

JAMBOREE PLAZA

PLANNED COMMUNITY DISTRICT REGULATIONS

Prepared by

CITY OF TUSTIN
COMMUNITY DEVELOPMENT DEPARTMENT
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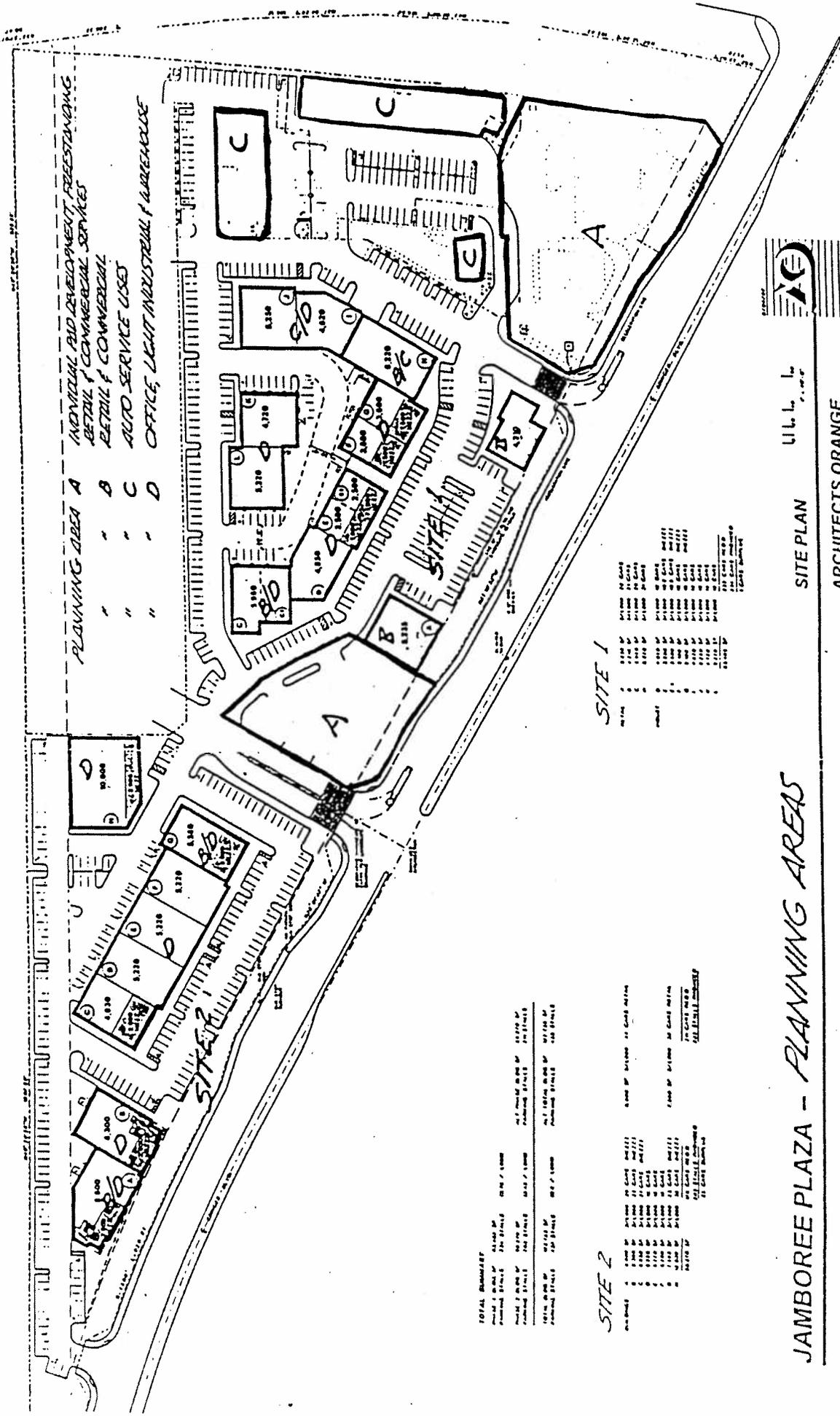
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CITY OF TUSTIN

JAMBOREE PLAZA
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PLANNING AREA A INDIVIDUAL AND DEVELOPMENT, FREESTANDING
 RETAIL, COMMERCIAL SERVICES
 " B RETAIL, COMMERCIAL
 " C AUTO SERVICE USES
 " D OFFICE, LIGHT INDUSTRIAL, WAREHOUSE

TOTAL SUMMARY

PLANNING AREA	NO. OF BLDGS	NO. OF UNITS	TOTAL AREA OF BLDGS	TOTAL AREA OF PAVING
PLANNING AREA A	1	1	10,000	10,000
PLANNING AREA B	1	1	10,000	10,000
PLANNING AREA C	1	1	10,000	10,000
PLANNING AREA D	1	1	10,000	10,000
TOTAL	4	4	40,000	40,000

SITE 2

PLANNING AREA	NO. OF BLDGS	NO. OF UNITS	TOTAL AREA OF BLDGS	TOTAL AREA OF PAVING
PLANNING AREA A	1	1	10,000	10,000
PLANNING AREA B	1	1	10,000	10,000
PLANNING AREA C	1	1	10,000	10,000
PLANNING AREA D	1	1	10,000	10,000
TOTAL	4	4	40,000	40,000

SITE 1

PLANNING AREA	NO. OF BLDGS	NO. OF UNITS	TOTAL AREA OF BLDGS	TOTAL AREA OF PAVING
PLANNING AREA A	1	1	10,000	10,000
PLANNING AREA B	1	1	10,000	10,000
PLANNING AREA C	1	1	10,000	10,000
PLANNING AREA D	1	1	10,000	10,000
TOTAL	4	4	40,000	40,000



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JAMBOREE PLAZA - PLANNING AREAS

1.0 INTRODUCTION

The regulations set forth in this ordinance for the Jamboree Plaza Planned Community District have been established to satisfy the Planned Community District Regulations of the Tustin City Code and to provide diversification of the relationships of uses, buildings, and structures in planned building groups. The application of these regulations is specifically intended to encourage the appropriate use of land and create a harmonious relationship among retail, commercial, auto related repair and service, office, light industrial and public agency uses and protect the health, safety and general welfare of the community and provide the flexibility needed to create a quality environment.

Development within the Jamboree Plaza Planned Community shall occur pursuant to these Planned Community Regulations.

2.0 STATISTICAL SUMMARY/LAND USE DESIGNATIONS

There are four (4) separate land use categories provided within the Jamboree Plaza Planned Community. Land use designations are shown on Exhibit 1 with a statistical summary of each planning area as follows:

<u>PLANNING AREA</u>	<u>TOTAL AUTHORIZED BUILDING SQUARE FOOTAGE</u>
A	20,000
B	9,150
C	23,200
D	73,400
B/C	5,450
B/D	22,000
C/D	10,000
<hr/>	
TOTAL AUTHORIZED BUILDING SQUARE FOOTAGE	163,200

3.0 LAND USE REGULATIONS

The land use and development standards within this section act as a principal part of the controlling mechanism for implementation of the Jamboree Plaza Planned Community District designation. Standards set forth in this section will ensure that future development within the Jamboree Plaza Planned Community proceeds in a consistent and appropriate manner. Future review of subdivisions and site plans by the City of Tustin will provide assurance that these standards are realized.

3.1 PLANNING AREA A

A. Purpose & Intent

Planning Area A is intended to provide individual pad development of freestanding facilities along the Edinger Avenue project frontage complimentary to the retail and commercial service uses of the center and to provide valuable services to the motoring public on the major traffic routes in the vicinity.

B. Permitted & Conditionally Permitted Uses

The following uses shall be permitted by right as a principal use in Planning Area A where the symbol "P" occurs, and by Conditional Use Permit where the symbol "C" occurs.

1. Alcoholic beverage sales establishments C
subject to the following criteria:

Off-site sales establishments shall be located a minimum distance of 100 feet from any residentially zoned or used property; 300 feet from any other existing off-site sales establishment; and 600 feet from any church, public or private school, playground or hospital.
2. Automobile Service Stations, including self service stations. P
3. Carwashes, including self service carwashes. P
4. Convenience markets, subject to provisions P

of City Ordinance No. 981 which defines a "Convenience Market" as a establishment under 15,000 square feet in size where food, beverage, magazine, and auto related items, or any combination thereof are sold for off-site use and/or consumption.

- 5. Restaurants, including drive-thru P
 - 1) Outdoor seating associated with a restaurant subject to provisions of Planning Commission Resolution 2490 related to development guidelines for outdoor seating. C

3.2 PLANNING AREA B

A. Purpose & Intent

The intent of Planning Area B is to provide development of retail and commercial uses which needs to maximize location adjacent to a major arterial.

B. Permitted & Conditionally Permitted Uses

The following uses shall be permitted by right when conducted entirely within a building as a principal use in Planning Area B where the symbol "P" occurs and by Conditional Use Permit where the symbol "C" occurs.

1. Retail Businesses:

- a. Alcoholic beverage sales establishments C
subject to the following criteria:

Off-site sales establishments shall be located a minimum distance of 100 feet from any residentially zoned or used property; 300 feet from any other existing off-site sales establishment; and 600 feet from any church, public or private school, playground or hospital.

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- b. Antiques and curio stores P
- c. Art goods P
- d. Appliance stores P
- e. Audio and video sales and service,
excluding installations P
- f. Auto supplies and parts, excluding
installations P
- g. Bicycle sales, including repairs and
service P
- h. Books and stationary P
- i. Ceramics, not including molding,
casting, or manufacturing by any
process P
- j. Clothing Confectionery P
- k. Department store P
- l. Drug store, including sundries and
notions P
- m. Dry goods P
- n. Florist shops P
- o. Food markets P
- p. Hardware stores, excluding equipment
rentals P
- q. Household goods and furnishings P
- r. Jewelry stores, including repair and
watchmaking P
- s. Leather goods P
- t. Musical supplies and instruments P
- u. Newsstands P
- v. Office supplies and equipment sales P

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- w. Paint and wallpaper stores P
- x. Religious supplies P
- y. Restaurants P
 - 1) Outdoor seating associated with a restaurant subject to provisions of Planning Commission Resolution No. 2490 related to development guidelines for outdoor seating. C
- z. Shoe stores P
- aa. Sporting goods, not including boat and motor sales P
- bb. Variety stores P
- cc. Video rental stores P
- 2. Service Businesses:
 - a. Banks and finance institutions P
 - b. Barber and Beauty shops P
 - c. Blueprinting companies P
 - d. Drycleaning and laundry establishments, excluding cleaning and laundry plants P
 - e. Interior decorators P
 - f. Job printing P
 - g. Locksmiths P
 - h. Photograph galleries P
 - i. Seamstress or millinery shops P
 - j. Shoe or luggage repair shops P
 - k. Tailor shops P
 - l. Telephone answering services P

- m. Travel agencies P
 - n. Typing and addressing services P
3. Professional Offices:
- a. Accountants P
 - b. Architects P
 - c. Attorneys P
 - d. Chiropractors P
 - e. Dentists P
 - f. Doctors P
 - g. Engineers P
 - h. Land Surveyors P
 - i. Optometrist P
 - j. Others licensed by the State of California to practice the healing arts, including clinics for out-patients only P
4. General Offices for:
- a. Advertising agencies P
 - b. Contractors and building consultants, but not including corporate yards P
 - c. Drafting Services P
 - d. Economic consultants P
 - e. Escrow Companies P
 - f. Insurance Companies P
 - g. Real Estate offices P
 - h. Public utility office, excluding corporate yards P

3.3 PLANNING AREA C

A. Purpose & Intent

The intent of Planning Area C is to provide a cohesive environment for auto service uses to operate without negatively impacting adjacent land uses or other uses within the center and still providing maximum convenience and location for the motoring public.

B. Permitted & Conditionally Permitted Uses

The following uses shall be permitted by right when conducted entirely within a building as a principal use in Planning Area C where the symbol "P" occurs, by Conditional Use Permit where the symbol "C" occurs.

1. Audio and video equipment sales and service, P including installation
2. Automotive repair and service, excluding P paint and body shops
3. Automotive supplies and parts (retail) P
4. Insurance claims adjusters P

3.4 PLANNING AREA D

A. Purpose & Intent

The intent of Planning Area D is to provide development of office, light industrial and warehouse uses to compliment and support surrounding, existing and planned land uses. It is intended that this Planning Area would also accommodate a major public agency facility such as the California Highway Patrol.

B. Permitted & Conditionally Permitted Uses

The following uses shall be permitted by right when conducted entirely within a building as a principal use in Planning Area D where the symbol "P" occurs, by Conditional Use Permit where the symbol "C" occurs and as Accessory Use where the symbol "A"

occurs provided that said necessary uses are found to be customarily associated with and subordinate to a permitted use.

1. Service Businesses:
 - a. Those uses identified in Section 3.2.B.2 of these regulations. C/P
2. Professional and General Offices:
 - a. Those uses identified in Sections 3.2.B.3 and 3.2.B.4 of these regulations. C/P
3. General Offices:
 - a. Those uses identified in Section 3.2.B.3 of these regulations. C/P
4. Industrial Uses:
 - a. Those uses listed in Section 3.3.B, subject to the Limitation of Uses identified in Section 3.7.H and only when conducted within an entire building. C/P
 - b. Chemical laboratories P
 - c. Distributors of electronic, electrical and electromechanical products P
 - d. Finished paper products P
 - e. Food and kindred products P
 - f. Manufacturing P
 - g. Storage and Distribution, not including public storage P
 - h. Printing plants P
 - i. Ceramic and plastic fabrication P
 - j. Textile and furniture manufacturing P
 - k. Scientific instrument manufacturing P

- l. Precision machine shop P
- m. Pharmaceutical products P
- n. Public agencies P
 - 1) Antenna and other communication equipment not to exceed 60 feet in height and which is not entirely screened from view, subject to approval of the Community Development Director. A
- o. Professional, instruct motivational, vocational and/or seminar schools. C
- p. Churches, subject to provisions of Planning Commission Resolution No. 2715 related to development guidelines for churches in industrial areas. C
- q. Batting cages C
- r. Gymnastic studios C
- s. Dance studios C
- t. Veterinary specialty clinics C

3.5 PROHIBITED USES

The following uses shall be specifically prohibited within the Jamboree Plaza Planned Community due to its location within the Browning and GCA Corridor easements agreement areas with the USMCAS-Tustin:

- A. Airports
- B. Hospitals and Sanitariums
- C. Any auditorium, amphitheater and assembly halls within seating capacity for more than 1,500 persons
- D. Manufacturing, storage, handling and distribution of munitions, explosive, petrochemicals or gasoline or related petroleum products, except underground storage of petroleum or gasoline and related petroleum products incidental to a permitted use.

- E. The keeping and raising of mink
- F. Any and all residential uses except hotels and motels operated on a per night basis.

3.6 UNLISTED USES

Those uses not specifically listed are subject to a determination by the Community Development Director as either permitted, conditionally permitted or accessory and in which Planning Area the use could be located. Decisions of the Director are appealable to the Planning Commission.

3.7 GENERAL DEVELOPMENT STANDARDS

A. Minimum Site Requirements

1. The minimum site size those parcels located within Planning Areas A & B shall be that which is necessary to accommodate the structure, as well as all required on-site parking, landscaping and other site improvements. There shall be no minimum site size for parcels located within Planning Areas C & D.
2. The maximum building site coverage for structures located within Planning Areas A & B shall not exceed 50 percent. The maximum building site coverage for structures located in Planning Areas C & D shall not exceed 100%.

B. Minimum Building Setbacks - All setbacks shall be measured from the property line.

1. From Jamboree Plaza Planned Community District Boundaries - All Planned Community District Boundary building setback areas shall be landscaped, except for areas of vehicular or pedestrian access ways:
 - a. Edinger Avenue - a minimum of fifteen (15) feet.
 - b. Jamboree Road - a minimum of thirty (30) feet.
 - c. AT&SF Railroad - a minimum of five (5) feet.

- d. Reservation Parcel - a minimum of 5 feet from the westerly property line of Reservation Parcel C.
2. From Interior of Planned Community District - No minimum building setbacks shall be required from all property lines within the interior of the project, provided that there is no conflict with setback requirements in Subsection 1 above which shall take precedent.
- C. Minimum Distance Between Buildings - Buildings shall be separated a minimum distance of twenty-five (25) feet unless attached in accordance with applicable Uniform Building Code requirements.
- D. Building Heights
 1. The maximum building height allowed within the Jamboree Plaza Planned Community is 45 feet unless otherwise noted within these Regulations.
 2. Additional building height may be granted subject to approval of a Conditional Use Permit. However, the building heights shall not exceed in any event the current regulations for imaginary surfaces, as defined within the Air Installation Compatibility Zone Study for MCAS(H)-Tustin and the Browning and GCA corridor easement agreements.
- E. Landscaping
 1. Landscaping & Screening
 - a. Screening shall be installed along all parking areas abutting streets. The screening shall have a total height of not more than thirty-six (36) inches.

Where the finished elevation of the property at the Planned Community boundary, or within 5 feet from the inside of the boundary, is lower than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the requirements of this section.

A screen as referred to above shall consist of one or any combination of the following, as reviewed and approved by the Community Development Department during Design Review:

- 1) Walls, including retaining which shall be constructed with masonry materials consistent with the architectural style of the project.
- 2) Berms which shall be constructed of earthen materials and shall be landscaped.
- 3) Landscaping consisting of evergreen or deciduous trees and shrubs shall be used.

b. All landscaping installation shall conform with the City of Tustin Landscaping and Irrigation Submittal Requirements.

2. Undeveloped Areas

- a. A separate Precise Grading Plan/Erosion Control Plan, in accordance with the City of Tustin Grading and Excavation Code, shall incorporate provisions for erosion control on all graded sites which will remain unimproved prior to building constructor. In addition, should any site remain unimproved for more than ninety (90) days after the first Certificate of Occupancy is issued for the Plaza, temporary landscaping and irrigation shall be installed and maintained until commencement of construction on the applicable pad.

F. Parking Requirements

1. Parking Spaces Required

- a. All uses shall provide off-street parking in accordance with subsection 2 below. The requirements for any use not listed specifically shall be determined by the Community Development Director on the

basis of the requirements for similar uses. The number of handicap spaces shall be as required by the Uniform Building code and state handicap requirements.

- b. Fractional of Parking Spaces - Where the application of the off-street parking requirements results in a fractional number of spaces required, then the fraction shall be rounded to the next higher whole number.
 - c. Restricting the Use of Parking Spaces - All required parking spaces shall be made available permanently for automobile parking not only for employees working on the premises for which parking is required but also for customers and guests having lawful reason to be at the premises for which such parking is required. In the absence of prior approval from the Community Development Department, it is unlawful for any owner, lessee, tenant or any person having control of the operation of any premises for which parking is required to prevent, prohibit or restrict authorized persons from using parking.
 - d. All handicap parking spaces shall be located as close as is practical to the entrance(s) to the use they are intended to serve, and oriented so that a user of the handicap parking space does not have to go past the rear of the automotive parking space in order to reach the building's entrance.
 - e. Parking area dimensions, location, aisle width, access and stall size, etc. shall conform to the City's design review criteria on file in the community Development Department.
2. Required Parking by Use:
- a. Office
 - One (1) space for each 250 square feet of gross floor area.

b. Manufacturing, Assembly, Research & Development

One (1) space for each 500 square feet of gross floor area but not less than two (2) parking spaces for each three (3) employees, plus parking for other uses on the site.

c. Warehouse

One (1) space for each 1,000 square feet of gross floor area for the first 20,000 square feet; one (1) space for each 2,000 square feet for the second 20,000 square feet; one (1) space for each 4,000 square feet of gross floor area for areas in excess of the initial 40,000 square feet of floor area of the building but not less than two (2) parking spaces for each three (3) employees, plus parking for other uses on the site.

d. Retail

One parking space per each 200 square feet of gross floor area unless otherwise specified.

e. Auto Service

One parking space per each 500 square feet of vehicle service and storage area and one space per each 200 square feet of retail, showroom, customer waiting and office areas.

f. Restaurants

One parking space per each 100 square feet of gross floor area, plus minimum stacking area for seven (7) cars where a drive-thru service window is provided. Stacking distance is determined from the menu order board to the entrance to the drive-thru lane.

g. Gas Stations

Six per service station.

h. Carwashes

One parking space per each employee based upon the largest shift, including drying attendants.

i. Public Agency Facilities

One space for each 250 square feet of gross floor area plus one space per each company vehicle.

j. Professional, Instructional, Motivational Vocational and/or Seminar Schools

One space for each two students at maximum enrollment and one space for each instructor, or one space for each 50 square feet of occupied area, whichever is greater. If, however, classes are limited to children under 16 years of age, the parking requirements shall be as follows: one space for each instructor, plus one loading space for each eight children.

k. Dance Studios, Batting Cages and gymnastics Studios

One space per each three (3) person allowed under the occupancy of the building.

l. Churches

Assembly area and foyer: one space per every three (3) seats or one per every 35 square feet of gross floor area when seating is not designated.

Sunday school, conference, and classrooms (if used simultaneously with assembly area): one space per every three seats or one per every 35

square feet of gross floor area when seating is not designated.

m. Veterinary Specialty Clinics

Four (4) spaces for each 1,000 square feet of gross floor area for the first 4,000 square feet; and six (6) spaces for each 1,000 square feet of gross floor area in excess of the initial 4,000 square feet of floor area.

G. Sign and Graphic Standards

All signs for the project, including center identification, individual business identification, directional and informational signs shall be developed in accordance with the approved sign program for Jamboree Plaza.

The sign program for Jamboree Plaza shall be developed in accordance with applicable standards of the City Sign Code. Planning Areas "A", "B" and "C" shall be subject to development criteria for Commercial Districts under the shopping center subcategory. Planning Area "D" shall be subject to development criteria for Industrial Districts.

H. Limitation of Uses

1. All business activity, with exception of outdoor seating as otherwise noted, and mechanical work shall take place entirely within the building. No vehicular repair shall take place in any parking space or drive aisle.
2. All vehicles that are not being worked on within the building shall be parked only within designated marked parking spaces. Absolutely no parking shall be permitted in front of the roll up doors or any drive aisle.
3. All inoperative vehicles shall be parked within the building. Absolutely no inoperative vehicles shall be permitted to be parked within the Jamboree Plaza outside of the building, including marked spaces.

4. No outdoor storage or display of materials of any kind shall be permitted except as approved by the Community Development Director.
5. All requirements of the City's Noise Ordinance (Chapter 6 of the Tustin City Code) shall be met at all times.

I. Fences and Walls

a. Height and Location

Fences, hedges and walls not greater than eight (8) feet in height shall be permitted within all rear and side property lines except that a twelve (12) foot fence may be permitted subject to approval of the community Development Director.

The height of fences, hedges and walls shall not exceed 6'-8" along the Edinger Avenue and Jamboree Road frontage and shall be located outside of the boundary setback as specified in Section 3.6.B.1. No fence, hedge or wall over three (3) feet in height shall be permitted in any required corner visibility clearance area within the project as determined by the City's Traffic Engineer.

b. Restrictions on Materials

Walls or fences of corrugated iron, steel, aluminum, asbestos, or security chain-link fencing, including barbed and razor wire, are specifically prohibited.

Chain-link fencing is permitted when combined with redwood or plastic battens in all areas except those fronting along Jamboree Road and Edinger Avenue.

J. Telephone and Electrical Service

All utilities exclusively serving the site shall be placed underground. Transformer or terminal equipment will be screened from view of adjacent streets and properties.

K. Refuse Collection Areas

All outdoor refuse collection areas shall be visually screened from public rights-of-way, internal access drives and parking areas, adjacent properties and railroad right-of-way. Collection area shall be shielded from view within a building or enclosed by a wall not less than six (6) feet in

height. Said enclosures shall be designed consistent and to complement main building materials. The City, during Design Review, shall require accommodation of adequate facilities to encourage refuse recycling, including interior storage or source separated materials and innovative designs inside and outside of buildings to make recycling more convenient and accessible.

L. Loading Dock Areas and Loading Spaces

1. Loading docks and roll up service doors will be allowed providing the loading dock or service door is located a minimum of seventy (70) feet from Jamboree Road and Edinger Avenue. Loading dock areas shall not face Jamboree Road or Edinger Avenue.
2. Loading docks and service doors shall have safe and adequate means of ingress and egress for trucks to and from public street and internal circulation system.
3. The size, location and design treatment of loading dock and service doors shall be subject to Design Review approval.
4. Loading spaces for the loading and unloading of commercial vehicles which are a minimum dimension of 10 feet wide by 25 feet deep shall be provided and maintained within the following Planning Areas:
 - a. Planning Area B -
Minimum of one (1) loading space.
 - b. Planning Area C -
Minimum of one (1) loading space.
 - c. Planning Area D -
Minimum of four (4) loading spaces. If Phase II is not developed with a California highway Patrol facility, a minimum of three (3) loading spaces shall be provided within the Phase II area.

M. Maintenance

1. All structures at Jamboree Plaza will be

maintained in a neat and orderly manner.

2. All permitted signs will be maintained in a neat and orderly manner.

N. Public Safety

No operation in the manufacture, compounding, assembling, processing or treatment of any product, and no material stored on property within the Complex shall be injurious to the health, safety or welfare of persons residing or working in the neighborhood by reason of danger to life or property.

3.8 TRANSPORTATION DEMAND MANAGEMENT (TDM)

City Council Ordinance No. 1062 establishes Transportation Demand Management (TDM) requirements for specified new non-residential development projects. The purpose of the TDM requirements is to satisfy provisions of State law for development of trip reduction and travel demand element as part of the City's Congestion Management Program.

A. Facility Standards

The specific TDM provisions applicable to Jamboree Plaza, as related to facility standards pursuant to City Code Section 9904, include but may not be limited to:

1. **Preferential parking for Carpool Vehicles** - At least 10% of the employee parking spaces are required to be reserved and designated for carpool vehicles by marking such spaces "Carpool Only". The ordinance specifies what percentage of required parking shall be allocated to employee parking which is based upon the type of use.
2. **Bicycle Parking Facilities** - Bicycle racks or parking facilities are required to be provided in a secure location for use by employees or tenants who commute to the site by bicycle. The ordinance establishes minimum requirements and security provisions for acceptable bicycle facilities.

3. **Shower and Locker Facilities** - Shower and locker room facilities for employees of each sex are to be provided.
4. **Trip Reduction Information** - A commuter information center, in a central location accessible to all employees and tenants, shall be provided to make available current transit maps, routes and schedules for public transit; ridesharing match lists; available employee incentives; and ridesharing promotional materials supplied by commuter-oriented organizations.
5. **Carpool and Vanpool Loading Areas** - The City Traffic Engineer is responsible for determining the necessity for the design and location of passenger loading areas to embark and disembark for carpool and vanpool vehicles.
6. **Bus Stop Improvements** - Bus stop improvements including bus pullouts, bus pads, shelters, and any necessary right-of-way shall be provided and constructed in accordance with applicable Orange County Transit District Standards.

B. Trip Reduction/TDM Strategy Plan and Annual Report

The specific TDM provisions applicable to Jamboree Plaza Planned Community as related to Trip Reduction/TDM Strategy Plan and Annual Report pursuant to City Code Section 9905 include, but may not be limited to:

1. The preparation of an initial Trip Reduction/TDM Strategy Plan by the Developer, Property Owner or their designee shall be submitted to (along with applicable fees as established by Resolution No. 91-49) and approved by the City Traffic Engineer for the entire development prior to issuance of any building permits for any phase of development within the Jamboree Plaza Planned Community project boundaries. The TDM must be designed to reduce trips to achieve 1.5 Average vehicle Ridership.

The plan shall identify initial Trip Reduction/TDM proposed programs and strategies

to achieve the AVR objectives which may include, but are not limited to, the following:

1. Establishment of carpool, buspool or vanpool programs;
2. Vanpool purchase incentives;
3. Cash allowances, passes or other public transit subsidies and purchase incentives;
4. Parking fees for SOVs;
5. Full or partial parking subsidies for ridesharing vehicles;
6. Preferential parking for ridesharing vehicles;
7. Computerized commuter rideshare matching service;
8. Guaranteed ride-home program for ridesharing;
9. Alternative work week and flex-time schedules;
10. Telecommuting or work-at-home programs;
11. On-site lunch rooms/cafeterias;
12. On-site commercial services such as banks, restaurants and small retail;
13. On-site day care facilities;
14. Designation of an on-site Transportation Coordinator for the project.

An applicant may perform the TDM programs through tenants or lessees in the project. However, agreements that tenants or lessees will so perform shall not relieve applicant or its successors of that duty to perform or require performance.

If conditioned as part of subdivision approval of a project, recorded Codes, Covenants and Restrictions (CC&Rs) shall include provisions to guarantee adherence to the TDM objectives and perpetual operation of the TDM program regardless of property ownership, inform all subsequent property owners of the requirements imposed herein, and identify potential consequences of non-performance.

Each space use agreement (i.e., lease document) shall also include TDM provisions for the site as a means to inform and commit tenants to and participate in helping specific Applicable Developments meet TDM performance requirements.

2. The preparation of an annual status report by the Developer, Property Owner or their designee shall be submitted to (along with applicable fees as well as penalty fees for non-compliance as established by Resolution No. 91-49) and approved by the City Traffic Engineer to monitor and determine continued compliance with the approved TDM plan.
3. The TDM Performance Reports shall focus on ridesharing and trip reduction incentives offered by the project and shall consist of a report that:
 - a. estimates AVR levels attained;
 - b. verifies that the plan incentives have been offered;
 - c. Describes use of those incentives offered by employers;
 - d. evaluates why the plan did or did not work, and an explanation of why the revised plan is likely to achieve the AVR target levels;
 - e. lists additional incentives which can be reasonably expected to correct deficiencies; and
 - f. evaluates the feasibility and effectiveness of Trip Reduction/TDM Program and strategies, as implemented.
4. In the event that TDM objectives are not met, the City shall notify the property owner in writing of failure to comply. If the TDM performance objectives are not satisfied, the property owner shall either:
 - a. Submit to the City within 30 days of notification by City a list of TDM measures that will be implemented to meet the TDM objectives within 180 days of written notification by the City of Tustin. At the end of the 180-day period, the property owner shall submit a revised performance report to determine compliance with TDM objectives. No further measures will be necessary if the TDM objectives are met.

- b. Should the TDM objectives not be satisfied by the end of the 180-day period, the property owner(s) shall pay a TDM penalty fee to the City in an amount determined by Resolution of the City Council. Said penalty fee shall be used to improve street capacity through construction of physical improvements to be selected by the City of Tustin from the list of areawide improvements identified in the City's CMP.

4.0 IMPLEMENTATION/ADMINISTRATION

4.1 Responsibility

The Department of Community Development shall be responsible for the administration and enforcement of provisions of these regulations.

4.2 Interpretations

If ambiguity arises concerning the appropriate application of provisions contained in these District Regulations, the Director of Community Development shall make the appropriate determination. In making these determinations, the Director shall consider the following, but not by way of limitation:

- A. Prior administrative interpretation of similar provisions;
- B. General intent and purpose of the Planning Community District Regulations and individual land use designation within the district;
- C. Provisions contained in the General Plan.
- D. Any decision of the Director may be appealed to the Planning Commission.

4.3 Site Plan Review

Design Review by the Community Development Department is required prior to submitting plans and specification for plan check and building permit processing. The applicant shall submit plans and all information to the Community Development Department in accordance with the City of Tustin Design Review requirements. Said application shall include but is not limited to conceptual site plans, architectural elevations of all building exteriors, and conceptual common area landscape plans.

The decisions by the Community Development Department shall be final unless appealed to the Planning Commission with 7 days of the Community Development Department's decision.

While the Community Development Department review is not subject to a public hearing, the Community Development Department may impose reasonable conditions necessary to ensure compliance with the Jamboree Plaza District Regulations.

4.4 Subdivisions

All divisions of land within the project area shall be processed in accordance with the Tustin city code and state subdivision map act.

4.5 Variances, Conditional Use Permits, Use Determinations, and Temporary Uses

All applications shall be processed in accordance with the Tustin city code.

4.6 Amendment to District Regulations

Any amendments to the Jamboree Plaza District Regulations contained herein which changes any property from one land use designation to another shall be initiated and processed in the same manner set forth in the Tustin City Code for amending the City Zoning Map.

4.7 ENFORCEMENT

The Jamboree Plaza District Regulations are adopted by ordinance and are therefore subject to penalty provisions of the Tustin City Code. Specifically, violations of land use or development standards shall be subject to Penalty

Provisions and Citation Procedures of the Tustin City Code in addition to the city's authority to seek civil litigation in a court of law.

Subdivision map and development plan conditions imposed pursuant to City code shall also be subject to penalty provisions and citation procedures of the Tustin City Code.

4.8 GENERAL NOTES

- A. Businesses located within the Planned Community shall not be operated or maintained in fashion detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the immediate vicinity.
- B. Whenever the regulations contained herein conflict with the regulations of the Tustin City code, the established zoning regulation shall take precedence.
- C. All construction shall comply with all provisions of the Tustin City Code.
- D. Sewage disposal facilities within the planned community area shall be furnished by the City of Tustin in cooperation with the use of existing Irvine Ranch Water District facilities within the Orange County Sanitation District. Water service shall be furnished by Irvine Ranch Water District.
- E. A plan for silt control storm run-off on the property during the construction and during the initial operation of the tract maintaining the integrity of silt control facilities during normal operations, shall be prepared and submitted to and approved by the City of Tustin in accordance with the City of Tustin Grading and Excavation Code prior to issuance of a grading permit.
- F. Approval by the South Coast Air Quality Management District shall be required for any plans, devices, or facilities for the control of any air pollutants which may be generated.
- G. After the commencement of construction of any structure, or any improvement thereon, the owner shall diligently pursue the work thereon to an end.

- H. The property owner shall diligently proceed to develop or market the land for development in accordance with the District Regulations and Conditions of Approval.
- I. Mitigation measures identified and adopted in the environmental documents prepared pursuant to the California Environmental Quality Act shall be incorporated be reference herein.

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