

Appendix 2-1

NOP and NOP Comments

**Notice of Preparation / Notice of Scoping Meeting for
a Draft Environmental Impact Report
for the 2045 Fountain Valley General Plan Update**

DATE: November 9, 2021

TO: State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Interested Organizations

LEAD AGENCY: City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708
Contact: Brian James, Planning and Building Director
Phone: 714-593-4426
Email: Brian.James@fountainvalley.ca.gov

The City of Fountain Valley intends to prepare an Environmental Impact Report (EIR) for the proposed 2045 Fountain Valley General Plan (Project).

In accordance with Section 15082 of the State CEQA Guidelines, the City of Fountain Valley has prepared this Notice of Preparation to provide Responsible Agencies and other interested parties with information describing the proposed project and its potential environmental effects. The public is encouraged to visit the General Plan website <https://www.fountainvalley.org/1282/General-Plan-Update> to learn more about the project and view the outreach, reports, and information provided to date. Environmental factors that would be potentially affected by the proposed project are:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological resources
- Cultural and Tribal Resources
- Greenhouse Gas Emissions
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Mineral Resources
- Population and Housing Noise
- Public Services Noise
- Transportation and Traffic
- Utilities and Service Systems

REVIEW PERIOD: The City of Fountain Valley, as lead agency, requests that responsible and trustee agencies respond in a manner consistent with §15082(b) of the CEQA Guidelines and §21080.4 of the Public Resources Code. Responsible agencies must submit any comments in response to this notice during the 30-day public review period. The public review period will commence on **November 12, 2021**, and will close on **December 11, 2021**. A copy of the NOP can be viewed electronically on the City's web page at:

<https://www.fountainvalley.org/1282/General-Plan-Update>

Comments in response to this notice can be emailed to Brian James at Brian.James@fountainvalley.ca.gov or can be physically mailed in writing to the address below by the close of the 30-day NOP review period at 5:00 pm December 11, 2021:

Brian James
City of Fountain Valley
Planning and Building Department
10200 Slate Avenue
Fountain Valley, CA 92708

SCOPING MEETING: The City has scheduled a Public Scoping Meeting for the EIR to describe the proposed project, the environmental review process, and to receive your verbal input on the information that should be included in the EIR. The Public Scoping Meeting is scheduled on the date and time listed below. The meeting is being conducted via Zoom to maximize the public's ability to attend.

NOVEMBER 22, 2021

6:00 PM

<https://us06web.zoom.us/j/88266997980>

PROJECT LOCATION: The City of Fountain Valley is centrally located in the County of Orange and is bounded by the Santa Ana River to the east, the City of Huntington Beach on the west and south, and the City of Westminster to the north. Interstate 405 bisects the City, running diagonally northwest to southeast.

PROJECT DESCRIPTION: The 2045 General Plan is the City's policy and implementation framework that guides the long-term growth and improvement of the Fountain Valley community through interrelated components of city governance:

- » **A Vision** that provides a sense of the purpose and mission for city governance and sets the tone for the other components of the plan. The Vision's central theme is embracing change while preserving community values and quality of life.
- » **A General Plan** that addresses state law and guides City decisions through long-term goals and policies to achieve Fountain Valley's Vision. In addition to the topics required by state law, the plan will address the optional topics of economic development, community design, air quality, and governance.
- » **An Implementation Plan** that identifies the actions needed to carry out the Plan's policies. This includes initiatives by the City, as well as decisions on public and private development projects and City activity programs.

The proposed project updates the General Plan to guide the City's development and conservation for the next 20+ years through 2045. The proposed project is a comprehensive update of the General Plan to comply with state housing mandates; conform with new state laws related to community health, environmental justice, climate adaptation, resiliency, and mobility; and bring long-term growth and fiscal projections into alignment with current economic conditions and state mandates.

The General Plan will address the following topics:

- » **Land use:** establishes how land is developed, used, and arranged to ensure compatibility and add value to the community in terms of function, design, and fiscal return.
- » **Economic development and fiscal sustainability:** an expansion of an existing topic to grow revenues and reduce costs to offset the sunset of Measure HH, and to position the City to maximize the economic value of its development options in the context of future market conditions.
- » **Community design:** an expansion of an existing topic to more directly address neighborhood compatibility and development design guidelines.
- » **Governance:** a way to formally memorialize how the City makes decisions and governs, recognizing a stronger connection between long term policies, short-term decisions, and the budget.
- » **Housing:** updates needed to obtain state certification.
- » **Circulation:** coordinates the circulation system with future land use patterns and buildout to satisfy local and subregional mobility needs, access and connectivity among the various neighborhoods, and compliance with Orange County’s Congestion Management Program.
- » **Parks and open space:** establishes broad direction for open space and park and recreation programs, emphasizing the vital role parks and recreation play in economic development, land use, housing, community health, infrastructure, and transportation goals.
- » **Healthy communities strategies:** augmenting recent “health in all policies” approaches with a focus on partnerships and programs that are more effective and impactful.
- » **Conservation:** addresses how resources are managed comprehensively using systems that are environmentally and economically sustainable and meet growth demand in Fountain Valley.
- » **Public safety:** addresses how the City protects life, property, and commerce from impacts associated with human-made and natural hazards, disasters, and other threats to public safety; also identifies ways the City can establish strategies to adapt to increased hazard risks and strategies to become more resilient.
- » **Air quality:** establishes appropriate policies to achieve progress toward air quality goals as identified by the South Coast Air Quality Management District’s Air Quality Management Plan.
- » **Noise:** identifies measures to maintain a noise environment that is compatible for the various neighborhoods and land uses in terms of noise exposure for near-term and long-term growth and traffic activity.

Environmental justice is only a required topic for jurisdictions that contain disadvantaged communities. According to CalEnviroScreen (CES version 4.0), all census tracts in Fountain Valley have a CES composite score below the 75th percentile—the threshold above which the City and California Environmental Protection Agency deem a census tract to be a disadvantaged community.

The land use designations in the City of Fountain Valley will largely remain as designated under the current General Plan, with the addition of Very High Density Residential (VHDR), Mixed Use 1 (MU1), and Mixed Use 2 (MU2) designations. Table 1, *Buildout Statistical Summary*, provides a statistical summary of the buildout potential associated with the 2045 General Plan compared to existing conditions. Figures 3 and 4 illustrate existing conditions and the proposed 2045 General Plan land use map, respectively. The City will also amend its Development Code, Zoning Map, and associated specific plans to implement the updated General Plan.

Table 1 Buildout Statistical Summary

Scenario	Acres	Units	Population	Non-res Sq. Feet	Employment
Existing Conditions	4,612	19,395	57,595	11,925,652	32,485
Proposed GP (2045)	4,612	25,633	73,668	13,231,538	36,542
Potential Growth	--	6,238	16,073	1,305,886	4,057

PUBLIC AGENCY APPROVAL: The proposed project will require adoption by the Fountain Valley City Council. The Planning Commission and other decision-making bodies will review the proposed project and make recommendations to City Council. Though other agencies may be consulted during the project process, their approval is not required for adoption of the 2045 General Plan. However, subsequent development under the proposed project may require approval of responsible or trustee agencies that may rely on the General Plan EIR for decisions in their areas of expertise.

If you have further questions or require additional information, please contact Brian James, Planning and Building Director, at Brian.James@fountainvalley.ca.gov or (714) 593-4426.

Date: November 9, 2021

Signature:

Brian James, Planning and Building Director

ATTACHMENTS:

- » Figure 1: Regional Location
- » Figure 2: Aerial Photograph

- » Figure 3: Map of Existing Land Use
- » Figure 4: Proposed Land Use Plan Map

**Notice of Preparation / Notice of Scoping Meeting for
a Draft Environmental Impact Report
for the 2045 Fountain Valley General Plan Update**

DATE: October 25, 2022

TO: State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Interested Organizations

LEAD AGENCY: City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708
Contact: Omar Dadabhoy, Deputy City Manager/Community Development Director
Phone: 714-593-4426
Email: omar.dadabhoy@fountainvalley.org

The City of Fountain Valley intends to prepare an Environmental Impact Report (EIR) for the proposed 2045 Fountain Valley General Plan (Project).

In accordance with Section 15082 of the State CEQA Guidelines, the City of Fountain Valley has prepared this Notice of Preparation to provide Responsible Agencies and other interested parties with information describing the proposed project and its potential environmental effects. The public is encouraged to visit the General Plan website <https://www.fountainvalley.org/1282/General-Plan-Update> to learn more about the project and view the outreach, reports, and information provided to date. Environmental factors that would be potentially affected by the proposed project are:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological resources
- Cultural and Tribal Resources
- Greenhouse Gas Emissions
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Mineral Resources
- Population and Housing Noise
- Public Services Noise
- Transportation and Traffic
- Utilities and Service Systems

REVIEW PERIOD: The City of Fountain Valley, as lead agency, requests that responsible and trustee agencies respond in a manner consistent with §15082(b) of the CEQA Guidelines and §21080.4 of the Public Resources Code. Responsible agencies must submit any comments in response to this notice during the 30-day public review period. The comment period will commence on **October 25, 2022**, and will close on **November 24, 2022**. A copy of the NOP can be viewed electronically on the City's web page at:

<https://www.fountainvalley.org/1282/General-Plan-Update>

Comments in response to this notice can be emailed to Brian James at omar.dadabhoy@fountainvalley.org or can be physically mailed in writing to the address below by the close of the 30-day NOP review period at 5:00 pm November 24, 2022:

Omar Dadabhoy
City of Fountain Valley
Planning and Building Department
10200 Slate Avenue
Fountain Valley, CA 92708

SCOPING MEETING: The City held a Public Scoping Meeting for the EIR to describe the proposed project, the environmental review process, and to receive your verbal input on the information that should be included in the EIR. The Public Scoping Meeting was held on November 22, 2021 after the City posted the NOP on its website.

PROJECT LOCATION: The City of Fountain Valley is centrally located in the County of Orange and is bounded by the Santa Ana River to the east, the City of Huntington Beach on the west and south, and the City of Westminster to the north. Interstate 405 bisects the City, running diagonally northwest to southeast.

PROJECT DESCRIPTION: The 2045 General Plan is the City's policy and implementation framework that guides the long-term growth and improvement of the Fountain Valley community through interrelated components of city governance:

- » **A Vision** that provides a sense of the purpose and mission for city governance and sets the tone for the other components of the plan. The Vision's central theme is embracing change while preserving community values and quality of life.
- » **A General Plan** that addresses state law and guides City decisions through long-term goals and policies to achieve Fountain Valley's Vision. In addition to the topics required by state law, the plan will address the optional topics of economic development, community design, air quality, and governance.
- » **An Implementation Plan** that identifies the actions needed to carry out the Plan's policies. This includes initiatives by the City, as well as decisions on public and private development projects and City activity programs.

The proposed project updates the General Plan to guide the City's development and conservation for the next 20+ years through 2045. The proposed project is a comprehensive update of the General Plan to comply with state housing mandates; conform with new state laws related to community health, environmental justice, climate adaption, resiliency, and mobility; and bring long-term growth and fiscal projections into alignment with current economic conditions and state mandates.

The General Plan will address the following topics:

- » **Land use:** establishes how land is developed, used, and arranged to ensure compatibility and add value to the community in terms of function, design, and fiscal return.

- » **Economic development and fiscal sustainability:** an expansion of an existing topic to grow revenues and reduce costs to offset the sunset of Measure HH, and to position the City to maximize the economic value of its development options in the context of future market conditions.
- » **Community design:** an expansion of an existing topic to more directly address neighborhood compatibility and development design guidelines.
- » **Governance:** a way to formally memorialize how the City makes decisions and governs, recognizing a stronger connection between long term policies, short-term decisions, and the budget.
- » **Housing:** updates needed to obtain state certification.
- » **Circulation:** coordinates the circulation system with future land use patterns and buildout to satisfy local and subregional mobility needs, access and connectivity among the various neighborhoods, and compliance with Orange County’s Congestion Management Program.
- » **Parks and open space:** establishes broad direction for open space and park and recreation programs, emphasizing the vital role parks and recreation play in economic development, land use, housing, community health, infrastructure, and transportation goals.
- » **Healthy communities strategies:** augmenting recent “health in all policies” approaches with a focus on partnerships and programs that are more effective and impactful.
- » **Conservation:** addresses how resources are managed comprehensively using systems that are environmentally and economically sustainable and meet growth demand in Fountain Valley.
- » **Public safety:** addresses how the City protects life, property, and commerce from impacts associated with human-made and natural hazards, disasters, and other threats to public safety; also identifies ways the City can establish strategies to adapt to increased hazard risks and strategies to become more resilient.
- » **Air quality:** establishes appropriate policies to achieve progress toward air quality goals as identified by the South Coast Air Quality Management District’s Air Quality Management Plan.
- » **Noise:** identifies measures to maintain a noise environment that is compatible for the various neighborhoods and land uses in terms of noise exposure for near-term and long-term growth and traffic activity.

Environmental justice is only a required topic for jurisdictions that contain disadvantaged communities. According to CalEnviroScreen (CES version 4.0), all census tracts in Fountain Valley have a CES composite score below the 75th percentile—the threshold above which the City and California Environmental Protection Agency deem a census tract to be a disadvantaged community.

The land use designations in the City of Fountain Valley will largely remain as designated under the current General Plan, with the addition of Very High Density Residential (VHDR), Mixed Use 1 (MU1), and Mixed Use 2 (MU2) designations. Table 1, *Buildout Statistical Summary*, provides a statistical summary of the buildout

potential associated with the 2045 General Plan compared to existing conditions. Figures 3 and 4 illustrate existing conditions and the proposed 2045 General Plan land use map, respectively. The City will also amend its Development Code, Zoning Map, and associated specific plans to implement the updated General Plan.

Table 1 Buildout Statistical Summary

Scenario	Acres	Units	Population	Non-res Sq. Feet	Employment
Existing Conditions	4,612	19,395	57,595	11,925,652	32,485
Proposed GP (2045)	4,612	25,633	73,668	13,231,538	36,542
Potential Growth	--	6,238	16,073	1,305,886	4,057

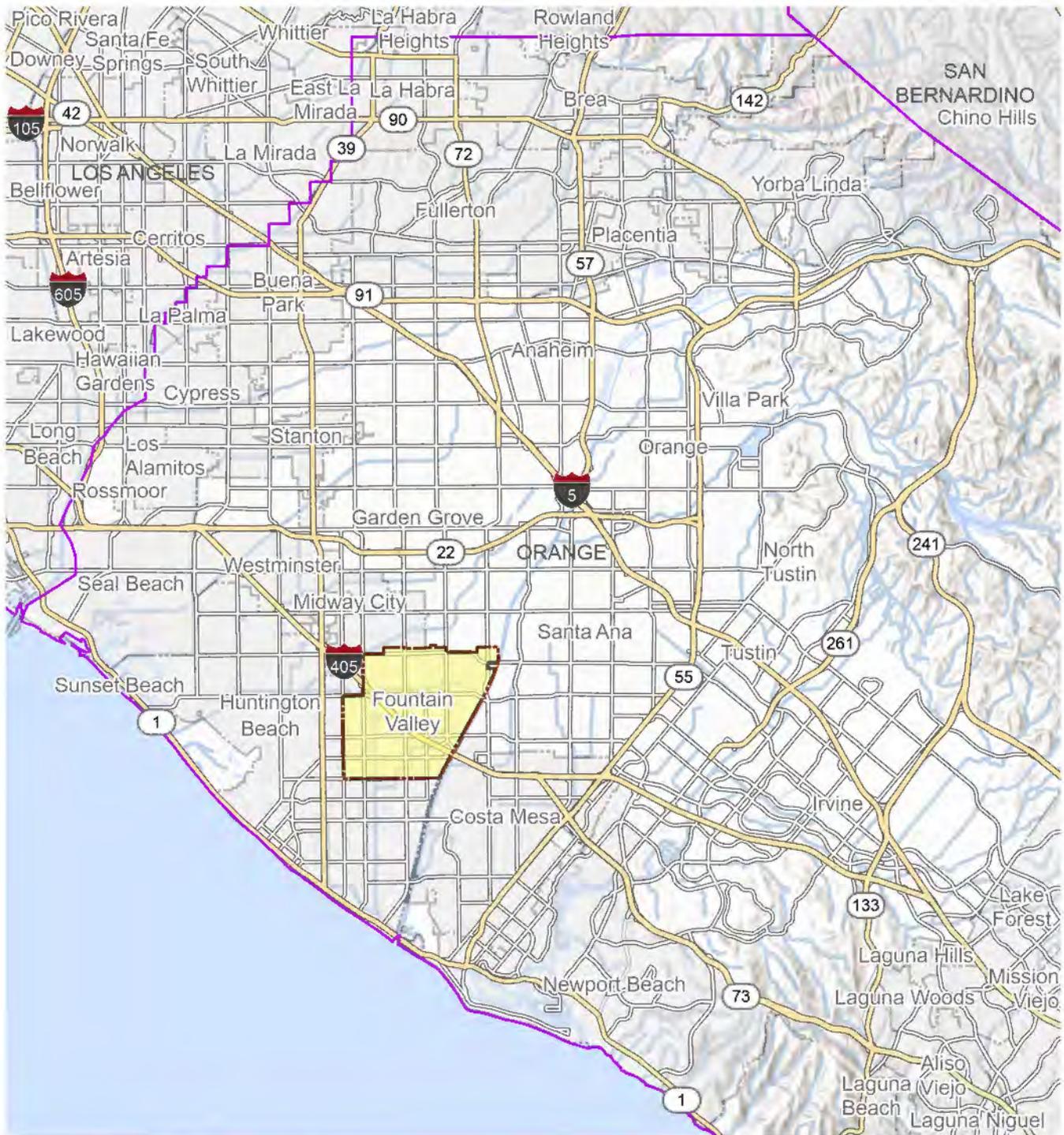
PUBLIC AGENCY APPROVAL: The proposed project will require adoption by the Fountain Valley City Council. The Planning Commission and other decision-making bodies will review the proposed project and make recommendations to City Council. Though other agencies may be consulted during the project process, their approval is not required for adoption of the 2045 General Plan. However, subsequent development under the proposed project may require approval of responsible or trustee agencies that may rely on the General Plan EIR for decisions in their areas of expertise.

If you have further questions or require additional information, please contact Omar Dadabhoy, Deputy City Manager/Community Development Director, at omar.dadabhoy@fountainvalley.org or (714) 593-4426.

Date: October 25, 2022

ATTACHMENTS:

- » Figure 1: Regional Location
- » Figure 2: Aerial Photograph
- » Figure 3: Map of Existing Land Use
- » Figure 4: Proposed Land Use Plan Map



Date: 10/25/21  0 0.25 0.5 Mi

-  County Boundary
-  Fountain Valley City Limit
-  Fountain Valley SOI

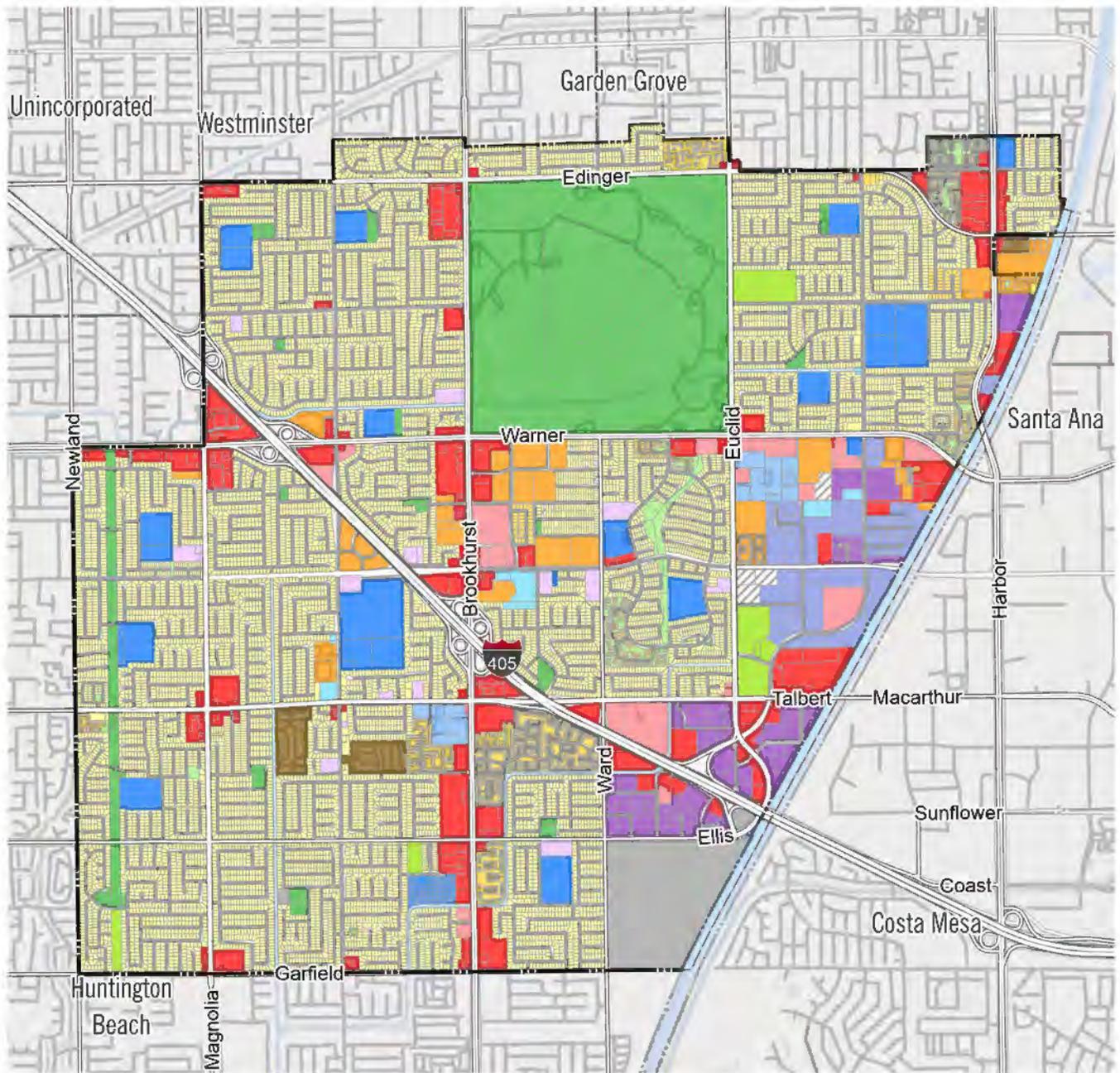
Figure 1 Regional Context



Date: 10/25/21  0 0.25 0.5 Mi

-  Fountain Valley City Limit
-  Fountain Valley SOI

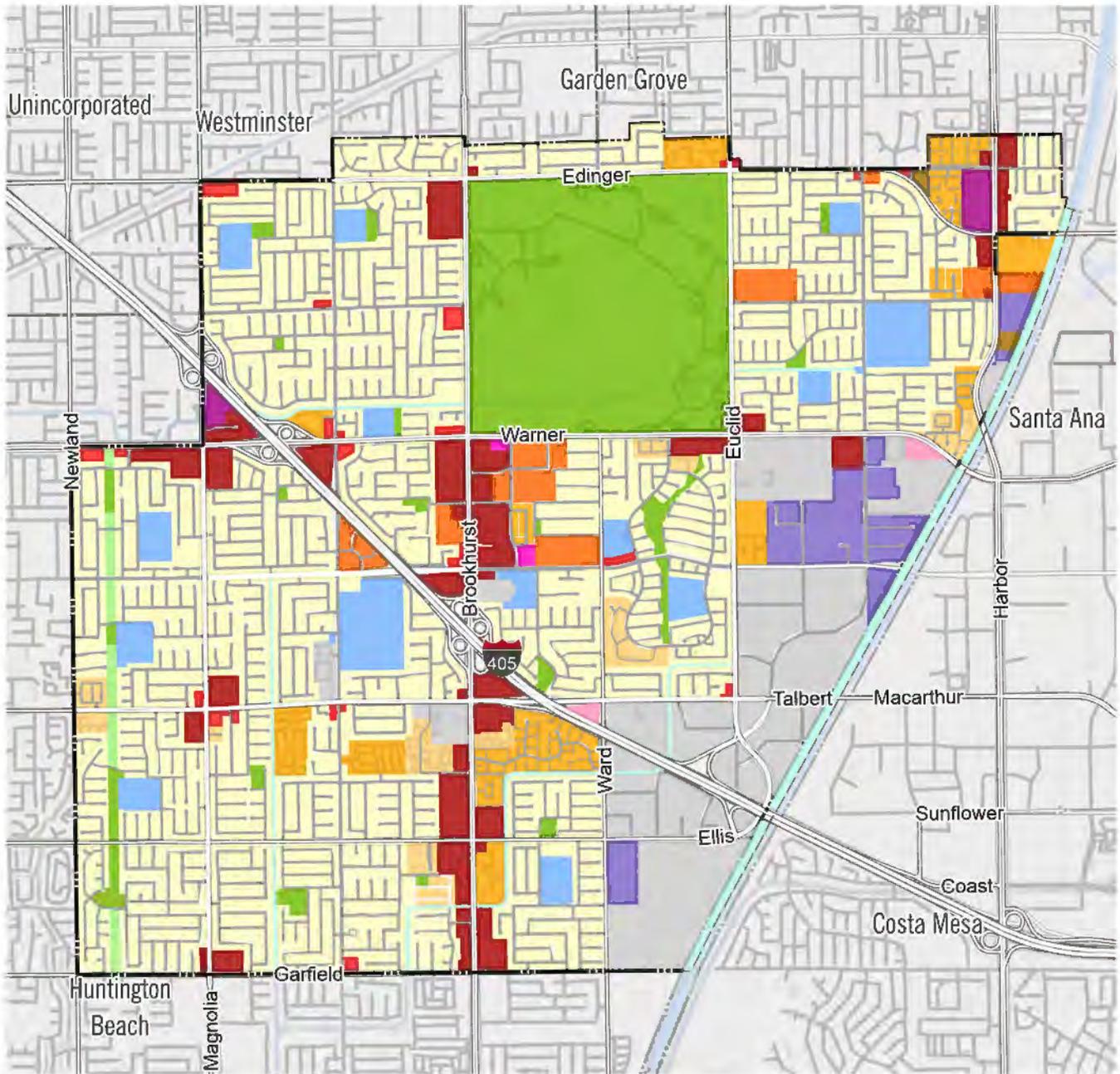
Figure 2 Aerial Imagery



Date: 10/25/21  0 0.25 0.5 Mi



Figure 3 Existing Land Use



Date: 10/25/21  0 0.25 0.5 Mi

Proposed General Plan

-  Low Density Residential (Up to 5 du/ac)
-  Low Medium Density Resid (Up to 10.8 du/ac)
-  Medium Density Residential (Up to 15 du/ac)
-  High Density Residential (Up to 30 du/ac)
-  Mixed Use 1 (Up to 65 du/ac)*

-  Mixed Use 2 (Up to 40 du/ac)*
-  Very High Density Residential (Up to 60 du/ac)
-  Local Commercial (Up to 0.35 FAR)
-  Office Commercial (Up to 0.50 FAR)
-  General Commercial (Up to 0.50 FAR)
-  Commercial Manufacturing (Up to 0.60 FAR)
-  Public Facilities

-  Flood Control Channel
-  Open Space
-  Park
-  Specific Plan
-  Fountain Valley City Limit
-  Fountain Valley SOI



*When the following condition exists, the maximum residential density may be increased to 75 units per acre: the nearest property line of the perimeter of a mixed-use zone is either separated by the 405 freeway from or located at least 400 feet from the property line of an R1 Zone in the City of Fountain Valley.

Figure 4 Proposed General Plan



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

November 22, 2021

Project Name: 2045 Fountain Valley General Plan Update

Thank you for your letter regarding the project above. This is to concur that we are in agreement with the General Plan Update. However, our Tribal government would like to request consultation for any and all future projects when ground disturbance will be occurring within this location.

Sincerely,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

www.gabrielenoindians.org

admin@gabrielenoindians.org



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

December 7, 2021

Brian.James@fountainvalley.ca.gov

Brian James, Director
City of Fountain Valley, Planning and Building Department
10200 Slater Avenue
Fountain Valley, California 92708

Notice of Preparation of an Environmental Impact Report for the Proposed 2045 Fountain Valley General Plan Update (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send a copy of the EIR upon its completion and public release directly to South Coast AQMD as copies of the EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁵ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁶.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁷ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁸, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy⁹.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

Control Number: ORC211116-14

⁵ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁶ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁷ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁸ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

⁹ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.



December 8, 2021

Mr. Brian James, Planning and Building Director
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, California 92708
Phone: (714) 593-4426
E-mail: Brian.James@fountainvalley.ca.gov

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the 2045 Fountain Valley General Plan Update [SCAG NO. IGR10519]

Dear Mr. James,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the 2045 Fountain Valley General Plan Update (“proposed project”) to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG’s adopted regional plans, to be determined by the lead agencies.¹

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG’s feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is also the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the 2045 Fountain Valley General Plan Update in Orange County. The proposed project includes a comprehensive update of the General Plan to comply with state housing mandates; conform with new state laws related to community health, environmental justice, climate adaption, resiliency, and mobility; and bring long-term growth and fiscal projections into alignment with current economic conditions and state mandates.

When available, please email environmental documentation to IGR@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Anita Au, Senior Regional Planner, at (213) 236-1874 or IGR@scag.ca.gov. Thank you.

Sincerely,

Frank Wen, Ph.D.
Manager, Planning Strategy Department

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
T: (213) 236-1800
www.scag.ca.gov

REGIONAL COUNCIL OFFICERS

President
Clint Lorimore, Eastvale

First Vice President
**Jan C. Harnik, Riverside County
Transportation Commission**

Second Vice President
Carmen Ramirez, County of Ventura

Immediate Past President
Rex Richardson, Long Beach

COMMITTEE CHAIRS

Executive/Administration
Clint Lorimore, Eastvale

Community, Economic &
Human Development
Jorge Marquez, Covina

Energy & Environment
David Pollock, Moorpark

Transportation
Sean Ashton, Downey

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
2045 FOUNTAIN VALLEY GENERAL PLAN UPDATE [SCAG NO. IGR10519]**

CONSISTENCY WITH CONNECT SOCIAL

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with Connect SoCal.

CONNECT SOCIAL GOALS

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

SCAG CONNECT SOCIAL GOALS	
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>
Goal #3:	<i>Enhance the preservation, security, and resilience of the regional transportation system</i>
Goal #4:	<i>Increase person and goods movement and travel choices within the transportation system</i>
Goal #5:	<i>Reduce greenhouse gas emissions and improve air quality</i>
Goal #6:	<i>Support healthy and equitable communities</i>
Goal #7:	<i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i>
Goal #8:	<i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>
Goal #9:	<i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i>
Goal #10:	<i>Promote conservation of natural and agricultural lands and restoration of habitats</i>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG CONNECT SOCIAL GOALS	
Goal	Analysis
Goal #1: <i>Encourage regional economic prosperity and global competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
Goal #2: <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG’s 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect

SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts				Adopted City of Fountain Valley Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	56,853	58,527	59,054	58,966
Households	6,333,458	6,902,821	7,170,110	7,633,451	18,898	19,082	19,238	19,430
Employment	8,695,427	9,303,627	9,566,384	10,048,822	32,242	33,428	33,845	34,153

MITIGATION MEASURES

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG’s Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

REGIONAL HOUSING NEEDS ALLOCATION

On March 4, 2021 SCAG’s Regional Council adopted the [6th cycle Final Regional Housing Needs Assessment \(RHNA\) Allocation Plan](#) which covers the planning period October 2021 through October 2029. The 6th cycle Final RHNA allocation for the applicable jurisdiction is below.

SCAG 6 th Cycle Final RHNA Allocation for City of Fountain Valley	
Income Category	RHNA Allocation (Units)
Very low income	1,307
Low income	786
Moderate income	834
Above moderate income	1,912
Total RHNA Allocation	4,839

Sixth cycle housing elements were due to the California Department of Housing and Community Development (HCD) by October 15, 2021. SCAG encourages jurisdictions to adopt a housing element in compliance with State housing law as determined by review from HCD. Jurisdictions that do not have an adopted compliant housing element may be ineligible for certain State funding and grant opportunities and may be at risk for legal action from stakeholders or HCD.

SCAG staff would like to call your attention to SCAG’s [HELPR 2.0](#), a web-mapping tool developed by SCAG to help local jurisdictions and stakeholders understand local land use, site opportunities, and environmental sensitivities for aligning housing planning with the state Department of Housing and Community Development’s (HCD) [6th cycle housing element requirements](#).

ENVIRONMENTAL JUSTICE

Per [Senate Bill 1000](#) (SB 1000), local jurisdictions in California with disadvantaged communities are required to develop an Environmental Justice (EJ) Element or consider EJ goals, policies, and objectives in their General Plans when updating two or more General Plan Elements. The City of Fountain Valley does not have any disadvantaged communities but if the City would like to consider environmental justice in its General Plan Update, SCAG staff recommends that you review the [Environmental Justice Technical Report](#) and the updated [Environmental Justice Toolbox](#), which is a resource document to assist local jurisdictions in developing EJ-related goals and policies regarding solutions for EJ-related community issues.

NATIVE AMERICAN HERITAGE COMMISSION

October 27, 2022

Omar Dadabhoy
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

Re: 2022100563, 2045 Fountain Valley General Plan Update Project, Orange County

Dear Ms. Dadabhoy:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

[AB 52](#)



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

From: [Frost, Erik@DOC](mailto:Frost.Erik@DOC)
To: omar.dadabhoy@fountainvalley.org
Cc: [OPR State Clearinghouse](#); OLRA@DOC
Subject: 2045 Fountain Valley General Plan Update (SCH 2022100563) - CGS comments
Date: Tuesday, November 15, 2022 4:27:39 PM



Hello Omar Dadabhoy,

The California Geological Survey (CGS) has received a Notice of Preparation of a Draft Environmental Impact Report (EIR) for the City of Fountain Valley's General Plan update. This email conveys the following comments from CGS concerning geologic issues related to the planning area:

1. Earthquake Hazards

The CGS has mapped earthquake zones of required investigation (ZORI) for liquefaction within the planning area. The Draft EIR should discuss liquefaction hazards, and may wish to refer to Seismic Hazard Zone Report 03 (1997) and the associated Seismic Hazard Zone Map for the Newport Beach quadrangle:

https://gmw.conservation.ca.gov/SHP/EZRIM/Reports/SHZR/SHZR_003_Anaheim_Newport_Beach.pdf

https://gmw.conservation.ca.gov/SHP/EZRIM/Maps/NEWPORT_BEACH_EZRIM.pdf

Cities and counties affected by earthquake ZORI must regulate certain development projects within them. The Seismic Hazards Mapping Act (1990) also requires sellers of real property (and their agents) to disclose at the time of sale that the property lies within such a zone.

If you have any questions, please feel free to call or email.

Erik

Dr. Erik Frost

Senior Engineering Geologist | Seismic Hazards Program

California Geological Survey

715 P Street, MS 1901, Sacramento, CA 95814

(916) 205-8255

erik.frost@conservation.ca.gov

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 EAST 4TH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6000

FAX (657) 328-6522

TTY 711

www.dot.ca.gov/caltrans-near-me/district12

Governor's Office of Planning & Research

NOV 23 2022**STATE CLEARING HOUSE**Making Conservation
California Way of Life.

November 22, 2022

Mr. Omar Dadabhoy
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

File: IGR/CEQA
SCH#: 2022100563
IGR LOG #2022-02119

Dear Mr. Dadabhoy,

Thank you for including the California Department of Transportation (Caltrans) in the review of Notice of Preparation for a Draft Environmental Impact Report for the 2045 Fountain Valley General Plan Update. The 2045 General Plan is the City's policy and implementation framework that guides the long-term growth and improvement of the Fountain Valley community through interrelated components of city governance: A Vision that provides a sense of the purpose and mission for city governance and sets the tone for the other components of the plan. The Vision's central theme is embracing change while preserving community values and quality of life. A General Plan that addresses state law and guides City decisions through long-term goals and policies to achieve Fountain Valley's Vision. In addition to the topics required by state law, the plan will address the optional topics of economic development, community design, air quality, and governance. An Implementation Plan that identifies the actions needed to carry out the Plan's policies. This includes initiatives by the City, as well as decisions on public and private development projects and City activity programs. The proposed project updates the General Plan to guide the City's development and conservation for the next 20+ years through 2045. The proposed project is a comprehensive update of the General Plan to comply with state housing mandates; conform with new state laws related to community health, environmental justice, climate adaptation, resiliency, and mobility; and bring long-term growth and fiscal projections into alignment with current economic conditions and state mandates.

The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. Caltrans is a responsible agency on this project and has the following comments:

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Transportation Planning

1. As part of state goals to reduce greenhouse gas emissions and VMT, Caltrans encourages the City of Fountain Valley to consider multimodal Complete Streets in the General Plan update, particularly related to the topics of Circulation, Healthy Communities Strategies, Public Safety, and Air Quality. The prioritization of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities is an important component to building healthy, livable, and sustainable communities. This may include General Plan elements that aim to improve safety and mobility for residents through improved bicycle and pedestrian infrastructure, bicycle parking minimums and standards, electric vehicle charging, and investments in transit.
2. Caltrans recognizes our responsibility to assist communities of color and underserved communities by removing barriers to provide a more equitable transportation system for all. The Department firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, and more accessible and more connected transportation system. Please consider including a discussion on equity in General Plan Element updates.
3. Caltrans supports projects which provide a diversity of housing choices and destinations accessible by Active Transportation (i.e., bicycle and pedestrian) and transit users. Consider providing a discussion about the City's multimodal mobility strategies relating to transit bus and rail services as well as active transportation for local and regional connectivity. Improving multimodal connections to housing will encourage future residents, visitors, and workers in the city to utilize all modes of transportation.

4. Safety is one of Caltrans' Strategic goals. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners.
5. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.
6. Please consider including a discussion on incorporating designated areas/parking for freight delivery, package, and transportation network companies' pickup and drop-offs into the circulation topic area as these areas have become a concern for goods movement to, from and within Orange County.

Traffic Impact Study

7. New developments resulting from the City's Housing Element update should provide a Vehicle Miles Traveled (VMT) based Traffic Impact Study (TIS). Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.
8. The TIS may also need to identify the future project's near-term and long-term safety or operational issues, on or adjacent to any existing or proposed State facilities.

Mr. Omar Dadabhoy
November 22, 2022
Page 4

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Maryam Molavi, at (657) 328-6280 or Maryam.Molavi@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Shelley". The signature is fluid and cursive, with the first name "Scott" being more prominent than the last name "Shelley".

Scott Shelley
Branch Chief, Regional-IGR-Transit Planning
District 12