	90,015
Reserve Supply with Project	18,043	16,013	13,052	12,828	12,648
Multiple-Dry Year					
Maximum Supply Capability	99,863	102,663	102,663	102,663	102,663
Existing Demand	81,898	86,458	88,971	89,194	89,372
Existing Demand + Project	81,820	86,649	89,611	89,835	90,015
Cumulative Buildout Demand	81,820	86,649	89,611	89,835	90,015
Reserve Supply with Project	18,043	16,013	13,052	12,828	12,648

Notes: Existing Demand =4,970 dwelling units and 3,248,890 SF of nonresidential non-residential buildout
Project Demand =9,456 dwelling units and 3,248,890 SF of nonresidential buildout
Cumulative Buildout Demand = potential demands for all presently undeveloped areas of IRWD based on current general plan information, modified by more specific information available to IRWD, as more fully described in Chapter 2 of IRWD's Water Resources Master Plan.
Source: Water Supply Assessment, Appendix E

Groundwater: As described previously, 50 percent of IRWD's water supply is groundwater that is pumped from the OC Basin as well as the Irvine and Lake Forest sub-basins. The OC Basin covers an area of approximately 350 square miles, bordered by the Puente Hills and Chino Hills to the north, the Santa Ana Mountains to the northeast, and the Pacific Ocean to the southwest. The basin boundary extends to the Orange-Los Angeles County line to the northwest. Replenishment supplies for the OC Basin include capture of increasing Santa Ana River flows, purified recycled water, purchases of replenishment water from Metropolitan, and expansion of local supplies (Irvine Ranch Water District, 2021). The basin directly underlying the TLSP area has experienced historical contamination and is not used as a resource for groundwater pumping (see Section 5.4, Land Use).

According to the UWMP, the Orange County Water District (OCWD) manages the areas of the Basin that are located within the OCWD boundary as described under the Orange County Water District Act, Water Code Application of Articles, Ch 40 (OCWD District Act) (Irvine Ranch Water District, 2021). OCWD is responsible for the protection of water rights to the Santa Ana River in Orange County, as well as the management and replenishment of the Basin. The Irvine sub-basin is located within the OCWD boundary; however, the Lake Forest area sub-basin is outside of the OCWD boundary. While the majority of the groundwater rights of the producers within the Basin have not been adjudicated, IRWD holds an adjudicated right for up to 4,500 acre-feet (AF) of groundwater pursuant to a 1933 Judgment prior to OCWD. However, this adjudicated water right was quit-claimed to IRWD by the Irvine Company in 2006.

Further, OCWD manages the OC Basin through a Basin Production Percentage (BPP) that is determined each water year based on groundwater conditions, availability of imported water supplies, water year precipitation, Santa Ana River runoff, and basin management objectives. While there is no legal limit as to how much an agency pumps from the OC Basin, there is a financial disincentive to pump above the BPP. Groundwater production above the BPP is charged a Basin Equity Assessment (BEA) fee. The BEA is set so that the cost of groundwater pumping above the BPP is greater than the cost of imported water. Each year, OCWD sets a target amount of pumping, the BPP, and assesses a BEA on all water pumped above that limit. For example, if the BPP is set at 77 percent for 2023-2024, all pumpers within the Basin, including IRWD, can supply 77 percent of their water needs from groundwater supplies at a cost significantly less than the cost of imported water. If groundwater production is equal to or less than the BPP (i.e., less than 77 percent in the example above), all producers within the Basin pay a replenishment assessment fee which is used to fund groundwater replenishment and recharge programs aimed at ensuring the long-term viability and stability of the Basin. A component of OCWD's BPP policy is to manage the groundwater basin so that the BPP will not fluctuate more than 5 percent from year to year. OCWD anticipates being able to sustain the BPP at 85 percent starting in 2025 (Irvine Ranch Water District, 2021).

Imported Water: Approximately 13 percent of IRWD's potable water needs are met by imported water purchased and supplied by Metropolitan through MWDOC. IRWD receives imported potable water supplies from the Colorado River and the State Water Project (SWP) through Metropolitan's Diemer Filtration Plant and Weymouth Treatment Plant. IRWD also purchases untreated imported water supplied by Metropolitan through MWDOC. Untreated imported Colorado River water from Lake Mathews is supplied to the Baker Water Treatment Plant (Baker WTP). The Baker WTP, completed in 2016, is a 28.1 million gallon per day (mgd) drinking water treatment plant. Both Metropolitan and MWDOC's 2020 UWMP's describe in detail the assessment and summary of imported water service reliability outlook through 2045. Metropolitan finds that it has supply capabilities sufficient to meet expected demands from 2025 through 2045 in a normal year condition, under a single dry-year condition, and in a period of drought lasting five consecutive water years. IRWD has made conservative estimates of annual imported supplies based on connected imported water delivery capacity from historical use evaluations and based on Metropolitan's stated reliability through 2045. Additionally, IRWD can also recover and deliver supplemental water stored in its water banking projects in Kern County, California, to IRWD's service area under a short-term Metropolitan water supply allocation and major supply interruptions (Irvine Ranch Water District, 2021).

Surface Water: IRWD's local surface water sources are the drainage tributary areas to the Irvine Lake and Harding Canyon Reservoir. On average, approximately 4,000 AFY of local surface water is captured by Irvine Lake for IRWD's use. During dry years, IRWD's annual use of local surface water could be as little as 1,000 AFY. According to the UWMP, local surface water in Irvine Lake can be supplied for treatment as a potable water supply source with the newly operational Baker WTP. The Irvine Lake ownership is 75% to IRWD and 25% to Serrano Water District (SWD) with the right to divert and store up to 28,000 AFY. Local surface water supplies are distributed to IRWD and SWD based on an allocation formula in accordance with a 1928 Agreement, and subsequent amendments and agreements. The 1928 Agreement divides the stored local surface water by a formula which allocates to IRWD one-half of the first 1,000 AF, plus increments that generally yield three-fourths of the amount over 1,000 AF (Irvine Ranch Water District, 2021).

The other local surface water supply, or local runoff, available to IRWD is from the Harding Canyon Dam area via the Manning WTP, located in the Santiago Canyon area. The Manning WTP is located approximately 6,000 feet downstream of the Harding Canyon Dam. The Manning WTP has been expanded from an operational flowrate of 300 gallons per minute (gpm) to a 500 gpm capacity. The water supplies available from the Harding Canyon Reservoir are often limited due to dry weather conditions within the drainage area.

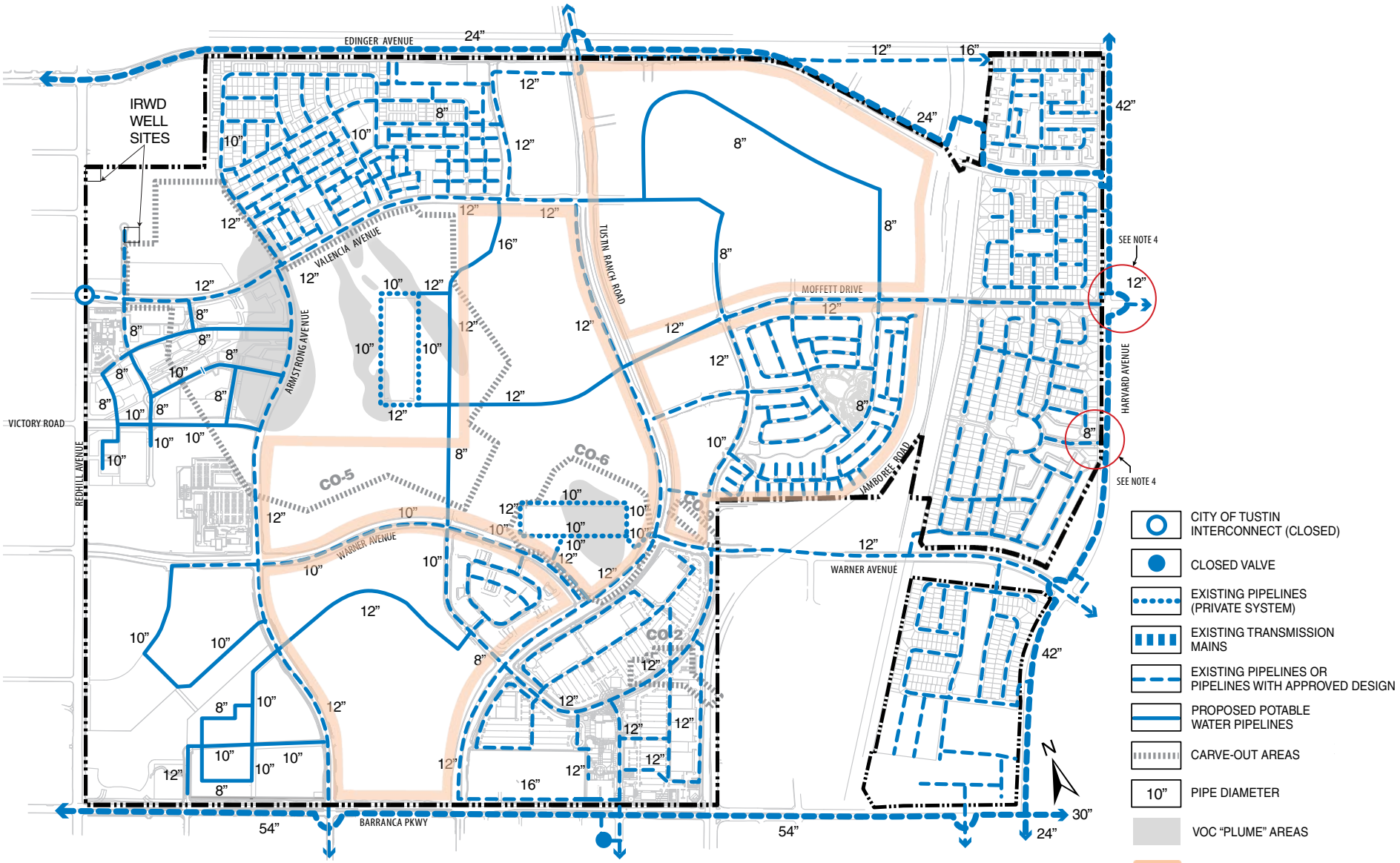
Recycled Water: Recycled water meets approximately one third of IRWD's water demands. In 1967, IRWD began sewage collection and tertiary treatment at its Michelson Water Recycling Plant (MWRP). At the time, recycled water was delivered solely to agricultural users. IRWD later expanded recycled water use to include other State-approved uses including landscape irrigation at parks, golf courses, school grounds and play fields, community associations, open space area, and green belts. IRWD eventually made recycled water available for front and backyard irrigation at large estate-sized residential lots, toilet and urinal flushing at large commercial dual-plumbed buildings, industrial uses, composting, construction dust control, compaction, and cooling tower applications. IRWD's recycled water program has allowed IRWD to reduce its demands for potable imported water and extend its drinking water supplies.

Water Infrastructure

The TLSP area potable water distribution system is owned and operated by IRWD. The IRWD SAMP for the TLSP area was updated by Michael Baker International on March 16, 2017. The updated SAMP includes updates to the potable water, wastewater collection, non-potable water distribution, and sewer infrastructure analysis to reflect land uses and buildout assumptions included within the Approved Project (2017 TLSP). Existing water infrastructure is shown in Figure 5.10-1, *Potable Water System*.

The ultimate backbone potable water distribution system proposed for the TLSP service area is based on a computer hydraulic model simulation. Most of the on-site backbone system has been constructed to date. The ultimate distribution system proposes to add service pipelines within Planning Areas 8, 9-12, 13-14, and 15A, which will also provide additional looping that will enhance system reliability and maximize capacity of the potable water system (Michael Baker, 2017). Further development of the distribution system is unknown at this time and will be constructed in accordance with the *Tustin Legacy Specific Plan Phasing Program*. Figure 5.10-1, *Potable Water System*, illustrates the proposed ultimate system for serving the TLSP area. Based on the analysis conducted for this SAMP Update as part of the Approved Project, no off-site potable water system improvements were identified as necessary.

Potable Water System



Source: Placeworks, 2017. *Tustin Legacy Specific Plan Amendment.*
Note: Several portions of the planned infrastructure depicted have been constructed since publication of the 2017 SEIR.

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5.10.2.3 Water Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

UT-1 Require or result in the construction of new water facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

UT-2 Have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.

HYD-1 Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

HYD-2 Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

5.10.2.4 Water Service Methodology

The evaluation of water supply considers the amount of water that would be required to support operation of the proposed Project and compares the demand to IRWD's available water supply to identify if sufficient water supplies are available to serve the proposed Project and reasonably foreseeable development during normal, dry, and multiple dry years. Additionally, the water supply infrastructure in the Project area was identified and evaluated to ensure design capacity would be adequate to supply the Project site, or to identify if expansions would be required to serve the proposed development.

5.10.2.5 Water Environmental Impacts

Summary of Impacts Associated With the Approved Project

The FEIS/EIR determined that at buildout the Specific Plan would demand 2.8 million gallons per day (mgd) of water. All utility infrastructure would be designed to adequately accommodate development. The certified FEIS/EIR determined that impacts to potable water supply and distribution were less than significant with no mitigation required. Utilities would be replaced and sized to accommodate the proposed land uses.

The 2017 SEIR determined that the project would not result in any new impacts, or increase the severity of impacts, with respect to water supply or water facilities.

IMPACT UT-1: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW WATER FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Less than Significant Impact with Mitigation.

As shown in Table 3-2, *Specific Plan Amendment Summary*, of this Draft SEIR, implementation of the Approved Project would result in the construction of 4,970 residential units and 3,248,890 SF of nonresidential building space. The Modified Project proposes an additional 2,211 dwelling units which would result in a total capacity of 6,697 residential units and 3,248,890 SF of nonresidential capacity within the TLSP area. However, the Modified Project also includes 2,759 density bonus units. Thus, total buildout of the Modified Project with the density bonus units would result in an overall net increase of 4,970 dwelling units compared to the Approved Project and a total development capacity of 9,456 dwelling units within the TLSP area. A specific development project is not proposed as part of this Project.

Currently, potable and recycled water mains exist beneath the developed streets of the Modified Project site such as Armstrong Avenue, Warner Avenue, Tustin Ranch Road, Valencia Avenue, and Edinger Avenue. Future implementation of development projects pursuant to the Modified Project would necessitate installation of onsite water infrastructure and new connections to the water distribution system that would be sized to accommodate the increased water demand of new project-specific development on a project-by-project basis. Under the City's normal development review procedure for individual projects, the City determines the actual water system design requirements of each site-specific development project, and the needs for any improvements to the existing water supply infrastructure would be identified and require approval prior to City issuance of the construction permit.

Construction

As currently proposed, the Modified Project would not be anticipated to necessitate offsite construction of new water facilities and existing water supplies would accommodate the Modified Project, as discussed in the Water Supply Assessment (Appendix E). The construction of any future water facilities potentially identified at a later date is not considered reasonably foreseeable and is not considered within this analysis. However, construction of future water line connections would occur along existing pipeline alignments and within existing street rights-of-way. Water line expansion could result in impacts related to polluted stormwater runoff, air quality and greenhouse gas (GHG), noise, and erosion.

All future projects are required to comply with all City standards regarding construction noise, air quality, and dust suppression mitigation requirements, erosion control (through the required SWPPP) and temporary construction traffic controls, as well as mitigation measures identified throughout this SEIR. Implementation of PPP HYD-1 would ensure that potential construction impacts on stormwater runoff related to any necessary future water line improvements remain less than significant. Further, PPP T-2 is incorporated into the Project to require all utility work occurring as part of future proposed projects to adhere to the traffic control standards specified by the City's latest Standard Plans and Design Standards, which includes the requirement for a 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. As discussed in Section 5.1 and Section 5.3, future construction of the Modified Project would result in less than significant air quality and GHG impacts with implementation of South Coast Air Quality Management District (SCAQMD) Rules 403, 431.2, 1113, and 1186 / 1186.1. In addition, SEIR MM AQ-5, which requires use of Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities. As a result, potential impacts related to build out of the proposed Project would not result in construction of new or expanded water facilities that would result in a significant environmental effect. Therefore, construction impacts would be less than significant.

Operation

IRWD purchases and imports water from MWD which is treated at the Robert Diemer Filtration Plant and the new Baker WTP. Under the Approved Project, the anticipated total water demand of the TLSP area was anticipated to be 2.0 mgd (1,968,801 gpd) (Placeworks, 2017). Previously, it was anticipated that the TLSP area would be serviced by the Robert Diemer Filtration Plant. However, the Baker WTP which was completed in 2016 to increase water supply reliability to South Orange County now serves the TLSP area and is expected to serve the area for the foreseeable future. The Baker WTP has a treatment capacity of 28.1 mgd (Irvine Ranch Water District, 2021). The Baker WTP currently treats approximately 6.78 mgd and has a remaining capacity of 21.32 mgd. The WSA determined that based on land use planning information available to IRWD and project information the Modified Project is anticipated to result in a total water demand of 2.72 mgd which the Baker WTP has capacity for (2,719,276 gpd) (Irvine Ranch Water District, 2024). Therefore, the Baker WTP is anticipated to be able to accommodate additional capacity proposed by the Modified Project.

The IRWD SAMP for the TLSP area was updated in 2017. Under the Approved Project, the Modified Project with potential density bonus units would result in an overall net increase of 4,970 dwelling units compared to the Approved Project. Therefore, the previously adopted SAMP does not meet the full potential demand of residential capacity that would be allowed under the Modified Project. Further, the Modified Project could result in the need for additional water facility improvements beyond those identified in the 2017 SAMP. Therefore, Mitigation Measure UT-1 requires that once the development assumptions of the IRWD SAMP are surpassed, the SAMP for the TLSP shall be updated in partnership of the City and applicant prior to issuance of the grading permit. Water supply design specifications for each future site-specific development project would be required to comply with the City of Tustin standards (per the California Building Code) regarding requirements for design and operation of water distribution facilities and would be verified during plan check (PPP UT-1). Additionally, as described above and shown in Table 5.10-1, the Approved Project included a Phasing Plan, intended to address the future utility and public service needs for the TLSP area via performance standards. Future development under the proposed Project would require utility improvements according to the Phasing Plan. Specifically, the installation of water distribution lines would be triggered upon determination by IRWD regarding the acceptability of the existing lines at the time of future development proposal (Mitigation Measure a). Through Mitigation Measure a., IRWD would ensure that future water facility improvements fit within the previously planned improvements of the TLSP and SAMP. In the event new water treatment facilities are required, additional environmental analysis under CEQA shall be conducted. However, at this time, expansion of existing or construction of new water treatment facilities are not anticipated or planned and operational impacts would be less than significant with mitigation.

IMPACT UT-2: IRWD WOULD HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE DEVELOPMENT DURING NORMAL, DRY, AND MULTIPLE DRY YEARS.

Less than Significant Impact.

As mentioned previously, buildout of the Modified Project would result in a net increase of 4,970 dwelling units within the TLSP area which would result in increased generation of water demand. As described in Section 5.06, *Population and Housing*, the 4,970 additional residential units would generate an additional 13,817 residents compared to the previously forecasted 17,242 residents resulting in 31,059 total residents at build out and full occupancy.

A site-specific WSA was prepared for the Modified Project to identify the water demand of existing buildout of the site without the proposed Project, buildout of the site with the proposed Project, and future cumulative buildout during normal, dry, and multiple dry years. As shown in Table 5.10-2, *IRWD Projected Water Supply*, the WSA determined that the proposed Modified Project would result in an increase of several AFY during normal, dry, and multiple dry year scenarios. Additionally, as shown in Table 5.10-2, the WSA determined that with buildout of the Project, IRWD would have sufficient water supplies to serve the Modified Project and cumulative development during normal, dry, and multiple dry year scenarios through 2044. Therefore, implementation of the proposed Modified Project would result in a less than significant impact related to water supplies.

IMPACT HYD-1: THE PROJECT WOULD NOT SUBSTANTIALLY DECREASE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN.

IMPACT HYD-2: THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN.

Less than Significant Impact.

OCWD serves as the groundwater manager over the OC Basin and sub-basins. OCWD adopted its first Groundwater Management Plan in 1989. In July 2015, OCWD updated the Groundwater Management Plan; however, this plan has been superseded by the Basin 8-1 Alternative Plan, which was adopted in 2022. The Modified Project site is mostly undeveloped and pervious except for an existing apartment community and subdivision in Neighborhood D South, the Legacy Magnet Academy and Tustin Blimp Hangar in Neighborhood D North, and two subdivisions and an apartment complex in Neighborhood G. Implementation of future development under the TLSP would increase the amount of impervious surface. Further, the Project site is not used for groundwater recharge and contains soils with poor infiltration capacity due to high groundwater levels onsite and groundwater contamination (Placeworks, 2017). As further described in Section 5.4, *Land Use*, the TLSP encompasses the former Marine Corps Air Station (MCAS) Tustin, which closed in 1999. Since then, groundwater and soil contaminated with Trichloroethylene, Trichloropropane, and other chlorinated hydrocarbons have been identified across several plumes as shown in Figure 5.4-2, *Hazardous Cleanup Sites*, of this DEIR. Site remediation efforts consisting of pumping and treating groundwater, in-situ bioremediation, and monitored natural attenuation are ongoing. The Basin 8-1 Alternative Plan further lists existing groundwater contamination sites within the OCWD Management Area and describes that the U.S. Navy is taking the lead in remediation of the former Tustin MCAS. As such, the Project site is not in or near a groundwater recharge area/facility, nor does it represent a source of groundwater recharge. Therefore, the Modified Project would not substantially interfere with groundwater supplies or recharge. Impacts would be less than significant.

Additionally, groundwater supply and demand are evaluated through the UWMP and reevaluated through the Project-specific WSA which determined that groundwater supplies are sufficient to meet the demands of the Modified Project now and in the foreseeable future. The Project would not decrease groundwater supplies or interfere substantially with groundwater recharge. Therefore, the Modified Project would not conflict or obstruct the implementation of the Basin 8-1 Alternative Plan. Therefore, the proposed Modified Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

5.10.2.6 Water Cumulative Impacts

The geographic scope of cumulative analysis for water service is the service area of IRWD. Cumulative water supply impacts are associated with the adequacy of the IRWD's primary sources of water which include groundwater pumped from the Orange County groundwater basin (including the Irvine Subbasin); captured local (native) surface water; recycled sewage; and supplemental imported water supplied by MWD through the MWDOC. As described above, water supplies have been planned through IRWD's 2020 UWMP, which identifies the ability to meet a majority of future water demands through groundwater and imported supplies. IRWD's UWMP and the Project-specific WSA provides projections for water supply and demand through 2044, and shows that in normal, dry, and multiple dry year conditions with anticipated growth in IRWD's service area, IRWD would be able to meet water demand. As a result, cumulative impacts would be less than significant.

5.10.2.7 Water Existing Standard Conditions and Plans, Programs, or Policies

Existing Regulations

The following standard regulations would reduce potential impacts related to water:

- California Code of Regulations Title 24, Part 11; the California Green Building Code
- Tustin City Code Article 9, Chapter 7; Water Efficient Landscapes

- Tustin City Code Article 4, Chapter 10; Water Management Plan

Plans, Programs, or Policies

PPP UT-1: California Building Code. All future development constructed under the Project shall be subject to the latest version of the California Building Code (CBC) which outlines regulations for building planning and construction in the state, including occupancy classification, structural design, building materials, infrastructure needs and fire-resistance requirements.

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.

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 *Standard Plans and Design Standards*, which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design.

5.10.2.8 Water Level of Significance Before Mitigation

With implementation of existing Mitigation Measures (a) through (c), (e), and existing regulatory requirements, as well as proposed Mitigation Measure UT-1, which would be ensured through the City's development permitting process, Impact UT-1 would be less than significant. With implementation of existing regulatory requirements that would be ensured through the City's development permitting process, Impacts HYD-1 and HYD-2 would be less than significant. Impact UT-2 would be less than significant

5.10.2.9 Water Mitigation Measures

MCAS FEIR/EIS Implementation Measures Applicable to the Proposed Project

MM (a) The City of Tustin or City of Irvine, as appropriate, shall ensure that infrastructure is constructed in phases as triggered by identified thresholds in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements. The Phasing Plan provides an organizational framework to facilitate development of the reuse plan area in tandem with infrastructure necessary to support the planned development.

This framework reflects the fact that each component of the infrastructure has its own threshold for accommodating additional development toward build-out of the reuse plan area. The triggering mechanisms that identify timing of key infrastructure provisions are summarized in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements

MM (b) Prior to a final map recordation (except for financing and re-conveyance purposes), the development applicant shall enter into an agreement with the City of Tustin and City of Irvine and any appropriate regional utility agencies, districts, and providers, as applicable, to dedicate all easements, right-of-way, or other land determined necessary to construct

adequate utility infrastructure and facilities to serve the project as determined by the City, Agency, District, or other providers.

MM (c) Prior to any final map recordation (except for financing and conveyance purposes), the development applicant shall enter into a secured agreement with the cities of Tustin and/or Irvine, as applicable, to participate on a pro-rated basis in construction of capital improvements necessary to provide adequate utility facilities.

MM (e) Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit to the City of Tustin and City of Irvine, as applicable, information from IRWD which outlines required facilities necessary to provide adequate potable water and reclaimed water service to the development.

Proposed Specific Plan Amendment Project Mitigation Measures

MM UT- 1 Prior to project approval, the development applicant shall coordinate with IRWD to conduct infrastructure analyses of water and sewer utilities in the project area to ensure existing conveyance and pressure is adequate to serve the project. Once development assumptions identified within the IRWD-approved Sub Area Master Plan (SAMP) are surpassed, project applicants shall coordinate with IRWD to update the SAMP for the TLSP area.

5.10.2.10 Water Level of Significance After Mitigation

No significant unavoidable adverse impacts related to water supplies or water infrastructure would occur.

5.10.3 WASTEWATER

5.10.3.1 Wastewater Regulatory Setting

National Pollution Discharge Elimination System Permit

The NPDES permit system was established in the Federal Clean Water Act to regulate both point source discharges (a municipal or industrial discharge at a specific location or pipe) and nonpoint source discharges (diffuse runoff of water from adjacent land uses) to surface waters of the U.S. for point source discharges, such as sewer outfalls, each NPDES permit contains limits on allowable concentrations and mass emissions of pollutants contained in the discharge.

State Water Resources Control Board Statewide General Waste Discharge Requirements for Sewer Systems

The Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SWRCB Order No 2006-0003-DWQ) applies to sanitary sewer systems that are greater than one mile long and collect or convey untreated or partially treated wastewater to a publicly owned treatment facility. The goal of Order No. 2006-0003 is to provide a consistent statewide approach for reducing Sanitary Sewer Overflows (SSOs), which are accidental releases of untreated or partially treated wastewater from sanitary sewer systems, by requiring that:

1. In the event of an SSO, all feasible steps be taken to control the released volume and prevent untreated wastewater from entering storm drains, creeks, etc.

2. If an SSO occurs, it must be reported to the SWRCB using an online reporting system developed by the SWRCB.
3. All publicly owned collection system agencies with more than one mile of sewer pipe in the state must develop a Sewer System Management Plan (SSMP), which must be updated every five years.

The IRWD updated its SSMP in 2018 in compliance with these requirements.

City of Tustin General Plan

The Tustin General Plan includes few goals and policies related to wastewater, as IRWD and the Orange County Sanitation District are the wastewater service providers for, and owner of, wastewater facilities within the City. The City's General Plan Housing Element includes the following policy:

2.8 (New) Tustin Legacy Specific Plan Improvement Program

Tustin Legacy (Tract 744.15) is a Master Planned Community that is currently being developed. Although the tract has been identified as low resource, it has been substantially enhanced with new resources within recent years including services and amenities such as elementary school, high school, Junior College, new grocery store, shopping and dining, medical offices, Acute Rehabilitation Center, Animal Shelter, Sherriff Academy, Transitional and Emergency shelters, Sports Park, and County Facility for abused and neglected women and children. In addition, substantial infrastructure has and will continue to occur such as water, power, sewer, streets, sidewalks, pedestrian walkways, landscaping, and water treatment facilities. The area comprises 1,600 acres, of which 600 acres remain for future development of a diverse housing stock, community amenities, and resources. By 2029, the City will continue to implement projects that increase assets in the TLSP area as proposed by developers and identified in the Tustin Legacy Backbone Infrastructure Program, which includes:

- The Landing at Tustin Legacy: residential projects with development of open space, park areas, and community amenities
- Tustin Legacy Linear Park at Armstrong Avenue and Warner Avenue
- Alley Grove Public Promenade and recreational courts
- Neighborhood D South Infrastructure Construction - Phase 2
- South Hangar Historic Resource Renovation and Preservation Renovation
- Armstrong Avenue Pedestrian Bridge
- Warner Avenue Pedestrian Bridge
- Tustin Legacy Community Dog Park
- Police substation at Tustin Legacy

Additionally, the City's General Plan Public Safety Element includes the following policy under Goal 4 to reduce the risk to the community's inhabitants from exposure to hazardous materials and wastes.

Policy 4.10 Regulations governing the discharge of hazardous waste into sewer systems will be strictly enforced.

Tustin Legacy Specific Plan

The Tustin Legacy Specific Plan includes the following information related to wastewater and the Modified Project.

Section 2.6 – Infrastructure

Sewer

The TLSP area is serviced by the IRWD and Orange County Sanitation District #7 (CSD-7). However, IRWD is the sole responsible agency for the provision of sewer service for the area.

The sewer plan included in the Approved Project delineates sewer flows moving south and connecting to a proposed sewer main in Barranca Parkway. According to the TLSP, sewage will be conveyed through a trunk system in Armstrong Avenue through the City of Irvine. In addition, future studies with more accurate survey data would be required to determine final tie-in points and maintenance responsibilities.

Section 4.4 – Phasing Plan

Sanitary Sewer

To the maximum extent possible, the backbone sanitary sewer system will be coordinated with the arterial highway construction. If any highways in which sanitary sewer lines are to be located are built before their scheduled phase, it will be recommended that the sewer line be installed at that time. In such cases, the line may be capped until connection is needed.

The Modified Project would be required to implement the TLSP Revised Phasing Plan as necessary, described above in Section 5.10.1.

5.10.3.2 Wastewater Environmental Setting

Conveyance

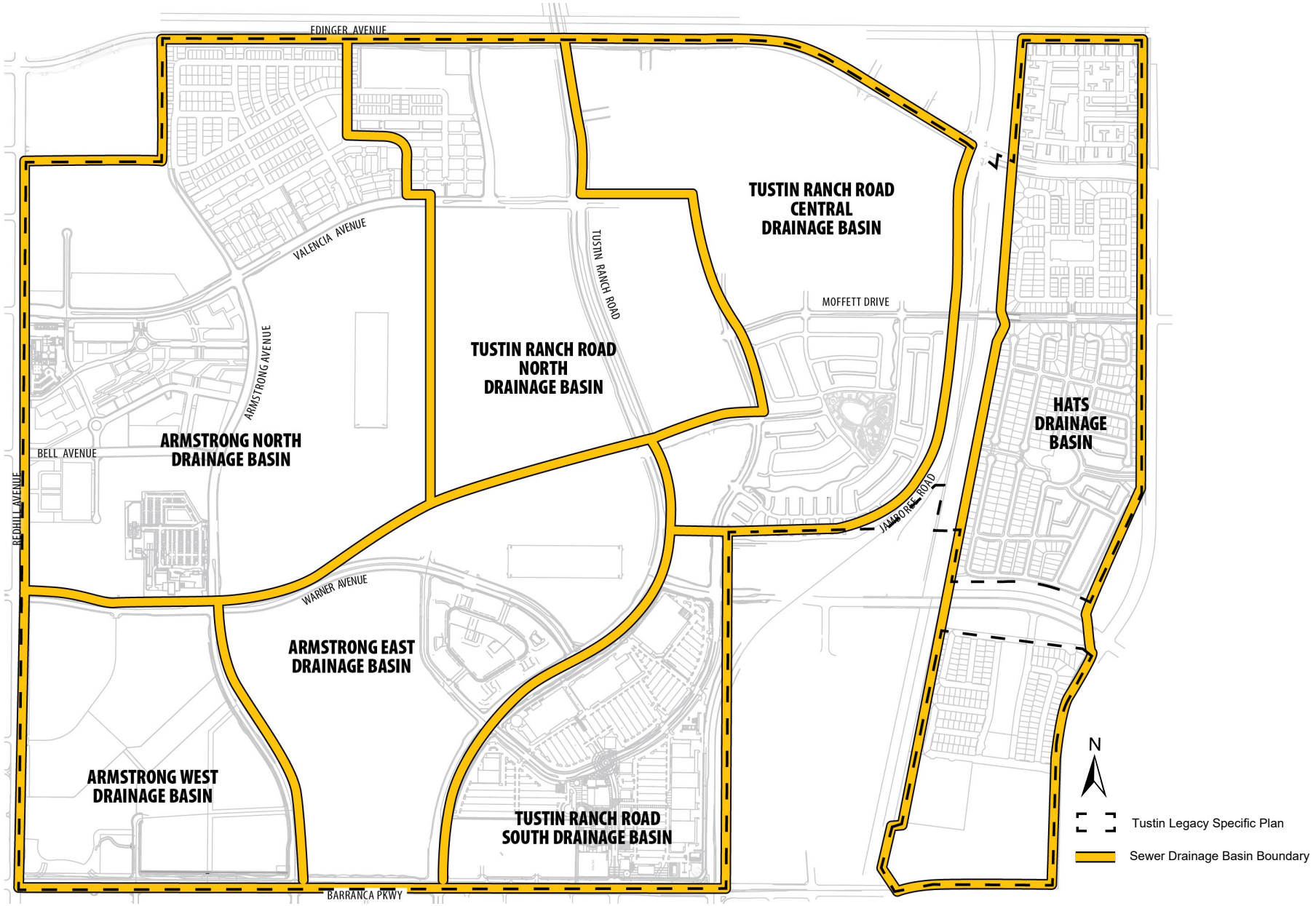
The IRWD collects and conveys wastewater from the TLSP area through its regional collection systems in Harvard Avenue (which runs north-south and abuts the eastern boundary of the TLSP area) and Armstrong Avenue (which runs north-south within the western portion of the TLSP area). The TLSP area west of Peter's Canyon Channel, Planning Areas 1 through 19 (see Figure 3-7, *Existing TLSP Land Use Plan*), including all the City's Disposition Areas, generally flow west to the 20-inch Tustin Ranch Road trunk sewer system or to the 27-inch trunk sewer system in Armstrong Avenue. The vast majority of the flows of the TLSP area are served by the Armstrong Avenue trunk sewer system. From the confluence of these two onsite trunk systems at Armstrong Avenue and Barranca Parkway, project area tributary flows are conveyed southwesterly through the Armstrong Avenue, MacArthur Boulevard, and Main Street trunk sewer systems to OCSD's treatment facility—Reclamation Plant No. 1. The Armstrong Avenue trunk sewer system is proposed to serve Planning Areas 1, 2, 3, and 9 through 12, as well as portions of Planning Areas 4, 5, 8, 13, and 14. The sewer drainage basins are shown in Figure 5.10-2, *Sewer Drainage Basins*.

IRWD collects and treats nearly all the sewage generated within the IRWD service area. Sewage collected through IRWD's system is sent to one of the two IRWD water recycling plants, the Michelson Water Recycling Plant (MWRP) or the Los Alisos Water Recycling Plant (LAWRP). Most of the sewage generated in IRWD's service area is treated to disinfected, tertiary recycled water standards. It is used within the service area for non-potable purposes, thus offsetting potable water demands.

Wastewater Treatment

According to IRWD, current sewage flows from the Tustin Legacy Specific Plan area are conveyed to Orange County Sanitation District (OCSD) (Lindsay, 2024). The Orange County Sanitation District (OC San) is a public agency that provides wastewater collection, treatment, and disposal services for approximately 2.6 million people in central and northwest Orange County. Reclamation Plant No. 1, the wastewater treatment plant that services the TLSP area, is in the City of Fountain Valley and has a capacity of 204 mgd for advanced primary and secondary treatment. In 2021-2022, the reported average daily flow of wastewater received was a total of 179 million gallons per day (MGD) (Orange County Sanitation District, 2024).

Sewer Drainage Basins



Source: Placeworks, 2017. *Tustin Legacy Specific Plan Amendment*.
Note: Several portions of the planned infrastructure depicted have been constructed since publication of the 2017 SEIR.

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5.10.3.3 Wastewater Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

UT-3 Require or result in the construction of new wastewater facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects; or

UT-4 Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

5.10.3.4 Wastewater Service Methodology

The evaluation of wastewater infrastructure quantifies the amount of wastewater that would be generated from operation of the proposed Project and compares the demand to the existing and planned sewer infrastructure in the Project area and wastewater treatment plant that treats flows from the Project site. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

Under the SEIR certified for the Approved Project, the SAMP that was prepared for and incorporated into the Approved Project included wastewater flow estimates that were used to identify future planned improvements for the sewer system serving the TLSP area. However, IRWD has provided updated wastewater generation rates since certification of the 2017 SEIR (Lindsay, 2024). Previous generation factors included 225 gallons per day (gpd) per dwelling unit (du) per day for low density residential, 200 gpd/du/day for medium density residential, 130 gpd/du/day for medium-high density residential, and 130 gpd/du/day for high density residential (Michael Baker, 2017).

Based on the updated information provided by IRWD, average wastewater flow rates for uses within the City of Tustin are estimated to be 160 gpd/du/day for medium density residential and 100 gpd/du/day for high density residential (Lindsay, 2024). The average wastewater generation for low density residential within the City of Tustin was measured to be 450 gal/du/day; however, it was noted that the rate is likely skewed since it is based on data collected from older homes with outdated water fixtures that utilize much more water than modern day fixtures. Therefore, the City of Irvine's wastewater generation factor of 215 gpd/du/day is more representative of what the average wastewater generation rate would be for a typical single-family home constructed in the City of Tustin under current building code requriements.

5.10.3.5 Wastewater Environmental Impacts

Summary of Impacts Associated with the Approved Project

The 2001 FEIS/EIR determined that at buildout of the MCAS Tustin Specific Plan, the project area would generate approximately 2.5 mgd of wastewater, with a peak flow of 7.7 mgd. The 2001 FEIS/EIR determined that impacts to wastewater conveyance and treatment were less than significant with no mitigation required. Existing wastewater infrastructure required to serve development under the Adopted Specific Plan would be replaced and sized to accommodate the proposed land uses.

Under the SEIR certified for the Approved Project, the SAMP that was prepared for and incorporated into the Approved Project included wastewater flow estimates that were used to identify future planned improvements for the sewer system serving the TLSP area. According to the 2017 SAMP, the TLSP area was anticipated to generate a total of 1,871,614 gpd, which includes anticipated buildout of 7,190 total dwelling units and 9,678,139 sf of nonresidential use (Placeworks, 2017). The 2017 SEIR determined that

the project would not result in any new impacts, or increase the severity of impacts, with respect to wastewater conveyance or treatment.

IMPACT UT-3: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW WASTEWATER FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

IMPACT UT-4: THE PROJECT WOULD RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER THAT WOULD SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECTS PROJECTED DEMAND IN ADDITION TO EXISTING COMMITMENTS.

Less Than Significant Impact with Mitigation.

As shown in Table 3-2 of this DSEIR, implementation of the Approved Project would result in the construction of 4,970 residential units and 3,248,890 SF of nonresidential building space. The Modified Project proposes an overall net increase of 4,970 dwelling units compared to the Approved Project and a total development capacity of 9,456 dwelling units within the TLSP area. A specific development project is not proposed as part of this Project.

As described within the SEIR for the Approved Project, the majority of the onsite sewer collection system for the TLSP area is constructed and in operation. The Modified Project site (Planning Area 8, 13-14, and 15) is still in the early planning stages and mostly undeveloped. Sewer drainage basins are illustrated in Figure 5.10-2. Due to the flat topography of these planning areas, future development of in-tract sewer systems could be designed to flow in any direction. Multiple sewer options for these planning areas could optimize sewer flows through existing trunk sewer systems.

Currently, sewer mains exist beneath the developed streets of the Modified Project site, such as Armstrong Avenue, Warner Avenue, Tustin Ranch Road, and Moffett Drive. Under the Approved Project, there are several sewer connections and extensions proposed as well. Future implementation of development projects pursuant to the Modified Project would necessitate installation of onsite wastewater infrastructure and new connections to the sewer conveyance system that would be sized to accommodate the increased sewer demand of new project-specific development on a project-by-project basis. Under the City's normal development review procedure for individual projects, the City determines the actual sewer system design requirements of each site-specific development project, and the needs for any improvements to the existing sewer conveyance infrastructure would be identified and require approval prior to City issuance of the construction permit.

Construction of future sewer line connections would occur along existing pipeline alignments and within existing street rights-of-way. Sewer conveyance expansion would require construction activities, such as grading and trenching, which could result in impacts related to polluted stormwater runoff, air quality and greenhouse gas (GHG), noise, and erosion. All future projects are required to comply with all City standards regarding construction noise, air quality, and dust suppression mitigation requirements, erosion control (through the required SWPPP) and temporary construction traffic controls, as well as mitigation measures identified throughout this SEIR. Implementation of PPP HYD-1 would ensure that potential construction impacts on stormwater runoff related to any necessary future water line improvements remain less than significant. Further, PPP T-2 is incorporated into the Project to require all utility work occurring as part of future proposed projects to adhere to the traffic control standards specified by the City's latest Standard Plans and Design Standards, which includes the requirement for a 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. As discussed in Section 5.1 and Section 5.3, future

construction of the Modified Project would result in less than significant air quality and GHG impacts with implementation of South Coast Air Quality Management District (SCAQMD) Rules 403, 431.2, 1113, and 1186 / 1186.1. In addition, SEIR MM AQ-5 requires use of Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities. As a result, potential impacts related to the build out of the proposed Project would not result in construction of new or expanded water facilities that would result in a significant environmental effect. Therefore, construction impacts would be less than significant.

Wastewater generation estimated for the Approved Project was provided within the SAMP that was prepared for the TLSP. According to the SAMP and SEIR prepared for the Approved Project, the Approved Project was anticipated to generate 1,190,663 gallons per day (gpd) via residential uses and 805,971 gpd via nonresidential uses, for a total generation of 1,996,634 gpd. The Modified Project would increase the allowed residential capacity by 4,970 dwelling units compared to the Approved Project, for a new total TLSP development capacity of 9,456 dwelling units. Since certification of the approved SEIR, new data has been provided via IRWD to reflect the latest wastewater generation rates for the area. Under the Approved Project, residential uses within PAs 8, 13-14, and 15 (Modified Project site) would be anticipated to generate 448,600 gpd based on the updated generation rates provided. Residential uses within the Modified Project would be anticipated to generate 1,038,635 gpd within the Modified Project site, or approximately 590,035 gpd more than the Approved Project. When the additional sewer demand as a result of the Modified Project is added to the previously identified wastewater generation of the entire TLSP, the estimated wastewater generation would be 2,586,669 gpd (2.59 MGD). This total is likely a conservative estimate, as it does not account for future water and sewer efficiencies due to improved technologies and sustainability advancements.

Table 5.10-4: Estimated Residential Wastewater Generation by Modified Project

Use	Rate	Approved Project Residential (gpd)	Modified Project Residential (gpd)[1]	Modified Project - Approved Project
Single Family Residential	215	-	173,935	173,935
Multi-Family Residential	100	448,600	864,700	416,100
Total		448,600	1,038,635	590,035

Note: Totals within the table represent PAs 8, 13-14, and 15.
[1] Modified Project includes 2,759 density bonus units.

Current sewage flows from the TLSP are conveyed to OCSD Reclamation Plant No. 1. The wastewater treatment plant has a capacity of 204 mgd for advanced primary and secondary treatment. In 2021-2022, the reported average daily flow of wastewater received was a total of 179 million gallons per day (MGD) (Orange County Sanitation District, 2024). Therefore, the treatment plant has an estimated remaining capacity of 25 MGD and would have sufficient capacity to accommodate full potential buildout of the TLSP, which would generate a maximum of 2.59 MGD. The construction of a new wastewater treatment plant would not be required as a result of the Modified Project.

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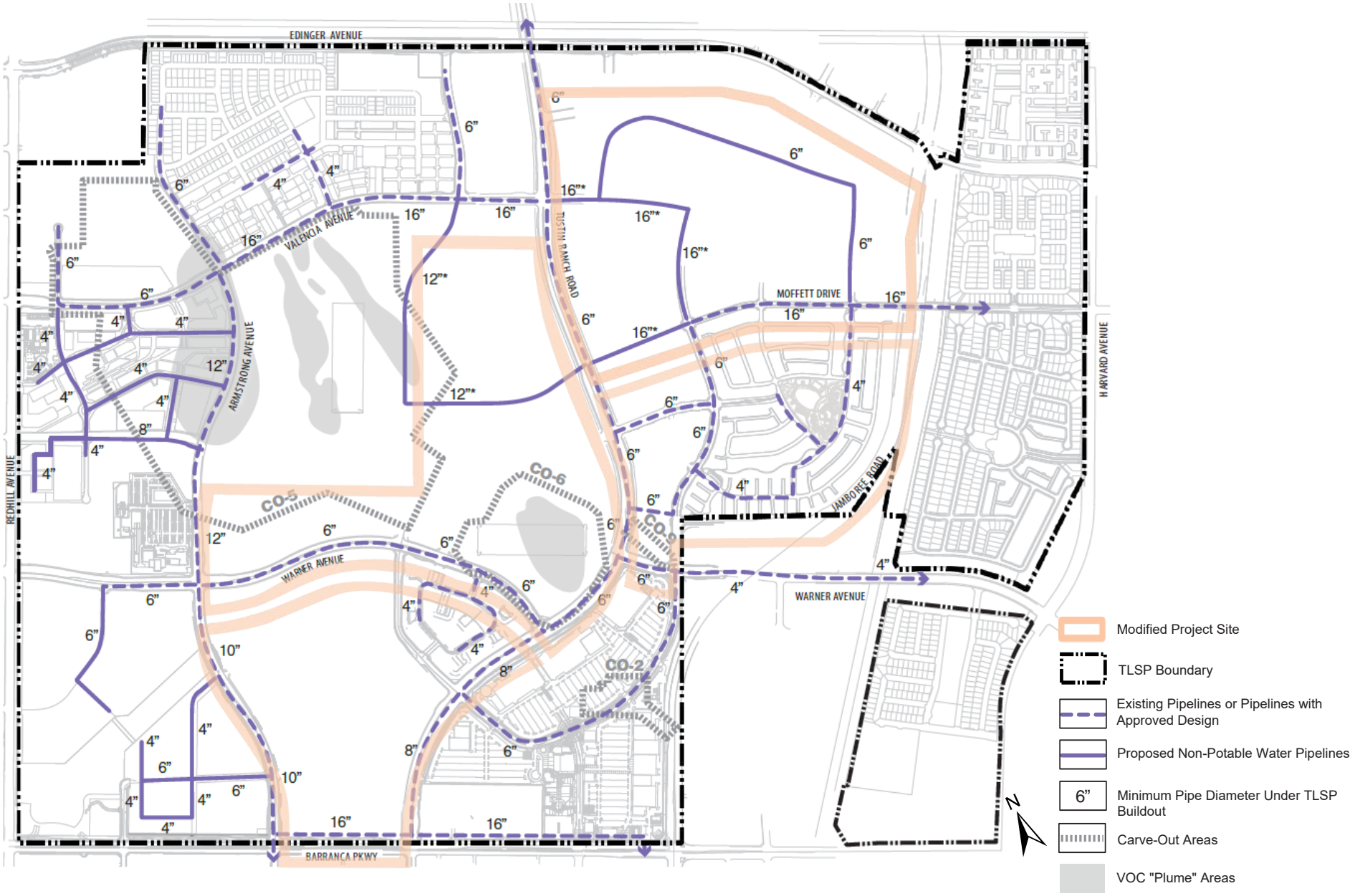
Non-Potable Water System



Source: Placeworks, 2017. *Tustin Legacy Specific Plan Amendment.*
Note: Several portions of the planned infrastructure depicted have been constructed since publication of the 2017 SEIR.

Although existing wastewater treatment facilities are anticipated to have sufficient capacity to accommodate the Modified Project, buildout of the Modified Project could surpass the wastewater generation volumes estimated under the existing TLSP SAMP. Further, future changes to the existing and planned IRWD sewer conveyance system described under the existing SAMP could be required. Mitigation Measure UT-1 has been included to require that prior to approval of a future project, the applicant is required to coordinate with IRWD to conduct infrastructure analyses of water and sewer utilities in the area to ensure existing conveyance and pressure is adequate to serve the proposed project. Additionally, once the development assumptions of the IRWD SAMP are surpassed, project applicants would be required to coordinate with IRWD to update the SAMP for the TLSP. Updates to the SAMP would ensure proper capacity and functioning of the sewer conveyance system for future developments. Future improvements would occur within existing roadway rights-of-way and easements. Therefore, the Modified Project would result in a less than significant impact related to the capacity, construction, and expansion of existing wastewater facilities.

5.10.3.6 Wastewater Cumulative Impacts

Cumulative wastewater infrastructure impacts are considered on a systemwide basis and are associated with the overall capacity of existing and planned infrastructure. The cumulative system evaluated includes the sewer system and the conveyance system through IRWD and treatment at OCSD's treatment facility—Reclamation Plant No. 1. As described previously, with the Modified Project, the sewer system would have sufficient capacity to handle the increased flows resulting from implementation of the Modified Project. Construction of new sewer connections and expansion to serve future development would be required to comply with applicable City, RWQCB, and SCAQMD rules and regulations, which would avoid impacts related to utility construction. The continued regular assessment, maintenance, and upgrades of the sewer system by IRWD and general technological advancement in the design and efficiency of residential and irrigation water fixtures would continue to reduce the potential for cumulative development projects to result in a cumulatively substantial increase in wastewater generation such that new or expanded facilities would be required. Thus, increases in wastewater in the sewer system would result in a less than significant cumulative impact.

5.10.3.7 Wastewater Existing Standard Conditions and Plans, Programs, or Policies

Existing Regulations

California Code of Regulations Title 24, Part 11; the California Green Building Code

Plans, Programs, or Policies

PPP UT-1: California Building Code. All future development constructed under the Project shall be subject to the latest version of the California Building Code (CBC) which outlines regulations for building planning and construction in the state, including occupancy classification, structural design, building materials, infrastructure needs and fire-resistance requirements.

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.

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 *Standard Plans and Design Standards*, which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design.

5.10.3.8 Wastewater Level of Significance Before Mitigation

Impact UT-3 and UT-4 would be potentially significant.

5.10.3.9 Wastewater Mitigation Measures

2017 SEIR Mitigation Measures Applicable to the Proposed Project

MM (a) The City of Tustin or City of Irvine, as appropriate, shall ensure that infrastructure is constructed in phases as triggered by identified thresholds in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements. The Phasing Plan provides an organizational framework to facilitate development of the reuse plan area in tandem with infrastructure necessary to support the planned development.

This framework reflects the fact that each component of the infrastructure has its own threshold for accommodating additional development toward build-out of the reuse plan area. The triggering mechanisms that identify timing of key infrastructure provisions are summarized in Table 4-2 of the revised Specific Plan Phasing Plan, Phasing Plan Requirements

MM (b) Prior to a final map recordation (except for financing and re-conveyance purposes), the development applicant shall enter into an agreement with the City of Tustin and City of Irvine and any appropriate regional utility agencies, districts, and providers, as applicable, to dedicate all easements, right-of-way, or other land determined necessary to construct adequate utility infrastructure and facilities to serve the project as determined by the City, Agency, District, or other providers.

MM (c) Prior to any final map recordation (except for financing and conveyance purposes), the development applicant shall enter into a secured agreement with the cities of Tustin and/or Irvine, as applicable, to participate on a pro-rated basis in construction of capital improvements necessary to provide adequate utility facilities.

MM (e) Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit to the City of Tustin and City of Irvine, as applicable, information from IRWD which outlines required facilities necessary to provide adequate potable water and reclaimed water service to the development.

Proposed Specific Plan Amendment Project Mitigation Measures

MM UT- 1 Prior to project approval, the development applicant shall coordinate with IRWD to conduct capacity analyses of water and sewer utilities in the project area to ensure existing conveyance and pressure is adequate to serve the project. Once development assumptions identified within the IRWD-approved Sub Area Master Plan (SAMP) are surpassed, project applicants shall coordinate with IRWD to update the SAMP for the TLSP area.

5.10.3.10 Wastewater Level of Significance After Mitigation

Impact UT-3 and UT-4 would be less than significant.

5.10.4 DRAINAGE

5.10.4.1 Drainage Regulatory Setting

Federal Facility Site Remediation Agreement

A Federal Facility Site Remediation Agreement (FFSRA) between the Department of the Navy (DON) and California Department of Toxic Substances Control was signed for Former Marine Corps Air Station (MCAS) Tustin on 18 August 1999. The FFSRA defines DON's response action obligations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and corrective action obligations under the Resource Conservation and Recovery Act.

Santa Ana Regional Municipal Separate Storm Sewer System Permit

The Municipal Separate Storm Sewer System (MS4) Permit (Order No. R8-2009-0030) for the Santa Ana Region regulates urban runoff from areas under jurisdiction of the Permit's various permittees, which include Orange County, Orange County Flood Control District, and the incorporated cities within Orange County including the City of Tustin. When discharged, urban runoff (or stormwater) has the potential to mix with and carry various pollutants into receiving waters. The Permit lists allowable and unallowable discharges and requires implementation of low impact development (LID) infrastructure, which are engineered facilities that are designed to retain and/or biotreat runoff on the project site. Developments that qualify as New Development or Significant Redevelopment projects are considered priority projects and are required to develop a site-specific water quality management plan (WQMP), which includes site design, source control, and treatment control elements to reduce the discharge of pollutants in runoff. The WQMP is required to be approved prior to the issuance of a building or grading permit, and post-construction best management practices (BMPs) are required to be implemented. The MS4 Permit requires priority projects to infiltrate, harvest and use, evapotranspire, or biotreat/biofilter, the 85th percentile of a 24-hour storm event (Design Capture Volume). These treatment options must also consider existing groundwater contamination conditions and the approved Federal Facility Site Remediation Agreement (FFSRA) and Lease In Furtherance of Conveyance (LIFOC). The MS4 Permit also requires the evaluation and use of LID features using the following hierarchy of treatment: infiltration, evapotranspiration, harvest/reuse, and biotreatment.

Biotreatment BMPs are a broad class of LID BMPs that reduce stormwater volume to the maximum extent practicable, treat stormwater using a suite of treatment mechanisms characteristic of biologically active systems, and discharge water to the downstream storm drain system or directly to receiving waters. Treatment mechanisms include media filtration (through biologically-active media), vegetative filtration (straining, sedimentation, interception, and stabilization of particles resulting from shallow flow through vegetation), general sorption processes (i.e., absorption, adsorption, ion exchange, precipitation, surface complexation), biologically-mediated transformations, and other processes to address both suspended and dissolved constituents. Examples of biotreatment BMPs include bioretention with underdrains, vegetated swales, constructed wetlands, and proprietary biotreatment systems.

County of Orange Drainage Area Management Plan

The Drainage Area Management Plan (DAMP) is the County's primary policy, planning and implementation document for NPDES Permit compliance. The DAMP describes the agreements, structures and programs that:

- Provide the framework for the program management activities and plan development;
- Provide the legal authority for prohibiting unpermitted discharges into the storm drain system and for requiring BMPs in new development and significant redevelopment;
- Ensure that all new development and significant redevelopment incorporates appropriate Site Design, Source Control, and Treatment Control BMPs to address specific water quality issues;
- Ensure that construction sites implement control practices that address construction related pollutants including erosion and sediment control and onsite hazardous materials and waste management.

The DAMP requires that new development and significant redevelopment projects (or priority projects) develop and implement a Preliminary WQMP that includes BMPs and LID design features that would provide onsite treatment of stormwater to prevent pollutants from onsite uses from leaving the site. The WQMP is required to be prepared in accordance with the North Orange County Technical Guidance Document (TGD) which is provided as exhibit 7.III to the DAMP.

City of Tustin General Plan

The Land Use Element includes the following policy related to drainage facilities:

Goal 8 **Ensure that necessary public facilities and services should be available to accommodate development proposed on the Land Use Policy Map.**

Policy 8.5 Continue to make incremental improvements to the flood control and drainage system.

The Conservation/Open Space/Recreation Element includes the following policy related to drainage facilities:

Goal 8 **Conserve and protect significant topographical features, important watershed areas, resources, and soils.**

Policy 8.2 Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage improvements.

Tustin Legacy Specific Plan

The Tustin Legacy Specific Plan includes the following information related to drainage and the proposed Project.

Section 2.6 – Infrastructure

Storm Drainage

The TLSP area is proposed to be developed in phases as identified on Figure 2-28 of the TLSP Specific Plan. The backbone system will follow the alignments of the major arterial roadways, such as Armstrong Avenue, Valencia Avenue, Moffett Drive, Tustin Ranch Road, and Warner Avenue. The proposed storm drain plan includes five major on-site drainage areas with mainline facilities, as well as improvements to the OCFCD Barranca Channel. The local collector systems for each parcel will need to be studied as each parcel is developed.

The Project Report for the Peters Canyon Channel from San Diego Creek Channel to Santa Ana Freeway, dated September 1989, identifies the improvements required to carry the 100-year peak flows. The channel was originally recommended to be reconstructed as a concrete rectangular channel, with varying dimensions along its length. The Orange County Flood Control District has included improvements to Peters Canyon Channel in its 5-year plan for design and construction.

Section 4.4 – Phasing Plan

Storm Drain

The storm drain system will be constructed in phases generally in conjunction with arterial highway construction which provides maximum flood protection for existing and planned development and keep improvement costs to a minimum. While retention and/or detention basins may be useful in augmenting channel construction, that option will not be defined until subsequent studies are completed. On-site drainage improvements will be funded by the project through a likely combination of developer contributions, assessments or other financing mechanisms.

The Modified Project would be required to implement the TLSP Revised Phasing Plan as necessary, described above in Section 5.10.1.

Tustin City Code

Article 4, Chapter 8 – Floodplain Management.

Article 4, Chapter 9, Section 4902 - Control of Urban Runoff. This code section states that all new development and significant redevelopment within the City shall be undertaken in accordance with the County Drainage Area Management Plan (DAMP) and any conditions and requirements established by the City Community Development Department and Public Works Department, which are reasonably related to the reduction or elimination of pollutants in storm water runoff from the project site. Prior to the issuance by the City of a grading permit, building permit or nonresidential plumbing permit for any new development or significant redevelopment, the City Community Development Department shall review the project plans and impose terms, conditions, and requirements on the project.

5.10.4.2 Drainage Environmental Setting

Storm Drainage Facilities

Planning Area 20 was designated as a 100-year flood zone by the Federal Emergency Management Agency (FEMA). Peters Canyon Channel was also identified as a 100-year flood zone. The remainder of the TLSP area was determined to be outside of 100-year flood zones. TLSP development would require storm drainage improvements to reduce flood hazards in Planning Area 20. Impacts were identified as less than significant in the certified FEIS/EIR.

Implementation measures included in the 2004 Supplemental EIR required drainage studies and that projects make fair-share contributions to the Orange County Flood Control District for construction of flood control facilities required by the affected projects. No substantial change from previous analysis was identified in the 2006 Addendum.

In 2004, a Master Runoff Management Plan for Tustin Legacy (RBF Consulting) was approved by the City of Tustin. The Master Plan covered the ultimate buildout of the Tustin Legacy property, including all 22 Planning Areas and their ultimate land uses—e.g., residential, mixed use, commercial, and park space. A master backbone storm drain system was designed and sized to accommodate the ultimate buildout peak flow for each Planning Area and land use. The design of the master storm drain system also includes significant detention systems to control and manage downstream peak flows. Since the approval of the Master Plan, much of the backbone storm drain infrastructure and detention systems have been constructed.

The storm drain plan includes five major drainage areas with main line facilities and improvements to the OCFCD Barranca Channel. The backbone system follows the alignments of the major arterial roadways. The use of retention basins was also considered.

Groundwater

As described under Section 5.4, Land Use and Planning, the original Economic Development Conveyance (EDC) between the Navy and City governs how 1,153 acres of the 1,600-acre former MCAS Tustin was to be transferred to the City (the remaining acreage was conveyed directly to other entities and agencies) (City of Tustin, 2023). Of the 1,153 acres transferred to the City, 979 acres were deeded to the City in 2002. The remaining 174 of the 1,153 acres, which are not yet owned by the City, are under a Lease In Furtherance of Conveyance (LIFOC) between the Navy and the City. LIFOC grants the City a lease on the remaining properties while the Navy undertakes additional environmental investigation and/or remediation per the FFSRA agreement.

The 174 LIFOC acres have been separated into eleven "carve out" areas throughout the former Navy base, indicating areas with special hazardous (specifically groundwater and soil) contamination considerations. Groundwater contaminants within the carve outs include trichloroethylene, trichloropropane, jet fuel, petroleum hydrocarbons, volatile organic compounds, metals, and polynuclear aromatic hydrocarbons. These conditions were identified in the FEIS/EIR, and subsequent CEQA documentation, as resulting in a less than significant impact after remediation of environmental contamination, per existing federal and state regulatory compliance.

Since 2002, nine of the eleven carve-outs have met the set cleanup standards and have been conveyed to the City. Two of the eleven carve-outs, Carve Outs 5 and 6, have not yet met cleanup standards and remain under Navy management. Carve Outs 5 and 6 total approximately 114 acres.

Groundwater contamination is identified as occurring within several plumes that underly Carve Outs 5 and 6. Trichloroethylene, trichloropropane, and other chlorinated hydrocarbons were found in groundwater and soil. Site remediation consists of pumping and treating groundwater, in-situ bioremediation, and monitored natural attenuation. Existing groundwater contamination sources are shown in Figure 5.4-2, *Hazardous Cleanup Sites*.

5.10.4.3 Drainage Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

UT-5 Require or result in the construction of new stormwater drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

HYD-3 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

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

5.10.4.4 Drainage Methodology

The evaluation of stormwater drainage infrastructure includes quantification of the amount of impervious surfaces and stormwater runoff that would be generated from the Modified Project and determination if runoff from the Modified Project would be accommodated by the existing stormwater drainage infrastructure. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

5.10.4.5 Drainage Environmental Impacts

Summary of Impacts Associated with the Approved Project

Impacts related to stormwater drainage facilities were previously analyzed for the Approved Project under the Initial Study Notice of Preparation (Appendix A of the 2017 Supplemental Environmental Impact Report [SEIR]). The 2017 SEIR determined that runoff rates and volumes from the site after buildout of Approved Project are expected to be reduced compared to buildout of the previous Adopted Specific Plan due to the conversion of nonresidential uses with greater impervious surface to residential uses with less impervious surface. Additionally, the MS4 Permit establishes increased requirements for detaining, infiltrating, evaporating, or transpiring stormwater onsite. Thus, the Approved Project buildout would not require construction of additional or expanded storm drainage facilities compared to implementation of the previous Adopted Specific Plan and no new significant impact would occur.

IMPACT UT-5: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW DRAINAGE FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

IMPACT HYD-3: THE PROJECT WOULD NOT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD CREATE OR CONTRIBUTE TO RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.

Less Than Significant Impact With Mitigation.

In 2004, a Master Runoff Management Plan for Tustin Legacy (RBF Consulting) was approved by the City of Tustin. The Master Plan covered the ultimate buildout of the Tustin Legacy property, including all 22 Planning Areas and their ultimate land uses—e.g., residential, mixed use, commercial, and park space. A master backbone storm drain system was designed and sized to accommodate the ultimate buildout peak flow for each Planning Area and land use. The design of the master storm drain system also includes significant detention systems to control and manage downstream peak flows. Since the approval of the Master Plan, much of the backbone storm drain infrastructure and detention systems have been constructed.

As shown in Table 3-2 of this DSEIR, implementation of the Approved Project would result in the construction of 4,970 residential units and 3,248,890 SF of nonresidential building space. The Modified Project proposes an overall net increase of 4,970 dwelling units compared to the Approved Project and a total development capacity of 9,456 dwelling units within the TLSP area. A specific development project is not proposed as part of this Project.

The Modified Project includes a Specific Plan Amendment (SPA) to the TLSP, specifically regarding the maximum residential development capacity of PAs 8, 13-14, and 15. The Approved Project and existing TLSP anticipates full buildout of these PAs in the future. Therefore, the Modified Project does not propose expansion of the development area, but rather an increase in allowed development intensity. The Modified Project would provide a maximum increase of the allowed residential capacity for Neighborhood D (PA 8, 13-14) by 1,911 units (555 units + 1,356 buffer units). PA 8, 13-14 is currently designated within TLSP as Mixed-Use Urban, which is envisioned as an active living, working, shopping, and recreational environment. Although residential was not previously planned for PA 8, general development standards for the greater Neighborhood D portion of the TLSP would apply to future residential within PA 8. As described under

Section 3, Regulating Code, of the TLSP, all future developments with office and/or residential uses must dedicate five percent of the site to common open space/green room for office uses, and must provide 100 square feet (SF) to private open space and 100 SF to common open space per dwelling unit. Additionally, the existing Park Overlay assumes a minimum of 76 acres to be devoted to Tustin Legacy Park, which would be maintained under the Modified Project. The Modified Project would also allow for an increase in residential capacity of Neighborhood G (PA 15) by 200 dwelling units. Per the TLSP Regulating Code, future residential development proposed in PA 15 would be required to implement 100 SF of private open space and 200 SF of common open space per dwelling unit proposed.

Although the Modified Project would allow for intensified development, the allowed increase in residential capacity would likely be incorporated into future projects as a vertical component and through creative uses of mixed-use spaces rather than through increase in ground coverage. Further, the Modified Project would not be anticipated to result in a substantial increase in imperviousness. Requirements for waste discharge from developed land uses into stormwater were expanded in 2009 through the municipal stormwater permit (MS4 Permit, Order No. R8-2009-0030) issued by the Santa Ana RWQCB. The Orange County MS4 Permit, Order No. R8-2009-0030, NPDES Permit No. CAS618030, as amended by Order No. R8-2010-0062, is currently in effect for permittee entities within the County of Orange, which includes the City of Tustin. The previous orders, including Order No. R8-2002-0010, have been rescinded except for enforcement purposes for violations that occurred when they were in effect. The MS4 Permit requires low-impact development (LID) measures intended to preserve a site's predevelopment hydrology by minimizing the loss of natural hydrologic processes such as evapotranspiration, and runoff detention. LID measures introduce structural and nonstructural design components that restore these water quality functions into the project's land plan. The design and operations phases of projects developed pursuant to the Modified Project would comply with requirements in the MS4 Permit and would comply with additional requirements in the drainage area management plan issued by OC Public Works in 2003. A water quality management plan will be prepared for development projects pursuant to the MS4 Permit and subsequent projects will be required to comply with existing regulatory permitting processes.

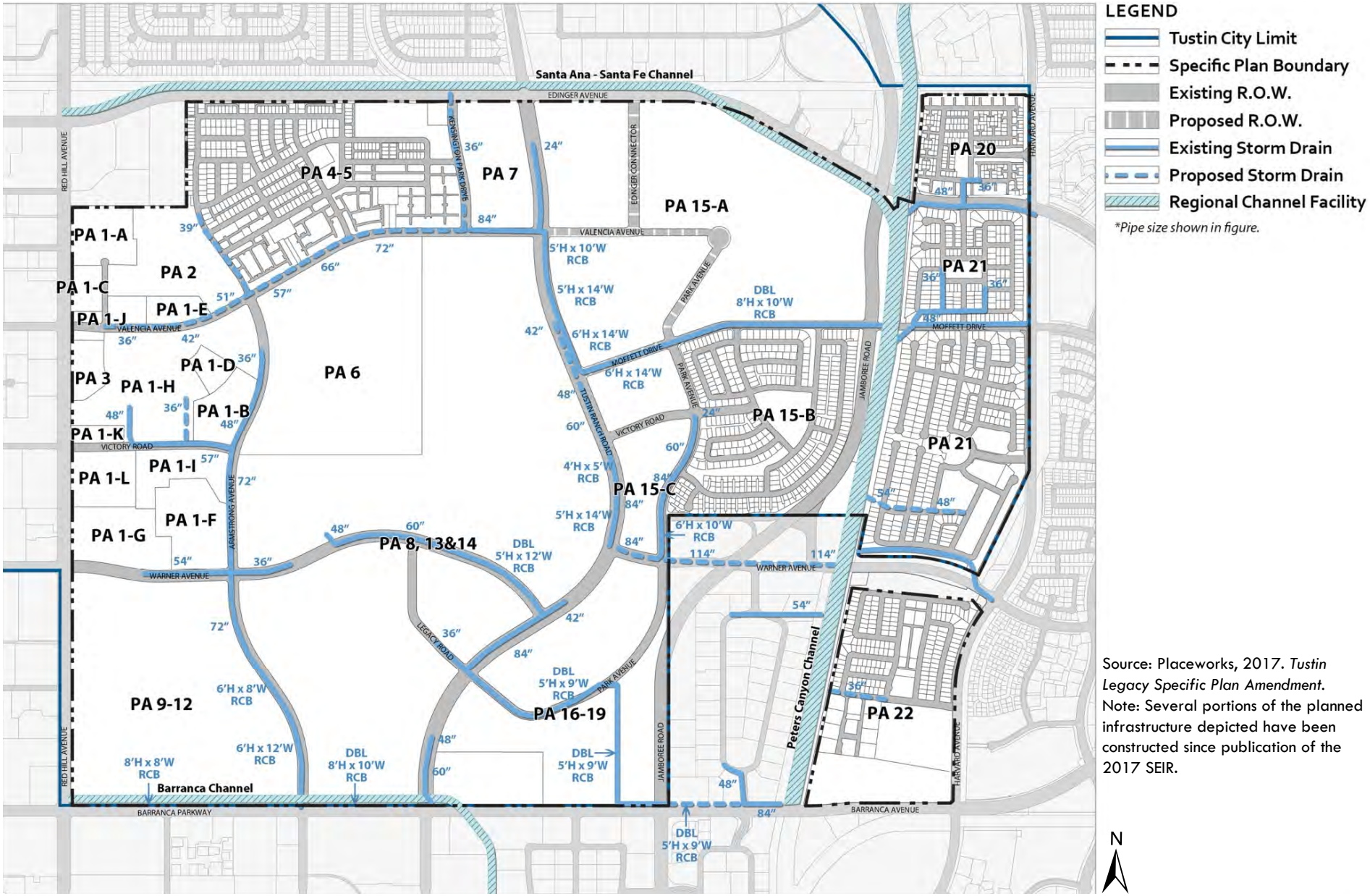
Construction of future projects under the Modified Project would also be subject to applicable regulations and permits that would avoid potential stormwater drainage impacts. Requirements for waste discharge from construction sites into stormwater were expanded in 2022 when the State Water Resources Control Board issued a new Statewide Construction General Permit (CGP) (Order 2022-0057-DWQ) and an amendment to the 2012 Permit (Order 2012-0006-DWQ). Under the 2022 CGP, SWPPPs are required to be prepared for projects exceeding an acre in size. Since 2009, SWPPPs must estimate sediment risk to receiving waters in addition to BMPs that must be implemented by a construction project. Additional BMPs are required as sediment risk to receiving waters increases.

Thus, the Modified Project would not require construction of additional or expanded storm drainage facilities compared to implementation of the Approved Project. Additionally, compliance with requirements of the aforementioned permit and plan, including LID requirements described above, would limit rates and volumes of runoff from the site. Construction projects pursuant to the Modified Project would prepare and implement SWPPPs specifying BMPs to be used in those projects, including erosion control and sediment control BMPs. Implementation of erosion control and sediment control BMPs would reduce erosion impacts from construction. Therefore, no substantial changes to the 2017 SEIR would be required. Previously adopted Mitigation Measures (f) through (k), which are incorporated as part of the TLSP Phasing Plan, would be applicable to all future developments. These measures enforce the applicable regulatory requirements of the RWQCB and state and federal flood control protections to mitigate any potential drainage or flood impacts of future projects. No new significant impact would occur.

5.10.4.6 Drainage Cumulative Impacts

The geographic scope for cumulative impacts related to stormwater drainage includes the geographic area served by the existing stormwater infrastructure for the TLSP area, from capture of runoff through final discharge points. As described above, the proposed Modified Project would not cause a substantial change in the amount of stormwater runoff from the TLSP area. As a result, the proposed Project would not generate additional runoff that could combine with runoff from cumulative projects that could cumulatively combine to impact drainage. Thus, cumulative impacts related to drainage would be less than significant.

Storm Drain Plan



Source: Placeworks, 2017. *Tustin Legacy Specific Plan Amendment.*
Note: Several portions of the planned infrastructure depicted have been constructed since publication of the 2017 SEIR.

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5.10.4.7 Drainage Existing Regulations and Plans, Programs or Policies

Plans, Programs or Policies

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.

PPP HYD-2 WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be prepared by the Project applicant and submitted to and approved by the City Public Works Department. The WQMP shall identify all Post-Construction, Site Design. Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development Project in order to minimize the adverse effects on receiving waters.

PPP HYD-3 Flood Hazard. Prior to the approval of the Grading Plan and issuance of Grading Permits the City engineer shall ensure that the project complies with the requirements within Chapter 8, Floodplain Management, of the City Municipal Code Chapter 8, and any additional applicable requirements related to the applicable flood zone.

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 *Standard Plans and Design Standards*, which includes the requirement for Traffic Control Plan during construction, the process prior to commencing construction within the City public right-of-way (including utility work), and specifications for operational roadway and traffic control design.

5.10.4.8 Drainage Level of Significance Before Mitigation

Impact UT-5 and HYD-3 would be potentially significant.

5.10.4.9 Drainage Mitigation Measures

2017 SEIR Mitigation Measures Applicable to the Proposed Project

MM (f) Prior to the issuance of permits for any public improvements or development project, a development applicant shall submit to the City of Tustin and City of Irvine, as applicable, information from IRWD or the City of Tustin which outlines required facilities necessary to provide adequate sanitary sewage service to the development.

MM (g) Prior to the issuance of grading permits or approval of any subdivision map (except for financing and re-conveyance purposes), whichever occurs first, for development within the 100-year flood plain, grading and drainage systems shall be designed by the project developer such that all building pads would be safe from inundation from runoff from all storms up to and including the theoretical 100-year storm, to the satisfaction of the City of Tustin Building Division or the Irvine Public Works Department, as applicable. Grading permits or subdivision maps generated for financing and conveyance purposes are exempt.

MM (h) Prior to construction of regional flood control facilities, appropriate state and federal approvals, including agreements and permits, shall be obtained. These include but are not

limited to Regional Water Quality Control Board permits, including NPDES permits; Section 401 water quality certifications; Section 404 permits from the USACOE, and Section 1601 or 1603 agreements from the CDFG in a manner meeting the approval of the City of Tustin and the Irvine Public Works Department, as applicable.

MM (i) Prior to issuance of any grading permit or approval of any subdivision map (except for financing and conveyance purposes), for any development that is either partially or completely located within the 100-year flood plain of the Flood Insurance Rate Map, the development applicant shall submit all required documentation to the FEMA and demonstrate that the application for a Conditional Letter of Map Revision for changes to the 100-year flood plain is satisfied in a manner meeting the approval of each respective city, as applicable.

MM (j) Prior to the approval of any applicable subdivision map (except for financing and conveyance purposes), the developer - applicant shall design and construct local drainage systems for conveyance of the 10-year runoff. If the facility is in a local sump, it shall be designed to convey the 25-year runoff.

MM (k) Prior to any grading for any new development, the following drainage studies shall be submitted to and approved by the City of Tustin, City of Irvine, and/or OCFCD, as applicable:

(1) A drainage study including diversions (i.e., off-site areas that drain onto and/or through the project site), with justification and appropriate mitigation for any proposed diversion.

(2) A drainage study evidencing that proposed drainage patterns would not result in increased 100-year peak discharges within and downstream of the project limits, and would not worsen existing drainage conditions at storm drains, culverts, and other street crossings including regional flood control facilities. The study shall also propose appropriate mitigation for any increased runoff causing a worsening condition of any existing facilities within or downstream of project limits. Implementation of appropriate interim or ultimate flood control infrastructure construction must be included.

(3) Detailed drainage studies indicating how, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, building pads are made safe from runoff inundation which may be expected from all storms up to and including the theoretical 100-year flood.

5.10.4.10 Drainage Level of Significance After Mitigation

No significant unavoidable adverse impacts related to drainage would occur.

5.10.5 SOLID WASTE

5.10.5.1 Solid Waste Regulatory Setting

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act of 1976 (Title 40 of the Code of Federal Regulations), Part 258, contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the federal landfill criteria. The federal regulations address the location,

operation, design (liners, leachate collection, run-off control, etc.), groundwater monitoring, and closure of landfills.

California Assembly Bill 939

The California Integrated Waste Management Act (AB 939) made all California cities, counties, and approved regional solid waste management agencies responsible for enacting plans and implementing programs to divert 25 percent of their solid waste by 1995 and 50 percent by year 2000. Later legislation mandates the 50 percent diversion requirement be achieved every year.

California Assembly Bill 341

On October 6, 2011, Governor Brown signed AB 341 establishing a state policy goal that no less than 75 percent of solid waste generated be source reduced, recycled, or composted by 2020, and requiring CalRecycle to provide a report to the Legislature that recommends strategies to achieve the policy goal. AB 341 also requires businesses and multi-family residential dwellings of five units or more, that generate four or more cubic yards of commercial solid waste per week to implement recycling programs.

California Assembly Bill 1826

On September 28, 2014, Governor Brown signed AB 1826 requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste generated per week. This law requires that local jurisdictions implement an organic waste recycling program to divert organic waste generated by businesses and multifamily residential dwellings that consist of five or more units.

California Assembly Bill 827

Signed into law by Governor Newsom in 2019, AB 827 requires businesses subject to AB 1826 and AB 341 starting July 1, 2020, to provide customers with easily accessible recycling and organics collection bins or containers to collect these materials generated from products purchased on the premises.

California Senate Bill 1383

On September 19, 2016, Governor Brown signed SB 1383 establishing regulations aimed to reduce organic waste disposal 75 percent and reduce least 20 percent of currently disposed surplus edible food by 2025. The intent of the law is to reduce methane, increase landfill usage, and provide additional food sources for Californians.

California Green Building Standards

Section 5.408.1 Construction waste diversion. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste.

Section 5.410.1 Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals, or meet a lawfully enacted local recycling ordinance, if more restrictive.

City of Tustin General Plan

The City's General Plan Conservation/Open Space/Recreation Element contains the following goals and policies related to solid waste services.

Goal 10 **Reduce solid waste produced within City.**

Policy 10.1 Implement policies of the adopted Tustin Source Reduction and Recycling Element and Household Hazardous Waste Management Element.

Policy 10.2 Ensure that the City diverts from landfills a maximum of 50% of the solid waste generated in the City as required by the California Integrated Waste Management Board.

Policy 10.3 Maximize public awareness of all source reduction programs, including opportunities for community feedback and school education.

Policy 10.4 Maximize integration of all source reduction programs.

Policy 10.5 Assist in the development of local, regional, and statewide markets for materials collected and processed through the source reduction programs.

Tustin Legacy Specific Plan

The Tustin Legacy Specific Plan does not include goals or policies related to solid waste and the Modified Project.

Tustin City Code

Tustin City Code Article 4, Chapter 3, Part 1, covers the general provisions regarding solid waste handling to protect the public health, safety and welfare and to meet the City's obligations under the California Integrated Waste Management Act of 1989 (AB 939). It also covers the provisions of the Mandatory Commercial Recycling requirements detailed in AB 341, the Mandatory Commercial Organics Recycling requirements detailed in AB 1826, the Mandatory Organics Collection requirements detailed in SB 1383 and Customer Access to Recycling requirements detailed in AB 827.

5.10.5.2 Solid Waste Environmental Setting

Solid waste services would be provided by the Orange County Waste and Recycling and CR&R Waste Services. In addition, the two closest landfills to the Project site are the Frank R. Bowerman Landfill in Irvine and the Olinda Alpha Sanitary Landfill in Brea. The Frank Bowerman Landfill is permitted to accept 11,500 tons per day of solid waste and is permitted to operate through 2053. In January 2024, the maximum tonnage received was 8,710.78 tons. Thus, the facility had additional capacity of 2,789.22 tons per day (CalRecycle, 2024). Per a Solid Waste Facility Permit (SWFP) issued on July 8, 2021, the Olinda Alpha Sanitary Landfill is permitted to receive 10,000 tons per day for 36 days of the year and is permitted to receive 8,000 tons per day for the other 271 days of the year. The Olinda Alpha Sanitary Landfill is permitted to operate through 2036. In January 2024, the maximum tonnage received was 8,404 tons, which is below the 10,000 tons per day that the facility is allowed to receive for 36 days of the year (CalRecycle, 2024).

5.10.5.3 Solid Waste Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

UT-6 Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

UT-7 Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

5.10.5.4 Solid Waste Methodology

Solid waste generation from construction and operation of the proposed Project was estimated using USEPA and CalRecycle solid waste generation factors derived for multi-family residential and commercial uses. Solid waste volumes were then compared with recent estimates of remaining disposal capacity of the landfill serving the City. In addition, potential impacts related to compliance with solid waste regulations were evaluated by identifying how the proposed Project would implement the relevant requirements.

5.10.5.5 Solid Waste Environmental Impacts

Summary of Impacts Associated with the Approved Project

The FEIS/EIR determined that impacts to solid waste disposal were less than significant with no mitigation required and future utilities would be replaced and sized to accommodate the proposed land uses.

The 2017 SEIR determined that the project would not result in any new impacts, or increase the severity of impacts, with respect to solid waste.

IMPACT UT-6: THE PROJECT WOULD NOT GENERATE SOLID WASTE IN EXCESS OF STATE OR LOCAL STANDARDS, OR IN EXCESS OF THE CAPACITY OF LOCAL INFRASTRUCTURE, OR OTHERWISE IMPAIR THE ATTAINMENT OF SOLID WASTE REDUCTION GOALS.

IMPACT UT-7: THE PROJECT WOULD COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE.

Less than Significant Impact.

The Project does not propose development; however, the Project would facilitate additional residential units within the Project site than previously planned. As such, future development within the Project site would generate an incremental increase in solid waste volumes requiring off-site disposal during short-term construction and long-term operational activities. Users of solid waste collection and disposal services would be required to pay service fees to the City's waste collection provider. As discussed above, solid waste generated by future development within the Project site could be disposed of at the Frank R. Bowerman Landfill and Olinda Alpha Sanitary Landfill.

No specific development is proposed at this time; however, the proposed Modified Project would increase the residential capacity by 4,970 dwelling units which would increase total development capacity to 9,456 dwelling units within the TLSP area.

Construction

Future project construction would generate solid waste for landfill disposal in the form of packaging and discarded materials that would be removed from the site. Construction waste would be properly characterized as required by law and recycled or disposed of at an appropriate type of landfill for such materials. Section 5.408.1 of the 2022 California Green Building Standards Code requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Thus, the construction solid waste that would be disposed of at the landfill would be approximately 35 percent of the waste generated. As described above, Frank Bowerman Landfill is permitted to accept 11,500 tons per day of solid waste and the Olinda Alpha Sanitary Landfill is permitted to receive 10,000 tons per day for 36 days of the year and is permitted to receive 8,000 tons per day for the other 271 days of the year. Both landfills would be able to accommodate the construction solid waste from the proposed Project. Therefore, impacts related to landfill facilities from construction activities would be less than significant.

Operation

Using solid waste generation rates provided by CalEEMod, operation of the Modified Project at buildout would generate approximately 5,775 tons of solid waste per year, at least 75 percent of which is required by California law to be recycled, which would reduce the volume of landfilled solid waste to approximately 1,444 tons per year, or 27.8 tons per week, as shown on Table 5.10-5.

Table 5.10-5: Estimated Solid Waste Demand from Operation of the Proposed Project

	Land Use	Quantity	Generation Rate	Solid Waste Demand
Approved Project	Residential	4,486 units	0.25 tons/unit/year	1122 tons per year
	Nonresidential	3,248,890 SF	1.05 tons/1,000 SF/year	3,411 tons per year
			Total Solid Waste (Approved Project)	**4,533 tons per year**
Modified Project	Residential	4,970 units	0.25 tons/unit/year	1,242 tons per year
	Nonresidential	No change	1.05 tons/1,000 SF/year	No change
			Total Solid Waste (Modified Project)	**1,242 tons per year**
Approved Project and Modified Project	Residential	9,456 units	0.25 tons/unit/year	2,364 tons per year
	Nonresidential	3,248,890 SF	1.05 tons/1,000 SF/year	3,411 tons per year
			Total Solid Waste (Approved + Modified Project)	**5,775 tons per year**
			Annual Landfill Disposal with AB 341 (75% Reduction)	**1,444 tons per year**
			Weekly Landfill Disposal with AB 341 (75% Reduction)	**27.8 tons per week**

Source: 2021 CalEEMod Solid Waste Generation Rates

As described above, Frank Bowerman Landfill is permitted to accept 11,500 tons per day of solid waste and the Olinda Alpha Sanitary Landfill is permitted to receive 10,000 tons per day for 36 days of the year and is permitted to receive 8,000 tons per day for the other 271 days of the year. Therefore, both landfills would be able to accommodate the operational solid waste from future development under the proposed Project. Thus, future development under the proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and the proposed Project would not impair the attainment of solid waste reduction goals. Thus, impacts related to landfill capacity would be less than significant.

Future projects implementing TLSP buildout would also be subject to Section 5.408.1 of the 2022 California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Future projects implementing TLSP buildout would also be required to comply with all applicable State and local waste diversion requirements, including AB 939, AB 341, AB 1836, AB 827 and SB 1383. Therefore, the proposed Project would comply with all solid waste statute and regulations; and impacts would be less than significant.

5.10.5.6 Solid Waste Cumulative Impacts

Cumulative projects in the area would increase solid waste generation and decrease the available capacity of the nearby landfills. However, as with the proposed Project, cumulative projects have been or would be required to conduct an environmental review and would be required to adhere to solid waste regulations, which are aimed at reducing overall solid waste levels. Furthermore, both the Frank R. Bowerman landfill and the Olinda Alpha Landfill are forecasted to have sufficient capacity to serve current and future needs

until their scheduled closures in December 2053 and December 2036, respectively. Therefore, the increase in solid waste from future buildout of the proposed Project would be less than cumulatively considerable and would be less than significant.

5.10.5.7 Solid Waste Existing Standard Conditions and Plans, Programs, or Policies

The following standard regulations would reduce potential impacts related to solid waste:

- California Green Building Standards Code (**PPP UT-1**)
- Assembly Bill 939 (Chapter 1095, Statutes of 1989)
- Assembly Bill 341 (Chapter 476, Statutes of 2011)
- Assembly Bill 1826 (Chapter 727, Statutes of 2014)
- Assembly Bill 827
- Senate Bill 1383 (Chapter 395, Statutes of 2016)
- Tustin City Code Article 4, Chapter 3, Part 1

5.10.5.8 Solid Waste Level of Significance Before Mitigation

Impacts UT-6 and UT-7 would be less than significant.

5.10.5.9 Solid Waste Mitigation Measures

No new mitigation measures are required for the proposed Project.

5.10.5.10 Solid Waste Level of Significance After Mitigation

No significant unavoidable adverse impacts related to solid waste would occur.

5.10.6 DRY UTILITIES

5.10.6.1 Dry Utilities Regulatory Setting

Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code (CalGreen) is updated every three years. The most recent update is the 2022 California Green Building Code Standards that became effective January 1, 2023. The 2022 CALGreen standards that are applicable to the proposed Project include, but are not limited to, the following:

- Electric vehicle charging stations. Facilitate the future installation of electric vehicle supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Title 24 Part 6 Table 5.106.8.
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads).
- Outdoor potable water used in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient (MWELO), whichever is more stringent.

City of Tustin General Plan

The City's General Plan Land Use Element contains the following policy related to dry utilities under Goal 8.

Policy 8.6 Encourage planned improvements to electricity, natural gas, and communication service systems.

Tustin Legacy Specific Plan

Section 4.4 – Phasing Plan

Electricity

To the extent possible, backbone electrical distribution lines will be installed underground at the same time as the on-site arterial highways are constructed to serve phased development.

Natural Gas

To the maximum extent possible, the backbone natural gas distribution lines will be installed underground at the same time as the on-site arterial highways are constructed to serve phased development.

The Modified Project would be required to implement the TLSP Revised Phasing Plan as necessary, described above in Section 5.10.1.

5.10.6.2 Dry Utilities Environmental Setting

Electricity

Electricity is provided to the Project by Southern California Edison (SCE). SCE provides electric power to more than 15 million persons within its 50,000 square mile service area. According to SCE's 2022 Power Content Label Mix, SCE derives electricity from varied energy resources including: biomass and biowaste, geothermal, hydroelectric, solar, wind, nuclear, and natural gas. SCE also purchases power from independent power producers and utilities, which includes out-of-state providers (California Energy Commission, 2022).

Natural Gas

Natural gas would be provided to the Project by the Southern California Gas Company (SoCal Gas). SoCalGas provides natural gas to more than 21 million persons within its 24,000 square mile service area (SoCalGas, 2024).

Telecommunications

Telecommunications would be provided to the Project by AT&T and Cox Communications.

5.10.6.3 Dry Utilities Thresholds of Significance

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

UT-8 Require or result in the relocation or construction of a new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects.

5.10.6.4 Dry Utilities Methodology

The evaluation of dry utilities identifies if dry utility demand from the Modified Project would be accommodated via existing dry utility infrastructure available to the Modified Project. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

5.10.6.5 Dry Utilities Environmental Impacts

Summary of Impacts Associated with the Approved Project

The FEIS/EIR determined that impacts to electricity supply and distribution as well as natural gas supply and distribution were less than significant with no mitigation required and future utilities would be replaced and sized to accommodate the proposed land uses.

IMPACT UT-8: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF A NEW OR EXPANDED ELECTRIC POWER, NATURAL GAS, OR TELECOMMUNICATIONS FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Less than Significant Impact. No specific development is proposed at this time; however, implementation of the proposed Project would increase the residential capacity by 4,970 dwelling units which would result in a total development capacity to 9,456 dwelling units within the TLSP area in addition to the 3,248,890 SF of nonresidential building space. Future projects implementing TLSP buildout would generate demand for electricity, natural gas, communication systems, street lighting, and maintenance of public facilities.

Communication systems for the Project would be provided by AT&T and Cox Communications. AT&T and Cox Communications are private companies that provide connection to the communication system on an as needed basis. As such, the proposed Project is not anticipated to require or result in the construction of new communications facilities or the expansion of existing facilities. Impacts would be less than significant.

Electricity would be provided to the proposed Project by SCE. Adequate commercial electricity supplies are presently available to meet the incremental increase in demand attributed to the Project. Provision of electricity to the Project site is not anticipated to require or result in the construction of new facilities or the expansion of existing facilities, the construction or relocation of which would cause significant environmental impacts to electricity. Impacts would be less than significant.

Natural gas service would be provided by SoCal Gas. Adequate commercial gas supplies are presently available to meet the incremental increase in demand attributed to the Project. The proposed Project would not require or result in the construction, expansion, or relocation of natural gas facilities that could result in a significant environmental impact. Impacts related to natural gas would be less than significant.

Future project applicants implementing the buildout of TLSP would be required to comply with the TLSP Phasing Plan, as necessary. As described above, in Section 5.10.1, backbone electrical and natural gas distribution lines would be installed underground at the same time any on-site arterial highways within the TLSP are constructed, the construction of which would need to be analyzed in the corresponding environmental document.

In addition, future buildout of TLSP projects would be responsible for coordinating with each utility company to ensure utility improvements occur according to standard construction and operation procedures administered by the California Public Utilities Commission. Any development in the City would be required to comply with energy efficiency standards in Title 24 of the California Administrative Code, and appliance

efficiency regulations in Title 20 of the California Administrative Code, CALGreen. Therefore, potential impacts associated with utilities, including electricity, natural gas and communication systems would be less than significant and no mitigation is required.

5.10.6.6 Dry Utilities Cumulative Impacts

The geographic scope of cumulative analysis for dry utilities is the service area for the SCE, SoCalGas, AT&T and Cox Communications, which serve the Project area. Cumulative impacts related to the provision of facilities for electricity, natural gas, and communications systems have been evaluated throughout this EIR. Mitigation measures have been recommended in cases where cumulatively considerable impacts associated with utilities infrastructure were identified. Therefore, cumulatively considerable impacts associated with the provision of utility facilities to serve the Project would be less than significant.

5.10.6.7 Dry Utilities Existing Standard Conditions and Plans, Programs, or Policies

The following standard regulations would reduce potential impacts related to dry utilities:

- California Code of Regulations Title 24, Part 11; the California Green Building Code (**PPP UT-1**)
- California Code of Regulations Title 24, Part 11; the California Green Building Code (**PPP UT-1**)

5.10.6.8 Dry Utilities Level of Significance Before Mitigation

Impact UT-8 would be less than significant.

5.10.6.9 Dry Utilities Mitigation Measures

No new mitigation measures are required for the proposed Project.

5.10.6.10 Dry Utilities Level of Significance After Mitigation

No significant unavoidable adverse impacts related to dry utilities would occur.

5.10.7 REFERENCES

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6. Other CEQA Considerations

6.1 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

State CEQA Guidelines Section 15126.2(c) requires an EIR to describe "any significant impacts, including those which can be mitigated but not reduced to a level of insignificance." The analysis in Chapter 5 of this Draft SEIR determined that implementation of the Modified Project would result in environmental impacts that cannot be reduced to a level below significance after implementation of Project design features; regulatory requirements; plans, programs, policies; and feasible mitigation measures. The significant impacts that cannot be mitigated to a level below significance are summarized below.

6.1.1 Air Quality

Impact AQ-2: Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or State ambient air quality standard (Project-level and Cumulative).

Implementation of the Modified Project would result in long-term emissions of criteria air pollutants from area sources generated by future potential additional residential uses, such as vehicular emissions, natural gas consumption, landscaping, applications of architectural coatings, and use of consumer products. Therefore, the City has included Mitigation Measures AQ-1 though AQ-4, which require distribution of trip reduction opportunities, prohibition of fireplaces, required use of electric landscaping equipment, and use of low VOC paint, which would reduce emissions. Additionally, future projects would be required to implement existing SEIR MMs AQ-3, AQ-4, and AQ-5 that would require implementation of various trip reduction measures for nonresidential and mixed-use projects. However, the majority of the Modified Project's emission exceedances are from vehicular trips consumer products that the City cannot control emissions of; and therefore, cannot feasibly be reduced below the SCAQMD thresholds. As a result, impacts from operations of the proposed Tustin Legacy Specific Plan (TLSP) Amendment (SPA) would be significant and unavoidable, which is consistent with the findings of the 2017 SEIR. However, the volume of emissions would be increased in comparison to the buildout of the existing TLSP and would result in an increase in severity of the impact.

Impact AQ-3, Expose sensitive receptors to substantial pollutant concentrations (Project-level and Cumulative).

Consistent with the existing buildout of the TLSP, the buildout of the proposed TLSP Amendment, could result in construction adjacent to sensitive receptors. Existing sensitive air quality receptors outside of the TLSP area where someone can remain for 24-hours in the vicinity of the Modified Project site consists of residences. The closest existing sensitive receptors are residences, The Bowery, located approximately 140 feet west of the TLSP boundary (see Figure 5-1, *Cumulative Projects*). However, in consideration that buildout of the TLSP has and will continue to occur over multiple phases, future sensitive receptors within 50 feet of the Modified Project site have been conservatively considered for analysis of the Modified Project site (to account of existing and future onsite and offsite receptors). As detailed in Table 5.1-8, the LST emissions within this construction scenario would not exceed the SCAQMD thresholds, and impacts would be anticipated to be less than significant within 50 feet of a sensitive receptor. However, because the future locations and potential concentrations of construction emissions are unknown, and the Modified Project would implement infill development of residential units within residential areas, potential significant LST construction emissions could occur that may be significant and unavoidable, which is consistent with the findings of the 2017 SEIR.

6.1.2 Greenhouse Gas Emissions

Impact GHG-1, Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Project-level and Cumulative).

As shown on Table 5.3-1, it is estimated that buildout would result in 201,303.0 $MTCO_2e$ construction emissions. When annualized over 30-years per SCAQMD methodology, annual emissions would be 6,710.0 $MTCO_2e$. However, as detailed in Section 5.1, *Air Quality*, and listed below, construction within the TLSP area is required to implement 2017 SEIR MM AQ-5, which requires the use of equipment meeting CARB Tier 4 emissions standards or higher for off-road diesel-powered construction equipment with more than 50 horsepower during construction activities, which was not included in the modeling and would reduce total construction emissions.

As shown in Table 5.3-1, construction and operation of the new residential uses proposed in the TLSP Amendment would generate 115,031.4 $MTCO_2e$ per year ($MTCO_2e$/yr), an increase of approximately 35,133.7 $MTCO_2e$/yr over buildout of the existing TLSP. All of these emissions would exceed the SCAQMD threshold of 3,000 MT CO2e/yr.

Consistent with buildout of the existing TLSP, a majority of the GHG emissions generated from buildout and operation of the proposed TLSP Amendment are associated with mobile sources. The 2017 SEIR Mitigation Measures MM AQ-3 and MM AQ-4 would require TDM measures for future employment uses within the TLSP area, and MM AQ-5 would require use of Tier 4 construction equipment, which would lower GHG emissions from operation of the proposed uses included in the proposed TLSP Amendment. Mitigation Measure AQ-1: Vehicle Trip Reduction, Mitigation Measure AQ-2: Prohibition of Fireplaces, Mitigation Measure AQ-3: Electric Landscape Equipment, and Mitigation Measure AQ-4: Low VOC Paint (Operations) would reduce operational air quality emissions and would also reduce GHG emissions. However, even with incorporation of mitigation measures, impacts related to buildout of the proposed TLSP Amendment would be consistent with the impact conclusions set forth in the 2017 SEIR, which determined that impacts related to GHG emissions would be significant and unavoidable.

6.2 GROWTH INDUCEMENT

State CEQA Guidelines Section 15126.2(e), Growth Inducing Impact of the Proposed Project, requires that an EIR "discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. In general terms, a project may foster spatial, economic, or population growth in a geographic area, if it meets any one of the following criteria:

1. Directly or indirectly foster economic or population growth, or the construction of additional housing, in the surrounding environment;
2. Remove obstacles to population growth;
3. Require the construction of new or expanded facilities that could cause significant environmental effects; or
4. Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

1. Does the Project directly or indirectly foster economic or population growth or the construction of additional housing?

Growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in master plans, land use plans, or in projections made by regional planning agencies.

As shown in Table 3-2, *Specific Plan Amendment Summary*, in Section 3, *Project Description*, of this DSEIR, the Approved Project allows for a maximum future development of 4,486 residential units and 3,248,890 square feet of nonresidential building space within the TLSP area. The proposed Modified Project proposes a maximum future development of 6,697 residential units and 3,248,890 square feet of nonresidential capacity within the TLSP area. The difference between these two scenarios would be an overall increase of 2,211 dwelling units. However, this analysis also considers the potential for implementation of 2,759 density bonus units. Buildout of the Modified Project with density bonus units would result in a total development capacity of 9,456 dwelling units within the TLSP area. The difference between the Approved Project and Modified Project with density bonus units would be 4,970 dwelling units.

Therefore, the Modified Project could facilitate future development of 9,456 dwelling units, a net increase of 4,970 dwelling units compared to the Approved Project. The DOF estimates that the City of Tustin had an average household size of 2.88 persons and a vacancy rate of 3.4 percent in 2023 (California Department of Finance, 2023). Thus, the average number of persons per housing unit in the City of Tustin in 2023 is estimated as the average household size (2.88 persons) times the occupancy rate (96.6 percent), or 2.78 persons. Using the persons-per-household estimate of 2.78, buildout of the Modified Project is estimated to result in approximately 13,817 additional residents compared to the Approved Project, which was estimated to generate 15,900 residents. Therefore, with addition of the Modified Project to the Approved Project, the total population of the TLSP buildout is estimated at 29,717 residents. As described in Table 5.6-2, *City and County Existing and Projected Population, 2019-2050,* the anticipated growth for the City of Tustin identified in the Southern California Council of Governments (SCAG) 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is 12,919 from 2019 to 2050.[1] The anticipated number of residents to result from the Modified Project, and further, buildout of the remaining TLSP area, far exceeds the growth identified in the SCAG 2024-2050 RTP/SCS.

Further, SCAG allocated the City of Tustin a total of 6,782 housing units to meet their Regional Housing Needs Allocation (RHNA) "fair share". Although both administered by SCAG, the differing intent and methodologies between the RTP/SCS growth projections and RHNA housing allocations cause inconsistency for future planning purposes. However, cities are legally required to plan for their RHNA "fair share" and rezone as necessary pursuant to Government Code Section 65583.2(h). Thus, the Project would contribute to the City's fair share of housing and, in part, satisfy the State requirements to provide new housing opportunities to increase housing supply across the state. Additionally, the Modified Project implements goals and policies of the Tustin Housing Element that support a variety of housing types and densities.

Further, as described in Section 5.6, *Population and Housing*, the City of Tustin is considered "jobs rich", with an existing jobs-housing ratio of 1.91. As shown in Table 5.6-8, *Project Area Jobs-Housing Ratio*, buildout of the Approved Project would result in a jobs-housing ratio of 2.76 for the TLSP area, while buildout of the Modified Project would result in a jobs-housing ratio (within the Project area) of 2.08. Thus, while both scenarios are considered jobs-rich, the Modified Project is richer in housing and closer to balanced conditions.

Overall, the Modified Project would indirectly foster population growth and the construction of new housing. However, the Modified Project would provide a regional beneficial effect of opportunity for diverse housing needs within the TLSP area, a jobs-rich area in a jobs-rich city, where employees can easily travel to nearby

[1]The 2050 population estimate was derived using the methodology presented in Section 4.5 of the SCAG Demographics & Growth Forecast which states an estimate of the future City-level population based on Connect SoCal's household forecast can be derived using a county-level Population:Housing ratio from TABLE 12 [of the SCAG document] and applying it to the City's future household growth (Southern California Association of Governments, 2024).

employment opportunities. The potential for 13,817 additional residents would exceed the SCAG population, housing, and employment growth projections for the City; however, the Modified Project would be implemented in compliance with SCAG's "fair share" housing allocation for the City and would help further the State's housing objectives. Therefore, impacts would be less than significant.

2. Does the Project remove obstacles to population growth?

Remove obstacles to growth through availability of public service infrastructure.

The elimination of a physical obstacle to growth is considered to be a growth inducing impact. A physical obstacle to growth typically involves the lack of public service infrastructure. The Modified Project would induce growth if it would provide public services or infrastructure with excess capacity, which would serve lands that would otherwise not be developable.

As described in Section 3.0, *Project Description*, roadways, and utilities would be required to support development of future residential construction within the Modified Project site. Future onsite infrastructure improvements that may be necessary for development within the Modified Project site include storm drains, wastewater, water, and dry utilities that would connect to existing facilities within the TLSP area or adjacent to the TLSP area. However, the Irvine Ranch Water District (IRWD) Sub-Area Master Plan (SAMP) for the TLSP area was updated by Michael Baker International on March 16, 2017, to analyze and reflect infrastructure needs of the Approved Project. The updated SAMP includes updates to the potable water, wastewater collection and non-potable water distribution, and sewer infrastructure analysis to reflect land uses and buildout assumptions included within the Approved Project (2017 TLSP). Under the Approved Project, the Modified Project, with potential density bonus units, would result in an overall net increase of 4,970 dwelling units compared to the Approved Project. Therefore, the previously adopted SAMP does not meet the full potential demand of residential capacity that would be allowed under the Modified Project. Further, the Modified Project could result in the need for additional infrastructure improvements beyond those identified in the 2017 SAMP. Therefore, Mitigation Measure UT-1 requires that once the development assumptions of the IRWD SAMP are surpassed, the SAMP for the TLSP shall be updated in partnership of the City and applicant prior to issuance of the grading permit.

Overall, infrastructure proposed under the Modified Project would not provide additional capacity beyond what was previously approved and what was previously planned for by the City. Because the anticipated infrastructure improvements would only enhance services to proposed developments and the Modified Project does not provide an extension of service to areas that are currently not served or were not previously planned for and would not provide excess capacity, the Modified Project would not result in significant growth inducing impacts.

Furthermore, future development allowed under the Modified Project could also implement circulation improvements, which are unknown at this time, such as pedestrian and bicycle facilities, which would enhance local circulation and use of transit. However, future circulation improvements would not extend circulation into a new area or provide excess circulation capacity that could induce growth. As a result, the circulation improvements would result in less than significant growth inducing impacts.

Remove obstacles to growth through changes in existing regulations pertaining to land development.

The Modified Project is an SPA to the TLSP to increase allowed capacity for the future development of residential units within Neighborhood D South, Neighborhood D North, and Neighborhood G, consistent with the approved HEU of the Tustin General Plan. Proposed additional capacity would include the housing units allocated the TLSP to accommodate the City's RHNA, buffer units included as part of the HEU, and density bonus units available to developers under the Surplus Land Act and State density bonus law. Density bonus is applicable to all undeveloped residential land uses within the TLSP area, including the newly added 6th

cycle RHNA units, as well as the remaining buildout capacity of the existing residential land uses within the TLSP area.

The TLSP SPA is proposed in consistency with the City's updated Housing Element, which was updated to include the City's RHNA "fair share" of housing units. Cities are legally required to plan for their RHNA "fair share" and rezone shortfall sites as necessary pursuant to Government Code Section 65583.2(h). Additionally, objective design standards (ODS) would be prepared to streamline future development that meets the intended use and design of the City for various residential areas throughout the city. Further, the Modified Project would ultimately increase the allowed residential capacity for the Modified Project site and ODS would remove existing development constraints related to subjective design preferences.

Conversely, SCAG policies concerning regional growth-inducement are included as part of Section 5.4, *Land Use and Planning*, and Section 5.6, *Population and Housing*. As described in those sections, the growth anticipated by SCAG's projections are inconsistent with the estimated future buildout of the proposed 9,456 residential units (including density bonus) and 3,248,890 square feet of nonresidential capacity within the TLSP area. However, the Modified Project would be implemented in compliance with SCAG's mandated "fair share" housing allocation for the City and would help further the State's housing objectives. Therefore, impacts related to growth from changes to existing regulations pertaining to land development would be less than significant.

3. Does the proposed Project require the construction of new or expanded facilities that could cause significant environmental effects?

Growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services that requires the construction of new public service facilities, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The Modified Project is expected to incrementally increase the demand for fire protection and emergency response, police protection, school services, and recreational facilities and would not increase demand beyond that assumed for buildout of the City of Tustin. As described in Section 5.11, *Public Services*, the Modified Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service of the Approved Project. Based on service ratios and build out projections, the Modified Project would not create a demand for services beyond the capacity of facilities considered under the Approved Project. Therefore, an indirect growth inducing impact as a result of expanded or new public facilities as a result of the Modified Project would not occur. The Modified Project would not have significant growth inducing consequences that would require the need to expand public services to maintain desired levels of service.

4. Does the Project encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively?

The Modified Project includes an SPA to amend the City's TLSP to establish that higher capacity of residential use would be allowed in the Modified Project site (Planning Areas [PAs] 8, 13-14, and 15) compared to the 2017 TLSP (Approved Project). In addition, ODS are proposed as part of the Modified Project and would apply to properties within the Modified Project site. The Modified Project would comply with all applicable City plans, policies, and ordinances as discussed in Section 5.4, *Land Use and Planning*. In addition, the analysis within this Draft SEIR prepared for the Modified Project analyzes impacts anticipated as a result of the construction and future operation at full potential buildout, including applicable density bonus. The TLSP area is completely surrounded by built-out urbanized area and the development of the TLSP would not facilitate additional development activities that could significantly impact the environment. Mitigation measures, both previously approved and newly proposed, have been identified within this SEIR to ensure

that the Modified Project minimizes potential future environmental impacts. Therefore, impacts would be less than significant.

6.3 SIGNIFICANT IRREVERSIBLE EFFECTS

State CEQA Guidelines require the EIR to consider whether "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely…. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified." (CEQA Guidelines Section 15126.2(d)). "Nonrenewable resource" refers to the physical features of the natural environment, such as land, waterways, mineral resources, etc. These irreversible environmental changes may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses.

Generally, a project would result in significant irreversible environmental changes if:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed irretrievable commitments of nonrenewable resources is not justified (e.g., the project involves the wasteful use of energy).

The Modified Project would result in or contribute to the following irreversible environmental changes:

- Lands in the Modified Project site that are currently planned for future development under the existing TLSP (Approved Project) would be committed to allowance of increased residential capacity once the SPA is implemented. Secondary effects associated with this irreversible commitment of land resources include:
    - Increased vehicle trips on surrounding roadways during operation of future projects under the proposed Project (see Section 5.9, *Transportation*).
    - Emissions of air pollutants and greenhouse gases associated with construction and operation of future projects under the proposed Project (see Section 5.1, *Air Quality,* and Section 5.3, *Greenhouse Gas*).
    - Consumption of non-renewable energy associated with construction and operation of future projects under the Modified Project due to the use of automobiles, lighting, heating and cooling systems, appliances, construction materials, and the like (see Section 5.3, *Energy*).
    - Increased ambient noise associated with an increase in activities and traffic from future projects under the Modified Project (see Section 5.9, *Noise*).

In regard to energy usage from development of future projects under the Modified Project, as demonstrated in the analyses contained in Section 5.3, *Energy*, the Modified Project would not involve wasteful or unjustifiable use of non-renewable resources, and conservation efforts would be enforced during construction and operation of future proposed development, as ensured and verified by the City during the plan check and permitting process, prior to obtaining building permits. Development of future projects under the Modified Project would incorporate energy-generating and conserving measures, including those required by the California Building Code, California Energy Code Title 24, which specify green building standards for new developments. Project-specific information related to energy consumption is provided in Section 5.2, *Energy*, of this Draft SEIR.

6.4 REFERENCES

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7. Effects Found Not Significant

CEQA Guidelines Section 15126.2(a) states that "[a]n EIR shall identify and focus on the significant effects on the environment." During the preparation of this SEIR, the Project was determined to have no potential to result in significant impacts under ten environmental issue areas: aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, recreation, and wildfire. Therefore, these issue areas were not required to be analyzed in detail in Section 5, *Environmental Impact Analysis*, of this Draft SEIR.

CEQA Guidelines Section 15128 requires that an EIR contain a statement briefly indicating the reasons that various possible effects of a project were determined not to be significant and were therefore not discussed in detail in the SEIR. As allowed by CEQA Guidelines Section 15128, statements related to the above listed topic areas are presented below.

7.1 AESTHETICS

Scenic Vista

The change in land use mix and associated building types would alter the visual appearance of the Project site but would not result in a change or effect on a scenic vista. The proposed Project is an amendment to the TLSP, which would amend PAs 8, 13, 14 and 15 of the TLSP to accommodate a total of 4,466 additional units within Neighborhoods D South, D North, and G. The intensification in residential density of the area could slightly alter the visual appearance of the Project site but would not result in a change in effect on a scenic vista. No new significant impacts would occur.

Scenic Resources within State Scenic Highway

The Project site is not within the vicinity of a designated State scenic highway. The nearest designated State scenic highway to the site is State Route 91 (SR-91), about 8.5 miles to the north (California Department of Transportation, 2018). Implementation of the Specific Plan Amendment would not impact scenic resources in a State scenic highway.

Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality

The intensification in residential density of the area could slightly alter the visual appearance of the Project site. However, future development would follow existing development standards and development standards and design guidelines, including building height requirements, setbacks, and signage that represent the change in land uses, while maintaining or enhancing the character of the TLSP area. Additionally, the SPA would be required to comply with Mitigation Measure Vis-1 from the certified FEIR/EIS, which requires an urban design plan to provide for distinct and cohesive architectural and landscape design as well as harmony with adjacent landscaping. The urban design plan required under Mitigation Measure Vis-1 would require updating in response to modifications to the land use plan proposed in the TLSP Amendment. Therefore, the Project would not result in impacts related to a conflict with applicable zoning or other regulations governing scenic quality.

Light and Glare

The intensification in residential density of the area could slightly alter the visual appearance of the Project site. However, consistent with the conclusions in the FEIR/EIS, residential lighting would be similar to light sources associated with the existing commercial, industrial, and residential uses adjacent to the Project site. Additionally, lighting added onsite by implementation of the Specific Plan Amendment would only be visible

from close range due to the flat topography of the site and structures on and surrounding the site. No new significant lighting impacts would occur.

2017 SEIR Mitigation Measures Applicable to the Proposed Project (Amended 2022)

MM Vis-1 An urban design plan shall be adopted to provide for distinct and cohesive architectural and landscape design, features, and treatments, and harmony with existing adjacent landscape.

7.2 AGRICULTURE AND FORESTRY RESOURCES

Although the prior environmental findings identified farmland within the Specific Plan area, there are currently no farmland or agricultural activities on the Project site. No Prime Farmland, Farmland of Statewide Importance, or Unique Farmland is mapped within the Project site on the California Important Farmland Finder maintained by the Division of Land Resource Protection (California Department of Conservation, 2018). Therefore, the Project would not convert mapped important farmland to nonagricultural uses, and no impact would occur.

As noted above, the Project site is not zoned for agricultural use and there are currently no agricultural uses within the Project site. Additionally, as noted in the 2017 SEIR, there are no Williamson Act contracts in effect on the proposed Project site. Therefore, no impact related to existing zoning for agricultural use, or a Williamson Act contract would occur.

Land within the Project site is not designated for forest land, timberland, or timberland production on the Project site. Therefore, no impact related to conflict with existing zoning for forest land, timberland, or timberland production would occur.

7.3 BIOLOGICAL RESOURCES

Special Status Species

Although the proposed Project would allow for intensification of density, the Project would not change the overall development footprint of the TLSP. Implementation of the Project would not cause impacts to biological resources that were not previously analyzed in the 2017 SEIR. As stated, the California Department of Fish and Wildlife (CDFW) approved a pond turtle relocation and mitigation plan for the Approved Project, and all turtles have been relocated. Mitigation Measures Bio-2, Bio-3, and Bio-4 would also be applicable to the Modified Project. Implementation of the Project would not result in new impacts to any special status species or their habitats, and mitigation measures would reduce impacts to less than significant. The Project would allow the development of future housing by-right on various parcels within the Project site if certain conditions are met, and therefore, additional CEQA documentation would not need to be conducted. Therefore, Mitigation Measure Bio-5 has been included to require updated surveys at the time of future development to confirm site conditions are consistent with previous findings and additional impacts would not occur as a result of the project. Therefore, the Project would not result in a new impact related to special status wildlife or plant species.

Riparian Habitat and Sensitive Natural Communities

The jurisdictional delineation conducted for the FEIR/EIS identified Waters of the US and wetlands protected under the federal Clean Water Act within the TLSP area. However, the jurisdictional delineation did not identify Waters of the State or riparian habitats jurisdictional to CDFW within the TLSP area. The 2006 Addendum identified 0.8 acres of riparian habitat. The development area for the TLSP Amendment would

be the same as the Project area analyzed in the Approved Project. No new areas would be developed. With implementation of MM Bio-1, impacts to areas under the jurisdiction of CDFW and Waters of the US would be reduced to a less than significant impact. Future developers would be required to obtain permits from CDFW, the Regional Water Quality Control Board (RWQCB), and the US Army Corps of Engineers (Corps). This would not result in a significant change in impact conclusions of the 2017 SEIR. No sensitive natural communities have been identified onsite in previous environmental documentation and no new sensitive natural communities have been identified through a biological record search. Therefore, the proposed Project would not result in a new impact related to riparian habitat or sensitive natural communities.

Wetlands

As described above, the development area for the TLSP Amendment would be the same as the Project area analyzed in the FEIR/EIS. No new areas would be developed. According to the 2022 Annual Mitigation Monitoring Report, the City has 401, 404, and 1602 permits which apply to the Project area (MM Bio-1). These permits and responsibilities would be assigned to subsequent developers as applications are submitted. With implementation of MM Bio-1, impacts to areas under the jurisdiction of CDFW and Waters of the US would be reduced to a less than significant impact. Future developers would be required to obtain permits from CDFW, RWQCB, and the Corps. This would not result in a significant change in impact conclusions of the 2017 SEIR. Therefore, the Project would not result in a new impact related to State or federally protected wetlands.

Wildlife Movement Corridors and Nursery Sites

Existing vegetation onsite currently consists of landscaping in developed areas, nonnative grassland, and previously graded areas on vacant land. Previous environmental document prepared determined that the Project area does not support wildlife movement or a wildlife corridor due to surrounding development and lack of available habitat. Therefore, implementation of the Project would not interfere with wildlife movement, and no new significant impact would occur.

Local Policies or Ordinances Protecting Biological Resources

As determined by the FEIR/EIS, there are no local policies protecting biological resources impacted by implementation of the Project. In 2018, the City of Tustin updated their General Plan. As shown in Table 7-1, *Consistency with 2018 General Plan Policies for Biological Resources*, the Project would be consistent with the goals and policies identified in the updated General Plan. No impact would occur.

Table 7-1: Consistency with 2018 General Plan Policies for Biological Resources

2018 City of Tustin General Plan Policy	Project Consistency with General Plan Policy
GOAL 5 Protect water quality and conserve water supply.	
Policy 5.1 Local drainage courses, channels, and creeks should be improved to protect vegetation and wildlife habitat wherever possible.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. The FEIR/EIS identified several potential jurisdictional waters onsite, including but not limited to ditches and drainages, the Santa Ana/Santa Fe Channel, the Barranca Channel, and Peters Canyon Channel. According to Section 5.4, *Biological Resources*, of the Initial Study (Appendix A), future developments would require necessary State and federal permits to be provided to the City prior to the issuance of mass or grading permits for grading activities impacting jurisdictional water areas. This would also require development projects to create (establish), restore, or

2018 City of Tustin General Plan Policy	Project Consistency with General Plan Policy
	enhance wetland/riparian habitats on-site to the maximum extent practicable.
Policy 5.2 Protect groundwater resources from depletion and sources of pollution.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. As described in Section 5.10 *Hydrology and Water Quality,* of the Initial Study (Appendix A), future developments would protect water quality and groundwater recharge through the requirement of a project specific SWPPP and a WQMP.
Policy 5.3 Conserve imported water by requiring water conservation techniques, water conserving appliances, and drought-resistant landscaping.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. Development of the TLSP would require development of individual projects to comply with the CALGreen Building Code and would therefore implement sustainable water conserving practices.
Policy 5.4 Support the expansion of reclaimed water production and use wherever possible and economically feasible.	The TLSP SPA would not prevent the implementation of this measure as it would not prevent or conflict with any plans for the expansion of water reclamation facilities.
Policy 5.5 Protect water quality by responsible agency support of enforcement of water quality standards for water imported into the County, and to preserve the quality of water in the groundwater basin and streams.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. Water quality would be analyzed on a project-specific basis and protected through the requirement of a SWPPP and WQMP.
Policy 5.6 Coordinate water quality and supply programs with all responsible water agencies, and cooperate and participate in plan preparation and programs.	The TLSP SPA would not prevent the implementation of this measure and future projects would coordinate with all applicable responsible water agencies. Additionally, a Water Supply Assessment was be prepared for TLSP SPA and has been analyzed within Section 5.10, *Utilities*, of this Draft SEIR.
Policy 5.7 Reduce and eliminate contamination of water supply from industrial operations.	Not applicable. The TLSP SPA does not propose any industrial operations and therefore would not prevent the implementation of this measure.
GOAL 6 Identify, designate, and preserve significant or unique riparian habitats.	
Policy 6.1 Encourage the County of Orange to restore riparian habitat above the Lower Peters Canyon Retarding Basin to be used as off-site mitigation for biologic impacts associated with projects located inside or outside the Planning Area.	Not applicable. The TLSP SPA would not prevent the implementation of the Lower Peters Canyon Retarding Basin as an off-site mitigation area for biological impacts as the TLSP area is not located near the Lower Peters Canyon Retarding Basin.
GOAL 7 Conserve and protect natural plant and animal communities.	
Policy 7.1 Inventory unique or significant tree stands, with particular attention given to the cedar stand, eucalyptus groves, and eucalyptus windrows in East Tustin. Develop standards to retain or incorporate the eucalyptus windrows and groves into development plans where feasible. The redwood/sequoia stand has been retained within a park site and integrated into the park design.	Not applicable. The TLSP SPA site has been previously graded, and no significant tree stands currently exist on the site.
Policy 7.2 Conserve important plant communities and wildlife habitats, such as riparian areas, wildlife movement corridors, wetlands, and significant tree stands through the practice of creative site planning, revegetation, and open space easements/dedications.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. As described in Section 5.4, *Biological Resources*, of the Initial Study (Appendix A), thresholds (a) and (b), The TLSP SPA site has been developed and the entire Project area has been graded.

2018 City of Tustin General Plan Policy	Project Consistency with General Plan Policy
	No sensitive natural communities have been identified onsite in previous environmental documentation and no new sensitive natural communities have been identified through biological record search. Additionally, future developers would analyze biological resources and would be required to obtain permits from CDFW, the Regional Water Quality Control Board (RWQCB), and the US Army Corps of Engineers (Corps).
Policy 7.3 Require development proposals in areas expected to contain important plant and animal communities to include biological assessments.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. As described above, future developers would analyze biological resources and would be required to obtain permits from CDFW, the Regional Water Quality Control Board (RWQCB), and the US Army Corps of Engineers (Corps).
Policy 7.4 Require new development to revegetate graded areas.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis.
Policy 7.5 Where feasible and consistent with flood control requirements, the treatment of Peters Canyon Wash should retain a natural appearance by minimizing concrete channelization, retaining or replanting indigenous vegetation and/or retaining open space areas along the drainage course.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. Peters Canyon Channel extends through the eastern part of the TLSP SPA area; however, future developments would be required to implement applicable flood control requirements.
Policy 7.6 Incorporate planting in new development areas in East Tustin to be compatible with the character and quality of the natural surrounding environment.	Not applicable. The TLSP SPA is not located within the East Tustin area. Therefore, the policy does not apply to the proposed Project.
GOAL 8 Conserve and protect significant topographical features, important watershed areas, resources, and soils.	
Policy 8.1 Develop standards to preserve the unique variety of land forms indigenous in hillside areas, and ensure that the development process is structured to ensure that grading and siting practice reflects the natural topography	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. The TLSP SPA is not located within a hillside area and would be consistent with development standards for the site, as ensured during plan check for individual projects.
Policy 8.2 Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage control improvements.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. Individual development projects within the TLSP SPA area would require a SWPPP and WQMP that would include BMPs for erosion control.
Policy 8.3 Encourage the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. Individual development projects within the TLSP SPA area would require a SWPPP and WQMP that would include BMPs for proper soil management.
Policy 8.4 Place restrictions upon and apply standards to the development of floodplain areas, ecologically sensitive areas and potentially hazardous areas.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. The Project site is not within a floodplain area and as described in Section 5.4, *Biological Resources*, of the Initial Study (Appendix A), threshold (c), the City has 401, 404, and 1602 permits which apply to the Project area. These permits and responsibilities would be assigned to subsequent

2018 City of Tustin General Plan Policy	Project Consistency with General Plan Policy
	developers as applications are submitted. With implementation of MM Bio-1, impacts to areas under the jurisdiction of CDFW and Waters of the US would be reduced to a less than significant impact. Additionally, according to Section 5.9, *Hazards and Hazardous Materials*, of the Initial Study (Appendix A), the TLSP SPA is not located within a potentially hazardous area and future developments within the TLSP would be subject to existing regulations. Also, as stated in threshold (b) above, no sensitive natural communities have been identified onsite in previous environmental documentation and no new sensitive natural communities have been identified through biological record search.
Policy 8.5 Review 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.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. Future developments under the TLSP SPA would be subject to design and development standards that are already included in TLSP and require a Geotechnical Investigation to identify risks due to geologic hazards.
Policy 8.6 Site planning and architectural design shall respond to the natural landform whenever possible to minimize grading and viewshed intrusion.	The TLSP SPA would not prevent the implementation of this measure. Future development projects under the TLSP SPA would follow design standards that are already included in the TLSP. Additionally, as stated in Section 5.1, *Aesthetics*, of the Initial Study (Appendix A), the intensification in residential density of the area could slightly alter the visual appearance of the Project site but would not result in a change in effect on a scenic vista or natural landform. Additionally, the SPA would be required to comply with Mitigation Measure Vis-1 from the FEIR/EIS requiring an urban design plan to provide for distinct and cohesive architectural and landscape design as well as harmony with adjacent landscaping.
Policy 8.7 Consider public acquisition of significant land resources for open space when funds are available.	Not applicable. The TLSP SPA area is not considered a significant land resource that requires consideration of public acquisition.
Policy 8.8 Require geotechnical studies for developments that are proposed for steep slopes and where geological instability may be suspected. Where a precise location of the El Modena fault is determined, appropriate building setbacks shall be established per State law.	Not applicable. The TLSP SPA area does not include steep slopes and is not located by the El Modena fault, as described in Section 5.7, *Geology and Soils*, of the Initial Study (Appendix A).
Policy 8.9 Significant natural features shall be preserved and incorporated into proposed development projects.	Not applicable. There are no natural features within the TLSP SPA area, except for riparian areas as described in Section 5.4, *Biological Resources,* of the Initial Study (Appendix A),.
Policy 8.10 Mitigate the impacts of development on sensitive lands such as steep slopes, wetlands, cultural resources, and sensitive habitats through the environmental review process.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. As described above, the TLSP SPA area is not characterized as having steep slopes. Additionally, as described in Section 5.4, *Biological Resources*, of the Initial Study (Appendix A), thresholds (b) and (c), the City has 401, 404, and 1602 permits which apply to the Project area. These permits and responsibilities would be assigned to subsequent

2018 City of Tustin General Plan Policy	Project Consistency with General Plan Policy
	developers as applications are submitted. With implementation of MM Bio-1, impacts to areas under the jurisdiction of CDFW and Waters of the US would be reduced to a less-than-significant impact. Future developers would also be required to obtain permits from CDFW, RWQCB, and the Corps. Furthermore, as described in Section 5.5, *Cultural Resources*, of the Initial Study (Appendix A), the changes to land uses proposed as part of the Project would not result in any new impacts to historic or archeological resources with implementation of MM Arch-2, which would be required by individual development projects as part of the TLSP.
Policy 8.11 Encourage retention of permanent open space through dedication as a part of the development review/subdivision process.	Not applicable. The TLSP SPA is not subject to this General Plan policy.
Policy 8.12 Concentrate higher intensity uses in areas containing less sensitive landforms and preserve the most sensitive landform resources as open space.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. No sensitive landforms are located in the TLSP SPA area and therefore is not subject to preservation.
Policy 8.13 Non-developable or constrained areas should be evaluated for possible use as open space or recreational use.	Not applicable. As described in the 2021-2029 Housing Element Update, identified housing sites have been evaluated and were determined to be developable.
Policy 8.14 Design an integrated open space system in the City that includes landscaped medians and parkways in City streets, the City's park system, bicycle and pedestrian trail systems, and active and passive open space with consideration given to developing guidelines to integrate the system with private open space.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis.
Policy 8.15 Preserve the open space value of the central Peters Canyon ridge by excluding buildings and overhead utility lines from being developed on top and careful siting and landscaping of structures adjacent to the ridgeline.	Not applicable. The TLSP SPA area is not located within the Peters Canyon ridge and is therefore future development implemented under the TLSP SPA would not conflict with this policy.
Policy 8.16 Site buildings and align roadways to maximize public visual exposure to natural features.	The TLSP SPA would not prevent the implementation of this measure and consistency would be analyzed on a project-specific basis. As described in Section 5.1, *Aesthetics*, of the Initial Study (Appendix A), future development would follow existing development standards and design guidelines, including building height requirements, setbacks, and signage that represent the change in land uses while maintaining or enhancing the character of the TLSP area. The proposed TLSP SPA would not significantly alter allowable heights in the Project site such that it would degrade the quality or character of the site, including natural features.
Policy 8.17 Maintain the natural profile and landform character of the "knoll" park site in East Tustin.	Not applicable. The TLSP SPA is not located in the East Tustin area and therefore does not affect the “knoll” park site.

Conflict with Habitat Conservation Plan

The Project area is within the plan area of the Orange County Central-Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP); however, the site is not within a reserve

established under the NCCP/HCP. In 2019, the NCC revised the habitat restoration and enhancement plan for the Central and Coastal Subregion. The plan identifies and prioritizes potential restoration areas within the reserve and provides detailed information on the most effective methods of associated costs of restoration activities.

In 2006, Orange County voters approved the renewal of Measure M, effectively extending the half cent sales tax to provide funding for transportation projects and programs in the county. As part of the renewed Measure M (or Measure M2), a portion of the M2 freeway program revenues were set aside for the M2 Environmental Mitigation Program (EMP) to provide funding for programmatic mitigation to offset impacts from the freeway projects in the 13 freeway segments covered by Measure M2. The Orange County Transportation Authority (OCTA) prepared a Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) as a mechanism to offset potential project-related effects on threatened and endangered species and their habitats in a comprehensive manner. The NCCP/HCP achieves higher-value conservation than what would be expected through project-by-project mitigation in exchange for a streamlined project review and permitting process for the Measure M2 freeway program as a whole.

The NCCP/HCP was finalized in spring 2017 (Orange County Transportation Authority, 2016), and covers 13 listed and non-listed species including: plants: intermediate mariposa lily, many-stemmed dudleya, and southern tarplant; fish: arroyo chub; reptiles: coast horned lizard, orangethroat whiptail, and western pond turtle; birds: cactus wren, coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher; and mammals: bobcat and mountain lion. The OCTA NCCP/HCP is applicable to the areas acquired for conservation purposes, as well as any projects that would occur within OCTA right-of-way. The Project would not directly impact OCTA right-of-way, and future improvements made as a result of individual development projects would be required to conduct a project-specific analysis of consistency with the OCTA NCCP/HCP since potential impacts are too speculative to analyze within this programmatic analysis. Therefore, no impact would occur and no change from the previous analysis is required.

2017 SEIR Mitigation Measures Applicable to the Proposed Project (Amended 2022)

MM Bio-1 The project proponents of any development affecting jurisdictional waters of the U.S. or vegetated wetlands shall obtain Section 401, Section 404, Section 1602, and other certifications, approvals and permits as necessary. Copies of the necessary state and federal permits shall be provided to the City prior to the issuance of mass or grading permits for grading activities impacting jurisdictional areas. A replacement ratio for affected wetland resources shall be determined in consultation with regulatory agencies as part of the permitting process and shall be no less than 1:1 replacement of function and value. Additional criteria and requirements will be as follows:

- Create (establish), restore, or enhance wetland/riparian habitats on-site to the maximum extent practicable to minimize and replace the on-site loss of USACE and CDFG jurisdictional acreage and function, or off-site as may be permitted by the USACE and CDFG.
- To return jurisdictional habitats that are temporarily disturbed during construction to pre-construction conditions.

To provide for maintenance, management and monitoring of the mitigation site or sites for a minimum of three years as determined through the permitting process.

MM Bio-2 Based on consultations with CDFG, City of Tustin, or a project proponent as applicable, an off-site relocation site for southwestern pond turtles captured on site shall be identified that is as close to the Reuse Plan area as possible and that is sustainable in perpetuity. (No appropriate habitat in the City of Tustin is available for relocation.) Potential relocation

sites include but are not limited to a turtle pond and relocation site located in upper Shady Canyon within the Orange County Nature Preserve; or the San Joaquin Marsh, which is managed by UC Irvine, Irvine Ranch, and the Orange County Water District. Some property owners and public agencies may be adverse to the relocation of species of special concern onto their property or jurisdiction, and it would be speculative to identify actual sites prior to completion of consultation with CDFG and with potential property owners and/or appropriate public agencies. A relocation and mitigation plan shall be prepared by a qualified biologist for approval by the CDFG. The relocation and mitigation plan shall include the following:

- Requirement for focused surveys for southwestern pond turtles prior to construction activities and submittal of survey report to the CDFG.
- Identification of specific relocation site within the Newport Bay watershed.
- Methodology for trapping, capture, recordation and release of southwestern pond turtles.
- Requirement of biological monitoring during construction and requirement for capture and relocation by a qualified biologist of any additional southwestern pond turtles observed during construction.

MM Bio-3 Permits from the CDFG shall be obtained for live-capture of the turtles and for transporting them to the relocation site.

MM Bio-4 A project proponent shall negotiate with the CDFW or other agency for organization as appropriate, for relocation of turtles and/or contribution of funds to improve, restore, or create a relocation site as turtle habitat, in conjunction with any regulatory permits necessary.

MM Bio-5 Biological surveys shall be conducted by a qualified biologist to determine the potential for special status species within the project site for all future projects at the time that development is proposed. The project-level biological survey report shall analyze these projects' impacts on sensitive animal species and shall propose mitigation to reduce project impacts to a less than significant level.

7.4 CULTURAL RESOURCES

Historic Resources

As described in Initial Study prepared for the Project (Appendix A), a cultural resources records search was completed for the Project site by BFSA at the South Central Coastal Information Center (SCCIC) on August 22, 2023, and encompassed the Project site and a 500-foot buffer surrounding the Project site (BFSA Environmental Services, 2023). Based upon the records search results, five resources have been previously recorded within the Project site. The resources identified within the Project site include three prehistoric resources, one historic resource, and one multicomponent resource.

The prehistoric resources identified within the Project site as part of the records search included two prehistoric isolate artifacts that include a stone bowl fragment (P-30-010019) and a granitic pestle (P-30-100201). In addition, one prehistoric limited habitation site (P-30-001652) was also previously recorded within the Project site. These resources have been previously evaluated as not eligible to the California Register of Historic Resources (CRHR). The records search also identified a multicomponent site (P-30-001760) which is primarily historic in composition consisting of historic glass bottles of varying types,

ceramics, flatware, and one prehistoric mano discovered during cultural resource monitoring for the Tustin Phase I Legacy Project. The site was determined as not eligible for the CRHR.

The historic resources previously included two former United States Marine Corp World War II era blimp hangars (P-30-160312). These resources were previously evaluated as both CRHR eligible resources and National Register of Historic Places (NRHP) eligible resources, and one of the two original hangars remains extant. Unfortunately, on November 7, 2023, a fire caused severe damage to Hangar 28, resulting in a total loss of the structure. As of the preparation of this SEIR, the demolition of the structure is underway, and the remains of the hangar will eventually be removed by the US Navy. Plans for the hangar's removal have not been finalized. Hangar 29 remains in place. It is currently vacant, although occasionally leased by the City of Tustin for special events and unique activities, such as filming commercials.

The changes to land uses proposed as part of the Project would not result in any new impacts to historic resources. Mitigation measures required prior to demolition of the hangars have been implemented (MM Hist-3 and MM Hist-4). Additionally, no new historic resources were identified as part of the Project record search that would result in changed Project site conditions or new or more severe impacts. The land use changes proposed would not result in new impacts or result in changes to the prior environmental findings. Therefore, the Project would not result in a new significant impact related to historic resources.

Archaeological Resources

Archaeological resources are prehistoric or historic evidence of past human activities, including structural ruins and buried resources. As described above, as part of the Project cultural record search, five resources were identified within the Project site (Appendix A). Of the five resources, the only two resources determined to be eligible for the CRHR were the two former United States Marine Corp World War II era blimp hangars (P-30-160312). The other resources were previously evaluated and determined to be ineligible for listing on the CRHR.

As concluded in the FEIR/EIS, archaeological resources could be buried in site soils affiliated with the historic uses of the site and could be damaged by ground-disturbing activities implemented under the TLSP. Although the site has been graded, development may require grading to an increased depth. The development footprint for the Project is within the impact area evaluated in the 2017 SEIR. The Project would be required to comply with FEIR/EIS mitigation measures to reduce impacts to less than significant (MM Arch-2). Therefore, the proposed Project would not result in a substantial change from the archaeological resources impacts identified in the 2017 SEIR. No new impact would occur.

Human Remains

California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the Project area, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The project would comply with existing law, and potential impacts to human remains would be less than significant. Furthermore, the development footprint is within the impact area evaluated in the 2017 SEIR and no new impacts would occur.

2017 SEIR Mitigation Measures Applicable to the Proposed Project

MM Arch-2 Prior to issuance of grading permits the cities of Tustin and Irvine shall each require applicants of individual development projects to retain as appropriate a county-certified archaeologist. If buried resources are found during grading within the reuse plan area a qualified archaeologist would need to assess the site significance and perform the appropriate mitigation. The Native American viewpoint shall be considered during this process. This could include testing or data recovery Native American consultation shall also be initiated during this process.

MM Hist-3 As specified in the MOA a substantive effort will be made to determine whether there is an economically viable adaptive use of Hangar 28 and Hangar 29.

MM Hist-4 If the marketing effort identifies an economically viable adaptive use of either of the complexes that complex will be encumbered by a historic preservation covenant. In the case of the Hangar 28 complex these measures shall balance the needs of the adaptive use and the needs for effective operation of the Federal Lands to Parks or Historic Monument programs.

7.5 GEOLOGY AND SOILS

Fault Rupture and Ground Shaking

No active faults have been identified on or next to the site. The FEIR/EIS identified 10 active faults ranging from 10 miles to 48 miles from the Project area and estimated these faults to be capable of generating earthquakes ranging from magnitude 6.5 to 7.8. The FEIR/EIS determined impacts related to surface rupture of a fault, strong ground shaking, ground failure including liquefaction, tsunamis and seiches, and flooding due to dam failure after an earthquake were all identified as less than significant.

The Project would occur within the existing footprint of the Approved Project. Potential impacts were previously analyzed in the FEIR/EIS, subsequent amendments, and 2017 SEIR. Since certification of the 2017 SEIR, several updates to the California Building Code (CBC) have occurred and the 2022 CBC has been adopted and will be the applicable standard for development moving forward. All geotechnical investigations and building specifications associated with potential future projects would be conducted in compliance with the most current applicable set of CBC standards. Verification of compliance with applicable standards would be confirmed during plan check on a project-by-project basis. No changes in circumstances have occurred since 2017 SEIR adoption. Therefore, the Project would result in no new impacts.

Liquefaction

The Project would occur within the existing footprint of the Approved Project. Potential impacts were previously analyzed in the certified FEIR/EIS, subsequent amendments, and 2017 SEIR. Latest California Geological Survey (CGS) data shows that the Project site remains an area classified as a liquefaction hazard (California Geological Survey, 2020). The FEIR/EIS identified engineering techniques that would reduce hazards associated with liquefaction to less than significant, including: (1) excavation and removal or recompaction of potentially liquefiable soils; (2) in-site ground densification; (3) other types of ground improvement; (4) deep foundations that have been designed to accommodate liquefaction effects; (5) reinforced shallow foundations; and (6) design of the proposed structures or facilities to withstand predicted ground softening and/or predicted vertical and later ground displacements to an acceptable level of risk. In addition, geotechnical investigations for projects onsite are required to evaluate the potential for liquefaction on the affected Project area and provide measures to minimize hazards arising from

liquefaction. The Project would not result in any substantial changes to the environmental impacts previously evaluated in the FEIR/EIS. Compliance with required geotechnical investigations and engineering techniques would result in less-than-significant impacts and no new substantial impact would occur.

Landslides

The Project would occur within the existing footprint of the Approved Project. Potential impacts were previously analyzed in the certified FEIR/EIS, subsequent amendments, and 2017 SEIR and determined to be less than significant. Existing Project site conditions are consistent with conditions analyzed within the 2017 SEIR, and no further changes to circumstances have been made. Therefore, the Project site is not at risk of landslide and no new impacts would occur.

Soil Erosion

The Project would occur within the existing footprint of the Approved Project. Potential impacts were previously analyzed in the certified FEIR/EIS, subsequent amendments, and 2017 SEIR. The 2017 SEIR determined that with implementation of a Stormwater Pollution Prevention Plan (SWPPP), construction impacts would be less than significant on erosion and loss of topsoil. The Project would introduce the opportunity for additional development within the TLSP footprint, which could increase the intensity and duration of construction. However, SWPPPs would be developed and implemented on a project-by-project basis. The City would review SWPPPs prior to approval of the grading permit and would ensure soil erosion impacts would not occur as a result of project construction. Following construction, site soils would be stabilized by development and impacts would be less than significant. Therefore, no new impacts would occur.

Result in on- or Offsite Landslide, Lateral Spreading, Subsidence, Liquefaction or Collapse

The Project would occur within the existing footprint of the Approved Project. Potential impacts were previously analyzed in the certified FEIR/EISFEIR/EIS, subsequent amendments, and 2017 SEIR and impacts were determined to be less than significant.

Expansive Soils

The Project would occur within the existing footprint of the Approved Project. Potential impacts were previously analyzed in the certified FEIR/EIS, subsequent amendments, and 2017 SEIR. The Project site is susceptible to liquefaction, as identified above (California Geological Survey, 2020). The site may be susceptible to lateral spreading due to the high potential for liquefaction onsite. Consistent with the findings of the FEIR/EIS, all grading operations and construction would be conducted in conformance with the City of Tustin Grading Manual and most recent version of the CBC. Further, geotechnical investigations for projects developed pursuant to the TLSP would be required to identify engineering controls to eliminate any potential for lateral spreading. No new significant impacts would occur.

Compressible soils susceptible to some consolidation were identified in the FEIR/EIS as likely over the entire Project area, especially east of Peters Canyon Channel. However, each project conducted under the proposed TLSP would be required to be consistent with the most recent CBC and incorporate engineering techniques for removal of soils unsuitable for supporting proposed structures and replacement with engineered fill soils capable of supporting such structures. Therefore, no new significant impact would occur.

The 2017 SEIR Initial Study stated that subsidence resulting from groundwater withdrawal has not been reported in the region (PlaceWorks, 2015, p. 52). However, the greater Los Angeles metropolitan area experiences surface deformation due to a variety of natural and human-induced causes (U.S. Geological Survey, 2001). Each project conducted under the proposed TLSP would be required to be consistent with the most recent CBC and incorporate engineering techniques for removal of soils unsuitable for supporting proposed

structures and replacement with engineered fill soils capable of supporting such structures. Subsidence risk and geotechnical requirements would be determined on a project-specific basis. Therefore, no new impacts would occur.

Alternative Waste Disposal Systems

Buildout of the TLSP would include construction of sewer mains and sewer laterals. Septic tanks are not proposed as part of the Project. No impact would occur.

Paleontological Resources

The Project would occur within the existing footprint of the Approved Project. Potential impacts were previously analyzed in the certified FEIR/EIS, subsequent amendments, and 2017 SEIR. Paleontological resources are fossils, which are the recognizable remains or evidence of past life on earth; including bones, shells, leaves, tracks, burrows, and impressions. The ground disturbance footprint of the TLSP would be the same as that analyzed in the FEIR/EIS, subsequent environmental documents, and the 2017 SEIR. The Project would be required to comply with FEIR/EIS mitigation measures to reduce impacts to less than significant (MM Paleo-1 and Paleo-2). Therefore, with implementation of mitigation measures, the proposed project would not result in a substantial change from paleontological resources impacts identified in the FEIR/EIS. No new impact would occur.

2017 SEIR Mitigation Measures Applicable to the Proposed Project

MM Paleo-1 The cities of Tustin and Irvine shall each require applicants of individual development projects to comply with the requirements established in a Paleontological Resources Management Plan (PRMP) prepared for the site, which details the methods to be used for surveillance of construction grading, assessing finds, and actions to be taken in the event that unique paleontological resources are discovered during construction.

MM Paleo-2 Prior to the issuance of a grading permit, project applicants shall provide written evidence to each city that a county-certified paleontologist has been retained to conduct salvage excavation of unique paleontological resources if they are found.

7.6 HAZARDS AND HAZARDOUS MATERIALS

Routine Transport, Use, or Disposal of Hazardous Materials

Hazards to the public or the environment arising from routine transport, use, or disposal of hazardous materials were identified as less than significant after regulatory compliance in the certified FEIR/EIS and 2017 SEIR. Buildout of the Project would use similar types and amounts of hazardous materials as implementation of the approved TLSP. The use, transport, and disposal of hazardous materials would be required to comply with existing regulations of several agencies, including the Department of Toxic Substances Control (DTSC), the Environmental Protection Agency (EPA), California Division of Occupational Safety and Health, Orange County Environmental Health, and the Orange County Fire Authority. Therefore, no new significant impact would occur.

Release of Hazardous Materials into the Environment

The Project consists of the same development area analyzed in the certified FEIR/EIS and 2017 SEIR. However, as part of the proposed TLSP SPA, several of the Planning Areas are subject to land use changes which would allow for an increased residential unit capacity.

Buildout of the Project would use similar types and amounts of hazardous materials as implementation of the approved TLSP. The operation of proposed residential uses would not require the use of significant amounts of hazardous materials, in that residential activities are limited to the use of hazardous materials such as solvents, cleaning agents, paints, pesticides, batteries, fertilizers, and aerosol cans. These types of materials are not acutely hazardous and would only be used and stored in limited quantities. The normal routine use of these hazardous materials products pursuant to existing regulations would not result in a significant hazard to people or the environment in the vicinity of the Project. Additionally, the introduction of residential land uses to Neighborhood D North, which was previously planned for nonresidential uses, would not result in new impacts. Neighborhood D North is planned for the future development of commercial, office, and institutional land uses. These land uses do not require the use of hazardous materials and would not pose a risk to surrounding future residential uses. The TLSP area as a whole does not permit industrial land uses that would require more intensive use of various hazardous materials.

Compliance with regulatory requirements would reduce hazards to the public and the environment from accidental release of hazardous materials. The on-going clean-up and remediation of hazardous materials contamination within the TLSP area would not result in a significant hazard to the public. Remediation is required to implement several measures to ensure safe standards and manage or isolate potentially hazardous substances. This activity occurs under the oversight of the (Department of Toxic Substances Control (DTSC) in coordination with the Regional Water Quality Control Board (RWQCB). Therefore, no new substantial impact would occur.

Hazardous Substances Within One-Quarter Mile of a School

Since certification of the 2017 SEIR, Heritage Elementary School has begun to function as an elementary school. The Project would include the allowance of additional residential development within the existing TLSP footprint. The Project does not propose and would not permit development of industrial land uses that would emit hazardous emissions or use substantial amounts of hazardous materials. The TLSP would permit development of residential, commercial, institutional, and open space land uses. Hazards to students resulting from hazardous materials used in conjunction with uses at Heritage Elementary School and Legacy Magnet Academy would be less than significant after compliance with regulations. No new substantial impact would occur.

Hazardous Materials Sites

Since certification of the 2017 SEIR, no new sites have been identified within the TLSP according to the GeoTracker database (State Water Resource Control Board, 2023). Ten sites continue to remain open as military cleanup sites. These sites have been previously analyzed under the certified FEIR/EIS, subsequent CEQA documentation, and the 2017 SEIR. Therefore, no new or substantially more severe impacts are anticipated to occur.

Airport Hazards

The FEIR/EIS acknowledged that development within the TLSP area would be subject to Federal Aviation Administration (FAA) height restrictions and reviewed by the Airport Land Use Commission (ALUC) for Orange County to ensure there is no interference with flight operations. The FEIR/EIS determined that compliance with these requirements would reduce impacts to less than significant.

The Project would permit development of a net increase of 4,466 residential units compared to the Adopted TLSP. The ALUC for Orange County reviews projects with buildings of a certain height (110 to 200 feet depending on location in the TLSP area) to reduce interference with flight operations. The proposed Project would not increase the allowable building heights within these ranges. Any structures in the TLSP that exceed

the height restrictions in the John Wayne Airport Environs Land Use Plan (AELUP) would also be subject to an obstruction evaluation by the FAA and ALUC to determine whether safety hazards would result. Consistency with these regulations would ensure airport-related safety hazards are less than significant. No new significant impact would occur.

Emergency Response Plan

Pursuant to the City's Emergency Operations Plan, specific evacuation requirements will vary with each situation, but should be carried out in a manner consistent with other critical functions (City of Tustin, 2019). Under ideal circumstances there will be enough time for radio and/or television stations to broadcast the required evacuation information via the Emergency Alert System, and if enough time is available, copies of the evacuation order or notice and route. The Project site is not designated as an emergency evacuation route. The Project would not impair the implementation of evacuation protocol in the event of an emergency within the City or Project site. Additionally, each future project implemented as part of the TLSP would undergo project-level plan check with the City and would be reviewed by the City's fire department (Orange County Fire Authority) to ensure proper emergency access to and from the site. No new significant impact would occur.

Wildfire Hazards

The TLSP is not located within a fire hazard zone (California Department of Forestry and Fire Protection, 2022). Development within the TLSP area is required to comply with Orange County Fire Authority regulations. Buildout of the TLSP would not expose people or structures to substantial hazards from wildland fires, and no substantial new impact would occur.

7.7 HYDROLOGY AND WATER QUALITY

Water Quality

Consistent with the 2017 SEIR analysis, the design and operations phases of projects developed pursuant to the proposed Project would be required to comply with requirements of the Orange County MS4 permit (MS4 Permit, Order No. R8-2009-0030) issued by the Santa Ana Regional Water Quality Control Boad (RWQCB), and the drainage area management plan issued by OC Public Works. The MS4 Permit requires low-impact development (LID) measures intended to preserve a site's predevelopment hydrology by minimizing the loss of natural hydrologic processes such as evapotranspiration, and runoff detention. Further, project-specific water quality management plans (WQMP) will be prepared for future development projects pursuant to the MS4 Permit. Projects developed pursuant to the TLSP and the proposed Project will be required to comply with existing regulatory permitting processes.

All projects of one or more acre would be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) during construction. The SWPPP would be reviewed on a project-by-project basis as individual development projects are proposed. Implementation of project-specific SWPPPs would ensure no substantial water quality impacts would result from construction pursuant to the proposed Project. Therefore, the proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality and no new significant impact would occur.

Erosion or Siltation

Major storm drainage channels and storm drains in and surrounding the site include Peters Canyon Channel extending through the eastern part of the TLSP area; Barranca Channel along the southern TLSP area

boundary; the Santa Ana-anta Fe Channel just north of the TLSP area boundary; and the Barranca Storm Drain in Red Hill Avenue along the west site TLSP area boundary. Storm drains in the part of the TLSP area east of Peters Canyon Channel drain to Peters Canyon Channel. The main storm drain systems onsite are in the western part of the TLSP area and drain to the Barranca Channel.

Construction projects pursuant to the proposed Project would prepare and implement Stormwater Pollution Prevention Plans (SWPPPs) specifying best management practices (BMPs) to be used in those projects, including erosion control and sediment control BMPs which would ensure erosion impacts do not occur from construction activities.

Buildout of the TLSP would include development of a new drainage system for the site and would require improvements to Peters Canyon Channel, Barranca Channel along the south site boundary, and to the Santa Ana-Santa Fe Channel along the north site boundary. Consistent with the 2017 SEIR analysis, future development projects developed pursuant to the TLSP and proposed TLSP SPA would comply with requirements of the Orange County MS4 permit (MS4 Permit, Order No. R8-2009-0030) issued by the Santa Ana RWQCB, and the drainage area management plan issued by OC Public Works. Compliance with the requirements of the aforementioned permit and plan, including LID requirements described above, would limit rates and volumes of runoff from the site. Therefore, no new significant impact related to erosion or siltation would occur. Therefore, the Project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in a substantial erosion or siltation on- or off-site.

Flooding and Surface Runoff

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) 06059C0279J and 06059C0283J, Neighborhood D North is partially mapped as a 500-year flood zone (Shaded Zone X), while the remainder of the neighborhood has been determined to be outside of the 0.2 percent annual chance floodplain (Unshaded Zone X) (Federal Emergency Management Agency, 2009). Neighborhood G is not identified within a flood zone. Therefore, the Project would not place housing or structures in a 100-year flood zone, and no new substantial impact would occur.

As part of the 2004 Master Runoff Management Plan for Tustin Legacy, described above, peak flow discharges and storm drain sizes were determined for each Planning Area based on their full buildout condition (commercial, residential, etc.). Prior to approval of individual projects within Tustin Legacy, each project must demonstrate that the proposed project peak flows are equal to or less than the ultimate condition peak flows in the master plan. For projects that will only occupy a portion of a Planning Area, the runoff management plan includes subareas with detailed hydrology calculations and peak flow limits to ensure the full buildout of the Planning Area will remain within the total allowable discharge. This analysis is reviewed and approved by the City of Tustin.

As part of the proposed Project, Neighborhood D and G are subject to an overall allowable increase of residential units (2,867 residential units within Neighborhood D North, 755 units within Neighborhood D South, and 1,348 units within Neighborhood G). The net increased allowance in residential units could increase the net acreage of residential development across all three neighborhoods. However, all projects built within TLSP area will still be required to demonstrate that the project peak flow runoff is equal to or less than the assumed peak flow conditions associated with the 2004 Runoff Management Plan for Tustin Legacy. The projects would also need to comply with permit conditions within the County's MS4 permit, which requires implementation of LID to avoid potential flooding. Therefore, there are no new anticipated impacts related to flooding. Therefore, no new significant impact would occur.

Risk of Flooding Due to Tsunami and Seiche

There are no inland water bodies onsite or near enough to the Project area to pose a substantial flood hazard onsite due to a seiche. Additionally, the Project area is approximately 7.6 miles inland from the Pacific Ocean, and elevations onsite range from approximately 51 feet at the southwest corner of the site to 80 feet at the northwest corner. Therefore, buildout of the Project would not place people of structures at risk of flooding due to a tsunami. Further, there is no risk of mudflow onsite due to the nearly flat topography of the site. Therefore, no new significant impacts related to flood hazard, tsunami, or seiche zones would occur.

7.8 MINERAL RESOURCES

No mineral resources valuable to the region or the State, or identified in the general plans of the cities of Tustin or Irvine, were identified in the certified FEIR/EIS. No impacts to mineral resources are identified in previous environmental documents.

The Project site is mapped as Mineral Resource Zone 1 (MRZ-1) on the Mineral Land Classification of Orange County, California, indicating that no significant mineral resources are known to be present or there is little likelihood they may be present (California Geological Survey, 1994). Additionally, no mining sites in the City of Tustin are identified in the City's General Plan (City of Tustin, 2018). Therefore, no new impact to mineral resources would occur.

7.9 RECREATION

The TLSP contains 173 acres of planned future park space in addition to the existing 93 acres of existing park. The proposed increase in residents would not result in the substantial physical deterioration of existing facilities.

As part of the proposed TLSP SPA, several of the Planning Areas are subject to land use changes. These changes include an overall allowable increase (with potential density bonus units considered) of 2,867 residential units within Neighborhood D North, 284 units within Neighborhood D South, and 1,315 units within Neighborhood G. The remaining Planning Areas would remain unchanged. Therefore, the total increase in number of units within the TLSP proposed by the Project is 4,466 residential units. Utilizing the same number of persons per household used in the 2017 SEIR (2.88 persons), based on the City of Tustin average household size and occupancy rate, the Project would be anticipated to result in an increase of 12,862 residents at full buildout.

The City municipal code requires the dedication of 3 acres of parkland per 1,000 residents. The Project would add approximately 12,891 residents, requiring an additional 38.7 acres of parkland within the TLSP area at buildout. The 2017 SEIR determined that the Project would result in 6,371 new residents and would require approximately 56.7 acres of parkland at TLSP buildout. Therefore, the new total park acreage required for Project buildout would be 95.4 acres of parkland. Implementation of the TLSP includes approximately 255 acres of public parks. This exceeds the amount of parkland required by the TCC and considered in the FEIR/EIS. Since the Specific Plan Amendment would provide ample parkland, buildout would not increase the use of existing parks or cause the physical deterioration of existing recreational facilities.

Construction and operation of the proposed parks and recreation facilities would occur within the development footprint analyzed in the FEIR/EIS. Park construction and its environmental effects were analyzed throughout the FEIR/EIS, and subsequent environmental documentation. Mitigation would not be

required. Expansion of recreational facilities would not be necessitated by the proposed Project. Therefore, the Project would not result in any new or substantially more severe impacts.

7.10 WILDFIRE

The TLSP is not located within a fire hazard severity zone (California Department of Forestry and Fire Protection, 2022). In addition, the sites and areas adjacent to the sites are urbanized and do not contain hillsides or other factors that could exacerbate wildfire risks. Future residential projects proposed to achieve the City's RHNA, and associated infrastructure improvements, would be located on developed, underutilized sites or on vacant parcels proposed and zoned for mixed use development. Potential fire risk would be evaluated on a site-by-site basis and appropriate measures, if necessary, would be implemented to avoid fire risk. Therefore, the Project would result in no impact on wildfire risk.

7.11 REFERENCES

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8. EIR Preparers and Persons Contacted

EIR PREPARERS

City of Tustin

Justina Willkom, Community Development Director

Jay Eastman, Assistant Community Development Director

Samantha Beier, Senior Planner

Jorge Maldonado, Associate Planner

Adrianne DiLeva, Management Analyst II

EPD Solutions, Inc.

Konnie Dobreva, Vice President of Environmental Servies

Danielle Thayer, Associate Planner II

Megan Rupard, Assistant Planner

Jazmin Rodriguez, Assistant Planner

Sam Kelley, Assistant Planner

TECHNICAL CONSULTANTS

BFSA Environmental Services

Tracy Stropes, M.A., RPA, Director/Principal Archaeologist

EPD Solutions, Inc.

Meghan Macias, Director of Technical Services

Abby Pal, Senior Transportation Planner

Simon Lin, Assistant Transportation Planner

LSA Associates, Inc.

Cara Cunningham, Associate

J.T. Stephens, Executive Vice President

PERSONS CONTACTED

City of Tustin Parks and Recreation Department

Chad Clanton, Director of Parks & Recreation

Irvine Ranch Water District

Eric Akiyoshi, Engineering Manager

Marina Lindsay, Water Resources Planner

Irvine Unified School District

Cassie Parham, Assistant Superintendent of Education Services

Jesse Barron, Coordinator/Facilities Planner

Orange County Fire Authority

Brian Fennessy, Fire Chief

Tamera Rivers, Management Analyst

Santa Ana Unified School District

Jeremy Cogan, Director of Planning and Design

Tustin Unified School District

Rina Lucchese, Director of Communications and Community Engagement

Tom Rizzuti, Director of Facilities and Planning