

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING SITE PLAN REVIEW NO. 2023-01 AS CONDITIONED FOR A MIXED-USE DEVELOPMENT, KNOWN AS CABRILLO TOWN CENTER, AT 1901 AND 1971 EAST FOURTH STREET AND 515 AND 525 NORTH CABRILLO PARK DRIVE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Andrea Maloney with Sapetto Real Estate Solutions, Inc. and representing Fairfield Realty, LLC. ("Applicant"), on behalf of David A. Colton, trustee of David A. Colton Trust ("Property Owner"), is requesting approval of Site Plan Review ("SPR") No. 2023-01 and Tentative Tract Map ("TTM") No. 2023-03 to facilitate the construction of a mixed-use development ("Project"), known as Cabrillo Town Center, at 1901 and 1971 East Fourth Street and 515 and 525 North Cabrillo Park Drive ("Project Site").
- B. The Project entails, among other improvements, (1) demolition of the existing four (4) structures on the Project Site; (2) redevelopment of the Project Site into two integrated parcels. Parcel 1 will consist of a five-story warp building with 14,900 square feet of live/work space (19 live/work units), 5,800 square feet of commercial leasable space, 6,100 square feet of leasable office space, 449 residential rental units, 898 parking spaces, and 68,167 square feet of open space and amenities. Parcel 2 will consist of eight 3-story townhome buildings containing a total of 58 residential for sale units, 127 parking spaces, and 18,938 square feet of open space and amenities. In addition, the project as a whole will provide a total of 47,810 square feet of publicly accessible open space; (3) approval of SPR No. 2023-01; and (4) approval of Tentative Tract Map ("TTM") No. 2023-03, to be considered by the Planning Commission on April 24, 2023 by way of a separate resolution.
- C. The Project Site has a General Plan land use designation of District Center – Medium ("DC-3") and is located within the Professional (P) zoning district. In addition, the Project Site is located within the Village Center District ("VC") of the Metro East Mixed-Use Overlay Zone ("MEMU").
- D. Pursuant to Section 41-595.5 of the Santa Ana Municipal Code ("SAMC") and sections 2.3 and 8.1 of the MEMU, approval of a SPR by the Planning Commission is required for any project wishing to develop per the MEMU standards.

- E. On April 24, 2023, the Planning Commission of the City of Santa Ana held a duly-noticed public hearing on SPR No. 2023-01.
- F. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to grant a SPR approval pursuant to Section 8.2 of the MEMU, have been established for SPR No. 2023-01 to allow the construction the Project.
 - 1. That the proposed development plan is consistent with and will further the objectives outlined in Section 1.2 for the MEMU.

The project will create a new mixed-use development within close proximity to office buildings, Cabrillo Park, Mabury Park, and less than two miles from Downtown Santa Ana, which provides additional opportunities to live, work, and play. The proposed project includes two distinct market-rate housing product types, including a townhouse development and mixed-use residential development. Each townhouse building will be three-stories in height, while the mixed-use building will be five-stories with ground floor commercial/retail and residential units on upper floors, wrapped around a 6.5-level parking structure. The height of the buildings will blend in with the heights of the nearby office buildings, which range from single-story, three-story and eight-story buildings.

The project will be built to California Building Code standards, which include energy and water conservation measures and will improve pedestrian mobility by providing new sidewalks and parkways along Fourth Street and Parkcourt Place. In addition, the publically accessible linear park along Parkcourt Place will serve as a link to the Cabrillo Park to the north. Each residential unit will have storage opportunities for personal bicycles. Additionally, public transit bus service is provided in the project area by the Orange County Transportation Authority (OCTA). Four OCTA bus routes operate within the vicinity of the project site on First Street, Fourth Street, Seventeenth Street, and Tustin Avenue, which consists of the following: OCTA routes 60, 64, 71, and 463.

The commercial space has been designed with retail floor heights of approximately 20 feet with storefronts that will be visible from Fourth Street and Cabrillo Park Drive. In addition, the commercial space links directly to an on-site public plaza at the corner of Fourth Street and Cabrillo Park Drive, which will include outdoor dining opportunities, decorative hardscape, specimen trees and plantings,

umbrellas, seating and lawn games. In addition, the ground floor residential units along Parkcourt Place will have doors and patios with direct access to the street to help activate the street.

2. That the proposed development plan is consistent with the development standards specified in Section 4 of the MEMU.

The Project is consistent with the development standards specified in Section 4 of the MEMU including land use, height, minimum development site area, building frontages, publically accessible open space, private/common open space, building setbacks, and parking and access. The proposed project is a mixed-use development that has been well designed to fit within the Village Center District. Further, the access and egress for the project has been thoroughly reviewed by the Public Works Agency for compliance with all applicable development standards.

3. That the proposed development plan is designed to be compatible with adjacent development in terms of similarity of scale, height, and site configuration and otherwise achieves the objectives of the Design Principles specified in Section 5 of the MEMU overlay district.

The project is consistent with the development standards specified in Section 5 of the MEMU. The building is designed with a high quality design that includes varied massing, changes in form, and is comprised of high quality materials including a light sand stucco exterior, fiber cement panel siding, metal railings, aluminum storefronts, brick veneer, metal canopies, and high quality architectural detailing (e.g., exterior lighting, entry doors, fenestration, etc.). During the development review process, staff provided extensive design comments, which resulted in higher-quality building materials, an increase in the commercial square footage (i.e., live/work), and building elevations that are architecturally detailed and designed to be pedestrian-oriented. The commercial storefronts are enhanced with cornices and metal canopies and the primary access to the commercial uses will be from Fourth Street and Cabrillo Park Drive. The project promotes pedestrian activity with landscaping and publically accessible open space.

4. That the land use uses, site design, and operational considerations in the proposed development plan have been planned in a manner that will result in a compatible and harmonious operation as specified in Section 7 of the MEMU overlay district.

The project is consistent with the development standards specified in Section 7 of the MEMU. The project has been designed to ensure compatibility between the residential and non-residential uses on site. The commercial uses have separate entrances from the residential uses, and the parking management plan will manage parking between the residential and nonresidential uses. On-site lighting will be consistent with Chapter 8 of the SAMC.

Section 2. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 3. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and after completion of the Initial Study for the Project, the Project is within the scope of the 2007 Metro East Mixed-Use Overlay Zone Environmental Impact Report (EIR) and 2018 Subsequent EIR (SEIR) (SCH No. 2006031041). The 2007 EIR and 2018 SEIR anticipated potential development of 5,551 residential units, 963,000 square feet of commercial development, and 690,000 of office development. The 2007 EIR and 2018 SEIR analyzed impacts related to aesthetics, agriculture/forestry, air quality, biology, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population/housing, public services, transportation/traffic, tribal cultural resources and utilities. The EIR and SEIR concluded that there would be significant and unavoidable impacts associated with air quality, noise, and transportation/traffic, and mitigation measures were developed and recorded through an approved Mitigation Monitoring and Reporting Program (MMRP). As required by the MMRP, a traffic impact analysis was prepared for this project by Linscott, Law and Greenspan, Engineers (LLG). The analysis evaluated the existing

operating conditions at 25 intersections, estimated the trip generation potential of the project, and forecasted future near-term and long-term operating conditions without the proposed project. Based on the analysis, off-site improvements are required at various intersections and at difference timeframes, as identified in the traffic analysis, which the Project will comply with.

The previously prepared 2007 EIR and 2018 SEIR adequately described the Project's environmental setting, significant impacts and alternatives, and mitigation measures related to each impact. There are no substantial changes with respect to circumstances under which the Project is undertaken that will require major revisions to the EIR. There is no new information of substantial importance and there are no new environmental impact or mitigation measures needed. All applicable mitigation measures applied to the previously prepared 2007 EIR and 2018 SEIR, attached hereto as Exhibit B, will be applied to this project.

Section 4. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves SPR No. 2023-01, as conditioned in Exhibit A, attached hereto and incorporated herein for the Project at the Project Site. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: The Request for Planning Commission Action dated April 24, 2023, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 24th day of April, 2023 by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Bao Pham
Chairman

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: John M. Funk
John M. Funk
Chief Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NUVIA OCAMPO, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2023-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on April 24, 2023.

Date: _____

Nuvia Ocampo
Recording Secretary
City of Santa Ana

Exhibit A

Conditions for Approval for Site Plan Review No. 2023-01

Site Plan Review No. 2023-01 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations.

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this site plan review.

The Applicant must remain in compliance with all conditions listed below throughout the life of the development project. Failure to comply with each and every condition may result in the revocation of the site plan review.

1. All proposed site improvements must conform to the Development Project Review (DP) No. 2022-26, and the staff report exhibits incorporated herein by reference.
2. Any amendment to this site plan review, including modifications to approved materials, finishes, architecture, site plan, landscaping, unit count, mix, and square footages must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the site plan review must be amended.
3. The project shall comply with all recommendations contained with the technical studies and reports prepared for the project. All studies and reports shall be finalized by the Applicant and approved by the City of Santa Ana prior to the issuance of any building permits.
4. The project shall comply with all applicable mitigation measures as identified by the Mitigation Monitoring and Reporting Program of the 2007 Environmental Impact Report (EIR) and 2018 Subsequent EIR (SCH No. 2006031041), attached hereto as Exhibit B.
5. The live/work units along Fourth Street and Cabrillo Park Drive shall be constructed in accordance with applicable sections of the California Building Code.
6. Prior to submittal into Building Safety Division plan check, the applicant shall work with Planning Division staff to incorporate architectural elements to enhance the prominence of units along the Parkcourt Place extension to accentuate building and individual unit heights and to mimic two-story volumes for those units.
7. The publicly accessible open space areas as shown on the plans shall remain accessible to the public during daylight hours as per plans approved by the Planning and Building Agency.

8. A residential property manager shall be available at all times that the Apartment portion of the Project is occupied and Applicant and onsite management shall at all times maintain a 24-hour emergency contact and contact information on file with the City that is also posted at the entrance to the leasing office for public view.
9. The parking management measures as identified by the Parking Study and Parking Management Plan, attached hereto as Exhibit C, shall be incorporated into the Project and shall apply through the life of the project. The objectives of the PMP are intended to:
 - a. Restrict residents from parking in the guest spaces;
 - b. Restrict guests from parking in the reserved resident spaces and require guests to park in designated guest spaces;
 - c. Restrict vehicles from exceeding the time restriction on the short term parking, if any is proposed;
 - d. Allow for the use of "short-term/time restricted" parking spaces allocated to the retail and leasing office for use by residents and resident guests after business hours, as necessary; and
 - e. Help develop the framework for parking agreements between the leasing office and the tenants.
10. Exterior building and exterior parking structure materials, finishes and colors for the Project shall comply with the approved materials board submitted for the Project and as approved by the Planning and Building Agency. Any changes to the materials, finishes and colors shall be approved by the Planning and Building Agency. All trash enclosures and similar ancillary structures shall match the texture, material and color of the primary building.
11. All utility lines shall be placed underground. Where equipment is located above-ground, it shall be screened from public view. This includes all ground, wall, and roof mounted equipment. Screening elements shall be an integral part of the building; no screening method shall give the appearance of being "tacked on." Typical ground-mounted equipment shall be adequately screened with decorative walls and/or landscaping.
12. Prior to issuance of building permits, the Applicant shall submit a construction schedule and staging plan to the Planning Division for review and approval. The plan shall include construction hours, staging areas, parking, security, and site screening during Project construction.
13. Prior to issuance of building permits, an exterior lighting plan for the security and safety of on-site areas such as building entrances, parking, loading, pedestrian walkways, alley walkways and open space areas shall be provided to the Planning and Building Agency and Police Department for review and approval. A minimum of

one foot-candle evenly distributed across a parking lot is recommended. At entrances and loading areas, up to 2 foot-candles may be appropriate. Decorative night lighting shall also be installed. Low energy lights, such as LED lights or solar powered lights, shall be used whenever possible. Light fixtures and their structural support shall be designed to be architecturally compatible with the main buildings on-site. Direct glare onto adjoining property, streets, or skyward shall be avoided. All lighting fixtures shall be shielded to confine light spread on-site.

14. Prior to the issuance of a building permit, a landscape plan in accordance with the Metro East Mixed-Use Overlay Zone (MEMU) and the Water Efficient Landscape Ordinance shall be submitted to the Planning Division for review and approval.

15. Prior to the issuance of a building permit, the easement agreement regarding the line of sight triangle for the Apartment portion of the Project shall be executed or the Project shall be revised to comply with the approved Alternative Driveway Design, attached hereto as Exhibit D.

16. Prior to issuance of a Certificate of Occupancy, a master sign program in accordance with the MEMU shall be submitted for review and approval by the Planning Division. In addition to any other sections therein, the master sign program shall include provisions for allowing appropriately-scaled signage on the townhome and ground floor apartments units facing the Parkcourt Place extension to advertise home occupations within those units.

17. Prior to issuance of a Certificate of Occupancy, a Public Art Program shall be submitted to the Planning Division for review and approval. Public Art shall be installed and maintained with a value equivalent to one-half of one percent (0.5%) of the total construction cost of the development. Total construction cost shall mean all design, engineering and construction costs.

18. Prior to the issuance of a Certificate of Occupancy, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency; the Community Development Agency; the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:

- a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);

- b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
- c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e. If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f. The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement; and
- g. The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

EXHIBIT B

CHAPTER 4 Mitigation Monitoring and Reporting Program

4.1 INTRODUCTION

The *California Environmental Quality Act* (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with project development. The Final Environmental Impact Report (Final EIR) for the proposed Metro East Mixed Use Overlay Zone EIR (State Clearinghouse No.2006031041) located within the City of Santa Ana (City), includes program and project-specific mitigation measures to reduce the potential environmental effects of the Overlay Zone, as well as the First and Cabrillo Towers Project.

Monitoring of the implementation of adopted mitigation measures is required by Public Resources Code Section 21081.6. The Final EIR for the proposed project provides a list of mitigation measures, and describes the process whereby the mitigation measures would be monitored. Following certification of the Final EIR and approval of this Mitigation Monitoring Program (MMP) by the City, the mitigation measures included in the Final EIR would be monitored as described in this MMP. It should be noted that because this EIR contained program- and project-level components, two separate MMP tables are presented as part of this MMP for the Overlay Zone and for the First and Cabrillo Towers project.

4.2 PURPOSE

The purpose of the proposed Overlay Zone EIR MMP is to ensure compliance with all mitigation measures to mitigate or avoid potentially significant adverse environmental impacts resulting from the proposed project that were identified in the Final EIR. Implementation of this MMP shall be accomplished by the City of Santa Ana. Mitigation measures will be implemented (1) as part of design development of the project, (2) during project construction, or (3) as part of project operations.

4.3 RESPONSIBILITIES AND DUTIES

In general, monitoring will consist of demonstrating that mitigation measures were implemented, and that the responsible unit monitored the implementation of the measures. The responsible unit for determining compliance with all mitigation measures will be the City. Monitoring will consist of determining whether

- The specific issues identified in the mitigation measures were considered in the design development phase
- Construction contracts included the provisions specified in the mitigation measures
- The required actions specified in the mitigation measures occurred prior to or during construction
- Ongoing administrative activities included the provisions identified in the mitigation measures

Any concerns between monitors and construction personnel shall be addressed by the City of Santa Ana, Planning Department.

4.4 LIST OF MITIGATION MEASURES

As mentioned above, due to the program- and project-level components of this EIR, the MMP has been divided into two parts to address each component separately. The mitigation measures that pertain to implementation of the Overlay Zone and their method of implementation are listed in Table 4-1. The mitigation measures, which include several mitigation measures from the program-level component, that pertain to the First and Cabrillo Towers project are listed in Table 4-2. All project-specific mitigation measures included in the Final EIR for this project would be monitored as described above.

The mitigation monitoring matrix on the following pages is formatted to parallel the format of the Executive Summary table contained in the Final EIR. The matrix identifies the required mitigation measures, the time frame for monitoring, and the responsible monitoring agencies.

It should be noted that the mitigation measures from Volume I that are contained within Table 4-2 have been modified slightly so as to directly apply to the First and Cabrillo Towers project. The content and action required by each mitigation measure have not been modified.

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Aesthetics				
Impact 4.1-3: Implementation of the proposed project would result in new sources of increased daytime glare.	MM-OZ 4.1-1 Proposed new structures shall be designed to maximize the use of textured or other non-reflective exterior surfaces and non-reflective glass.	Planning and Building Agency	Project Applicant	During Project Design and Construction
Impact 4.1-4: Implementation of the proposed project would result in new sources of increased nighttime light.	<p>MM-OZ 4.1-2 All exterior lighting and advertising (including signage) shall be directed onto the specific location intended for illumination (e.g., parking lots, driveways, and walkways) and shielded away from adjacent properties and public rights-of-way to minimize light spillover onto adjacent areas.</p> <p>MM-OZ 4.1-3 Prior to issuance of a Site Development Permit for each specific development project, the applicant shall submit a lighting plan to the City of Santa Ana for review and approval. The plan shall specify the lighting type and placement to ensure that the effects of security and other outdoor lighting are minimized on adjacent uses and do not create spillover effects. The plan shall specifically incorporate the following design features:</p> <ul style="list-style-type: none"> All projects shall incorporate project design features to shield light and/or glare from vehicles entering or exiting parking lots and structures that face sensitive uses (e.g., schools, hospitals, senior housing, or other residential properties) by providing barriers so that light from vehicle headlights would not illuminate off-site sensitive uses. <p>All projects shall incorporate project design features to provide landscaping, physical barriers, screening, or other buffers to minimize project-generated illumination from entering off-site areas and to prevent glare or interference with vehicular traffic, in accordance with the City's Municipal Code.</p>	Planning and Building Agency	Project Applicant	During Project Design and Construction
Impact 4.1-5: Implementation of the proposed project could result in a substantial increase in shade/shadows over sensitive uses.	MM-OZ 4.1-4 Prior to issuance of a building permit each project shall be required to perform a shade and shadow analysis that demonstrates that the project will not result in significant impacts according to the following criteria. Shadowing impacts in the Overlay Zone are considered significant when shadows would be cast upon potentially sensitive uses during a substantial portion (greater than 50 percent) of the main daylight hours (9:00 a.m. to 3:00 p.m. during the fall, winter, and spring seasons, and 9:00 a.m. to 5:00 p.m. [daylight savings time] during the summer season). Light sensitive uses are those that depend upon light for their operation (e.g., solar panels) or for which solar access is essential for their function (e.g.,	Planning and Building Agency	Project Applicant	Prior to Issuance of a Building Permit

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	swimming pools). Light-sensitive uses also include public parks, residences, and routinely useable outdoor spaces associated with residences (e.g., yards).			
Air Quality				
Impact 4.2-3: Construction and operation of the proposed project would not create objectionable odors affecting a substantial number of people.	MM-OZ 4.2-1 Trash receptacles within the Overlay Zone will be required to have lids that enable convenient collection and loading and will be emptied on a regular basis, in compliance with City of Santa Ana regulations for the collection of solid waste.	Planning and Building Agency	Project Applicant	During Operation
Impact 4.2-4: Construction activities associated with the proposed project would exceed South Coast Air Quality Management District Standards for VOC and NOX, and would result in a projected air quality violation. This is considered a potentially significant impact. Compliance with the identified project requirement and implementation of mitigation measures MM-OZ 4.2.2 through MM-OZ 4.2.16 would reduce this impact, but not to a less-than-significant level. Therefore, this impact would be considered significant and unavoidable.	<p>MM-OZ 4.2-2 The developer shall require by contract specifications that all diesel-powered equipment used would be retrofitted with after-treatment products (e.g., engine catalysts and other technologies available at the time construction commences) when construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.</p> <p>MM-OZ 4.2-3 The developer shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site would use low-NOx diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin at the time construction activities commence. This requirement shall not apply to diesel-powered trucks traveling to and from the project site. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.</p> <p>MM-OZ 4.2-4 The developer shall require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent feasible in the South Coast Air Basin at the time construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.</p>	Planning and Building Agency	Project Applicant	Prior to Construction
		Planning and Building Agency	Project Applicant	Prior to Construction
		Planning and Building Agency	Project Applicant	Prior to Construction

Table 4-1

Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	MM-OZ 4.2-5 The developer shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency	Project Applicant	Prior to Construction
	MM-OZ 4.2-6 The developer shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency	Project Applicant	Prior to Construction
	MM-OZ 4.2-7 The developer shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency	Project Applicant	Prior to Construction
	MM-OZ 4.2-8 The developer shall require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction
	MM-OZ 4.2-9 The developer shall require by contract specifications that temporary traffic controls are provided, such as a flagperson, during all phases of construction to maintain smooth traffic flow. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction
	MM-OZ 4.2-10 The developer shall require by contract specifications that construction activities that affect traffic flow on the arterial system be scheduled to off-peak hours (10 A.M. to 4 P.M.). Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>MM-OZ 4.2-11 The developer shall require by contract specifications that dedicated on-site and off-site left-turn lanes on truck hauling routes be utilized for movement of construction trucks and equipment on site and off site to the extent feasible during construction activities. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana.</p> <p>MM-OZ 4.2-12 Upon issuance of building or grading permits, whichever is issued earliest, notification shall be mailed to owners and occupants of all developed land uses within ¼ mile of the Overlay Zone and the individual projects within the Overlay Zone providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager shall be responsible for complying with all project requirements related to PM₁₀ generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site.</p> <p>MM-OZ 4.2-13 As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:</p> <ul style="list-style-type: none"> ▪ Limiting the amount of area disturbed during site grading to 10 acres per day ▪ Application of soil stabilizers to inactive construction areas ▪ Quick replacement of ground cover in disturbed areas ▪ Watering of exposed surfaces three times daily ▪ Watering of all unpaved haul roads three times daily ▪ Covering all stock piles with tarp ▪ Reduction of vehicle speed on unpaved roads ▪ Post signs on site, limiting traffic to 15 miles per hour or less ▪ Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads 	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction
		Planning and Building Agency	Project Applicant	Upon Issuance of Building or Grading Permits
		Planning and Building Agency	Project Applicant	During Grading, Construction and Project Implementation

Table 4-1

Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<ul style="list-style-type: none"> Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip <p>MM-OZ 4.2-14 The developer shall require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating of 100 grams per liter or less. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana Planning and Building Agency staff.</p> <p>MM-OZ 4.2-15 The developer shall require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana Planning and Building Agency staff.</p> <p>MM-OZ 4.2-16 The developer shall require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana Planning and Building Agency staff.</p>	Planning and Building Agency	Project Applicant	Prior to Construction
		Planning and Building Agency	Project Applicant	Prior to Construction
		Planning and Building Agency	Project Applicant	Prior to Construction
Biological Resources				
Impact 4.3-1: Implementation of the proposed project would not result in a potential reduction in nesting opportunities for resident and migratory avian species of special concern.	<p>MM-OZ 4.3-1 To ensure that avian species of concern, protected migratory species (e.g., MBTA), or raptors species are not injured or disturbed by construction in the vicinity of nesting habitat, the project applicant shall implement the following measures:</p> <ol style="list-style-type: none"> When feasible, all tree removal shall occur between August 30 and February 15 to avoid the breeding season of any raptor species that could be using the area, and to discourage hawks from nesting in the vicinity of an upcoming construction area. This period may be modified with the authorization of the DFG; or if it is not feasible to remove trees outside this window then, prior to the beginning of mass grading, including grading for major infrastructure improvements, during the period between February 15 and August 30, all trees within 350 feet of any grading or earthmoving 	Planning and Building Agency/CDFG	Project Applicant	Prior to and during Construction

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>activity shall be surveyed for active raptor nests by a qualified biologist no more than 30 days prior to disturbance. If active raptor nests are found, and the site is within 350 feet of potential construction activity, a fence shall be erected around the tree(s) at a distance of up to 350 feet, depending on the species, from the edge of the canopy to prevent construction disturbance and intrusions on the nest area. The appropriate buffer shall be determined by the City in consultation with CDFG.</p> <ol style="list-style-type: none"> No construction vehicles shall be permitted within restricted areas (i.e., raptor protection zones), unless directly related to the management or protection of the legally protected species. In the event that a nest is abandoned, despite efforts to minimize disturbance, and if the nestlings are still alive, the developer shall contact CDFG and, subject to CDFG approval, fund the recovery and hacking (controlled release of captive reared young) of the nestling(s). If a legally protected species nest is located in a tree designated for removal, the removal shall be deferred until after August 30th, or until the adults and young of the year are no longer dependent on the nest site as determined by a qualified biologist. 			

Cultural Resources

Impact 4.4-1: Redevelopment of sites within the Overlay Zone could result in the demolition or major modification of historically-aged structures which have not yet been evaluated to determine their significance as defined by Section 15064.5 of the CEQA Guidelines, and this would be considered a significant impact.	<p>MM-OZ 4.4-1 The City of Santa Ana shall require as part of the environmental review of development projects within the Overlay Zone that impacts to potentially significant historic resources be considered. If any existing structures on a proposed development site are at or approaching 50+ years of age at the time of CEQA review, the City shall consult with a qualified historian as to the potential significance of the structure and develop mitigation measures as necessary.</p>	Planning and Building Agency	Project Applicant	During environmental review of future projects
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Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Impact 4.4-2: Implementation of the proposed project has the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines, and this would be considered a significant impact.	<p>MM-OZ 4.4-2 Due to the lack of cultural resource studies for the project site and in order to avoid damaging any unidentified cultural resources, a qualified archaeologist should be retained to monitor any significant ground-disturbing activities in undeveloped areas within the Overlay Zone, and any deep (10' or deeper) ground-disturbing activities in all areas of the Overlay Zone.</p> <p>MM-OZ 4.4-3 In the event that archaeological resources are unearthed during project subsurface activities, all earth-disturbing work within a 200-meter radius must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume.</p>	Planning and Building Agency	Project Applicant	During Construction
Impact 4.4-3: Implementation of the proposed project has the potential to directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature and this would be considered a significant impact.	<p>MM-OZ 4.4-4 In the event that paleontological resources are unearthed during subsurface construction activities, all earth-disturbing work within a 100-meter radius of the find must be temporarily suspended or redirected until a paleontologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume.</p>	Planning and Building Agency	Project Applicant	During Construction
Impact 4.4-4: Construction activities under the proposed project could result in the disturbance of human remains interred outside of formal cemeteries.	<p>MM-OZ 4.4-5 If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed with the remains.</p>	Planning and Building Agency/NAHC	Project Applicant	During Construction

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Geology and Soils				
Impact 4.5-1: Implementation of the proposed Overlay Zone could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic groundshaking.	<p>MM-OZ 4.5-1 During project-specific building design of future development in the Overlay Zone, site-specific geotechnical studies shall be conducted under the direct supervision of a California Registered Engineering Geologist or licensed geotechnical engineer to assess detailed seismic, geological, soil, and groundwater conditions at each construction site and develop recommendations to prevent or abate any identified hazards. The report shall specify foundation recommendations to ensure issues associated with underlying soils are addressed. Construction of the project shall comply with all recommendations in the geotechnical report. The study shall follow applicable recommendations of CDMG Special Publication 117 where applicable and shall include, but not necessarily be limited to</p> <ul style="list-style-type: none"> ▪ Determination of the locations of any suspected fault traces and anticipated ground acceleration at the building site ▪ Potential for displacement caused by seismically induced shaking, liquefaction, differential soil settlement, expansive and compressible soils, or other earth movements or soil constraints ▪ Evaluation of depth to groundwater 	Planning and Building Agency	Project Applicant	Prior to Issuance of Permits/During Project Design
Impact 4.5-5: Future development under the proposed Overlay Zone could be located on expansive soil.	MM-OZ 4.5-2 Developers within the Overlay Zone shall conduct expansion index tests in accordance with UBC Standard 18-2 prior to project construction. The design of structural elements of future projects shall include recommendations set forth by the expansion index tests.	Planning and Building Agency	Project Applicant	Prior to Project Construction
Hazards and Hazardous Materials				
Impact 4.6-2: Implementation of the proposed project could result in the exposure of future residents in the Overlay Zone to diesel exhaust emissions, which could pose a significant hazard.	MM-OZ 4.6-1 For future residential uses that are developed under the Overlay Zone within 500 feet of an existing freeway, a health risk assessment (HRA) for diesel exhaust shall be prepared. Recommendations contained within the HRA shall be implemented in project design.	Planning and Building Agency	Project Applicant	Prior to Issuance of Permits/During Project Design

Table 4-1

Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Impact 4.6-3: Construction activities associated with implementation of the proposed Overlay Zone could result in the release of hazardous materials to the environment through reasonably foreseeable upset and accident conditions.	<p>MM-OZ 4.6-2 Prior to the issuance of grading permits on any project site, the site developer(s) shall:</p> <ul style="list-style-type: none"> Investigate the project site to determine whether it or immediately adjacent areas have a record of hazardous material contamination via the preparation of a preliminary environmental site assessment (ESA), which shall be submitted to the City for review. If contamination is found the report shall characterize the site according to the nature and extent of contamination that is present before development activities precede at that site. If contamination is determined to be on site, the City, in accordance with appropriate regulatory agencies, shall determine the need for further investigation and/or remediation of the soils conditions on the contaminated site. If further investigation or remediation is required, it shall be the responsibility of the site developer(s) to complete such investigation and/or remediation prior to construction of the project. If remediation is required as identified by the local oversight agency, it shall be accomplished in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of any occupancy permits. <p>MM-OZ 4.6-3 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Santa Ana Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Grading Permits
		Planning and Building Agency	Project Applicant	During construction

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Impact 4.6-7: Implementation of the proposed project could result in a safety hazard for people residing or working in the project area.	MM-OZ 4.6-4 For development of structures that exceed 200 feet in height above ground level at a development site, Applicants shall file a Notice of Proposed Construction or Alteration with the FAA (FAA Form 7460-1). Following the FAA's Aeronautical Study of the project, projects must comply with conditions of approval imposed or recommended by the FAA. Subsequent to the FAA findings, the City shall refer the project to the Airport Land Use Commission (ALUC) for Orange County for consistency analysis.	Planning and Building Agency / FAA/ALUC	Project Applicant	Prior to Construction
Impact 4.6-8: Implementation of the Overlay Zone could interfere with an adopted emergency response plan or emergency evacuation plan.	MM-OZ 4.6-5 Prior to initiation of construction activities, any development within the Overlay Zone shall have a completed traffic control plan, prepared by the developer that will be implemented during construction activities. This may include, but is not limited to, the maintenance of at least one unobstructed lane in both directions on surrounding roadways. At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions. If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating alternative routes. MM-OZ 4.6-6 The City Planning Department shall consult with the Santa Ana Police Department and the Santa Ana Fire Department to disclose temporary closures and alternative travel routes in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary land or roadway closures. MM-OZ 4.6-7 The Santa Ana Fire Department, in consultation with other applicable City Departments (e.g., Police), shall update their Emergency Preparedness Plan prior to occupancy of the first project developed under the Overlay Zone, to address potential for accidental release of hazardous materials that may be used, stored, and/or transported in association with operation of project implementation.	Public Works Planning and Building Agency/Police Dept./Fire Dept.	Project Applicant Planning and Building Agency Fire Department	Prior to/During Construction Prior to/During Construction Prior to occupancy of the first project developed under the Overlay Zone

Table 4-1

Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Hydrology and Water Quality Impact 4.7-1: Implementation of the proposed Overlay Zone would not violate water quality standards, waste discharge, or otherwise substantially degrade water quality.	<p>MM-OZ 4.7-1 In order to comply with the 2003 DAMP, future development projects in the Overlay Zone shall prepare Storm Drain Plans, Stormwater Pollution Prevention Plans (SWPPP), and Water Quality Management Plans (WQMP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, shall be submitted to the Department of Public Works for review and approval.</p> <p>a. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows, and for nuisance flows during construction.</p> <p>b. A WQMP shall be prepared, maintained, and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall incorporate water quality measures for all improved phases of the project.</p> <p>c. Location of the BMPs shall not be within the public right-of-way.</p>	Public Works	Project Applicant	Prior to Issuance of Permits
Impact 4.7-4: Future development in the Overlay Zone could alter the existing drainage pattern and potentially result in increased downstream flooding through the addition of impervious surfaces, or exceeding the capacity of existing or planned stormwater drainage systems.	<p>MM-OZ 4.7-2 Prior to issuance of grading permits, future development projects in the Overlay Zone shall submit a Hydrology and Hydraulic Study to the Public Works Department for review and approval. If existing facilities are not adequate to handle runoff that may be generated by the proposed development, then the applicant shall propose feasible remedies to assure that adequate drainage facilities will be available prior to issuance of occupancy permits. The applicant may propose storm drain improvements to be constructed in order to meet project needs. If necessary storm drain upgrades cannot be implemented prior to issuance of occupancy permits, on site detention facilities or other methods acceptable to the City shall be included with new development projects to ensure that post-construction runoff does not exceed pre-development quantities.</p>	Public Works	Project Applicant	Prior to Issuance of Grading Permits

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Noise				
Impact 4.9-1: Construction activities associated with the proposed project would generate noise levels that exceed the noise standards established by the City of Santa Ana Municipal Code.	<p>MM OZ 4.9-1 Construction activities shall be limited to the following general restrictions. In the event that there is a conflict between the City of Santa Ana Municipal Code and the City of Tustin Municipal Code, the more restrictive measures shall be applied:</p> <ul style="list-style-type: none">All construction activity within the City shall be conducted in accordance with Section 18-314(e) of the City of Santa Ana Municipal Code.All construction activity within 200 feet of the City of Tustin Border shall be conducted in accordance with Section 4617(e) of the City of Tustin Municipal Code.	Planning and Building Agency	Project Applicant	During Construction
	<p>MM OZ 4.9-2 The project applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:</p> <ul style="list-style-type: none">Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 1,000 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.Ensure that construction equipment is properly muffed according to industry standards and be in good working condition.Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.Schedule high noise-producing activities between the hours of 8:00 A.M. and 5:00 P.M. to minimize disruption on sensitive uses.Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.Use electric air compressors and similar power tools rather than diesel equipment, where feasible.Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City	Planning and Building Agency	Project Applicant	Prior to Issuance of Grading Permit

Table 4-1

Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Impact 4.9-2: Operation of the proposed project could expose noise-sensitive land uses to noise levels that exceed the standards established by the City of Santa Ana General Plan.	<p>or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.</p> <ul style="list-style-type: none"> Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. 			
	<p>MM OZ 4.9-3 The project applicant shall require by contract specifications that construction staging areas along with the operation of earthmoving equipment within the project area would be located as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Grading Permit
	<p>MM OZ 4.9-4 The project applicant shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Grading Permit
	<p>MM OZ 4.9-5 Where future residential uses would be construction in areas exposed to noise levels greater than 60 dBA CNEL, prior to issuance of building permits, building plans shall reflect the construction of noise barriers around patios and balconies. The barriers shall be constructed of materials that provide a surface density of at least four pounds per square foot and shall be continuous, without gaps or gates. The height of the barriers shall be sufficient to reduce the exterior noise levels to a CNEL of 65 dBA or less, and shall be determined by a qualified acoustical consultant as part of the final engineering design of the project.</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Building Permits
	<p>MM OZ 4.9-6 Prior to issuance of building permits, building plans shall specify the STC rating of windows and doors for all residential land uses. Window and door ratings shall be sufficient to reduce the interior noise level to a CNEL of 45 dBA or less, and shall be determined by a qualified acoustical consultant as part of the final engineering design of the project.</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Building Permits
	<p>MM OZ 4.9-7 The developer shall provide proper shielding for all new HVAC systems used by the proposed residential and mixed use buildings to achieve an attenuation of 15 dBA at 50 feet from the equipment.</p>	Planning and Building Agency	Project Applicant	During Project Design and Construction

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Public Services				
Impact 4.11-3: Operation of the proposed project would require new or physically altered facilities to accommodate additional students in Tuslin Unified School District (TUSD) schools. This is considered a potentially significant impact.	MM-OZ 4.11-1 Individual project developers shall pay school impact fees prior to the issuance of occupancy permits.	Planning and Building Agency	Project Applicant	Prior to Issuance of Occupancy Permits
Transportation/Traffic				
Impact 4.12-6: The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation.	<p>MM-OZ 4.12-1 As part of the project, the City of Santa Ana and the project sponsors shall work with the transit providers to implement various transit-related measures to improve and expand bus system service within the Overlay Zone. These measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Adding bus stops to the Overlay Zone along existing and proposed roadways ▪ Changing bus service headways to respond to increased demand ▪ Changing bus service destinations to respond to changing demand ▪ Adding local shuttle service for employees and patrons of the Overlay Zone <p>The details of bus service improvements shall be determined in coordination with OCTA. The following recommendations would help encourage public transit patronage for project-related trips:</p> <ul style="list-style-type: none"> ▪ Bus Stop Locations—Relocation of existing bus stops and the provision of additional bus stops should be considered to accommodate transit users at convenient locations. ▪ Days of Operation—The City should work with OCTA to consider changes to route times to serve nighttime and weekend project visitors and employees. ▪ Headway—The City should work with OCTA to review route headways to determine if it would be appropriate to reduce them to accommodate transit riders within the Overlay Zone. 	Public Works	Public Works	During implementation of the project

Table 4-1

Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Impact 4.12-7: Implementation of the proposed project would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.	<p>MM-OZ 4.12-2 Future development within the proposed Overlay Zone shall prepare separate traffic studies, specific to the individual projects that are proposed. The traffic studies for future projects shall be prepared by a qualified traffic engineer of the City's choosing. Further, and as determined by the traffic studies, the above identified improvement measures shall be implemented as a condition of the proposed development, either through the direct construction of improvements by the project applicant or through payment of a fee, as required by the program detailed in MM-OZ 4.12-4.</p> <p>MM-OZ 4.12-3 The City of Santa Ana Planning Department, in cooperation with the Department of Public Works, shall monitor the traffic signals within the Overlay Zone Study Area once every five years to ensure that traffic signal timing is optimized.</p> <p>MM-OZ 4.12-4 The City of Santa Ana shall institute a program for systematic mitigation of impacts as development proceeds within the Overlay Zone to ensure mitigation of the individual improvements. The program shall prescribe the method of participation in the mitigation program by individual projects and guide the timely implementation of the mitigation measures. The program should include the following elements:</p> <ul style="list-style-type: none"> ▪ A funding and improvement program should be established to identify financial resources adequate to construct all identified mitigation measures in a timely basis. ▪ The program should allow for acquisition of entire properties including business relocation where necessary to construct mitigation measures. Funds derived from sale of surplus acquired properties should be returned to the program. ▪ All properties that redevelop within the Overlay Zone should participate in the program on a fair share per new development trip basis. The fair share should be based upon the total cost of all identified mitigation measures, divided by the peak hour trip generation increase forecast. This rate per peak hour trip should be imposed upon the incremental traffic growth for any new development within the Overlay Zone. ▪ The program should include resources to conduct preliminary engineering studies to complete alignment studies and project specific environmental clearances for Tustin Avenue at 17th Street and at 4th Street. ▪ The program should raise funds from full development of the Overlay Zone to 	Public Works	Project Applicant	Prior to Issuance of Building Permits
		Planning and Building Agency/Public Works	Planning and Building Agency/Public Works	Ongoing
		Planning and Building Agency/Public Works	Planning and Building Agency/Public Works	During Implementation of Project

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>fund all identified mitigation measures.</p> <ul style="list-style-type: none"> ▪ The program should monitor phasing development of the Overlay Zone and defer or eliminate improvements if the densities permitted in the Overlay Zone are not occurring. ▪ Program phasing should be monitored through preparation of specific project traffic impact studies for any project that is expected to include more than 100 dwelling units or 100,000 square feet of non-residential development. Traffic impact studies should use traffic generation rates that are deemed to be most appropriate for the actual development proposed. ▪ The program should initiate project development to assure timely completion of the improvements identified to be needed for the First and Cabrillo Towers project by 2010 or as soon after as practically feasible. ▪ Properties within Santa Ana and within one-half mile of the Overlay Zone that redevelop to result in higher traffic generation should also participate in the program to insure equity. ▪ The program should provide for full construction of projects outside of Santa Ana, if the Overlay Zone will create a traffic impact based upon the CMP. ▪ The program should provide fair share contribution to construction costs of other improvements outside of the Overlay Zone if they are identified in this traffic study but they are not impacted as defined by the CMP. ▪ The fair share contribution would presume participation by other developments outside of the City of Santa Ana (generally within the City of Tustin) in proportion to traffic growth at the affected sites. ▪ Traffic impact studies for future projects shall be prepared by a qualified traffic engineer approved or retained by the City. ▪ The City may elect to implement appropriate mitigation measures as a condition of approval of the proposed developments, where appropriate. All or part of the costs of these improvements may be considered to be a negotiated credit toward the program, however the Program must be administered in a manner that assures that it can fund necessary improvements to maintain adequate level of service at all intersections within this study. If funding of priority improvements cannot be assured, credit for construction of lower priority improvements may not be assured or may be postponed until more Program funds are available. ▪ Traffic studies for future developments within the Overlay Zone must also use 			

Table 4-1 Mitigation Monitoring Program for the Metro East Mixed Use Overlay Zone Component

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	trip generation rates which are specific for these projects and are approved by the City. The traffic consultant preparing traffic studies for specific projects in the Overlay Zone must use City-approved trip generation rates specific to these projects. These studies are subject to City review.			
Utilities and Service Systems				
Impact 4.13-4: Implementation of the Metro East Mixed Use Overlay Zone could require the construction of new or expanded wastewater conveyance systems; the construction of which would not cause significant environmental effects.	MM-OZ 4.13-1 The developer is required to undertake a site-specific sewer evaluation, including flow monitoring and modeling, may be required as part of the project design to determine the adequacy of the existing sewer pipe capacity in the affected project area lines.	Public Works/Orange County Sanitation District	Project Applicant	During Design and Prior to Implementation of the proposed project
Impact 4.13-8: Implementation of the Overlay Zone could increase the demand for electricity and gas, but would not require or result in the construction of new energy production or transmission facilities, the construction of which could cause a significant environmental impact.	MM-OZ 4.13-2 The project shall implement energy conservation measures (such as energy-efficient lighting and micro processor controlled HVAC equipment) to reduce the demand for electricity and natural gas. The energy conservation measures shall be subject to modification as new technologies are developed or if current technology becomes obsolete through replacement.	Planning and Building Agency	Project Applicant	Prior to Issuance of Building Permits

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Aesthetics				
Impact 4.1-3: Implementation of the proposed project would result in new sources of increased daytime glare.	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.1-1 Proposed new structures shall be designed to maximize the use of textured or other non-reflective exterior surfaces and non-reflective glass.</p> <p>Project-Specific Mitigation Measures:</p> <p>No additional mitigation is required.</p>	Planning and Building Agency	Project Applicant	During Project Design and Construction
Impact 4.1-4: Implementation of the proposed project would result in new sources of increased nighttime light.	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.1-2 All exterior lighting and advertising (including signage) shall be directed onto the specific location intended for illumination (e.g., parking lots, driveways, and walkways) and shielded away from adjacent properties and public rights-of-way to minimize light spillover onto adjacent areas.</p> <p>MM-OZ 4.1-3 Prior to issuance of a permit, the applicant shall submit a lighting plan to the City of Santa Ana for review and approval. The plan shall specify the lighting type and placement to ensure that the effects of security and other outdoor lighting are minimized on adjacent uses and do not create spillover effects. The plan shall specifically incorporate the following design features:</p> <ul style="list-style-type: none"> Design features to shield light and/or glare from vehicles entering or exiting parking lots and structures that face sensitive uses (e.g., schools, hospitals, senior housing, or other residential properties) by providing barriers so that light from vehicle headlights would not illuminate off-site sensitive uses. Design features to provide landscaping, physical barriers, screening, or other buffers to minimize project-generated illumination from entering off-site areas and to prevent glare or interference with vehicular traffic, in accordance with the City's Municipal Code. <p>Project-Specific Mitigation Measures:</p> <p>No additional mitigation is required.</p>	Planning and Building Agency Planning and Building Agency	Project Applicant Project Applicant	During Design and Construction Prior to Issuance of Site Development Permit
Air Quality				
Impact 4.2-5: Construction and operation of the proposed project would not create objectionable odors affecting a substantial	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.2-1 Trash receptacles within the project area will be required to have lids that enable convenient collection and loading and will be emptied on a regular basis, in compliance with City of Santa Ana regulations for the collection of solid</p>	Planning and Building Agency	Project Applicant	During Operation

Table 4-2

Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
number of people.	waste.			
Impact 4.2-6: Construction activities associated with the proposed project would exceed South Coast Air Quality Management District Standards for VOC and NOX, and would result in a projected air quality violation. This is considered a potentially significant impact.	<p>Project-Specific Mitigation Measures: No additional mitigation is required.</p>			
	<p>Applicable Overlay Zone Mitigation Measures: MM-OZ 4.2-2 The developer shall require by contract specifications that all diesel-powered equipment used would be retrofitted with after-treatment products (e.g., engine catalysts and other technologies available at the time construction commences) when construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff. MM-OZ 4.2-3 The developer shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site would use low-NOX diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin at the time construction activities commence. This requirement shall not apply to diesel-powered trucks traveling to and from the project site. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff. MM-OZ 4.2-4 The developer shall require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent feasible in the South Coast Air Basin at the time construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff. MM-OZ 4.2-5 The developer shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff. MM-OZ 4.2-6 The developer shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five</p>	<p>Planning and Building Agency</p> <p>Planning and Building Agency</p> <p>Planning and Building Agency</p> <p>Planning and Building Agency</p> <p>Planning and Building Agency</p>	<p>Project Applicant</p> <p>Project Applicant</p> <p>Project Applicant</p> <p>Project Applicant</p> <p>Project Applicant</p>	<p>Prior to Construction</p> <p>Prior to Construction</p> <p>Prior to Construction</p> <p>Prior to Construction</p> <p>Prior to Construction</p>

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency	Project Applicant	Prior to Construction
	MM-OZ 4.2-7 The developer shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction
	MM-OZ 4.2-8 The developer shall require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction
	MM-OZ 4.2-9 The developer shall require by contract specifications that temporary traffic controls are provided, such as a flag person, during all phases of construction to maintain smooth traffic flow. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction
	MM-OZ 4.2-10 The developer shall require by contract specifications that construction activities that affect traffic flow on the arterial system be scheduled to off-peak hours (10 A.M. to 4 P.M.). Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction
	MM-OZ 4.2-11 The developer shall require by contract specifications that dedicated on-site and off-site left-turn lanes on truck hauling routes be utilized for movement of construction trucks and equipment on site and off site to the extent feasible during construction activities. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana Planning and Building Agency staff.	Planning and Building Agency/Public Works	Project Applicant	Prior to Construction
	MM-OZ 4.2-12 Upon issuance of building or grading permits, whichever is issued earliest, notification shall be mailed to owners and occupants of all developed land uses within ¼ mile of the Overlay Zone and the individual projects within the Overlay Zone providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will	Planning and Building Agency	Project Applicant	Upon Issuance of Building or Grading Permits

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager shall be responsible for complying with all project requirements related to PM10 generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site.</p>			
	<p>MM-OZ 4.2-13 As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:</p> <ul style="list-style-type: none"> ▪ Limiting the amount of area disturbed during site grading to 10 acres per day ▪ Application of soil stabilizers to inactive construction areas ▪ Quick replacement of ground cover in disturbed areas ▪ Watering of exposed surfaces three times daily ▪ Watering of all unpaved haul roads three times daily ▪ Covering all stock piles with tarp ▪ Reduction of vehicle speed on unpaved roads ▪ Post signs on site, limiting traffic to 15 miles per hour or less ▪ Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads ▪ Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas ▪ Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip 	Planning and Building Agency	Project Applicant	During grading, construction and project implementation
	<p>MM-OZ 4.2-14 The developer shall require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating of 100 grams per liter or less. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana Planning and Building Agency staff.</p>	Planning and Building Agency	Project Applicant	Prior to Construction

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>MM-OZ 4.2-15 The developer shall require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana Planning and Building Agency staff.</p> <p>MM-OZ 4.2-16 The developer shall require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana Planning and Building Agency staff.</p> <p>Project-Specific Mitigation Measures: No additional feasible mitigation is available.</p>	<p>Planning and Building Agency</p> <p>Planning and Building Agency</p>	<p>Project Applicant</p> <p>Project Applicant</p>	<p>Prior to Construction</p> <p>Prior to Construction</p>
Biological Resources				
Impact 4.3-1: Implementation of the proposed project would not result in a potential reduction in nesting opportunities for resident and migratory avian species of special concern.	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.3-1 To ensure that avian species of concern, protected migratory species (e.g., MBTA), or raptors species are not injured or disturbed by construction in the vicinity of nesting habitat, the project applicant shall implement the following measures:</p> <ol style="list-style-type: none"> 1. When feasible, all tree removal shall occur between August 30 and February 15 to avoid the breeding season of any raptor species that could be using the area, and to discourage hawks from nesting in the vicinity of an upcoming construction area. This period may be modified with the authorization of the DFG; or if it is not feasible to remove trees outside this window then, prior to the beginning of mass grading, including grading for major infrastructure improvements, during the period between February 15 and August 30, all trees within 350 feet of any grading or earthmoving activity shall be surveyed for active raptor nests by a qualified biologist no more than 30 days prior to disturbance. If active raptor nests are found, and the site is within 350 feet of potential construction activity, a fence shall be erected around the tree(s) at a distance of up to 350 feet, depending on the species, from the edge of the canopy to prevent construction disturbance and intrusions on the nest area. The appropriate buffer shall be determined by the City in consultation with CDFG. 2. No construction vehicles shall be permitted within restricted areas (i.e., raptor 	Planning and Building Agency / CDFG	Project Applicant	Prior to and during Project Construction

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>protection zones), unless directly related to the management or protection of the legally protected species.</p> <p>3. In the event that a nest is abandoned, despite efforts to minimize disturbance, and if the nestlings are still alive, the developer shall contact CDFG and, subject to CDFG approval, fund the recovery and hacking (controlled release of captive reared young) of the nestling(s).</p> <p>4. If a legally protected species nest is located in a tree designated for removal, the removal shall be deferred until after August 30th, or until the adults and young of the year are no longer dependent on the nest site as determined by a qualified biologist.</p> <p>Project-Specific Mitigation Measures: No additional mitigation is required.</p>			
Cultural Resources				
Impact 4.4-1: Implementation of the proposed project has the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.	<p>Applicable Overlay Zone Mitigation Measures: MM-OZ 4.4-2 Due to the lack of cultural resource studies for the project site and in order to avoid damaging any unidentified cultural resources, a qualified archaeologist should be retained to monitor any significant ground-disturbing activities in undeveloped areas within the Overlay Zone, and any deep (10' or deeper) ground-disturbing activities in all areas of the Overlay Zone.</p> <p>MM-OZ 4.4-3 In the event that archeological resources are unearthed during project subsurface activities, all earth-disturbing work within a 100-meter radius must be temporarily suspended or redirected until an archeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume.</p> <p>Project-Specific Mitigation Measures: No additional mitigation is required.</p>	Planning and Building Agency	Project Applicant	During Construction
Impact 4.4-2: Implementation of the proposed project has the potential to directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.	<p>Applicable Overlay Zone Mitigation Measures: MM-OZ 4.4-4 In the event that paleontological resources are unearthed during subsurface construction activities, all earth-disturbing work within a 100-meter radius of the find must be temporarily suspended or redirected until a paleontologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume.</p>	Planning and Building Agency	Project Applicant	During Construction

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
<p>Impact 4.4-3: Construction activities under the proposed project could result in the disturbance of human remains interred outside of formal cemeteries.</p>	<p><u>Project-Specific Mitigation Measures:</u> No additional mitigation is required.</p> <p><u>Applicable Overlay Zone Mitigation Measures:</u> MM-OZ 4.4-5 If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed with the remains.</p> <p><u>Project-Specific Mitigation Measures:</u> No additional mitigation is required.</p>	Planning and Building Agency/NAHC	Project Applicant	During Construction
<p>Geology and Soils</p> <p>Impact 4.5-1: Implementation of the proposed project could expose people and/or structures to potentially substantial adverse effects resulting from strong seismic groundshaking.</p>	<p><u>Applicable Overlay Zone Mitigation Measures:</u> MM-OZ 4.5-1 A site-specific geotechnical study shall be conducted under the direct supervision of a California Registered Engineering Geologist or licensed geotechnical engineer to assess detailed seismic, geological, soil, and groundwater conditions and develop recommendations to prevent or abate any identified hazards. The report shall specify foundation recommendations to ensure issues associated with underlying soils are addressed. Construction of the project shall comply with all recommendations in the geotechnical report. The study shall follow applicable recommendations of CDMG Special Publication 117 where applicable and shall include, but not necessarily be limited to the following:</p> <ul style="list-style-type: none"> ▪ Determination of the locations of any suspected fault traces and anticipated ground acceleration at the building site ▪ Potential for displacement caused by seismically induced shaking, liquefaction, differential soil settlement, expansive and compressible soils, or other earth movements or soil constraints ▪ Evaluation of depth to groundwater <p><u>Project-Specific Mitigation Measures:</u> No additional mitigation is required.</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Grading Permit/During Project Design

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Impact 4.5-5: The proposed development could be located on expansive soil.	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.5-2 The developer shall conduct expansion index tests in accordance with UBC Standard 18-2 prior to project construction. The design of structural elements shall include recommendations set forth by the expansion index tests.</p> <p>Project-Specific Mitigation Measures:</p> <p>No additional mitigation is required.</p>	Planning and Building Agency	Project Applicant	Prior to Project Construction
Hazards and Hazardous Materials				
Impact 4.6-2: Implementation of the proposed project would not result in the exposure of future residents to diesel exhaust emissions, which could pose a significant hazard.	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.6-1 A health risk assessment (HRA) for diesel exhaust shall be prepared. Recommendations contained within the HRA shall be implemented in project design.</p> <p>Project-Specific Mitigation Measures:</p> <p>No additional mitigation is required.</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Permits/During Project Design
Impact 4.6-3: Construction and operation of the proposed project could expose construction workers or the public to significant health and safety hazards through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.6-3 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Santa Ana Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.</p> <p>Project-Specific Mitigation Measures:</p> <p>No additional mitigation is required.</p>	Planning and Building Agency	Project Applicant	During Construction

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Impact 4.6-5: Implementation of the proposed project could result in a safety hazard for people residing or working in the project area.	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.6-4 The applicant shall file a Notice of Proposed Construction or Alteration with the FAA (FAA Form 7460-1). Following the FAA's Aeronautical Study of the project, the project must comply with conditions of approval imposed or recommended by the FAA. Subsequent to the FAA findings, the City shall refer the project to the Airport Land Use Commission (ALUC) for Orange County for consistency analysis.</p> <p>Project-Specific Mitigation Measures:</p> <p>No additional mitigation is required.</p>	Planning and Building Agency /FAA/ALUC	Project Applicant	Project to be reviewed by ALUC between Planning Commission and City Council meetings to discuss project and EIR.
Impact 4.6-6: Construction of the proposed project could interfere with an adopted emergency response plan or emergency evacuation plan.	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.6-5 Prior to initiation of construction activities, the project shall have a completed traffic control plan, prepared by the developer, which will be implemented during construction activities. This may include, but is not limited to, the maintenance of at least one unobstructed lane in both directions on surrounding roadways. At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions. If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating alternative routes.</p> <p>MM-OZ 4.6-6 The City Planning Division shall consult with the Santa Ana Police Department and the Santa Ana Fire Department to disclose temporary closures and alternative travel routes in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary land or roadway closures.</p> <p>Project-Specific Mitigation Measures:</p> <p>No additional mitigation is required.</p>	Public Works	Project Applicant	Prior to/During Construction
Hydrology and Water Quality		Planning and Building Agency/Police Dept./Fire Dept.	Planning and Building Agency	Prior to/During Construction
Impact 4.7-1: Implementation of the proposed project would not violate water quality standards, waste discharge, or otherwise substantially degrade water	<p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.7-1 In order to comply with the 2003 DAMP, a Storm Drain Plan, a Stormwater Pollution Prevention Plan (SWPPP), and a Water Quality Management Plan (WQMP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or</p>	Public Works	Project Applicant	Prior to issuance of permits

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
quality.	<p>Environmental Engineer, shall be submitted to the Department of Public Works for review and approval.</p> <p>(a) A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows, and for nuisance flows during construction.</p> <p>(b) A WQMP shall be prepared, maintained, and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall incorporate water quality measures for all improved phases of the project.</p> <p>(c) Location of the BMPs shall not be within the public right-of-way.</p> <p>Project-Specific Mitigation Measures: No additional mitigation is required.</p>			
<p>Impact 4.7-4: Development of the proposed project could alter the existing drainage pattern and potentially result in increased downstream flooding through the addition of impervious surfaces, or exceeding the capacity of existing or planned stormwater drainage systems.</p>	<p>Applicable Overlay Zone Mitigation Measures from: MM-OZ 4.7-2 Prior to issuance of grading permits, the project applicant shall submit a Hydrology and Hydraulic Study to the Public Works Department for review and approval. If existing facilities are not adequate to handle runoff that may be generated by the proposed development, then the applicant shall propose feasible remedies to assure that adequate drainage facilities will be available prior to issuance of occupancy permits. The applicant may propose storm drain improvements to be constructed in order to meet project needs. If necessary storm drain upgrades cannot be implemented prior to issuance of occupancy permits, on site detention facilities or other methods acceptable to the City shall be included with new development projects to ensure that post-construction runoff does not exceed pre-development quantities.</p> <p>Project-Specific Mitigation Measures: No additional mitigation is required.</p>	Public Works	Project Applicant	Prior to Issuance of Grading Permits

Noise

Impact 4.9-1 Construction activities associated with the proposed project would generate noise levels that exceed the noise

Applicable Overlay Zone Mitigation Measures:

MM-OZ 4.9-1 Construction activities shall be limited to the following general restrictions:

Planning and Building Agency

Project Applicant

During Construction

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
standards established by the City of Santa Ana Noise Regulations.	<ul style="list-style-type: none"> All construction activity within the City shall be conducted in accordance with Section 18-314(e) of the City of Santa Ana Municipal Code. <p>MM-OZ 4.9-2 The project applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:</p> <ul style="list-style-type: none"> Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 1,000 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. Ensure that construction equipment is properly muffled according to industry standards and be in good working condition. Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible. Schedule high noise-producing activities between the hours of 8:00 A.M. and 5:00 P.M. to minimize disruption on sensitive uses. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. Use electric air compressors and similar power tools rather than diesel equipment, where feasible. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. <p>MM-OZ 4.9-3 The project applicant shall require by contract specifications that construction staging areas along with the operation of earthmoving equipment within the project area would be located as far away from vibration and noise</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Grading Permit
		Planning and Building Agency	Project Applicant	Prior to Issuance of Grading Permit

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Impact 4.9-2: Operation of the proposed project would not expose residents on site to noise levels that exceed the standards established by the City of Santa Ana.	sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.	Planning and Building Agency	Project Applicant	Prior to Issuance of Grading Permit
	MM-OZ 4.9-4 The project applicant shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.			
	Project-Specific Mitigation Measures: No additional mitigation is required.			
	Applicable Overlay Zone Mitigation Measures: MM-OZ 4.9-5 Where future residential uses would be construction in areas exposed to noise levels greater than 60 dBA CNEL, prior to issuance of building permits, building plans shall reflect the construction of noise barriers around patios and balconies. The barriers shall be constructed of materials that provide a surface density of at least four pounds per square foot and shall be continuous, without gaps or gates. The height of the barriers shall be sufficient to reduce the exterior noise levels to a CNEL of 65 dBA or less, and shall be determined by a qualified acoustical consultant as part of the final engineering design of the project.			
	MM-OZ 4.9-6 Prior to issuance of building permits, building plans shall specify the STC rating of windows and doors for all residential land uses. Window and door ratings shall be sufficient to reduce the interior noise level to a CNEL of 45 dBA or less, and shall be determined by a qualified acoustical consultant as part of the final engineering design of the project.	Planning and Building Agency	Project Applicant	Prior to Issuance of Building Permits
	MM-OZ 4.9-7 The developer shall provide proper shielding for all new HVAC systems used by the proposed residential and mixed use buildings to achieve an attenuation of 15 dBA at 50 feet from the equipment.			
	Project-Specific Mitigation Measures: No additional mitigation is required.	Planning and Building Agency	Project Applicant	During Project Design and Construction

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
Public Services				
Impact 4.11-3: Operation of the proposed project would require new or physically altered facilities to accommodate additional students in Tustin Unified School District (TUSD) schools.	<p>Applicable Overlay Zone Mitigation Measures: MM-OZ 4.11-1 Individual project developers shall pay school impact fees prior to the issuance of occupancy permits.</p> <p>Project-Specific Mitigation Measures No additional mitigation is required.</p>	Planning and Building Agency	Project Applicant	Prior to Issuance of Occupancy Permits
Transportation/Traffic				
Impact 4.12-1: Implementation of the proposed project would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.	<p>Applicable Overlay Zone Mitigation Measures: MM-OZ 4.12-2 Future development within the proposed Overlay Zone shall prepare separate traffic studies, specific to the individual projects that are proposed. The traffic studies for future projects shall be prepared by a qualified traffic engineer of the City's choosing. Further, and as determined by the traffic studies, the above identified improvement measures shall be implemented as a condition of the proposed development, either through the direct construction of improvements by the project applicant or through payment of a fee, as required by the program detailed in MM-OZ 4.12-4.</p> <p>MM-OZ 4.12-4 The City of Santa Ana shall institute a program for systematic mitigation of impacts as development proceeds within the Overlay Zone to ensure mitigation of the individual improvements. The program shall prescribe the method of participation in the mitigation program by individual projects and guide the timely implementation of the mitigation measures. The program should include the following elements:</p> <ul style="list-style-type: none"> ▪ A funding and improvement program should be established to identify financial resources adequate to construct all identified mitigation measures in a timely basis. ▪ The program should allow for acquisition of entire properties including business relocation where necessary to construct mitigation measures. Funds derived from sale of surplus acquired properties should be returned to the program. ▪ All properties that redevelop within the Overlay Zone should participate in the program on a fair share per new development trip basis. The fair share should be based upon the total cost of all identified mitigation measures, divided by the 	Public Works	Project Applicant	Prior to Issuance of Building Permits
		Planning and Building Agency/Public Works	Planning and Building Agency/Public Works	During Implementation of Project

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>peak hour trip generation increase forecast. This rate per peak hour trip should be imposed upon the incremental traffic growth for any new development within the Overlay Zone.</p> <ul style="list-style-type: none"> ▪ The program should include resources to conduct preliminary engineering studies to complete alignment studies and project specific environmental clearances for Tustin Avenue at 17th Street and at 4th Street. ▪ The program should raise funds from full development of the Overlay Zone to fund all identified mitigation measures. ▪ The program should monitor phasing development of the Overlay Zone and defer or eliminate improvements if the densities permitted in the Overlay Zone are not occurring. ▪ Program phasing should be monitored through preparation of specific project traffic impact studies for any project that is expected to include more than 100 dwelling units or 100,000 square feet of non-residential development. Traffic impact studies should use traffic generation rates that are deemed to be most appropriate for the actual development proposed. ▪ The program should initiate project development to assure timely completion of the improvements identified to be needed for the First and Cabrillo Towers project by 2010 or as soon after as practically feasible. ▪ Properties within Santa Ana and within one-half mile of the Overlay Zone that redevelop to result in higher traffic generation should also participate in the program to insure equity. ▪ The program should provide for full construction of projects outside of Santa Ana, if the Overlay Zone will create a traffic impact based upon the CMP. ▪ The program should provide fair share contribution to construction costs of other improvements outside of the Overlay Zone if they are identified in this traffic study but they are not impacted as defined by the CMP. ▪ The fair share contribution would presume participation by other developments outside of the City of Santa Ana (generally within the City of Tustin) in proportion to traffic growth at the affected sites. ▪ Traffic impact studies for future projects shall be prepared by a qualified traffic engineer approved or retained by the City. ▪ The City may elect to implement appropriate mitigation measures as a condition of approval of the proposed developments, where appropriate. All or part of the costs of these improvements may be considered to be a negotiated 			


Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>credit toward the program, however the Program must be administered in a manner that assures that it can fund necessary improvements to maintain adequate level of service at all intersections within this study. If funding of priority improvements cannot be assured, credit for construction of lower priority improvements may not be assured or may be postponed until more Program funds are available.</p> <ul style="list-style-type: none"> Traffic studies for future developments within the Overlay Zone must also use trip generation rates which are specific for these projects and are approved by the City. The traffic consultant preparing traffic studies for specific projects in the Overlay Zone must use City-approved trip generation rates specific to these projects. These studies are subject to City review. <p>Project-Specific Mitigation Measures:</p> <p>MM 4.12-1 The project applicant shall make a fair share contribution for the construction of an eastbound right turn lane (approximately 300 feet in length) at the intersection of Fourth Street at SR-55 Southbound Ramps prior to the issuance of grading permits.</p> <p>MM 4.12-2 The project applicant shall make a fair share contribution for the construction of a raised median or other means such as diverter islands to prevent eastbound and westbound left turns and through movements at the intersection of Sixth Street at Tustin Avenue prior to the issuance of grading permits.</p> <p>Applicable Overlay Zone Mitigation Measures:</p> <p>MM-OZ 4.12-1 As part of the project, the City of Santa Ana and the project sponsors shall work with the transit providers to implement various transit-related measures to improve and expand bus system service within the Overlay Zone. These measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> Adding bus stops to the Overlay Zone along existing and proposed roadways Changing bus service headways to respond to increased demand Changing bus service destinations to respond to changing demand Adding local shuttle service for employees and patrons of the Overlay Zone <p>The details of bus service improvements shall be determined in coordination with OCTA. The following recommendations would help encourage public transit patronage for project-related trips:</p> <ul style="list-style-type: none"> Bus Stop Locations—Relocation of existing bus stops and the provision of additional bus stops should be considered to accommodate transit users at convenient locations. 	Public Works	Project Applicant	Prior to Issuance of the first Certificate of Occupancy
		Public Works	Project Applicant	Prior to Issuance of the first Certificate of Occupancy
Impact 4.12-8: The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation.		Public Works	Public Works	During Implementation of the Project

Table 4-2 Mitigation Monitoring Program for the First and Cabrillo Towers Project

Impacts	Mitigation Measures	Monitoring Party	Implementing Party	Mitigation Timing
	<p>▪ Days of Operation—The City should work with OCTA to consider changes to route times to serve nighttime and weekend project visitors and employees.</p> <p>Headway—The City should work with OCTA to review route headways to determine if it would be appropriate to reduce them to accommodate transit riders within the Overlay Zone.</p> <p>Project-Specific Mitigation Measures: No additional mitigation is required</p>			
Utilities and Service Systems				
Impact 4.13-4: Implementation of the Metro East Mixed Use Overlay Zone could require the construction of new or expanded wastewater conveyance systems, the construction of which would not cause significant environmental effects.	<p>Applicable Overlay Zone Mitigation Measures: No mitigation is required</p> <p>Project-Specific Mitigation Measures: MM 4.13-4 A 6-inch building lateral shall be installed on-site for the purposes of conveying wastewater flows from the proposed project to the existing OCSD conveyance system.</p>	Public Works	Project Applicant	Prior to issuance of Building Permits
Impact 4.13-8: Implementation of the First and Cabrillo Tower could increase the demand for electricity, but would not require or result in the construction of new energy production or transmission facilities, the construction of which could cause a significant environmental impact.	<p>Applicable Overlay Zone Mitigation Measures: MM-OZ 4.13-2 The project shall implement energy conservation measures (such as energy-efficient lighting and micro processor controlled HVAC equipment) to reduce the demand for electricity and natural gas. The energy conservation measures shall be subject to modification as new technologies are developed or if current technology becomes obsolete through replacement.</p> <p>Project-Specific Mitigation Measures: No additional mitigation is required.</p>	Planning and Building Agency	Project Applicant	Prior to issuance of Building Permits

EXHIBIT C

LINSCOTT
LAW &
GREENSPAN

engineers

PARKING STUDY AND PARKING MANAGEMENT PLAN
CABRILLO TOWN CENTER MIXED-USE PROJECT

Santa Ana, California

December 9, 2022

Engineers & Planners
Traffic
Transportation
Parking

December 9, 2022

Grant Williams
FRH Realty
5355 Mira Sorrento Place, Suite 100
Carlsbad, CA 92121

LLG Reference: 2.22.4531.1

Subject: **Parking Study and Parking Management Plan for the
Cabrillo Town Center Mixed-Use Project
Santa Ana, California**

Dear Mr. Williams:

As requested, Linscott, Law & Greenspan, Engineers (LLG) is pleased to submit this Parking Study and Parking Management Plan for Cabrillo Town Center Mixed-Used Project (hereinafter referred to as Project) in the City of Santa Ana, California. The Cabrillo Town Center Project is a planned mixed-use residential apartment project consisting of 507 residential apartment/townhome units with up to 17,200 square-feet (SF) of retail/commercial space, plus an additional 6,100 SF of commercial floor area allocated to leasing/co-work space. The Project site is a 8.97±-acre rectangular-shaped parcel of land within the Metro East Mixed-Use (MEMU) Overlay Zone that is generally located north of Fourth Street and east of Cabrillo Park Drive in the City of Santa Ana, California

This Parking Management Plan (PMP) has been prepared in response to City of Santa Ana requirements for the proposed Project to ensure adequate parking for all Project residents, tenants, employees and guests. This PMP is intended to be used to ensure that the Project's parking supply, based on parking information published in the *City of Santa Ana Metro East Mixed-Use (MEMU) Overlay Zone, Chapter 4.0 Development Standards, Section 4.8 Parking and Access, (A)(2) Village Center District (Section 4.8(A)(2))*, will be sufficient to accommodate the Project's actual parking demand. In addition, per City comments, the PMP should identify how stalls are assigned, gates are managed, method of access (keycard, access codes) for residents, guests, employees, and public. Further, the PMP should incorporate the requirements published in *Section 4.8(B)(2) of the MEMU*, and also the requirements of *Section 4.8(B)(4) of the MEMU*.

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PARKING GOALS

1. Meet or exceed City minimum requirements for total parking spaces.
2. Provide all resident and guest parking spaces onsite.
3. Provide flexible onsite parking opportunities for retail/commercial and resident parking that respect both commercial tenants and guest parking needs.
4. Enact policies that promote parking efficiencies and effective communication between Property Management, commercial tenants and project residents.
5. Enact policies of enforcement that are sufficiently flexible to meet current and changing parking demands.

PROJECT DESCRIPTION AND MULTIMODAL SETTING

Existing Development

The Project site is a 8.97±-acre rectangular-shaped parcel of land within the Metro East Mixed-Use (MEMU) Overlay Zone that is generally located north of Fourth Street and east of Cabrillo Park Drive in the City of Santa Ana, California. The Project site has an existing zoning of Professional (P) and is identified with a “Village Center District” designation in the MEMU Overlay Zone. The subject property is currently developed with four (4) three-story office buildings with a total floor area of 173,025 square-feet (SF) of floor area and approximately 617 surface parking spaces. The northern half of the Project site, addressed at 515 – 525 Cabrillo Park Drive, is developed with two (2) three-story office buildings with a total floor area of 92,115 SF, whereas the southern half, addressed at 1907 – 1971 E. Fourth Street, is developed with two (2) three-story office buildings with a total floor area of 80,910 SF.

Vehicular access to the Project site is currently provided via two (2) right-turn only driveways on Fourth Street, one (1) right-turn only driveway on Cabrillo Park Drive, and a full access driveway located opposite Park Court Place at Cabrillo Park Drive; No cross vehicular access is now provided with the adjacent commercial property to the east. See **Figure 1-1**, a Vicinity Map that illustrates the general location of the Project and surrounding street system. **Figure 2-1** is an existing aerial photograph of the Project site.

Proposed Project

The proposed Project will include the development of up to 507 residential apartment/townhomes units with a total of 1,025 parking spaces. Site "A" is proposed as five-story apartment podium with up 449 apartment homes consisting of 23 studio units, 264 one-bedroom units, 148 two-bedroom units, and 14 two-bedroom/live-work units, and 17,200 SF of retail/commercial floor area that consists of 5,800 SF of ground floor retail space and 11,400 SF of live/work commercial/office space. On-site facilities for Site "A" an additional 6,100 SF of leasing office and co-work space as well as resident amenities. Parking for Site "A" will be provided via a six-level parking structure with a total of 898 parking spaces. Of the proposed 898 spaces, 90 spaces are proposed to be allocated for resident guest and retail/commercial parking needs, with the remaining 808 spaces allocated for resident parking. In addition, although not counted as a part of the Site "A's" parking supply, an additional 23 on-street parking spaces will be provided on Park Court Place.

Site "B" is proposed as residential townhome community consisting of three-story townhomes with a total of 58 units and parking supply of 127 spaces consisting of 116 resident garage spaces and 11 open surface parking for use by resident guest. On-site facilities/amenities of the Site "B includes open space/courtyards. Although not counted as a part of the Project's parking supply, an additional 23 on-street parking spaces will be provided on Park Court Place.

Table 1-1 provides a summary of the proposed Project components, whereas *Table 1-2* provides a summary of the parking spaces provided within the proposed apartments parking structure, by level and type. *Figure 2-2* presents the proposed Site Plan, prepared by AO Architects, dated 11/10/2022.

Project's Pedestrian Connections

Pedestrian circulation would be provided via existing public sidewalks along Fourth Street and Cabrillo Park Drive which will connect to the project site. The project will protect the existing sidewalk along project frontage, and if necessary, repair or reconstruct sidewalks along the project frontage per the City's request. The existing sidewalk system within the project vicinity provides direct connectivity to the existing retail/commercial development located along major throughfares.

Project's Proximity to Public Transit

Public transit bus service is provided in the project area by the Orange County Transportation Authority (OCTA). Four (4) OCTA bus routes operate within the vicinity of the project site on First Street, 4th Street, 17th Street, and Tustin Avenue, which consists of the following:

- OCTA Route 60: The major routes of travel include 17th Street and Tustin Avenue. Nearest to the project site are bus stops located on 17th Street at Cabrillo Park Drive in the northwest and southwest corners. Route 60 operates on approximate 20-minute headways during weekdays and 15-minute headways on weekends.
- OCTA Route 64: The major route of travel is First Street. Nearest to the project site are bus stops located on First Street at Cabrillo Park Drive in the southeast and northwest corners. Route 64 operates on approximate 15-minute headways on the weekdays and 20-minutes on the weekends.
- OCTA Route 71: The major route of travel is Tustin Avenue. Nearest to the project site are bus stops located on Tustin Avenue at 4th Street in the northeast and southwest corners. Route 71 operates on approximate 50-minute headways on the weekdays and 45-minute headways on the weekends.
- OCTA Route 463: The major route of travel is 4th Street. Nearest to the project site are bus stops located on 4th Street at Cabrillo Park Drive in the northeast and southeast corners. Route 463 operates on approximate 25-minute headways on the weekdays and no bus service on the weekends.

Figure 3-2 graphically illustrates the transit routes of OCTA within the vicinity of the project. *Figure 3-3* identifies the locations of the existing bus stops in proximity to the Project site.

Project's Proximity to Bicycle Facilities

The City of Santa Ana promotes bicycling as a means of mobility and a way in which to improve the quality of life within its community. The Bikeway Master Plan recognizes the needs of bicycle users and aims to create a complete and safe bicycle network throughout the City. Currently, not many bicycle facilities exist in the study area. However, review of *Figure 3-4*, which presents the City's Bikeway Master Plan, shows that a Class I bike path is proposed to be built along Tustin Avenue within the vicinity of the Project.

PARKING DEMAND ANALYSIS

Parking Requirements per MEMU Requirements

To determine the number of parking spaces required to support the proposed Project, the parking requirement was calculated based on parking information published in the *City of Santa Ana Metro East Mixed-Use Overlay Zone, Chapter 4.0 Development Standards, Section 4.8 Parking and Access, (A)(2) Village Center District (Section 4.8(A)(2))*. The following parking ratio was used to determine the required parking:

- *Section 4.8(A)(2)(c): Mixed-use developments with less than 10 percent of the gross floor area devoted to commercial activity: a minimum of 2.0 spaces per residential or live/work unit inclusive of guest parking and any nonresidential uses.*
- *Section 4.8(A)(2)(d): Mixed-use developments with 10 percent or greater of the gross floor area devoted to commercial activity: Any development proposal that devotes 10 percent or more of the development's gross floor area to a nonresidential use shall be required to provide a parking study by a city approved consultant to establish an adequate parking requirement for the mixture of uses in the proposed development. In no case, however, shall a standard of less than 2.25 spaces per unit inclusive of guest parking and any nonresidential uses shall be established.*

Given the proposed Project's commercial floor area, which totals 17,200 SF, equates to less than 10 percent of the Project's total gross floor area, the Project would require 2.0 spaces per residential unit or live/work unit, inclusive of guest parking and any nonresidential uses.

Table 2 presents the MEMU parking requirements for the Project. Review of the upper half of **Table 2** identifies that the Project's proposed 449 apartment homes component would require 898 spaces. With a proposed parking supply of 898 parking spaces, the City's MEMU parking requirement for this Project component is satisfied. It should be noted that the retail/commercial and resident guest supply consists of 90 spaces located on the ground floor and subterranean level of the parking structure which will be ungated.

Review of the lower half of **Table 2** identifies that for the Project's proposed 58 unit townhome development, a parking requirement of 116 spaces is required (2.0 spaces per unit x 58 units). With a proposed parking supply of 127 spaces, this Project component has an 11-space parking surplus when compared to the City's MEMU parking requirements.

However, knowing that the retail/commercial and residential guest component of the Project are expected to share spaces and would have peaks that occur at different times of the day a shared parking assessment has been considered. The shared parking approach would be a part of the Project's PMP to ensure adequate parking is maintained for all users of the Project.

It is noted that although not counted as a part of the Project's parking supply, an additional 23 on-street parking spaces will be provided on Park Court Place, thus effectively increasing the Project's overall surplus to 34 spaces.

PARKING MANAGEMENT PLAN (PMP)

The Parking Management Plan should incorporate the requirements published in *Section 4.8(B)(2) of the MEMU*, and also the requirements of *Section 4.8(B)(4) of the MEMU* as summarized below:

- *4.8(B)(2). All residential units shall be provided a minimum of one (1) assigned space per unit.*
- *4.8(B)(4). Parking spaces specifically designated for nonresidential and residential uses shall be clearly marked by the use of posting, pavement markings, and/or physical separation. Parking area design shall incorporate a separation of the parking for nonresidential and residential uses, except that guest parking may be combined with nonresidential parking as long as the total required parking for the development is not reduced.*

As such, to ensure adequate parking is provided for both tenants, employees and guests of the Project, it is recommended that when the Property Owner and/or Property Management Company deems it necessary, the following key Parking Management Strategies be implemented by the Property Owner and/or Property Management Company.

PMP Measures

Specific PMP measures are described below, and were developed based on the following objectives and will be implemented through signage and by on-site management:

Objectives:

- The PMP should restrict residents from parking in the guest spaces.
- The PMP should restrict guests from parking in the reserved resident spaces.

- The PMP should require guests to park in designated guest spaces.
- The PMP should restrict vehicles from exceeding the time restriction on the short term parking, if any is proposed.
- The PMP should allow for the use of proposed “short-term/time restricted” parking spaces allocated retail and leasing use for use by residents and resident guests after business hours, if necessary.
- The PMP should help develop the framework for a detailed parking agreements between the leasing office and the tenants

Retail/Commercial Component

1. The Property Owner/Property Management Company will implement a reciprocal/shared parking program to ensure the pool of parking for the retail/commercial component and guest of the residential component is available to be “shared”. The pool of parking spaces to be allocated for resident guest and retail/commercial use is proposed to be provided on Subterranean Level and Level 1 of the apartment parking structure in compliance of *Section 4.8(B)(4) of the MEMU*.
2. The Property Owner/Property Management Company will work with tenants of the Project’s retail/commercial component to implement an employee parking program, with the goal of providing convenient and accessible shopping experience for the customers of the retail/commercial uses and to leave the most desirable parking spaces within the parking structure for use by customers. The location of designated employee parking spaces will be developed in collaboration between Property Owner/Property Management Company and the tenants. The employee parking spaces will be identified with a white or yellow circle, and/or signage. It is noted that these spaces will be open for customer use.
3. The Property Owner/Property Management Company will work with tenants of the Project’s retail/commercial component to identify the need for “short term/time restricted spaces” on an as need basis, dependent on the needs of the proposed retail and/or commercial/office use, These short term spaces will most likely be designated on the ground floor (Level 1) of the Site A parking structure. The short-term spaces may be used for service retail-type users as well as be designated for prospective resident tenants. The number and location of spaces will be determined by Property Owner/Property Management Company and the potential tenants.
4. Retail/commercial customers or visitor of the tenants of apartment mixed-use component of the Project will be able to park, on a first come first serve basis, on the 23 on-street parking spaces along Park Court Place.

Residential Component

5. The Property Owner/Property Management Company shall assign one (1) parking space to every unit for the Project's 449 unit apartment component per *Section 4.8(B)(2) of the MEMU*. Additional spaces may be assigned to any unit that requests additional assigned spaces dependent on the number of bedrooms provided within said unit. The Property Owner/Property Management Company shall determine the allocation of parking spaces for resident tenants and location of guest parking spaces, inclusive of spaces designated and signed for prospective resident tenants. Resident may not park more than two (2) vehicles in the complex unless authorized by the Project Owner/Project Management Company.
6. Residents will be provided a transponder or similar device (fob or key card, etc.) for remote access to the gated residential parking area within the Project's 449 unit apartment component. As shown in the Project site plan, Level 1 of the parking structure will have two residential gates to access the upper levels of the garage.
7. The Property Owner/Homeowner's Association shall require residents of the 58-unit townhomes component to use their garage to park their vehicle. Recognizing that garages are sometimes used for storage, it will be the resident's responsibility to ensure that a resident's vehicle can park in the garage with the door closed. No boats or RV's are allowed. Resident vehicles not parking in their garage space will be towed.
8. Pending the requirements of the Property Owner/Homeowner's Association Company, resident vehicles may be allowed to parked temporary outside their garages. However, if a temporary valid permit is not obtained from the Property Owner/Property Management Company and is not properly displayed, the vehicle may be towed at the owners' expense. The eleven (11) open spaces located within the townhomes component of the Project should be made available to accommodate townhome resident guests parking needs. Resident guests of the townhomes component of the Project will be able to park, on a first come first serve basis, within eleven (11) parking space of the townhome site.
9. Vehicles lacking current registration will not be issued a permit. Vehicles that have lapsed registration will be towed by the Property Owner/Property Management Company or Homeowner's Association. The storage of inoperable or unregistered vehicles is prohibited.
10. Every resident will be required to register their vehicle. The registered owner must be a lease holding resident. No permits will be issued to non-lease holders,

or vehicles not registered to a lease holder. This registration will be updated annually at the time of recertification.

11. Vehicles may not occupy unassigned spaces for more than twenty-four (24) hours, without contacting the leasing office in advance. Violators are subject to towing at the vehicle owner's expense.
12. If you obtain a new vehicle, you must provide new registration, and will be given a new permit (transferring permits is not permissible).
13. Violation of the PMP strategies contained herein may result in the towing of the vehicle at the vehicle owner's expense.
14. The enforcement of resident and resident guest parking on-site parking requirements summarized herein will be handled by the Property Owner/Property Management Company or the Homeowner's Association to ensure compliance.

Retail/Commercial & Residential Component

15. Relative to the 23 curbside parking spaces located on Park Court Place, the Property Owner/Property Management Company will work with the City of Santa Ana on time-restrictive signage for these spaces. No overnight parking should be allowed on these spaces and parking should be limited to no more than 2-hours during the period of 8:00 AM to 7:00 PM daily. The PMP may consider limiting resident and/or resident guest parking to after 5:00 PM daily. Given the on-street parking spaces are within the public right-of-way, the installation of the necessary signing and striping improvements will be subject to the review and approval of the City of Santa Ana. Further yet, the enforcement of parking restrictions these public parking spaces would be the responsibility of the City of Santa Ana.
16. Resident guests of the apartment homes component of the Project will be able to park, on a first come first serve basis, within the 90 spaces allocated within the apartment's parking structure or 23 on-street parking spaces along Park Court Place. Resident and/or Resident Guest parking overnight will require prior approval by Property Owner/Property Management Company and a permit.
17. The parking conditions for the Project will be reviewed/monitored on an annual basis by the Property Owner/Property Management Company and Homeowner's Association and appropriate actions detailed above will be taken to ensure that the necessary PMP measures are being implemented.

Through this monitoring and cooperation with the residents and tenants as a result of the annual review/monitoring, a partnership will be formed to ensure that residential tenants and retail employees and Management Company personnel on the property work together to ensure adequate parking is available.

SHARED PARKING ANALYSIS

To validate the adequacy of the proposed retail/commercial parking supply in combination with the residential guest component a shared parking analysis has been prepared based on the utilization profile of each included land use component. The following section calculates the parking requirements for Project based on the shared parking methodology outlined in ULI *Shared Parking, 3rd Edition*.

The specific tenancy mix of the Project provides an opportunity to share parking spaces based on the utilization profile of each included land use component. The parking ratios identified above have been used directly for incorporation into a shared parking analysis consistent with the methodology outlined in the Urban Land Institute (ULI) and published in *Shared Parking, 3rd Edition*. Based on the results of this shared parking assessment, the adequacy of the Project's retail/commercial component and resident guest parking supply of 90 spaces can be determined.

Key inputs in the shared parking analysis for each land use include:

- Peak parking demand by land use for visitors and employees.
- Adjustments for alternative modes of transportation, if applicable.
- Adjustment for internal capture (captive versus non-captive parking demand), if applicable.
- Hourly variations of parking demand.
- Weekday versus weekend adjustment factors
- Monthly adjustment factors to account for variations of parking demand over the year.

For this analysis, a conservative 10% parking adjustment to account for (1) "walk-in/internal capture" trips attributable to synergy between uses within the Project and adjacent residential uses, and (2) alternative modes of travel (i.e. carpool, vanpool, transit, bicycle, pedestrian) were utilized to provide a conservative parking demand forecast for the proposed Project. For the Project's Live/Work component, it is assumed that 50% of the employee parking needs are attributed to the residents who would occupy these units. These adjustments are representative of the interaction between the Project's retail and residential component and as well as the existing uses in the vicinity of the Project site.

Tables 3 and 4 present the overall weekday and weekend parking demand profiles for the retail/commercial and residential guest components of the Project based on the shared parking methodology. Columns (1) through (3) of these tables present the parking accumulation characteristics and parking demand of the proposed uses for the hours of 6:00 AM to midnight. Columns (4) through (5) presents the expected joint-use parking demand for the Center on an hourly basis and further presents the hourly parking surplus/deficiency for the proposed Project compared to the parking supply of 90 spaces. Both tables highlight the forecast peak parking demand for the retail/commercial center component of the Project during the morning peak hour (shown in), afternoon peak period (shown in) and evening peak hour (shown in).

Based on our experience, the shared parking approach summarized in *Tables 3 and 4* are believed to be the most appropriate in evaluating the parking supply-demand relationships for Project. The results in these tables are the focus of this parking investigation and recommendations.

Shared Parking Results

Review of *Tables 3 and 4* indicates that the future full occupancy weekday peak retail/commercial and residential guest parking demands will occur at 7:00 PM with a peak demand of 81 spaces. Based on the proposed retail/commercial and residential guest parking supply of 90 spaces, the peak demand hours on a weekday will result in a surplus of 9 spaces. On a weekend, a peak parking demand will occur at 7:00 PM and 8:00 PM with peak demands of 79 spaces resulting in a surplus of 11 spaces. *Appendix A* contains the detailed weekday and weekend shared parking worksheets.

Figures 4-1 and 4-2 graphically illustrate the weekday and weekend hourly parking demand forecast for the shared parking component, respectively. Each of the anticipated land use component/tenant mix and its corresponding hourly Shared Parking demand for various mixes of uses, which were presented in *Tables 3 and 4*, are depicted in these two figures relative to a proposed parking supply of 90 spaces. A review of these figures indicates that the Project's parking supply for the retail/commercial and resident guest of 90 spaces will adequately accommodate the weekday and weekend hourly shared parking demand

CONCLUSIONS

Based on the above, it is concluded that adequate parking will be provided to satisfy the parking demand for residents, guests and employees of the Cabrillo Town Center Mixed-Use Project. Nevertheless, to ensure adequate parking is provided for all users of the Project, the Property Owner and/or Property Management Company, if they

deem it necessary, would implement and enforce the appropriate Parking Management Strategy recommended in this Parking Management Plan, to ensure that accessible and convenient parking is available for all users at all times.

In summary, the proposed Project provides more than adequate parking to accommodate the needs of both the retail/commercial users and residential users. The proposed PMP measures would help ensure these adequacies for all.

* * * * *

We appreciate the opportunity to provide this analysis for FRH Realty and the City of Santa Ana. Should you have any questions, please call us at 949.825.6175.

Respectively submitted,

Linscott, Law & Greenspan, Engineers



Richard E. Barretto, P.E.
Principal



Attachments

cc: Shane Green, P.E., Senior Transportation Engineer

Exhibit D

Alternative Driveway

