

EXHIBIT E
FINDINGS AND FACTS IN SUPPORT OF FINDINGS
AND STATEMENT OF OVERRIDING CONSIDERATIONS
RED HILL AVENUE SPECIFIC PLAN
FINAL ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE NO. 2017041031

1. INTRODUCTION

The California Environmental Quality Act, Public Resources Code Section 21081, and the State CEQA Guidelines, 14 California Code of Regulations, Section 15091 (collectively, CEQA) require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. The State CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

State CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Draft Program Environmental Impact Report (Draft Program EIR) and the Final Program Environmental Impact Report (Final Program EIR) for the Red Hill Specific Plan Project, State Clearinghouse (SCH) No. 2017041031 (collectively, the Final EIR), as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (Findings) and Statement of Overriding Considerations (SOC) are hereby adopted by the City of Tustin (City) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for the development of the Project. These actions include the approval of the following:

- Red Hill Avenue Specific Plan Final Program Environmental Impact Report
- Red Hill Avenue Specific Plan
- General Plan Amendment (GPA) 2017-001
- Zoning Map Amendment (Zone Change [ZC] 2017-001

These actions are collectively referred to herein as the Project.

A. Document Format

These Findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings of Fact
- (2) Section 2 provides a summary of the Specific Plan Project and overview of the discretionary actions required for approval of the Project, and a statement of the Project's goals and objectives.
- (3) Section 3 provides a summary of previous environmental reviews related to the Specific Plan that took place prior to the environmental review done specifically for the Project, and a summary of public participation in the environmental review for the Project.
- (4) Section 4 sets forth findings regarding those environmental impacts which were determined as a result of the Notice of Preparation (NOP) and consideration of comments received during the NOP comment period either not to be relevant to the Project or which were determined to clearly not manifest at levels which were deemed to be significant for consideration at the project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the Final EIR which the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of standard conditions and/or mitigation measures. In order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the Project and adopted as conditions of the Project by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to standard conditions, these findings specify how those impacts were reduced to an acceptable level. Section 5 also includes findings regarding those significant or potentially significant environmental impacts identified in the Final EIR which will or which may result from the Project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- (6) Section 6 sets forth findings regarding alternatives to the Specific Plan.
- (7) Section 7 consists of a Statement of Overriding Considerations which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other benefits, including region-wide or statewide environmental benefits, of the Specific Plan Project outweigh the Project's potential unavoidable environmental effects.

B. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the Specific Plan are located at the City of Tustin Community Development Department, which serves as the custodian of the Administrative Record for the Project. Copies of these documents are available upon request.

To obtain information regarding the Administrative Record, please contact the following:

Ms. Elizabeth A. Binsack
Community Development Director
Community Development Department
300 Centennial Way
Tustin, CA 92780
ebinsack@tustinca.org
(714) 573-3031

C. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the Specific Plan Project consists of the following documents and other evidence, at a minimum:

- City of Tustin General Plan, as amended, and all environmental documents relating thereto;
- Red Hill Avenue Specific Plan;
- Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the Project;
- Scoping Meeting held during the 30-day NOP period;
- Final Program EIR including the Draft Program EIR and all appendices, the Responses to Comments document, and all supporting materials referenced therein. All documents, studies, or other materials incorporated by reference in the Program EIR. The reports and technical memoranda included or referenced in the Response to Comments of the Final EIR;
- All written comments submitted by agencies and members of the public during the 45-day public review comment period on the Draft Program EIR and included in the Responses to Comments document;
- Planning Commission public hearing on August 14, 2018;
- Staff report responses to public comments submitted either in writing or orally at the August 14, 2018 Planning Commission hearing;
- City Council public hearing on September 4, 2018;
- All final City Staff Reports, and exhibits and attachments thereto and documents referenced therein, relating to the Final EIR, and the Project;
- All other public reports, documents, studies, memoranda, maps or other planning documents relating to the Project, the Final EIR prepared by the City, consultants to the City, or any responsible agencies;
- Mitigation Monitoring and Reporting Program (MMRP) adopted by the City for the Project;
- Ordinances and Resolutions adopted by the City in connection with the Project, and all documents incorporated by reference therein;

- These Findings and Statement of Overriding Considerations adopted by the City for the Project, and any documents expressly cited in these Findings of Fact; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The documents and other material that constitute the record of proceedings on which these Findings are based are located at the City of Tustin Community Development Department. The custodian for these documents is the City of Tustin. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

2. SPECIFIC PLAN PROJECT SUMMARY

A. Specific Plan Location

The approximately 43.11-acre Red Hill Avenue Specific Plan area, inclusive of approximately 7.32 acres of roadway rights-of-way, extends along Red Hill Avenue to Bryan Avenue to the northeast, and generally Walnut Avenue to the southwest. Interstate 5 (I-5) bisects the Specific Plan area creating the northern and southern portions of the Specific Plan area. Existing uses include commercial, retail shopping centers, professional office, residential, motels, and an institutional use, and vacant land.

B. Specific Plan Description

The Specific Plan is a policy and regulatory document to promote revitalization of the commercial district by providing a mixed-use land use plan accompanied by goals and objectives, regulatory standards, design criteria, a streetscape program and various implementation strategies to improve jobs/housing balance, improve aesthetics, and promote mobility. The Red Hill Avenue Specific Plan provides planning regulations and criteria that connect the City of Tustin General Plan policies with future project-level development within the Specific Plan area. The purpose of the Specific Plan is to guide future change, promote high-quality development, and implement the community's vision for the Specific Plan area.

The Specific Plan proposes 325,000 additional square feet of non-residential development and 500 additional dwelling units. The total development potential in the Specific Plan including existing development is 521 dwelling units and 621,446 square feet of non-residential development.

The Specific Plan seeks to facilitate compatible land uses in an integrated mixed-use environment with appropriate connections to existing parks, by limiting intensity near single-family homes, retaining the primarily commercial character in the Specific Plan area, and using thematic elements to create a cohesive environment in the Specific Plan area. The Specific Plan would encourage high-quality architecture with traditional but contemporary architecture and a high level of architectural detail. It would facilitate high-quality land uses by providing development incentives for the revitalization of vacant or underperforming properties.

The Specific Plan would establish a program of streetscape landscaping improvements within the public rights-of-way along Red Hill Avenue, as well as gateway signage enhancements. The

intent of these streetscape improvement concepts and gateway enhancements is to provide a “sense of place” or identity within the Specific Plan area, providing a consistent streetscape concept with expanded amenity areas adjacent to new development. The Specific Plan would balance vehicular needs with landscaped parkways, street trees, landscaped medians, and cohesive street furniture; pedestrian-scaled streets where pedestrians feel secure; the extension of bicycle paths from the existing community; cohesive entry and wayfinding signage throughout the Specific Plan area; safe, improved pedestrian crossings; and opportunities for public art.

The improvements to Red Hill Avenue would include the addition of on-street bike lanes, reduced lane widths, and construction of landscaped medians where feasible. This requires restriping within the paved width of the street to include the reduced lane widths, turn pockets, and bike lanes. Parking on or adjacent to Red Hill Avenue on private property or within the Flexible Amenity Setback area would be considered by the City on a case-by-case basis as part of a development application. Construction of new, raised medians can be accommodated where they do not conflict with required turning movements.

The Specific Plan would be implemented over a multi-year timeframe based upon market conditions; a buildout year of 2035 is assumed. The City may implement the public improvements, including public streetscapes, landscaped medians, and gateway/wayfinding signage in advance of, or concurrent with, private development.

C. Discretionary Actions

Implementation of the Project within the City of Tustin will require several actions by the City, including:

- Certification of the Red Hill Avenue Specific Plan Final Program Environmental Impact Report;
- Adoption of the Red Hill Avenue Specific Plan by Ordinance;
- Amendment of the General Plan to provide consistency between the Specific Plan and the General Plan. GPA 2017-0001 would include an update to the General Plan Land Use Map to show the boundaries of the Specific Plan and an update to the General Plan Land Use Element, and other related conforming amendments to the General Plan, as warranted; and
- Amendment to the Tustin Zoning Map (ZC 2017-0001) to change the Specific Plan area to a designation of “Red Hill Avenue Specific Plan” (SP-13).

D. Statement of Specific Plan Goals and Objectives

The statement of goals and objectives sought by the Specific Plan Project and set forth in the Final EIR is provided as follows:

Goal 1: Enhance streetscape, landscape, and public amenities throughout the Specific Plan area.

- *Objective 1-1:* Establish a streetscape program using landscaping, signage, street furniture, entry statements, and other visual amenities compatible with the character of Tustin to achieve a distinct identity for the area.

- *Objective 1-2:* Develop coordinated gateway design treatments that establish entry statements and a sense of place at key locations within the Specific Plan area.
- *Objective 1-3:* Encourage a “sense of place” within the Specific Plan area through quality site design, architectural design, and public improvements as part of future development.
- *Objective 1-4:* Coordinate a bus shelter and transit stop improvement program to ensure that all bus stops have the appropriate amenities.

Goal 2: Improve visual and functional connections and linkages between Red Hill Avenue, surrounding residential neighborhoods, adjacent public and institutional uses, and Interstate 5.

- *Objective 2-1:* Identify ways to improve and enhance linkages and connections between new development in the Specific Plan area and surrounding neighborhoods.
- *Objective 2-2:* Develop design criteria that encourage optimal building configuration and design, parking strategies, signage, pedestrian amenities, landscaping, and appropriate, timeless architectural styles.

Goal 3: Balance flexible and diverse land uses that foster economic development opportunities and support housing opportunities. Land use in the Specific Plan area will allow for residential opportunities along with neighborhood-serving retail, office, and commercial uses.

- *Objective 3-1:* Establish a land use program that encourages a mix of land uses responsive to market demands and Tustin community priorities.
- *Objective 3-2:* Refine allowable land uses within the area to encourage the desired development envisioned by the Specific Plan.
- *Objective 3-3:* Establish development standards for future land uses that are compatible with the surrounding area and preserve the small town feel and community character.
- *Objective 3-4:* Develop land use standards that focus on retention and enhancement of commercial development, but supports integrated mixed-use development, sidewalk-adjacent development, parking behind building frontages and pedestrian activity.

Goal 4: Streamline processes to support future development in the Specific Plan area.

- *Objective 4-1:* Adopt a program-level environmental clearance document to utilize in subsequent development proposals within the Red Hill Avenue Specific Plan area.
- *Objective 4-2:* Establish a tiered environmental review process for discretionary development application review to streamline the approval process as described in Chapter 1 of the Red Hill Avenue Specific Plan.
- *Objective 4-3:* Establish development incentives such as tailored development standards or streamlined review processes, to encourage new development that fulfills the vision of the Specific Plan.
- *Objective 4-4:* Identify local, State, and Federal funding opportunities that can provide businesses-assistance and offer the City the means to upgrade the area.

Goal 5: Improve pedestrian and bike accessibility and vehicular circulation to minimize potential conflicts between different users and improve mobility throughout the Specific Plan area and connectivity with the greater community.

- *Objective 5-1:* Improve and enhance pedestrian connections and facilities, particularly in areas that contain large, expansive parking lots. At these locations, accessible pedestrian connections from the sidewalk to building entrances should be encouraged.
- *Objective 5-2:* Minimize curb cuts or driveways onto arterial roads and collector streets.
- *Objective 5-3:* Promote and develop a transportation system which includes provisions for public transportation, bikes, and pedestrians.

Goal 6: Implement parking standards that reflect verifiable demand and consider future land uses in the area.

- *Objective 6-1:* Promote the development and maintenance of adequate parking facilities commensurate with parking demand.
- *Objective 6-2:* Monitor parking supply and utilization to identify deficiencies or conflicts with the movement of traffic as new development occurs.

Goal 7: Coordinate existing and future development with infrastructure capacity.

- *Objective 7-1:* Ensure infrastructure capacity within the Specific Plan area meets future demands.
- *Objective 7-2:* Coordinate future land use planning with sustainable transportation and infrastructure planning.

Goal 8: Ensure development within the Specific Plan area is sensitive to and compatible with surrounding land uses.

- *Objective 8-1:* Ensure that the form, scale, and design of new development, including new construction, renovations, or additions, does not negatively impact the existing surrounding uses and structures.
- *Objective 8-2:* Implement “four-sided architecture” principles that consider the aesthetic quality of development from all sides, whether visible from the public right-of-way or not.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The Final Program EIR includes the Draft Program EIR dated February 2018, written responses on the Draft Program EIR that were received during the 45-day public review period, and written responses to those comments and clarifications/changes to the Program EIR. In conformance with CEQA and the State CEQA Guidelines, the City conducted an extensive environmental review of the Red Hill Avenue Specific Plan Project.

- Completion of the Notice of Preparation (NOP), which was released for a 30-day public review period beginning on April 7, 2017. The NOP was sent to all responsible agencies and the State of California Office of Planning and Research (OPR) State Clearinghouse and was posted at the Orange County Clerk-Recorder’s office and on the City’s website.

- During the NOP review period, one Scoping Meeting was held to solicit input on the content of the Program EIR. The Scoping Meeting was held for agencies and the interested persons and groups. Attendees were provided an opportunity to provide verbal and written comments on the range of actions, alternatives, and environmental issues they felt should be addressed in the Program EIR. The Scoping Meeting was held on April 20, 2017 at the Clifton C. Miller Community Center, 300 Centennial Way, Tustin, CA 92780. The notice of the public Scoping Meeting was included in the NOP.
- The Draft Program EIR was made available for a 45-day public review period (February 1, 2018 to March 19, 2018). The Notice of Availability (NOA) for the Draft Program EIR was published in the February 1, 2018 edition of the Tustin News, a newspaper of general circulation. The NOA was sent to all interested persons, agencies and organizations. The Notice of Completion (NOC) was sent to the State Clearinghouse for distribution to State agencies. The NOA was posted at the Orange County Clerk-Recorder's office on February 1, 2018. Copies of the Draft Program EIR were made available for public review at the City of Tustin Community Development Department and the Tustin Branch Library. The Draft Program EIR was placed on the City's website: <http://www.tustinca.org/depts/cd/planningupdate.as>.
- The Final Program EIR includes the Draft Program EIR, agency and public comments on the Draft Program EIR, responses to those comments, clarifications/revisions to the Draft Program EIR, and appended documents. The Responses to Comments were released on _____, 2018. In compliance with Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines), the City has met its obligation to provide written Responses to Comments to public agencies at least ten days prior to certifying the Final EIR.
- A notice of the Tustin Planning Commission hearing of August 14, 2018 for the Specific Plan Project was published in the _____, 2018 edition of the Tustin News, a newspaper of general circulation; and mailed to all property owners within ____ feet of the Specific Plan area, a minimum of ten days in advance of the Planning Commission hearing consistent with the Tustin City Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City's website.
- A Planning Commission public hearing was held on August 14, 2018.
- A notice of the Tustin City Council hearing of September 18, 2018 for the Project was mailed on _____, 2018 to all property owners of record within ____ feet of the subject site and all individuals that requested to be notified. A notice for the City Council hearing was posted at City Hall as required by established public hearing posting procedures. Additionally, notice for the hearing was published in the _____, 2018 edition of the Tustin News, a newspaper of general circulation.

4. ENVIRONMENTAL EFFECTS WHICH WERE DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE SPECIFIC PLAN PROJECT

As a result of the NOP circulated by the City on April 7, 2017, in connection with preparation of the Draft Program EIR, the City determined, based upon the threshold criteria for significance, that the Project would have no impact or a less than significant impact on the following potential environmental effects noted below, and therefore, determined that these potential environmental effects would not be

addressed in the Draft Program EIR. Based upon the environmental analysis presented in the Draft Program EIR, and the comments received by the public on the Draft Program EIR, no substantial evidence was submitted to or identified by the City which indicated that the Project would have an impact on the identified environmental topics within the following environmental areas:

- (a) *Aesthetics and Visual Resources – Scenic Highway Resources:* There are no rock outcroppings or any other scenic resources within the Specific Plan area. There are ornamental trees located in landscaped areas but the trees are not considered scenic resources. Additionally, there are no State scenic highways adjacent to or in the vicinity of the Specific Plan area. The Specific Plan area is not within a State scenic highway nor is the Specific Plan area visible from any officially designated or eligible scenic highway.
- (b) *Agriculture and Forestry Resources:* The Specific Plan area does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No portion of the Specific Plan area is covered by a Williamson Act Contract. Additionally, the Specific Plan area does not include forest resources, including timberlands, and is not zoned for agriculture.
- (c) *Biological Resources:* The Specific Plan area is in a developed part of the City and does not contain sensitive habitat or protected species. It does not contain riparian habitat or any water resources.
- (d) *Geology and Soils:* Land uses within the Specific Plan area do not require the use of septic tanks. Therefore, whether soils can support the use of septic tanks is not relevant to the Project.
- (e) *Hazards and Hazardous Materials:* The Project would not expose people or structures to wildland fires and the Specific Plan area is not located within the vicinity of a public airport or private airstrip.
- (f) *Hydrology and Water Quality:* The Specific Plan area is outside of the 100-year and 500-year flood zones. The area is also approximately 10 miles from the Pacific Ocean and approximately 100 feet above mean sea level. The area is not at risk from tsunami inundation, a seiche, or mudflows.
- (g) *Land Use and Planning:* The Specific Plan Project would not divide an established community. The Specific Plan's goal is to promote revitalization of the area by adding a mix of land uses. The Project would not introduce new roadways or infrastructure that would bisect or transect the existing uses. The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.
- (h) *Mineral Resources:* The Specific Plan area is not currently being used for mineral mining purposes nor is it zoned for such uses.
- (i) *Noise:* The Specific Plan area is not within two miles of a private or public airport and is not located within the John Wayne Airport's Airport Environs Land Use Plan.

- (j) *Population, Housing, and Employment:* The Project would not displace existing residential units or residents.

As a result of the preparation of the Program EIR, the City determined, based upon the threshold criteria for significance, that the Specific Plan would have no impact or a less than significant impact on the topics noted below; no standard conditions or mitigation measures would be required. Based upon the environmental analysis presented in the Program EIR, and the comments received by the public on the Draft Program EIR, no substantial evidence was submitted to or identified by the City which indicated that the Project would have an impact as noted within the following environmental areas evaluated in the Program EIR:

- (a) *Aesthetics and Visual Resources:* There are no scenic vistas within or viewed from the Specific Plan area. Implementation of the Specific Plan would alter the existing visual character with the goal of improving it. With compliance with the Specific Plan Design Criteria and Land Use Regulations, the City's General Plan, and the Tustin City Code, impacts to visual resources would be less than significant. Future development within the Specific Plan area would introduce new sources of lighting. Compliance with the land use regulations and the Design Criteria of the Specific Plan, the General Plan, and the Tustin City Code would preclude significant impacts.
- (b) *Air Quality:* Proposed land uses are not considered uses associated with odor complaints by the South Coast Air Quality Management District.
- (c) *Cultural Resources:* Implementation of the Red Hill Avenue Specific Plan would not cause significant adverse effects to historic resources.
- (d) *Geology and Soils:* The Specific Plan area is not within an Alquist-Priolo Earthquake Fault Zone and no known active faults cross the area. The Specific Plan area is relatively level without threat of landslides.
- (e) *Greenhouse Gas Emissions.* Implementation of the Specific Plan would not interfere with the implementation of the Southern California Association of Government's (SCAG's) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), or the California Air Resources Board's (CARB's) Scoping Plan consistent with Assembly Bill (AB) 32.
- (f) *Hazards and Hazardous Materials:* Allowable land uses would not emit hazardous emissions or materials within one-quarter mile of a school or interfere with an adopted emergency response plan or evacuation plan.
- (g) *Hydrology and Water Quality.* The Project would not interfere with groundwater recharge or deplete groundwater supplies.
- (h) *Land Use and Planning:* Implementation of the Specific Plan would not conflict with applicable land use policies.
- (i) *Noise:* Implementation of the Specific Plan would not result in a substantial permanent increase in ambient noise levels in the Specific Plan area.

- (j) *Population, Housing, and Employment:* The Specific Plan’s forecasted population, housing, and employment growth are within SCAG’s overall projections for the City of Tustin.
- (k) *Public Services:* The Project can be served by the Tustin Police Department without adverse effects on police services. New residents would nominally increase the demand on library services. The Tustin Library would continue to meet the County’s standard for library size with buildout of the Specific Plan.
- (l) *Transportation and Traffic:* Road segments within the traffic study area would continue to operate at acceptable levels of service. No Congestion Management Program (CMP) facilities would be impacted. No impacts related to air traffic patterns are associated with the Project. Implementation of the Specific Plan would not result in any significant impacts related to design features or incompatible uses with compliance with applicable Tustin City Code standards and the design review process for individual development projects under the Specific Plan nor would circulation through the Specific Plan area adversely affect emergency access. Lastly, the Specific Plan encourages public transit, and would provide bicycle and pedestrian facilities.
- (m) *Utilities:* Wastewater flows would not exceed the established wastewater treatment requirements. Utility service providers can serve buildout of the Specific Plan without adversely affecting their ability to continue serving the area. There would be less than significant impacts to additional demand for electric and natural gas services and infrastructure with implementation of the Specific Plan.

5. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS

The following potentially significant environmental impacts were analyzed in the Program EIR, and the effects of the Project were considered in the Program EIR. Where as a result of the environmental analysis of the Project, compliance with existing laws, codes and statutes, and the identification of feasible mitigation measures (together referred herein as the Mitigation Program), the following potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1) that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment,” which is referred to herein as “Finding 1”. Where the potential impact can be reduced to less than significant solely through adherence to and implementation of standard conditions, these measures are considered “incorporated into the project” which mitigate or avoid the potentially significant effect, and in these situations, the City also will make “Finding 1” even though no mitigation measures are required.

Where the City has determined pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2) that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,” the City’s findings is referred to herein as “Finding 2”.

Where, as a result of the environmental analysis of the Project, the City has determined that either: (a) even with compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a less than significant level; or

(b) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report,” referred to herein as “Finding 3”.

Air Quality

(1) Potential Impact: With respect to potential conflicts with the applicable South Coast Air Quality Management District’s (SCAQMD) Air Quality Management Plan (AQMP), the AQMP provides controls sufficient to attain the Federal and State ozone and particulate standards based on the long-range growth projections for the region. Implementation of the Specific Plan would incrementally exceed population growth forecasted in the RTP/SCS on which the 2016 AQMP is based, as well as exceed SCAQMD operational thresholds.

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City has determined that while the above-described impact can be partially mitigated the incorporation of Standard Condition (SC) 4.2-1 and SC 4.2-2 and Mitigation Measure (MM) 4.2-1 through MM 4.2-3 (set forth below), this impact cannot be mitigated to a less than significant level. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, the City hereby also makes Finding 3 which would require the adoption of a Statement of Overriding Considerations as a condition of Project approval.

Facts in Support of Finding: Although the Project’s long-term impacts would be consistent with the 2016 AQMP and SCAG’s goals and policies, the Specific Plan’s exceedance of population forecasts and operational nitrogen oxide (NO_x) thresholds would potentially result in a long-term impact on the region’s ability to meet State and Federal air quality standards. Construction-related air quality impacts would be considered significant and unavoidable due to the potential magnitude of construction that could occur from implementation of the Specific Plan. Impacts associated with AQMP compliance would be significant and unavoidable due to the exceedance of SCAQMD’s NO_x operational thresholds.

The Specific Plan Project, which encourages mixed-use, infill development with access to alternative transportation, is consistent with regional policies established in the 2016 RTP/SCS that promote alternative modes of transport and “livable corridors” to reduce air quality impacts from vehicle emissions. Specific Plan implementation would improve the job-housing balance in the City, which reduces vehicle miles traveled by residents to employment opportunities outside the City. Although the Specific Plan would be consistent with the goals of the RTP/SCS to reduce vehicle miles traveled and associated air pollutant emissions, the Project would exceed population forecasts on which the AQMP is based. Implementation of mitigation measures and compliance with SCAQMD rules would reduce conflicts and obstruction of the AQMP; however, the combined emissions from future new development in the Specific Plan area would exceed SCAQMD operational thresholds.

Exceeding these thresholds has the potential to hinder the region's compliance with the AQMP.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project.

SC 4.2-1 **Dust Control.** During construction of future development within the Specific Plan area, project applicants shall require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 in order to minimize short-term emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off-site. SCAQMD Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 lists the Best Available Control Measures that are applicable to all construction projects. The measures include, but are not limited to, the following:

- **Clearing and grubbing:** Apply water in sufficient quantity to prevent generation of dust plumes.
- **Cut and fill:** Pre-water soils prior to cut and fill activities and stabilize soil during and after cut and fill activities.
- **Earth-moving activities:** Pre-apply water to depth of proposed cuts; re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction; and stabilize soils once earth-moving activities are complete.
- **Importing/exporting of bulk materials:** Stabilize material while loading to reduce fugitive dust emissions; maintain at least six inches of freeboard on haul vehicles; and stabilize material while transporting to reduce fugitive dust emissions.
- **Stockpiles/bulk material handling:** Stabilize stockpiled materials; stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 feet in height, must have a road bladed to the top¹ to allow water truck access, or must have an operational water irrigation system that is capable of complete stockpile coverage.
- **Traffic areas for construction activities:** Stabilize all off-road traffic and parking areas; stabilize all haul routes; and direct construction traffic over established haul routes.

Rule 403 defines large operations as projects with 50 or more acres of grading or with a daily earth-moving volume of 5,000 cubic yards at least 3

¹ Refers to a road to the top of the pile.

times in 1 year. Future development within the Specific Plan would potentially be considered a large operation. Large operations are required to implement additional dust-control measures (as specified in Tables 2 and 3 of Rule 403); provide additional notifications, signage, and reporting; and appoint a Dust Control Supervisor.

The Dust Control Supervisor is required to:

- Be employed by or contracted with the Property Owner or Developer;
- Be on the site or available on site within 30 minutes during working hours;
- Have the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule 403 requirements; and
- Have completed the AQMD Fugitive Dust Control Class and have been issued a valid Certificate of Completion for the class.

SC 4.2-2 Architectural Coatings. Architectural coatings shall be selected so that the VOC content of the coatings is compliant with SCAQMD Rule 1113. This requirement shall be included as notes on the contractor specifications.

MM 4.2-1 Electric Vehicle (EV) Charging Stations. Prior to the issuance of building permits, the City's Building Official shall confirm that project plans and specifications designate that vehicle parking spaces developed within the Specific Plan area shall be EV ready to encourage EV use and appropriately size electrical panels to accommodate future expanded EV use.

MM 4.2-2 Vanpool/Rideshare Programs. Prior to the issuance of occupancy permits, the City's Building Official shall confirm that future commercial uses within the Specific Plan area include Codes, Covenants, and Restrictions (CC&Rs) that provide for a voluntary vanpool/shuttle and employee ridesharing programs for which all employees shall be eligible to participate. The voluntary ride sharing program could be achieved through a multi-faceted approach, such as designating a certain percentage of parking spaces for ride-sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and/or providing a web site or message board for coordinating rides. This measure is not applicable to residential uses.

MM 4.2-3 Operational Emissions Reductions. Prior to the issuance of building permits, the City's Planning Official shall confirm that project plans and specifications consider and mitigate the impacts on regional air quality and GHG emissions when reviewing proposals for new development. Impacts shall be evaluated in accordance with SCAQMD recommended methodologies and procedures. Recommended mitigation measure may include, but are not limited to, the following:

- Install heat transfer modules in all furnaces;

- Install solar panels for water heating systems for residential and other facilities;
- Incorporate renewable energy sources in the project design (e.g., solar photovoltaic panels).
- Include passive solar cooling/heating design elements in building designs;
- Include design elements that maximize use of natural lighting in new development;
- Include provisions to install energy efficient appliances and lighting in new development.
- Install higher efficacy public street and exterior lighting.
- Increase project density.
- Incorporate design measures that promote bicycle, pedestrian, and public transportation use.
- Provide preferential parking spaces for alternatively-fueled vehicles.
- Incorporate measures that reduce water use and waste generation.
- Provide informational materials on low ROG/VOC consumer products, cleaners, paints, and other products, as well as the importance of recycling and purchasing recycled material. Informational materials shall be provided to residential and commercial occupants through CC&R requirements.
- Incorporate measures and design features that promote ride sharing and consistency with the commute-reduction requirements of SCAQMD Rule 2202 (On-Road Motor Vehicle Mitigation Options).

(2) Potential Impact: The Specific Plan Project would violate air quality standards and/or contribute substantially to an existing or projected air quality standard.

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Program EIR. However, the City has determined that while the above-described impact can be partially mitigated the incorporation of SC 4.2-1 and SC 4.2-2, and MM 4.2-1 through MM 4.3, this impact cannot be mitigated to a less than significant level. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, the City hereby also makes Finding 3 which would require the adoption of a Statement of Overriding Considerations as a condition of Project approval.

Facts in Support of Finding: Construction activities would consist of grading, demolition, excavation, cut-and-fill, paving, building construction, and application of architectural coatings. Construction worker vehicle trips, building material deliveries, soil hauling, etc. would occur during construction. Quantifying individual future development's air emissions

from short-term, temporary construction-related activities would be speculative due to project-level variability and uncertainties concerning locations, detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. Depending on how development proceeds, construction-related emissions associated with future development could exceed SCAQMD thresholds of significance. Therefore, construction-related air quality impacts would be considered significant and unavoidable due to the potential magnitude of construction that could occur from implementation of the Specific Plan.

Specific Plan-generated emissions would exceed SCAQMD recommended thresholds for Reactive Organic Gases (ROG) and NO_x. The SCAQMD's significance thresholds would be relied upon to determine the significance level of a future project's operational impact. While some of the individual development projects may be able to incorporate design and reduction features that would reduce emissions to below SCAQMD thresholds, the overall Project was evaluated for significance consideration. At a programmatic level, operational emissions would exceed thresholds and impacts would be potentially significant.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.2-1 and SC 4.2-2 are applicable (see above)

MM 4.2-1, MM 4.2-2, and MM 4.2-3 are applicable (see above)

(3) Potential Impact: The Project would result in a cumulatively considerable net increase of criteria pollutants for which the Air Basin is in nonattainment under an applicable National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS).

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Program EIR. However, the City has determined that while the above-described impact can be partially mitigated the incorporation of SC 4.2-1 and SC 4.2-2, and MMs 4.2-1 through 4.2-3, this impact cannot be mitigated to a less than significant level. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, the City hereby also makes Finding 3 which would require the adoption of a Statement of Overriding Considerations as a condition of Project approval.

Facts in Support of Finding: The Air Basin is designated nonattainment for the Federal and State one-hour and eight-hour ozone standards, the Federal and State PM₁₀ standards, the Federal 24-hour PM_{2.5} standard, and the State and Federal annual PM_{2.5} standard. Future Specific Plan development could result in increased emissions of regional criteria air pollutants and precursors that would be forecasted to exceed SCAQMD's project-level significance thresholds. Although these thresholds are intended to apply to individual development projects, future development within the Specific Plan area could contribute to an increase in frequency and/or severity of air quality violations, which may delay attainment of the ambient air quality standards. Emissions with some future projects could

potentially exceed SCAQMD-recommended significance thresholds. Therefore, the Project's contribution to regional pollutant concentrations would be cumulatively considerable.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.2-1 and SC 4.2-2 are applicable (see above)

MM 4.2-1, MM 4.2-2, and MM 4.2-3 are applicable (see above)

(4) Potential Impact: The Specific Plan Project could expose sensitive receptors to substantial pollutant concentrations.

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Program EIR, as a result of the implementation of MM 4.2-4.

Facts in Support of Finding: I-5 bisects the Specific Plan area. Residential units could be constructed as close as 100 feet from I-5. The proximity of potential future development to I-5 poses a concern for toxic air contaminants (TAC) exposure. MM 4.2-5 requires a project-specific Health Risk Assessment (HRA) be conducted for future residential uses proposed within 500 feet of I-5.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

MM 4.2-4 Toxic Air Contaminants/Health Risk Assessment. A project-specific Health Risk Assessment shall be conducted for future residential development proposed within 500 feet of the Interstate 5 right-of-way, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. The Health Risk Assessment shall evaluate a project per the following SCAQMD thresholds:

- Cancer Risk: Emit carcinogenic or toxic contaminants that exceed the maximum individual cancer risk of 10 in one million.
- Non-Cancer Risk: Emit toxic contaminants that exceed the maximum hazard quotient of one in one million.

The SCAQMD has also established non-carcinogenic risk parameters for use in HRAs. Noncarcinogenic risks are quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index less than one (1.0) means that adverse health effects are not expected. If projects are found to exceed the SCAQMD's Health Risk Assessment thresholds, mitigation shall be incorporated to reduce impacts to below SCAQMD thresholds.

Cultural and Tribal Cultural Resources

(1) Potential Impact: Grading and excavation activities could impact unknown archaeological resources.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of the mitigation.

Facts in Support of Finding: An archaeological and historical records search was conducted at the South Central Coastal Information Center of the California Historic Resources Inventory System (CHRIS); no resources within the Specific Plan area have been recorded. Although the Specific Plan area has been disturbed, there is the potential for Project implementation to affect previously unidentified archaeological resources. MM 4.3-1 requires future developments under the Specific Plan to retain an archaeologist to determine if any found archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines § 15064.5(a)) and/or unique archaeological resource (Public Resources Code § 21083.2(g)).

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation is applicable:

MM 4.3-1 The State CEQA Guidelines (14 CCR §15126.4[b][3]) direct public agencies, wherever feasible, to avoid damaging historical resources of an archaeological nature, preferably by preserving the resource(s) in place. Preservation in place options suggested by the State CEQA Guidelines include (1) planning construction to avoid an archaeological site; (2) incorporating the site into open space; (3) capping the site with a chemically stable soil; and/or (4) deeding the site into a permanent conservation easement.

Prior to issuance of a grading permit for grading of 2 feet or more in depth below the natural or existing grade, the applicant/developer shall provide written evidence to the City Planning Division that a qualified archaeologist has been retained by the applicant/developer to respond on an as-needed basis to address unanticipated archaeological discoveries and any archaeological requirements (e.g., conditions of approval) that are applicable to the project. The applicant/developer is encouraged to conduct a field meeting prior to the start of construction activity with all construction supervisors to train staff to identify potential archaeological resources. In the event that archaeological materials are encountered during ground-disturbing activities, work in the immediate vicinity of the resource shall cease until a qualified archaeologist has assessed the discovery and appropriate treatment pursuant to CEQA Guidelines Section 15064.5 is determined.

If discovered archaeological resources are found to be significant, the archaeologist shall determine, in consultation with the City and any local Native American groups expressing interest following notification by the City, appropriate avoidance measures or other appropriate mitigation. Per

CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that confirmed resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, such as data recovery, reburial/ relocation, deposit at a local museum that accepts such resources or other appropriate measures, in consultation with the implementing agency and any local Native American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as an historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2.

(2) Potential Impact: Grading and excavation activities could impact unknown unique paleontological resources.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of mitigation.

Facts in Support of Finding: A paleontological records search identified no vertebrate fossil localities within the Specific Plan area but here are nearby localities from the same sedimentary deposits that probably occur subsurface at the area. The records search determined that surface grading or shallow excavations in the younger Quaternary deposits would likely not uncover significant vertebrate fossil remains. Deeper excavations that extend down into older Quaternary deposits may encounter significant fossil vertebrate specimens. MM 4.3-2 requires that a paleontologist be retained to determine if any found paleontological resources require further treatment.

MM 4.3-2 Prior to issuance of any grading or building permits for any development projects under the Red Hill Avenue Specific Plan, the applicant shall provide a letter to the City of Tustin Community Development Department, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by the County of Orange, stating that the applicant has retained this individual and that the paleontologist shall provide on-call services in the event resources are discovered. The paleontologist shall be present at the pre-grading conference to establish procedures for paleontological resource surveillance. If paleontological resources are discovered during any development project within the Red Hill Avenue Specific Plan area, ground-disturbing activity within 50 feet of the area of the discovery shall cease.

If the find is determined by paleontologists to require further treatment, the area of discovery will be protected from disturbance while qualified paleontologists and appropriate officials, in consultation with a recognized museum repository (e.g., National History Museum of Los Angeles County), determine an appropriate treatment plan.

(3) Potential Impact: The Project would not disturb any known human remains, including those interred outside of formal cemeteries.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: The Specific Plan area has been previously disturbed and developed. There is no indication that there are burials present and it is unlikely that human remains would be discovered during future development. In the event that human remains are discovered during ground disturbing activities, SC 4.3-1 addresses procedures to follow the discovery of suspected human remains. Compliance with existing law would ensure that impacts to human resources would not occur.

SC 4.3-1 California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the Specific Plan area, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of 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, in the manner provided in Section 5097.98 of the Public Resources Code. 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 human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

(4) Potential Impact: Grading and excavation activities could impact unknown tribal cultural resources.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of the MM 4.3-1.

Facts in Support of Finding: An archaeological and historical records search was conducted at the CHRIS; no tribal cultural resources within the Specific Plan area have been recorded. In compliance with AB 52 and SB 18, the City provided formal notification to California Native American tribal representatives and entered into consultation with the Gabrieleño Band of Mission Indians – Kizh Nation. Although the Specific Plan area has been disturbed, there is the potential for Project implementation to affect previously unidentified resources. MM 4.3-1 is applicable.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation is applicable:

MM 4.3-1 is applicable (see above)

Geology and Soils

(1) Potential Impact: The Specific Plan area is in a seismically active area. Development could expose people or structures to potential substantial adverse effects associated with strong seismic ground shaking.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: The City is in an area designated to have a moderate to high potential for ground shaking associated with regional earthquake activity. Future development within the Specific Plan area would be required to comply with the seismic design requirements of the California Building Code (or applicable adopted code at the time of plan submittal or grading and building permit issuance for construction) which would reduce anticipated impacts related to the proximity of earthquake faults by requiring structures to be built to withstand seismic ground shaking. Projects would need to comply with the Tustin City Code which regulates grading, drainage, and cut and fill activities. SC 4.4-1 identifies that the issuance of grading permits is subject to approval of geological and soils engineering reports. SC 4.4-2 requires geotechnical evaluation to identify appropriate engineering design measures to reduce potential impacts relative to strong seismic ground shaking.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.4-1 Projects are required to comply with Tustin City Code, Chapter 9, Grading and Excavation. Prior to the issuance of any grading permits, the grading plans shall be accompanied by geological and soils engineering reports and shall incorporate all information as required by the City. Grading plans shall indicate all areas of grading. Grading plans shall provide for temporary erosion control on all graded sites scheduled to remain unimproved for more than 30 days.

SC 4.4-2 A specific geotechnical survey shall be prepared by a certified geotechnical engineer to confirm/refine engineering design parameters regarding site preparation, grading, and foundation design, to assure design criteria are responsive to specific development site soils and potential effects of differential settlements resulting from ground shaking, as well as effects of subsidence, lateral spreading, and collapse potential. All geotechnical recommendations shall be noted on individual site development plans and implemented prior to issuance of an occupancy permit.

Project-specific geotechnical measures shall be developed, as needed, based on the design-level geotechnical report and depicted on plans prepared by the geotechnical engineer of record or on plan sheets included

within final grading plans, and subject to the approval by the City of Tustin Building Division and/or the Public Works Department.

(2) Potential Impact: The Specific Plan could expose people or structures to liquefaction during a seismic event.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: Earth materials underlying the Specific Plan area are susceptible to limited amounts of seismically-induced liquefaction. Most of the Specific Plan area is mapped as a Liquefaction Zone (CGS, 2001). Site-specific geotechnical investigations would be required for future development projects. Remedial grading including the replacement of unsuitable soil materials with suitable engineered fill materials can preclude liquefaction impacts.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.4-1 and SC 4.4-2 are applicable (see above)

(3) Potential Impact: Future development within the Specific Plan area could result in soil erosion.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: During construction, future development projects would be required to comply with the NPDES permitting process for sites greater than one acre or the City's requirements for an Erosion and Sediment Control Plan for sites less than one acre; see SC 4.4-3, SC 4.7-1, and SC 4.7-2. The NPDES permitting process requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The General Permit would include erosion-control and sediment-control Best Management Practices (BMPs) to be implemented throughout the construction process which would prevent or reduce erosion. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. Upon completion of projects, sites would be fully developed and landscaped. The potential for soil erosion or loss would be extremely minimal.

SC 4.4-3 Future developments shall limit grading to the minimum area necessary for construction. Final grading plans shall include best management practices (BMPs) to limit on-site and off-site erosion and a water plan to treat disturbed areas during construction and reduce dust. The plans shall be submitted to the City of Tustin Building Division and/or the Public Works

Department for review and approval prior to the issuance of a grading permit.

SC 4.7-1 Prior to the issuance of grading permits for any development projects under the Red Hill Avenue Specific Plan that would disturb more than one acre, the project applicant shall submit to the Department of Public Works an approved copy of the Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to comply with the General Permit for Construction Activities, confirming to the Current National Pollutant Discharge Elimination System (NPDES) requirements. The SWPPP shall be made part of the construction program. This SWPPP shall detail measures and practices that would be in effect during construction to minimize the individual project's impact on water quality and storm water runoff volumes. The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the future development is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows and for nuisance flows during construction.

SC 4.7-2 Prior to issuance of grading permits for any development projects under the Red Hill Avenue Specific Plan, the project applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the project, subject to the approval of the Department of Public Works. The WQMP shall include appropriate BMPs and low impact development (LID) techniques to ensure project runoff is adequately treated.

(4) Potential Impact: The Specific Plan area includes expansive soils.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: Soils that expand and contract in volume ("shrink-swell" pattern) are considered expansive and may cause damage to aboveground infrastructure as a result of density changes that shift overlying materials. Fine-grain clay sediments are most likely to exhibit shrink-swell patterns in response to changing moisture levels. Where expansive soils are present, remedial grading including the replacement of unsuitable soil materials with suitable engineered fill materials is anticipated to be required. The City's continued compliance with State and local regulations, inclusive of SC 4.4-1 and SC 4.4-2, would preclude potentially significant impacts.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation is applicable:

SC 4.4-1 and SC 4.4-2 are applicable (see above)

Greenhouse Gas Emissions

(1) Potential Impact: The Specific Plan’s cumulative contribution of greenhouse gas (GHG) emissions would exceed SCAQMD’s 4.1 metric tons (MT) carbon dioxide equivalent (CO₂e) per year threshold, and the Specific Plan’s cumulative GHG impacts would also be cumulatively considerable and potential impacts are considered significant and unavoidable.

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The City has determined that while the above-described impact can be partially mitigated the incorporation of SC 4.2-1 and SC 4.2-2 and MM 4.2-1 through MM 4.2-3, this impact cannot be mitigated to a less than significant level. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, the City hereby also makes Finding 3 which would require the adoption of a Statement of Overriding Considerations as a condition of Project approval.

Facts in Support of Finding: Annual (construction, operational, and mobile) GHG emissions from implementation of the Specific Plan would total approximately 9.1 MT of CO₂e per service population. Under a worst-case scenario, these emissions would exceed the 4.1 MT CO₂e per year threshold. Despite consistency with the policies and initiatives of State GHG reduction programs as well as the regional RTP/SCS strategies, implementation of the Specific Plan would exceed growth projections for the area in the RTP/SCS and result in an increase of GHG emissions that would exceed the SCAQMD’s significance criteria.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.2-1 and SC 4.2-2 are applicable (see above)

MM 4.2-1, MM 4.2-2, and MM 4.2-3 are applicable (see above)

Hazards and Hazardous Materials

(1) Potential Impact: Implementation of the Specific Plan could potentially create a hazard to the public or the environment through exposure to contaminated soil or groundwater, as a result of a previous hazardous material incident at a property within the Specific Plan area.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of mitigation.

Facts in Support of Finding: There are hazardous materials regulated facilities within the Specific Plan area with known or unknown history of contamination. The contamination status of each property would be reevaluated, when the individual site changes land use. In addition to known facilities, future development on a site with a current or former hazardous materials regulated facility would need to be evaluated in consultation with Orange County Health Care Agency, Environmental Health Division (OCHCA-EH) to determine if there is a contamination risk to the proposed land use. Remediation of a contaminated site to applicable standards for the proposed land use may be required as described in MM 4.6-1. Compliance with all applicable Federal, State and regional

regulations, and implementation of MM 4.6-1 would reduce potential impacts to the public or environment.

MM 4.6-1 Prior to issuance of grading permits, a human health risk evaluation shall be prepared by a qualified environmental professional in consultation with Orange County Health Care Agency, Environmental Health Division (OCHCA-EH) for any individual site application proposed on a site with a current or former hazardous materially regulated facility to determine if there is a contamination risk to the proposed land use. Remedial activities, if necessary, may be required, in consultation with OCHCA-EH.

(2) Potential Impact: The Specific Plan area is not included on a hazardous site list compiled pursuant to California Government Code Section 65962.5.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of mitigation.

Facts in Support of Finding: The Specific Plan area is not included on a hazardous site list compiled pursuant to California Government Code Section 65962.5 (DTSC, 2017). However, review of regulatory databases through Environmental Data Resources, Inc. (EDR), the California State Water Resources Control Board GeoTracker, and the Department of Toxic Substances Control (DTSC) Envirostor indicate that there are multiple listings currently present within the Specific Plan area that have or previously had cases associated with hazardous material spills, violations or incidents. Implementation of MM 4.6-1 would reduce potential impacts to the public or environment from a hazardous material site.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

MM 4.6-1 is applicable (see above)

Hydrology and Water Quality

(1) Potential Impact: Implementation of the Specific Plan would have the potential to adversely impact water quality in downstream receiving waters through the discharge of runoff that contains various pollutants of concern.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: Clearing, grading, excavation, and construction activities associated with the Project may impact water quality by induced sheet erosion of exposed soils and the subsequent deposition of particulates in local drainages. Grading activities and sediment stockpiles can lead to exposed areas of loose soil that are susceptible to uncontrolled sheet flow and wind erosion. Impacts can also occur from sediment laden runoff and mobilization of pollutants associated with vehicle staging and operation.

In compliance with NPDES regulations, the State of California requires that any construction activity disturbing one acre or more of soil comply with the General Construction Activity Storm Water Permit (Construction General Permit). The permit requires development and implementation of a SWPPP and monitoring plan, which must include erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction General Permit to control potential construction-related pollutants (SC 4.7-1).

Prior to issuance of any grading permits for any development project within the Specific Plan area, a preliminary WQMP would be submitted as part of the entitlement process for development projects; the preliminary WQMP would outline the required quantities of storm water required to be treated and the appropriate treatment methods (SC 4.7-2).

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.7-1 and SC 4.7-2 are applicable (see above)

(2) Potential Impact: The Project would not substantially alter the existing drainage pattern of the Specific Plan area in a manner which would result in a substantial on-site or off-site erosion or siltation, flooding, or polluted runoff.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions and mitigation measures.

Facts in Support of Finding: Because of the predominately developed nature of the Specific Plan area, it is anticipated that the storm drain system would largely maintain the same existing drainage patterns and connectivity. Construction within the Specific Plan area would not substantially increase or change the overall drainage areas from existing to the proposed condition. Individual drainage areas could be slightly altered. Hydromodification measures would not be required but BMPs would be required to treat the drainage associated with the proposed impervious areas. MM 4.7-1 requires an applicant to prepare a hydrology and hydraulics analysis demonstrating that the existing condition flow rates are not exceeded by Project flow rates. Where a development site does not have a direct connection to the City's existing storm drain system, MM 4.7-2 requires an applicant to prepare a hydraulic analysis of the downstream storm drain system to demonstrate no significant impacts to the City storm drain infrastructure.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.7-1 and SC 4.7-2 are applicable (see above)

SC 4.7-3 Projects within the Specific Plan area would be subject to conditions imposed by the City of Tustin Community Development Department and the Public Works Department in accordance with Section 4902 (Control of Urban Runoff) of the Tustin City Code which requires the project applicant to provide all drainage facilities necessary for the removal of surface water from a site and to protect off-site properties from a project's water runoff.

The storm drain system must be designed in accordance with the standards of the Orange County Flood Division.

MM 4.7-1 Prior to issuance of any grading or building permits for any development projects under the Red Hill Avenue Specific Plan, the project applicant shall prepare and submit to the Department of Public Works a hydrology and hydraulics analysis demonstrating that the existing condition flow rates are not exceeded by the proposed project flow rates.

MM 4.7-2 Prior to issuance of any grading or buildings permits for any development projects under the Red Hill Avenue Specific Plan that do not have a direct connection to the City's existing storm drain system, shall provide to the Department of Public Works hydraulic analyses of the downstream storm drain system that demonstrate no significant impacts to the City storm drain infrastructure.

Noise

(1) Potential Impact: Future projects within the Specific Plan area would generate noise associated with construction activities, stationary equipment, and operational activities.

Finding: The City hereby makes Finding 1 and determines that this impact is Less Than Significant as a result of the implementation of standard conditions and mitigation measures.

Facts in Support of Finding:

Construction Noise: Individual projects within the Specific Plan area would generate temporary construction noise that could exceed existing ambient noise levels in the area, but construction noise would be short-term in duration and would cease with the completion of individual development projects. Noise impacts associated with construction activity are a function of the noise generated by construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Construction of individual projects within the Specific Plan area would be required to occur within the hours, as specified in the Tustin City Code, per Section 4616(2); refer to SC 4.9-1. MM 4.9-1 provides Best Management Practices such as noise barriers, using sound dampening mats or blankets on engine compartments of heavy mobile equipment, and limiting haul trips.

Stationary Noise: New stationary noise sources would result in small noise level increases that in some instances would be proximate to noise-sensitive land uses. Projects would be required to comply with SC 4.9-2 which establishes exterior noise levels at set forth in the General Plan Noise Element. No significant impacts would occur.

Operational Noise: The Specific Plan would increase the number of delivery and trash hauling trucks traveling through the Specific Plan area. Tustin City Code Chapter 3, Section 4313 prohibits the collection of solid waste from within 200 feet of any residences in the City between the hours of 6:00 PM and 7:00 AM and on Federal holidays. Delivery and trash truck trips in the Specific Plan area would be a periodic source of operational noise. Trash trucks

would be required to comply with the Tustin City Code standards for trash collection vehicles and delivery trucks would be subject to State regulations.

Due to the existing ambient noise and traffic noise within the Specific Plan area, potential future residential units could be exposed to exterior noise levels greater than 65 dBA CNEL, which is considered normally incompatible by the City of Tustin General Plan Noise Element. The City requires proposed developments to prepare and submit an acoustical report to demonstrate compliance with the General Plan and to identify all reasonable and feasible measures to satisfy the 65 dBA CNEL exterior noise level standard and 45 dBA CNEL interior noise level standard. With implementation of existing regulations, as implemented through SC 4.9-2, impacts related to development of residential units within the Specific Plan area would be anticipated to be less than significant.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

- SC 4.9-1** To ensure compliance with Tustin City Code, grading and construction plans shall include a note indicating that loud noise-generating project construction activities (as defined in Section 4616(2) and Section 4617(e) of the Tustin City Code) shall take place between the hours of 7:00 AM and 6:00 PM on weekdays and from 9:00 AM to 5:00 PM on Saturdays. Loud, noise-generating construction activities are prohibited outside of these hours and on Sundays and City observed Federal holidays.
- SC 4.9-2** Development projects are required to meet or exceed the 65 dBA CNEL exterior noise level standard, as defined by Table N-3 of the City of Tustin General Plan Noise Element, and the 45 dBA CNEL interior noise level standard of the City of Tustin General Plan Noise Element, and by Title 24, Part 2, of the California Building Code.
- MM 4.9-1** **Construction Noise.** Prior to approval of grading plans, the City of Tustin Building Division shall ensure that plans include Best Management Practices to minimize construction noise. Construction noise Best Management Practices may include the following:
- Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards, and all stationary construction equipment shall be placed so that emitted noise is directed away from the noise sensitive use nearest the construction activity.
 - The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receiver nearest to the construction activity.
 - The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment by Tustin City Code Article 4, Chapter 6, Section 4617. The contractor shall design delivery routes to minimize the exposure of sensitive land uses to delivery truck noise.

- Construction activity within 50 feet of occupied noise sensitive uses shall reduce construction noise levels exceeding 85 dBA Leq at nearby sensitive land uses by one or more of the following methods to reduce noise to below 85 dBA Leq:
 1. Install temporary construction noise barriers within the line of site of occupied sensitive uses for the duration of construction activities that could generate noise exceeding 85 dBA Leq. The noise control barrier(s) must provide a solid face from top to bottom and shall:
 - a. Provide a minimum transmission loss of 20 dBA and be constructed with an acoustical blanket (e.g. vinyl acoustic curtains or quilted blankets) attached to the construction site perimeter fence or equivalent temporary fence posts;
 - b. Be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired; and
 - c. Be removed and the site appropriately restored upon the conclusion of the construction activity.
 2. Install sound dampening mats or blankets to the engine compartments of heavy mobile equipment (e.g. graders, dozers, heavy trucks). The dampening materials must be capable of a 5-dBA minimum noise reduction, must be installed prior to the use of heavy mobile construction equipment, and must remain installed for the duration of the equipment use.

(2) Potential Impact: Construction of individual projects within the Specific Plan area could generate vibration impacts at nearby sensitive receptors.

Finding: The City hereby makes Finding 1 and determines that this impact is Less Than Significant as a result of the implementation of mitigation.

Facts in Support of Finding: Construction activity associated with implementation of the Specific Plan would be a temporary source of groundborne vibration. Buildings near a construction site respond to vibration to varying degrees ranging from imperceptible effects at the lowest levels, to low rumbling sounds and perceptible vibrations at moderate levels, and up to minor damage at the highest vibration levels. Vibration levels attenuate quickly over distance, so vibration would not be noticeable at receptors outside of the immediate vicinity of construction. MM 4.9-2 would minimize and avoid vibration impacts should pile-driving be required associated with a future development project.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

MM 4.9-2 Construction Vibration. The following measures shall be implemented by applicants for development within the Red Hill Avenue Specific Plan area to reduce construction vibration at nearby receptors:

- a. Avoid impact pile-driving where possible.
- b. In areas where project construction is anticipated to include pile drivers in close proximity to schools or historic structures, conduct site-specific vibration studies to determine the area of impact and to present appropriate vibration reduction techniques that may include the following:
 - Develop a vibration monitoring and construction contingency plan to identify structures where monitoring should be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
 - Identify construction contingencies for when vibration levels approach the standards.
 - At a minimum, conduct vibration monitoring during pile-driving activities. Monitoring results may indicate the need for more or less intensive measurements.
 - When vibration levels approach standards, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
 - Conduct a post-survey on any structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of vibration.

Public Services

(1) Potential Impact: The Specific Plan would not result in substantial adverse impacts associated with fire services.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: The Specific Plan would allow for an increase of up to 500 additional dwelling unit, and 325,000 sf of additional non-residential uses. This increase in development would incrementally increase the demand for fire apparatus, equipment, performance, and personnel. All new development would be required to comply with the existing International Fire Code and California Fire and Building Codes in the California Health and Safety Code. In addition, SC 4.11-1 requires future development projects to prepare a Fire Master Plan prior to the issuance of a building permit.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.11-1 Prior to the issuance of any grading or building permits for any development project under the Red Hill Avenue Specific Plan, the applicant shall submit a Fire Master Plan to the Orange County Fire Authority for review. Payment of fees and Fire Master Plan approval shall be obtained prior to the issuance of grading or building permits.

(2) Potential Impact: The Specific Plan Project would not result in substantial adverse impacts associated with school services.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: Specific Plan buildout is anticipated to generate 81 elementary school students, 32 intermediate school students, and 33 high school students. School funding comes predominantly from Federal, State, and local contributions, such as business and personal income taxes, sales tax, and property tax. In accordance with Government Code Section 65995 and the Tustin City Code, the School District requires all new development to pay fees to help offset the effects to school facilities from new residential, commercial, and industrial development. Payment of fees would offset impacts from increased demand for school services associated with development in the Specific Plan area by providing an adequate financial base to construct and equip new and existing schools. The School District would be able to provide adequate school facilities for the projected students and payment of impact fees would ensure that impacts are offset and remain less than significant.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.11-3 Pursuant to Section 65995 of the California Government Code, prior to the issuance of building permits for any development projects under the Red Hill Avenue Specific Plan, the applicant shall pay developer fees to the Tustin Unified School District; payment of the adopted fees would provide full and complete mitigation of school impacts.

SC 4.11-4 New development under the Red Hill Avenue Specific Plan shall be subject to the same General Obligation bond tax rate as already applied to other properties within the Tustin Unified School District for Measure G (approved in 2008) based upon assessed value of the residential and commercial uses.

Recreation

(1) Potential Impact: Buildout of the Specific Plan Project would increase the use of existing and planned parks and recreational facilities.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions and mitigation.

Facts in Support of Finding: In accordance with the Quimby Act, a jurisdiction may establish a parkland dedication standard based on its existing parkland ratio, provided required dedications do not exceed 5 acres per 1,000 persons. The City's parkland dedication requirements of 3 acres per 1,000 residents is the same as the Quimby Act.

The City identifies parkland acreage requirements by multiplying the number of dwelling units by the parkland acres per unit based on the established density categories in the Tustin City Code. The Specific Plan does not establish density ranges. Because the Project proposes multi-family residential development and encourages it to be provided in a mixed-use setting, the Program EIR uses the 15.1 to 25 dwelling units per gross acre category in the Tustin City Code which assumes 2.24 persons per unit or 0.0067 acre of parkland per unit.² If future residential units were subject to the Quimby Act (because of a subdivision), the total amount of new parkland would be approximately 3.35 acres. The Tustin City Code also notes that dedication of land may be required by the City for a condominium, stock cooperative, or community apartment project which exceeds 50 dwelling units, regardless of the number of parcels. Therefore, the City may require the dedication of land regardless of where the future residential development projects within the Specific Plan are subdivisions. General Plan Conservation/Open Space/Recreation Policies 14.6 and 18.4 encourage future parks to be designed as joint-use facilities with public schools to reduce overall operations and maintenance costs. A source of additional funding for the maintenance and construction of new parks and recreation facilities is the City's General Fund, including property taxes collected from residents.

Because future residential development within the Specific Plan area may not be subject to the Quimby Act or the subdivision provisions of the Tustin City Code, future development projects could cumulatively contribute to the parkland deficiency identified in the City's General Plan. In order that park and recreational facilities be provided to serve future residents within the Specific Plan area, mitigation is required. MM 4.12-1 applies the parkland dedication and development fee provisions set forth in the Tustin City Code to new residential dwelling units within the Specific Plan area that would not be subject to Tustin City Code Article 9, Chapter 3, Part 3, Section 9331.d (Parkland Dedication).

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.12-1 Prior to the approval of the final map for subdivisions under the Red Hill Avenue Specific Plan, applicants shall comply with the City of Tustin Subdivision Code (Article 9, Chapter 3, Part 3, Section 9331 of the Tustin City Code). Developers may dedicate land or pay a fee in lieu or a

² The California Department of Finance, Table 2: E-5, 2017, identifies a citywide average of 3.04 persons per household which includes single-family, multi-family, and mobile home dwelling units.

combination of both. The value of the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication. Dedication of land may be required by the City for a condominium, stock cooperative, or community apartment project which exceeds 50 dwelling units.

MM 4.12-1 For residential projects not subject to City of Tustin Subdivision Code (Article 9, Chapter 3, Section 9331 of the Tustin City Code), prior to the issuance of building permits, applicants shall dedicate parkland or pay a park fee, on a per unit basis, reflecting the value of land required for park purposes. The amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication, according to the following standards and formula.

Standards and Formula for Land Dedication:

The public interest, convenience, health, welfare, and safety requires that three (3) acres of usable park land per one thousand (1,000) potential population be devoted to local park and recreational purposes.

The minimum amount of land that would be otherwise be required for dedication shall be computed by multiplying the number of proposed dwelling units by the Parkland Acres per Dwelling Unit in accordance with the appropriate density classification in the following table:

Dwelling Units per Gross Acre	Average Persons per Dwelling Unit	Parkland Acres per Dwelling Unit
0-7	3.39	.0102
7.1-15	2.85	.0086
15.1-25	2.24	.0067
25.1 & Above	As determined by CDD based upon proposed product type	To be calculated to achieve three (3) acres/ 1,000 population
Mobile Home Parks	2.24	.0067

These density ranges, average persons per dwelling unit and/or parkland acreage per dwelling unit shall be used to achieve a parkland dedication rate of three (3) acres of parkland per one thousand (1,000) persons.

Transportation and Traffic

(1) Potential Impact: The Specific Plan Project would not conflict with applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. MM 4.2-1 is applicable. However, Finding 2 identifies that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that

other agency”. The City of Tustin cannot impose mitigation on another jurisdiction. Therefore, traffic improvements that would require the approval of Caltrans are considered significant, unavoidable impacts. There are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant. Therefore, the City hereby also makes Finding 3 which would require the adoption of a Statement of Overriding Considerations as a condition of Project approval.

Facts in Support of Finding: Implementation of the Specific Plan would have significant impacts to the level of service (LOS) of one intersection within the traffic study area. All other intersections would continue to operate at acceptable levels of services with buildout of the Specific Plan Project. Using the City’s Intersection Capacity Utilization (ICU) methodology, the addition of Project traffic would cause the intersection of Red Hill Avenue at the 1-5 southbound ramps to worsen to LOS E in the evening peak hour. The level of service would still be LOS C during both peak hours using the Caltrans Highway Capacity Manual (HCM) methodology. The Project’s impact using the ICU methodology would be considered to be a significant impact. MM 4.13-1 identifies improvements that would achieve an improvement level of service. However, the City cannot impose mitigation on another agency or jurisdiction. Because of the uncertainty of whether Caltrans would allow for the implementation of the improvement, the impact is considered significant and unavoidable.

All roadway segments would continue to operate at acceptable levels of services with implementation of the Specific Plan Project. Impacts would be less than significant.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

MM 4.13-1 Red Hill Avenue at Interstate 5 Southbound Ramps: Re-stripe the eastbound approach (the off-ramp) to convert from a shared left-through lane and one dedicated right-turn lane to one dedicated left-turn lane and a shared left-through-right lane. This improvement would provide additional capacity for the heavy eastbound left-turn volume. With this improvement, the intersection would operate at Level of Service D or better during both peak hours. The California Department of Transportation’ (Caltrans) approval and cooperation would be required to implement this improvement.

Utilities

(1) Potential Impact – Buildout of the Specific Plan Project would not require the construction of new water or wastewater treatment facilities or the expansion of existing facilities in a manner that would cause significant environmental effects. Sufficient water is available to serve the Project.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: The Specific Plan would be served from existing entitlements; new or expanded water entitlements would not be needed due to diversified supply and conservation measures. The City can meet all customer demands within the service area through the purchase of significant reserves held by the Metropolitan Water District of Southern California, local groundwater supplies, and through implementation of conservation measures in multiple dry years. The City's water supply is reliable. As set forth in the City's 2015 Urban Water Management Plan, proposed growth in the Specific Plan area falls within the assumptions made for growth in the City through 2040 and sufficient water supply exists to serve the proposed uses identified in the Specific Plan area.

To provide potable water and fire service to the existing and proposed land uses within the Specific Plan area, additional water infrastructure would be required. The City has a long-range plan to upgrade sections of water mains in the area. Other anticipated improvements include public meters and backflow devices that would be required for domestic water service and/or separate fire lines for individual developments as they occur. The Specific Plan can provide sufficient water infrastructure improvements to provide water to the projects within the Specific Plan area, as needed. Projects would be required to comply with SC 4.14-1 and SC 4.14-2.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.14-1 Future development within the Specific Plan area would comply with Article 4, Chapter 10, Section 4952 of the Tustin City Code which seeks to reduce water consumption through (1) permanent water conservation requirements during non-shortage conditions and (2) four levels of water supply shortage response actions to be implemented within the City during times of declared water shortage. The program would prevent waste or unreasonable use of water; maximize the efficient use of water; and ensure a reliable and sustainable minimum supply of water for public health, safety, and welfare.

SC 4.14-2 Future development within the Specific Plan area would comply with Article 9, Chapter 7, Section 9704 of the Tustin City Code which establishes procedures and standards for the design, installation, and maintenance of water-efficient landscapes in conjunction with new construction projects within the City to promote the conservation and efficient use of water and to prevent the waste of available water resources.

(2) Potential Impact – Storm drainage can be provided to development sites within the Specific Plan area without significantly impacting City infrastructure.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation measures were required or recommended.

Facts in Support of Finding: Projects would be required to apply for encroachment permits for connection to the City storm drain infrastructure. For future development projects

within the Specific Plan, direct connection to the City's existing storm drain system is preferable provided that the existing tributary areas and flow rates to the existing drains are not exceeded by new development. Alternatively, applicants may provide hydraulic analyses of the downstream storm drain system that demonstrate no significant impacts to the City storm drain infrastructure. In all cases, storm water quality requirements must be met.

New on-site storm water drainage facilities would be constructed in accordance with applicable regulatory requirements. Applicants for future development within the Specific Plan area would be required to demonstrate that existing flow rates would not be exceeded with project development. For all development, post-construction measures under the Orange County Drainage Area Management Plan (DAMP) require co-permittees to implement structural and nonstructural BMPs that mimic predevelopment quantity and quality runoff conditions for new development. No large net increases in storm drainage rates or volumes are expected due to implementation of the Specific Plan. Adherence to all applicable provisions within the Orange County DAMP and City permits would result in a less than significant impact.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.7-1, SC 4.7-2, and SC 4.7-3 are applicable

MM 4.7-1 and MM 4.7-2 are applicable.

(3) Potential Impact – The Specific Plan Project would not impact solid waste services.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant as a result of the implementation of standard conditions. No mitigation was required or recommended.

Facts in Support of Finding: The Bowerman Landfill has a daily maximum intake load of 11,500 tons per day with an 8,500-ton per day annual average. The remaining disposal capacity of 205 million cubic yards, as of February 29, 2008, which is the most current published data. Buildout of the Specific Plan would generate approximately 7,740 pounds of solid waste per day (3.87 tons/day or 1412.5 tons/year). The estimate refuse generation of the project is a nominal percentage of the maximum intake load. Based on the remaining capacity of the Bowerman Landfill and the County's long-term planning programs required to meet CalRecycle requirements, there would be adequate waste disposal capacity within the permitted County's landfill system to meet the needs of the Project. Projects would be required to comply with SC 4.14-3.

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following Mitigation Program is applicable:

SC 4.14-3 Applicants shall prepare and obtain approval of a Construction and Demolition Waste Management Plan (CDWMD) for a project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to

divert from landfill disposal, nonhazardous materials for reuse or recycling by a minimum of 65 percent of total weight or volume (or requirements in place at the time of project entitlement).

6. FINDINGS REGARDING ALTERNATIVES

A. Alternatives Considered and Rejected During the Scoping/Project Planning Process

The following is a discussion of the land use alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft Program EIR. Among the factors that can be used to eliminate alternatives from detailed consideration in an Program EIR are “failure to meet most of the basic Project objectives, infeasibility, or inability to avoid significant environmental impacts” (CEQA Guidelines §15126.6[c]). Alternatives were eliminated during the scoping/planning process either because they were determined to be infeasible or because it could be determined that they would not avoid or eliminate significant environmental impacts when compared to the Project.

1. Alternative Site

The Alternative Site scenario assumes 500 dwelling units and 325,000 square feet of non-residential uses would be constructed within a defined area elsewhere in the City. The City is proposing the revitalization of other properties including within the historic downtown area. While the proposed land uses identified in the Red Hill Avenue Specific Plan could be implemented elsewhere in the City, the purpose of the Project is to promote the revitalization of this specific commercial district to create a vibrant and dynamic area within the City. Development at a different location would be anticipated to require similar discretionary approvals as the Specific Plan Project and result in similar physical impacts to the environment. Therefore, the development of a Specific Plan in an alternative location was reviewed and eliminated from consideration.

2. Alternative Land Use

The Alternative Land Use scenario assumes intensification within the Specific Plan area with only residential uses. The Specific Plan assumes an additional 500 dwelling units and 325,000 square feet of non-residential uses; this alternative assumes between 500 and 975 additional units within the Specific Plan area. The residential uses could be developed both north and south of I-5 on both vacant and underutilized properties. This alternative would not provide for the integration of mixed-use development projects within the Specific Plan area and would not promote the revitalization of this predominately commercial area in the same manner envisioned in the Specific Plan. The Alternative Land Use scenario would have similar discretionary approvals. This alternative assumes less overall development than the Specific Plan; however, it would continue the pattern of the persons living in one area and commuting to jobs, shopping, and services in a different area of the City or outside of the City. As such, this alternative did not meet the objectives set forth in the Specific Plan and was rejected from further consideration.

B. Alternatives Selected for Analysis

The State CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives" (State CEQA Guidelines § 15126.6[a]). Two alternatives were evaluated. The alternatives were developed to avoid or minimize impacts associated with implementation of the Specific Plan Project. Given the nature and scale of the Project, complete avoidance of significant impacts was not feasible.

The following alternatives were analyzed:

- Alternative A: General Plan/No Specific Plan
- Alternative B: Reduced Development

The City's Findings and Facts in support of Findings with respect to each alternative considered are provided below. Consistent with the guidance set forth in State CEQA Guidelines Section 15126.6, the Findings address whether the alternative would feasibly attain most of the basic goals and objectives of the Project; whether it would avoid or substantially lessen any of the significant effects of the Project; and whether the alternative is feasible, as defined by the State CEQA Guidelines Section 15364, as being "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors".

Alternative A: General Plan/No Specific Plan

Description: Alternative A is the "No Project" alternative required by the State CEQA Guidelines Section 15126.6(e) which allows the decisionmakers to compare the potential impacts of the Specific Plan Project to the potential impacts associated with the ongoing development in this geographic area consistent with the City of Tustin General Plan.

Alternative A would not change the existing policy documents that govern the Specific Plan area; the City's General Plan would remain the guiding document. The existing land use designations for the Specific Plan area include a mix of commercial and professional office land use designations. The General Plan Community Commercial (CC) land use designation applies to more than 90 percent of the properties. The other land use designations are Planned Community Commercial/Business (approximately eight percent) and Professional Office (approximately two percent).

The Specific Plan area has approximately 296,446 square feet of non-residential uses, including but not limited to commercial, office, an institutional use and motels, as well as 21 dwelling units. The General Plan estimated maximum buildout for this geographic area is 913,724 square feet of non-residential development with no additional residential units. Alternative A represents an increase of approximately 617,278 square feet of additional non-residential development. When compared to the Specific Plan, the General Plan represents an increase of 292,278 square feet of non-residential uses. It is estimated that Alternative A would generate approximately 1,372 additional employment opportunities compared to 1,520 new residents

and 722 new employment opportunities associated with the Specific Plan Project³. Additionally, Alternative A would not include streetscape, landscape, and other public improvements which are a part of the Red Hill Avenue Specific Plan.

Environmental Effects: A full discussion of Alternative A's environmental impacts as compared to the Specific Plan Project is set forth in Section 6.4.1 of the Program EIR, which is hereby incorporated by reference. With implementation of Alternative A, some effects (impacts on schools, public services, recreation, and utilities) would be reduced because of the elimination of residential development. However, it should be noted that the Project would have less than significant impacts with or without mitigation associated with these environmental topics. Alternative A would have the same or potentially greater impacts on other topical areas because of an increase in non-residential development. For example, Alternative A would generate more traffic than the Project. Air quality operational impacts and GHG emissions would also be greater than the Specific Plan Project.

Ability to Achieve Specific Plan Project Goals and Objectives: This alternative would fulfill some of the Specific Plan's objectives but would not realize the objective to increase housing opportunities through mixed-use development within the Specific Plan area or allow enough new development to provide increased vibrancy in the Specific Plan area.

Feasibility: Alternative A is feasible. Under Alternative A, the area could continue to be developed but not in the same manner envisioned in the Specific Plan.

Finding: This Alternative would not avoid or eliminate the Project's significant and unavoidable impacts. It would not achieve many of the goals and objectives established for the Project in the Red Hill Specific Plan to guide future change, promote high-quality development, and implement the community's vision for the Specific Plan area. For these reasons, the City finds that the Specific Plan Project is preferred over this alternative

Alternative B: Reduced Development

Description: Alternative B was developed to evaluate whether a reduction in the amount of development could meet Specific Plan objectives and reduce Specific Plan impacts. This alternative would reduce both dwelling units and non-residential development and, in that respect, would incrementally reduce impacts that are associated with the Specific Plan. However, it would not avoid the significant impacts associated with the Project.

Alternative B would reduce the amount of new development; it assumes up to 284 additional dwelling units and up to 241,237 square feet of additional non-residential development. When compared to the Specific Plan, Alternative B reduces the number of units by 216 units (a reduction of approximately 43 percent) and reduces the non-residential uses by 83,763 square feet (a reduction of approximately 26 percent). This development would occur within the same

³ Population projections were developed based on a generation factor of 3.04 persons per household, as determined in the California Department of Finance 2017 estimates. Employment projections assumes 450 square feet of retail per employee, per SCAG's Employment Density Summary Report.

Specific Plan area footprint. Alternative B would require the same discretionary actions as noted for the Specific Plan.

Environmental Effects: A full discussion of Alternative B's environmental impacts as compared to the Specific Plan Project is set forth in Section 6.4.2 of the Program EIR, which is hereby incorporated by reference. Alternative B would incrementally reduce significant impacts associated with the intensity of development. When compared to the Specific Plan, Alternative B would reduce but not eliminate significant unavoidable air quality impacts and GHG emission impacts. The reduction in traffic associated with Alternative B may preclude a significant impact to the intersection of Red Hill Avenue at the 1-5 southbound ramps to worsen to LOS E in the evening peak hour. As with the Specific Plan Project, standard conditions and/or mitigation measures would be required to reduce potential significant impacts associated with the remaining environmental issues.

Ability to Achieve Specific Plan Project Goals and Objectives: With 284 additional residential units and 241,237 additional square feet of non-residential uses, this alternative would meet many of the goals and objectives of the Specific Plan. However, Alternative B assumes incrementally less development than the Specific Plan.

Feasibility: Alternative B is feasible. Under Alternative B, less development would occur than envisioned in the Specific Plan.

Finding: While Alternative B would lessen some of the environmental effects of the Specific Plan Project, it would not eliminate all significant and unavoidable impacts. For these reasons, the City finds that the Specific Plan is preferred over this alternative.

7. STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

The City of Tustin is the Lead Agency under CEQA for preparation, review, and certification of the Program EIR for the Red Hill Avenue Specific Plan Project. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve a project. In making this determination the City is guided by State CEQA Guidelines Section 15093 which provides as follows:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the Project against the unavoidable adverse impacts associated with the Project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the Specific Plan Project, none of which both meet the Project goals and objectives, and is environmentally preferable to the Project or feasible for the reasons discussed in the Findings and Facts in Support of Findings.

The Tustin City Council, having reviewed the Program EIR for the Red Hill Avenue Specific Plan Project, and reviewed all written materials within the City's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the Project.

Significant Unavoidable Adverse Environmental Impacts

Although most potential Project impacts have been substantially avoided or mitigated, as described in the Findings and Facts in Support of Findings, there remain some Project impacts for which complete mitigation is not feasible. For some impacts, mitigation measures were identified and adopted by the Lead Agency, however, even with implementation of the measures, the City finds that the impact cannot be reduced to a level of less than significant.

The City, after balancing the specific economic, legal, social, technological, and other benefits including region-wide or statewide environmental benefits, of the Project, has determined that the unavoidable adverse environmental impacts may be considered acceptable due to the following specific considerations which outweigh the unavoidable, adverse environmental impacts of the Project, each of which standing alone is sufficient to support approval of the Project, in accordance with CEQA Section 21081(b) and State CEQA Guideline Section 15093.