

# THE HERITAGE MIXED USE PROJECT

Final EIR

State Clearinghouse Number: 2015011028

Prepared for  
City of Santa Ana

January 2016



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# TABLE OF CONTENTS

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## The Heritage Mixed Use Project Final Environmental Impact Report

	<u>Page</u>
<b>1. Introduction</b> .....	1-1
Format of the Final EIR .....	1-1
CEQA Requirements Regarding Comments and Responses .....	1-2
<b>2. Response to Comments</b> .....	2-1
State Clearinghouse .....	2-2
City of Irvine .....	2-5
City of Tustin .....	2-9
Airport Land Use Commission for Orange County .....	2-28
Orange County Transportation Authority .....	2-33
California Department of Transportation .....	2-35
California Public Utilities Commission .....	2-61
Robert Bisno .....	2-64
References .....	2-104
<b>3. Revisions to the Draft EIR</b> .....	3-1
<b>4. Mitigation Monitoring and Reporting Program</b> .....	4-1

### Appendices

- A. Traffic Data
- B. Attachments to Robert Bisno Comment Letter

### Figures

1. Publically Accessible Parking Locations .....	2-19
2. AM Peak Hour Cumulative Project Traffic Volumes for Caltrans Intersections .....	2-40
3. PM Peak Hour Cumulative Project Traffic Volumes for Caltrans Intersections .....	2-41

**Tables**

1. City of Santa Ana Parks within the Vicinity of the Project Site.....	2-17
2. Existing Plus Project Peak Hour Intersection Capacity Analysis.....	2-21
3. Year 2020 Plus Project Peak Hour Intersection Capacity Analysis.....	2-22
4. Year 2035 Plus Project Peak Hour Intersection Capacity Analysis.....	2-23
5. Year 2035 Fair Share Percentage Contribution.....	2-25
6. Year 2035 Build Out Roadway Segment Level of Service Summary.....	2-26
7. Existing Plus Project Peak Hour Intersection Capacity Analysis.....	2-44
8. Year 2020 Peak Hour Intersection Capacity Analysis Caltrans.....	2-46
9. Year 2035 Peak Hour Intersection Capacity Analysis Caltrans.....	2-47
10. Year 2020 Peak Hour Freeway Off-Ramp Queuing Analysis.....	2-48
11. Year 2035 Peak Hour Freeway Off-Ramp Queuing Analysis.....	2-49
12. Year 2020 and Year Project Fair Share Percentage Contribution Caltrans Intersections.....	2-51
13. Existing Plus Project Peak Hour Merge and Diverge Capacity Analysis.....	2-53
14. Year 2020 Cumulative Plus Project Merge and Diverge Caltrans Facilities Capacity Summary.....	2-55
15. Year 2035 Cumulative Plus Project Merge and Diverge Caltrans Facilities Capacity Summary.....	2-57

# CHAPTER 1

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## Introduction

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

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

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

This document contains responses to comments received on the Draft EIR during the public review period, which began July 17, 2015 and ended on August 31, 2015. This document has been prepared in accordance with CEQA and the *CEQA Guidelines*, and represents the independent judgment of the lead agency, the City of Santa Ana. This document and the circulated Draft EIR comprise the Final EIR in accordance with *CEQA Guidelines*, Section 15132.

## Format of the Final EIR

The following chapters are contained within this document:

**Chapter 1, Introduction.** This chapter describes CEQA requirements and the content of the Final EIR.

**Chapter 2, Response to Comments.** This chapter provides a list of agencies and organizations who commented on the Draft EIR, as well as copies of their comment letters received during the public review period, and individual responses to their comments.

**Chapter 3, Revisions to the Draft EIR.** This chapter contains revisions made to the Draft EIR as a result of the comments received by agencies and organizations as described in Chapter 3, and/or errors and omissions discovered subsequent to release of the Draft EIR for public review.

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

**Chapter 4, Mitigation, Monitoring, and Reporting Program.** This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (CEQA Section 21081.6, *CEQA Guidelines* Section 15097). The MMRP was prepared based on the mitigation measures included in this Final EIR and has been included as Chapter 4.0.

## **CEQA Requirements Regarding Comments and Responses**

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

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

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

# CHAPTER 2

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## Response to Comments

Section 15088 of the *CEQA Guidelines* requires the lead agency, the City of Santa Ana, to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Draft EIR and prepare written responses. This section provides all written responses received on the Draft EIR and the City of Santa Ana’s responses to each comment. Comment letters and specific comments are given letters and numbers for reference purposes.

The following is a list of agencies, organizations and individuals that submitted comments on the Draft EIR during the public review period. Comments received on the Draft EIR and responses to those comments are shown on the following pages.

Reference	Agency/Organization/Resident Name	Date of Comment
<b>Agencies</b>		
SCH	State Clearinghouse and Planning Unit	July 27, 2015
IRV	City of Irvine	August 12, 2015
TUS	City of Tustin	August 20, 2015
ALUC	Airport Land Use Commission for Orange County	August 24, 2015
OCTA	Orange County Transportation Authority	August 28, 2015
DOT	California Department of Transportation	August 31, 2015
PUC	California Public Utility Commission	September 11, 2015
<b>Interested Parties</b>		
B	Robert Bisno	August 13, 2015





Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

RECEIVED

JUL 27 2015

SANTA ANA PLANNING DEPT

**Memorandum**

**Date:** July 21, 2015  
**To:** All Reviewing Agencies  
**From:** Scott Morgan, Director  
**Re:** SCH # 2015011028  
**The Heritage Mixed Use Project**

On **July 17, 2015**, the State Clearinghouse *erroneously* forwarded the above-mentioned project to your agency for review without the **Executive Summary**.

Please accept the **attachment** to include in your review for the **Draft Environmental Impact Report**. We apologize for any inconvenience this may have caused. All other project information remains the same.

SCH-1

cc: Vince C. Fregoso  
City of Santa Ana  
20 Civic Center Plaza, M-20  
Santa Ana, CA 92701

**Notice of Completion & Environmental Document Transmittal**

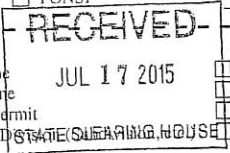
Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2015011028

**Project Title:** The Heritage Mixed Use Project  
**Lead Agency:** City of Santa Ana Planning and Building Agency **Contact Person:** Vince C. Fregoso, AICP  
**Mailing Address:** 20 Civic Center Plaza, M-20 **Phone:** (714) 667-2713  
**City:** Santa Ana **Zip:** 92701 **County:** Orange

**Project Location:** County: Orange **City/Nearest Community:** City of Santa Ana  
**Cross Streets:** E. Dyer Road and Redhill Avenue **Zip Code:** 92705  
**Longitude/Latitude (degrees, minutes and seconds):** 33 ° 42 ' 28.89" N / 117 ° 50 ' 40.56" W **Total Acres:** 18.84  
**Assessor's Parcel No.:** 430-221-13 **Section:** \_\_\_\_\_ **Twp.:** \_\_\_\_\_ **Range:** \_\_\_\_\_ **Base:** \_\_\_\_\_  
**Within 2 Miles:** State Hwy #: SR-55 **Waterways:** none  
**Airports:** John Wayne (SNA) **Railways:** none **Schools:** Sycamore High School

**Document Type:**  
**CEQA:**  NOP  Draft EIR **NEPA:**  NOI **Other:**  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.) \_\_\_\_\_  Draft EIS  Other: \_\_\_\_\_  
 Mit Neg Dec **Other:** \_\_\_\_\_



**Local Action Type:**  
 General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Use Change  Other: \_\_\_\_\_

**Development Type:**  
 Residential: Units 1,221 Acres \_\_\_\_\_  Transportation: Type \_\_\_\_\_  
 Office: Sq.ft. 56,000 Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Commercial: Sq.ft. 18,090 Acres \_\_\_\_\_ Employees \_\_\_\_\_  Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Educational: \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
 Recreational: onsite park and recreation facilities  Other: \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_

**Project Issues Discussed in Document:**  
 Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other: \_\_\_\_\_

**Present Land Use/Zoning/General Plan Designation:**  
 Warehousing and office uses / M-1 (Light Industrial) / PAO (Professional and Administrative Office)

**Project Description:** The 18.84-acre project site is currently developed with a 366,000 square foot warehouse/distribution building and parking area that was developed in the 1970s. The proposed project would redevelop the project site to provide three mixed-use buildings that would include 1,221 multi-family apartments; 12,675 square feet of retail commercial space; and 5,415 square feet of restaurant space. The residential units would range in size from 512 square foot studios to 1,290 square foot one-bedroom and two-bedroom units.

State Clearinghouse Contact: (916) 445-0613  
 State Review Began: 7-17-2015  
 SCH COMPLIANCE 8-31-2015

**Project Sent to the following State Agencies**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Resources                         | <input type="checkbox"/> State/Consumer Svcs                |
| <input type="checkbox"/> Boating & Waterways                          | <input type="checkbox"/> General Services                   |
| <input type="checkbox"/> Coastal Comm                                 | <input type="checkbox"/> Cal EPA                            |
| <input type="checkbox"/> Colorado Rvr Bd                              | <input checked="" type="checkbox"/> ARB: ALL Other Projects |
| <input type="checkbox"/> Conservation                                 | <input type="checkbox"/> ARB: Transportation Projects       |
| <input checked="" type="checkbox"/> CDFW # 5                          | <input type="checkbox"/> ARB: Major Industrial/Energy       |
| <input type="checkbox"/> Delta Protection Comm                        | <input type="checkbox"/> SWRCB: Div. of Drinking Water      |
| <input type="checkbox"/> Cal Fire                                     | <input type="checkbox"/> SWRCB: Div. Financial Assist.      |
| <input checked="" type="checkbox"/> Historic Preservation             | <input type="checkbox"/> SWRCB: Wtr Quality                 |
| <input checked="" type="checkbox"/> Parks & Rec                       | <input type="checkbox"/> SWRCB: Wtr Rights                  |
| <input type="checkbox"/> Central Valley Flood Prot.                   | <input checked="" type="checkbox"/> Reg. WQCB # 5           |
| <input type="checkbox"/> Bay Cons & Dev Comm.                         | <input type="checkbox"/> Toxic Sub Ctrl-CTC                 |
| <input checked="" type="checkbox"/> DWR                               | <input type="checkbox"/> Yth/Adlt Corrections               |
| <input checked="" type="checkbox"/> OES                               | <input type="checkbox"/> Corrections                        |
| <input checked="" type="checkbox"/> Resources, Recycling and Recovery |   |
| <input type="checkbox"/> CalSTA                                       | <input type="checkbox"/> Independent Comm                   |
| <input checked="" type="checkbox"/> Aeronautics                       | <input type="checkbox"/> Energy Commission                  |
| <input checked="" type="checkbox"/> CHP                               | <input checked="" type="checkbox"/> NAHC                    |
| <input checked="" type="checkbox"/> Caltrans # 12                     | <input type="checkbox"/> Public Utilities Comm              |
| <input type="checkbox"/> Trans Planning                               | <input type="checkbox"/> State Lands Comm                   |
|   | <input type="checkbox"/> Tahoe Rgl Plan Agency              |
| <input type="checkbox"/> Other  |   |
| <input checked="" type="checkbox"/> HCD                               |   |
|   | <input type="checkbox"/> Conservancy                        |

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2015011028  
 Please forward late comments directly to the Lead Agency

## State Clearinghouse and Planning Unit

**SCH-1**      **Comment:** The comment states that on July 17, 2015, the State Clearinghouse erroneously forwarded the Notice of Completion (NOC) for the proposed project without the Executive Summary; thus, the Executive Summary is provided for agency review. In addition, the NOC form that provides the project's State Clearinghouse Number is attached for inclusion in the EIR documentation, and indicates that the Draft EIR was submitted to a list of state agencies.

**Response:** The comment does not address any concerns about the adequacy of the Draft EIR. The NOC that is attached to the comment acknowledge that the City has complied with the State Clearinghouse review requirements for draft environmental documents.



August 12, 2015

Mr. Vince C. Fregoso, AICP  
Acting Planning Manager  
City of Santa Ana  
20 Civic Center Plaza, M-20  
Santa Ana, CA 92701  
Sent via USPS and email to: [vfregoso@santa-ana.org](mailto:vfregoso@santa-ana.org)

**Subject: Draft Environmental Impact Report (DEIR) for the Heritage Mixed Use Project**

Dear Mr. Fregoso:

City of Irvine staff has reviewed the City of Santa Ana's Draft Environmental Impact Report (DEIR) for the Heritage Mixed Use project. The project would entail the redevelopment of the project site to provide three mixed-use buildings providing 1,221 multi-family apartments, 12,675 square feet of retail commercial space, and 5,415 square feet of restaurant space. Based on the review of the DEIR, the City of Irvine has the following comments:

1. Page 3.13-41: Clarify that for roadway segment no. 24 (Tustin Ranch Road/Von Karman Avenue at Barranca Parkway), the second eastbound left-turn lane is a City of Tustin planned improvement, not a City of Irvine improvement. IRV-1
2. Page 3.13-41: Modify the analysis for roadway segment no. 37 (Jamboree Road at Main Street), so that both a fifth northbound **and southbound** through lane will be added to Jamboree Road. IRV-2
3. Page 3.13-62 and 63: Mitigation Measures TRA-6 and TRA-13 both identify improvements at Pullman/Dyer Road. For the Year 2020 improvement, the project contribution appears to be 36.6 percent of the total cost to provide a westbound right-turn lane. For the Year 2035 improvement, the project contribution appears to be 26.4 percent of the total cost to provide both westbound and eastbound fourth through lanes. Clarify the description of Mitigation Measure TRA-13 (Year 2035) improvement to reference widening needed on Dyer Road for both the north and south curbs approaching and departing Pullman. IRV-3

4. Page 3.13-66: Correct Table 3.13-20 to identify Location 21 as the intersection of SR55 Northbound ramp at Dyer Road, rather than "Pullman at Dyer Road". | IRV-4

5. Figure 6-12B of the Traffic Study identifies a combined volume of 364 PM trips entering the project site from the two Dyer Road project driveways. This amount of right-turning traffic is significant considering the heavy westbound PM peak hour traffic volumes. These two driveways appear to provide access from a deceleration lane along Dyer Road in its existing condition. However, when Dyer Road is widened to its ultimate width to include four westbound through lanes between Red Hill Avenue and the SR-55 Northbound ramps, there may be significant vehicle slowing on Dyer Road at these project driveways if the deceleration lanes are removed. Clarify if the project considered providing a deceleration lane approaching these two driveways for the build-out condition. | IRV-5

Please forward copies of additional documentation associated with this project for our review. If you have any questions, please contact me at 949-724-6314, or at [dlaw@cityofirvine.org](mailto:dlaw@cityofirvine.org). | IRV-6

Sincerely,



David R. Law, AICP  
Senior Planner

cc: Barry Curtis, Manager of Planning Services (E-mail)  
Bill Jacobs, Principal Planner (E-mail)  
Sun-Sun Murillo, Supervising Transportation Analyst (E-Mail)

## City of Irvine

- IRV-1**      **Comment:** The comment requests clarification that the planned improvement at Intersection 24 (Tustin Ranch Road/Von Karman Avenue at Barranca Parkway) that would provide a second eastbound left-turn lane, is a City of Tustin planned improvement; and not a City of Irvine improvement.
- Response:** It is accurate that the planned improvement at Intersection 24 described in the Draft EIR, consisting of a second eastbound left-turn lane is a City of Tustin improvement and the addition of an exclusive eastbound right-turn lane is a City of Irvine improvement. In addition, it should be noted that the second eastbound left-turn lane has been recently completed and is now operational. The requested clarification related to these roadway improvements has been incorporated in the Final EIR.
- IRV-2**      **Comment:** The comment requests modification of the description of planned improvements for Intersection 37 (Jamboree Road/Main Street) so that both a fifth northbound and southbound through lanes be added to Jamboree Road.
- Response:** The requested clarification related to this roadway improvement has been incorporated in the Final EIR, within Chapter 3.
- IRV-3**      **Comment:** The comment provides information about the project contributions to the cost of the needed improvements at the Pullman Street/Dyer Road intersection and requests clarification of the improvement required by Mitigation Measure TRA-13 (Year 2035) to reference the widening needed of Dyer Road for both the north and south curbs approaching and departing Pullman Street.
- Response:** The requested clarification that describes the necessary widening on both the north curb and south curb at the Pullman Street/Dyer Road intersection to implement a fourth through lane on Dyer Road in the eastbound and westbound directions has been incorporated in the Final EIR and Mitigation Monitoring and Reporting Program (MMRP), included as Chapter 4.
- IRV-4**      **Comment:** The comment requests correction of Table 3.13-20 to identify Location 21 as the intersection of SR 55 Northbound ramp at Dyer Road, rather than “Pullman at Dyer Road.”
- Response:** The requested correction to Table 3.13-20 has been incorporated in the Final EIR and MMRP included as Chapter 4.
- IRV-5**      **Comment:** The comment asserts that the amount of right-turn traffic entering the project site from Dyer Road is heavy with westbound pm peak hour traffic volumes and that the project driveways on Dyer Road appear to provide access from a deceleration lane. The comment also states that the ultimate widening of Dyer Road would remove these deceleration lanes. In addition, the comment

requests clarification of whether providing a deceleration lane at the project site driveways for the build out condition of Dyer Road has been considered.

**Response:** As currently proposed, the project does not include implementation of a deceleration lane at the project site driveways upon build out of Dyer Road. The function of Dyer Road at the proposed project driveways was evaluated in the Traffic Impact Analysis Report for both 2020 and 2035 conditions with the proposed project. As described in the Draft EIR Section 3.13, *Transportation and Traffic*, beginning at the last paragraph on page 3.13-67, the project driveways are forecast to operate at acceptable LOS C or better during the am and pm peak hours for near-term (Year 2020) traffic conditions and are forecast to operate at acceptable LOS D or better during the am and pm peak hours for Year 2035 traffic conditions. Because the City of Santa Ana considers LOS D to be the minimum acceptable LOS for all intersections and roadway segments within the project vicinity (as described on page 3.13-20), the project would result in a less than significant impact at the driveways along Dyer Road, and mitigation measures implementing deceleration lanes are not required. Thus, such mitigation measures have not been included in the EIR.

**IRV-6**

**Comment:** The comment requests that additional documentation associated with the project be forwarded for review.

**Response:** The City of Irvine is on the City of Santa Ana's general planning and CEQA notification list. Thus, the City of Santa Ana forwards all public review documentation for proposed projects that are within the vicinity of the City of Irvine to Irvine for review. Per this process, the Notice of Preparation (NOP) and Draft EIR were sent to the City for review and comment. In addition, the Final EIR is being sent to all commenters to the Draft EIR (including the City of Irvine) at least 10 days prior to any City approval of the proposed project. The City of Santa Ana appreciates the continued coordination with neighboring agencies.

Community Development Department



August 20, 2015

RECEIVED  
 AUG 24 2015  
 SANTA ANA PLANNING DEPT

Mr. Vince C. Fregoso, AICP  
 City of Santa Ana  
 20 Civic Center Plaza, M-20  
 P.O. Box 1988  
 Santa Ana, CA 92702

**SUBJECT: REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SANTA ANA HERITAGE MIXED USE PROJECT**

Dear Mr. Fregoso:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Heritage Mixed Use Project in the City of Santa Ana. According to the DEIR, the proposed project would redevelop an 18.84-acre site at 2001 East Dyer Road and provide 1,221 apartments, 12,675 square feet of retail commercial space, 5,415 square feet of restaurant space in three (3) buildings and 56,000 square feet of office space in a separate two-story building. The project would require a General Plan Amendment, Zone Change, a Development Agreement, Site Plan Review approval, and a Vesting Map.

The City of Tustin offers the following comments at this time:

1. The DEIR should include a study that analyzes how far residents in a suburban community are willing to travel to reach a community park. According to Table 3.12-1 on page 3.12-1 of the DEIR, the nearest City of Santa Ana parks are approximately two (2) to three (3) miles from the project site. As a comparison, the study should analyze the distances from other similar existing City of Santa Ana residential neighborhoods to their nearest community parks. In addition, Table 3.12-2 on page 3.12-2 of the DEIR, which lists City of Tustin and City of Irvine parks within the vicinity of the project site, should be modified to include the existing and proposed public parks within the Tustin Legacy master planned community, which is directly adjacent to the project site. The locations of the Tustin Legacy parks are depicted on the attached site map. The parks include Legacy Park, Veterans Sports Park, Victory Park, and Greenwood Park.
2. If park land for active sports recreation is not required for the proposed project, residents of the project may be unable to find available, suitable, and conveniently located sports parks in Santa Ana and may negatively impact parks and overburden sports park facilities in adjacent jurisdictions, including Tustin. These impacts must be mitigated. The DEIR should focus on the potential to physically deteriorate existing and future recreational facilities in the City of Tustin, as the nearest existing and planned large scale recreational facilities are located in the City of Tustin.

TUS-1

TUS-2



3. It is stated on page 3.12-6 of the DEIR that the “provision of more than the required amount of onsite park and recreational facilities would provide facilities for the project population, such that a limited increased usage at other park and recreation facilities in the region is anticipated to occur. Thus, the project would not result in a substantial acceleration of physical deterioration of existing facilities, and impacts would be less than significant.” However, this statement is not supported by any studies in the DEIR, which should analyze the actual anticipated usage of existing and proposed parks in the City of Tustin that will offer sports-oriented recreational facilities and playing fields that will not be provided as part of the Heritage Mixed Use Project. TUS-3
4. The parking space requirements for the project are determined based on the proposed land uses and are identified on Page 2-11 of the DEIR. There are 288 non-residential parking spaces proposed, which are assumed to serve the public uses within the 5.8 acres assigned for public open space. The locations of these spaces appear to be spread out across the site plan and it is not clear if the spaces will be conveniently located to serve the public uses. The DEIR should identify the locations of the parking spaces that will serve the public uses. TUS-4
5. The City of Tustin requested that the traffic study area should include the intersections and roadway segments along Warner Avenue and Edinger Avenue between Jamboree Road and Red Hill Avenue. In addition, the Red Hill Avenue/I-5 interchange ramp intersections, along with the adjacent intersections at Nisson Road and El Camino Real, should be included. The traffic analysis does address the majority of signalized intersections within the study area, but does not include the analysis of Red Hill Avenue/Carnegie Avenue and Red Hill Avenue/Bell Avenue. These two (2) intersections should be included as part of the traffic analysis. TUS-5
6. Improvements are planned along Red Hill Avenue, including signal upgrades at Carnegie Avenue, new signals at Bell Avenue, widening of northbound Red Hill Avenue, and installation of a raised median between Dyer Road/Barranca Parkway and Industrial Drive/Parkway Loop. The project should pay its fair share towards the cost of these improvements. TUS-6
7. There is some project trip distribution to the northerly side of Tustin Legacy on Valencia Avenue via Red Hill Avenue, but there are no assumptions to/from The District at Tustin Legacy or anywhere in Tustin Legacy’s Neighborhoods D or E. The traffic forecasting methodology appears to utilize an additive approach to reflect the project. A project of this size (ADT = 9,500) should be modeled to capture any redistribution that occurs, especially with a change from a non-residential use to a large mixed use project. Please explain in the DEIR the reasoning for the traffic TUS-7

forecasting methodology used and the lack of project trip distribution to the adjacent uses in the southern portions of Tustin Legacy.

↑ TUS-7

8. The project includes a right-in/right-out only access on Red Hill Avenue to serve the project. As indicated previously, the City of Tustin will be installing a raised, landscaped median on Red Hill Avenue in the area of this project that will prevent left turn access on all of Red Hill Avenue except at existing street intersections.

TUS-8

The City of Tustin appreciates the opportunity to provide comments on this project and the DEIR. I would appreciate receiving a copy of the Final EIR when it becomes available.

If you have any questions regarding the City's comments, please call me at (714) 573-3016 or Krys Saldivar, Public Works Manager, at (714) 573-3172.

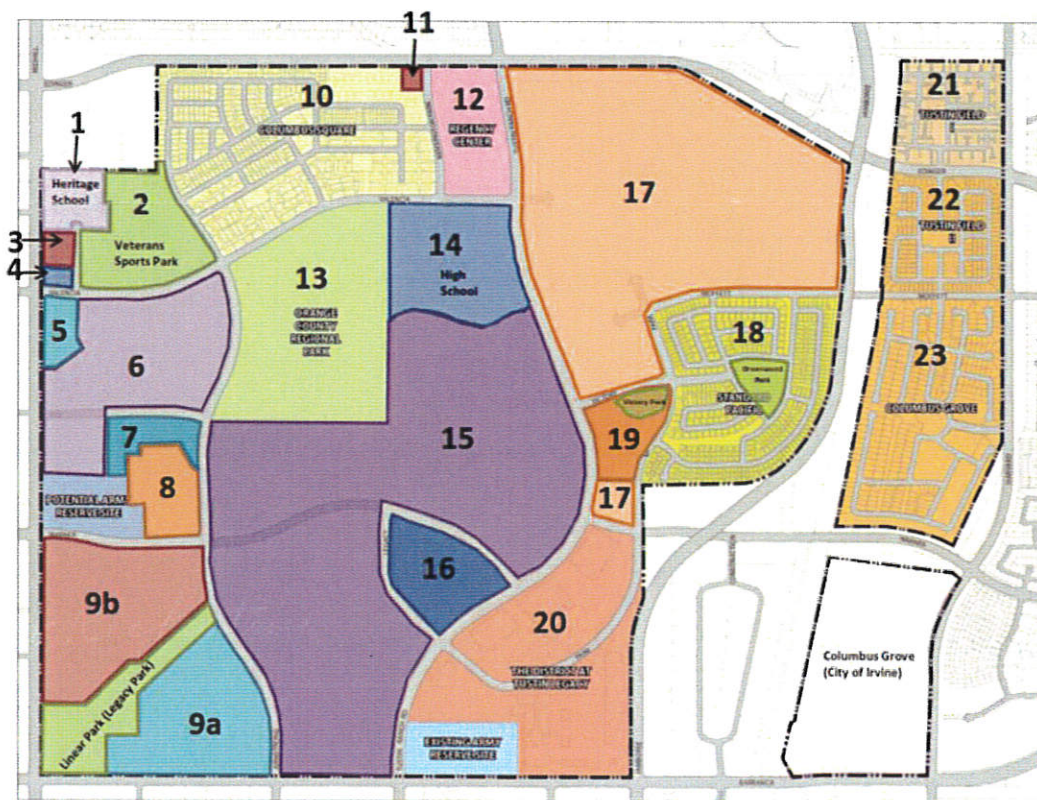
Sincerely,



Scott Reekstin  
Principal Planner

Attachment – Tustin Legacy Site Map

cc: Elizabeth A. Binsack, Community Development Director  
Douglas S. Stack, Public Works Director  
Ken Nishikawa, Deputy Director of Public Works/Engineering  
Justina Willkom, Assistant Director – Planning  
Krys Saldivar, Public Works Manager



**LEGEND**

1. Heritage School
2. Veterans Sports Park
3. OC Social Services
4. Future City of Tustin Facility
5. OC Rescue Mission
6. ATEP Campus (SOCCCD)
7. OC Sheriff's Training Center
8. Rancho Santiago College District Sheriff's Training Facility
- 9a. Cornerstone 1 - Business/Office/R&D, approx. 860,000sf
- 9b. Cornerstone 2 - Business/Office/R&D
10. Columbus Square - 1,075 Residential Units
11. Fire Station # 37
12. Regency Center - Shopping Center
13. OC Regional Park
14. Future High School
15. Neighborhood D Community Core - 891 Residential Units & Mixed uses
16. Amalfi Apartments - 533 Residential Units
17. Neighborhood G - 614 Residential Units
18. Standard Pacific Homes - 375 Residential Units & Greenwood Park
19. Anton Legacy Apartments - 225 affordable Residential Units & Victory Park
20. The District - Shopping Center
21. Tustin Field I - 376 Residential Units
22. Tustin Field II - 189 Residential Units
23. Columbus Grove - 465 Residential Units

**BUILT AND ENTITLED PROJECTS**

TUSTIN | CA



## City of Tustin

**TUS-1** **Comment:** The comment states that the Draft EIR should include a study that analyzes how far residents in a suburban community are willing to travel to reach a community park. The study should analyze the distances between residential neighborhoods and parks within Santa Ana. In addition, the comment states that Table 3.13-2 should be modified to include parks within the Tustin Legacy, which include Legacy Park, Veterans Sports Park, Victory Park, and Greenwood Park.

**Response:** In response to this comment, the following information about park planning standards, walking habits, and the travel distances between residential and park facilities is provided.

The *National Survey of Bicyclist and Pedestrian Attitudes and Behavior* (prepared by the California State Parks Natural Resources Agency) identified that driving and walking were the most used modes of transportation to parks. A majority of respondents (55.2 percent) who walked spent between five and ten minutes walking to their recreation destination, and a majority of drivers (54.5 percent) spent between 11 and 60 minutes driving to the place where they most often recreate.

The *Standards for Outdoor Recreational Areas*, prepared by the American Planning Association (APA), states that neighborhood parks should be within a reasonable (or easy) walking distance from residential areas, defined as a half-mile. The standards for playfields state that they should be located adjacent to school facilities that are generally a half-mile to one mile from residential areas. Community parks, which are larger than neighborhood parks, are identified by the National Recreation Association as having a service radius of up to two miles.

As described in *Close-to-Home Parks: A Half-Mile or Less*, by the Center for City Park Excellence, a half-mile or 10-minute, walk to a park is a common national standard. Likewise, the U.S. Department of Transportation's 2012 *National Survey of Bicyclist and Pedestrian Attitudes and Behavior*, determined that people are willing to walk half a mile to a park. That walking habits to park facilities average 1.3 miles—roughly equivalent to the round-trip walk to a park located a half-mile from home.

The City of Los Angeles Recreation and Parks Department *Citywide Community Needs Assessment* identified that 63 percent of survey respondents would travel at least one mile to visit a neighborhood park and 38 percent of respondents would travel at least two miles. In regards to community parks, 71 percent of respondents would travel at least two miles to visit a community park and 37

percent of respondents would travel more than three miles to visit a community park.

In addition, the National Recreation Association has identified a service travel distance of 30 minutes for larger park facilities, such as regional parks, golf courses, athletic fields, parkways, and camp sites that serve a whole city or region.

Converting walking distances to time depends on how fast (or slow) people walk. The *National Survey of Bicyclist and Pedestrian Attitudes and Behavior* assumes an average walking speed of 0.53 mile in 10 minutes. Similarly, the Manual of Uniform Traffic Control Devices guidelines, which are calculated to ensure that slow walkers can safely cross streets, uses an average walking speed of 0.45 miles in 10 minutes (LaPlante, 2007) Thus, a 10-minute walk averages a half-mile, and the respondents (55.2 percent) who spent between five and ten minutes walking to their recreation destination averaged a distance of one-quarter or one-half mile. In addition, the Trust for Public Land's ParkScore index identifies that a half-mile service area is equal to a 10-minute walking distance.

Overall, the APA and National Recreation Association standards indicate that the location of parkland, area served, and the distance people will travel is dependent upon the size, amenities, and recreational opportunities provided by different types of park and recreation facilities.

In regards to the distances between residential neighborhoods and parks within Santa Ana, the Trust for Public Land's Park Score index (2014) identifies that 71 percent of the City of Santa Ana population lives within a half-mile of a park.

As described in Draft EIR Section 3.12, *Parks and Recreation*, the project site is located within three miles of eight City of Santa Ana parks that total 98.22 acres (Table 3.12-1, page 3.12-1). The project site is also located within three miles of six parks within the City of Tustin that comprise a total of 73.5 acres (two of which are regional parks that are 26 and 31.5 acres in size) (shown in Table 3.12-2). In addition, the project site is located three miles or less from five parks in the City of Irvine that total 74.7 acres (Table 3.12-2). Overall, the project site is within three miles or less of 246.42 acres of parkland.

As requested by this comment, Table 3.13-2 has been modified in the Final EIR, within Chapter 3, to include parks within the Tustin Legacy, which include Legacy Park, Veterans Sports Park, Victory Park, and Ron Foell Park (Greenwood Park), and the acreages of these facilities are included in the description of park acreage provided above.

Most jurisdictions within southern California (including the Cities of Santa Ana, Irvine, and Tustin) have standards and/or objectives related to the ratio of acres

of parkland and the population. As described in Draft EIR Section 3.12, *Parks and Recreation*, the City of Santa Ana Municipal Code Chapter 34, Article 8 provides a standard of two acres of public park and/or recreational space per every 1,000 residents. In addition, Municipal Code, Section 35-108 requires that residential development fees be paid for the acquisition, construction, and renovation of park and recreation facilities based on this standard.

The City of Irvine requires a minimum dedication of two acres of public parkland per 1,000 residents, and one acre of private neighborhood park per 1,000 residents for new residential developments IBC area (Irvine, 2009). The City of Irvine allows these requirements to be met through dedication of land acreage, construction of park improvements, payment of park in-lieu fees, or a combination. In addition, the City of Tustin General Plan standard is to provide three acres of parkland per 1,000 residents. Similar to the Cities of Santa Ana and Irvine, residential developments in the City of Tustin are required to convey parkland to the City and/or pay in lieu fees based on the Tustin municipal code.

As described in the City of Irvine's *IBC Vision Plan and Mixed Use Overlay Zoning Code Recirculated DEIR* (2009), build out of the planned development and implementation of Irvine's development related park requirements within the IBC area would provide new recreational facilities that would exceed compliance with Irvine park dedication standards.

Similarly, as described in the *Tustin Legacy Specific Plan Amendment Initial Study* (March, 2015), build out of Tustin Legacy would require approximately 56.7 acres of parkland at build out, per the municipal code. The Tustin Legacy would provide approximately 255 acres of public parks (including an 84.5-acre regional park), which would far exceed the amount of required parkland. Thus, the Tustin Legacy Project (that is adjacent to the proposed project) would provide ample parkland to serve the Tustin Legacy area, in addition to adjacent residential neighborhoods.

As described in the Draft EIR Section 3.12, *Parks and Recreation*, and Chapter 3.0, *Revisions to the Draft EIR* of this document, the proposed project would result in 2,443 residents and 248 additional employees; but would also develop a 1.01-acre public central park that would include an outdoor theatre, public art/sculpture, playground, and walking paths that would connect to open space with a putting green, and par course/walking/running trail with seating, and a dog run/park. The public open space areas onsite would total 3.99 acres (Chapter 3.0, *Revisions to the Draft EIR*).

In addition, the project would provide 138,849 square feet (3.19 acres) of private common open space areas for residents that would be provided in courtyards, roof terraces, and perimeter plazas and would include three pool and spa areas, fire pits, outdoor barbecue areas, fitness area, community center, tennis and

basketball courts, children's play areas, and common area rooftop decks with outdoor kitchen and seating areas. As concluded on page 3.12-5, the project would exceed the City's requirements related to park standards and is anticipated to meet the needs of the project's onsite population.

Further, as previously mentioned, the proposed project site is located within three miles or less than:

- Eight City of Santa Ana parks that total 98.22 acres,
- Six City of Tustin parks that total 73.5 acres; and
- Five City of Irvine parks that total 74.7 acres.

This totals 246.42 acres of parkland within three miles or less from the project site. As described above, the City of Los Angeles Recreation and Parks Department Citywide Community Needs Assessment determined that 71 percent of people would travel *at least* two miles to a community park and 37 percent of respondents would travel *more than* three miles to a community park. Based on this information, the project site is within the service radius of the 246.42 acres of parkland.

Therefore, all three areas (IBC, Tustin Legacy, and the proposed project) would result in parkland that would exceed each of the respective City requirements and would have the ability to serve both onsite and offsite park and recreational needs within the Santa Ana, Tustin, and Irvine areas. This would result in a cumulative benefit related to parkland within the area. Just as residents of the project are likely to utilize local park facilities in nearby Tustin and Irvine areas (particularly those within three miles of the project site), the public park and open space areas provided by the project would serve residents residing in adjacent areas of Tustin and Irvine (Draft EIR page 3.12-6). Thus, the use of the proposed park facilities by Tustin and Irvine residents would offset project residents using Tustin and Irvine park facilities.

## TUS-2

**Comment:** The comment states that if sports recreation uses are not required for the project, project residents may overburden parks in Tustin, and that these impacts must be mitigated. The comment asserts that the Draft EIR should focus on the potential to physically deteriorate facilities within Tustin.

**Response:** As described in Response TUS-1, the proposed project includes both public and private (for residents) active parkland/recreation facilities. The 1.01-acre public central park would include: an outdoor theatre, public art/sculpture, playground, walking paths, a putting green, a par course/walking/running trail with seating, and a dog run/park. The private onsite recreation facilities for residents would include: three pool and spa areas, fire pits, outdoor barbeque areas, fitness area, community center, tennis and basketball courts, children's play areas, and common area rooftop decks with outdoor kitchen and seating

areas. It is assumed that the private onsite recreation amenities would satisfy, at least in part, the new residents desire to use other public parks in the area.

In addition, all of the City of Santa Ana parks that are listed in Section 3.12, *Parks and Recreation*, Table 3.12-1 (located less than three miles from the project site) include sports recreation facilities (such as ball courts and fields), as listed in **Table 1**.

**TABLE 1  
CITY OF SANTA ANA PARKS WITHIN THE VICINITY OF THE PROJECT SITE**

<b>Park and Address</b>	<b>Acreage</b>	<b>Miles from Project Site</b>	<b>Sports Recreation Facilities</b>
Delhi Park 900 E. Warner Avenue	10.39	2.0	Soccer fields, baseball/softball field, handball and basketball courts
Lillie King Park 500 West Alton Avenue	9.46	1.9	Soccer and football fields, beach volleyball courts
Sandpointe Park 20 Civic Center Plaza	6.68	2.0	Basketball, volleyball, and tennis courts
Bomo Koral Park 900 W MacArthur Boulevard	10.99	2.7	Baseball/softball fields and basketball courts
Memorial Park 2200 S. Flower Street	15.59	2.7	Baseball/softball fields, basketball courts, football field
Carl Thornton Park 1801 W Segerstrom Avenue	32.59	2.9	Baseball/softball fields
Madison Park 1528 S Standard Avenue	6.09	2.1	Baseball/softball fields, basketball courts, football field
Pacific Electric Bicycle Trail	6.43	2.2	Bicycle facility
<b>Total Acreage</b>	<b>98.22</b>		

The City of Santa Ana's park and recreation requirements for residential developments are the same as those for the City of Tustin, which include conveyance of parkland to the city and/or pay in lieu fees. The City of Santa Ana does not have a development regulation specifically related to requiring active sports recreation facilities; although, the park fees collected by the City could be used for acquisition of an active sports park.

However, as described in Response TUS-1, and above, the project includes numerous active recreation facilities onsite that would serve both project residents and the public. All of the IBC and Tustin Legacy parks that are listed on Table 3.12-2 (as revised to include additional facilities in Chapter 3) include active sports-oriented recreation facilities that are within three miles of the site, and would add to the park resources within the area.

Consistent with the findings of the Tustin Legacy CEQA documents, including the most *recent Initial Study for the Tustin Legacy Specific Plan Amendment* (March 2015), because the proposed Heritage Mixed Use project and adjacent



development areas would provide ample parkland, build out would not increase the use of existing parks or cause the physical deterioration of existing recreational facilities.

**TUS-3**            **Comment:** The comment refers to text within Section 3.12, *Parks and Recreation*, and states that the DRAFT EIR should analyze the usage of existing and proposed parks in Tustin that will provide sports-oriented recreational facilities that would not be provided by the proposed project.

**Response:** Please refer to Responses TUS-1 and TUS-2.

**TUS-4**            **Comment:** The comment states that the parking space requirements for the project are determined based on the proposed land uses, and that the project provides 288 non-residential parking spaces for the public open space uses on the project site. The comment requests identification of where these parking spaces are located.

**Response:** As described in Chapter 3, *Revisions to the DEIR*, the project would provide a total of 325 guest and commercial parking spaces on the project site. The guest and commercial parking would be distributed throughout the site near the public amenities, retail uses, and residences. Site 1 would provide 128 guest and commercial parking spots. Site 2 would provide 93 guest and commercial parking spots, and Site 3 would provide 104 guest and commercial parking spots. **Figure 1** shows the publically accessible parking spaces that would be used by guests, users of the open space/recreation amenities, and retail customers. As shown on Figure 1, public parking is conveniently located to serve public uses, such as adjacent to the central park and also located to provide direct access to the walking paths and walking/running trail along Dyer Road. In addition, to the publically accessible parking shown in Figure 1, guest parking is also provided in the parking structures behind the gates. Because a resident would be required to provide access to these guests spots, they are not shown as “publically accessible parking” on Figure 1.

In addition to providing distributed and conveniently located parking facilities, the proposed design of the project would provide efficient, convenient, non-vehicular circulation from one onsite use to another. As described in Section 2.0, *Project Description* (page 2-7), the project would integrate pedestrian entries and connections to plazas, paseos, buildings, public spaces, and green spaces and would include pedestrian/bicycle paths to provide for non-vehicular onsite circulation.



SOURCE: Architects Orange

The Heritage Mixed Use Project . 140730

**Figure 1**  
Publicly Accessible Parking

**TUS-5**

**Comment:** The comment states that the City requests that the traffic study area include intersections and roadway segments along Warner Avenue and Edinger Avenue, between Jamboree Road and Red Hill Avenue; the Red Hill Avenue/I-5 interchange ramp intersections; and the intersections at Nisson Road and El Camino Real. The comment asserts that the Red Hill intersections of Carnegie Avenue and Bell Avenue should be included as part of the traffic analysis.

**Response:** The traffic analysis study area is generally comprised of locations which have the greatest potential to experience significant traffic impacts as a result of the proposed project. In the traffic engineering practice, the study area generally includes those intersections that are:

- arterial to arterial intersections adjacent or in close proximity to the project site;
- arterial to arterial intersections in the vicinity of the project site that are documented to have current or projected future adverse operational issues; and
- arterial to arterial intersections in the vicinity of the project site that are forecast to experience a relatively greater percentage of project-related vehicular turning movements.

In review of the traffic study area shown in Figure 1-1, Appendix J, Traffic Impact Analysis Report of the Draft EIR, the thirty-nine (39) key study intersections selected for analysis are consistent with the criteria noted above. The traffic study area included several arterial to arterial intersections immediately adjacent to the project site, key arterial to arterial intersections in the project vicinity that may have future operational issues and relatively higher percentage of project-related turning movements (i.e. Red Hill Avenue at Dyer Road/Barranca Parkway, Tustin Ranch Road/Von Karman Avenue at Barranca Parkway, etc.), as well as intersections located at important freeway ramp intersections (i.e. SR 55 NB Ramps at Dyer Road, SR 55 SB Ramps at Dyer Road, etc.). Therefore, the traffic study area used in the Draft EIR is sufficiently comprehensive to identify and represent the potential significant impacts related to the project.

The two intersections of Red Hill Avenue at Bell Avenue (i.e. unsignalized intersection) and Red Hill Avenue at Carnegie Avenue (i.e. signalized intersection) identified in this comment are considered minor street intersections; and thus do not meet the study area selection criteria stated above. Nonetheless, in response to this comment, these two intersections were evaluated as part of this response for existing plus project traffic conditions, Year 2020 plus project traffic conditions and Year 2035 build out plus project traffic conditions to assess the project's potential impacts at these locations.

As stated in Appendix J, Traffic Impact Analysis Report of the Draft EIR, the City of Tustin considers impacts to local and regional transportation systems significant if:

- An unacceptable peak hour Level of Service (LOS) at any of the key intersections is projected. The City of Tustin considers LOS D (ICU = 0.801 - 0.900) to be the minimum acceptable condition that should be maintained during the peak commute hours. If the project increases traffic demand at the *signalized study intersection* by 1 percent of capacity (ICU increase  $\geq 0.010$ ), causing or worsening LOS E or F (ICU  $> 0.901$ ), the impact is considered significant.

Because this does not include significance criteria for unsignalized intersections, the City of Tustin's target LOS standard (i.e. LOS D) has been utilized in this supplemental evaluation for the intersection of Red Hill Avenue at Bell Avenue with the following impact criteria:

- At unsignalized intersections, an impact is considered to be significant if the project causes an intersection operating at LOS D or better to degrade to LOS E or F.

**Table 2** provides the results of the level of service analysis conducted at the intersections of Red Hill Avenue/Bell Avenue and Red Hill Avenue/Carnegie Avenue for "Existing plus project" traffic conditions.

**TABLE 2  
EXISTING PLUS PROJECT PEAK HOUR INTERSECTION CAPACITY ANALYSIS**

Intersection	Time Period	Minimum LOS	Existing		Existing Plus Project		Significant Impact		With Improvements	
			ICU/HCM	LOS	ICU/HCM	LOS	Inc.	Yes/No	ICU/HCM	LOS
Red Hill Avenue at Bell Avenue	AM	D	<b>52.6 s/v</b>	F	<b>60.8 s/v</b>	F	---	No	0.487	A <sup>a</sup>
	PM		17.8 s/v	C	20.6 s/v	C	---	No	0.625	B <sup>a</sup>
Red Hill Avenue at Carnegie Avenue	AM	D	0.424	A	0.438	A	0.014	No	---	---
	PM		0.691	B	0.702	C	0.011	No	---	---

a. The level of service calculations for this key study intersection include the following City of Tustin planned improvements:

- Installation of a three-phase traffic signal.

NOTES: **Bold ICU/LOS** or **HCM/LOS** values indicate adverse service levels based on City of Tustin LOS standards;  
s/v = seconds per vehicle

As shown in Table 2, the intersection of Red Hill Avenue/Bell Avenue currently operates at unacceptable LOS F during the am peak hour and acceptable LOS C during the pm peak hour and the intersection of Red Hill Avenue/Carnegie Avenue currently operates at an acceptable service level during the am and pm peak hours. It is not uncommon that unsignalized public street intersections

and/or driveways that have direct access to regional/major arterials, such as Red Hill Avenue, operate at an unacceptable LOS during am and pm peak hours due to the limited gaps in traffic and the high volume of traffic that utilizes these streets as commuter routes.

As shown in Table 2, traffic associated with the proposed project *would not* significantly impact these two intersections, pursuant to the LOS standards and significant impact criteria listed above. The implementation of improvements planned by the City of Tustin at the intersection of Red Hill Avenue/Bell Avenue, which consists of the installation of a traffic signal, results in the intersection operating at acceptable LOS A and B during the am and pm peak hours, respectively.

**Table 3** provides the level of service for “Year 2020 plus project” traffic conditions. As shown, the addition of ambient traffic growth and cumulative projects traffic would further deteriorate the am peak hour service level at the intersection of Red Hill Avenue/Bell Avenue, as this intersection is forecast to continue to operate at unacceptable LOS F as an unsignalized intersection.

**TABLE 3  
YEAR 2020 PLUS PROJECT PEAK HOUR INTERSECTION CAPACITY ANALYSIS**

Intersection	Time	Minimum LOS	Existing		Year 2020 Cumulative		Year 2020 Cum. Plus Project		Significant Impact		With Improvements	
			ICU/HCM	LOS	ICU/HCM	LOS	ICU/HCM	LOS	Inc.	Yes/No	ICU/HCM	LOS
Red Hill Avenue at Bell Avenue	AM	D	<b>52.6 s/v</b>	F	<b>82.3 s/v</b>	F	<b>97.7 s/v</b>	F	---	No	0.517	A <sup>a</sup>
	PM		17.8 s/v	C	21.3 s/v	C	25.5 s/v	D	---	No	0.664	B <sup>a</sup>
Red Hill Avenue at Carnegie Avenue	AM	D	0.424	A	0.453	A	0.467	A	0.014	No	---	---
	PM		0.691	B	0.735	C	0.747	C	0.012	No	---	---

a. The level of service calculations for these key study intersections include the City of Tustin planned improvement, which would install a three-phase traffic signal.  
NOTES: **Bold ICU/LOS** or **HCM/LOS** values indicate adverse service levels based on City of Tustin LOS standards;  
s/v = seconds per vehicle

The intersection of Red Hill Avenue/Carnegie Avenue is forecast to continue to operate at an acceptable service level during the am and pm peak hours in the Year 2020 cumulative traffic condition. As shown, traffic associated with the proposed project in the Year 2020 *would not* significantly impact either of these two intersections, pursuant to the LOS standards and significant impact criteria specified above. As shown, implementation of improvements that are planned by the City of Tustin at the intersection of Red Hill Avenue/Bell Avenue, which consists of installation of a traffic signal, results in the intersection operating at acceptable LOS A and B in the Year 2020 during the am and pm peak hours, respectively.

**Table 4** provides the level of service for Year 2035 build out plus project traffic conditions. The level of service calculations for this scenario includes the improvements that are planned by the City of Tustin at the intersections of Red Hill Avenue/Bell Avenue and Red Hill Avenue/Carnegie Avenue. The planned improvements, which are also summarized in the footnotes of Table 4, consist of the following, per the information provided by the City of Tustin:

- Red Hill Avenue at Bell Avenue:** Installation of a six-phase traffic signal with protected left-turn phasing in the north-south directions and split phase operation in the east-west directions. The northbound approach will include the addition of a 4<sup>th</sup> through lane and an exclusive right-turn lane. The southbound approach will include the addition of a left-turn lane and an exclusive right-turn lane. The eastbound approach will be restriped to provide one shared left-turn/through lane and one right-turn lane. The westbound approach will be constructed and provide one shared left-turn/through lane and dual right-turn lanes.
- Red Hill Avenue at Carnegie Avenue:** Modification of the existing traffic signal for six-phase operation with protected left-turn phasing in the north-south directions and split phase operation in the east-west directions. The northbound approach will include the addition of a 4<sup>th</sup> through lane and an exclusive right-turn lane. The southbound approach will include the addition of a left-turn lane and an exclusive right-turn lane. The eastbound approach will be restriped to provide one shared left-turn/through lane and one right-turn lane. The westbound approach will be constructed and provide one shared left-turn/through lane and one right-turn lane.

**TABLE 4  
YEAR 2035 PLUS PROJECT PEAK HOUR INTERSECTION CAPACITY ANALYSIS**

Intersection	Time Period	Minimum LOS	Year 2035 Build Out		Year 2035 Build Out Plus Project		Significant Impact	
			ICU/HCM	LOS	ICU/HCM	LOS	Inc.	Yes/No
Red Hill Avenue at Bell Avenue	AM	D	0.634	B	0.643	B	0.009	No
	PM		0.736	C	0.745	C	0.009	No
Red Hill Avenue at Carnegie Avenue	AM	D	0.555	A	0.568	A	0.013	No
	PM		0.880	D	0.889	D	0.009	No

NOTES: **Bold ICU/LOS** or **HCM/LOS** values indicate adverse service levels based on City of Tustin LOS standards; s/v = seconds per vehicle

As shown in Table 4, the intersections of Red Hill Avenue/Bell Avenue and Red Hill Avenue/Carnegie Avenue are forecast to operate at acceptable service levels during the am and pm peak hours in the Year 2035 build out traffic condition

with construction of the intersection improvements planned by the City of Tustin. Also, Table 4 shows that traffic associated with the proposed project in the Year 2035 *would not* significantly impact these two intersections, pursuant to the LOS standards and significant impact criteria described above. The intersections of Red Hill Avenue/Bell Avenue and Red Hill Avenue/Carnegie Avenue are forecast to operate at acceptable service levels during the am and pm peak hours in the Year 2035 build out plus project traffic condition with implementation of the improvements planned by the City of Tustin.

In conclusion, the proposed project would not result in significant impacts at the intersections of Red Hill Avenue/Bell Avenue and Red Hill Avenue/Carnegie Avenue under existing plus project traffic conditions, Year 2020 plus project traffic conditions and Year 2035 build out plus project traffic conditions. However, the proposed project would be required to pay its fair share towards the improvements planned by the City of Tustin at these two locations. The fair share contributions are described in response TUS-6, below.

**Appendix A** of this Final EIR contains the traffic counts as well as the existing plus project, Year 2020 plus project, and Year 2035 build out plus project level of service calculation worksheets for the intersections of Red Hill Avenue/Bell Avenue and Red Hill Avenue/Carnegie Avenue.

**TUS-6**

**Comment:** The comment states that improvements are planned along Red Hill Avenue, at Carnegie Avenue, Bell Avenue, and between Dyer Road/Barranca Parkway and Industrial Drive/Parkway Loop, and that the project should pay its fair share of the cost toward these improvements.

**Response:** Consistent with the request of the City of Tustin and Response TUS-5, **Table 5** provides the Year 2035 percentage of net traffic at the intersections of Red Hill Avenue/Bell Avenue, Red Hill Avenue/Carnegie Avenue and for the three roadway segments located along Red Hill Avenue between Dyer Road/Barranca Parkway and Industrial Drive/Parkway Loop (i.e. Roadway Segments L, N and T) associated with the planned widening of northbound Red Hill Avenue (i.e. additional northbound through lane) and the planned installation of a raised median.

**TABLE 5  
YEAR 2035 PROJECT FAIR SHARE PERCENTAGE CONTRIBUTION <sup>a</sup>**

Location	Time	Existing	Year 2035 Build Out	Year 2035 Build Out Plus Project	Project Percentage Share
1. Red Hill Ave at Bell Ave	AM	2,425	3,524	3,655	10.7%
	PM	3,624	5,170	5,341	10.0%
2. Red Hill Ave at Carnegie Ave	AM	2,324	3,359	3,514	13.0%
	PM	3,789	5,242	5,472	13.7%
L. Red Hill Ave between Edinger Ave and Valencia Ave <sup>b</sup>	Daily	25,626	26,883	27,738	3.1%
N. Red Hill Ave between Warner Ave and Valencia Ave <sup>b</sup>	Daily	27,170	23,732	25,490	6.9%
T. Red Hill Ave between Warner Ave and Dyer Rd <sup>b</sup>	Daily	31,122	29,896	32,176	7.1%

a Unless otherwise noted, the proposed project's fair share contribution is based on the following equation:

- Project Percentage Share (4) = [Column (3) – Column (2)] / [Column (3) – Column (1)]

b The proposed project's fair share contribution for this key roadway segment is based on the following equation:

- Project Percentage Share (4) = [Column (3) – Column (2)] / [Column (3)]

As shown on Table 5, the project's Year 2035 fair share contribution for the planned improvements at the intersections of Red Hill Avenue/Bell Avenue and Red Hill Avenue/Carnegie Avenue totals 10.7 percent and 13.7 percent, respectively. The project's Year 2035 fair share contribution for Roadway Segments L, N and T totals 3.1 percent, 6.9 percent and 7.1 percent, respectively.

As described in Draft EIR Section 3.13, *Transportation and Traffic*, the proposed project would not result in a significant impact under Year 2035 build out traffic conditions at Roadway Segments L, N and T. These three roadway segments are forecast to operate at an acceptable LOS A on a daily basis in the Year 2035 without and with the proposed project.

**Table 6** summarizes the results of the Year 2035 build out plus project daily analysis for Roadway Segments L, N and T with the planned improvements identified by the City of Tustin (i.e. additional northbound through lane). As shown in Table 6, Roadway Segments L, N and T are forecast to operate at acceptable LOS A without and with the proposed project under Year 2035 build out traffic conditions.



**TABLE 6  
YEAR 2035 BUILD OUT ROADWAY SEGMENT LEVEL OF SERVICE SUMMARY**

Roadway Segment	Min. Acc. LOS	No. of Existing Lanes	Arterial Classification	Existing Capacity at LOS "E"	Year 2035 Buildout Traffic Conditions			Year 2035 Buildout Plus Project Traffic Conditions				Significant (Yes/No)
					Daily Volume	V/C Ratio	LOS	Daily Volume	V/C Ratio	LOS	Increase	
L. Red Hill Ave between Edinger Ave and Valencia Ave	D	6D	Major	56,300	26,883	0.477	A	27,738	0.493	A	0.016	No
• With Planned Improvements <sup>a</sup>	D	7D	Major	65,650	26,883	0.410	A	27,738	0.423	A	0.013	No
N. Red Hill Ave between Warner Ave and Valencia Ave	D	6D	Major	56,300	23,732	0.422	A	25,490	0.453	A	0.031	No
• With Planned Improvements <sup>b</sup>	D	7D	Major	65,650	23,732	0.361	A	25,490	0.388	A	0.027	No
T. Red Hill Ave between Warner Ave and Dyer Rd/Barranca Pkwy	D	6D	Major	56,300	29,896	0.531	A	32,176	0.572	A	0.041	No
• With Planned Improvements <sup>c</sup>	D	7D	Major	65,650	29,896	0.455	A	32,176	0.490	A	0.035	No

a The City of Tustin planned improvement for this location includes the addition of a 4th northbound through lane on Red Hill Avenue between Valencia Avenue and Industrial Drive/Parkway Loop.

b The City of Tustin planned improvement for this location includes the addition of a 4th northbound through lane on Red Hill Avenue between Warner Avenue and Valencia Avenue.

c The City of Tustin planned improvement for this location includes the addition of a 4th northbound through lane on Red Hill Avenue between Warner Avenue and Dyer Road/Barranca Parkway.

**TUS-7** **Comment:** The comment states that some project trips would occur on the northerly side of the Tustin Legacy, but there are no assumptions from this area or the Tustin Legacy's Neighborhoods D or E. The comment also states that the project should be modeled to capture any redistribution that occurs. In addition, the comment requests explanation of the traffic forecasting methodology, and the lack of project trip distribution to portions of the Tustin Legacy.

**Response:** The project traffic distribution pattern for the proposed project is provided in Appendix J, Traffic Impact Analysis Report of the Draft EIR, and was derived from a project select zone model run prepared for the project using the OCTAM3.4 traffic model. The distribution percentages derived from the select zone model run were further adjusted based on ingress/egress availability at the project site and input from City of Santa Ana staff. The City of Santa Ana approved the refined project traffic distribution pattern for use in the traffic impact analysis. While it is possible that some of the project traffic would have a destination within the Tustin Legacy neighborhoods, the project traffic distribution pattern within the traffic impact analysis reflects a more conservative approach by having project traffic pass by the Tustin Legacy area on the arterial network, rather than through the neighborhoods.

**TUS-8** **Comment:** The comment states that the project includes a right-in/right-out only access on Red Hill Avenue. The City of Tustin will be installing a raised landscape median on Red Hill in the project vicinity that would prevent left turn access on Red Hill Avenue, except at existing street intersections.

**Response:** As stated in Appendix J, Traffic Impact Analysis Report of the Draft EIR and Draft EIR Section 3.13, *Transportation and Traffic*, vehicular access to the project site from Red Hill Avenue would be provided via one right-turn in/right-turn out only driveway, which is consistent with the City of Tustin's plans for installation of a raised median along this section of Red Hill Avenue.



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

August 24, 2015

Vince Fregoso, Acting Planning Manager  
 Planning and Building Agency M20  
 City of Santa Ana  
 20 Civic Center Plaza  
 Santa Ana, CA 92702

**Subject: Heritage Mixed Use Project Draft Environmental Impact Report (DEIR)**

Dear Mr. Fregoso:

Thank you for the opportunity to review the DEIR for the Heritage Mixed Use Project located at 2001 East Dyer Road in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA) and the AELUP for Heliports*. The proposed project would redevelop the 18.84 acre project site with residential and commercial uses and include outdoor amenities such as open space areas, a central park and other recreation amenities.

The proposed project is located under the primary aircraft approach corridor to John Wayne Airport and is within the Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR) Part 77 Notification Area for JWA. The DEIR should emphasize that future residents would be exposed to significant aircraft overflight and single event noise due to the project's location under the aircraft approach corridor for JWA. Additionally, during reverse flow operations at JWA (approximately five percent (5%) of the time), future residents would experience noise associated with aircraft departures.

ALUC-1

Because of the project's proximity to a noise impacted area, we concur with the DEIR inclusion of mitigation measure LU-1 stating that all prospective residents of the project site shall be notified of airport related noise. Notification shall be included in lease/rental agreements and shall state the following:

"NOTICE OF AIRPORT IN VICINITY:

*This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."*

ALUC-2

As noted in the DEIR, the *AELUP for JWA* recommends that designated outdoor common or recreational areas within the 60 dB CNEL noise contour provide outdoor signage informing the public of the presence of operating aircraft. The proposed project includes construction of a park that would include an outdoor theatre, putting green, and par course/walking/running trail with seating. In addition, the project would develop various recreation amenities for residents that would include a pool and spa, fire pits, dog park, outdoor barbeque area, fitness area, community center, tennis and basketball courts, and children's play area. Each building would have a common area rooftop deck with outdoor kitchen and seating areas. The DEIR should include a mitigation measure requiring the placement of signage in these proposed outdoor recreational areas stating they would be exposed to significant aircraft overflight and single event noise due to the project's location under the aircraft approach corridor for JWA.

ALUC-3

The Draft EIR should also identify if the project will be impacted by helicopter overflight due to the close proximity of helicopter arrival and departure operations at JWA and if the project allows for heliports as defined in the Orange County *AELUP for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

ALUC-4

As you know, because this project falls within the *JWA AELUP* planning areas and requires a General Plan Amendment, it is recommended that the project be referred to the Airport Land Use Commission for a Consistency determination with the *JWA AELUP* and *AELUP for Heliports*. In this regard, please note that the Commission wants such referrals to be submitted to the ALUC staff between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaing.

ALUC-5

Thank you again for the opportunity to comment on the DEIR. Please contact Lea Choum at (949) 252-5123 or via email at [lchoum@ocair.com](mailto:lchoum@ocair.com) should you have any questions related to the future referral of your project.

Sincerely,



Kari A. Rigoni  
Executive Officer

## Airport Land Use Commission for Orange County

**ALUC-1**      **Comment:** The comment provides general background information about the project, including its location within the Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR) Part 77 Notification Area for John Wayne Airport (JWA). The comment asserts that the project site is located under the primary aircraft approach corridor (and departure corridor five percent of the time) for JWA and that future residents would be exposed to significant overflight due to the project's location.

**Response:** JWA is located approximately 1.8 miles southwest of the project site and within the FAR Part 77 Notification Area for JWA. As described in Section 3.6, *Hazards and Hazardous Materials* (page 3.6-8) this area is to identify any projects that would be more than 200 feet in height above ground level or within the imaginary surface of a 100:1 slope extending outward for 20,000 feet from the nearest JWA runway. The proposed buildings would be 67 feet 6 inches in height, well below 200 feet above ground level. Thus, the FAA does not need to be notified about the project.

As also described in Section 3.6, *Hazards and Hazardous Materials* (page 3.6-8) the project site is not located within the JWA Airport Safety Zone (Figure 3.6-2), or the Airport Impact Zones, which includes the Runway Protection Zone and the 65 CNEL Noise Contours (Figure 3.6-3). The western portion of the project site is located within the JWA 60 CNEL contour (Figure 3.6-3). This indicates that site is located within an area that is 60 dB CNEL or greater, but less than 65 dB CNEL.

The City's noise standards listed in Section 3.6, *Hazards and Hazardous Materials* (Table 3.9-9), indicate that residential uses have an exterior noise standard of 65 dBA CNEL; thus, because the entire project site is located outside of the JWA 65 dB CNEL noise contour, the project would not expose people to excessive noise from the airport.

In addition, ambient noise measurements were conducted as part of preparation of the Draft EIR to characterize ambient noise conditions in the vicinity of the project site. As described in Section 3.9, *Noise* (pages 3.9-6 and 3.9-7), the short-term noise measurements identified ambient noise as 58.1 and 60.4 Leq dBA, and the long-term (24-hour) measurements (that would include aircraft overflight noise) identified the ambient noise as 69.6 and 65.8 dBA CNEL. As described on page 3.9-9 and listed in Table 3.9-3, the existing roadway noise adjacent to the project site on Dyer Road generates 67.3 dBA CNEL, and 67.7 dBA CNEL is generated by Red Hill Avenue. Therefore, the existing ambient noise on the project site is largely generated by roadway noise, and the site is not subject to excessive noise from JWA operations.

**ALUC-2** **Comment:** The comment states that because of the project's proximity to a noise impacted area, it asserts concurrence with the Draft EIR inclusion of Mitigation Measure LU-1 stating that all prospective residents of the project site be notified of airport related noise.

**Response:** Mitigation Measure LU-1, as provided in this comment, is included within the Draft EIR Section 3.8, *Land Use and Planning* on page 3.8-35.

**ALUC-3** **Comment:** The comment states that the Airport Environs Land Use Plan (AELUP) for JWA recommends providing outdoor signage within common or recreational areas within the 60 CNEL contour informing the public of the presence of operating aircraft, and because the project includes exterior recreational uses the Draft EIR should include a mitigation measure requiring outdoor signage to provide information related to aircraft overflight and the related noise.

**Response:** As described in Response ALUC-1 excessive airport related noise has not been identified as an existing condition on the project site. However, the western portion of the project site is located within the JWA 60 CNEL contour (Figure 3.6-3). This indicates that site is located within an area that is 60 dB CNEL or greater, but less than 65 dB CNEL, which is identified as Noise Impact Zone 2 in the JWA AELUP. In addition, AELUP Policy 3.2.4 recommended that designated outdoor common or recreational areas within Noise Impact Zone 2 provide outdoor signage informing the public of the presence of operating aircraft. In response to this comment and AELUP Policy 3.2.4, Mitigation Measure LU-2 has been included in this Final EIR that requires outdoor signage consistent with AELUP Policy 3.2.4 to be provided within outdoor common or recreational areas on the project site.

**ALUC-4** **Comment:** The comment states that the Draft EIR should identify if the project would be impacted by helicopter overflight due to the proximity of helicopter arrivals and departures at JWA. In addition, the comment provides information about proposals to develop new heliports.

**Response:** The proposed project does not include a heliport or any helicopter related activity. In addition, per the AELUP for Heliports (2008) the project site is not located within a Helipad Protection Zone, and the height restrictions related to helicopter operations is the same 200-foot height restriction described in Response ALUC-1. As described above, the proposed buildings would be 67 feet 6 inches in height, well below 200 feet above ground level. In addition, due to the 1.8 miles distance from the project site to JWA, and a helicopter's 8:1 approach and departure transitional surface (the flight trajectory for landings and departures), helicopters fly over the project site at a substantial altitude, such that noise from helicopter operations does not significantly impact the noise environment on the project site. As described in Response ALUC-1, excessive

airport related (including helicopter operations) noise has not been identified as an existing condition on the project site. The existing ambient noise on the project site is largely generated by roadway noise, and the site is not subject to excessive noise from JWA operations.

**ALUC-5**

**Comment:** The comment states that because the project is within JWA AELUP and requires a General Plan amendment it is recommended that the project be referred to the Airport Land Use Commission (ALUC) for a consistency determination with the JWA AELUP. The comment also provides general information about the ALUC meetings and ALUC staff contacts.

**Response:** This comment is consistent with the City of Santa Ana General Plan Airport Environs Element Policy 2.4, which states that “prior to the amendment of the City’s general plan or a specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the ALUC, and pursuant to PUC Section 21676, the local agency shall first refer the proposed action to the ALUC.”

Consistent with this comment and the City’s Airport Environs Element, the City of Santa Ana shall refer the proposed project to the ALUC after being considered for adoption by the City Planning Commission and prior to action by the City Council.



August 28, 2015

AFFILIATED AGENCIES

Orange County  
Transit District

Local Transportation  
Authority

Service Authority for  
Freeway Emergencies

Consolidated Transportation  
Service Agency

Congestion Management  
Agency

Service Authority for  
Abandoned Vehicles

Mr. Vince C. Fregoso, AICP  
Acting Planning Manager  
Santa Ana Planning and Building Agency  
20 Civic Center Plaza, M-20  
PO Box 1988  
Santa Ana, CA 92702

RE: The Heritage Mixed Use Project

Dear Mr. Fregoso:

Thank you for providing the Orange County Transportation Authority (OCTA) the opportunity to review the Draft Environmental Impact Report (DEIR) for the Heritage Mixed Use Project. Our comments on the DEIR are as follows:

- On page 3.13-10, "Transportation and Traffic" section under "3.13.1 Environmental Setting" and under "Existing Transit," a description of the existing OCTA bus routes within the project area is provided. In the report, Route 473 is included as a route serving the project area. However, Route 473 does not serve the project area and is a separate route from Route 472. Please delete the description listing Route 473. OCTA-1
- Additionally, routes that are in the 400's, such as Route 472, are rail feeder routes and are for passengers who take Metrolink to get to their workplace. Given this trip pattern, it is not possible for prospective residents to use this route to do a reverse commute to the Tustin Metrolink Station. However, it is still possible to access the train station using existing OCTA bus service via Route 71 to Route 70. OCTA-2

Throughout the development of the proposed project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me by phone at (714) 560-5907, or by email at [dphu@octa.net](mailto:dphu@octa.net).

Sincerely,

Dan Phu

Section Manager, Environmental Programs



## **Orange County Transportation Authority**

**OCTA-1**      **Comment:** The comment states that OCTA bus Route 473 does not serve the project area and is separate from Route 472. The comment requests deletion of the description of Route 473 on page 3.13-10, in Draft EIR Section 3.13, *Transportation and Traffic*.

**Response:** The requested clarification related to bus routes serving the project area and deletion of the description of Route 473 has been incorporated in the Final EIR, as shown in Chapter 3.

**OCTA-2**      **Comment:** The comment states that bus routes that are numbered in the 400s, such as Route 472, are routes that feed the Metrolink lines. The existing bus pattern does not provide a direct route from the Tustin Metrolink Station to the project site. OCTA bus service from Metrolink Station to the project site is provided via Route 71 to Route 70.

**Response:** Information regarding OCTA Route 70 and clarification about the existing bus pattern from the Tustin Metrolink Station to the project site has been incorporated in the Final EIR, as shown in Chapter 3.



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**DEPARTMENT OF TRANSPORTATION**

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3347 MICHELSON DRIVE, SUITE 100  
IRVINE, CA 92612-8894  
PHONE (949) 724-2086  
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August 31, 2015

Mr. Vince C. Fregoso, AICP  
City of Santa Ana  
Planning and Building Agency  
20 Civic Center Plaza, M-20  
Santa Ana, Ca. 92701

File: IGR/CEQA  
SCH#: 2015011028  
Log #: 4183A  
SR-55, I-405

Dear Mr. Fregoso:

Thank you for the opportunity to review and comment on **Draft Environmental Impact Report (DEIR) for the Heritage Mixed Use Project (SCH #2015011028)**. The project site is 18.84 acres and located at 2001 East Dyer Road in the City of Santa Ana, at the northwesterly corner of East Dyer Road and Red Hill Avenue. Regional access to the project site is generally provided via State Route 55 (SR-55 at the Dyer Road exit. Access to the project site is provided by Red Hill Avenue and Dyer Road, the latter of which becomes Barranca Parkway in the City of Irvine.

The proposed project would redevelop the project site to provide three mixed-use buildings that would provide 1,221 multi-family apartments, 12,675 square feet of retail commercial space, and 5,415 square feet of restaurant space. The residential units would range in size from 512 square foot studios to 1,290 square foot one-bedroom and two- bedroom units. Three parking structures would also be developed, one structure for each mixed-use building.

The California Environmental Quality Act (CEQA) requires the lead agency to coordinate and consult with Caltrans, as the owner and operator of the State Highway System, when proposed local land use planning and development may impact Caltrans facilities. Caltrans works to ensure that local land use planning and development decisions include the provision of transportation choices, including transit, intercity rail passenger service, air service, walking and biking, when appropriate. Caltrans advocates community design (e.g. urban infill, mixed use, transit oriented development) that promotes an efficient transportation system and healthy communities.

Caltrans is a **responsible agency** on this project and has the following comments for your consideration.

DOT-1

Comment from Traffic Operations Northeast:

Figures

- Please provide figures of AM and PM peak traffic volume distributions for the Cumulative Traffic condition only.
- The distribution of PM peak hour project traffic (Figure 5-3A) needs to include inbound traffic to intersection #16 at SR-55 southbound (SB) Off-Ramp at Grand Avenue, where the traffic will be coming from the SB SR-55 direction (opposite to peak hour traffic direction of the northbound), shorter distance and fewer number to signalized intersections along the route to the project location.
- Please explain the reasons for a significant reduction in traffic volumes in the Buildout year 2035 plus project versus in the year 2020 cumulative plus project on certain movements at the intersections, such as intersection #19 (Hotel Terrace/SR-55 SB Ramps at Dyer Road), where there is approximately 40% reduction in traffic volume in the peak hours (e.g., westbound Dyer Rd to SB SR-55 at PM peak shows 713 vehicles per hour (VPH) in the year 2020 vs. 409 vph in the year 2035).

DOT-2

DOT-3

Section 14.0 (State of California Methodology)

- Please use the most current edition of the Highway Capacity Manual (HCM) to analyze for the operations of signalized intersections, where the locations are within state right of way. In addition, provide a table of summary that contains 95<sup>th</sup> percentile queues for the off-ramps and identify if they have sufficient vehicular storages. For queue analysis on Caltrans off-ramps and intersections, refer to the HCM 2010 methodology, and utilize Highway Capacity Software (HCS) 2010.
- Please use the equation that is provided in the “Guide for the Preparation of Traffic Impact Studies” to calculate for the Project Fair Share Percentage Contribution.  
[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

DOT-4

Section 14.6 (Freeway Merge/ Diverge Ramp Junction Analysis)

- Please use the latest edition of the HCM as the criteria to categorize the Merge, Diverge, and Basic Freeway has changed.

Section 14.7 (Freeway Merge/ Diverge Ramp Junction Analysis Conclusion)

- The Heritage DEIR Traffic Impact Analysis Report, dated July 2, 2015, repeatedly discusses with some wording variations in *Section 14.7 Freeway Merge/Diverge Ramp Junction Analysis Conclusion on Page 103 and State of California Merge/Diverge Ramp Junction Analysis on Page 124* that “Since the SR-55 Freeway is controlled exclusively by the State, there is no mechanism by which the lead agency (City of Santa Ana) can construct or

DOT-5

guarantee the construction of any improvements to these freeway segments. Therefore, the proposed Project's incremental impacts on key freeway ramps assessed in this report are considered unmitigatable as there are no feasible mitigation measures that will reduce cumulative mainline impacts to below significance thresholds or achieve acceptable service level goals. Traditional funding mechanisms used to improve the freeway mainline include Orange County's Measure 'M' retail sales tax revenue for transportation, state and federal gas tax, and formula distributions from vehicle registration fees. Future employees/residents of the project contribute indirectly to freeway improvements through these sources...."

- It is the lead agency's responsibility to ensure that it fully mitigates, where feasible, its project's impacts on the environment, not just on resources within its jurisdiction. Several feasible mechanisms exist that would allow the City to fulfill its responsibility, including, but not limited to, imposing conditions of approval; entering into or requiring the developer to enter into a traffic mitigation agreement with Caltrans; entering into a cooperative agreement with Caltrans; or committing the City, or the developer, to make good faith efforts to apply for an encroachment permit to directly implement improvements. As for any deficiency in funding for cumulative impacts, the City can collect the fair share (or require payment to Caltrans or OCTA), and can coordinate with other partners to identify additional funding sources for the needed improvements.
- The City will need to revise the Heritage Project DEIR and Traffic Impact Study (TIS) with correct data, and re-submit to Caltrans for review by Traffic Operations before Caltrans can determine if identified potentially significant impacts and proposed mitigation are adequate/reasonable.

#### Encroachment Permit

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. For specific details, please refer to the Caltrans Encroachment Permits Manual. The latest edition is available on the web site:  
<http://www.dot.ca.gov/hq/traffops/developserv/permits>

As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary

DOT-5

DOT-6

DOT-7

Mr. Vince Fregoso, AICP  
August 31, 2015  
Page 4

regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (949) 724-7677. Early coordination with Caltrans is strongly advised for all encroachment permits.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or would like to meet with Caltrans to discuss these comments, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,



MAUREEN EL HARAKE  
Branch Chief, Regional-Community-Transit Planning  
District 12

c: Lee Haber, Traffic Operations North  
Scott Morgan, Office of Planning and Research



DOT-7

## California Department of Transportation (Caltrans) District 12

### DOT-1

**Comment:** The comment provides general background information about the project location and project description. The comment also states that CEQA requires the lead agency to coordinate with Caltrans, as the owner of the state highway system, when land use planning and development may impact Caltrans facilities. In addition, the comment asserts that Caltrans works to ensure that land use decisions, include the provision of transportation choices that promotes an efficient transportation system and healthy communities. Furthermore, the comment states that Caltrans is a responsible agency and has comments for the City's consideration.

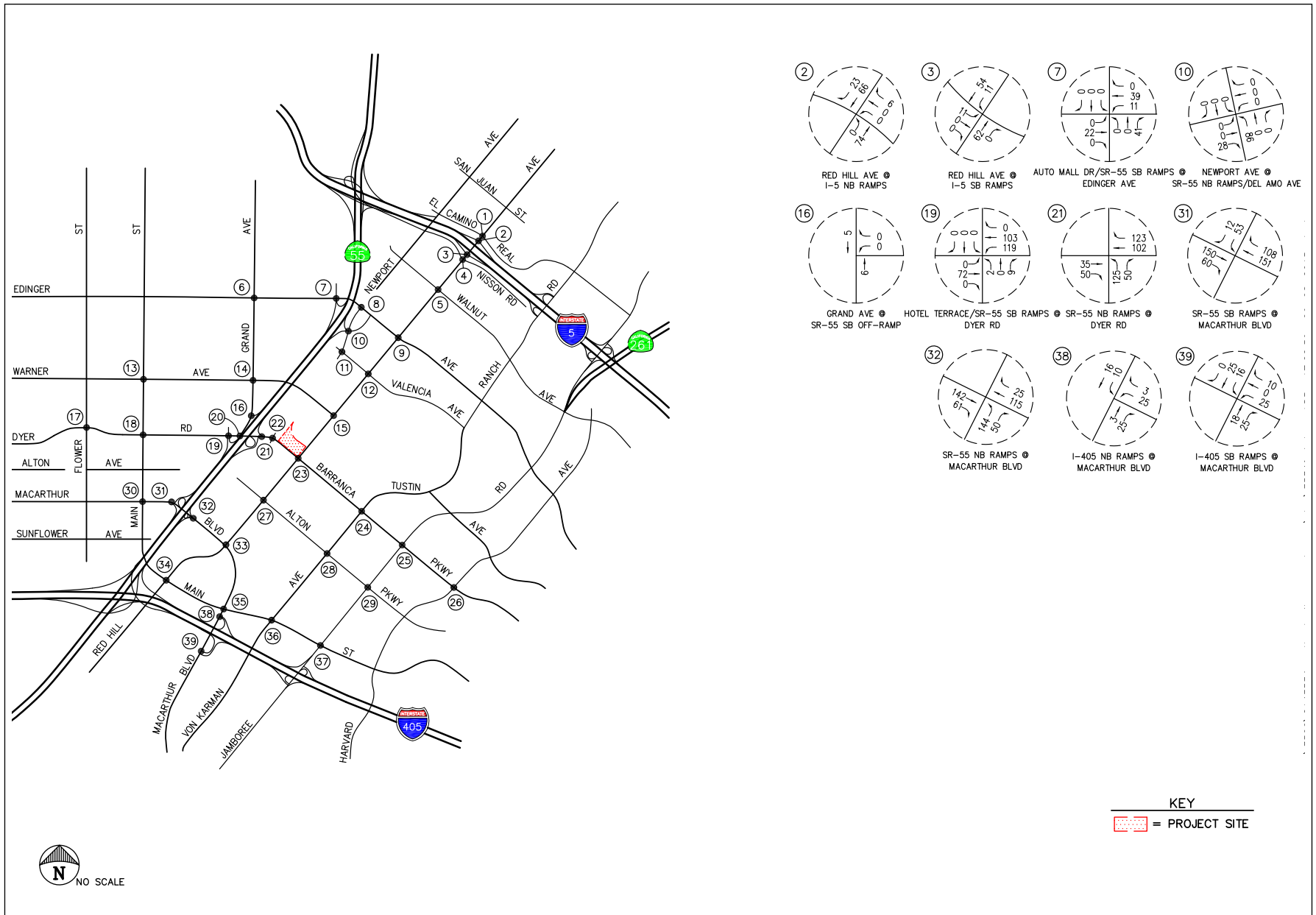
**Response:** The City acknowledges that Caltrans is a responsible agency, and that due to the location of the project, Caltrans facilities would receive vehicular trips generated from implementation of the proposed project. Therefore, Caltrans is on the City's mailing list for the project, and has been sent all public notices regarding the proposed project, including the Notice of Preparation, Initial Study, and Draft EIR. Caltrans will also receive a copy of the Final EIR at least 10 days prior to the project's consideration of approval by the City's Planning Commission.

As described in the Draft EIR Section 2.0, *Project Description* (page 2-13), the project objectives include provision of non-vehicular (pedestrian and bicycle) circulation. The project's site design would include pedestrian/bicycle paths to provide for non-vehicular onsite circulation (page 2-7). Additionally, the proposed project is located adjacent to existing transit services that are provided by the Orange County Transportation Authority (OCTA). Bus stops are located on Red Hill Avenue and Dyer Road. From these bus stops, OCTA operates five bus routes that provide transportation to local employment land uses and to the Tustin Metrolink Station that is approximately three miles from the project site (Draft EIR page 3.13-10). This Metrolink station provides transportation to areas throughout the region. The project location adjacent to existing transit promotes an efficient transportation and would reduce vehicle miles. Thus, the project is consistent with the Caltrans objectives described in this comment.

### DOT-2

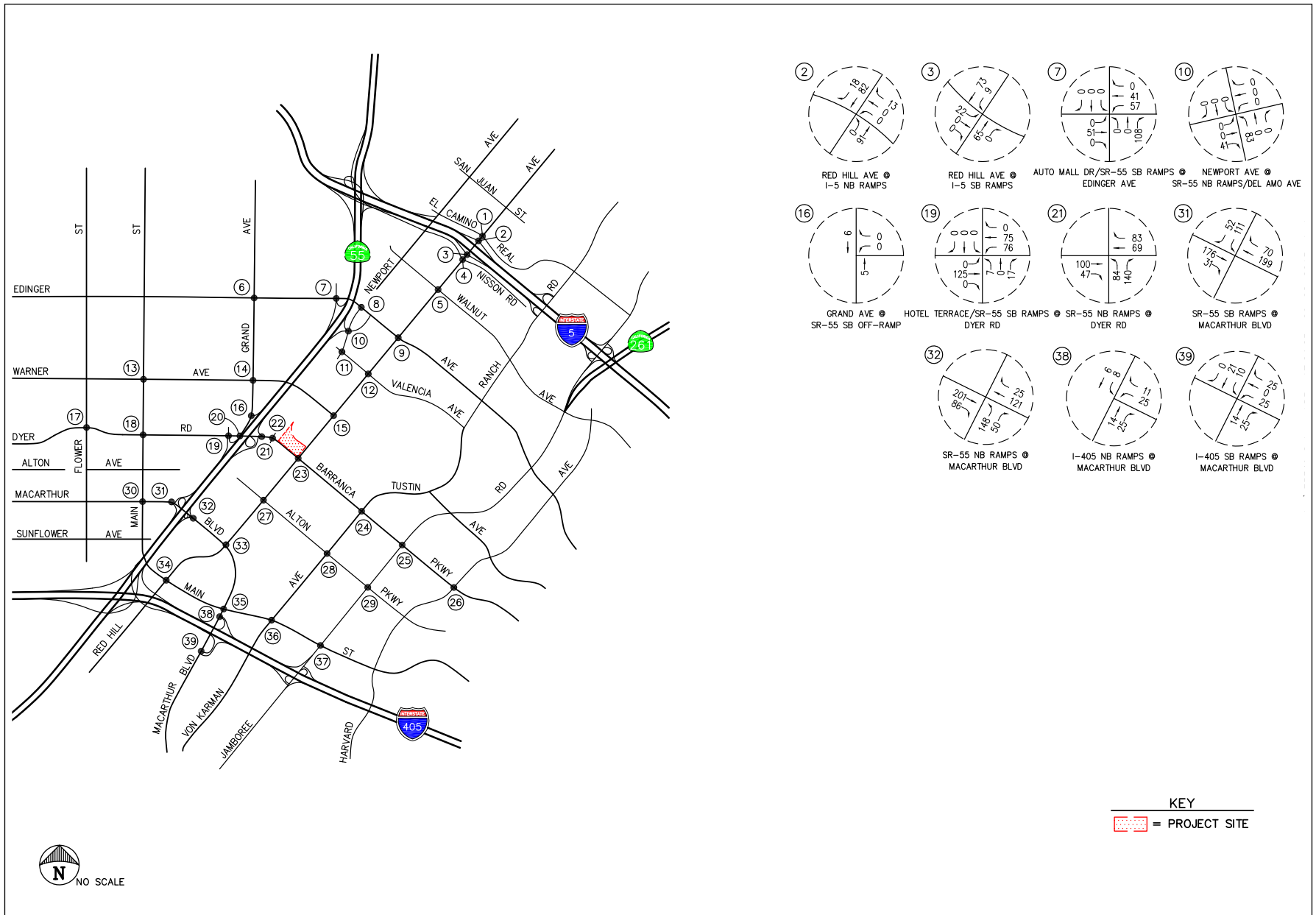
**Comment:** The comment requests figures showing am and pm peak traffic volume distributions for the cumulative traffic condition only. In addition, the comment requests that the distribution of pm peak hour project traffic (Figure 5-3A) include inbound traffic to intersection number #16 (SR 55 southbound off ramp at Grand Avenue) because it provides a shorter distance and fewer signalized intersections along the route to the project site.

**Response:** As requested, attached **Figures 2** and **3** illustrate the am peak hour and pm peak hour cumulative project only traffic volumes for the 11 state-controlled study intersections.



SOURCE: Linscott Law & Greenspan Engineers

The Heritage Mixed Use Project . 140730



SOURCE: Linscott Law & Greenspan Engineers

The Heritage Mixed Use Project . 140730



As shown in Figure 5-1A/B (i.e. the project traffic distribution pattern), Appendix J, Traffic Impact Analysis Report of the Draft EIR, project-related traffic travelling to the project site from the north via the SR 55 Freeway would utilize the SR 55 SB Ramps/Edinger Avenue intersection (i.e. 10 percent of inbound project traffic) and the SR 55 SB Ramps/Dyer Road intersection (i.e. 5 percent of inbound project traffic), not the intersection of Grand Avenue/SR 55 SB Off-Ramp. Although use of the Grand Avenue/SR 55 SB Off-Ramp intersection may provide a shorter travel distance to the project site, the select zone model run prepared for the project using the OCTAM3.4 traffic model utilized the SR 55 SB Ramps/Edinger Avenue intersection and the SR 55 SB Ramps/Dyer Road intersection to access the site from the north via the SR 55 Freeway. Further, the distribution percentages, which were derived from the select zone model run for the project, were adjusted based on ingress/egress availability at the project site (i.e. right-turn in/right-turn out only access from Dyer Road and Red Hill Avenue is proposed) and input, and approval, from City of Santa Ana staff regarding the refined project traffic distribution pattern shown in Figure 5-1A/B.

**DOT-3**

**Comment:** The comment requests explanation regarding the reduction in traffic volumes in the 2035 plus project condition versus the year 2020 cumulative plus project condition at intersection #19 (Hotel Terrace/SR 55 SB Ramps at Dyer Road) where a 40 percent reduction in traffic volume in the peak hours.

**Response:** As described in Appendix J, Traffic Impact Analysis Report of the Draft EIR, traffic volumes for project opening without the project were developed manually for City of Santa Ana/City of Tustin locations (i.e. through the use of an ambient growth factor plus the addition of cumulative project traffic), while project opening traffic volumes for City of Irvine locations were provided by City of Irvine Transportation Department staff. For City of Santa Ana and City of Tustin locations, the Year 2035 build out without project traffic volume forecasts were obtained through utilization of the OCTAM3.4 Year 2035 traffic model provided by OCTA. For City of Irvine locations, long-term (Year 2035) daily and peak hour traffic forecasts without the proposed project were provided by City of Irvine transportation staff.

Traffic volume discrepancies between the project opening year and the build out year may occur as the opening year traffic volumes are typically developed manually and the build out year traffic volumes are taken directly from the model. Other aspects of traffic volume development that may cause discrepancies between opening year traffic volumes and build out traffic volumes are the available street network for each traffic scenario. For this project, the Year 2035 build out traffic volumes were developed with the Warner Avenue extension between Red Hill Avenue/Tustin Ranch Road and the Alton Parkway extension over the SR 55 Freeway, while the opening year (Year 2020) traffic volume projections did not have these roadways as part of the project street network.

The additional roadways available for development of the Year 2035 build out traffic volumes caused a redistribution of traffic in the area, thus resulting in lower traffic volumes in the Year 2035 at various intersections including the intersection of Hotel Terrace/SR 55 SB Ramps at Dyer Road. Thus, the traffic volumes utilized in the traffic impact analysis report are accurate and appropriate for use.

**DOT-4**

**Comment:** The comment requests the use of the most current edition of the Highway Capacity Manual (HCM) to analyze signaled intersections that are within the state right-of-way, and states that the HCM criteria related to the Merge, Diverge, and Basic Freeway categories have changed. In addition the comment requests provision of a table that contains 95 percentile queues for the off-ramps and identify if they have sufficient vehicular storage. The queue analysis should refer to the HCM 2010 methodology and utilize HCS 2010 software.

**Response:** As requested, the existing plus project, Year 2020 plus project and Year 2035 plus project level of service calculations for the eleven state-controlled study intersections were updated utilizing the HCM 2010 signalized methodology.

**Table 7** on the following page summarizes the existing plus project peak hour HCM level of service results at the eleven state-controlled study intersections within the study area utilizing the HCM 2010 methodology. As shown, the traffic associated with the proposed project would not significantly impact any of the 11 state-controlled study intersections, which are forecast to continue to operate at LOS D or better with the addition of project generated traffic to existing traffic. These findings are consistent with the findings of the Traffic Impact Analysis Report for the project, included as Appendix J to the Draft EIR.

**TABLE 7**  
**EXISTING PLUS PROJECT PEAK HOUR INTERSECTION CAPACITY ANALYSIS – CALTRANS<sup>a</sup>**

Intersection	Time	(1) Existing Traffic Conditions		(2) Existing Plus Project Traffic Conditions		(3) Significant Impact
		HCM	LOS	HCM	LOS	Yes/No
2. Red Hill Avenue at I-5 NB Ramps	AM	26.0 s/v	C	25.9 s/v	C	No
	PM	21.9 s/v	C	21.9 s/v	C	No
3. Red Hill Avenue at I-5 SB Ramps	AM	29.2 s/v	C	29.2 s/v	C	No
	PM	23.3 s/v	C	23.2 s/v	C	No
7. Auto Mall Dr./SR 55 SB Ramps at Edinger Avenue	AM	43.8 s/v	D	44.0 s/v	D	No
	PM	42.3 s/v	D	42.6 s/v	D	No
10. Newport Avenue at SR 55 NB Ramps/Del Amo Ave	AM	30.9 s/v	C	31.4 s/v	C	No
	PM	42.6 s/v	D	42.4 s/v	D	No
16. Grand Avenue at SR 55 SB Off-Ramp	AM	11.5 s/v	B	11.5 s/v	B	No
	PM	9.8 s/v	A	9.8 s/v	A	No
19. Hotel Terrace/SR 55 SB Ramps at Dyer Road	AM	39.4 s/v	D	41.1 s/v	D	No
	PM	47.9 s/v	D	54.1 s/v	D	No
21. SR 55 NB Ramps at Dyer Road	AM	15.1 s/v	B	15.6 s/v	B	No
	PM	8.5 s/v	A	9.4 s/v	A	No
31. SR 55 SB Ramps at MacArthur Boulevard	AM	17.2 s/v	B	17.2 s/v	B	No
	PM	13.7 s/v	B	13.7 s/v	B	No
32. SR 55 NB Ramps at MacArthur Boulevard	AM	27.0 s/v	C	27.2 s/v	C	No
	PM	20.0 s/v	C	20.3 s/v	C	No
38. I-405 NB Ramps at MacArthur Boulevard	AM	31.9 s/v	C	32.2 s/v	C	No
	PM	22.0 s/v	C	24.8 s/v	C	No
39. I-405 SB Ramps at MacArthur Boulevard	AM	24.0 s/v	C	24.4 s/v	C	No
	PM	20.8 s/v	C	21.2 s/v	C	No

s/v = seconds per vehicle

a The LOS calculations are based on the HCM 2010 methodology.

**Table 8** summarizes the Year 2020 plus project peak hour HCM level of service results at the eleven state-controlled study intersections within the study area utilizing the HCM 2010 methodology. As shown, traffic from the proposed project would significantly impact one of the 11 state-controlled study intersections. The intersection of Hotel Terrace/SR 55 SB Ramps at Dyer Road is forecast to operate at unacceptable LOS F during the pm peak hour without and with the proposed project in the Year 2020. The remaining 10 state-controlled study intersections are forecast to continue to operate at LOS D or better with the addition of project generated traffic in the Year 2020. As shown in Table 8, with implementation of improvements, the intersection of Hotel Terrace/SR 55 SB Ramps at Dyer Road is forecast to operate at acceptable LOS D or better during the am and pm peak hours. These findings are consistent with the findings of the Traffic Impact Analysis Report for the project, included as Appendix J to the Draft EIR.

**Table 9** summarizes the Year 2035 build out plus project peak hour HCM level of service results at the 11 state-controlled study intersections within the study area utilizing the HCM 2010 methodology. As shown, traffic associated with the proposed project would significantly impact one of the 11 state-controlled study intersections. The intersection of Auto Mall Drive/SR 55 SB Ramps at Edinger Avenue is forecast to operate at unacceptable LOS F during the pm peak hour without and with the proposed project in the Year 2035. The remaining 10 state-controlled study intersections are forecast to continue to operate at LOS D or better with the addition of project generated traffic in the Year 2035. As shown, with implementation of improvements, the intersection of Auto Mall Drive/SR 55 SB Ramps at Edinger Avenue is forecast to operate at acceptable LOS D or better during the am and pm peak hours. These findings are consistent with the findings of the Traffic Impact Analysis Report for the project, included as Appendix J to the Draft EIR.

In response to these comments, stacking/storage requirements for the off-ramps at the 11 state-controlled study intersections was evaluated for Year 2020 Cumulative plus project traffic conditions and Year 2035 build out plus project traffic conditions. **Tables 10** and **11** identify the minimum required stacking/storage lengths for the off-ramps at the 11 state-controlled study intersections for Year 2020 plus project traffic conditions and Year 2035 build out plus project traffic conditions, respectively. The queuing evaluation utilizes the 95th percentile queue and was based on the HCM 2010 signalized methodology.

**TABLE 8**  
**YEAR 2020 PEAK HOUR INTERSECTION CAPACITY ANALYSIS – CALTRANS <sup>a</sup>**

Intersection	Time	Existing		Year 2020 Cumulative		Year 2020 Cumulative Plus Project		Significant Impact	Year 2020 Cumulative Plus Project Plus Improvements	
		HCM	LOS	HCM	LOS	HCM	LOS		Yes/No	HCM
2. Red Hill Avenue at I-5 NB Ramps	AM	26.0 s/v	C	29.8 s/v	C	29.7 s/v	C	No	--	--
	PM	21.9 s/v	C	27.0 s/v	C	27.0 s/v	C	No	--	--
3. Red Hill Avenue at I-5 SB Ramps	AM	29.2 s/v	C	32.8 s/v	C	32.7 s/v	C	No	--	--
	PM	23.3 s/v	C	30.5 s/v	C	30.4 s/v	C	No	--	--
7. Auto Mall Dr/SR-55 SB Ramps at Edinger Avenue	AM	43.8 s/v	D	46.1 s/v	D	46.5 s/v	D	No	--	--
	PM	42.3 s/v	D	48.7 s/v	D	50.0 s/v	D	No	--	--
10. Newport Avenue at SR-55 NB Ramps/Del Amo Ave	AM	30.9 s/v	C	33.3 s/v	C	34.0 s/v	C	No	--	--
	PM	42.6 s/v	D	48.9 s/v	D	48.8 s/v	D	No	--	--
16. Grand Avenue at SR-55 SB Off-Ramp	AM	11.5 s/v	B	11.7 s/v	B	11.7 s/v	B	No	--	--
	PM	9.8 s/v	A	10.0 s/v	B	10.0 s/v	A	No	--	--
19. Hotel Terrace/SR-55 SB Ramps at Dyer Road	AM	39.4 s/v	D	42.7 s/v	D	45.6 s/v	D	No	34.7 s/v	C
	PM	47.9 s/v	D	<b>94.0 s/v</b>	<b>F</b>	<b>106.2 s/v</b>	<b>F</b>	<b>Yes</b>	49.4 s/v	D
21. SR-55 NB Ramps at Dyer Road	AM	15.1 s/v	B	21.7 s/v	C	30.7 s/v	C	No	--	--
	PM	8.5 s/v	A	27.5 s/v	C	30.9 s/v	C	No	--	--
31. SR-55 SB Ramps at MacArthur Boulevard	AM	17.2 s/v	B	19.7 s/v	B	19.8 s/v	B	No	--	--
	PM	13.7 s/v	B	15.4 s/v	B	15.4 s/v	B	No	--	--
32. SR-55 NB Ramps at MacArthur Boulevard	AM	27.0 s/v	C	39.3 s/v	D	39.8 s/v	D	No	--	--
	PM	20.0 s/v	C	27.9 s/v	C	28.7 s/v	C	No	--	--
38. I-405 NB Ramps at MacArthur Boulevard	AM	31.9 s/v	C	35.2 s/v	D	35.5 s/v	D	No	--	--
	PM	22.0 s/v	C	21.4 s/v	C	22.7 s/v	C	No	--	--
39. I-405 SB Ramps at MacArthur Boulevard	AM	24.0 s/v	C	22.2 s/v	C	22.6 s/v	C	No	--	--
	PM	20.8 s/v	C	23.3 s/v	C	23.8 s/v	C	No	--	--

s/v = seconds per vehicle

a The LOS calculations are based on the HCM 2010 methodology.

**TABLE 9  
YEAR 2035 PEAK HOUR INTERSECTION CAPACITY ANALYSIS – CALTRANS <sup>a</sup>**

	Intersection	Time	Existing		Year 2035 Build Out		Year 2035 Build Out Plus Project		Significant Impact Yes/No	Year 2035 Cumulative Plus Project Plus Improvements	
			HCM	LOS	HCM	LOS	HCM	LOS		HCM	LOS
2.	Red Hill Avenue at I-5 NB Ramps	AM	26.0 s/v	C	36.1 s/v	D	35.9 s/v	D	No	--	--
		PM	21.9 s/v	C	29.5 s/v	C	29.6 s/v	C	No	--	--
3.	Red Hill Avenue at I-5 SB Ramps	AM	29.2 s/v	C	38.3 s/v	D	38.2 s/v	D	No	--	--
		PM	23.3 s/v	C	32.6 s/v	C	32.6 s/v	C	No	--	--
7.	Auto Mall Dr/SR-55 SB Ramps at Edinger Avenue	AM	43.8 s/v	D	53.0 s/v	D	54.2 s/v	D	No	36.5 s/v	D
		PM	42.3 s/v	D	<b>84.8 s/v</b>	<b>F</b>	<b>90.3 s/v</b>	<b>F</b>	<b>Yes</b>	42.5 s/v	D
10.	Newport Avenue at SR-55 NB Ramps/Del Amo Ave	AM	30.9 s/v	C	31.5 s/v	C	32.2 s/v	C	No	--	--
		PM	42.6 s/v	D	52.0 s/v	D	51.9 s/v	D	No	--	--
16.	Grand Avenue at SR-55 SB Off-Ramp	AM	11.5 s/v	B	14.0 s/v	B	14.2 s/v	B	No	--	--
		PM	9.8 s/v	A	13.2 s/v	B	13.2 s/v	B	No	--	--
19.	Hotel Terrace/SR-55 SB Ramps at Dyer Road	AM	39.4 s/v	D	44.1 s/v	D	47.1 s/v	D	No	--	--
		PM	47.9 s/v	D	47.9 s/v	D	51.1 s/v	D	No	--	--
21.	SR-55 NB Ramps at Dyer Road	AM	15.1 s/v	B	25.0 s/v	C	26.5 s/v	C	No	--	--
		PM	8.5 s/v	A	38.3 s/v	D	42.2 s/v	D	No	--	--
31.	SR-55 SB Ramps at MacArthur Boulevard	AM	17.2 s/v	B	16.1 s/v	B	16.1 s/v	B	No	--	--
		PM	13.7 s/v	B	13.5 s/v	B	13.5 s/v	B	No	--	--
32.	SR-55 NB Ramps at MacArthur Boulevard	AM	27.0 s/v	C	24.5 s/v	C	24.4 s/v	C	No	--	--
		PM	20.0 s/v	C	16.0 s/v	B	16.1 s/v	B	No	--	--
38.	I-405 NB Ramps at MacArthur Boulevard	AM	31.9 s/v	C	28.6 s/v	C	29.0 s/v	C	No	--	--
		PM	22.0 s/v	C	18.4 s/v	B	18.9 s/v	B	No	--	--
39.	I-405 SB Ramps at MacArthur Boulevard	AM	24.0 s/v	C	22.7 s/v	C	23.1 s/v	C	No	--	--
		PM	20.8 s/v	C	23.3 s/v	C	23.8 s/v	C	No	--	--

s/v = seconds per vehicle

a The LOS calculations are based on the HCM 2010 methodology.

**TABLE 10  
YEAR 2020 PEAK HOUR FREEWAY OFF-RAMP QUEUING ANALYSIS**

Ramp Intersection		Year 2020 Build Out Plus Project Traffic Conditions				
		Estimated Storage Provided (feet)	AM Peak Hour		PM Peak Hour	
			95 <sup>th</sup> Queue/Min. Storage Required	Adequate Storage (Yes / No)	95 <sup>th</sup> Queue/Min. Storage Required	Adequate Storage (Yes / No)
2.	Red Hill Avenue at I-5 NB Ramps					
	<i>WB Left-Turn</i>	385'	116'	Yes	123'	Yes
	<i>WB Left-Through</i>	385'	114'	Yes	124'	Yes
	<i>WB Right-Turn</i>	385'	139'	Yes	289'	Yes
3.	Red Hill Avenue at I-5 SB Ramps					
	<i>EB Left-Through</i>	430'	113'	Yes	304'	Yes
	<i>EB Right-Turn</i>	430'	147'	Yes	206'	Yes
7.	Auto Mall Drive/SR 55 SB Ramps at Edinger Avenue					
	<i>NB Left-Turn</i>	375'	324'	Yes	283'	Yes
	<i>NB Left-Through</i>	375'	332'	Yes	290'	Yes
	<i>NB Dual Right-Turns</i>	145'	48'	Yes	47'	Yes
10.	Newport Avenue at SR 55 NB Ramps/Del Amo Avenue					
	<i>EB Dual Left-Turns</i>	440'	134'	Yes	52'	Yes
	<i>EB Through-Right</i>	440'	58'	Yes	24'	Yes
16.	Grand Avenue at SR 55 SB Off-Ramp					
	<i>WB Dual Left-Turns</i>	280'	67'	Yes	45'	Yes
	<i>WB Right-Turn</i>	360'	116'	Yes	84'	Yes
19.	Hotel Terrace/SR 55 SB Ramps at Dyer Road					
	<i>NB Left-Turn</i>	600'	207'	Yes	300'	Yes
	<i>NB Left-Through</i>	600'	206'	Yes	297'	Yes
	<i>NB Dual Right-Turns</i>	600'	22'	Yes	18'	Yes
21.	SR 55 NB Ramps at Dyer Road					
	<i>NB Left-Turn</i>	970'	282'	Yes	113'	Yes
	<i>NB Left-Right</i>	970'	285'	Yes	94'	Yes
	<i>NB Right-Turn</i>	390'	260'	Yes	42'	Yes
31.	SR 55 SB Ramps at MacArthur Boulevard					
	<i>SB Dual Left-Turns</i>	1435'	323'	Yes	96'	Yes
	<i>SB Right-Turns</i>	260'	180'	Yes	228'	Yes
32.	SR 55 NB Ramps at MacArthur Boulevard					
	<i>NB Dual Left-Turns</i>	1215'	357'	Yes	179'	Yes
	<i>NB Right-Turn</i>	1215'	964'	Yes	204'	Yes

**TABLE 10  
YEAR 2020 PEAK HOUR FREEWAY OFF-RAMP QUEUING ANALYSIS**

Ramp Intersection		Year 2020 Build Out Plus Project Traffic Conditions				
		Estimated Storage Provided (feet)	AM Peak Hour		PM Peak Hour	
			95 <sup>th</sup> Queue/ Min. Storage Required	Adequate Storage (Yes / No)	95 <sup>th</sup> Queue/ Min. Storage Required	Adequate Storage (Yes / No)
38.	I-405 NB Ramps at MacArthur Boulevard					
	<i>WB Dual Left-Turns</i>	440'	295'	Yes	157'	Yes
	<i>WB Dual Right-Turns</i>	440'	427'	Yes	38'	Yes
39.	I-405 SB Ramps at MacArthur Boulevard					
	<i>WB Dual Left-Turns</i>	945'	386'	Yes	267'	Yes
	<i>WB Through/Right-Turn</i>	945'	107'	Yes	166'	Yes

SOURCE: *Google Earth*. To provide a conservative estimate, the existing storage lengths were measured from the limit line to the end of the solid stripe or the end of the dashed line stripe, although additional ramp storage may be provided up to the freeway gore point.

**TABLE 11  
YEAR 2035 PEAK HOUR FREEWAY OFF-RAMP QUEUING ANALYSIS**

Ramp Intersection		Year 2035 Build Out Plus Project Traffic Conditions				
		Estimated Storage Provided (feet)	AM Peak Hour		PM Peak Hour	
			95 <sup>th</sup> Queue/ Min. Storage Required	Adequate Storage (Yes / No)	95 <sup>th</sup> Queue/ Min. Storage Required	Adequate Storage (Yes / No)
2.	Red Hill Avenue at I-5 NB Ramps					
	<i>WB Left-Turn</i>	385'	134'	Yes	126'	Yes
	<i>WB Left-Through</i>	385'	133'	Yes	130'	Yes
	<i>WB Right-Turn</i>	385'	169'	Yes	313'	Yes
3.	Red Hill Avenue at I-5 SB Ramps					
	<i>EB Left-Through</i>	430'	178'	Yes	341'	Yes
	<i>EB Right-Turn</i>	430'	353'	Yes	238'	Yes
7.	Auto Mall Drive/SR 55 SB Ramps at Edinger Avenue					
	<i>NB Left-Turn</i>	375'	352'	Yes	363'	Yes
	<i>NB Left-Through</i>	375'	351'	Yes	371'	Yes
	<i>NB Dual Right-Turns</i>	145'	51'	Yes	52'	Yes
10.	Newport Avenue at SR 55 NB Ramps/Del Amo Avenue					
	<i>EB Dual Left-Turns</i>	440'	136'	Yes	54'	Yes
	<i>EB Through-Right</i>	440'	58'	Yes	28'	Yes



**TABLE 11  
YEAR 2035 PEAK HOUR FREEWAY OFF-RAMP QUEUING ANALYSIS**

Ramp Intersection		Year 2035 Build Out Plus Project Traffic Conditions				
		Estimated Storage Provided (feet)	AM Peak Hour		PM Peak Hour	
			95 <sup>th</sup> Queue/ Min. Storage Required	Adequate Storage (Yes / No)	95 <sup>th</sup> Queue/ Min. Storage Required	Adequate Storage (Yes / No)
16.	Grand Avenue at SR 55 SB Off-Ramp					
	<i>WB Dual Left-Turns</i>	280'	70'	Yes	135'	Yes
	<i>WB Right-Turn</i>	360'	141'	Yes	94'	Yes
19.	Hotel Terrace/SR 55 SB Ramps at Dyer Road					
	<i>NB Left-Turn</i>	600'	237'	Yes	269'	Yes
	<i>NB Left-Through</i>	600'	246'	Yes	264'	Yes
	<i>NB Dual Right-Turns</i>	600'	21'	Yes	16'	Yes
21.	SR 55 NB Ramps at Dyer Road					
	<i>NB Left-Turn</i>	970'	415'	Yes	149'	Yes
	<i>NB Left-Right</i>	970'	424'	Yes	129'	Yes
	<i>NB Right-Turn</i>	390'	388'	Yes	44'	Yes
31.	SR 55 SB Ramps at MacArthur Boulevard					
	<i>SB Dual Left-Turns</i>	1435'	211'	Yes	90'	Yes
	<i>SB Right-Turns</i>	260'	140'	Yes	140'	Yes
32.	SR 55 NB Ramps at MacArthur Boulevard					
	<i>NB Dual Left-Turns</i>	1215'	363'	Yes	211'	Yes
	<i>NB Right-Turn</i>	1215'	916'	Yes	180'	Yes
38.	I-405 NB Ramps at MacArthur Boulevard					
	<i>WB Dual Left-Turns</i>	440'	274'	Yes	184'	Yes
	<i>WB Dual Right-Turns</i>	440'	350'	Yes	36'	Yes
39.	I-405 SB Ramps at MacArthur Boulevard					
	<i>WB Dual Left-Turns</i>	945'	394'	Yes	273'	Yes
	<i>WB Through/Right-Turn</i>	945'	119'	Yes	183'	Yes

SOURCE: *Google Earth*. To provide a conservative estimate, the existing storage lengths were measured from the limit line to the end of the solid stripe or the end of the dashed line stripe, although additional ramp storage may be provided up to the freeway gore point.

As shown, adequate storage is provided for the off-ramps at the 11 state-controlled intersections with the proposed project in the Year 2020 and the Year 2035. Therefore, no modifications to the freeway off-ramps are required under forecast Year 2020 Cumulative plus project traffic conditions and Year 2035 build out plus project traffic conditions.

As stated above, consistent with the findings contained within Appendix J, Traffic Impact Analysis Report of the Draft EIR, the proposed project would cumulatively impact the state-controlled study intersection of Hotel Terrace/SR 55 SB Ramps at Dyer Road in the Year 2020 and the state-controlled study intersection of Auto Mall Drive/SR 55 SB Ramps at Edinger Avenue in the Year 2035. Consistent with Caltrans requirements, the proposed project would be required pay a proportional “fair-share” of the improvement costs of the impacted intersections to mitigate the project’s traffic impacts. **Table 12** provides the percentage of net traffic impact at the two state-controlled study intersections cumulatively impacted by the proposed project for Year 2020 and Year 2035 traffic conditions. The fair share calculations are based on Equation C-1 (Equitable Share Responsibility) as contained within Appendix B of the Caltrans Guide for the Preparation of Traffic Impact Studies, dated December 2002.

**TABLE 12  
YEAR 2020 AND YEAR 2035 PROJECT FAIR SHARE PERCENTAGE CONTRIBUTION – CALTRANS  
INTERSECTIONS**

Year and Location		Impacted Time Period	Existing Traffic	Other Approved Projects Traffic	Project Only Traffic	Year 2020/2035 Total Traffic	Project Percentage Share
<i>Year 2020 Traffic Conditions</i>							
19.	Hotel Terrace /SR 55 SB Ramps at Dyer Road	PM	5,066	300	214	5,884	<b>41.3%</b>
<i>Year 2035 Traffic Conditions</i>							
7.	Auto Mall Dr/SR 55 SB Ramps at Edinger Avenue	PM	4,094	127	54	5,432	<b>4.5%</b>

SOURCE: Caltrans Guide for the Preparation of Traffic Impact Studies (Appendix B), dated December 2002.

NOTES: Project Percentage Share (5) = [Column (3)] / {[Column (4)] – [Column (1) + Column (2)]}

Table 12 shows that the project’s fair share percentage contribution to offset Year 2020 and Year 2035 cumulative impacts at the intersections of Hotel Terrace Drive/SR 55 SB Ramps at Dyer Road and Auto Mall Drive/SR 55 SB Ramps and Edinger Avenue totals 41.3 percent and 4.5 percent, respectively.

As requested, the existing plus project, Year 2020 plus project and Year 2035 plus project merge and diverge calculations for the sixteen freeway ramp junctions were updated utilizing the HCM 2010 methodology. **Table 13** summarizes the peak hour level of service results at the 16 freeway ramp junctions for existing plus project traffic conditions. As shown nine of the 16 freeway ramps are forecast to operate at an unacceptable level of service with the addition of project traffic during the am and/or pm peak hours. The remaining seven freeway ramps are projected to continue to operate at LOS D or better with the addition of project generated traffic to existing traffic. These findings are

consistent with the findings of the Traffic Impact Analysis Report provided as Appendix J of the Draft EIR.

**Table 14** summarizes the peak hour level of service results at the 16 freeway ramp junctions for Year 2020 plus project traffic conditions. As shown, 10 of the 16 freeway ramps are forecast to continue to operate at an unacceptable level of service in the Year 2020 with project traffic during the am and/or pm peak hours. The remaining six freeway ramps are forecast to operate at an acceptable LOS D or better in the Year 2020 with project traffic during the am and pm peak hours. These findings are consistent with the findings of the Traffic Impact Analysis Report provided as Appendix J of the Draft EIR.

**Table 15** summarizes the peak hour level of service results at the 16 freeway ramp junctions for Year 2035 build out plus project traffic conditions. As shown, 15 of the 16 freeway ramps are forecast to operate at an unacceptable level of service in the Year 2035 with project traffic during the am and/or pm peak hours. The remaining freeway ramp is forecast to operate at an acceptable LOS D or better in the Year 2035 with project traffic during the am and pm peak hours. These findings are consistent with the findings of the Traffic Impact Analysis Report provided as Appendix J of the Draft EIR.

**Appendix A** provides the existing plus project, Year 2020 plus project, and Year 2035 build out plus project HCM 2010 level of service calculation worksheets for the 11 state-controlled study intersections, inclusive of the 95th percentile queuing information. Appendix A also provides the existing plus project, Year 2020 plus project, and Year 2035 build out plus project HCM 2010 merge/diverge analysis calculation worksheets.

**TABLE 13  
EXISTING PLUS PROJECT PEAK HOUR MERGE AND DIVERGE CAPACITY ANALYSIS SUMMARY – (CALTRANS FACILITIES ANALYSIS)<sup>a</sup>**

Freeway Merge or Diverge Segment	Analysis Type	Time	Existing Traffic Conditions				Existing Plus Project Traffic Conditions				Impact (Yes/No)
			Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	
1. SR-55 Northbound Off-Ramp to MacArthur Boulevard	Diverge Analysis	AM	15,744	1,705	88.3	F	15,777	1,716	88.6	F	Yes
		PM	13,147	1,049	64.5	F	13,227	1,076	65.2	F	Yes
2. SR-55 Northbound On-Ramp from MacArthur Boulevard	Merge Analysis	AM	14,039	846	81.2	F	14,061	846	81.4	F	Yes
		PM	12,098	810	64.8	F	12,151	810	65.2	F	Yes
3. SR-55 Northbound On-Ramp (2) from MacArthur Boulevard	Merge Analysis	AM	14,885	238	82.8	F	14,907	238	83.0	F	Yes
		PM	12,908	1,381	75.3	F	12,961	1,381	75.8	F	Yes
4. SR-55 Northbound Off-Ramp to Dyer Avenue	Diverge Analysis	AM	15,123	1,064	94.3	F	15,145	1,086	94.5	F	Yes
		PM	14,289	295	86.7	F	14,342	349	87.1	F	Yes
5. SR-55 Northbound On-Ramp from Dyer Avenue	Merge Analysis	AM	14,059	485	80.7	F	14,059	485	80.7	F	Yes
		PM	13,994	754	82.2	F	13,993	754	82.2	F	Yes
6. SR-55 Northbound On-Ramp (2) from Dyer Avenue	Merge Analysis	AM	14,544	294	84.6	F	14,544	347	85.0	F	Yes
		PM	14,748	535	88.2	F	14,747	571	88.5	F	Yes
7. SR-55 Northbound Off-Ramp to Edinger Avenue	Diverge Analysis	AM	14,838	552	92.1	F	14,891	552	92.6	F	Yes
		PM	15,283	101	96.2	F	15,318	101	96.5	F	Yes
8. SR-55 Northbound On-Ramp from Edinger Avenue	Merge Analysis	AM	14,286	909	79.5	F	14,339	935	80.2	F	Yes
		PM	15,182	1,460	91.2	F	15,217	1,478	91.7	F	Yes
9. SR-55 Southbound Off-Ramp to Edinger Avenue	Diverge Analysis	AM	7,729	841	27.3	C	7,762	863	27.5	C	No
		PM	7,700	529	25.5	C	7,781	583	26.1	C	No
10. SR-55 Southbound On-Ramp from Edinger Avenue	Merge Analysis	AM	6,888	567	23.3	C	6,899	567	23.4	C	No
		PM	7,171	689	25.2	C	7,198	689	25.3	C	No
11. SR-55 Southbound Off-Ramp to Grand Avenue	Diverge Analysis	AM	7,455	694	30.4	D	7,466	694	30.5	D	No
		PM	7,860	481	30.6	D	7,887	481	30.7	D	No
12. SR-55 Southbound Off-Ramp (2) to Dyer Avenue	Diverge Analysis	AM	6,761	678	21.2	C	6,772	689	21.3	C	No
		PM	7,379	454	22.5	C	7,406	481	22.8	C	No

**TABLE 13  
EXISTING PLUS PROJECT PEAK HOUR MERGE AND DIVERGE CAPACITY ANALYSIS SUMMARY – (CALTRANS FACILITIES ANALYSIS)<sup>a</sup>**

Freeway Merge or Diverge Segment	Analysis Type	Time	Existing Traffic Conditions				Existing Plus Project Traffic Conditions				Impact (Yes/No)
			Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	
13. SR-55 Southbound On-Ramp <i>from</i> Dyer Avenue	Merge Analysis	AM	6,083	799	22.5	C	6,083	878	23.1	C	No
		PM	6,925	971	26.6	C	6,925	1,025	27.0	C	No
14. SR-55 Southbound Off-Ramp <i>to</i> MacArthur Boulevard	Diverge Analysis	AM	6,882	1,841	27.7	C	6,961	1,841	28.0	C	No
		PM	7,896	876	26.7	C	7,950	876	27.0	C	No
15. SR-55 Southbound On-Ramp <i>from</i> MacArthur Boulevard	Merge Analysis	AM	5,041	119	19.9	B	5,120	119	20.2	C	No
		PM	7,020	714	31.1	D	7,047	714	31.3	D	No
16. SR-55 Southbound On-Ramp (2) <i>from</i> MacArthur Boulevard	Merge Analysis	AM	5,160	1,023	21.2	C	5,239	1,023	21.4	C	No
		PM	7,734	714	27.3	C	<b>7,788</b>	<b>1,103</b>	<b>30.5</b>	<b>F</b>	<b>Yes</b>

NOTES: **Bold Delay/LOS values** indicate adverse service levels based on the LOS standards mentioned in this report.

a. The LOS calculations are based on the HCM 2010 methodology.

**TABLE 14  
YEAR 2020 CUMULATIVE PLUS PROJECT PEAK HOUR MERGE AND DIVERGE CALTRANS FACILITIES CAPACITY SUMMARY<sup>a</sup>**

Freeway Merge or Diverge Segment	Analysis Type	Time	Year 2020 Traffic Conditions				Year 2020 Cumulative Plus Project Traffic Conditions				Impact (Yes/No)
			Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	
1. SR-55 Northbound Off-Ramp <i>to</i> MacArthur Boulevard	Diverge Analysis	AM	16,681	1,766	96.8	F	16,714	1,777	97.1	F	Yes
		PM	14,170	1,315	73.9	F	14,250	1,342	74.6	F	Yes
2. SR-55 Northbound On-Ramp <i>from</i> MacArthur Boulevard	Merge Analysis	AM	14,915	931	89.1	F	14,937	931	89.3	F	Yes
		PM	12,855	877	71.6	F	12,908	877	72.0	F	Yes
3. SR-55 Northbound On-Ramp (2) <i>from</i> MacArthur Boulevard	Merge Analysis	AM	15,846	211	90.6	F	15,868	211	90.8	F	Yes
		PM	13,732	751	77.3	F	13,785	751	77.7	F	Yes
4. SR-55 Northbound Off-Ramp <i>to</i> Dyer Avenue	Diverge Analysis	AM	16,057	1,535	102.8	F	16,079	1,557	103.0	F	Yes
		PM	14,483	298	88.4	F	14,536	352	88.9	F	Yes
5. SR-55 Northbound On-Ramp <i>from</i> Dyer Avenue	Merge Analysis	AM	14,522	589	85.3	F	14,522	589	85.3	F	Yes
		PM	14,185	1,051	86.1	F	14,184	1,051	86.1	F	Yes
6. SR-55 Northbound On-Ramp (2) <i>from</i> Dyer Avenue	Merge Analysis	AM	15,511	476	90.7	F	15,111	529	91.2	F	Yes
		PM	15,236	1,277	98.0	F	15,235	1,313	98.3	F	Yes
7. SR-55 Northbound Off-Ramp <i>to</i> Edinger Avenue	Diverge Analysis	AM	15,587	614	99.0	F	15,640	614	99.5	F	Yes
		PM	16,513	147	107.4	F	16,548	147	107.8	F	Yes
8. SR-55 Northbound On-Ramp <i>from</i> Edinger Avenue	Merge Analysis	AM	14,973	1,050	86.3	F	15,026	1,076	87.0	F	Yes
		PM	16,366	1,630	102.4	F	16,401	1,648	102.8	F	Yes
9. SR-55 Southbound Off-Ramp <i>to</i> Edinger Avenue	Diverge Analysis	AM	8,274	933	29.9	D	8,307	955	30.1	D	No
		PM	8,401	669	29.0	D	8,482	723	29.6	D	No
10. SR-55 Southbound On-Ramp <i>from</i> Edinger Avenue	Merge Analysis	AM	7,341	613	25.2	C	7,352	613	25.2	C	No
		PM	7,732	788	27.9	C	7,759	788	28.0	C	No
11. SR-55 Southbound Off-Ramp <i>to</i> Grand Avenue	Diverge Analysis	AM	7,954	736	32.2	D	7,965	736	32.3	D	No
		PM	8,520	510	32.9	D	8,547	510	33.0	D	No
12. SR-55 Southbound Off-Ramp (2) <i>to</i> Dyer Avenue	Diverge Analysis	AM	7,218	730	23.3	C	7,229	741	23.4	C	No
		PM	8,010	505	25.3	C	8,037	532	25.5	C	No

**TABLE 14**  
**YEAR 2020 CUMULATIVE PLUS PROJECT PEAK HOUR MERGE AND DIVERGE CALTRANS FACILITIES CAPACITY SUMMARY<sup>a</sup>**

Freeway Merge or Diverge Segment	Analysis Type	Time	Year 2020 Traffic Conditions				Year 2020 Cumulative Plus Project Traffic Conditions				Impact (Yes/No)
			Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	
13. SR-55 Southbound On-Ramp from Dyer Avenue	Merge Analysis	AM	6,488	967	25.1	C	6,488	1,046	25.8	C	No
		PM	7,505	1,105	29.6	D	7,505	1,159	30.0	D	No
14. SR-55 Southbound Off-Ramp to MacArthur Boulevard	Diverge Analysis	AM	<b>7,455</b>	<b>2,016</b>	<b>30.9</b>	<b>F</b>	<b>7,534</b>	<b>2,016</b>	<b>31.2</b>	<b>F</b>	<b>Yes</b>
		PM	8,610	1,092	30.7	D	8,664	1,092	30.9	D	No
15. SR-55 Southbound On-Ramp from MacArthur Boulevard	Merge Analysis	AM	5,439	234	22.1	C	5,518	234	22.4	C	No
		PM	7,518	827	33.7	D	7,572	827	33.8	D	No
16. SR-55 Southbound On-Ramp (2) from MacArthur Boulevard	Merge Analysis	AM	5,673	1,144	23.8	C	5,752	1,144	24.1	C	No
		PM	<b>8,345</b>	<b>1,200</b>	<b>33.1</b>	<b>F</b>	<b>8,399</b>	<b>1,200</b>	<b>33.3</b>	<b>F</b>	<b>Yes</b>

NOTES: **Bold Delay/LOS values** indicate adverse service levels based on the LOS standards mentioned in this report.

a The LOS calculations are based on the HCM 2010 methodology.

**TABLE 15  
YEAR 2035 BUILD OUT PLUS PROJECT PEAK HOUR MERGE AND DIVERGE CALTRANS FACILITIES CAPACITY SUMMARY<sup>a</sup>**

Freeway Merge or Diverge Segment	Analysis Type	Time	Year 2035 Build Out Traffic Conditions				Year 2035 Build Out Plus Project Traffic Conditions				Impact (Yes/No)
			Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	
1. SR-55 Northbound Off-Ramp <i>to</i> MacArthur Boulevard	Diverge Analysis	AM	17,550	1,757	104.8	F	17,583	1,768	105.1	F	Yes
		PM	14,963	1,402	81.1	F	15,043	1,429	81.9	F	Yes
2. SR-55 Northbound On-Ramp <i>from</i> MacArthur Boulevard	Merge Analysis	AM	15,793	730	94.8	F	15,815	730	95.0	F	Yes
		PM	13,561	1,022	78.6	F	13,614	1,022	79.0	F	Yes
3. SR-55 Northbound On-Ramp (2) <i>from</i> MacArthur Boulevard	Merge Analysis	AM	16,523	165	95.8	F	16,545	165	96.0	F	Yes
		PM	14,583	682	83.8	F	14,636	682	84.2	F	Yes
4. SR-55 Northbound Off-Ramp <i>to</i> Dyer Avenue	Diverge Analysis	AM	16,688	1,694	108.6	F	16,170	1,716	108.8	F	Yes
		PM	15,265	385	95.6	F	15,318	412	96.1	F	Yes
5. SR-55 Northbound On-Ramp <i>from</i> Dyer Avenue	Merge Analysis	AM	14,994	550	88.9	F	14,994	550	88.9	F	Yes
		PM	14,907	1,033	92.0	F	14,906	1,033	91.9	F	Yes
6. SR-55 Northbound On-Ramp (2) <i>from</i> Dyer Avenue	Merge Analysis	AM	15,544	370	93.5	F	15,544	423	93.9	F	Yes
		PM	15,940	1,387	104.7	F	15,939	1,423	105.0	F	Yes
7. SR-55 Northbound Off-Ramp <i>to</i> Edinger Avenue	Diverge Analysis	AM	15,914	673	102.0	F	15,967	673	102.4	F	Yes
		PM	17,327	195	114.9	F	17,362	195	115.2	F	Yes
8. SR-55 Northbound On-Ramp <i>from</i> Edinger Avenue	Merge Analysis	AM	15,241	1,110	89.0	F	15,294	1,136	89.6	F	Yes
		PM	17,132	1,750	109.7	F	17,167	1,768	110.1	F	Yes
9. SR-55 Southbound Off-Ramp <i>to</i> Edinger Avenue	Diverge Analysis	AM	8,633	916	31.2	D	8,665	938	31.5	D	No
		PM	9,664	802	34.8	F	9,745	856	35.4	F	Yes
10. SR-55 Southbound On-Ramp <i>from</i> Edinger Avenue	Merge Analysis	AM	7,717	743	27.5	C	7,727	743	27.5	C	No
		PM	8,862	888	34.4	F	8,889	888	34.6	F	Yes
11. SR-55 Southbound Off-Ramp <i>to</i> Grand Avenue	Diverge Analysis	AM	8,460	772	34.0	D	8,470	772	34.1	D	No
		PM	9,750	1,041	39.5	E	9,777	1,041	39.6	E	Yes
12. SR-55 Southbound Off-Ramp (2) <i>to</i> Dyer Avenue	Diverge Analysis	AM	7,688	821	25.6	C	7,698	832	25.7	C	No
		PM	8,709	530	28.2	D	8,736	557	28.4	D	No



**TABLE 15  
YEAR 2035 BUILD OUT PLUS PROJECT PEAK HOUR MERGE AND DIVERGE CALTRANS FACILITIES CAPACITY SUMMARY<sup>a</sup>**

Freeway Merge or Diverge Segment	Analysis Type	Time	Year 2035 Build Out Traffic Conditions				Year 2035 Build Out Plus Project Traffic Conditions				Impact (Yes/No)
			Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	Freeway Pk Hr Volume	Ramp Pk Hr Volume	Density (pc/mi/ln)	LOS	
13. SR-55 Southbound On-Ramp <i>from</i> Dyer Avenue	Merge Analysis	AM	6,867	833	25.3	C	6,866	912	26.0	C	No
		PM	<b>8,179</b>	<b>963</b>	<b>30.7</b>	<b>F</b>	<b>8,179</b>	<b>1,017</b>	<b>31.1</b>	<b>F</b>	<b>Yes</b>
14. SR-55 Southbound Off-Ramp <i>to</i> MacArthur Boulevard	Diverge Analysis	AM	7,700	1,677	30.1	D	7,778	1,676	30.4	D	No
		PM	<b>9,142</b>	<b>1,030</b>	<b>32.5</b>	<b>F</b>	<b>9,196</b>	<b>1,030</b>	<b>32.7</b>	<b>F</b>	<b>Yes</b>
15. SR-55 Southbound On-Ramp <i>from</i> MacArthur Boulevard	Merge Analysis	AM	6,023	141	23.4	C	6,102	141	23.6	C	No
		PM	<b>8,112</b>	<b>803</b>	<b>35.4</b>	<b>F</b>	<b>8,166</b>	<b>803</b>	<b>35.6</b>	<b>F</b>	<b>Yes</b>
16. SR-55 Southbound On-Ramp (2) <i>from</i> MacArthur Boulevard	Merge Analysis	AM	6,164	1,077	24.9	C	6,243	1,077	25.2	C	No
		PM	<b>8,915</b>	<b>1,164</b>	<b>37.0</b>	<b>F</b>	<b>8,969</b>	<b>1,164</b>	<b>37.4</b>	<b>F</b>	<b>Yes</b>

NOTES: **Bold Delay/LOS values** indicate adverse service levels based on the LOS standards mentioned in this report.

a The LOS calculations are based on the HCM 2010 methodology.

**DOT-5** **Comment:** The comment refers to text within the Traffic Impact Analysis report related to funding mechanisms to implement Caltrans roadway improvements and the conclusion in the Draft EIR that impacts related to the SR 55 freeway would be unmitigatable because the freeway is controlled by the state; thus, the City of Santa Ana cannot construct or guarantee that improvements would be implemented to reduce impacts. The comment then states that it is the lead agency's responsibility to mitigate impacts on the environment, and lists potential mitigation mechanisms, including: imposing conditions of approval, entering a traffic mitigation agreement with Caltrans, and collection of the fair share of costs for improvements.

**Response:** As described in Draft EIR Section 3.13, *Transportation and Traffic* (page 3.13-64), all projects in Santa Ana are responsible for payment of a fair share contribution related to impacts to roadway facilities, which is used to implement roadway improvements on a fair-share funding basis. As shown in Table 3.13-21 (page 3.13-66), the project's fair share contributions to Caltrans facilities range from 4.5 to 41.3 percent. The proposed project would be required to contribute the fair share fees, which would provide mitigation for the proposed project's proportionate share of the significant cumulative impact at Caltrans facilities. However, there is no mechanism by which the City of Santa Ana can construct or guarantee the construction of any improvements to Caltrans controlled facilities. As a result, there are no physical feasible mitigation measures that the City of Santa Ana can guarantee to be employed to reduce these impacts. Therefore, the Draft EIR determined that the project would result in significant and unavoidable impacts to Caltrans facilities, after the payment of the fair share of costs for improvements.

**DOT-6** **Comment:** The comment states that the City will need to revise the Draft EIR and Traffic Impact Analysis with correct data and re-submit it to Caltrans for review by Traffic Operations before Caltrans can determine if the identified impacts and mitigation are adequate.

**Response:** See responses to comments TUS-2, TUS-3, TUS-4 and TUS-5 above. All requested additional analyses have been completed, and provided within this Response to Comments/Final EIR. In addition, the findings contained within the Draft EIR remain valid as the results for the supplemental traffic analysis are consistent with the findings contained within Appendix J, Traffic Impact Analysis Report of the Draft EIR.

**DOT-7** **Comment:** The comment states that any work in the Caltrans right-of-way will require approval by Caltrans and an encroachment permit, strongly advises early coordination, and refers to the web address where detailed information is provided. The comment also states that as part of encroachment permit process, the final CEQA document and associated technical studies need to be attached to

the permit application. In addition, the comment provides Caltrans staff contact information and requests to be kept informed of the project.

**Response:** The project is located approximately 1,200 feet from the closest Caltrans facility. The proposed project, including all associated improvements would not encroach into the Caltrans right-of-way. The City does not anticipate the need for an encroachment permit.

## PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500  
LOS ANGELES, CA 90013



September 11, 2015

Mr. Vince C. Fregoso  
City of Santa Ana  
20 Civic Center Plaza, M-20  
Santa Ana, CA 92702

**SCH 2015011028 - The Heritage Mixed Used Project, City of Santa Ana - DEIR**

Dear Mr. Fregoso:

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration and closure of crossings. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed Heritage Mixed Used Project. The City of Santa Ana (City) is the lead agency.

Any roadway modification adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. The Dyer Road grade crossings (CPUC No. 002-179.30-C & DOT No. 026711U) and the Red Hill Avenue grade crossing (CPUC No. 002-179.60-C & DOT No. 026715W) are within the proximately of the proposed project site. RECB staff could not find language in the DEIR concerning crossing safety. Specially, RECB staff has the following safety concerns for Dyer Road grade crossing:

- Commission Standard 9 warning devices (flashing light signal assembly with automatic gate arm) mounted on curbs and medians on each approach may not be clearly visible to the center lanes of the multi-lane roadway;
- Existing sidewalks terminate at the ROW limit on each quadrant of the crossing. The existing surface at the crossing is not Americans with Disabilities Act compliant, which could potentially create tripping hazards for pedestrian and trapping hazards for wheelchair access users.

Modification to an existing public rail crossing requires authorization from the Commission. RCEB staff is available for consultation on any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

For questions on this letter, please contact [Chi Cheung To](#) at (213) 576-5766 or [cct@cpuc.ca.gov](mailto:cct@cpuc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Chi Cheung To".

Chi Cheung To, P.E.  
Utilities Engineer  
Rail Crossings and Engineering Branch  
Safety and Enforcement Division

CC: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044

PUC-1

## State of California Public Utilities Commission

**PUC-1**      **Comment:** The comment states that the California Public Utilities Commission (PUC) has jurisdiction over the safety of rail crossings in California, and has exclusive power on the design, alteration, and closure of rail crossings, and that modification to an existing public rail crossing requires PUC authorization. In addition, the comment provides the following concerns for the Dyer Road grade crossing:

- Commission Standard 9 warning devices (flashing light signal assembly with automatic gate arm) mounted on curbs and medians on each approach may not be clearly visible to the center lanes of the multi-lane roadway;
- Existing sidewalks terminate at the right-of-way on each quadrant of the crossing and is not Americans with Disabilities Act compliant, which could potentially create tripping hazards for pedestrian and trapping hazards for wheelchair access users.

**Response:** The City recognizes the PUC's approval authority in relation to rail crossing improvements. The project does not include modification of the existing rail crossing on East Dyer Road or Red Hill Avenue that are in proximity to the project site. As described in the DEIR Section 2.0, *Project Description*, the proposed project would redevelop the project site to provide residential, commercial, office, and open space/recreation mixed uses on the project site, and would not directly involve modification of the existing railway or rail right-of-way or construction adjacent to the existing railway and rail crossings.

However, the planned improvements for Dyer Road include roadway widening to provide four through lanes in each direction, which is anticipated to occur for build out conditions in 2035. As described on page 3.13-32, in Section 3.13, *Transportation and Traffic*, the project in combination with background traffic conditions and ambient traffic growth would result in level of service impacts along Dyer Road. Thus, the Draft EIR includes Mitigation Measures TRA-6 and TRA-13 that involve improvements to Dyer Road between Pullman Road and the project site. Mitigation Measure TRA-6 that would be required for Year 2020 traffic conditions, and involves widening the westbound approach and north curb on Dyer Road from Pullman Road to provide an exclusive right-turn lane. Mitigation Measure TRA-13, that would be required for Year 2035 traffic conditions, would widen the eastbound approach and both north curb and south curb between Pullman Road and the project site to provide four through lanes in each direction.

The roadway widening would include modification of the Dyer Road grade crossing as it is part of the roadway infrastructure between the project site and Pullman Road. The crossing would need to be modified to provide additional

width to accommodate additional lanes. The north and south curb widenings would include development or re-development of the existing sidewalks, and the train warning devices (flashing lights and gate arm) would be modified with the changes to the Dyer Road right-of-way. Overall, all necessary changes, such as safety features, that are required to implement the widening of Dyer Road are part of the mitigation measures, and are included in the calculation of the “fair-share” cost for the improvements.

As described on page 3.13-64, in Section 3.13, *Transportation and Traffic*, the project applicant would be required pay a proportional “fair-share” of the cost to implement the improvements, which are included as mitigation measures in the EIR. As shown in Table 3.13-19, the project’s calculated fair share contribution toward the Year 2020 improvements on Dyer Road from Pullman Avenue to the project site would be 36.6 percent. In addition, the project’s calculated fair share contribution toward the Year 2035 improvements at this location would be 26.4 percent (shown on Table 3.13-20). The needed improvements to the Dyer Road grade crossing would be funded by these fair-share fees.

As the PUC has exclusive power on the design, alteration, closure, and approval for all modifications and improvements to rail crossings, the City of Santa Ana would coordinate with the PUC to design and implement the required rail crossing improvements to the Dyer Road grade crossing, including warning devices and Americans with Disabilities Act compliant sidewalks, that would occur with implementation of Mitigation Measures TRA-6 and TRA-13..

**From:** Robert Bisno [rhbisno@gmail.com]

**Sent:** Thursday, August 13, 2015 2:52 PM

**To:** Fregoso, Vince

**Cc:** Magallon, Becky; Sarmiento, Vince; Martinez, Michele; Amezcua, Angelica; Benavides, David; Tinajero, Sal; Reyna, Roman; Cavazos, David; James Gartner; Sean Mill; erick aldete; bbauer@brooksbauer.com; philbacerra@gmail.com; lverino@sbcglobal.net; nalle@mullinixland.com; Carvalho, Sonia R.; Hodge, Ryan

**Subject:** Re: The Heritage Mixed Use Project, 2001 E. Dyer Road, Santa Ana, Application and DEIR

To All Intended Recipients;

The Santa Ana City Firewall rebounded the emails with attachments to several of you. I am sending the same in 2 emails to eliminate the Firewall rebound. This is email 1 of 2. I apologize for any inconvenience.

Yours Truly,

Bob Bisno

On Thu, Aug 13, 2015 at 2:28 PM, Robert Bisno <rhbisno@gmail.com> wrote:

Dear Interim Executive Director Fregoso;

I request this email and the attached documents be entered into the record in opposition to City accepting the DEIR in the above referenced matter and in opposition to any action toward Project Approvals (as the phrase is used on page ES-6 of the DEIR) unless and until the DEIR's deficiencies are remedied. Should the City accept the DEIR please enter this email and the attached documents into the record in opposition to the Applicants requests for Project Approvals.

Hard copies shall be delivered Monday, August 17, 2015 to the City offices. I request the hard copies be distributed to the intended recipients.

Yours Truly,

Robert H. (Bob) Bisno

From: Robert Bisno [rhbisno@gmail.com]

Sent: Thursday, August 13, 2015 3:02 PM

To: Fregoso, Vince

Cc: Magallon, Becky; Sarmiento, Vince; Martinez, Michele; Amezcua, Angelica; Benavides, David; Tinajero, Sal; Reyna, Roman; Cavazos, David; James Gartner; Sean Mill; erick aldete; bbauer@brooksbauer.com; Phil Bacerra; lverino@sbcglobal.net; nalle@mullinixland.com; Carvalho, Sonia R.; Hodge, Ryan

Subject: Re: The Heritage Mixed Use Project, 2001 E. Dyer Road, Santa Ana, Application and DEIR

To All Intended Recipients;

This is email 2 of 2.

Yours truly,

Bob Bisno





**Robert H. Bisno  
Attorney at Law  
9255 Sunset Boulevard, Suite 920  
Los Angeles, California 90069  
310 277-3670 p, 310 277-2787 f, [rhbisno@gmail.com](mailto:rhbisno@gmail.com)**

April 13, 2015

Mr. Vincent Fregoso, AICP  
Interim Executive Director  
City of Santa Ana  
20 Civic Center Plaza  
Santa Ana, CA 92701

**Regarding: The Heritage Mixed Use Project, 2001 E. Dyer Rd., Santa Ana, CA**

Dear Interim Executive Director Fregoso;

This letter is written to address some (but not all) of the deficiencies in the draft environmental impact report ("DEIR") for 2001 E. Dyer Rd., Santa Ana, CA 92705 (the "Property"). It also sets forth a number of (but certainly not all) reasons why the city of Santa Ana should deny the Applicants requests, including but not limited to a Plan Amendment and Zone Change for the Property.

This letter is accompanied by a document entitled, "East Dyer Road Rezoning and Economic Overview", detailing, with a level of specificity and expertise, the high costs and lower revenues provided a City from a residential development and the polar opposite, high revenue (taxes) and low City costs (police, school, library and many others) provided by the Property's existing zoning, and/or other developments that would be more in keeping with the neighborhood around the Property and fiscal sanity of Santa Ana.

This letter is also accompanied by a collection of articles on the problems, lack of principals and possible illegality attendant to "Spot Zoning", the idea of zoning a parcel fully inconsistent with it's neighbors for no valid reason.

Finally, this letter is accompanied by a list of deficiencies in the Draft Environmental Report ("DEIR) and other reasons the Application and DEIR should, in their current form, be rejected.

All of the accompanying documents are incorporated herein this letter.

To start with, the DEIR is for an Application that includes a change to the City's General Plan. A General Plan requires an EIR and that EIR must consider analyze and discuss the economic, tax, revenue, level of city services, cost of City services and other matters as they relate to the City, as part that EIR's scope. This DEIR is deficient. This DEIR must analyze and discuss the likely results of granting the Amendment requested, using objective and detailed criteria and evaluating Alternative Projects such as those that may be developed under the City's existing zoning, and those Alternatives that can be developed to a greater intensity under commercial zoning, as allowed by the General Plan, without amending the General Plan. The DEIR does none of this and as it exists it can not support an Amendment to the City's General Plan.

3

Additionally, The DEIR fails to address the impact to other businesses of allowing residential zoning in this neighborhood and fails to address the cumulative effect on the City overall allowing one (politically connected) owner to spot zone a property as such spot zoning would or could serve as precedent to other owners or tenants seeking to spot zone their property or otherwise seek rezoning or a General Plan amendment. To put this in context, an EIR to allow rezoning or otherwise permit a Walmart Store in a community that does not have one, needs to address the economic effects Walmart will have on the local community and more distant residents and businesses. None of this was addressed in the DEIR.

4

The DEIR is overall being used as a "sales" document rather than fulfilling its statutory purpose, which is a straightforward, down the center of the fairway, disclosure document. It is deficient in that it fails to address the economic impact/catastrophe which will be created for the City of Santa Ana by the removal of a substantial parcel of Industrial zoned land and replacing that land with residential uses.

5

The DEIR provides no economic comparison of the INTERMEDIATE OR LONG TERM income and expense, TO THE CITY OF SANTA ANA, resulting from the rezoning which is requested. The reason is obvious. Such a comparison would compel a rejection of the Project.

The DEIR is defective in that it fails to analyze the economic impacts of an alternative development, which alternative development being a development consistent with the General Plan and zoning for the Property which would cause the Property to be developed to the maximum FAR (floor area ratio) rationally achievable on the site. Noteworthy, the DEIR fails to show, side by side, an IMPLAN (economic program) analysis (or any other provider of such analyses) of residential versus commercial uses or verses industrial projects and the resultant revenues and cost to the City of Santa Ana. This, an touched on above, is a fatal deficiency and requires the DEIR be redrafted and recirculated so as to provide important information to the community and decision makers.

6

Had the DEIR considered the long term ongoing economic impacts, it would have revealed the significant benefits (Economic/Taxation/Employment/Cultural) under the land uses permitted by General Plan as it exists today (or those land use changes that do not require the General Plan be Amended) which would be received by the City, which will not be received by the City should the Applicant's request be granted.

7

The DEIR is deficient in that it fails to adequately analyze the Economic/Taxation/Employment/Cultural benefits of any rational commercial development as such development is permitted under the General Plan and zoning as exists, in the form of analyzing an alternative development.

8

The Applicant's request represents an invitation to the City to sponsor an unmitigated economic disaster for the City of Santa Ana and should be denied. The East Dyer Road Rezoning Economic Overview is included as a part of this letter and further details the Economic/Employment/Taxation of a residential scheme, such as the one proposed by the Applicant as opposed to a industrial or commercial development. **The simple facts are residential uses cost the City more in the cost of providing required City services than they generate in revenues while industrial uses provide a City the greatest net revenue (tax revenue in excess of costs of City services) of any zoning.** Starting on page 3 of the East Dyer Road Rezoning and Economic Overview the methodology for this conclusion is spelled out. I note this conclusion is not controversial in the real estate industry.

9

The Application should independently be denied because it represents a poster child for "spot zoning". Accompanying this letter is a collection of articles on the evils of spot zoning. Please also note that the DEIR failed to adequately analyze the detrimental effects, and other effects of spots zoning.

10

While it is easy for a City Council to be seduced by a deep pocketed or otherwise generous developer and associates, where the developer and or associates give substantial amounts to political campaigns or other agendas favored by Council Members, it is imperative that the Planning Department, City Manager, Planning Commissioners Council Members seek the best long-term alternatives for their stakeholders and not simply say "yes" to a developer who gives large contributions. In light of the substantial contributions given by the developer or associates thereto, or to Independent Expenditure Committees' favored by Council Members, those benefiting Council Members should be additionally skeptical of the Applicant's intentions.

11

In summary, for the reasons expressed herein and in and the documents referenced and included herewith, I respectfully request the DEIR be rejected as it is currently drafted and be resubmitted if and when it appropriately addresses the matters raised.



Very Truly,

A handwritten signature in black ink, appearing to read 'Robert H. Bisno', written over the typed name.

Robert H. Bisno  
w/ enclosures

- cc w/ enclosures:
- Mayor Miguel Pulido,
  - Vice Mayor Vincent Sarmiento
  - Councilmember Michelle Martinez
  - Councilmember Angie Amezcua
  - Councilmember Sal Tinajero
  - Councilmember David Benavides
  - Councilmember Roman A. Reyna
  - Planning Commissioner Chairman James Gartner
  - Planning Commissioner Vice Chair Sean H. Mill
  - Planning Commissioner Eric Alderete
  - Planning Commissioner Lynnette Verino
  - Planning Commissioner Bruce T. Bauer
  - Planning Commissioner Phil Bacerra
  - City Manager David Cavazos
  - City Attorney Sonia Carvalho
  - Legal Counsel Ryan O. Hodge

**A Partial List of Deficiencies in the Heritage Mixed Use Project DEIR**  
**State Clearinghouse Number 2015011028**

**An Environmental Impact Report is a City Document. The Santa Ana Planning Department and Planning Commission should not let it proceed unless and until any and all deficiencies therein such document are remedied.**

The following represents a partial list of deficiencies in The Heritage, 2001 Dyer Road, Santa Ana, California (the "Property") Draft Environmental Impact Report("DEIR") or sets forth other reasons the Application for proposed project ("Project") should be DENIED. Pages or other references to portions or Sections of the DEIR are listed first.

12

ES-3: Traffic from the Project will, admittedly, result in significant and unavoidable impacts about which Santa Ana can do nothing.

13

ES-5: The Property is zoned M-1 but no analysis of the Economic/Tax/Employment/Cultural impacts of a light industrial project, or any project that could be developed consistent with the General Plan, were made anywhere in the DEIR.

14

ES-6: The Project requires a General Plan Amendment. No Environmental Impact of the effect of a General Plan Amendment and the effect on other uses is included.

15

The DEIR is in support of an Application that includes a change to the City's General Plan. A General Plan requires an EIR and that EIR needs to analyze and discuss the economic, tax, revenue and city services, cost of services and other matters as they relate to the City, as part that EIR's scope. This DEIR is deficient. This DEIR must analyze and discuss the likely results of granting the Amendment requested, using objective and detailed criteria and evaluating Alternative Projects such as those that may be developed under the City's existing zoning, and those Alternatives that can be developed to a greater intensity under commercial zoning as allowed by the General Plan without amending the General Plan. The DEIR did none of this and as it exists it can not support an Amendment to the City's General Plan.

16

ES-9: Cultural Resources are shown to be an area of potential impact. No analysis of Cultural Resources, Employment, Mental Health impacts etc. are made.

17

ES-15: While Public Services are recognized to be of substantial and adverse impacts there are no mitigation measures provided and no methodology as to how a determination of a level of significance, which is somehow "less than significant", was determined. It is impossible for the reader to understand the methodology supporting the DEIR conclusion without a detailed understanding as to why ALL public service impacts are "less than significant." Common sense alone requires the conclusion that apartments increase school demand, library demand, park and recreation space demand, and other public services. No analysis of what the

18

significance, whatever it may be, was disclosed, calibrated or analyzed. The other comments above, as to a lack of disclosed methodology, where appropriate, are incorporated herein this paragraph.



18

ES-16: Transportation/Traffic provides no authority for impacts where the DEIR has suggested the level of significance is "less than significant". The DEIR concedes there are NO mitigations possible for significant impacts. This should cause a rejection of the Project or at a minimum further analysis and a recirculation of the DEIR.

19

ES-19: Utilities and Service Systems all have significant impact and there is no disclosure or analysis of the methodology supporting the DEIR conclusion that the level of significance for many of these impacts is "less than significant."

See also other comments as to the lack of disclosure of the methodology employed, if in fact any rational methodology was employed. These other comments, where appropriate, are incorporated herein this paragraph.

20

3.1-7: Regulatory Setting. There is no discussion, supported by any methodology which can be checked, of how a change in zoning will further the goals and specifics of the General Plan and municipal code, when the City of Santa Ana has other and significant parcels of residentially zoned land which will provide housing without taking valuable industrial and commercial land.

21

3.2-20: The impact suggests that the Project is located in a "housing poor region".



22

To start with, the Project is at the extreme outside of the City, on a border in a well-established commercial district, with no residential land in Santa Ana anywhere nearby. There are none of the area amenities customarily necessary or helpful for a residential development. The DEIR fails to consider the availability of residentially zoned land in the greater surrounding area and in particular fails to consider the residential projects which are anticipated to be built nearby (such as in Tustin). This fact shown on 3.2-21 paragraph 2. There is no methodology for the “significance determination” of “less than significant” (paragraph 3). Other comment above as to lack of confirmable methodology, or any type of methodology, are incorporated herein.

22

3.3-1: The Environmental Setting discussion fails to identify Economic/Tax/Employment and costs of services to the City.

**This is an apparent effort to counter reams of independent investigations and authorities that have concluded residential uses cost cities more in providing services than they bring in revenues AND industrial/commercial developments cost Cities LESS for City services than they bring into the City. The DEIR’s failure to even touch on this issue is enough to doubt it’s independence.**

23

3.6-2: While Schools are discussed there is no analysis of the Project’s impact (financially of any others) upon any single schools or schools in general.

24



3.8-10: There is no relevant analysis of why the Project will better promote the Land Use Elements of the City of Santa Ana than the existing zoning. In particular Policy 2.6 is turned on its head by the proposed Project. Policy 1.6, Policy 1.8, Goal 2, Policy 2.2, 2.4, 2.5, 2.6, 2.8, 2.9, 2.10, Goal 3, Policy 3.1, Goal 4, Policy 4.3, Policy 4.4, Policy 4.5, Goal 5, Policy 5.1, Policy 5.2, Policy 5.7 do not support the Applicants request. In summary, the proposed Project will violate substantially the entire Land Use Element of the City of Santa Ana General plan. The DEIR's attempt to a sell contrary position (3.8-24) is not an impartial analysis but simply propaganda, not fitting for a DEIR. Of particular note, how can a DEIR advocate land use elements (or any aspects) are supported by a development without any economic analysis of the alternative development or the tax/income and City costs for the proposed Project.

25

3.8 - 14: Chapter 41, Zoning, is violated in wholesale fashion by the proposed Project. This is a poster child for "spot zoning".

26

3.8-18: The DEIR is deficient. It completely omits a fair, objective and non biased discussion of how the proposed Project violates the substantial majority of the Goals and Policies set forth in the City of Santa Ana General Plan. On this basis alone the DEIR are must be revised and recirculated so as to provide the readers an objective reference.

27

3.8-22: The DEIR is deficient. There's no analysis of the increased employment opportunities for other developments (those consistent with existing General Plan

28

and/or zoning). Lacking sufficient information and enough information the reader has no basis to make a reasoned decision.



28

3.8 – 27: With regarding to the Public Safety Element, the DEIR provides no support that 1,500+/- residents traveling down roads in direct competition with heavy trucks and light trucks, are somehow "safe".

Again no methodology is forthcoming. Other comments regarding the lack of the DEIR disclosing a methodology, made hereinabove, are incorporated herein this paragraph

29

3.8 – 30: The discussion of Zoning Code consistency is misleading and must be redone. The Zoning Code Consistency argument assumes that the Property is zoned SD. It is zoned M-1, and consistent with the General Plan currently.

This "sidestep" is another example of the lack of objectivity in the DEIR, requiring a revision and recirculation.

30

3.8-31 The DEIR analysis is deficient as it fails to address the first item in Table 3.82 and thereafter dismissed Goals it fails to further, as "Not Applicable". The DEIR is in support of an Amendment to the City's General Plan. It must analyze Goals (the first 5 in Table 3.8.2) it dismisses as "Not Applicable".

31

3.10: Population Housing and Employment projections are improperly analyzed because there is no mention of the amount of population growth that can be



32

accommodated by the existing residential zoned lands in Santa Ana and in the adjacent Cities.



32

3.12 - 9: The "Operation" seeks to deceive the reader by setting out that the Project site currently employs 20 full-time workers. This is only true because the Project Owner has refused or failed to lease portions of the Property to businesses that create jobs. The Project Owner may assert the industrial market is "soft" but this assertion hasn't been correct for over a year. Santa Ana industrial space is scarce and leases at a premium, although not at the windfall level the Property Owner hopes to capture by this Application and DEIR. The City of Santa Ana should not accept a dozen eggs and allow the Applicant to steal away golden goose. Effectively the applicant is in the position of murdering his parents and throwing himself up on the mercy of the court because he is an orphan.

33

3.10-8: Fails to compare the Employment created by a fully occupied development on the Property built to the limits allowed by current zoning and the economic effects resultant there from.

34

3.11-1: The Environmental Settings section of the DEIR is deficient. There is no analysis of the substantial additional load on City services directly related to the proposed Project nor is there a comparison with the resultant significantly smaller load on the same Public Services resulting from development consistent with the existing zoning.

35

3.14-7: The DEIR fails to sufficiently address the Executive Order B-29-5. | 36

3.14-13: The DEIR fails to address Water in the context of the drought. | 37

4.43: The Alternatives Section of the DEIR is flawed. The Alternatives selected are sufficiently inclusive or expansive. There is no analysis of a higher and better light industrial or business park use which use would be consistent with City's General Plan. There is no analysis of a development of greater intensity than the current zoning but consistent with the General Plan. These defects are incurable without the Alternative Section being rewritten and recirculate. In it of itself this failure causes the DEIR to be fatally deficient. | 38

Alternative Three is deficient for the reason set forth above. Additionally Alternative Three fails to address Economic/Tax/City Cost and Employment comparisons between the proposed Project and other commercial uses. | 39

Respectfully Submitted,

Robert H. Bisno, Esq.

## Robert Bisno

**B-1** **Comment:** The comment states that attached documents have been provided in opposition to the Draft EIR and in opposition to any action toward project approval. The comment also states that the information is provided in two e-mails and requests that hard copies are provided to the intended recipients. The attachments include the following:

- Spot Zoning: Articles, Policy, Planning and the Law. Planning Law Primer. Planning Commissioners Journal Number 13, Winter 1994. Robert C Widner, Esq.
- Issues in Land Use Law & Zoning Nonconformities: Dealing with Uses, Part 2. Plannersweb.com/2013/10/nonconformities-part-2/. 2013. Mark White, AICP, Esq.
- Issues in Land Use Law & Zoning Understanding Spot Zoning. Plannersweb.com. Daniel Shapiro, Esq.
- Form Based Codes: Practical & Legal Considerations. Institute on Planning, Zoning & Eminent Domain. November 18, 2009. White & Smith, LLC.
- The Attempted Re-Zoning of 2001 East Dyer Road: An Economic Train Wreck for Santa Ana. Robert Bisno

**Response:** Detailed responses to specific comments within this letter are provided below in Responses B-3 through B-39.

**B-2** **Comment:** The comment provides a general overview and states that the letter is written to address deficiencies in the DEIR and why the proposed Plan Amendment and zone change should be denied. The comment also describes the attachments that detail the presumed higher costs and lower revenues related to residential development and information related to “spot zoning.”

**Response:** This comment is an overview statement that summarizes the information contained in the comment letter; therefore, detailed responses to the specific comments within the letter are provided below in Responses B-3 through B-39.

**B-3** **Comment:** This comment asserts that the EIR must consider topics such as economics, taxes, revenue, and level of city services. In addition, the comment states that the EIR must evaluate an alternative project that may be developed under the existing zoning and an alternative project that can be developed to a greater intensity under the existing zoning.

**Response:** An EIR is not required by the City’s General Plan; instead, according to *CEQA Guidelines Section 15060(b)(1)*, “If the agency determines that there is

substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the Lead Agency shall ... (A) [P]prepare an EIR; (B) [U]use a previously prepared EIR which the Lead Agency determines would adequately analyze the project at hand, or (C) [D]determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or negative declaration." For this project, it was determined that an EIR would be required. As described in *CEQA Guidelines* Section 15121, an EIR is an informational document that will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. More specifically, per *CEQA Guidelines* Section 15382, a "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

In addition, *CEQA Guidelines* Section 15131(a) states that "economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The focus of the analysis shall be on the physical changes." *CEQA Guidelines* Section 15064(f)(6) further states that "Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment."

While the *CEQA Guidelines* requires evaluation of public services (which is provided in Section 3.10, *Public Services* of the DEIR), CEQA focuses this evaluation on impacts to the physical environment. As set forth in Appendix G of the *CEQA Guidelines*, the evaluation of a project's impact related to public services is to determine if "the project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities ... the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives ....?"

Specifically in regards to the cost of services (as referenced in the comment), the First Appellate District Court reaffirmed in the *City of Hayward v. Board of Trustees of the California State University* (Cal.App.4th 2012) decision that CEQA's concern is analyzing and mitigating for physical environmental impacts, not economic "impacts" concerning the cost of governmental services. The court held:

- “The need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate.”
- While it may be true that delayed response times result in real health, safety and physical impacts, “the obligation to provide adequate fire and emergency medical services is the responsibility of the city.” (Citing CA Const., Art. XIII, Section 35(a)(2) “The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.”).
- “Although there is undoubtedly a cost involved in the provision of additional emergency services, there is no authority upholding the city’s view that CEQA shifts financial responsibility for the provision of adequate fire and emergency response services to the project sponsor.”
- “The city has a constitutional obligation to provide adequate fire protection services. Assuming the city continues to perform its obligations, there is no basis to conclude that the project will cause a substantial adverse effect on human beings.”

Thus, in reaching these conclusions, the court determined that CEQA’s reach is limited to significant adverse effects on (i.e., changes to) the physical environment. Similarly, in previous case law from *Goleta Union School Dist. v. Regents of Univ. of Cal.* (1995) 37 Cal.App.4th 1023, 1032-1033; the court rejected the argument that increased school enrollment is, in itself, a significant physical impact on the environment.

In addition to the evaluation of whether the project would result in construction of new public service facilities that could cause significant environmental impacts (included in Section 3.11 of the DEIR), Section 5.2 of the DEIR (page 5-5) (Growth Inducing Impacts) evaluates whether the “project would encourage or facilitate economic or other effects that could result in activities other than the proposed project that could significantly affect the environment”. This describes the nearby land uses and employment opportunities within the project vicinity, which concludes that the 248 employees and 2,443 residents that would be generated by the project would seek shopping, entertainment, and other economic opportunities in the surrounding areas. This would represent an increased demand for such economic goods and services because the project site currently provides office and warehouse industrial uses and has been primarily vacant since 2001. The project site currently employs approximately 20-full-time workers and does not contain any housing units; thus, no residents currently reside onsite. Development of the site for new office, retail, restaurant, and residential uses would facilitate an economic benefit over existing conditions (DEIR page 5-6).

Section 5.2 of the DEIR also determines that given the existing and proposed commercial goods and service within the area, and the relatively small number of new employees (248) and new residents (2,443 residents at full occupancy) compared to the City's existing and projected number of employees and residents, increased long-term economic activity resulting from the proposed project would be accommodated by existing businesses and business expansion based on overall growth trends in the project vicinity, including the Cities of Santa Ana, Tustin, Irvine; rather than any discernible expansion related specifically to the proposed project. Thus, the DEIR does provide information related to economic effects in relation to the growth that would result from the project.

CEQA requires that an EIR consider a reasonable range of feasible alternatives (*CEQA Guidelines* Section 15126.6(a) and that an EIR need not consider every conceivable alternative to a project. Alternatives shall be limited to those that would attain most of the basic project objectives and avoid or substantially lessen the significant effects of the project (*CEQA Guidelines* Section 15126.6). The alternatives analyzed in DEIR Section 4.0, *Alternatives* include: Alternative 1: No Project/No Build, Alternative 2: Reduced Project Alternative, and Alternative 3: Development of a Light Industrial Business Park/Build Out Under the Existing Zoning Alternative, the latter of which addresses the commenters request to evaluate an alternative under existing zoning. Evaluation of the physical effects on the environment from all of these alternatives is provided in DEIR. An alternative that reflects a greater intensity of development would likely result in greater environmental impacts, which is contrary to CEQA's mandate to analyze alternatives that would avoid or substantially lessen the significant effects of the project.

In summary, the DEIR does include an alternatives evaluation of build out under the existing zoning (Alternative 3) to determine if maximum build out under the existing land use and zoning designations would reduce significant impacts compared to the proposed project. This alternative would develop the site to the maximum build out of the existing M-1 (Light Industrial) zoning designation, resulting in 369,301.5 square feet of light industrial space and approximately 963 employees. Because this alternative would not generate any onsite residents and would result in fewer total people onsite (that would consist of employees onsite for approximately eight hours day), a reduced demand for economic goods and services would result in comparison to the proposed project.

As described in Section 4.0, *Alternatives*, Alternative 3 would result in a significant unavoidable impact to GHG emissions that would not occur by the proposed project. In addition, under Alternative 3, traffic impacts would remain significant and unavoidable and greater environmental impacts related to hazardous materials, operational noise, jobs-housing imbalance, and utilities and service systems would occur. Therefore, the alternative that considers maximum



build out under the existing zoning designation would not be environmentally superior compared to the proposed project.

**B-4**

**Comment:** The comment asserts that the DEIR fails to address the impacts to business of residential zoning within the neighborhood and the cumulative effects to the City of allowing “spot zoning” of a property. The comment also asserts that the EIR needs to address the economic effects that the project will have on the community, residents, and businesses.

**Response:** As described above in Response B-3, CEQA’s concern is analyzing and mitigating physical environmental impacts. *CEQA Guidelines* Section 15131(a) states that “economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The focus of the analysis shall be on the physical changes.” Pursuant to these guidelines, Section 5.2 of the DEIR (Growth Inducing Impacts) evaluates if the “project would encourage or facilitate economic or other effects that could result in activities other than the proposed project that could significantly affect the environment,” concluding that the increased long-term economic activity resulting from the proposed project would be accommodated by existing businesses and business expansion based on overall growth trends in the project vicinity, including the Cities of Santa Ana, Tustin, Irvine, rather than any discernible expansion related specifically to the proposed project. Thus, the DEIR has appropriately addressed the economic effects of the proposed project.

**B-5**

**Comment:** The comment asserts that the DEIR is a “sales document” that is deficient because it fails to address the intermediate or long-term economic impact that will be created by the removal of industrial zoned land.

**Response:** As described above in Response B-3, CEQA’s role is to analyze, mitigate, and disclose physical environmental impacts, which is the statutory purpose of an EIR. Response B-3 also discusses the role an economic impact analysis plays in an EIR. This comment does not provide information related to potential physical effects on the environment, instead suggesting that an “economic impact/catastrophe” would be created in the City by approving this project, without providing substantial evidence that a project may have a significant effect on the environment.

However, it should be noted that an economic evaluation of the proposed project has been prepared by a City-retained economic consultant under separate cover, and is part of the City’s review material for the proposed project.

**B-6**

**Comment:** The comment asserts that the DEIR fails to analyze the economic impacts of an alternative development that would be consistent with the existing

zoning and land use designations. The comment also states that the DEIR fails to show a comparison of revenues and costs to the City from different residential, commercial, and industrial land uses on the project site.

**Response:** As described in Response B-3, CEQA does not require the evaluation of economic impacts from a proposed project or potential alternatives, unless they result in physical, environmental impacts. The role of CEQA is to provide information related to potential physical effects on the environment, rather than a comparison of economic and land use strategies.

Also as described above, per *CEQA Guidelines*, alternatives shall be limited to those that would attain most of the basic project objectives and avoid or substantially lessen the significant effects of the project (*CEQA Guidelines* Section 15126.6). CEQA does not require the evaluation of alternatives that may be developed under the existing zoning and land use, unless it could avoid or substantially reduce a significant effect of the project. Furthermore, CEQA does not require the economic analysis and comparison of alternatives.

**B-7** **Comment:** The comment asserts that long-term economic impacts should have been evaluated in the DEIR and that the evaluation would have revealed significant benefits (economic, taxation, employment, cultural) of a project that is consistent with the existing General Plan land use designations.

**Response:** Response B-3 responds to the portion of this comments related to economics, employment, , and the DEIR’s evaluation of an alternative that would develop the project site to the maximum build out under the existing zoning.

In addition, pursuant to CEQA, and as described in DEIR Section 3.3, *Cultural Resources*, cultural resources are defined as archaeological resources, historic resources, Native American resources, and paleontological resources. As described in Sections 3.3, *Cultural Resources* and 4.0, *Alternatives*, any type of development on the project site that involves earthwork has potential to impact unknown archaeological and/or paleontological resources during excavation or construction activities. Thus, mitigation measures have been included to reduce potential impacts to unknown archaeological and paleontological resources to a less than significant level. These measures would be implemented for both the proposed project and any of the alternatives that involve construction activities.

**B-8** **Comment:** The comment asserts that the DEIR is deficient in that it fails to adequately analyze the economic/taxation/employment/cultural benefits of a commercial development under the existing General Plan land use and zoning designation in the form of an alternative.

**Response:** This comment was previously stated and responses to this comment are provided in Responses B-3 and B-7, above.

**B-9** **Comment:** The comment asserts that the proposed project is an “unmitigated economic disaster” that should be denied, and that residential uses cost more to provide public services than are generated in revenue, while industrial uses provide greater revenue. The comment refers to the methodology and conclusions in the Rezoning and Economic Overview attachment to this comment letter as supporting evidence.

**Response:** Refer to Response B-3. This comment does not discuss concerns about the adequacy of the Draft EIR or otherwise comment on physical environmental impacts that could result from implementation of the proposed project or one of the alternatives. Therefore, further response is not required.

**B-10** **Comment:** The comment asserts that the project application should be denied because it represents “spot zoning” and a collection of articles about spot zoning have been provided as an attachment to the letter. The comment also states that the DEIR failed to adequately analyze spot zoning.

**Response:** An analysis of land use impacts, as required pursuant to Appendix G of the *CEQA Guidelines*, are provided in DEIR Section 3.8, *Land Use and Planning*. CEQA requires that an analysis of land use impacts focus on whether the project would physically divide an established community or whether it would conflict with any applicable land use plan, policy, or regulation adopted for the purpose of *avoiding or mitigating an environmental effect*. The proposed zoning change is part of the project description and, as such, the EIR evaluated whether and to what extent the proposed project, including the proposed zoning change, would result in physical environmental impacts using the thresholds provided in Appendix G of the *CEQA Guidelines*.

As described, the project site is adjacent to two large land use planning areas. Areas across from Red Hill Avenue are within the City of Tustin and part of the Tustin Legacy Specific Plan area. The northeastern corner of Red Hill Avenue is within the Tustin Legacy area and is planned for commercial business uses followed by single and multi-family residential, retail, and office. Areas on the east side of Red Hill Avenue, north of Warner Avenue are planned for transitional/emergency housing, educational uses, and parks. Thus, the planned land uses within the Tustin Legacy Specific Plan area are consistent with those of the proposed project, which include multi-family residential, retail, office, and parks.

Areas across from Dyer Road are in the City of Irvine within the Irvine Business Complex (IBC), which is a 2,800-acre master planned community that includes medium- to high-density residential, commercial, institutional, professional/medical offices, industrial manufacturing, research and development, support service retail, restaurants, and hotel/motels.

As described in Section 3.8, *Land Use and Planning*, since early 2004, there has been substantial redevelopment of nonresidential uses to high-density, urban-style, mixed-use neighborhoods within in the IBC; and that because the original development of the project site was consistent with development in the IBC, it follows that current and future land use trends within the IBC could influence land uses within its vicinity.

As such, the proposed high-density mixed-use project is consistent with the neighboring land use trends in both the Tustin Legacy Specific Plan area and IBC, and would not result in “spot zoning” from a regional perspective, such as asserted in this comment. Furthermore, as concluded in Section 3.8, *Land Use and Planning*, in the cumulative impacts analysis, the related projects in the adjacent areas ( that include portions of Santa Ana, Tustin and Irvine) generally provide for multi-family residential, commercial, and mixed uses, which are similar and consistent to those provided by the proposed project. Because the proposed project and related projects’ land uses are similar and complimentary, adverse interactive effects from land uses would not occur.

**B-11** **Comment:** The comment asserts that the City Council should seek the best long-term alternative for their stakeholders and not provide approvals to developers that donate to political campaigns. In addition, the comment requests that the DEIR be resubmitted when it addresses the matters raised above.

**Response:** This comment does not describe specific concerns related to physical, environmental impacts that could result from construction or implementation of the project or otherwise comment on the contents of the Draft EIR. Therefore, further response is not required.

**B-12** **Comment:** The comment states that the EIR is a City document and that the City should not let it proceed until all deficiencies are remedied. The comment also states that a partial list of deficiencies of the EIR is provided and sets forth reasons that the project should be denied.

**Response:** This comment does not describe specific concerns related to physical, environmental impacts that could result from construction or implementation of the project. Responses to each of the specific CEQA related issue that is referred to within this comment letter are provided either previously or below.

**B-13** **Comment:** The comment states that the proposed project would result in significant and unavoidable traffic impacts about which the City of Santa Ana can do nothing.

**Response:** This comment is accurate. As described in Section 3.13, *Transportation and Traffic* and Section 5.0, *Other CEQA Considerations*, the addition of project traffic to the existing traffic conditions in the project area would result in significant and unavoidable impacts at intersections and roadway

segment locations where the responsibility for approving and/or completing roadway improvements lies with the City of Irvine, City of Tustin, and Caltrans. Thus, the potential exists that mitigation measures recommended in the EIR may not be completed for reasons that are beyond the City of Santa Ana's control. Therefore, a significant and unavoidable impact would occur at these locations.

**B-14** **Comment:** The comment states that the project site is zoned M-1, but no analysis of the economic, tax, employment, cultural impacts of a light industrial project, or any project that could be developed consistent with the General Plan, has been prepared.

**Response:** This comment was previously stated and responses to this comment are provided in Responses B-3 and B-7, above.

**B-15** **Comment:** The comment states that the project requires a General Plan Amendment, and that no effects of the amendment or effects on other uses is included in the DEIR.

**Response:** The analysis related to the existing and proposed land use is provided in DEIR Section 3.8, *Land Use and Planning*. Specifically, discussion related to the proposed change in land use designations is provided in Section 3.8.5, on page 3.8-18 of the DEIR and consistency of the proposed project with the City of Santa Ana General Plan Policies are provided in Table 3.8-1. As described in these portions of the DEIR, the proposed project would be consistent with the applicable policies of the City's General Plan and impacts related to the General Plan would be less than significant.

In addition, as described above in Response B-10, planned land uses within the project vicinity and within adjacent cities generally provide for multi-family residential, commercial, and mixed uses, which are similar to and consistent with those provided by the proposed project; thus, adverse interactive effects from land uses would not occur from implementation of the proposed project.

**B-16** **Comment:** The comment asserts that the DEIR is in support of the proposed General Plan land use amendment, which requires an EIR that should analyze economic, tax, revenue, and City services. The comment also states that the EIR must evaluate an alternative project that may be developed under the existing zoning, and that can be developed to a greater intensity, as allowed by the existing zoning.

**Response:** The DEIR is an informational document intended to identify impacts from the proposed project and does not support or deny an application. This comment was previously stated and the response is provided in Response B-3, above.

**B-17** **Comment:** The comment states that no analysis of cultural resources, employment, mental health impacts are made.

**Response:** This comment was previously stated and responses to this comment are provided in Responses B-3 and B-7.

**B-18** **Comment:** The comment states that there are no mitigation measures or methodology in regards to the less than significant impact determination related to public services. The comment asserts that it is impossible to understand why public service impacts are less than significant, as apartments increase demands on schools, library, parks and recreation, and other public services.

**Response:** Refer to Response B-3. The methodology used to determine the significance of potential impacts from the proposed project related to public services is provided in the Public Services DEIR Section 3.11.4, *Methodology*. As described, impacts on fire, police, and library services are considered significant if an increase in population or development levels would result in inadequate staffing levels, response times, and/or increased demand for services that would require the construction or expansion of new or altered facilities that might have an adverse physical effect on the environment.

For police and fire, a significant impact would occur if the project generated the need for additional personnel or equipment that could not be accommodated within the existing stations and would require the construction of a new station or an expansion of an existing station.

For libraries, a significant impact would occur if the project generated the need for additional library personnel or facilities that could not be accommodated within existing facilities and would require the construction of a new library or the expansion of an existing library.

Impacts on schools are determined by analyzing the estimated increase in student population as a result of project build out and comparing the increase to the capacity of schools that would serve the project site to determine whether new or altered facilities would be required, the construction of which could result in adverse environmental effects.

In regards to fire services, DEIR Section 3.11.5 describes that there are four existing OCFA stations within three miles of the project site, and the existing response time to emergency calls to the project site is less than five minutes. The project area has adequate nearby fire facilities and staffing to serve the proposed project in addition to OCFA's existing service needs. Thus, significant impacts related to fire services would not occur.

In regards to police protection services, the Santa Ana Police Department has indicated that the incremental increase in demands on law enforcement services

from the project would not be significant when compared to the current demand levels. Law enforcement personnel would be able to respond in a timely manner to emergency calls in the project area and would not increase response times to other service calls (DEIR Section 3.11.5). Thus, significant impacts related to law enforcement services would not occur.

In regards to school services, DEIR Sections 3.11.2 and 3.11.5 describes that the need for additional school facilities from development projects is addressed through compliance with school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) and the state school facilities construction program that includes restrictions on a local jurisdiction's ability to condition a project on mitigation of a project's impacts on school facilities in excess of fees set forth in the Government Code. These fees are collected by school districts at the time of issuance of building permits for commercial, industrial, and residential projects. Pursuant to Government Code Section 65995 payment of the adopted fees provides full and complete mitigation of school impacts. As a result impacts related to school facilities from the proposed project would be less than significant with the Government Code required fee payments.

In regards to library services, DEIR Sections 3.11.2 describes that the City's library system is funded through the general fund and does not have a fee collection system in place to obtain fees from a developer. The tax base afforded by the development of the project would contribute to the City's general fund, which is distributed to various City services, including libraries. Therefore, any necessary improvements or modifications to the existing Santa Ana Libraries that could result from the increased population on the project site would be implemented using the general fund and determined on an as-needed annual basis by the City. The addition of 2,443 residents would not result in the need to expand existing, or develop new library facilities. Thus, significant impacts related to library services would not occur.

The methodology used to determine the significance of potential impacts related to parks and recreation is provided in the Parks and Recreation DEIR Section 3.12.4, *Methodology*. As described, impacts on parks and recreation are considered significant if an increase in use would result in the substantial physical deterioration of existing recreational facilities would result in the need for new or expanded facilities. The analysis uses a parkland-to-population ratio to measure demand based upon the City's municipal code requirements. If demand is excessive, then use may not be in compliance with the municipal code or could accelerate substantial physical deterioration of facilities, or could require the construction of additional facilities.

As detailed in Chapter 3.0, *Revisions to the Draft EIR* of this document, the project would provide 173,907 square feet of public open space and recreation, which would meet the requirements of the City's Municipal Code. In addition,

the project would provide 138,849 square feet of private open space for residents use. Overall, the project would exceed the City's requirements related to park and recreation standards and is anticipated to meet the needs of the project's onsite population and would offset any increased usage from project residents of other park and recreation facilities in the region. Therefore, the project would result in less than significant related to the need for, new or physically altered park and/or recreation facilities.

**B-19**

**Comment:** The comment states that the DEIR has no authority for impacts where the DEIR has suggested that the level of significance related to transportation and traffic is less than significant. The comment also states that the DEIR concedes that no mitigation is available for the significant traffic impacts. The comment also asserts that this should cause a rejection of the project or further analysis and recirculation of the DEIR.

**Response:** The evaluation of potential traffic impacts in the DEIR concluded that construction of the project would result in a less than significant impact because construction activities would not result in an exceedance of any LOS standards. The adopted LOS standards, which are described in Section 3.13.4, *Methodology* of the Transportation and Traffic DEIR Section, provide the authority to make this determination.

Similarly, the project operational traffic scenarios that were determined to be less than significant were based on the adopted methodology and thresholds of the agencies with jurisdictions over each intersection or roadway segment analyzed in the DEIR. Each of the adopted methodologies and thresholds are detailed in Section 3.13.4, *Methodology* of the Transportation and Traffic DEIR Section, and also provide the authority to determinations within the EIR.

Response B-13 describes that the project would result in significant and unavoidable traffic impacts at locations where the responsibility for approving and/or completing roadway improvements lies with the City of Irvine, City of Tustin, and Caltrans, and are beyond the City of Santa Ana's control. Therefore, a significant and unavoidable impact would occur at these locations. A determination that the project would result in a significant and unavoidable impact does not require rejection of the project or further analysis in the EIR. As described in *CEQA Guidelines* Section 15002, when an EIR identifies a significant effect, the Lead Agency must make findings on whether the adverse environmental effects have been substantially reduced or, if not, why not. In addition, *CEQA Guidelines* Section 15091 describes the written findings required for significant effects, in order to approve or carry out a project that would result in significant impacts.



**B-20**

**Comment:** The comment asserts that utilities and service systems all have significant impacts and there is no disclosure or analysis of the methodology supporting the less than significant conclusions.

**Response:** The methodology used to determine the significance of potential impacts from the proposed project related to utilities and service systems is provided in the Utilities and Service Systems DEIR in Section 3.14.4, *Methodology*. As described, the utilities and service systems evaluation is focused on whether existing facilities have sufficient capacity to serve the project in addition to existing demands.

In regards to water supply, the analysis evaluates whether an adequate and reliable source of water is available based on the City's UWMP. As described in Section 3.14, *Utilities and Service Systems*, the UWMP states that the City has adequate supplies to serve 100 percent of its customers during normal, dry year, and multiple dry year demand with projected population increases. In addition, the Water Supply Assessment prepared for the proposed project (prepared pursuant to California Water Code Section 10910 through 10915) demonstrates that the City will have sufficient water supplies available during normal, single dry, and multiple dry years over a 25-year period to meet projected water demands of existing and future customers, including the proposed project. In addition, as described in Section 3.14, *Utilities and Service Systems*, the project would implement the City's Water Efficiency Strategies and Water Supply Contingency Plan, which would reduce the project's demand on water supplies.

With regard to wastewater services, the City requires that projects which result in an increase of peak wastewater flows to 50 percent or more capacity in 10-inch sewer lines to increase the capacity of those lines. To ensure that adequate sewer capacity exists, the project includes replacement of approximately 1,000 feet of the existing 10-inch sewer line on Dyer Road with a 12-inch line to provide additional capacity. As described in Section 3.14, *Utilities and Service Systems*, no other improvements to the wastewater system would be required.

Effects to the existing storm water drainage facilities were determined through preparation of a Preliminary Water Quality Management Plan (WQMP) that provides estimates of existing and proposed runoff volumes from the project site and identified potential impacts to receiving storm drains. As described in Section 3.14, *Utilities and Service Systems*, the proposed project would not increase the rate or amount of surface runoff and would not require or result in the construction of new or expanded stormwater drainage facilities. In fact, the project would reduce the existing amount of stormwater by increasing the amount of impervious services onsite. Thus, impacts related to stormwater drainage facilities would not occur.

To determine the amount of solid waste generated by the project, solid waste generation factors identified by CalRecycle were applied to the project's land uses, and estimates of construction waste were based on the proposed construction activities. Impacts associated with landfill capacity were assessed by comparing the capacity of local landfills with the amount of solid waste generated by the project to determine whether adequate capacity exists. As described in Section 3.14, *Utilities and Service Systems*, the long-term solid waste needs of the project would be met with permitted disposal facilities that would be provided by Orange County Waste and Recycling; thus, impacts related to solid waste facility capacity would be less than significant.

In summary, the DEIR provided a complete discussion of the impact analysis methodology (for all topics) and substantial evidence to support the impact conclusions.

**B-21**

**Comment:** The comment asserts that there is no discussion supported by methodology that can be checked of how a change in zoning will further the goals of the General Plan and municipal code, when the City has residentially zoned land that will provide housing without taking industrial and commercial land.

**Response:** The methodology related to land use and zoning analyses are provided in Section 3.8.4, *Methodology*, of the Land Use and Planning section of the DEIR. In addition, as set forth in Appendix G of the *CEQA Guidelines*, the evaluation of a project's impact related to land use and zoning compatibility is to determine if "the project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect".

As described in Section 3.8, *Land Use and Planning* (page 3.8-18), although the proposed project includes a General Plan amendment that would change the existing General Plan land use designation from PAO (Professional and Administrative Office) to District Center (DC), the proposed project would not conflict with either land use policies or the zoning code regulations that were adopted for the purpose of avoiding or mitigating an environmental effect. As a result, impacts would be less than significant.

CEQA does not require an evaluation of whether other parcels are available in the City that could "further the goals and specifics of the General Plan and municipal code", beyond what would occur by the proposed project. That said, Section 15126.6(f)(2)(A) of the *CEQA Guidelines* does require an evaluation of "putting the project in another location," if the location would avoid or substantially lessen significant effects of the project, irrespective of whether or to

what extent it “furthers the goals and specifics of the General Plan and municipal code.” As described above in Response B-3, CEQA requires that an EIR consider those alternatives that would attain most of the basic project objectives and avoid or substantially lessen the significant effects of the project (*CEQA Guidelines* Section 15126.6). For this project, alternatives are evaluated for the same project site, but for a different type or combination of land uses, which represents a reasonable range of feasible alternatives that allow the City to make a reasoned choice about the project. In addition, as described in Section 4.4, *Alternatives Considered but Eliminated*, an alternative site for the proposed project was considered.

The alternative site alternative was eliminated from detailed evaluation in the DEIR. The project objectives are to redevelop an existing underutilized parcel and implement a mixed use development that would provide a balance of land uses, utilize existing infrastructure, providing additional housing near employment centers, and improve a gateway image to the City. First, the applicant does not own an alternative site within Santa Ana, and the ability of the applicant to find and purchase an alternative site in Santa Ana that meets the needs of the project and its objectives is considered speculative. Second, this project site provides an opportunity for a development that is consistent with the overall growth trends in the project vicinity, including the Cities of Santa Ana, Tustin, Irvine. Furthermore, an alternative location would require development of a new two-story 56,000 square foot office building, which is not required by the proposed project because the existing office space is proposed for reuse. Thus, development of an alternative site would result in greater impacts than the proposed project. For all of these reasons, an alternative location was eliminated from detailed evaluation in the DEIR, although it was considered.

**B-22**

**Comment:** The comment refers to the discussion in DEIR Section, 3.2 *Air Quality*, which describes that project area is located within a housing-poor region. The comment also states that the project is on the border of a well-established commercial district with no residential land or amenities for residents, and that the DEIR fails to consider the availability of residentially zoned land in the project area and fails to consider nearby projects such as in Tustin. Furthermore, the comment states that the DEIR does not include methodology for the less than significant determination.

**Response:** As described in DEIR Section 3.2.5, the impact analysis in the Air Quality Section (as referred to in the comment) states that the project area is located within a jobs rich and housing-poor region of Orange County, where employees from other areas of the County travel into the project region for employment.

As described in DEIR Section 3.8-1, *Land Use and Planning*, the project site is adjacent to two large land use planning areas that are within different cities.

Tustin Legacy is planned for a variety of residential unit types, commercial retail, school, parks, and other public facilities. Some of the residential and commercial portions of the Tustin Legacy area have already been constructed, including residential units and a commercial center. The Irvine Business Complex (IBC) is located across Dyer Road in the City of Irvine, which includes medium- to high-density residential, commercial, institutional, professional/medical offices, industrial manufacturing, research and development, support service retail, restaurants, and hotel/motels. Also, as described on page 3.8-2, the IBC is undergoing substantial redevelopment of nonresidential uses to high-density, urban-style residential development sites. Thus, the Tustin Legacy and IBC land uses are consistent with the residential, retail, office, and park mixed-uses that would be provided by the proposed project and would provide amenities related to residential uses.

The less than significant determination that is referred to in this comment is related to whether the project would conflict with or obstruct implementation of the applicable air quality plan. As described on page 3.2-20, projects that are consistent with regional population, housing, and employment forecasts are considered to be consistent with the AQMP growth projections; the population growth that would result from the proposed project would be within the anticipated growth rate of the region. As further detailed in DEIR Section 3.10, *Population and Housing*, the average population growth within the Santa Ana/Tustin/ Irvine area is projected to increase by 5.4 percent between 2020 and 2035, which is higher than the projected county growth of 4.7 percent. Additionally, as described on page 3.10-4, the average anticipated growth of housing units within the three Cities is 10.9 percent, and growth in employment is 15.3 percent, which is substantially higher than what is anticipated countywide. Thus, the 1,221 multi-family residences, additional population of 2,443, and increase of 248 jobs that would be generated by the proposed project would be within the anticipated growth rate of the region.

As described on page, 3.10-5, SCAG considers an area balanced when the jobs-housing ratio is 1.36; communities with more than 1.36 jobs per dwelling unit are considered jobs-rich; and those with less than 1.36 are housing rich.

In Santa Ana, the jobs-housing ratio is 1.87 jobs per dwelling unit, and forecast to increase to 1.91 by 2035; which indicates that there will continue to be more jobs than housing units. The City of Tustin's jobs-housing ratio of 1.58 is forecast by SCAG to increase to 2.40 by 2035, and the City of Irvine is currently jobs rich as indicated by the jobs housing ratio of 2.48 jobs per dwelling unit, and is forecast to continue to be jobs-rich through 2035 with a 2.43 jobs per dwelling unit ratio.

Build out of the proposed project would help to balance the jobs-housing ratio slightly by providing 1,221 residential units and a limited number of new jobs (a

248 job increase), which would be a beneficial impact of the project. Residents of the project site can easily travel (by vehicle or transit) to employment opportunities within Santa Ana, Tustin, and Irvine, which would reduce vehicle miles traveled in the region and the associated air quality emissions. As a result, the project would assist in implementation of the AQMP. Thus, the DEIR includes supporting methodology and a thorough impact analysis for this less than significant determination.

**B-23** **Comment:** The comment asserts that the DEIR fails to identify economic, tax, employment and costs of services to the City.

**Response:** This comment was previously stated and responses to this comment are provided in Response B-3; and as described in Response B-5 an economic evaluation of the proposed project has been prepared by a City-retained economic consultant under separate cover, and is part of the City's review material for the proposed project.

**B-24** **Comment:** The comment asserts that there is no analysis of the project's impact upon any schools.

**Response:** As described in DEIR Section 3.11, *Public Services*, on page 3.11-12, the proposed project would result in 354 students at full occupancy. School capacity in the school facilities that would serve the project site have a total remaining capacity for 445 students, which consists of 136 spaces in James Monroe Elementary School, 27 spaces in McFadden Intermediate School, and 282 spaces in Century High School. Assuming that the school conditions would be similar to or have less remaining capacity in 2020 (the project opening year), and depending upon the age of the children residing onsite, the proposed project could result in the exceedance of capacity at one or more of these school facilities.

However, the need for additional school facilities is addressed through compliance with school impact fee assessment that applicants are required to pay to the appropriate school districts at the time building permits are issued. Pursuant to Government Code Section 65995, payment of the adopted fees provides full and complete mitigation of school impacts, supporting a less-than-significant impact conclusion.

**B-25** **Comment:** The comment asserts that there is no relevant analysis of why the project would better promote the Land Use Element of the General Plan than the existing zoning. The comment then lists several General Plan policies and states that they do not support the applicant's request and asserts that the project would violate the City's Land Use Element. In addition, the comment states that the DEIR is propaganda because it does not include an economic analysis of the alternative development or the tax, income, and city costs for the proposed project.

**Response:** As described previously in Response B-7, the objective of the alternatives section is to identify methods to reduce the significant and unavoidable impacts of the proposed project (*CEQA Guidelines* Section 15126.6). As further described in Response B-3, the purpose of the CEQA alternatives evaluation is not to compare benefits of projects that are not related to reduction of impacts on the physical environment. More specifically, as described in Response B-21, the impact criteria in Appendix G of the *CEQA Guidelines* requires the evaluation of a project’s impact related to land use and zoning to determine if “the project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect”. As described in Response B-21 and in Section 3.8, *Land Use and Planning*, the proposed project would not conflict with either land use policies or the zoning code regulations that were adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

The comment lists a number of General Plan Land Use policies and asserts that they do not support the proposed project. A detailed analysis of the proposed project’s consistency with applicable General Plan policies that serve to avoid or mitigate environmental impacts is provided in Table 3.8-1 in the Land Use and Planning Section of the DEIR. In addition, the project’s consistency with the other policies referenced in this comment that were not otherwise considered in the DEIR are provided below, recognizing that some of these policies were not adopted for the purpose of avoiding or mitigating an environmental impact.

Policy #	Policy Text	Consistency Statement
Land Use Element		
Policy 1.6	Support “live/work” opportunities within specifically defined areas.	Consistent. The proposed project would provide 1,221 multi-family apartments, 12,675 square feet of retail commercial space, 5,415 square feet of restaurant space, and a two-story 56,000 square foot office building. Thus, the proposed project would provide for opportunities to live and work onsite.
Policy 1.8	Encourage development of commercial and nonprofit recreational facilities and services	Consistent. The proposed project includes both public and private (for residents) open space and recreational facilities on the project site. A 1.01-acre public central park, including various amenities, would be developed and would connect to open space areas along the northern and eastern boundaries. In addition, approximately 315,756 square feet of private open space, as well as other private recreation amenities would be provided for residents.
Goal 2	Protect the Safety of the General Public from Aircraft Hazards	Consistent. As described in Section 3.6, <i>Hazards and Hazardous Materials</i> (pages 3.6-27 through 3.6-29), the proposed project would not result in hazardous conditions related to aircraft operations.

Policy #	Policy Text	Consistency Statement
Policy 2.2	Minimize hazards to aeronautical operations by ensuring land uses do not emit excessive glare, light, steam, smoke, dust, or electronic interference in compliance with FAA regulations and the JWA AELUP.	<p>Consistent. The proposed project would not result in hazards related to excessive glare, light, steam, smoke, dust, or electronic interference. As described in Section 3.1, <i>Aesthetics</i> (pages 3.1-14 through 3.1-15), substantial light or glare would not be generated because exterior light fixtures and security lighting would be installed pursuant to Municipal Code specifications for shielding and intensity of security lighting. The project would not use highly reflective surfaces, does not include large areas of glass on the buildings, and a majority of vehicle parking would be located within parking structures. Therefore, the project would not generate substantial sources of glare.</p> <p>As described in Section 3.2, <i>Air Quality</i>, operation of the project would not generate substantial quantities of steam, smoke, and dust emissions, and emissions would be regulated by AQMD requirements.</p>
Policy 2.4	Prior to the amendment of the City's general plan or a specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the ALUC, and pursuant to PUC Section 21676, the local agency shall first refer the proposed action to the ALUC.	Consistent. The City of Santa Ana shall refer the proposed project to the ALUC prior to being considered for adoption by the City Planning Commission or City Council
Policy 2.5	Balance the economic and fiscal benefits of commercial development with its impacts on the quality of life in the City.	Not Applicable. As described above in Response B-3, <i>CEQA Guidelines</i> Section 15131(a) states that economic or social effects of a project shall not be treated as significant effects on the environment. Thus, effects related to Policy 2.5 are not applicable to CEQA.
Policy 2.6	Encourage the creation of new employment opportunities in development which are compatible with surrounding land uses, and provide a net community benefit.	Consistent. The proposed project would provide 12,675 square feet of retail commercial space, 5,415 square feet of restaurant space, and a two-story 56,000 square foot office building that will create employment opportunities. As described in Section 3.8, <i>Land Use and Planning</i> (page 3.8-36), the related projects and planned land uses within the Tustin Legacy Specific Plan and City of Irvine IBC provide for multi-family residential, commercial, and mixed uses, which are similar to and consistent with those provided by the project. Thus, the project would generate employment opportunities within an area of compatible land uses.
Policy 2.8	Promote rehabilitation of commercial properties, and encourage increased levels of capital investment	Consistent. The proposed project would renovate a portion of the existing building and develop other areas of the project site into a mixed use development that would encourage increased levels of capital investment in the surrounding areas. As described in Response B-3 and DEIR page 5-6, development of the site for new commercial, office, retail, restaurant, and residential uses would facilitate an economic benefit over existing conditions.
Policy 2.9	Support developments that create a business environment that is safe and attractive.	Consistent. The proposed mixed use project would provide retail commercial space, restaurant space, and an office building that would create a business environment. As described in DEIR Section 3.11, <i>Public Services</i> (page 3.11-11), the City's Crime Prevention through Environmental Design (CPTED) measures, such as lighting, access, security camera systems, and building access systems, would be incorporated into the project to provide a safe environment. As described in DEIR Section 3.1, <i>Aesthetics</i> (pages 3.1-11 through 3.1-14) implementation of the project would have a unifying modern architectural theme and improve the character and integrity of existing neighborhood.

Policy #	Policy Text	Consistency Statement
Policy 2.10	Support new development which is harmonious in scale and character with the existing development area.	Consistent. As described in DEIR Section 3.1 <i>Aesthetics</i> (pages 3.1-16 through 3.1-17), the proposed development would be consistent with the redevelopment of nonresidential uses to high-density, urban-style residential development sites that is occurring within the project vicinity, including the Tustin Legacy and IBC.
Goal 3	Preserve and improve the character and integrity of existing neighborhoods.	Consistent. The project site has an industrial character and has been predominately vacant since 2001 (DEIR Section 2.2, <i>Site Characteristics</i> ). As described in DEIR Section 3.1, <i>Aesthetics</i> (pages 3.1-11 through 3.1-14), implementation of the project would not degrade the character or quality of the site, which currently has very limited (if any) visual character or interest. The character of the site would change from industrial/warehouse/office uses to a residential, urban mixed-use village that would have a unifying modern architectural theme. In addition, the project would enhance the existing character of the area by reinforcing the established urban, mixed-use quality of the Red Hill Avenue and Dyer Road street corridors. Thus, the project would improve the character and integrity of existing neighborhood.
Policy 3.1	Support development which provides a positive contribution to neighborhood character and identity.	Consistent. See response to Goal 3, above.
Goal 4	Protect and enhance development sites and districts which are unique community assets that enhances the quality of life.	Consistent. As described in DEIR Section 3.1, <i>Aesthetics</i> (pages 3.1-11 through 3.1-14), the project site currently has very limited (if any) visual character or interest. In addition, the site has been predominately vacant since 2001; therefore, it does not currently provide a unique community asset. However, the proposed project would be consistent with this goal by providing a development site that would enhance the quality of life by providing public and private open space and recreational facilities that would serve the existing and future community. In addition, the quality of life would benefit from improvement in the jobs-housing balance where residents of the project would be able to easily travel to employment opportunities within Santa Ana, Tustin and Irvine areas by vehicle or transit, thereby reducing vehicle miles traveled (DEIR page 3.2-20), which would also reduce air quality emissions and greenhouse gasses. Therefore, the project would enhance the quality of life.
Policy 4.3	Support land uses which provide community and regional economic and service benefits.	Consistent. As described in Response B-7 and DEIR page 5-6, development of the site for new commercial, office, retail, restaurant, and residential uses would facilitate an economic benefit over existing conditions. The region would be benefited by the provision of housing within an area that has, and is projected to continue to have, far more jobs than housing units. (DEIR Section 3.10, <i>Population and Housing</i> , page 3.2-20). Also, as described previously, under Policy 1.8, The proposed project includes both public and private open space and recreational facilities on the project site that would provide a community benefit.
Policy 4.4	Encourage the development of projects which promote the City's image as a regional activity center.	Consistent. See responses to Policy 4.3 and Policy 4.5. Based on the mixed land uses and the project's location adjacent to major roadways, freeways, and transit, the project would promote the City's image as a regional activity center.
Policy 4.5	Encourage development of employment centers and mixed use projects within targeted areas adjacent to major arterial roadways, transit, and freeway corridors.	Consistent. The proposed mixed use project would provide multi-family apartments, retail commercial space, restaurant space, and an office building. The project site is located adjacent to two major arterial roadways, existing transit, and approximately 0.25 mile from SR 55.



Policy #	Policy Text	Consistency Statement
Goal 5	Ensure that the impacts of development are mitigated.	Consistent. Mitigation measures have been incorporated throughout the DEIR, as summarized in the DEIR Executive Summary. However, due to the existing regional air quality and traffic conditions, the project would result in impacts that would remain significant and unavoidable after implementation of all feasible mitigation measures. Overall, the impacts of the proposed project would be mitigated to the maximum extent feasible and is consistent with Goal 5.
Policy 5.1	Promote development which has a net community benefit, and enhances the quality of life.	Consistent. As described above, the proposed project would provide jobs, housing opportunities, retail services, recreation and open space on a parcel that has been predominately vacant since 2001 (DEIR Section 2.2, <i>Site Characteristics</i> ). The proposed development would facilitate an economic benefit over existing conditions and provide both public and private open space and recreational facilities on the project site that would serve the existing and future community. Therefore, the project would enhance the quality of life within the project area.
Policy 5.2	Protect the community from incompatible uses.	Consistent. As described in DEIR Section 3.8, <i>Land Use</i> (page 3.8-36) the proposed development would be consistent with the redevelopment of nonresidential uses to high-density, urban-style residential development sites that is occurring in the project vicinity, including in the adjacent Tustin Legacy and IBC areas. The proposed project would not result in an incompatible use.
Policy 5.7	Anticipate that the intensity if new development will not exceed available infrastructure capacity.	Consistent. As described throughout Section 3.14, <i>Utilities and Service Systems</i> , the proposed project would not result in the exceedance of available infrastructure capacity.

As described above in Response B-3, CEQA does not require the evaluation of economic impacts from a project or its alternatives unless there a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. Per *CEQA Guidelines* Section 15126.6, alternatives shall be limited to those that would attain most of the basic project objectives and avoid or substantially lessen the significant physical effects of the project, and impacts related to land use and planning would be less than significant.

**B-26** **Comment:** The comment refers to the City’s zoning code and asserts that it is violated in a wholesale fashion by the proposed project that is a poster child for “spot zoning”.

**Response:** The commenter has provided previous comments asserting that the project represents “spot zoning”. A response related the proposed project resulting in “spot zoning” is provided in Response B-10.

**B-27** **Comment:** The comment asserts that the DEIR is deficient because it omits a fair, objective, and non-biased discussion of how the project violates the majority of goals and policies in the City General plan.

**Response:** This comment was previously stated and responses to this comment are provided in Response B-25.

**B-28**            **Comment:** The comment asserts that the DEIR is deficient because there is no analysis of increased employment opportunities that are consistent with the existing General Plan and zoning designations.

**Response:** This comment was previously stated and responses to this comment are provided in Response B-25.

**B-29**            **Comment:** The comment refers to the Public Safety Element of the General Plan and asserts that the DEIR provides no support that 1,500 +/- residents traveling down the road with trucks is safe. In addition, the comment asserts that no methodology related to this potential impact is provided in the DEIR.

**Response:** The City's Public Safety Element does not include policies related to traffic congestion; instead, they are provided in the City's Circulation Element.

Appendix G of the *CEQA Guidelines* evaluates the concept of safe conditions with respect to traffic conditions in a number of places. First, as set forth in Appendix G of the *CEQA Guidelines*, the evaluation of a project's impact related to traffic congestion is based on whether it would conflict with applicable plans and ordinances. As described in Response B-19, traffic impacts were based on the adopted methodology and thresholds of significance established by agencies with jurisdictions over each intersection or roadway segment analyzed in the DEIR. Each of the adopted methodologies and thresholds are detailed in Section 3.13.4, *Methodology* of the Transportation and Traffic DEIR Section, and mitigation measures have been provided to improve impacted intersections and roadway segments to provide additional capacity for the vehicular trips that would be generated by the project and other projects within the region. As described in Section 3.13, *Transportation and Traffic* (page 3.13-64); the project applicant would be required to pay a proportional "fair-share" of the cost to implement the needed improvements to the roadway system. Implementation of these system improvements would enhance roadway safety and alleviate roadway congestion.

In addition, the *CEQA Guidelines* criteria evaluates whether the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). With respect to this threshold, DEIR Section 3.13, *Transportation and Traffic* (page 3.13-68) concludes that motorists entering and exiting the project site would be able to do so comfortably, safely, and without undue congestion. As such, project access would be adequate, and project impacts related to queuing and related design features would be less than significant. Additionally, the on-site circulation layout provides vehicle accessibility throughout the project site. The curb return radii have been confirmed and are generally adequate for small

service/delivery (FedEx, UPS) trucks and trash trucks, as well as fire trucks (LLG, 2015). Thus, impacts related to vehicular circulation design features would be less than significant.

**B-30** **Comment:** The comment asserts that the discussion of the zoning code is misleading because it assumes that the project site is zoned SD, and not M-1 and consistent with the General Plan.

**Response:** As described on page 3.8-1 of Section 3.8, *Land Use and Planning*, the project site has an existing General Plan Land Use designation of PAO (Professional and Administration Office) and a Zoning designation of M-1 (Light Industrial). Thus, the DEIR does not assume or state that the project site is currently zoned SD.

**B-31** **Comment:** The comment asserts that the DEIR is deficient because it fails to address the first item in Table 3.8.2, and dismissed it as “not applicable”. The DEIR must analyze the first five goals in Table 3.8.2.

**Response:** This comment refers to regional goals that are included in the SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) plan, which is focused on three regional principles (mobility, economy, and sustainability). The RTP/SCS plan provides a blueprint for improving quality of life for residents throughout the region by providing more choices for where they will live, work, and play and how they will move around (as described on DEIR page 3.8-3). The goals were adopted by the SCAG Regional Council to implement the RTP/SCS vision to achieve improved regional mobility, economy, and sustainability (SCAG 2012–2035 RTP/SCS). The first five goals in Table 3.8.2 (provided below) involve SCAG planning policies that are implemented region wide. They are not specifically implemented by the City of Santa Ana and are not specific to individual development projects. For example, no single development project, such as the proposed Heritage Mixed Use project that would redevelop an 18.84-acre site within an urban area could implement “regional economic development” or provide for transportation/mobility “for all people and goods in the region”. Thus, these regional goals were identified as not applicable in the DEIR project level analysis.

RTP/SCS G1: Align the plan investments and policies with improving regional economic development and competitiveness.

RTP/SCS G2: Maximize mobility and accessibility for all people and goods in the region.

RTP/SCS G3: Ensure travel safety and reliability for all people and goods in the region.

RTP/SCS G4: Preserve and ensure a sustainable regional transportation system.

RTP/SCS G5: Maximize the productivity of our transportation system.

However, the proposed project would be consistent with these SCAG regional goals. As described previously, development of the site for new commercial, office, retail, restaurant, and residential uses would facilitate an economic benefit

over existing conditions (DEIR page 5-6). In addition, the Orange County Transportation Authority (OCTA) provides bus stops adjacent to the project site on Red Hill Avenue and Dyer Road. From these bus stops, OCTA operates five bus routes that provide transportation to local employment land uses and to the Tustin Metrolink Station that is approximately three miles from the project site (DEIR page 3.13-10). This Metrolink station provides transportation to areas throughout the SCAG region. The project location adjacent to existing transit provides for a sustainable regional transportation system that maximizes mobility and provides safe, reliable, accessibility to the region. Additionally, the use of transit by future residents and employees traveling to and from the project site would reduce vehicle miles traveled and maximize the productivity of the transportation system.

Furthermore, (as described in Response B-22) build out of the proposed project would help to balance the existing and projected jobs-housing ratio, which indicates that there are far more jobs than housing units in the region. Thus, development of housing would provide a beneficial impact. Residents of the project would be able to easily travel to employment opportunities within Santa Ana, Tustin and Irvine by vehicle or transit, thereby reducing vehicle miles traveled (DEIR page 3.2-20).

In Santa Ana, the jobs-housing ratio is 1.87 jobs per dwelling unit, and forecast to increase to 1.91 by 2035; which indicates that there will continue to be more jobs than housing units. The City of Tustin's jobs-housing ratio of 1.58 is forecast by SCAG to increase to 2.40 by 2035, and the City of Irvine is currently jobs rich as indicated by the jobs housing ratio of 2.48 jobs per dwelling unit, and is forecast to continue to be jobs-rich through 2035 with a 2.43 jobs per dwelling unit ratio.

Build out of the proposed project would help to balance the jobs-housing ratio slightly by providing 1,221 residential units and a limited number of new jobs (a 248 job increase), which would be a beneficial impact of the project. Residents of the project site can easily travel (by vehicle or transit) to employment opportunities within Santa Ana, Tustin, and Irvine, which would reduce vehicle miles traveled in the region and the associated air quality emissions.

**B-32**

**Comment:** The comment asserts that population and employment projections are improperly analyzed because there is no mention of the population that could be accommodated by the existing residentially zoned lands within the City and adjacent cities.

**Response:** For a project level CEQA document related to a development project, CEQA does not require the evaluation of what development could be accommodated on other lands within the City. As set forth in Appendix G of the *CEQA Guidelines*, the evaluation of a project's impact related to population is to

determine if the project would result in an impact on the environment by inducing growth and/or necessitating the construction of replacement housing elsewhere. Furthermore, the population and employment projections provided in DEIR Section 3.10, *Population and Housing* include data from SCAG, the Center for Demographic Research, the California Department of Finance, and the U.S. Census, which provides the foundation for the population and housing analysis.

**B-33**            **Comment:** The comment asserts that the only reason that the site only employs 20 full-time workers is because the owner has refused to lease portions of the site to businesses that creates jobs. The comment also asserts that industrial space within Santa Ana is scarce and leases are at a premium; although less than what the property owner would gain from implementation of the proposed project.

**Response:** This comment does not relate to the adequacy of the Draft EIR or otherwise comment on the contents of the Draft EIR. Therefore, further response is not required.

**B-34**            **Comment:** The comment asserts that the EIR fails to compare the employment created by a fully occupied development, pursuant to the current zoning code and the economic effects.

**Response:** This comment was previously stated and responses to this comment are provided in Responses B-3 and B-25.

**B-35**            **Comment:** The comment asserts that there is no analysis of the project's additional demand on City services or a comparison of the demand on public services from development consistent with the existing zoning.

**Response:** This comment was previously stated similarly and responses to this comment are provided in Response B-18 that describes the DEIR evaluation of public services and in Response B-3 that describes the DEIR evaluation of Alternative 3, which would implement development consistent with the existing zoning.

**B-36**            **Comment:** The comment asserts that the DEIR fails to sufficiently address Executive Order B-29-5.

**Response:** Executive Order B-29-5 is described in Section 3.14.2, Regulatory Setting of the Utilities and Service Systems DEIR section (page 3.14-7). As described, in early 2015, Governor Jerry Brown issued the fourth in a series of Executive Orders on actions necessary to address California's severe drought conditions. The Executive Order requires a mandatory conservation of potable urban water use, which is anticipated to save approximately 1.3 million acre-feet of water in nine months.

As described in Response B-20, the project would implement the City's Water Efficiency Strategies and Water Supply Contingency Plan. In addition, the project would be in compliance with Section 39-105 of the City's Municipal Code and Water Conservation Ordinance, which provides regulations related to water use and water conservation and, therefore, would provide compliance with Executive Order B-29-5. Finally, the project is required to be in compliance with the City's Municipal Code Section 41-1500 et.al. (Water Efficient Landscape Standards).

**B-37**            **Comment:** The comment asserts that the DEIR fails to address water in the context of the drought.

**Response:** As described above in Response B-20, the City's UWMP and the Water Supply Assessment prepared for the proposed project demonstrates that the City will have sufficient water supplies available during normal, single dry, and multiple dry years over a 25-year period to meet projected water demands of existing and future customers, including the proposed project. In addition, as described above in Response B-37, the requirements of Executive Order B-29-5 are provided within Section 3.14, *Utilities and Service Systems* (page 3.14-7), which describes that the project would implement the City's Water Efficiency Strategies and Water Supply Contingency Plan and be in compliance with Section 39-105 of the City's Municipal Code and Water Conservation Ordinance, which provides regulations related to water use and water conservation. As such, the DEIR addresses the availability of water supplies in (multiple) dry years, such as the current drought conditions. Finally, the project is required to be in compliance with the City's Municipal Code Section 41-1500 et.al (Water Efficient Landscape Standards).

**B-38**            **Comment:** The comment asserts that the Alternatives Section is flawed because there is no analysis of a light industrial or business park use that would be consistent with the existing General Plan and zoning designations.

**Response:** This comment was previously stated and responses to this comment are provided in Response B-3.

**B-39**            **Comment:** The comment asserts that Alternative 3 is deficient because it fails to address economic, tax, city cost, and employment comparisons between the proposed project and other commercial uses.

**Response:** This comment was previously stated and responses to this comment are provided in Response B-3.

## References

California State Parks Natural Resources Agency, *Survey on Public Opinions and Attitudes on Outdoor Recreation in California* (2012). January 2014. Accessed.  
[http://www.parks.ca.gov/?page\\_id=27894](http://www.parks.ca.gov/?page_id=27894)

*City of Los Angeles Recreation and Parks Department, Citywide Community Needs Assessment, 2009.*

City of Tustin, Initial Study for the Tustin Legacy Specific Plan Amendment, March 2015.

*Close-to-Home Parks: A Half-Mile or Less.* Peter Harnik and Abby Martin, The Center for City Park Excellence, The Trust for Public Land.

*IBC Vision Plan and Mixed Use Overlay Zoning Code Recirculated DEIR City of Irvine.* December, 2009.

LaPlante, J. and T. Kaiser, "A history of pedestrian signal walking speed assumptions," 3rd Urban Street Symposium (Seattle, WA), 2007.

Standards for Outdoor Recreational Areas, American Planning Association. Accessed:  
<https://www.planning.org/pas/at60/report194.htm>

The Trust for Public Land's ParkScore index. Accessed: <http://parkscore.tpl.org/>

U.S. Department of Transportation's National Highway Traffic Safety Administration and the Bureau of Transportation Statistics, *National Survey of Pedestrian and Bicyclist Attitudes and Behaviors*, 2012.

# CHAPTER 3

## Revisions to the Draft EIR

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This section contains revisions to the Draft EIR based upon: (1) clarifications required to prepare a response to a specific comment; and/or (2) typographical errors. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the Draft EIR. Changes made to the Draft EIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

### 3.1 Draft Revisions in Response to Written Comments and City Changes to Text

The following text has been revised in response to comments received on the Draft EIR.

**Page ES-3, Last Paragraph, in the *Executive Summary*, is hereby revised as follows:**

The residential units would range in size from 512 square foot studios to 1,290 square foot one-~~bedroom~~ and two- and three bedroom units.

**Page ES-2, First Paragraph, in the *Executive Summary*, is hereby revised as follows:**

The existing 366,000 square foot office/warehouse building would be reduced in size by removing the warehouse portion of the structure to provide a two-story 56,000 square foot office building and a 102 ~~108~~ space surface parking lot.

**Page ES-3, First Paragraph, in the *Executive Summary*, is hereby revised as follows:**

Implementation of Mitigation Measures AQ-7 ~~AQ-4~~ through AQ-13 ~~AQ-10~~ would reduce the project's operational emissions of criteria pollutants by increasing the energy efficiency of the proposed buildings to five percent beyond that required by 2013 Title 24 standards, equipping three percent of parking spaces with charging stations, requiring the use of low VOC products, provision of outlets for landscaping and requiring 10 percent of landscaping be completed electrically, and provision of information regarding nearby transit services.

**Page ES-7 through ES-20, Table ES-1, Summary of Impacts and Mitigation Measures, in the *Executive Summary*, is hereby revised to be consistent with the additional and revised mitigation measures, as detailed throughout this Chapter 3, Revisions to the DEIR.**



**Page 2-5, Paragraph before Table 2-1, and Table 2.1, Proposed Mix of Development Per Mixed Use Building, in Section 2.0, *Project Description*, is hereby revised as follows:**

The residential units would range in size from 512 square foot studios to 1,290 square foot one-bedroom and two- and three bedroom units.

**TABLE 2-1  
PROPOSED MIX OF DEVELOPMENT PER MIXED-USE BUILDING**

	<b>Studios</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>Total Residential Units</b>	<b>Commercial Square Feet</b>	<b>Percent</b>
Building 1	60 <del>68</del>	264 <del>154</del>	453 <del>110</del>	3	477 <del>335</del>	2,150 <del>9,700</del>	41.9% <del>53.89%</del>
Building 2	62 <del>92</del>	226 <del>167</del>	405 <del>113</del>	11	393 <del>403</del>	2,900 <del>4,100</del>	46.0% <del>22.28%</del>
Building 3	39 <del>176</del>	246 <del>171</del>	96 <del>116</del>	20	354 <del>483</del>	13,040 <del>4,200</del>	72.1% <del>23.33%</del>
<b>Total</b>	<b>161 <del>336</del></b>	<b>706 <del>492</del></b>	<b>354 <del>359</del></b>	<b>34</b>	<b>1,221</b>	<b>18,090 <del>18,000</del></b>	
Percent	13.45% <del>27.5%</del>	58.98% <del>40.10%</del>	27.57% <del>29.40%</del>	0.03%	100.00%	100.00%	100.00%

**Page 2-7, the Second Sentence in the Last Paragraph, in Section 2.0, *Project Description*, is hereby revised as follows:**

A 1.01 ~~4.26~~-acre public central park would be developed in the northern portion of the project site.

**Page 2-11, Table 2-2, Proposed Open Space and Recreation Amenities, in Section 2.0, *Project Description*, and the same Table that is provided on page 3.12-5, as Table 3.12-3, in Section 3.12, Parks and Recreation, is hereby revised as follows:**

**PROPOSED OPEN SPACE AND RECREATION AMENITIES**

	<b>Private Square footage</b>	<b>Public Square footage</b>
Central Park		<u>44,200</u> 55,000
Courtyards	60,300	
Private Decks	<u>64,149</u> 64,246	
Common Area Amenities		<u>26,887</u> 20,386
Roof <del>Top Decks</del> Terraces	<u>14,400</u> 5,200	
Fitness Trails / Plazas		<u>102,820</u> 177,170
<b>Subtotals</b>	<b><u>138,849</u> <del>129,746</del></b>	<b><u>173,907</u> <del>252,556</del></b>
	<b><u>(3.19</u> <del>3.0</del> acres)</b>	<b><u>(3.99</u> <del>5.8</del> acres)</b>
<b>Total Open Space Provided</b>	<b><u>315,756</u> <del>382,302</del> square feet</b>	<b><u>(7.25</u> <del>8.8</del> acres)</b>

**Page 2-11, First Paragraph and Table 2-3, Proposed Parking Facilities, in Section 2.0, Project Description, is hereby revised as follows:**

Each residential building would have an above grade parking structure that provides 1.71 ~~1.86~~ spaces per unit, and separate facilities would be provided for guest and commercial ~~retail uses; including 45 on-street parking spaces (15 spaces per each mixed-use building)~~. In addition, the office building would utilize a 102 ~~408~~-space surface parking lot that is located at the office building entrance. As shown in **Table 2-3**, the project would provide a total of 2,334 ~~2,270~~ parking spaces, which includes 325 ~~for residential and guest uses and 228~~ parking spaces for guest and commercial non-residential ~~uses~~. ~~The proposed project would provide a total of 2,496 parking spaces, which would meet the City's Municipal Code requirements.~~

**TABLE 2-3  
PROPOSED PARKING FACILITIES**

	<b>Residential Units</b>	<b>Residential Parking</b>	<b>Commercial and Office Square Feet</b>	<b>Guest and Commercial Parking</b>	<b>Office Parking</b>	<b>Total Parking</b>
Building 1	477 <u>335</u>	877 <u>537</u>	2,450 <u>9,700</u>	44 <u>128</u>		894 <u>665</u>
Building 2	369 <u>403</u>	756 <u>644</u>	2,900 <u>4,100</u>	49 <u>93</u>		775 <u>737</u>
Building 3	351 <u>483</u>	637 <u>726</u>	13,040 <u>4,200</u>	85 <u>104</u>		722 <u>830</u>
Office Building	-	-	36,000*	408	<u>102</u>	408 <u>102</u>
<b>Total</b>	<b>1,221</b>	<b>2,270</b> <u>1,907</u>	<b>54,090</b> <u>54,000</u>	<b>226</b> <u>325</u>	<b>102</b>	<b>2,496</b> <u>2,334</u>
Employment generating square footage						

**Page 3.2-26, Mitigation Measure AQ-1 in Section 3.2, Air Quality, is hereby revised as follows:**

**Mitigation Measure AQ-1:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, the construction contractor shall implement a minimum of one of the following:

1. All off-road equipment with a horsepower greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the NOx emission ratings for USEPA Tier 4 engines. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by CARB regulations. ~~During construction, the construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City's Building Safety Division. The construction equipment list shall state the makes, models, and~~

~~numbers of construction equipment onsite. Equipment shall be properly serviced and maintained construction in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449. These activities shall be verified by the Building Safety Division during construction.~~

2. Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the construction plans and specifications stipulate that Building and Construction Phases shall not overlap with Grading Phases. These activities shall be verified by the Building Safety Division during construction.

**Page 3.2-27, Mitigation Measures AQ-2 through AQ-4 in Section 3.2, *Air Quality*, is hereby included as follows:**

**Mitigation Measure AQ-2:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, O3 precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City by the construction contractor on a monthly basis. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449. The City Inspector shall be responsible for ensuring that contractors comply with these measures during construction.

**Mitigation Measure AQ-3:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust.
- Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance.

- Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or nontoxic soil binders shall be applied.
- All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.
- Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.
- Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt track-out from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes.
- On-site vehicle speed shall be limited to 15 miles per hour.
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.
- Reroute construction trucks away from congested streets or sensitive receptor areas.

**Mitigation Measure AQ-4:** All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall demonstrate to the City Engineer how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F)(e)(4).

**Pages 3.2-27 and 3.2-28, the numbering of Mitigation Measures AQ-2 and AQ-10 in Section 3.2, Air Quality, which are also provided on pages 3.5-13 and 3.5-14 in Section 3.5, Greenhouse Gas Emissions, are hereby revised as follows:**

**Mitigation Measure AQ-5 2:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the construction plans and specifications stipulate that the architectural coatings activities required for project construction be extended to a minimum of 100 days. The duration of architectural coatings activities shall be verified by the Building Safety Division during construction.

**Mitigation Measure AQ-6 3:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the construction plans and specifications stipulate that All architectural coatings for non-residential as well as residential buildings shall meet a volatile organic compound (VOC) content of 50 grams per liter (g/L) or less for interior coating and 100 g/L or less for exterior coatings; or a

content consistent with Rule 1113 (i.e., super compliant paints). Use of low-VOC paints shall be verified by the Building Safety Division during construction.

**Mitigation Measure AQ-7 4:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that all onsite buildings shall increase energy efficiencies to five percent (5%) beyond that required by 2013 Title 24 standards. This may be achieved through, but is not limited to, building shell design and building components such as windows, roof systems, water/irrigation, and electrical systems.

**Mitigation Measure AQ-8 5:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that three percent (3%) (or the amount required by the CalGreen Code, whichever is greater) of all off-street parking spaces shall be equipped with charging stations to encourage the use of electric vehicles. The charging stations shall be installed within each residential parking structure, and may also be provided in the commercial and office parking facilities. The location of the electrical outlets shall be specified on building plans and proper installation shall be verified by the Building Safety Division prior to issuance of a Certificate of Occupancy.

**Mitigation Measure AQ-9 6:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that no fireplaces shall be included in the residential units.

**Mitigation Measure AQ-10 7:** The City of Santa Ana Planning and Building Agency shall require by contract specifications that maintenance of the proposed project facilities and lease agreements for all non-residential units require the use of low VOC cleaning supplies in all buildings, and use of low VOC architectural coatings applied as part of building maintenance and upkeep. The architectural coatings shall be 50 grams per liter or less for interior and 100 g/l or less for exterior coatings, or a content consistent with Rule 1113.

**Mitigation Measure AQ-11 8:** Prior to issuance of any Grading Permit, the Building and Safety Division shall confirm that the Building Plans and specifications stipulate that project buildings and parking structures shall be equipped with exterior electrical outlets such that a minimum of 10 percent of landscape equipment used onsite can be electrically operated. The location of the electrical outlets shall be specified on building plans and proper installation shall be verified by the Building Safety Division prior to issuance of a Certificate of Occupancy.

**Mitigation Measure AQ-12 9:** The City of Santa Ana Planning and Building Agency shall require by contract specifications that landscape contracts for the project site shall include a mandatory minimum of 10 percent of all landscape equipment used onsite be electrically operated.

**Mitigation Measure AQ-13 10:** The City of Santa Ana Planning and Building Agency shall require by contract specifications that the lease agreements for all multi-family residential and non-residential units:

- Require provision of information about OCTA and Metrolink transit services in the vicinity of the project site to all residents and employees.
- Require that transit routes be posted in common areas of multi-family residential buildings and employee/patron areas for non-residential buildings.

**Page 3.3-12, the Second Paragraph, in Section 3.3, Cultural Resources, is hereby revised as follows:**

**Mitigation Measure CUL-1:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that the project operator shall allow Native American tribal monitors to be onsite during all ground disturbing activities, which includes, but not limited to: pavement removal, pot-holing, boring, grading, excavation, and trenching. In addition, the project operator shall retain a qualified archaeologist and paleontologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2015) and defined as a paleontologist meeting the Society of Vertebrate Paleontology standards (SVP, 2015), who shall conduct a Cultural Resources Sensitivity Training for all construction personnel prior to the start of any ground disturbing activities. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources.

**Pages 3.8-23, 3.8- 24, and 3.8-27, Table 3.8-1, Consistency of the Proposed Project with Santa Ana General Plan Policies, in Section 3.8, *Land Use and Planning*, is hereby revised as follows:**

**TABLE 3.8-1  
CONSISTENCY OF PROPOSED PROJECT WITH SANTA ANA GENERAL PLAN POLICIES**

<b>Policy #</b>	<b>Policy Text</b>	<b>Consistency Statement</b>
Policy HE-1.4	Healthy Neighborhoods. Create and maintain parks and open spaces; plant trees, green parkways and medians; support healthy food options, and maintain a continuous pattern of pathways that encourage an active and healthy lifestyle.	Consistent. As described in Section 2.0, <i>Project Description</i> , the project would include a <u>1.01</u> <del>4.26</del> -acre public central park with an outdoor theatre, public art/sculpture, playground, and walking paths; in addition to public open space along the northern and eastern boundaries of the site that would provide a putting green, and par course/walking/running trail with seating, and a dog run. Also, open space would be provided in courtyards, roof terraces, and perimeter plazas. The recreation amenities for residents would include: three pool and spa areas, fire pits, outdoor barbeque areas, fitness area, community center, tennis and basketball courts, and children’s play area. Each building would have a common area rooftop deck with outdoor kitchen and seating areas. Roof top areas would also include greenhouses and gardens that would be available for use by the onsite restaurants to grow food for consumption. Thus, the project would encourage an active and healthy lifestyle.
Goal 2	A diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana’s residents and workforce of all household types, income levels, and age groups to foster an inclusive community.	Consistent. As described in Section 2.0, <i>Project Description</i> , the project would include a variety of residential units that include studios, <del>one-bedroom</del> , <del>and two-bedroom</del> , <u>and three-bedroom</u> apartments that would range in size from 512 square feet to 1,290 square feet.
Policy HE-2.4	Diverse Housing Types. Facilitate diverse types, prices, and sizes of housing, including single-family homes, apartments, townhomes, mixed/multiuse housing, transit-oriented housing, multigenerational housing, and live-work opportunities.	Consistent. As described in Section 2.0, <i>Project Description</i> , the project would include a variety of residential units that include studios, <del>one-bedroom</del> , <del>and two-bedroom</del> , <u>and three-bedroom</u> apartments that would range in size from 512 square feet to 1,290 square feet. In addition, the project would provide a variety of employment opportunities onsite.
Policy 1.5	Maintain and foster a variety of residential land uses in the City.	Consistent. The project includes development of a range of multi-family residential units that consist of studios, <del>one-bedroom</del> , <del>and two-bedroom</del> , <u>and three-bedroom</u> units that would range in size from 512 square foot studios to 1,290 square foot <del>one-bedroom and two-bedroom units</del> .
Policy 1.7	Support open space in underserved areas.	Consistent. As described in Section 2.0, <i>Project Description</i> , the project includes development of a <u>1.01</u> <del>4.26</del> -acre public park, plus over four-acres of public fitness trails and plaza open space onsite. In addition, the project would also provide private open space for residents in courtyards, decks, and roof terraces that total approximately three acres.
Goal 1	Provide sufficient open space to meet the recreational and aesthetic needs of the community.	Consistent. As described in Section 2.0, <i>Project Description</i> , the project would include a <u>1.01</u> <del>4.26</del> -acre public central park, in addition to public open space along the northern and eastern boundaries of the site that would provide a putting green, and par course/walking/running trail with seating, and a dog run. Public open space would also be provided in courtyards and perimeter plazas. Thus, the project would develop publically accessible open space.
Goal 2	Ensure ready public access and use of open space facilities.	Consistent. As described above, the project would include a <u>1.01</u> <del>4.26</del> -acre public central park, in addition to public open space along the northern and eastern boundaries of the site that would provide publically accessible open space.

**Page 3.8-35, Mitigation Measure LU-2 in Section 3.8, *Land Use and Planning*, is hereby included as follows:**

**Mitigation Measure LU-2:** The Development Agreement that is required for implementation of the proposed project shall require outdoor signage consistent with AELUP Policy 3.2.4 to be posted within outdoor common or recreational areas on the project site. The signage shall state the following:

“Notice of Airport in Vicinity. This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the outdoor areas on the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations related to noise.”

**Page 3.9-32, Mitigation Measure NOI-2 in Section 3.9, *Noise*, is hereby revised as follows:**

**Mitigation Measure NOI-2:** Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Santa Ana Planning Division that the project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
- Property owners and occupants located within 500 feet of the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Santa Ana Planning Division, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number to inquire about the construction process and register complaints.
- Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Public Works Executive Director. All



notices and all signs shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

- Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the City's Building Safety Manager that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, electric air compressors and similar power tools.
- Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers (the Candlewood Suites Hotel).
- Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section 18-314, Special Provisions (7:00 a.m. and 8:00 p.m. on weekdays and Saturdays; construction activities are not permitted on Sundays or legal holidays).~~The construction contractor shall ensure that all construction activities are limited to the hours and days permitted by the City of Santa Ana Municipal Code, which shall be included on the construction/building plans submitted to and approved by the City and enforced by a designated construction relations officer that shall serve as a liaison with surrounding property owners who is responsible for responding to any concerns regarding construction noise. The liaison's telephone number(s) shall be prominently displayed at the project site along with the permitted construction days and hours.~~

**Page 3.9-32, Mitigation Measure NOI-4 in Section 3.9, *Noise*, has been included in the revised Mitigation Measure NOI-2; thus, the numbering of Mitigation Measure NOI-5, is hereby revised as follows:**

**Mitigation Measure NOI-4 ~~5~~:** Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that construction activities associated with the proposed project shall: 1) be scheduled to avoid operating several pieces of heavy diesel-powered equipment simultaneously, which causes high noise levels; 2) utilize hydraulically or electrically powered impact tools to avoid noise associated with compressed air exhaust from pneumatically powered tools; and 3) if use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used.

**Page 3.9-33, Mitigation Measure NOI-5 in Section 3.9, *Noise*, is hereby included as follows:**

**Mitigation Measure NOI-5:** Prior to issuance of a building permit, the Project Applicant shall submit a Construction Management Plan for review and approval by the City of Santa Ana Planning Division. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s).

**Page 3.12-9, Third Sentence of the Third Paragraph and Table 3.10-7, Proposed Project Residential Population Estimates, in Section 3.10, *Population and Housing*, is hereby revised as follows:**

The proposed unit mix consists of 336 ~~161~~ studios (27.5 ~~13.45~~ percent), 492 ~~706~~ one-bedrooms (40.1 ~~58.98~~ percent), 359 ~~and 354~~ two-bedrooms (29.40 ~~27.57~~ percent), and 34 ~~three-bedrooms~~ (0.03 percent); and the size of the units would range size from 512 square foot studios to 1,290 square foot one- ~~bedroom~~ and two, and three-bedroom units.

**TABLE 3.10-7  
PROPOSED PROJECT RESIDENTIAL POPULATION ESTIMATES**

Unit Type	Number of Units	Persons Per Household	Total Population
Studio	336 <del>161</del>	1.27	<u>427</u> <del>205</del>
One-Bedroom	492 <del>706</del>	1.72	<u>846</u> <del>1,215</del>
Two-Bedroom	359 <del>354</del>	2.89	1,037 <del>1,024</del>
<u>Three-Bedroom</u>	<u>34</u>	<u>3.91</u>	<u>133</u>
<b>Total Units</b>	<b>1,221</b>		<b>2,443</b>

SOURCE: Economic Technical Memorandum, Stanly R. Hoffman Associates.

**Table 3.12-2 in Section 3.12, *Parks and Recreation*, is hereby modified as follows:**

**TABLE 3.12-2  
CITY OF TUSTIN AND IRVINE PARKS WITHIN THE VICINITY OF THE PROJECT SITE**

Park and Address	Acreage of Facility	Miles from Project Site
<b>City of Tustin Parks</b>		
Centennial Park 14722 Devonshire Avenue	8.0	2.3
Frontier Park 1400 Mitchell Avenue	4.5	2.7
Magnolia Tree Park 2274 Fig Tree Drive	4.2	3.5
Peppertree Park 230 W. 1st Street	5.5	3.9
Camino Real Park 13602 Parkcenter Lane	4.3	4.0
<u>Legacy Park</u> <u>Red Hill Avenue / Barranca Parkway</u>	<u>26.0</u>	<u>0.2</u>
<u>Veterans Sports Park</u> <u>Valencia Avenue / Lansdowne Road</u>	<u>31.5</u>	<u>1.0</u>

**TABLE 3.12-2  
CITY OF TUSTIN AND IRVINE PARKS WITHIN THE VICINITY OF THE PROJECT SITE**

<b>Park and Address</b>	<b>Acreeage of Facility</b>	<b>Miles from Project Site</b>
<u>Victory Park</u> <u>3300 Park Avenue</u>	<u>5.0</u>	<u>2.3</u>
<u>Ron Foell Park (Greenwood Park)</u> <u>26 Lancea Place</u>	<u>6.0</u>	<u>2.5</u>
<b>City of Irvine Parks</b>		
Bill Barber Park 4 Civic Center Plaza	48	2.7
Plaza Park 610 Paseo Westpark	7.7	3.0
Sweet Shade Park 15 Sweet Shade	7.9	3.0
San Carlo Park 15 San Carlo	6.0	3.0
San Marco Park 1 San Carlo	5.1	3.0
San Leandro Park 12 Paseo Westpark	4.0	3.6
Harvard Park 14701 Harvard Avenue	26.9	4.1
<b>Total Acreeage</b>	<b><u>200.6</u> <del>132.4</del></b>	

**Pages 3.12-4 beginning at the last paragraph, through page 3.12-5 in Section 3.12, *Parks and Recreation*, is hereby modified as follows:**

However, as described in Section 2.0, *Project Description*, the proposed project includes a 1.01 ~~1.26~~-acre public central park and 1.01 ~~1.26~~-acre 315,756 ~~382,302~~ square feet of both public and private (for residents) open space and recreational facilities, which are listed in Table 2-2 and as shown in Figure 2-6. The 1.01 ~~1.26~~-acre public central park would include an outdoor theatre, public art/sculpture, playground, and walking paths that would connect to open space with a putting green, and par course/walking/running trail with seating, and a dog run/park. Overall, the project would provide 173,907 ~~252,556~~ square feet (3.99 ~~5.8~~ acres) of public open space areas.

In addition, the project would provide 138,849 ~~129,746~~ square feet (3.19 ~~2.9~~ acres) of private common open space areas for residents that would be provided in courtyards, roof terraces, and perimeter plazas. The proposed residential amenities would include: three pool and spa areas, fire pits, outdoor barbeque areas, fitness area, community center, tennis and basketball courts, and children’s play area. Each building would have a common area rooftop deck with outdoor kitchen and seating areas. Roof top areas would also include greenhouses and gardens that would be available for use by the onsite restaurants to grow food for consumption. In addition, the residential units would each have between 41 square feet and 71 square feet of outdoor private terrace area.

As described above in the Regulatory Setting Section, the City's Municipal Code Section 34-204 states that multi-family unit developments shall dedicate 0.005 acres (or 209.1 square feet) per dwelling unit for park and recreational purposes. However, subdivisions (such as the project, as it includes a Vesting Map) that provide privately owned and maintained open space are allowed a 25 percent reduction in the requirement. As the project would develop 1,221 multi-family apartments, the City would require 191,483 square feet of park and recreational space. As shown in Table 3.12-3, the proposed project would implement park and recreational facilities that exceed the minimum requirements of Municipal Code Section 34-204 for park and recreational space.

As shown below on Table 3.13-3, the project would provide 173,907 ~~252,556~~ square feet of public open space and recreation, ~~which is 61,073 square feet more than is required.~~ In addition, the project would provide 138,849 ~~129,746~~ square feet of private open space for residents use, which when combined with the public open space would provide 315,756 square feet (7.25 acres) of open space and recreation amenities that ~~Overall, the project would meet~~ exceed the City's requirements related to park and recreation standards and is anticipated to meet the needs of the project's onsite population.

**Pages 3.12-6, Second paragraph, first sentence, Section 3.12, *Parks and Recreation*, is hereby modified as follows:**

As described above in Impact 3.12-1, the proposed project would include development of 173,907 ~~252,556~~ square feet (3.99 ~~5.8~~ acres) of public open space areas and 138,849 ~~129,746~~ square feet (3.19 ~~2.9~~ acres) of private common open space.

**Page 3.13-10, after first bullet in Section 3.13, *Transportation and Traffic*, another bullet (provided as bullet two) is hereby included and the following bullet is modified as follows:**

- OCTA Route 70: provides service from Tustin (at Jamboree Plaza on Edinger Avenue) to the Pacific Coast Highway in Sunset Beach. Route 70 also provides access to the Tustin Metrolink Station via Route 71.
- OCTA Route 71: provides service from Yorba Linda to Balboa Island; via Tustin Avenue to Red Hill Avenue to Newport Boulevard. Route 71 also provides access to the Tustin Metrolink Station via Route 70.

**Page 3.13-10, last bullet in Section 3.13, *Transportation and Traffic*, is hereby modified as follows:**

- OCTA Route ~~472/473~~: provides service from the Tustin Metrolink Station to the IBC and UC Irvine; via Harvard Avenue and Red Hill Avenue.

**Page 3.13-41, third and fifth bullets in Section 3.13, *Transportation and Traffic*, is hereby modified as follows:**

- Intersection Roadway Segment No. 24 – Tustin Ranch Road/Von Karman Avenue at Barranca Parkway. The second eastbound left-turn lane is planned by the City of Tustin and the an exclusive eastbound right-turn lane is planned by the City of Irvine. It should

be noted that the second eastbound left-turn lane was recently installed by the City of Tustin, will be added to Barranca Parkway. These improvements are planned by the City of Irvine.

- Intersection Roadway Segment No. 37 – Jamboree Road at Main Street: A fifth northbound and fifth southbound through lane will be added to Jamboree Road. In order to accommodate the fifth northbound through lane on Jamboree Road, the existing northbound free right-turn lane and the existing westbound free right-turn lane will be converted to an exclusive right-turn lane. These improvements are planned by the City of Irvine.

**Page 3.13-63, Mitigation Measure TRA-13 in Section 3.13, *Transportation and Traffic*, is hereby modified as follows:**

**Mitigation Measure TRA-13:** Improvements to intersection No. 22 – Pullman Road at Dyer Road. The eastbound approach of Dyer Road shall be widened and restriped to provide a fourth eastbound through lane. The westbound approach of Dyer Road shall be widened and restriped to provide a fourth westbound through lane. These improvements will require widening along on both the north curb and south curb to accommodate the proposed eastbound and westbound through lanes ~~right turn lane~~ and to align with the existing improvements on Dyer Road that are located from the east side of the railroad tracks to Red Hill Avenue, which could be restriped to accommodate four through lanes in each direction for build out conditions.

Page 3.13-66, Table 3.13-20 in Section 3.13, *Transportation and Traffic*, is hereby modified as follows:

**TABLE 3.13-20  
YEAR 2035 PROJECT FAIR SHARE CONTRIBUTION**

Location	Impacted Time Period	Existing Traffic	Year 2035 Buildout Traffic	Year 2035 Buildout Plus Project Traffic	Project Percentage Share
14. Grand Avenue at Warner Avenue	PM	4,127	5,089	5,162	7.1%
15. Red Hill Avenue at Warner Avenue	PM	4,436	7,966	8,196	6.1%
18. Main Street at Dyer Road	AM	4,566	5,091	5,217	19.4%
21. SR 55 Northbound Ramps at Dyer Road	PM	4,584	5,624	5,943	23.5%
20. Grand Avenue at Dyer Road	PM	<del>4,584</del> 5,058	<del>5,624</del> 4,823	<del>5,943</del> 5,054	0%*
21. <del>SR 55 Northbound Ramps at Dyer Road</del> Pullman Avenue at Dyer Road	PM	3,754	4,644	4,963	0%*
22. Pullman Avenue at Dyer Road	PM	3,754	4,644	4,963	26.4%
27. Red Hill Avenue at Alton Parkway	PM	4,274	6,676	6,865	7.3%
30. Main Street at MacArthur Boulevard (SA)	PM	6,886	7,884	7,929	4.3%

\*The project's fair-share contribution is identified at 0.0% for this location because the recommended improvements for the Year 2035 are the same improvements as those recommended for the Year 2020. Project fair-share responsibility is based on the Year 2020 fair-share contribution for this location. is included in the Year 2020 fair share contribution because they would be necessary in 2020.

Page 5-3, last paragraph, last sentence in Section 5.2, *Growth Inducing Impacts*, is hereby modified as follows:

The project would also provide 173,907 ~~252,556~~ square feet (3.99 ~~5.8~~ acres) of open space and recreation amenities, in addition to 138,849 ~~129,746~~ square feet (3.19 ~~3.0~~ acres) of private recreation area.

Page 5-4, second paragraph, last sentence in Section 5.4, *Significant Irreversible Environmental Changes*, is hereby modified as follows:

In addition, parking structures, a 1.01 ~~1.26~~-acre central park, and other areas of open space and recreation would be developed.

## CHAPTER 4

# Mitigation Monitoring and Reporting Program

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Pursuant to Section 21081.6 of the Public Resources Code and the *CEQA Guidelines* Section 15097, a lead agency is required to adopt a monitoring and reporting program for assessing and ensuring compliance with the required mitigation measures applied to a proposed project for which an EIR has been prepared. As stated in the Public Resources Code (Section 21081.6(a)):

*“...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”*

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR. The lead agency may delegate reporting or monitoring responsibilities to another public agency or a private entity, which accept such delegation. The lead agency, however, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the program.

The mitigation monitoring and reporting program table below lists mitigation measures that are required to reduce the significant effects of the proposed project. To ensure that the mitigation measures are properly implemented, the mitigation monitoring and reporting program provide the following information:

- **Mitigation Measure(s):** The action(s) that will be taken to reduce the impact to a less-than-significant level.
- **Implementation, Monitoring, and Reporting Action:** The appropriate steps to implement and document compliance with the mitigation measures.
- **Responsibility:** The agency or private entity responsible for ensuring implementation of the mitigation measure. However, until the mitigation measures are completed, the City of Santa Ana, as the CEQA Lead Agency, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the mitigation monitoring and reporting program (*CEQA Guidelines*, Section 15097(a)).
- **Monitoring Phase:** The general timing for conducting each monitoring task.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<b>Aesthetics</b>							
None Required.							
<b>Air Quality</b>							
<p><b>Mitigation Measure AQ-1:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, the construction contractor shall implement a minimum of one of the following:</p> <ol style="list-style-type: none"> <li>All off-road equipment with a horsepower greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the NOx emission ratings for USEPA Tier 4 engines. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by CARB regulations.</li> <li>Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the construction plans and specifications stipulate that Building and Construction Phases shall not overlap with Grading Phases. These activities shall be verified by the Building Safety Division.</li> </ol>	During Construction	Construction Contractor	City of Santa Ana Engineer/ Building Safety Division/ SCAQMD	Field Verification and Issuance of a Grading permit by City of Santa Ana			
<p><b>Mitigation Measure AQ-2:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, O3 precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City by the construction contractor on a monthly basis. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449. The City Inspector shall be responsible for ensuring that contractors comply with these measures during construction.</p>	During Construction	Applicant/ Construction Contractor	City Engineer/ Building Safety Manager/ SCAQMD	Field Verification and Issuance of a Grading permit by City of Santa Ana			
<p><b>Mitigation Measure AQ-3:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would</p>	During Construction	Applicant/ Construction Contractor	City Engineer/ Building Safety Manager/ SCAQMD	Field Verification and Issuance of a Grading permit by City of Santa Ana			



**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>reduce short-term fugitive dust impacts on nearby sensitive receptors:</p> <ul style="list-style-type: none"> <li>All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust.</li> <li>Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance.</li> <li>Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily or nontoxic soil binders shall be applied.</li> <li>All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.</li> <li>Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.</li> <li>Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt track-out from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes.</li> <li>On-site vehicle speed shall be limited to 15 miles per hour.</li> <li>All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.</li> <li>Reroute construction trucks away from congested streets or sensitive receptor areas.</li> </ul>							
<p><b>Mitigation Measure AQ-4:</b> All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall demonstrate to the City Engineer how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F)(e)(4).</p>	During Construction	Applicant/ Construction Contractor	City Engineer	Field Verification and Issuance of a Grading permit by City of Santa Ana			
<p><b>Mitigation Measure AQ-5:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the construction plans and specifications stipulate that the architectural coatings activities required for project construction be extended to a minimum of 100 days. The duration of architectural coatings activities shall be verified by the Building</p>	During Construction	Construction Contractor	City of Santa Ana Engineer/ Building Safety Division/ SCAQMD	Field Verification and Issuance of a Grading permit by City of Santa Ana			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Safety Division during construction.							
<b>Mitigation Measure AQ-6:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the construction plans and specifications stipulate that All architectural coatings for non-residential as well as residential buildings shall meet a volatile organic compound (VOC) content of 50 grams per liter (g/L) or less for interior coating and 100 g/L or less for exterior coatings; or a content consistent with Rule 1113 (i.e., super compliant paints). Use of low-VOC paints shall be verified by the Building Safety Division during construction.	During Construction	Construction Contractor	City of Santa Ana Engineer/ Building Safety Division/ SCAQMD	Field Verification and Issuance of a Grading permit by City of Santa Ana			
<b>Mitigation Measure AQ-7:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that all onsite buildings shall increase energy efficiencies to five percent (5%) beyond that required by 2013 Title 24 standards. This may be achieved through, but is not limited to, building shell design and building components such as windows, roof systems, water/irrigation, and electrical systems.	Prior to Site Plan approval and prior to Issuance of a Certificate of Occupancy	Project Proponent / Construction Contractor	City of Santa Ana Engineer/ Building Safety Division	Issuance of any Grading Permit			
<b>Mitigation Measure AQ-8:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that three percent (3%) (or the amount required by the CalGreen Code, whichever is greater) of all off-street parking spaces shall be equipped with charging stations to encourage the use of electric vehicles. The charging stations shall be installed within each residential parking structure, and may also be provided in the commercial and office parking facilities. The location of the electrical outlets shall be specified on building plans and proper installation shall be verified by the Building Safety Division prior to issuance of a Certificate of Occupancy.	Prior to issuance of a Grading Permit and prior to issuance of a Certificate of Occupancy	Project Proponent / Construction Contractor	City of Santa Ana Engineer/ Building Safety Division	Approval of Site Plan and Certificate of Occupancy			
<b>Mitigation Measure AQ-9:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that no fireplaces shall be included in the residential units.	Prior to Site Plan approval and prior to Issuance of a Certificate of Occupancy	Project Proponent / Construction Contractor	City of Santa Ana Planning Division/ Building Safety Division	Issuance of a Grading Permit			
<b>Mitigation Measure AQ-10:</b> The City of Santa Ana Planning and Building Agency shall require by contract specifications that maintenance of the proposed project facilities and lease agreements for all non-residential units require the use of low VOC cleaning supplies in all buildings, and use of low VOC architectural coatings applied as part of building maintenance and upkeep. The architectural coatings shall be 50 grams per liter or less for interior and 100 g/l or less for exterior coatings, or a content consistent with Rule 1113.	Prior to Site Plan approval and prior to Issuance of a Certificate of Occupancy	Project Proponent / Project Operator	City of Santa Ana Building Safety Division	Approval of Site Plan and Certificate of Occupancy			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p><b>Mitigation Measure AQ-11:</b> Prior to issuance of any Grading Permit, the Building and Safety Division shall confirm that the Building Plans and specifications stipulate that project buildings and parking structures shall be equipped with exterior electrical outlets such that a minimum of 10 percent of landscape equipment used onsite can be electrically operated. The location of the electrical outlets shall be specified on building plans and proper installation shall be verified by the Building Safety Division prior to issuance of a Certificate of Occupancy.</p>	Prior to Site Plan approval and prior to Issuance of a Certificate of Occupancy	Project Proponent / Construction Contractor	City of Santa Ana Planning Division/ Building Safety Division	Approval of Site Plan and Certificate of Occupancy			
<p><b>Mitigation Measure AQ-12:</b> The City of Santa Ana Planning and Building Agency shall require by contract specifications that landscape contracts for the project site shall include a mandatory minimum of 10 percent of all landscape equipment used onsite be electrically operated.</p>	Prior to Site Plan approval and prior to Issuance of a Certificate of Occupancy	Project Proponent / Project Operator	City of Santa Ana Building Safety Division	Approval of Site Plan and Certificate of Occupancy			
<p><b>Mitigation Measure AQ-13:</b> The City of Santa Ana Planning and Building Agency shall require by contract specifications that the lease agreements for all multi-family residential and non-residential units:</p> <ul style="list-style-type: none"> <li>Require provision of information about OCTA and Metrolink transit services in the vicinity of the project site to all residents and employees.</li> <li>Require that transit routes be posted in common areas of multi-family residential buildings and employee/patron areas for non-residential buildings.</li> </ul>	Prior to Issuance of a Certificate of Occupancy	Project Proponent / Project Operator	City of Santa Ana Building Safety Division	Approval of Site Plan and Certificate of Occupancy			
<b>Cultural Resources</b>							
<p><b>Mitigation Measure CUL-1:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that the project operator shall allow Native American tribal monitors to be onsite during all ground disturbing activities, which includes, but not limited to: pavement removal, pot-holing, boring, grading, excavation, and trenching. In addition, the project operator shall retain a qualified archaeologist and paleontologist, defined as an archaeologist meeting the Secretary of the Interior’s Standards for professional archaeology (U.S. Department of the Interior, 2015) and defined as a paleontologist meeting the Society of Vertebrate Paleontology standards (SVP, 2015), who shall conduct a Cultural Resources Sensitivity Training for all construction personnel prior to the start of any ground disturbing activities. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological</p>	Prior to Grading Permit and During Construction	Project Proponent / Construction Contractor	City of Santa Ana Engineer/ Building Safety Division	Issuance of any Grading Permit and Field Verification			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
resources.							
<p><b>Mitigation Measure CUL-2:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that in the event archaeological and/or paleontological materials are encountered during the course of grading or construction, the project contractor shall cease any ground disturbing activities within 50 feet of the find. The qualified archaeologist and/or paleontologist shall be immediately notified to evaluate the significance of the resources and recommend appropriate treatment measures. Per California Environmental Quality Act Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with California Environmental Quality Act Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with the City, which may include data recovery or other appropriate measures. The City shall consult with appropriate Native American representatives in determining appropriate treatment for unearthened cultural resources if the resources are prehistoric or Native American in nature. Archaeological and/or paleontological materials recovered during any investigation shall be curated at an accredited curatorial facility. The qualified archaeologist and/or paleontologist (depending on the type of resource identified) shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the City and to the South Central Coastal Information Center and/or Natural History Museum of Los Angeles County depending on the type of resource identified.</p>	Prior to Grading Permit and During Construction	Project Proponent / Construction Contractor	City of Santa Ana Planning Division/ City Engineer	Issuance of any Grading Permit and Field Verification			
<p><b>Mitigation Measure CUL-3:</b> If excavations in excess of ten feet below ground surface are required, written evidence shall be provided to the City's Planning and Building Agency prior to receipt of any grading/excavation permits that a qualified paleontologist pursuant to the standards of the Society of Vertebrate Paleontology (SVP) has been retained to review all geotechnical investigations and City approved construction design plans for the proposed project. Based on geotechnical findings and the construction design plans, the qualified paleontologist shall determine an appropriate monitoring plan for excavation of areas in excess of ten feet below ground surface. The monitoring plan shall include procedures for paleontological resources surveillance, and procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the fossils as appropriate. If evidence of subsurface paleontological resources is found during excavation, all construction activity in the area shall cease and the construction contractor shall immediately contact the qualified monitoring paleontologist and the City of Santa Ana Executive Director of the Planning</p>	Prior to Grading Permit and During Construction	Project Proponent / Construction Contractor	City of Santa Ana Engineer/ Building Safety Division	Issuance of any Grading Permit and Field Verification			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>and Building Agency. The qualified paleontologist shall evaluate the find; and if warranted, shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.</p>							
<b>Geology, Soils and Seismicity</b>							
<p><b>Mitigation Measure GEO-1:</b> Prior to the issuance of grading permits, the applicant shall submit a design level geotechnical report prepared by a qualified geotechnical engineer to the City of Santa Ana Planning and Building Agency and Public Works Division for review and approval. The recommendations provided in the Geotechnical Feasibility Study (Appendix C of the Draft EIR), would be incorporated into the design level geotechnical report as requirements. The design level geotechnical report shall be prepared by a qualified geotechnical engineer. The document shall include the subsurface exploration, laboratory testing and engineering analysis necessary to provide specific foundation, floor slab, and grading recommendations fully compliant with the California Building Code and City of Santa Ana Municipal Code. All grading and construction onsite shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the California Building Code. Additionally, the grading and foundation construction activities shall be monitored by the qualified geotechnical engineer of record. Construction of the final structural design shall be monitored through follow-up inspection by the City of Santa Ana Planning and Building Agency.</p>	<p>Prior to Grading Permit and During Construction</p>	<p>Project Proponent / Construction Contractor</p>	<p>City of Santa Ana Planning Division/ City Engineer/ Building Safety Division</p>	<p>Issuance of Grading Permit and Field Verification</p>			
<b>Greenhouse Gases</b>							
<p><b>Mitigation Measure AQ-7:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that all onsite buildings shall increase energy efficiencies to five percent (5%) beyond that required by 2013 Title 24 standards. This may be achieved through, but is not limited to, building shell design and building components such as windows, roof systems, water/irrigation, and electrical systems.</p>	<p>Prior to Site Plan approval and prior to issuance of a Certificate of Occupancy</p>	<p>Project Proponent / Construction Contractor</p>	<p>City of Santa Ana Engineer/ Building Safety Division</p>	<p>Issuance of Grading Permit</p>			
<p><b>Mitigation Measure AQ-8:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that three percent (3%) (or the amount required by the CalGreen Code, whichever is greater) of all off-street parking spaces shall be equipped with charging stations to encourage the use of electric vehicles. The charging stations shall be installed within each residential parking structure, and may also be provided in the commercial and office parking facilities. The location of the electrical outlets shall be specified on building plans and proper installation shall be verified by the Building</p>	<p>Prior to issuance of a Grading Permit and prior to issuance of a Certificate of Occupancy</p>	<p>Project Proponent / Construction Contractor</p>	<p>City of Santa Ana Engineer/ Building Safety Division</p>	<p>Approval of Site Plan and Certificate of Occupancy</p>			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Safety Division prior to issuance of a Certificate of Occupancy.							
<b>Mitigation Measure AQ-9:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Building Plans and specifications stipulate that no fireplaces shall be included in the residential units.	Prior to Site Plan approval and prior to issuance of a Certificate of Occupancy	Project Proponent / Construction Contractor	City of Santa Ana Planning Division/ Building Safety Division	Issuance of a Grading Permit			
<b>Mitigation Measure AQ-10:</b> The City of Santa Ana Planning and Building Agency shall require by contract specifications that maintenance of the proposed project facilities and lease agreements for all non-residential units require the use of low VOC cleaning supplies in all buildings, and use of low VOC architectural coatings applied as part of building maintenance and upkeep. The architectural coatings shall be 50 grams per liter or less for interior and 100 g/l or less for exterior coatings, or a content consistent with Rule 1113.	Prior to Site Plan approval and prior to issuance of a Certificate of Occupancy	Project Proponent / Project Operator	City of Santa Ana Building Safety Division	Approval of Site Plan and Certificate of Occupancy			
<b>Mitigation Measure AQ-11:</b> Prior to issuance of any Grading Permit, the Building and Safety Division shall confirm that the Building Plans and specifications stipulate that project buildings and parking structures shall be equipped with exterior electrical outlets such that a minimum of 10 percent of landscape equipment used onsite can be electrically operated. The location of the electrical outlets shall be specified on building plans and proper installation shall be verified by the Building Safety Division prior to issuance of a Certificate of Occupancy.	Prior to Site Plan approval and prior to issuance of a Certificate of Occupancy	Project Proponent / Construction Contractor	City of Santa Ana Planning Division/ Building Safety Division	Approval of Site Plan and Certificate of Occupancy			
<b>Mitigation Measure AQ-12:</b> The City of Santa Ana Planning and Building Agency shall require by contract specifications that landscape contracts for the project site shall include a mandatory minimum of 10 percent of all landscape equipment used onsite be electrically operated.	Prior to Site Plan approval and prior to Issuance of a Certificate of Occupancy	Project Proponent / Project Operator	City of Santa Ana Building Safety Division	Approval of Site Plan and Certificate of Occupancy			
<b>Mitigation Measure AQ-13:</b> The City of Santa Ana Planning and Building Agency shall require by contract specifications that the lease agreements for all multi-family residential and non-residential units:	Prior to Issuance of a Certificate of Occupancy	Project Proponent / Project Operator	City of Santa Ana Building Safety Division	Approval of Site Plan and Certificate of Occupancy			
<ul style="list-style-type: none"> <li>Require provision of information about OCTA and Metrolink transit services in the vicinity of the project site to all residents and employees.</li> <li>Require that transit routes be posted in common areas of multi-family residential buildings and employee/patron areas for non-residential buildings.</li> </ul>							

**Hazards and Hazardous Materials**

None Required.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<b>Hydrology and Water Quality</b>							
None Required.							
<b>Land Use</b>							
<p><b>Mitigation Measure LU-1:</b> The Development Agreement that is required for implementation of the proposed project shall include a clause requiring that all prospective residents of the project site shall be notified of airport related noise. Notification shall be included in lease/rental agreements and shall state the following:</p> <p>“Notice of Airport in Vicinity. This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations related to noise. Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property and determine whether they are acceptable to you.”</p>	Project Development Agreement	Project Proponent / Project Operator	City of Santa Ana Planning Division / Building Safety Division	Approval of Development Agreement / Field Verification			
<p><b>Mitigation Measure LU-2:</b> The Development Agreement that is required for implementation of the proposed project shall require outdoor signage consistent with AELUP Policy 3.2.4 to be posted within outdoor common or recreational areas on the project site. The signage shall state the following:</p> <p>“Notice of Airport in Vicinity. This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the outdoor areas on the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations related to noise.”</p>	Project Development Agreement	Project Proponent/ Project Operator	City of Santa Ana Planning Division / Building Safety Division	Approval of Development Agreement / Field Verification			
<b>Noise</b>							
<p><b>Mitigation Measure NOI-1:</b> The Building and Safety Division shall confirm that the Building Plans and specifications stipulate that all new mechanical equipment that will be installed at the project site, including ventilation and air conditioning units, and the relocated emergency generator, shall be equipped with adequate acoustical shielding or muffling devices to ensure that noise levels will not exceed the City’s exterior and interior noise standards for residential properties as established under Sections 18-312 and 18-313 of the City’s Municipal Code. Proper installation shall be verified by the Building Safety Division prior to issuance of a Certificate of Occupancy.</p>	Prior to Site Plan Approval and During Construction	Construction Contractor	City of Santa Ana Engineer/ Building Safety Division	Field Verification and Issuance of a Grading permit by City of Santa Ana			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p><b>Mitigation Measure NOI-2:</b> Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Santa Ana Planning Division that the project complies with the following:</p> <ul style="list-style-type: none"> <li>Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.</li> <li>Property owners and occupants located within 500 feet of the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Santa Ana Planning Division, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number to inquire about the construction process and register complaints.</li> <li>Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Public Works Executive Director. All notices and all signs shall include the contact name and the telephone number for the Noise Disturbance Coordinator.</li> <li>Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the City's Building Safety Manager that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, electric air compressors and similar power tools.</li> <li>Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.</li> <li>During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers (the Candlewood Suites Hotel).</li> <li>Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section 18-314, Special Provisions</li> </ul>	Prior to Issuance of Grading Permit and During Construction	Construction Contractor	City of Santa Ana Engineer/ Building Safety Division	Field Verification			



**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
(7:00 a.m. and 8:00 p.m. on weekdays and Saturdays; construction activities are not permitted on Sundays or legal holidays).							
<b>Mitigation Measure NOI-3:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, the construction contractor shall install a temporary sound barrier, such as plywood structures or flexible sound control curtains, of at least eight feet in height along the project site's property line, adjacent to the Candlewood Suites Hotel property to reduce construction noise. Barriers that obstruct the direct line-of-sight between the construction area and the receptor would provide approximately 5 dBA reduction in noise levels.	Prior to Issuance of Grading Permit and During Construction	Construction Contractor	City of Santa Ana Engineer/ Building Safety Division	Field Verification			
<b>Mitigation Measure NOI-4:</b> Prior to issuance of any Grading Permit, the City Engineer and the Building Safety Manager shall confirm that the Grading Plan, Building Plans, and specifications stipulate that construction activities associated with the proposed project shall: 1) be scheduled to avoid operating several pieces of heavy diesel-powered equipment simultaneously, which causes high noise levels; 2) utilize hydraulically or electrically powered impact tools to avoid noise associated with compressed air exhaust from pneumatically powered tools; and 3) if use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used.	Prior to Issuance of Grading Permit and During Construction	Construction Contractor	City of Santa Ana Engineer/ Building Safety Division	Field Verification			
<b>Mitigation Measure NOI-5:</b> Prior to issuance of a building permit, the Project Applicant shall submit a Construction Management Plan for review and approval by the City of Santa Ana Planning Division. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s).	Prior to Issuance of a Building Permit/ Review of Construction Management Plan	Applicant/ Construction Contractor	City of Santa Ana Planning Division	Field Verification and Issuance of a building permit by City of Santa Ana			
<b>Population and Housing</b>							
None Required.							
<b>Public Services</b>							
None Required.							
<b>Parks and Recreation</b>							
None Required.							
<b>Transportation and Traffic</b>							
<b>Mitigation Measure TRA-1:</b> Improvements to intersection No. 20, Grand Avenue at Dyer Road. Widen and restripe the westbound approach of Dyer	Ongoing	City of Santa Ana Public	City of Santa Ana Public	Payment of Fair Share Fees			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Road to provide an exclusive right-turn lane. Modify the existing traffic signal as necessary and install all necessary striping, pavement markings and signs per Caltrans requirements and the City of Santa Ana requirements. The implementation of this improvement will require coordination and approval by Caltrans. The improvements will require the width of existing lanes be reduced to a minimum of 10 feet and the removal of the existing sidewalk on the north side of the Dyer Road undercrossing, thus restricting pedestrian access. This improvement may require the reconstruction of the Dyer Road undercrossing to provide the recommended travel lane.		Works Department	Works Department / Caltrans				
<b>Mitigation Measure TRA-2:</b> Improvements to intersection No. 12, Red Hill Avenue at Valencia Avenue. The northbound approach of Red Hill Avenue shall be widened and restriped to provide an exclusive right-turn lane. This improvement will require, and shall include, widening along the east curb to accommodate the proposed right-turn lane. The installation of this improvement is subject to the approval of the City of Tustin.	Begin in 2020	City of Tustin	City of Santa Ana Public Works Department / City of Tustin	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-3:</b> Improvements to intersection No. 13, Main Street at Warner Avenue. The existing northbound right-turn lane on Main Street shall be converted to a shared through/right-turn lane.	Begin in 2020	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-4:</b> Improvements to intersection No. 18, Main Street at Dyer Road. The northbound approach of Main Street shall be widened and restriped to provide a third northbound through lane. The existing traffic signal shall be modified to install a northbound right-turn overlap.	Begin in 2020	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-5:</b> Improvements to intersection No. 21, SR 55 Northbound Ramps at Dyer Road. The westbound approach of Dyer Road shall be widened and restriped to provide an exclusive right-turn lane. The on-ramp for two receiving lanes shall be widened and restriped to the intersection with Dyer Road. These improvements will require, and shall include, widening along the north curb to accommodate the proposed right-turn lane. The installation of these improvements is subject to the approval of Caltrans.	Begin in 2020	Caltrans	City of Santa Ana Public Works Department / Caltrans	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-6:</b> Improvements to intersection No. 22, Pullman Road at Dyer Road. The westbound approach on Dyer Road shall be widened and restriped to provide an exclusive right-turn lane. This improvement will require, and shall include, widening along the north curb to accommodate the proposed right-turn lane.	Begin in 2020	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-7:</b> Roadway Segment W – Dyer Road between SR-55 SB Ramps and Grand Avenue): Widen and restripe Dyer Road to provide a fourth westbound through lane. The installation of this improvement will require additional right-of-way.	Begin in 2020	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<b>Mitigation Measure TRA-8:</b> Improvements to Roadway Segment X – Dyer Road between the SR 55 Northbound Ramps and Pullman Avenue). Dyer Road shall be widened and restriped to provide a fourth westbound through lane.	Begin in 2020	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-9:</b> Improvements to intersection No. 14 – Grand Avenue at Warner Avenue. The northbound approach of Grand Avenue shall be widened and restriped to provide a second northbound left-turn lane and an exclusive northbound right-turn lane. The southbound approach of Grand Avenue shall be widened and restriped to provide a second southbound left-turn lane and an exclusive southbound right-turn lane. The westbound approach of Warner Avenue shall be widened and restriped to provide a third westbound through lane	Begin in 2035	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-10:</b> Improvements to intersection No. 15 – Red Hill Avenue at Warner Avenue. The existing traffic signal shall be modified to include a right turn and the intersection shall be modified to install a westbound right-turn overlap. The installation of this improvement is subject to the approval of the City of Tustin.	Begin in 2035	City of Tustin	City of Santa Ana Public Works Department / City of Tustin	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-11:</b> Improvements to intersection No. 18 – Main Street at Dyer Road. The northbound approach of Main Street shall be widened and restriped to provide a second northbound left-turn lane and a third northbound through lane. The southbound approach of Main Street shall be widened and restriped to provide a second southbound left-turn lane and an exclusive southbound right-turn lane. The eastbound approach of Dyer Road shall be widened and restriped to provide a second eastbound left-turn lane and a third eastbound through lane. The westbound approach of Dyer Road shall be widened and restriped to provide a second westbound left-turn lane and a third westbound through lane.	Begin in 2035	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-12:</b> Improvements to intersection No. 21 – SR 55 Northbound Ramps at Dyer Road. The westbound approach of Dyer Road shall be widened and restriped to provide an exclusive right-turn lane. The on-ramp for two receiving lanes shall be widened and restriped all the way back to the intersection with Dyer Road. These improvements will require widening along the north curb to accommodate the proposed right-turn lane. The installation of these improvements is subject to the approval of Caltrans.	Begin in 2035	Caltrans	City of Santa Ana Public Works Department / Caltrans	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-13:</b> Improvements to intersection No. 22 – Pullman Road at Dyer Road. The eastbound approach of Dyer Road shall be widened and restriped to provide a fourth eastbound through lane. The westbound approach of Dyer Road shall be widened and restriped to provide a fourth westbound through lane. These improvements will require widening on both the north curb and south curb to accommodate the proposed eastbound and	Begin in 2035	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HERITAGE MIXED USE PROJECT**

Impact	Monitoring Phase	Implementation Responsibility	Responsible Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
westbound through lanes and to align with the existing improvements on Dyer Road that are located from the east side of the railroad tracks to Red Hill Avenue, which could be restriped to accommodate four through lanes in each direction for build out conditions.							
<b>Mitigation Measure TRA-14:</b> Improvements to intersection No. 27 – Red Hill Avenue at Alton Parkway. The northbound approach of Red Hill Avenue shall be widened and restriped to provide an exclusive northbound right-turn lane. The southbound approach of Red Hill Avenue shall be widened and restriped to provide an exclusive southbound right-turn lane. The eastbound approach of Alton Parkway shall be widened and restriped to provide a second eastbound left-turn lane. The westbound approach of Alton Parkway shall be widened and restriped to provide a second westbound through lane and a westbound free right-turn lane. These improvements are subject to the approval of the City of Irvine.	Begin in 2035	City of Irvine	City of Santa Ana Public Works Department / City of Irvine	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-15:</b> Improvements to intersection No. 30 – Main Street at MacArthur Boulevard in Santa Ana. The existing traffic signal shall be modified to include a southbound right-turn overlap.	Begin in 2035	City of Santa Ana Public Works Department	City of Santa Ana Public Works Department	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-16:</b> Improvements to intersection No. 19 – Hotel Terrace/SR 55 Southbound Ramps at Dyer Road. The existing traffic signal shall be modified to provide pedestrian push buttons along Dyer Road with a median modification on the west leg of the intersection to provide for a 6 foot pedestrian refuge area per Caltrans requirements, the City of Santa Ana and/or California Manual on Uniform Traffic Control Devices. The installation of this improvement is subject to the approval of Caltrans.	Begin in 2035	Caltrans	City of Santa Ana Public Works Department / Caltrans	Payment of Fair Share Fees			
<b>Mitigation Measure TRA-17:</b> Improvements to intersection No. 7 – Auto Mall Drive/SR 55 Southbound Ramps at Edinger Avenue. The existing traffic signal shall be modified to provide a northbound right-turn overlap and pedestrian push buttons along Edinger Avenue. In addition, a median modification shall be implemented on the west leg of the intersection to provide for a 6 foot pedestrian refuge area per Caltrans requirements, the City of Santa Ana Standard Design Guidelines and/or California Manual on Uniform Traffic Control Devices. The installation of this improvement is subject to the approval of Caltrans.	Begin in 2035	Caltrans	City of Santa Ana Public Works Department / Caltrans	Payment of Fair Share Fees			
<b>Utilities and Service Systems</b>							
None Required.							