

**Appendix A      Notice of Preparation for the Anaheim  
General Plan Focused Update**

## Appendices

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City of Anaheim  
**Planning Department**

**Notice of Preparation  
Notice of Scoping Meeting**

DATE: February 16, 2022

TO: State Clearinghouse, Responsible Agencies, Trustee Agencies, Other Public Agencies, Interested Parties, Residents

FROM: City of Anaheim

SUBJECT: **Notice of Preparation and Scoping Meeting for the City of Anaheim General Plan Update Programmatic Environmental Impact Report**

NOTICE IS HEREBY GIVEN that the City of Anaheim (City) will prepare a programmatic environmental impact report (PEIR) for the City of Anaheim General Plan Update project (Proposed Project). The City is the lead agency for the Proposed Project. The purpose of this notice is to: (1) serve as a Notice of Preparation (NOP) of a PEIR pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15082, (2) solicit comments and suggestions regarding the scope and content of the PEIR to be prepared for the Proposed Project, and (3) notice the public scoping meeting.

**NOTICE OF PREPARATION:** The City determined that the Proposed Project would require preparation of a full-scope PEIR; thus, an Initial Study was not prepared in conjunction with this NOP. Consistent with Section 15168 of the CEQA Guidelines, the City will prepare a PEIR to address the environmental impacts associated with the project at a programmatic level. The Proposed Project is an update to the City's General Plan, which is a long-range plan consisting of policies that will guide future development activities and City actions. No specific development projects are proposed as part of the Proposed Project. However, the PEIR can serve to streamline environmental review of future projects.

The City of Anaheim, as Lead Agency, requests that responsible and trustee agencies respond in a manner consistent with CEQA Guidelines Section 15082(b). Pursuant to CEQA Section 21080.4, responsible agencies must submit any comments in response to this notice no later than 30 days after the date of this NOP. Comments in response to this notice must be submitted in writing at the address below by the close of the 30-day NOP review period, **by 5:00 pm on March 18, 2022.**

**SCOPING MEETING:** The City will hold a virtual public scoping meeting at **6:00 pm on March 2, 2022**, to provide members of the public with an opportunity to learn about the project, ask questions, and provide comments about the scope and content of the information to be addressed in the PEIR. Information can also be found at the following location: <https://www.anaheim.net/6093/General-Plan-Update-PEIR>.

**Virtual Meeting:** <https://tinyurl.com/2wtv6anp>

**Project Title:** City of Anaheim General Plan Update Programmatic Environmental Impact Report (PEIR)

**Project Applicant:** City of Anaheim

**Send Responses to:** City of Anaheim  
Joanne Hwang, Senior Planner  
200 S. Anaheim Boulevard Suite 162  
Anaheim, CA, 92805

**Questions:** If you have any questions, please contact Ms. Hwang at (714) 765-4968 or by email to [programeir@anaheim.net](mailto:programeir@anaheim.net)

**Project Location:** The project encompasses the City of Anaheim, which is approximately 35 miles southeast of downtown Los Angeles and 7 miles north of Santa Ana. The city is surrounded by the cities of Fullerton, Placentia, and Yorba Linda to the north; Riverside County to the east; the cities of Orange, Garden Grove, and Stanton and unincorporated Orange County to the south; and the cities of Cypress and Buena Park to the west. The city encompasses over 32,000 acres of land, stretching nearly 20 miles along State Route 91.

**Project Background:** State law requires that every local jurisdiction adopt a comprehensive, long-term general plan, typically with a 20-year horizon. A general plan represents the community's view of its future and is often referred to as a blueprint for growth and development. State law requires that a general plan contain eight elements: land use, circulation, housing, open space, noise, safety, environmental justice, and conservation. General plans must be periodically updated to respond to new state laws, changing conditions, and emerging issues and opportunities. The purpose of the City of Anaheim General Plan is to create a policy framework that articulates a vision for the city's long-term physical form and development, while preserving and enhancing the quality of life for Anaheim's residents. In 2004, the Anaheim City Council adopted a comprehensive update of the City's General Plan and certified EIR No. 330 as the environmental documentation. Since the 2004 comprehensive update, the City has amended its General Plan 75 times. These amendments continue to follow current General Plan policies and objectives, providing flexibility to enhance and guide development in diverse areas of the city.

In 2014, the Anaheim City Council approved the 2014-2021 Housing Element. This document is one of the eight State-required components of the General Plan. This document assesses the housing needs for the City of Anaheim and plans for the provision of housing at a variety of income levels. The Housing Element includes policy programs that identify specific strategies to meet these housing needs. The City of Anaheim is in the process of updating the sixth cycle housing element for the 2021-2029 planning period to address the City's Regional Housing Needs Assessment (RHNA) growth allocation of 17,453 housing units. The Housing Element update will require changes to the City's Zoning Code and land use maps.

**Proposed Project:** The City of Anaheim is in the process of preparing a technical update to parts of its General Plan, which constitutes the Proposed Project. The following element updates and related policy changes are included as part of the Proposed Project:

- **Circulation Element Update:** The Circulation Element identifies the general location and extent of existing and proposed major transportation facilities, including major roadways, passenger and freight rail, transit systems, and bikeways. It also provides policies, programs, actions, and priority transportation networks that support the safe and efficient movement of people driving, walking, biking, and taking transit in Anaheim. The Circulation Element will be updated to reflect changes in transportation needs, new technologies, and other projects, such as the City's 2021-2029 Housing Element. Changes may include, but are not limited to, updates to the policies, technical guidance, and circulation-system networks and classifications.
- **Safety Element Update:** The Safety Element identifies the potential short- and long-term risks of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards. It identifies hazards and hazard-abatement provisions to guide local decisions related to zoning, subdivisions, and entitlement permits. The City will use the risk assessment and mitigation strategies from the Local Hazard Mitigation Plan, which is currently being updated, to update the Safety Element. The Safety Element will be updated to ensure compliance with state law, as described in Section 65302(g) of the California Government Code, related to wildfire, climate change, and evacuation. The updated element will also address wildfire hazards in greater detail to ensure compliance with SB 1241 due to the presence of Very High Fire Hazard Severity Zones within the City's Local Responsibility Area.
- **New Environmental Justice Element:** The state law requires local jurisdictions with disadvantaged communities to adopt a new Environmental Justice Element when they are updating two or more elements of their general plan. The Environmental Justice Element will be compliant with all relevant State laws, including California Senate Bill 1000 (2016), by addressing the following seven topics: (1) pollution exposure (including air quality); (2) public facilities; (3) food access; (4) safe and sanitary homes; (5) physical activity; (6) community engagement; and (7) prioritization of improvements and programs addressing the needs of disadvantaged communities.
- **New Climate Action Plan (CAP):** The new CAP will serve as a strategic framework for measuring, planning, and reducing greenhouse gas emissions and related climatic impacts in the city.

- **Zoning Code and Land Use Changes:** The 2021-2029 Housing Element and updates to the other General Plan elements, described above, require updates to the City’s Zoning Code, Zoning Map, and the Land Use Element to ensure consistency and allow for future implementation.

In addition, the Proposed Project may amend other General Plan elements to ensure consistency between the elements.

The City will prepare a PEIR to evaluate the potential environmental impacts associated with the Proposed Project. The City of Anaheim, as lead agency for the project, is responsible for preparing environmental documentation, in accordance with CEQA, to determine if approval of the Proposed Project could have a significant impact on the environment.

**Environmental Review:** The PEIR will consider whether the implementation provisions of the General Plan Update (i.e., goals, policies, and programs) would reduce environmental impacts, or whether additional mitigation measures would be required to ensure that environmental impacts are reduced to the extent feasible. In accordance with CEQA, the cumulative impacts discussion will be based on review of other plans shaping development outside of the study area. CEQA also requires that an EIR evaluate alternatives to a project that could reasonably attain the project objectives while reducing any significant impact of the project, as well as considering the “No Project” Alternative (i.e., what could happen if the Proposed Project was not approved).

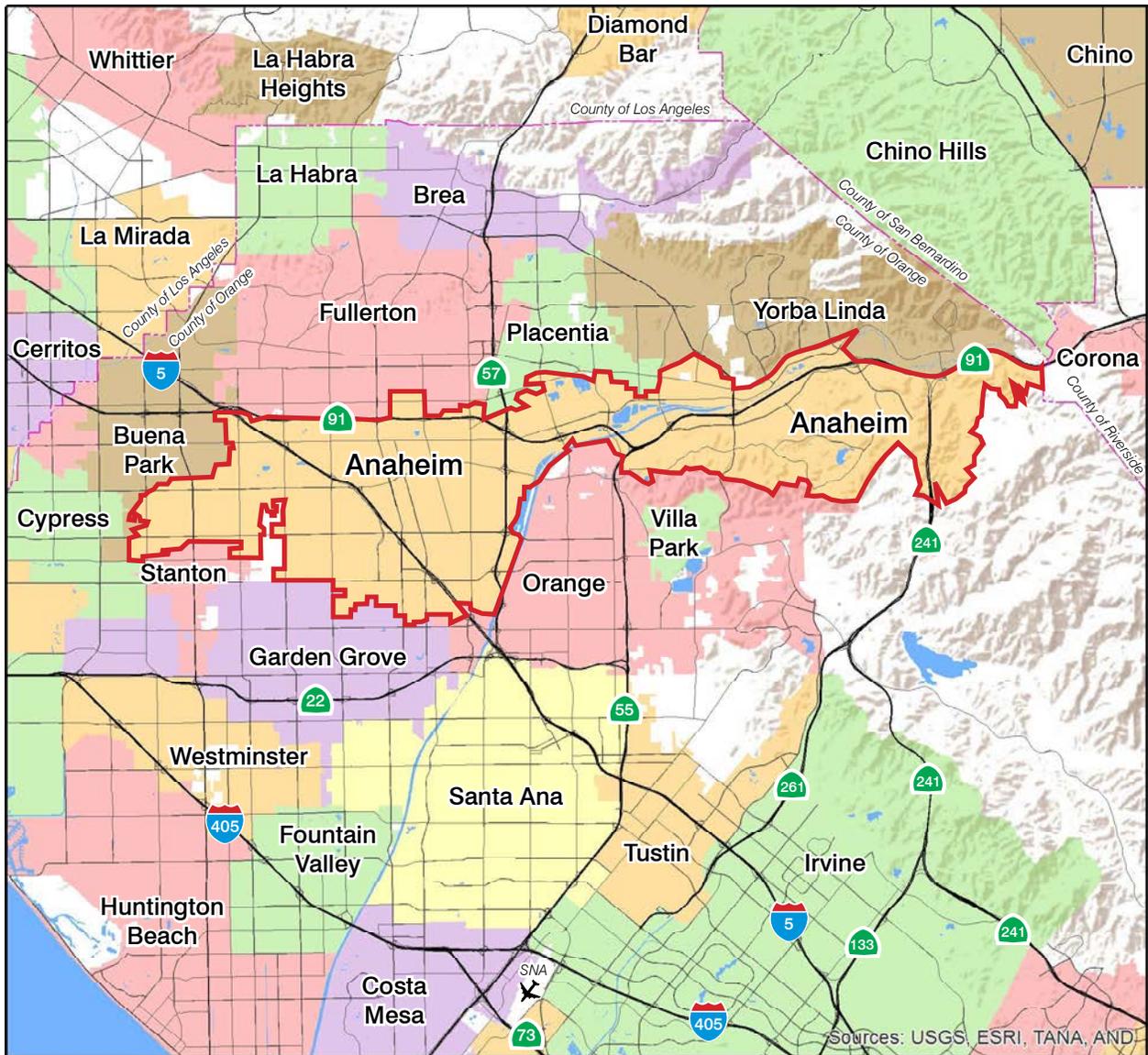
**Environmental Factors Potentially Affected:** The EIR will address the Proposed Project’s potential impacts to the following environmental topics:

- |  |                                 |
|--|---------------------------------|
| ▪ Aesthetics                                   | ▪ Land Use and Planning         |
| ▪ Agricultural and Forestry Resources          | ▪ Mineral Resources             |
| ▪ Air Quality                                  | ▪ Noise                         |
| ▪ Biological Resources                         | ▪ Population and Housing        |
| ▪ Cultural Resources/Tribal Cultural Resources | ▪ Public Services               |
| ▪ Energy                                       | ▪ Recreation                    |
| ▪ Geology and Soils                            | ▪ Transportation                |
| ▪ Greenhouse Gas Emissions                     | ▪ Utilities and Service Systems |
| ▪ Hazards and Hazardous Materials              | ▪ Wildfire                      |
| ▪ Hydrology and Water Quality                  |                                 |

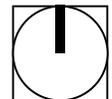
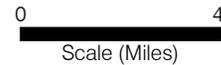
**Attachments:**

Figure 1, Regional Location Map

Figure 1 Regional Location



— City of Anaheim Boundary



## NATIVE AMERICAN HERITAGE COMMISSION

February 16, 2022

Joanne Hwang  
City of Anaheim  
200 S. Anaheim Boulevard  
Anaheim, CA 92805

**Re: 2022020363, City of Anaheim General Plan Update Project, Orange County**

Dear Ms. Hwang:

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.**



CHAIRPERSON  
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VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
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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](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](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 ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) 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](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

**From:** [Darin Loughrey](#)  
**To:** [Planning Project - General Plan Update Program EIR](#)  
**Subject:** [EXTERNAL] General Plan Update  
**Date:** Wednesday, March 2, 2022 12:30:47 PM  
**Attachments:** [OCPF 2020-21 Annual Conservation Easement Report.pdf](#)

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**Warning: This email originated from outside the City of Anaheim. Do not click links or open attachments unless you recognize the sender and are expecting the message.**

In advance of tonight's scoping meeting, I would like to provide updated information on the 1040-acre Mountain Park Conservation Easement which is located in the City of Anaheim and adjacent to the Hwy 241 and Hwy 91 intersection.

Several improvements have been made to the Conservation Easement over the past year which are documented in the attached file titled "2020-21 Easement Compliance Assessment." All improvements and monitoring conducted at the site in Fiscal Year 2020-21 were aligned with an overarching goal of improving the conservation value of the land.

Several thoughts come to mind as the conservation easement relates to the City of Anaheim's General Plan. Under the heading "New Environmental Justice Element," the Mountain Park Conservation Easement is planned to open for limited public use in the spring 2023. The site is publicly owned and managed by OC Parks, who will administer programs, free of charge to Anaheim residents (and general public), and thus provide a variety of physical activity opportunities and connections to nature.

The environmental factors potentially affected through the opening of this site to the public include: Aesthetics, biological resources, geology and soils, recreation and wildfire.

If you have any questions about the Mountain Park Conservation Easement, please contact Darin Loughrey, Executive Director of Orange County Parks Foundation, at [dloughrey@occonservation.org](mailto:dloughrey@occonservation.org). Please note the land to the east of the Mountain Park Conservation Easement is property owned and managed by the Orange County Cemetery District.

Darin Loughrey  
Executive Director  
Orange County Parks Foundation  
[dloughrey@occonservation.org](mailto:dloughrey@occonservation.org)

## 2020-21 Easement Compliance Assessment

OC Parks Foundation Conservation Easement Areas:

- Mountain Park Conservation Easement (page 3)
- East Orange I Conservation Easement (page 10)
- East Orange II Conservation Easement (page 13)
- Irvine Regional Park Conservation Easement (page 17)



View from the model airfield area on the east side of Irvine Lake, looking west toward East Orange II property as it burned during the Dec. 3, 2020 Bond Fire. The outline of a large Chinook Fire helicopter is visible and helps provides scale.

Background: Per the Conservation Easement documents for the properties conveyed to the County of Orange in late 2014 from The Irvine Company, the Grantor (OC Parks) shall be responsible for submitting to Grantee (OC Parks Foundation) an annual assessment of the Conservation Easement (CE) areas. This assessment should document condition of the land, OC Parks activities on the land, observed unauthorized uses, and naturally occurring events which may impact conservation values.

This report window covers July 2020 through June 2021.

## Interim Recreation and Resource Management Plan

In December 2019 the County of Orange Board of Supervisors unanimously voted to adopt the Interim Recreation and Resource Management Plan (IRRMP) for the Mountain Park, East Orange I, East Orange II, and Irvine Park Conservation Easement areas. The IRRMP was prepared by OC Parks' Planning and Design Department to address resource management and public access opportunities while laying out the path for future facility operation. The next steps include a trial period of resource monitoring and human access trials to allow for vetting of IRRMP opportunities before eventual development of a longer-term Recreation and Resource Management Plan.

In the IRRMP, each conservation easement area from the 2014 property is assigned to an existing or new operational management unit. This management unit naming convention is consistent with how OC Parks staff manages the 2010 properties that comprise the remainder of the Irvine Ranch Open Space. The management unit naming conventions are inspired by historical, geological or geographical features of each area. The names allow for a more user-friendly reference for operations staff and the public than the original conservation easement titles might present. The new management units pair 2014 lands with adjacent 2010 lands to have cohesive trail systems and will operate together when it comes to public access.

For operational purposes the 2014 Conservation Easement areas have been assigned to the following management units.

- **Mountain Park** east of the 241 has become "North Gypsum Canyon"
- **Mountain Park** west of the 241 has become part of "Weir Canyon"
- **East Orange I** has combined with a portion of Fremont Canyon to become "Saddleback"
- **East Orange II** has combined with a portion of Black Star to become "Red Rock"

The above naming convention information is for reference purposes only. For the purposes of this report, each conservation easement unit will be referred to using its original conservation unit name.

A copy of the IRRMP will be included as an addendum to this report. An accounting and map exhibit of these naming conventions can be found on pages 9-11 of the IRRMP.

## Mountain Park Conservation Easement Area



Mountain Park is bordered by the 241 (visible on left side of photo) and the 91 Freeway to the north (visible on right side of photo). The above photo, taken in April 2021 shows one of Mountain Park's oak woodlands that is exhibiting signs of recovery after the 2017 Canyon Fire 2.

The Mountain Park Conservation Easement area is located in the foothills of the northwest extent of the Santa Ana Mountains, approximately where the 241 toll-road meets the I-91 freeway. It is bordered to the east and south by OC Parks open space, including portions of the Natural Community Conservation Plan (NCCP) Reserve, to the north by the 91 freeway and to the west by existing residential development. The 241-Toll Road bisects the property.

### Land Condition

The property is approximately 754 acres. Most of the high-quality habitat was burned in the Canyon Fire 2 which started on October 9, 2017. After a winter with lower than average rain in 2017-18, the 2018-20 wet seasons brought numerous storms that helped prompt much regrowth in the Canyon Fire 2 burn area although fire scars are still evident and large coast live oaks still appear stressed with low density canopies. Significant portions of the native Coastal Sage Scrub has type-converted to grassland as a result of Canyon Fire 2.

The winter of 2020-21 had significantly lower precipitation than normal, roughly half the annual average. This resulted in meager wildflower displays and early desiccation of shrubs and annuals due to the fuel moisture levels in late spring mirroring levels normally seen in late summer.

The portion of Mountain Park west of the 241 Toll Road borders a residential Anaheim Hills community. There are pre-existing dirt roads and trails from ranching days in varying condition. Prior to Canyon Fire 2 there were observed habitat impacts in the urban-edge buffer area that were likely a result of

previous development activity and human use. These impacts included disturbed areas of reduced native vegetation, increased non-native vegetation, and varying levels of human-created social trails, litter and graffiti.

After Canyon Fire 2 reduced thick barriers of vegetation, this landscape became much more accessible, and as such, became extremely susceptible to impacts due to unauthorized access stemming from neighboring communities. Five-strand wire fence was re-installed (old fence burned) after Canyon Fire 2 along the property perimeter and has continued to help significantly diminish unauthorized access into these wildlands.

The Mountain Park CE area east of the 241 Toll Road shares no immediate border with residential communities but does have visible impacts from previous land uses including ranching and commercial uses. The main remnant impacts include a limited and largely un-maintained road infrastructure, capped wells, non-active but pressurized water/gas lines, miscellaneous dumped concrete and debris, and significant areas of non-native vegetation.

The area has one main oak-studded canyon defined by Gypsum Creek with a handful of smaller but substantial side canyons draining into it. The side canyons have steep sandstone dominated terrain with unique sandstone geology.



Photo from May 2021 of Mountain Park abutting Blue Sky Way on the west side of the 241. All the natural vegetation visible has regrown since this area was completely burned during the October 2017 Canyon Fire 2.

## OC Parks (and partners) Activities

### Improvements

Initial Staging Area improvements (grading, gate, fencing and landscaping) were completed by OC Parks in June 2020 and are documented in that year's report.

In 2020-21, grant funding from the OC Parks Foundation awarded to the Irvine Ranch Conservancy (IRC) prompted additional large-scale improvements to the North Gypsum Canyon Staging area. This OC Parks Foundation funded improvement project included concrete hardscaping to provide ADA compatible surface for parking and bathrooms, parking lot leveling, DG importation, and parking lot delineation. According to IRC, Covid-19 related lumber shortages delayed the project and they are expecting the project to reach completion early in the 2021-22 reporting cycle.



OC Parks Staff assisting IRC staff with OC Parks Foundation grant-funded concrete pour and surface treatments in May 2021.



Overview of final hardscaping footprint that better defines the transition between parking lot and trailhead area. The concrete hardscaping will also provide a surface for ADA-compliant parking and bathrooms.

Also in 2020-21, with additional funding from the OC Parks Foundation, with coordination with OC Parks Natural Resources staff, IRC is contracting with two biological consultants (Brian Leatherman and Fred Roberts) to monitor the area's flora and fauna to establish a biological baseline prior to public access. Multiple rounds of surveys were conducted between January and June 2021. Survey data and reports are expected to be received in Summer/Fall 2021 with an additional round/s of OCPF-funded monitoring surveys anticipated in subsequent years.

### Patrol

Dating back to the acquisition of the 2010 Irvine Ranch Open Space, OC Park Rangers have frequently travelled through the Mountain Park area east of the 241 to gain access to the Gypsum Canyon Nature Preserve (part of 2010 acquisition). This patrol access continued in 2020-21 with a high level of attention given to the Mountain Park area.

### Trail Maintenance

During the 2019-20 reporting window, OC Parks staff continued to maintain trails that are slated for potential future inclusion in the area's trail system for public access after baseline biological assessments are completed.

## **Post-Canyon Fire 2 Maintenance Activities**

Mountain Park's most significant infrastructure damage incurred by the 2017 fire was the perimeter fencing. Most of this fencing was ranch-era fence originally installed well over 30 years ago. While ranching operations no longer occur on the land, the fence has served a role as a valuable security function by delineating the property boundary and deterring unauthorized access.

Fire-damaged fence in Mountain Park amounted to approximately 1.5 miles of 5-strand wire, t-posts and wood anchor posts. Starting in early 2018 and extending through most of the calendar year, OC Parks staff spent more than 8 months training, supervising, and working alongside FEMA-funded Orange County Conservation Corp crews, performing the removal of old fence and installation of new fence.

The fence replacement was completed in late 2018. From project completion through the 2020-21 reporting period, OC Parks staff continued to maintain the new fence, repairing sections of fence each time it was discovered to have been cut by hikers and mountain bikers.



Fence installed in 2018 after prior fence burned in 2017 Canyon Fire 2. Photo taken in May 2021 of a section that has been periodically cut by unauthorized users and repaired by staff. As vegetation has regrown, less unauthorized access has occurred.

## Unauthorized Uses

In 2020-21 motion-sensor cameras installed by OC Parks Rangers continued to capture occasional images of joggers, hikers and dog-walkers climbing over or through the gate at the Mountain Park CE area bordering the community on the west side of the 241 Freeway. None of the people observed accessing the property appeared to have any apparent malicious intent, mainly a general desire to explore or recreate on the property. Use has declined as the area gradually recovers from the fire, making human access more challenging due to increasingly dense vegetation in areas.

Notably, there was one illicit commercial photo shoot documented. Staff cleaned up the area, repaired impacts to fence and contacted perpetrators of photo shoot to discourage future use of the area (also educated them on appropriate areas that would better meet their needs without impacting protected natural resources).

The motion-sensor cameras on the east side of the 241, also continue to document unauthorized hiking, mountain biking and the occasional motorcycle. As identified in the 2015 report, OC Parks Rangers have tied this use to an unauthorized mountain bike trail that begins on adjacent California Department of Fish and Wildlife property and terminates on County property in the Gypsum Canyon Nature Preserve.

This trail has damaged habitat along its alignment, but impacts are outside the Mountain Park CE area. OC Parks Rangers have worked with State officials to better sign the property. In 2020-21 very few users were documented using this trail and no citations were issued.



Photos above show top of unauthorized trail leading from state property to Mountain Park Conservation Easement Area. (photo on left taken in 2015, photo on right taken in 2021 showing less discernable trail tread use)

In 2020-21 graffiti continued to plague Mountain Park areas near development west of the 241, particularly within a sandstone slot canyon immediately adjacent to Anaheim Hills. OC Parks staff regularly monitors for new graffiti and spends significant effort periodically removing graffiti.



Mountain Park slot canyon between OC Parks staff-led graffiti removal / cleanings (photo from May 2021).

## **Naturally Occurring Events + Resource Management**

### **GSOB**

In 2015, an invasive insect species (Goldspotted Oak Borer, “GSOB”) that attacks native oak trees was discovered in nearby Weir Canyon Nature Preserve. OC Parks’ contractor (Irvine Ranch Conservancy, “IRC”) has worked to survey and treat the infestation annually since it was discovered.

While treatments have slowed the spread of the infestation, it continued to creep closer and eventually into the Gypsum Canyon area. In late 2019, it was discovered that the infestations had reached the Mountain Park CE area outside of the contracted IRC management area. OC Parks staff engaged University of California Cooperative Extension staff to survey the area and collaborate on treatment recommendations. Surveys and GOSB treatment continued in 2020-21 with some positive developments as GSOB did not appear to spread and there were zero tree removals.

### **PSHB**

Polyphagous Shot-Hole Borer, an invasive pest that can lead to significant tree mortality, is a concern as it is established in nearby Featherly Regional Park/Canyon RV. One tree near the Mountain Park entrance was suspected of possibly being infested and was treated out of precaution in 2016-17. No infested trees were discovered during surveys during 2020-21.

### **Invasive Plants**

In 2019-20 OC Parks contracted the environmental consulting firm Psomas to map the Priority 1 and 2 invasive species from the NCC Invasive Species List. Psomas focused their surveys around the high-risk areas and locations where populations of invasive species had previously been documented. OC Parks in collaboration with NCC and IRC treated the highest priority species including Sahara mustard (*Brassica tournefortii*), yellow star thistle (*Centaurea solstitialis*), and Natal Grass (*Melinis repens*) in Mountain Park and surrounding areas. Targeted treatment of the Priority 1 and Priority 2 species continued in 2020-21.

## East Orange I Conservation Easement Area



Staff surveying East Orange I Conservation Area in June 2021 pointing to the area formerly referred to as “Saddleback Park”.

East Orange I Conservation Easement area is located in the foothills of the Santa Ana Mountains, just west of Irvine Lake and east of the 241 toll-road. It is generally bordered to the north by Fremont Canyon Nature Preserve, to the east by the Santiago Landfill and OC Parks open space, including portions of the NCCP Reserve, to the west by the 241 toll-road and to the south by Santiago Canyon Road. A small portion of the property is located west of the 241 toll-road.

### **Land Condition**

The East Orange I CE area is approximately 422 acres and exhibits a mix of recovering habitat types among still visible impacts from previous use as a motorcycle racing area during an earlier era known as “Saddleback Park”. Impacts from previous uses include a high-volume of duplicate roads and trail alignments, large disturbed areas where non-native vegetation has established, and remnant trash and debris likely associated with the previously existing course.



OC Parks staff at the only remaining “Saddleback Park” motocross starting gates. Future non-motorized trail access will allow the public to access historical points of interest including locations like this one.

There also appears to be some existing debris from illegal dumping that has probably been on-site for decades. Additionally, land scars are evident from unknown earthmoving operations and other engineered earthen, concrete, and corrugated metal water draining and retention designs.



In June 2021, an OC Parks ranger assesses potential approaches for heavy equipment to remove an old concrete pile that was likely deposited at East Orange I decades prior.

Having no boundary with residential communities and no nearby legal parking options, the area is currently isolated and there does not appear to have been any recent impacts to the land in recent years.

### **OC Parks Activities**

In 2020-21 OC Parks Rangers continued to perform occasional patrols but have not observed unauthorized activity of note. Also in 2020-21, OC Parks staff intensified planning for staging area improvements. Maintenance staff performed non-native brush removal around previously impacted areas that supported “Saddleback Park” improvements prior to County of Orange ownership (unknown specifics, possibly parking, race “pits” or temporary modular structures). These areas are identified in the IRRMP as locations for future parking/staging areas to support public trail access. OC Parks rangers also followed up on past field surveys of existing ranch roads to evaluate future trail opportunities.



Left photo- in June 2020 an OC Parks ranger scouts old road cuts where non-native annuals have filled in. Right photo- OC Parks maintenance staff loading up equipment after finishing mowing spring weed growth at the future staging area.

### **Unauthorized Uses**

OC Parks Rangers are not aware of unauthorized uses at this time.

### **Naturally Occurring Events**

The winter of 2020-21 brought significantly less than average rain leaving the area with very low fuel moisture and hazardous fire conditions by May 2021.

There were no significant fires impacting the East Orange I Conservation Easement area during the reporting 2020-21 period. The major Bond Fire in late 2020 burned into adjacent Loma Ridge but did not cross into East Orange I.

East Orange II Conservation Easement Area



Photos looking south across the East Orange II Conservation Easement area in December 2020 (top, immediately after Bond Fire) and March 2021 (bottom, four months after the Bond Fire). Limestone Canyon Nature Preserve is visible in background.

East Orange II Conservation Easement area is located in the foothills of the Santa Ana Mountains, in the vicinity of Irvine Lake. It is generally bordered to the north and east by OC Parks open space, including portions of the NCCP Reserve, to the west by Irvine Lake and to the south by Santiago Canyon Road. One parcel is located downstream of Irvine Lake and bordered to the north, south and west by OC Parks open space, including portions of the NCCP Reserve.

### **Land Condition**

The East Orange II CE area is approximately 803 acres and contains high quality coastal sage scrub and cactus scrub habitat with some scattered impacts from ranching activity from previous era. Historical impacts include a moderate ranch road network and some areas likely previously used for pasture where there is thorough establishment of nonnative grasses and some significant distribution of noxious invasive plants- including artichoke thistle and Russian thistle. Prior to the Bond Fire in late 2020 areas that appeared not to have been used for pasturing livestock contained dense high-quality native habitat.

Major impacts to the habitat occurred in 2020-21 when the Bond Fire burned through the area consuming almost 100% of the area's acreage. Measly spring rains resulted in some recovery, most notably fire following annuals which included robust numbers of various *Calchortus* species that were documented by OC Parks Natural Resources staff members and recorded in County GIS records.



Splendid Mariposa Lily (*Calchortus splendens*) at East Orange II in May 2020.

### **OC Parks Activities**

In 2020-21, OC Parks Rangers performed routine patrols and using motion sensor cameras documented minimal unauthorized activity, usually less than 5 hikers or mountain bikers a month. OC Parks staff brushed trails that are identified in the IRRMP for potential future inclusion in the area's trail system. OC Parks staff also added lodgepole fencing to help better define trail alignments and deter potential future trail cutting to protect trailside habitat, although significant portions off fencing burned during Bond Fire.



Lodgepole fencing installed at East Orange II by OC Parks staff in 2019 (left) and same location after fire in early 2021 (right)

OC Parks also continued to maintain the existing ridgeline road by having it graded for dual purpose use as a patrol road and as a potential strategic fire break to protect habitat and nearby communities in case of future wildfires that could move through the area. Existing trails in the area were maintained and after OC Parks Natural Resource team surveyed multiple potential routes, a new section of trail was aligned consistent with the IRRMP to avoid sensitive habitat while also improving trail sustainability.



Section of multi-use trail improved at East Orange II in early 2021 after multiple surveys by OC Parks Natural Resources Staff.

The 2020-21 Over The Hump Mountain Bike series was postponed due to COVID-19 so the past limited permitted mountain bike use of the area did not occur during this reporting cycle.



Colored dye is visible after Artichoke thistle treatment occurred at East Orange II in May 2021.

Using aerial drones, OC Parks mapped nonnative artichoke thistle (*Cynara cardunculus*) populations and mapped and manually removed an isolated occurrence of invasive stinknet (*Oncosiphon pilulifer*). Using a weed management contractor, artichoke thistle populations were treated in May 2021.

OC Parks continued to monitor the hobby group Orange County Modeler's Association (OCMA) who use the airfield area east of Irvine Lake. OCMA members have been flying model aircraft at this site prior to the property coming to the County in 2014 and have a good track record of responsible use. The airstrip and the weedy field around it are devoid of natural habitat and are regularly mowed to reduce light fuels and minimize fire risk.

### **Unauthorized Uses**

OC Parks Rangers observed very limited unauthorized use based on documentation from motion-sensor cameras. Most unauthorized users were mountain bikers with a few hikers. Those that were documented accessing the property did not appear to have any apparent malicious intent, just a general desire to explore the property. There is occasional litter and isolated trash debris dumping along the edge of East Orange II that borders Santiago Canyon Road. OC Parks staff cleans up litter and roadside debris as time permits.

### **Naturally Occurring Events**

As stated above, the Bond Fire impacted East Orange II CE area during the 2020-21 reporting period. An in-depth report by OC Parks land management contractor on the Bond Fire will be included as an addendum to this report.

## Irvine Regional Park Conservation Easement Area



Irvine Park Conservation Easement is located between the 241 Toll Road, Santiago Canyon Road and Irvine Regional Park. The above photo taken during summer 2020 shows the one small oak grove present in the area.

The Irvine Regional Conservation Easement area is located in the foothills of the Santa Ana Mountains in Irvine Park and just west of the 241 toll-road. It is bordered to the north and west by Irvine Regional Park lands in the NCCP Reserve and to the east and south by future development areas.

### **Land Condition**

The property area is the smallest of the units added to OC Parks in the 2014 Irvine Company conveyance, at approximately 16 acres. Prior to Canyon Fire 2 it contained some high-quality coastal sage scrub and oak woodland habitat with some non-native plant establishment. In 2017 this area burned and suffered significant damage during the Canyon Fire 2.

### **OC Parks Activities**

In early 2015, OC Parks Rangers at the East Orange Operations Group were made aware of this OC Parks property addition to the east of Irvine Regional Park, however no significant management action has been undertaken to date due to the area being relatively isolated with challenging terrain.

### **Unauthorized Uses**

While this area is adjacent to Irvine Regional Park, one of the most heavily visited facilities in the OC Parks system, it is isolated from the park by fencing and, in some areas, steep terrain. There may be very limited unauthorized access occurring, but OC Parks Rangers are not aware of any significant unauthorized access or malicious activity at this time.

### **Naturally Occurring Events**

The 2020-21 wet season brought much lower precipitation than normal, roughly half the annual average. Shrubs and annuals dried out much earlier in the year than usually occurs with fuel moisture levels in late spring mirroring levels normally seen in late summer.

Some oaks in the area are recovering from being burned during the 2017 Canyon Fire 2 by exhibiting canopy recovery. Unfortunately, other oaks are clearly stressed with a few having fallen or are standing but dead and dropping branches. This area has been brought to the attention of OC Parks' Arborist who has included it in the tree inventory for ongoing monitoring.

No fires impacted this area in the 2020-21 reporting cycle.

-End of Report-



# South Coast Air Quality Management District

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

SENT VIA E-MAIL:

March 15, 2022

[programeir@anaheim.net](mailto:programeir@anaheim.net)

Joanne Hwang, Senior Planner  
City of Anaheim, Planning and Building Department  
200 South Anaheim Boulevard, Suite 162  
Anaheim, California 92805

## **Notice of Preparation of a Draft Program Environmental Impact Report for the City of Anaheim 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 Draft Program Environmental Impact Report (PEIR). Please send a copy of the Draft PEIR upon its completion and public release directly to South Coast AQMD as copies of the Draft PEIR 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 website<sup>1</sup> as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod<sup>2</sup> 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 thresholds<sup>3</sup> and localized significance thresholds (LSTs)<sup>4</sup> 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

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<sup>1</sup> 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>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> 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>.

<sup>4</sup> 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.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment<sup>5</sup>.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft Program EIR. The assumptions in the air quality analysis in the Program EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*<sup>6</sup> 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 advisory<sup>7</sup>.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*<sup>8</sup> 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 Handbook<sup>1</sup>, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan<sup>9</sup>, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy<sup>10</sup>.

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<sup>5</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>6</sup> CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

<sup>7</sup> CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

<sup>8</sup> 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>.

<sup>9</sup> 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).

<sup>10</sup> 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](https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

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](mailto:lsun@aqmd.gov).

Sincerely,

*Lijin Sun*

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

ORC220222-03

Control Number



**AFFILIATED AGENCIES**

*Orange County  
Transit District*

*Local Transportation  
Authority*

*Service Authority for  
Freeway Emergencies*

*Consolidated Transportation  
Service Agency*

*Congestion Management  
Agency*

March 17, 2022

Ms. Joanne Hwang  
City of Anaheim – Planning Department  
200 South Anaheim Boulevard Suite 162  
Anaheim, CA 92805

**Subject: Notice of Preparation for the City of Anaheim General Plan Update  
Programmatic Environmental Impact Report**

Dear Ms. Hwang:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Notice of Preparation for the City of Anaheim (City) General Plan Update Programmatic Environmental Impact Report (Project). The following comments are provided for your consideration:

- Please keep OCTA apprised of the General Plan development. In particular, we would appreciate the City being mindful of any potential transit service disruptions or impacts to OCTA facilities when the City develops policies.
- We would also appreciate the City continuing to coordinate with OCTA related to the General Plan's Circulation Element and the Orange County Master Plan of Arterial Highways.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Phu", with a long horizontal flourish extending to the right.

Dan Phu  
Manager, Environmental Programs



March 17, 2022

City of Anaheim  
Joanne Hwang, Senior Planner  
200 S. Anaheim Boulevard Suite 162  
Anaheim, CA 92805

via email:  
[programeir@anaheim.net](mailto:programeir@anaheim.net)

Subject: **Notice of Preparation (NOP) for the City of Anaheim General Plan Update Programmatic Environmental Impact Report (PEIR)**

Dear Ms. Hwang:

Staff is in receipt of the NOP for the City of Anaheim's General Plan Update PEIR. The scope of working includes updating components of the General Plan, including the Circulation and Safety Element, as well as including new elements, such as Environmental Justice and the Climate Action Plan.

Staff has reviewed the NOP and has provided the following comment below:

Please provide the Housing Element Traffic Study that includes Level of Service and Vehicle Miles Traveled analyses for City's review.

If you have any questions, please contact Senior Planner Justin Equina at 949-724-6364 or at [jequina@cityofirvine.org](mailto:jequina@cityofirvine.org).

Sincerely,

Justin Equina  
Senior Planner



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

March 17, 2022

City of Anaheim  
Joanne Hwang, Senior Planner  
200 S. Anaheim Boulevard, Suite 162  
Anaheim, CA, 92805

**Subject: City of Anaheim Notice of Preparation of General Plan Update Programmatic Environmental Impact Report (PEIR)**

Dear Ms. Hwang:

Thank you for the opportunity to review the Notice of Preparation (NOP) for the proposed programmatic environmental impact report (PEIR) for the City of Anaheim General Plan Update in the context of the Airport Land Use Commission's (ALUC) *Airport Environs Land Use Plan (AELUP) for Fullerton Municipal Airport (FMA)*, *AELUP for Joint Forces Training Base (JFTB) Los Alamitos*, and *AELUP for Heliports*. The proposed project consists of the following general plan element updates and related policy changes: Circulation Element, Safety Element, a new Environmental Justice Element and a new Climate Action Plan. These elements, along with the 2021-2029 Housing Element Update, will require updates to the City's Zoning Code, Zoning Map, and Land Use Element to ensure consistency and allow for future implementation.

As defined in the *AELUP for FMA*, the northwest portion of the City is within the FMA Notification Area and within the conical obstruction imaginary surfaces, but outside of the airport noise contours. The westernmost part of the City is within the Notification Area and the conical and approach corridors for JFTB Los Alamitos, but outside of the noise contours. Public Resources Code Section 21096, requires that when preparing an environmental impact report for any project situated within an airport influence area as defined in an Airport Land Use Commission (ALUC) compatibility plan, lead agencies shall utilize the California Airport Land Use Planning Handbook as a technical resource with respect to airport noise and safety compatibility issues. We suggest consulting the Handbook for assistance in formulating airport land use compatibility policies.

The ALUC requests that within the Airport Influence Areas, the City address the environmental impacts of any new development policies related to Airport operations. General Plan policies

and/or PEIR mitigation measures should be considered for projects within this area. The PEIR and General Plan Update should address height restrictions and imaginary surfaces by discussing the Federal Aviation Administration (FAA) Federal Aviation Regulation (FAR) Part 77 as the criteria for determining height restrictions for projects located within the airport planning area. Per the *AELUPs for FMA* and *JFTB Los Alamitos*, all building height restrictions will have as their ultimate limits the imaginary surfaces as applicable and as defined in Part FAR Part 77. Including policy language in the General Plan and a mitigation measure in the PEIR, that states that no buildings will be allowed to penetrate the FAR Part 77 imaginary surfaces for FMA, would ensure the protection of its airspace.

In addition, with respect to building heights, development proposals that include the construction or alteration of structures more than 200 feet above ground level, require filing with the FAA and notification of the ALUC. Projects meeting this threshold must comply with procedures provided by Federal and State law, and with all conditions of approval imposed or recommended by FAA and ALUC including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1). Depending on the maximum building heights that will be allowed within the General Plan, the City may wish to consider a mitigation and policy specifying this 200 feet above ground level height threshold. Additionally, any project that penetrates the Notification Surface for FMA or JFTB Los Alamitos is required to file FAA Form 7460-1.

We also recommend that the PEIR and General Plan Update identify if the development of heliports is allowed within your jurisdiction, and if so, that proposals to develop new heliports will be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

To address consistency with the *AELUP for Heliports* we suggest adding the following language to your General Plan Update and inclusion as a mitigation measure in the PEIR:

“The City will ensure that development proposals, including the construction or operation of a heliport or helistop, comply fully with permit procedures under State law, including referral of the project to the ALUC by the applicant, and with all conditions of approval imposed or recommended by the Federal Aviation Administration (FAA), ALUC, and Caltrans, including the filing of a Form 7480-1 (Notice of Landing Area Proposal) with the FAA. This requirement shall be in addition to all other City development requirements.”

Section 21676(b) of the PUC requires that “[p]rior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the

planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission.” To ensure land use compatibility with FMA and JFTB Los Alamitos, we recommend that the City of Anaheim include a policy in its General Plan and a mitigation measure in the PEIR, that states that the City shall refer projects to the Airport Land Use Commission for Orange County, as required by Section 21676 of the California Public Utilities Code, to determine consistency of projects with the *AELUPs for FMA and JFTB Los Alamitos*.

A referral by the City to the ALUC is required for this project due to the location of the proposal within AELUP Planning Areas and due to the nature of the required City approvals (i.e. General Plan Update) under PUC Section 21676(b). With respect to project submittals, please note that the Commission requests that referrals be submitted to the ALUC for a determination between the Local Agency’s Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, complete submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaing.

Thank you again for the opportunity to comment on the City’s proposed General Plan Update and NOP for the PEIR. Please contact Julie Fitch at (949) 252-5170 or at [jfitch@ocair.com](mailto:jfitch@ocair.com) should you require additional information.

Sincerely,



Lea U. Choum  
Executive Officer



SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
900 Wilshire Blvd., Ste. 1700  
Los Angeles, CA 90017  
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March 17, 2022

Ms. Joanne Hwang, Senior Planner  
City of Anaheim, Planning Department  
200 S. Anaheim Boulevard Suite 162  
Anaheim, California 92805  
Phone: (714) 765-4968  
E-mail: [programeir@anaheim.net](mailto:programeir@anaheim.net)

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the City of Anaheim General Plan Update [SCAG NO. IGR10573]**

Dear Ms. Hwang,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the City of Anaheim 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.<sup>1</sup>

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 Intergovernmental 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 City of Anaheim General Plan Update in Orange County. The proposed project includes technical updates to parts of the City’s General Plan, including Housing, Circulation, Land Use, and Safety Elements; the addition of an Environmental Justice Element and Climate Action Plan; and zoning code and land use changes.

**When available, please email environmental documentation to [IGR@scag.ca.gov](mailto: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](mailto:IGR@scag.ca.gov). Thank you.

Sincerely,

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

<sup>1</sup> 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.

**COMMENTS ON THE NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
CITY OF ANAHEIM GENERAL PLAN UPDATE [SCAG NO. IGR10573]**

**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.

SCAG staff would like to call your attention to resources available from SCAG’s [Regional Climate Adaptation Framework](#) including the [Southern California Climate Adaptation Planning Guide](#), [Communication and Outreach Toolkit](#), [Library of Model Policies](#), and [SB 379 Compliance Curriculum for Local Jurisdictions](#).

**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 Anaheim 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	367,550	389,417	400,265	416,789
Households	6,333,458	6,902,821	7,170,110	7,633,451	105,927	110,666	114,472	122,701
Employment	8,695,427	9,303,627	9,566,384	10,048,822	200,992	220,681	230,637	250,544

**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 [6<sup>th</sup> cycle Final Regional Housing Needs Assessment \(RHNA\) Allocation Plan](#) which covers the planning period October 2021 through October 2029. The 6<sup>th</sup> cycle Final RHNA allocation for the applicable jurisdiction is below.

SCAG 6 <sup>th</sup> Cycle Final RHNA Allocation for City of Anaheim	
Income Category	RHNA Allocation (Units)
Very low income	3,767
Low income	2,397
Moderate income	2,945
Above moderate income	8,344
Total RHNA Allocation	17,453

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. 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.



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

Office of the General Manager

March 18, 2022

**Via Electronic Mail**

Joanne Hwang, Senior Planner  
200 S. Anaheim Blvd. Suite 162  
Anaheim, CA 92805

Dear Joanne Hwang:

Notice of Preparation for the  
City of Anaheim General Plan Update Programmatic Environmental Impact Report

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Notice of Preparation for the City of Anaheim General Plan Update Programmatic Environmental Impact Report (Plan). The City of Anaheim is acting as the Lead Agency under the California Environmental Quality Act (CEQA). The Plan proposes to update the Circulation, Land Use and Safety Elements, as well as the City's Zoning Code and Zoning Map. Additionally, the Plan proposes a new Environmental Justice Element and Climate Action Plan. This letter contains Metropolitan's response to the public notice as a potentially affected public agency.

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California, including Orange County. Metropolitan's mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Our review of the notice indicates that Metropolitan owns and operates the following pipelines in the Plan area: Santiago Lateral, Allen McColloch, East Orange County Feeders 1 & 2, Second Lower Feeder, Orange County Feeder, and West Orange County Feeder. With the exception of Santiago Lateral, the aforementioned pipelines and appurtenant facilities distribute treated water to Metropolitan member agencies. Santiago Lateral carries untreated water to Santiago Reservoir. Metropolitan is concerned with potential impacts to the pipelines and appurtenant facilities that may result from the implementation of the proposed Plan. The enclosed map shows Metropolitan facilities in relation to the proposed project. It will be necessary for the City to consider these facilities in its project planning.

Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with

Joanne Hwang, Senior Planner

Page 2

March 18, 2022

Metropolitan's facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Metropolitan will not permit procedures that could subject the pipeline to excessive vehicle, impact or vibratory loads. Any future design plans associated with this project should be submitted to Metropolitan's Substructures Team. Approval of the project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities.

Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-7663 or via email at [EngineeringSubstructures@mwdh2o.com](mailto:EngineeringSubstructures@mwdh2o.com). To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, attached are the "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

Additionally, Metropolitan encourages projects within its service area to include water conservation measures. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation and plans for this project. For further assistance, please contact Ms. Jolene Ditmar at (213) 217-6184 or [jditmar@mwdh2o.com](mailto:jditmar@mwdh2o.com).

Very truly yours,

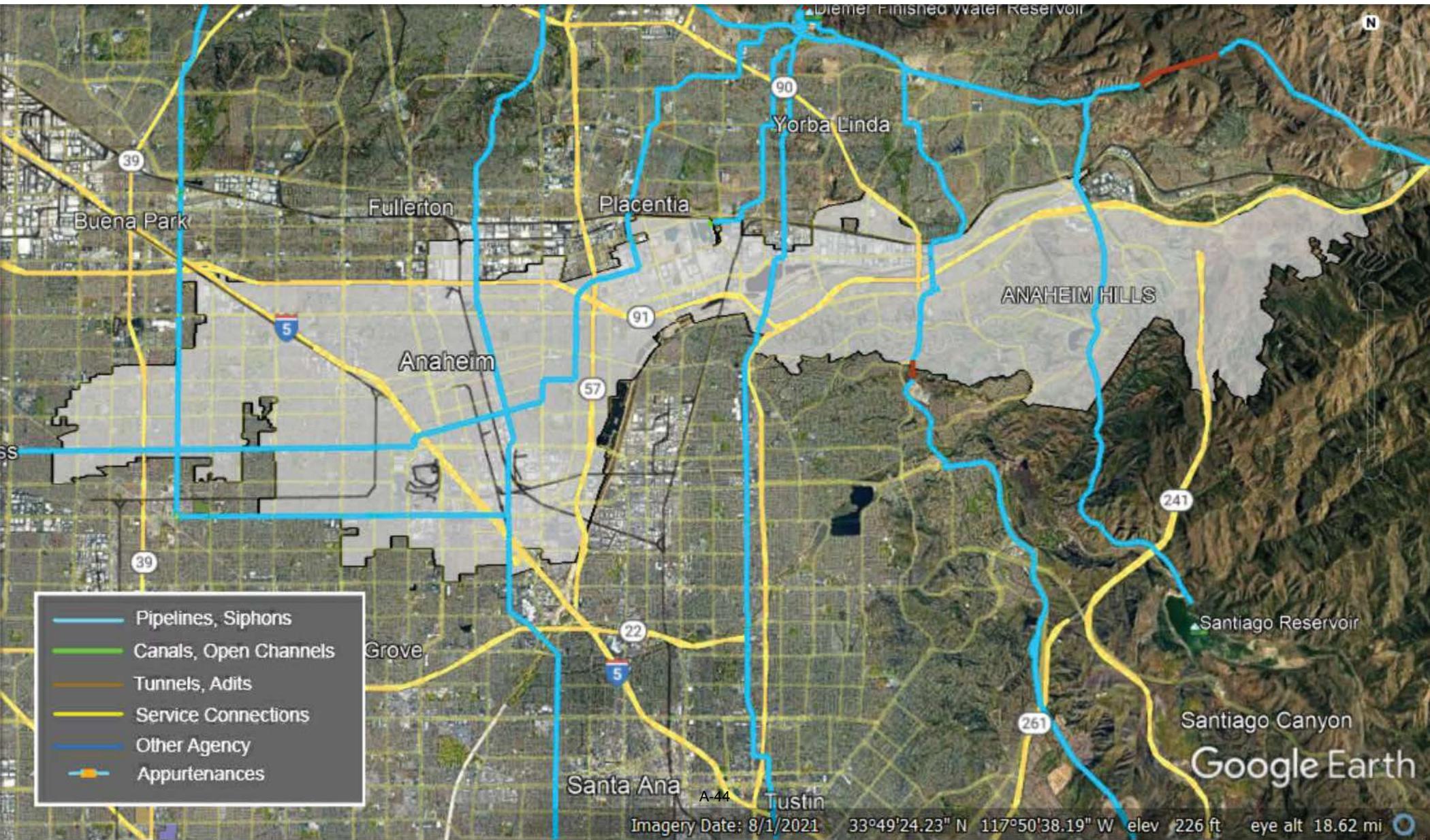
Sean Carlson  
Team Manager, Environmental Planning Section

JD:rdl

Sharepoint\Anaheim\General Plan Update Programmatic Environmental Impact Report

Enclosures:

- (1) Map
- (2) Planning Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way



- Pipelines, Siphons
- Canals, Open Channels
- Tunnels, Adits
- Service Connections
- Other Agency
- Appurtenances

Imagery Date: 8/1/2021 33°49'24.23" N 117°50'38.19" W elev 226 ft eye alt 18.62 mi

**Guidelines for  
Improvements and Construction Projects Proposed  
in the Area of  
Metropolitan's Facilities and Rights-of-Way**



**July 2018**

Prepared By:  
The Metropolitan Water District of Southern California  
Substructures Team, Engineering Services  
700 North Alameda Street  
Los Angeles, California 90012

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**Additional Copies:** To obtain a copy of this document, please contact the Engineering Services Group, Substructures Team.

**Disclaimer**

*Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as deemed prudent, to assure that project plans are correct. The appropriate representative from Metropolitan must be contacted at least two working days, before any work activity in proximity to Metropolitan's facilities.*

*It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.*

*PUBLICATION HISTORY:*

*Initial Release*

*July 2018*

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## 1.0 GENERAL INFORMATION

**Note: Underground Service Alert at 811 must be notified at least two working days before excavating in proximity to Metropolitan's facilities.**

### 1.1 Introduction

These guidelines provide minimum design and construction requirements for any utilities, facilities, developments, and improvements, or any other projects or activities, proposed in or near Metropolitan Water District of Southern California (Metropolitan) facilities and rights-of-way. Additional conditions and stipulations may also be required depending on project and site specific conditions. Any adverse impacts to Metropolitan's conveyance system, as determined by Metropolitan, will need to be mitigated to its satisfaction.

All improvements and activities must be designed so as to allow for removal or relocation at builder or developer expense, as set forth in the paramount rights provisions of Section 20.0. Metropolitan shall not be responsible for repair or replacement of improvements, landscaping or vegetation in the event Metropolitan exercises its paramount rights powers.

### 1.2 Submittal and Review of Project Plans/Utilities and Maps

Metropolitan requires project plans/utilities be submitted for all proposed activities that may impact Metropolitan's facilities or rights-of-way. Project plans shall include copies of all pertinent utilities, sewer line, storm drain, street improvement, grading, site development, landscaping, irrigation and other plans, all tract and parcel maps, and all necessary state and federal environmental documentation. Metropolitan will review the project plans and provide written approval, as it pertains to Metropolitan's facilities and rights-of-way. Written approval from Metropolitan must be obtained, prior to the start of any activity or construction in the area of Metropolitan's facilities or rights-of-way. Once complete project plans and supporting documents are submitted to Metropolitan, it generally takes 30 days to review and to prepare a detailed written response. Complex engineering plans that have the potential for significant impacts on Metropolitan's facilities or rights-of-way may require a longer review time.

Project plans, maps, or any other information should be submitted to Metropolitan's Substructures Team at the following mailing address:

**Attn: Substructures Team  
The Metropolitan Water District of Southern California  
700 North Alameda St.  
Los Angeles, CA 90012**

**General Mailing Address: P.O. Box 54153  
Los Angeles, CA 90054-0153**

**Email: [EngineeringSubstructures@mwdh2o.com](mailto:EngineeringSubstructures@mwdh2o.com)**

For additional information, or to request prints of detailed drawings for Metropolitan's facilities and rights-of-way, please contact Metropolitan's Substructures Team at 213-217-7663 or [EngineeringSubstructures@mwdh2o.com](mailto:EngineeringSubstructures@mwdh2o.com).

### **1.3 Identification of Metropolitan's Facilities and Rights-of-Way**

Metropolitan's facilities and rights-of-way must be fully shown and identified as Metropolitan's, with official recording data, on the following:

- A. All applicable plans
- B. All applicable tract and parcel maps

Metropolitan's rights-of-ways and existing survey monuments must be tied dimensionally to the tract or parcel boundaries. Metropolitan's Records of Survey must be referenced on the tract and parcel maps with the appropriate Book and Page.

## **2.0 General Requirements**

### **2.1 Vehicular Access**

Metropolitan must have vehicular access along its rights-of-way at all times for routine inspection, patrolling, operations, and maintenance of its facilities and construction activities. All proposed improvements and activities must be designed so as to accommodate such vehicular access.

### **2.2 Fences**

Fences installed across Metropolitan's rights-of-way must include a 16-foot-wide gate to accommodate vehicular access by Metropolitan. Additionally, gates may be required at other specified locations to prevent unauthorized entry into Metropolitan's rights-of-way.

All gates must accommodate a Metropolitan lock or Knox-Box with override switch to allow Metropolitan unrestricted access. There should be a minimum 20-foot setback for gates from the street at the driveway approach. The setback is necessary to allow Metropolitan vehicles to safely pull off the road prior to opening the gate.

### **2.3 Driveways and Ramps**

Construction of 16-foot-wide commercial-type driveway approaches is required on both sides of all streets that cross Metropolitan's rights-of-way. Access ramps, if necessary, must be a minimum of 16 feet wide.

There should be a minimum 20-foot setback for gates from the street at the driveway approach. Grades of ramps and access roads must not exceed 10 percent; if the slope of an access ramp or road must exceed 10 percent due to topography, then the ramp or road must be paved.

### **2.4 Walks, Bike Paths, and Trails**

All walkways, bike paths, and trails along Metropolitan's rights-of-way must be a minimum 12-foot wide and have a 50-foot or greater radius on all horizontal curves if also used as Metropolitan's access roads. Metropolitan's access routes, including all walks and drainage facilities crossing the access routes, must be constructed to American Association of State Highway and Transportation Officials (AASHTO) H-20 loading standards (see Figure 1). Additional requirements will be placed on equestrian trails to protect the water quality of Metropolitan's pipelines and facilities.

## **2.5 Clear Zones**

A 20-foot-wide clear zone is required to be maintained around Metropolitan's manholes and other above-ground facilities to accommodate vehicular access and maintenance. The clear zone should slope away from Metropolitan's facilities on a grade not to exceed 2 percent.

## **2.6 Slopes**

Cut or fill slopes proposed within Metropolitan's rights-of-way must not exceed 10 percent. The proposed grade must not worsen the existing condition. This restriction is required to facilitate Metropolitan use of construction and maintenance equipment and allow uninhibited access to above-ground and below-ground facilities.

## **2.7 Structures**

Construction of structures of any type is not allowed within the limits of Metropolitan's rights-of-way to avoid interference with the operation and maintenance of Metropolitan's facilities and possible construction of future facilities.

Footings and roof eaves of any proposed buildings adjacent to Metropolitan's rights-of-way must meet the following criteria:

- A. Footings and roof eaves must not encroach onto Metropolitan's rights-of-way.
- B. Footings must not impose any additional loading on Metropolitan's facilities.
- C. Roof eaves must not overhang onto Metropolitan's rights-of-way.

Detailed plans of footings and roof eaves adjacent to Metropolitan's rights-of-way must be submitted for Metropolitan's review and written approval, as pertains to Metropolitan's facilities.

## **2.8 Protection of Metropolitan Facilities**

Metropolitan facilities within its rights-of-way, including pipelines, structures, manholes, survey monuments, etc., must be protected from damage by the project proponent or property owner, at no expense to Metropolitan. The exact location, description and method of protection must be shown on the project plans.

## **2.9 Potholing of Metropolitan Pipelines**

Metropolitan's pipelines must be potholed in advance, if the vertical clearance between a proposed utility and Metropolitan's pipeline is indicated to be 4 feet or less. A Metropolitan representative must be present during the potholing operation and will assist in locating the pipeline. Notice is required, a minimum of three working days, prior to any potholing activity.

## **2.10 Jacked Casings or Tunnels**

### **A. General Requirements**

Utility crossings installed by jacking, or in a jacked casing or tunnel under/over a Metropolitan pipeline, must have at least 3 feet of vertical clearance between the outside diameter of the pipelines and the jacked pipe, casing, or tunnel. The actual

cover over Metropolitan's pipeline shall be determined by potholing, under Metropolitan's supervision.

Utilities installed in a jacked casing or tunnel must have the annular space between the utility and the jacked casing or tunnel filled with grout. Provisions must be made for grouting any voids around the exterior of the jacked pipe, casing, or tunnel.

#### B. Jacking or Tunneling Procedures

Detailed jacking, tunneling, or directional boring procedures must be submitted to Metropolitan for review and approval. The procedures must cover all aspects of operation, including, but not limited to, dewatering, ground control, alignment control, and grouting pressure. The submittal must also include procedures to be used to control sloughing, running, or wet ground, if encountered. A minimum 10-foot clearance must be maintained between the face of the tunneling or receiving pits and outside edges of Metropolitan's facility.

#### C. Shoring

Detailed drawings of shoring for jacking or receiving pits must be submitted to Metropolitan for review and written-approval. (See Section 10 for shoring requirements).

#### D. Temporary Support

Temporary support of Metropolitan's pipelines may be required when a utility crosses under a Metropolitan pipeline and is installed by means of an open trench. Plans for temporary support must be reviewed and approved in writing by Metropolitan. (See Section 11, Supports of Metropolitan Facilities).

## 3.0 Landscaping

### 3.1 Plans

All landscape plans must show the location and limits of Metropolitan's right-of-way and the location and size of Metropolitan's pipeline and related facilities therein. All landscaping and vegetation shall be subject to removal without notice, as may be required by Metropolitan for ongoing maintenance, access, repair, and construction activities. Metropolitan will not be financially responsible for the removal of any landscaping and vegetation.

### 3.2 Drought-Tolerant Native and California Friendly Plants

Metropolitan recommends use of drought-tolerant native and California Friendly® plants (excluding sensitive plants) on proposed projects. For more information regarding California Friendly® plants refer to [www.bewaterwise.com](http://www.bewaterwise.com).

### 3.3 Trees

Trees are generally prohibited within Metropolitan's rights-of-way as they restrict Metropolitan's ability to operate, maintain and/or install new pipeline(s) located within these rights-of-way. Metropolitan will not be financially responsible for the removal and replacement of any existing trees should they interfere with access and any current or future Metropolitan project located within the right-of-way.

### **3.4 Other Vegetation**

Shrubs, bushes, vines, and groundcover are generally allowed within Metropolitan's rights-of-way. Larger shrubs are not allowed on Metropolitan fee properties; however, they may be allowed within its easements if planted no closer than 15 feet from the outside edges of existing or future Metropolitan facilities. Only groundcover is allowed to be planted directly over Metropolitan pipeline, turf blocks or similar is recommended to accommodate our utility vehicle access. Metropolitan will not be financially responsible for the removal and replacement of the vegetation should it interfere with access and any current or future Metropolitan project.

### **3.5 Irrigation**

Irrigation systems are acceptable within Metropolitan's rights-of-way, provided valves and controllers are located near the edges of the right-of-way and do not interfere with Metropolitan vehicular access. A shutoff valve should also be located along the edge of the right-of-way that will allow the shutdown of the system within the right-of-way should Metropolitan need to do any excavation. No pooling or saturation of water above Metropolitan's pipeline and right-of-way is allowed. Additional restrictions apply to non-potable water such as Recycled Water and are covered on Table 3 of Page 20.

### **3.6 Metropolitan Vehicular Access**

Landscape plans must show Metropolitan vehicular access to Metropolitan's facilities and rights-of-way and must be maintained by the property owner or manager or homeowners association at all times. Walkways, bike paths, and trails within Metropolitan's rights-of-way may be used as Metropolitan access routes. (See Section 2.4, Walks, Bike Paths, and Trails).

## **4.0 General Utilities**

Note: For non-potable piping like sewer, hazardous fluid, storm drain, disinfected tertiary recycled water and recycled water irrigation see Table 1 through Table 3.

### **4.1 Utility Structures**

Permanent utility structures (e.g., manholes, power poles, pull boxes, electrical vaults, etc.) are not allowed within Metropolitan's rights-of-way. Metropolitan requests that all permanent utility structures within public streets be placed as far from its pipelines and facilities as practical, but not closer than 5 feet from the outside edges of Metropolitan facilities.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation.

### **4.2 Utility Crossings**

Metropolitan requests a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and any utility crossing the pipeline. Utility lines crossing Metropolitan's pipelines must be as perpendicular to the pipeline as possible. Cross-section drawings, showing proposed locations and elevations of utility lines and locations of Metropolitan's pipelines and limits of rights-of-way, must be submitted with utility plans, for all

crossings. Metropolitan's pipeline must be potholed under Metropolitan's supervision at the crossings (See Section 2.9).

#### **4.3 Longitudinal Utilities**

Installation of longitudinal utilities is generally not allowed along Metropolitan's rights-of-way. Within public streets, Metropolitan requests that all utilities parallel to Metropolitan's pipelines and appurtenant structures (facilities) be located as far from the facilities as possible, with a minimum clearance of 5 feet from the outside edges of the pipeline.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation (for more information See Table 1 on Page 18).

#### **4.4 Underground Electrical Lines**

Underground electrical conduits (110 volts or greater) which cross a Metropolitan's pipeline must have a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and the electrical lines. Longitudinal electrical lines, including pull boxes and vaults, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipeline or structures.

#### **4.5 Fiber Optic Lines**

Fiber optic lines installed by directional boring require a minimum of 3 feet of vertical clearance when boring is over Metropolitan's pipelines and a minimum of 5 feet of vertical clearance when boring is under Metropolitan's pipelines. Longitudinal fiber optic lines, including pull boxes, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipelines or structures. Potholing must be performed, under Metropolitan's supervision, to verify the vertical clearances are maintained.

#### **4.6 Overhead Electrical and Telephone Lines**

Overhead electrical and telephone lines, where they cross Metropolitan's rights-of-way, must have a minimum 35 feet of clearance, as measured from the ground to the lowest point of the overhead line. Overhead electrical lines poles must be located at least 30 feet laterally from the edges of Metropolitan's facilities or outside Metropolitan's right-of-way, whichever is greater.

Longitudinal overhead electrical and or telephone lines in public streets should have a minimum separation of 10 feet from the edge of a Metropolitan pipelines or structures where possible.

#### **4.7 Sewage Disposal Systems**

Sewage disposal systems, including leach lines and septic tanks, must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or the edge of its facilities, whichever is greater. If soil conditions are poor, or other adverse site-specific conditions exist, a minimum distance of 150 feet is required. They must also comply with local and state health code requirements as they relate to sewage disposal systems in proximity to major drinking water supply pipelines.

#### **4.8 Underground Tanks**

Underground tanks containing hazardous materials must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or edge of its facilities, whichever is greater. In addition, groundwater flow should be considered with the placement of underground tanks down-gradient of Metropolitan's facilities.

### **5.0 Specific Utilities: Non-Potable Utility Pipelines**

In addition to Metropolitan's general requirements, installation of non-potable utility pipelines (e.g., storm drains, sewers, and hazardous fluids pipelines) in Metropolitan's rights-of-way and public street rights-of-way must also conform to the State Water Resources Control Board's Division of Drinking Water (DDW) regulation (Waterworks Standards) and guidance for separation of water mains and non-potable pipelines and to applicable local county health code requirements. Written approval is required from DDW for the implementation of alternatives to the Waterworks Standards and, effective December 14, 2017, requests for alternatives to the Waterworks Standards must include information consistent with: DDW's [Waterworks Standards Main Separation Alternative Request Checklist](#).

**In addition to the following general guidelines, further review of the proposed project must be evaluated by Metropolitan and requirements may vary based on site specific conditions.**

- A. Sanitary Sewer and Hazardous Fluids (General Guideline See Table 1 on Page 18)
- B. Storm Drain and Recycled Water (General Guideline See Table 2 on Page 19)
- C. Irrigation with Recycled Water (General Guideline See Table 3 on Page 20)
- D. Metropolitan generally does not allow Irrigation with recycled water to be applied directly above its treated water pipelines
- E. Metropolitan requests copies of project correspondence with regulating agencies (e.g., Regional Water Quality Control Board, DDW); regarding the application of recycled water for all projects located on Metropolitan's rights-of-way

### **6.0 Cathodic Protection/Electrolysis Test Stations**

#### **6.1 Metropolitan Cathodic Protection**

Metropolitan's existing cathodic protection facilities in the vicinity of any proposed work must be identified prior to any grading or excavation. The exact location, description, and type of protection must be shown on all project plans. Please contact Metropolitan for the location of its cathodic protection stations.

#### **6.2 Review of Cathodic Protection Systems**

Metropolitan must review any proposed installation of impressed-current cathodic protection systems on pipelines crossing or paralleling Metropolitan's pipelines to determine any potential conflicts with Metropolitan's existing cathodic protection system.

## **7.0 Drainage**

### **7.1 Drainage Changes Affecting Metropolitan Rights-of-Way**

Changes to existing drainage that could affect Metropolitan's rights-of-way require Metropolitan's approval. The project proponent must provide acceptable solutions to ensure Metropolitan's rights-of-way are not negatively affected by changes in the drainage conditions. Plans showing the changes, with a copy of a supporting hydrology report and hydraulic calculations, must be submitted to Metropolitan for review and approval. Long term maintenance of any proposed drainage facilities must be the responsibility of the project proponent, City, County, homeowner's association, etc., with a clear understanding of where this responsibility lies. If drainage must be discharged across Metropolitan's rights-of-way, it must be carried across by closed conduit or lined open channel and must be shown on the plans.

### **7.2 Metropolitan's Blowoff and Pumpwell Structures**

Any changes to the existing local watercourse systems will need to be designed to accommodate Metropolitan's blowoff and pumpwell structures, which periodically convey discharged water from Metropolitan's blowoff and pumping well structures during pipeline dewatering. The project proponents' plans should include details of how these discharges are accommodated within the proposed development and must be submitted to Metropolitan for review and approval. Any blowoff discharge lines impacted must be modified accordingly at the expense of the project proponent.

## **8.0 Grading and Settlement**

### **8.1 Changes in Cover over Metropolitan Pipelines**

The existing cover over Metropolitan's pipelines must be maintained unless Metropolitan determines that proposed changes in grade and cover do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance capability. Load and settlement or rebound due to change in cover over a Metropolitan pipeline or ground in the area of Metropolitan's rights-of-way will be factors considered by Metropolitan during project review.

In general, the minimum cover over a Metropolitan pipeline is 4 feet and the maximum cover varies per different pipeline. Any changes to the existing grade may require that Metropolitan's pipeline be potholed under Metropolitan's supervision to verify the existing cover.

### **8.2 Settlement**

Any changes to the existing topography in the area of Metropolitan's pipeline or right-of-way that result in significant settlement or lateral displacement of Metropolitan's pipelines are not acceptable. Metropolitan may require submittal of a soils report showing the predicted settlement of the pipeline at 10-foot intervals for review. The data must be carried past the point of zero change in each direction and the actual size and varying depth of the fill must be considered when determining the settlement. Possible settlement due to soil collapse, rebound and lateral displacement must also be included.

In general, the typical maximum allowed deflection for Metropolitan's pipelines must not exceed a deflection of 1/4-inch for every 100 feet of pipe length. Metropolitan may require additional information per its Geotechnical Guidelines. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

## **9.0 Construction Equipment**

### **9.1 Review of Proposed Equipment**

Use of equipment across or adjacent to Metropolitan's facilities is subject to prior review and written approval by Metropolitan. Excavation, backfill, and other work in the vicinity of Metropolitan's facilities must be performed only by methods and with equipment approved by Metropolitan. A list of all equipment to be used must be submitted to Metropolitan a minimum of 30 days before the start of work.

- A. For equipment operating within paved public roadways, equipment that imposes loads not greater than that of an AASHTO H-20 vehicle (see Figure 1 on Page 21) may operate across or adjacent to Metropolitan's pipelines provided the equipment operates in non-vibratory mode and the road remains continuously paved.
- B. For equipment operating within unpaved public roadways, when the total cover over Metropolitan's pipeline is 10 feet or greater, equipment imposing loads no greater than those imposed by an AASHTO H-20 vehicle may operate over or adjacent to the pipeline provided the equipment is operated in non-vibratory mode. For crossings, vehicle path shall be maintained in a smooth condition, with no breaks in grade for 3 vehicle lengths on each side of the pipeline.

### **9.2 Equipment Restrictions**

In general, no equipment may be used closer than 20 feet from all Metropolitan above-ground structures. The area around the structures should be flagged to prevent equipment encroaching into this zone.

### **9.3 Vibratory Compaction Equipment**

Vibratory compaction equipment may not be used in vibratory mode within 20 feet of the edge of Metropolitan's pipelines.

### **9.4 Equipment Descriptions**

The following information/specifications for each piece of equipment should be included on the list:

- A. A description of the equipment, including the type, manufacturer, model year, and model number. For example, wheel tractor-scraper, 1990 Caterpillar 627E.
- B. The empty and loaded total weight and the corresponding weight distribution. If equipment will be used empty only, it should be clearly stated.
- C. The wheel base (for each axle), tread width (for each axle), and tire footprint (width and length) or the track ground contact (width and length), and track gauge (center to center of track).

## **10.0 Excavations Close to Metropolitan Facilities**

### **10.1 Shoring Design Submittal**

Excavation that impacts Metropolitan's facilities requires that the contractor submit an engineered shoring design to Metropolitan for review and acceptance a minimum of 30 days before the scheduled start of excavation. Excavation may not begin until the shoring design is accepted in writing by Metropolitan.

Shoring design submittals must include all required trenches, pits, and tunnel or jacking operations and related calculations. Before starting the shoring design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements, particularly as to any special procedures that may be required.

### **10.2 Shoring Design Requirements**

Shoring design submittals must be stamped and signed by a California registered civil or structural engineer. The following requirements apply:

- A. The submitted shoring must provide appropriate support for soil adjacent to and under Metropolitan's facilities.
- B. Shoring submittals must include detailed procedures for the installation and removal of the shoring.
- C. Design calculations must follow the Title 8, Chapter 4, Article 6 of the California Code of Regulations (CCR) guidelines. Accepted methods of analysis must be used.
- D. Loads must be in accordance with the CCR guidelines or a soils report by a geotechnical consultant.
- E. All members must be secured to prevent sliding, falling, or kickouts.

Metropolitan's pipelines must be located by potholing under Metropolitan's supervision before the beginning construction. Use of driven piles within 20 feet of the centerline of Metropolitan's pipeline is not allowed. Piles installed in drilled holes must have a minimum 2-foot clearance between Metropolitan's pipeline and the edge of the drilled hole, and a minimum of 1-foot clearance between any part of the shoring and Metropolitan's pipeline.

## **11.0 Support of Metropolitan Facilities**

### **11.1 Support Design Submittal**

If temporary support of a Metropolitan facility is required, the contractor shall submit a support design plan to Metropolitan for review and approval a minimum of 30 days before the scheduled start of work. Work may not begin until the support design is approved in writing by Metropolitan. Before starting design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements.

### **11.2 Support Design Requirements**

Support design submittals must be prepared, stamped, and signed by a California registered civil or structural engineer. The following requirements apply:

- A. Support drawings must include detailed procedures for the installation and removal of the support system.
- B. Design calculations must follow accepted practices, and accepted methods of analysis must be used.
- C. Support designs must show uniform support of Metropolitan's facilities with minimal deflection.
- D. The total weight of the facility must be transferred to the support system before supporting soil is fully excavated.
- E. All members must be secured to prevent sliding, falling, or kickouts.

## **12.0 Backfill**

### **12.1 Metropolitan Pipeline Not Supported**

In areas where a portion of Metropolitan pipeline is not supported during construction, the backfill under and to an elevation of 6 inches above the top of the pipeline must be one-sack minimum cement sand slurry. To prevent adhesion of the slurry to Metropolitan's pipeline, a minimum 6-mil-thick layer of polyethylene sheeting or similar approved sheeting must be placed between the concrete support and the pipeline.

### **12.2 Metropolitan Pipeline Partially Exposed**

In areas where a Metropolitan pipeline is partially exposed during construction, the backfill must be a minimum of 6 inches above the top of the pipeline with sand compacted to minimum 90 percent compaction.

### **12.3 Metropolitan Cut and Cover Conduit on Colorado River Aqueduct (CRA)**

In areas where a Metropolitan cut and cover conduit is exposed, the following guidelines apply:

- A. No vehicle or equipment shall operate over or cross the conduit when the cover is less than 3 feet.
- B. Track-type dozer with a gross vehicle weight of 12,000 lbs or less may be used over the conduit when the cover is a minimum of 3 feet.
- C. Wheeled vehicles with a gross vehicle weight of 8,000 lbs or less may operate over the conduit when the cover is a minimum of 4 feet.
- D. Tracked dozer or wheeled vehicle should be used to push material over the conduit from the side.
- E. Tracked dozer or wheeled vehicle should gradually increase cover on one side of the conduit and then cross the conduit and increase cover on the other side of the conduit. The cover should be increased on one side of the conduit until a maximum of 2 feet of fill has been placed. The cover over the conduit is not allowed to be more than 2 feet higher on one side of the conduit than on the other side.
- F. The cover should be gradually increased over the conduit until the grade elevations have been restored.

## 13.0 Piles

### 13.1 Impacts on Metropolitan Pipelines

Pile support for structures could impose lateral, vertical and seismic loads on Metropolitan's pipelines. Since the installation of piles could also cause settlement of Metropolitan pipelines, a settlement and/or lateral deformation study may be required for pile installations within 50 feet of Metropolitan's pipelines. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

### 13.2 Permanent Cast-in-place Piles

Permanent cast-in-place piles must be constructed so that down drag forces of the pile do not act on Metropolitan's pipeline. The pile must be designed so that down drag forces are not developed from the ground surface to springline of Metropolitan's pipeline.

Permanent cast-in-place piles shall not be placed closer than 5 feet from the edge of Metropolitan's pipeline. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

## 14.0 Protective Slabs for Road Crossings Over Metropolitan Pipelines

Protective slabs must be permanent cast-in-place concrete protective slabs configured in accordance with Drawing SK-1 (See Figure 2 on Page 22).

The moments and shear for the protective slab may be derived from the American Association of State Highway and Transportation Officials (AASHTO). The following requirements apply:

- A. The concrete must be designed to meet the requirements of AASHTO
- B. Load and impact factors must be in accordance with AASHTO. Accepted methods of analysis must be used.
- C. The protective slab design must be stamped and signed by a California registered civil or structural engineer and submitted to Metropolitan with supporting calculations for review and approval.

Existing protective slabs that need to be lengthened can be lengthened without modification, provided the cover and other loading have not been increased.

## 15.0 Blasting

At least 90 days prior to the start of any drilling for rock excavation blasting, or any blasting in the vicinity of Metropolitan's facilities, a site-specific blasting plan must be submitted to Metropolitan for review and approval. The plan must consist of, but not be limited to, hole diameters, timing sequences, explosive weights, peak particle velocities (PPV) at Metropolitan pipelines/structures, and their distances to blast locations. The PPV must be estimated based on a site-specific power law equation. The power law equation provides the peak particle velocity versus the scaled distance and must be calibrated based on measured values at the site.

## **16.0 Metropolitan Plan Review Costs, Construction Costs and Billing**

### **16.1 Plan Review Costs**

Metropolitan plan reviews requiring 8 labor hours or less are generally performed at no cost to the project proponent. Metropolitan plan reviews requiring more than 8 labor hours must be paid by the project proponent, unless the project proponent has superior rights at the project area. The plan review will include a written response detailing Metropolitan's comments, requirements, and/or approval.

A deposit of funds in the amount of the estimated cost and a signed letter agreement will be required from the project proponent before Metropolitan begins or continues a detailed engineering plan review that exceeds 8 labor hours.

### **16.2 Cost of Modification of Facilities Performed by Metropolitan**

Cost of modification work conducted by Metropolitan will be borne by the project proponent, when Metropolitan has paramount/prior rights at the subject location.

Metropolitan will transmit a cost estimate for the modification work to be performed (when it has paramount/prior rights) and will require that a deposit, in the amount of the estimate, be received before the work will be performed.

### **16.3 Final Billing**

Final billing will be based on the actual costs incurred, including engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the total cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice for the additional amount will be forwarded for payment.

## **17.0 Street Vacations and Reservation of Easements for Metropolitan**

A reservation of an easement is required when all or a portion of a public street where Metropolitan facilities are located is to be vacated. The easement must be equal to the street width being vacated or a minimum 40 feet. The reservation must identify Metropolitan as a "public entity" and not a "public utility," prior to recordation of the vacation or tract map. The reservation of an easement must be submitted to Metropolitan for review prior to final approval.

## **18.0 Metropolitan Land Use Guidelines**

If you are interested in obtaining permission to use Metropolitan land (temporary or long term), a Land Use Form must be completed and submitted to Metropolitan for review and consideration. A nonrefundable processing fee is required to cover Metropolitan's costs for reviewing your request. Land Use Request Forms can be found at:

[http://mwdh2o.com/PDF\\_Doing\\_Your\\_Business/4.7.1\\_Land\\_Use\\_Request\\_form\\_revised.pdf](http://mwdh2o.com/PDF_Doing_Your_Business/4.7.1_Land_Use_Request_form_revised.pdf)

The request should be emailed to [RealEstateServices@mwdh2o.com](mailto:RealEstateServices@mwdh2o.com), or contact the Real Property Development and Management (RPDM) Group at (213) 217-7750.

After the initial application form has been submitted, Metropolitan may require the following in order to process your request:

- A. A map indicating the location(s) where access is needed, and the location & size (height, width and depth) of any invasive subsurface activity (boreholes, trenches, etc.).
- B. The California Environmental Quality Act (CEQA) document(s) or studies that have been prepared for the project (e.g., initial study, notice of exemption, Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), etc.).
- C. A copy of an ACORD insurance certification naming Metropolitan as an additional insured, or a current copy of a statement of self-insurance.
- D. Confirmation of the legal name of the person(s) or entity(ies) that are to be named as the permittee(s) in the entry permit.
- E. Confirmation of the purpose of the land use.
- F. The name of the person(s) with the authority to sign the documents and any specific signature title block requirements for that person or any other persons required to sign the document (i.e., legal counsel, Board Secretary/Clerk, etc.).
- G. A description of any vehicles that will have access to the property. The exact make or model information is not necessary; however, the general vehicle type, expected maximum dimensions (height, length, width), and a specific maximum weight must be provided.

Land use applications and proposed use of the property must be compatible with Metropolitan's present and/or future use of the property. Any preliminary review of your request by Metropolitan shall not be construed as a promise to grant any property rights for the use of Metropolitan's property.

## 19.0 Compliance with Environmental Laws and Regulations

As a public agency, Metropolitan is required to comply with all applicable environmental laws and regulations related to the activities it carries out or approves. Consequently, project plans, maps, and other information must be reviewed to determine Metropolitan's obligations pursuant to state and federal environmental laws and regulations, including, but not limited to:

- A. California Environmental Quality Act (CEQA) (Public Resources Code 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500-15387)
- B. Federal Endangered Species Act (ESA) of 1973, 16 U.S.C. §§ 1531, et seq.
- C. California Fish and Game Code Sections 2050-2069 (California ESA)
- D. California Fish and Game Code Section 1602
- E. California Fish and Game Code Sections 3511, 4700, 5050 and 5515 (California fully protected species)
- F. Federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. §§ 703-712
- G. Federal Clean Water Act (including but not limited to Sections 404 and 401) 33 U.S.C. §§ 1342, 1344)

- H. Porter Cologne Water Quality Control Act of 1969, California Water Code §§ 13000-14076.
- I. Title 22, California Code of Regulations, Chapter 16 (California Waterworks Standards), Section 64572 (Water Main Separation)

Metropolitan may require the project applicant to pay for any environmental review, compliance and/or mitigation costs incurred to satisfy such legal obligations.

## **20.0 Paramount Rights / Metropolitan's Rights within Existing Rights-of-Way**

Facilities constructed within Metropolitan's rights-of-way shall be subject to the paramount right of Metropolitan to use its rights-of-way for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove or relocate any facilities from its rights-of-way, such removal and replacement or relocation shall be at the expense of the owner of the facility.

## **21.0 Disclaimer and Information Accuracy**

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as you may deem prudent, to assure that your project plans are correct. The relevant representative from Metropolitan must be called at least two working days, before any work activity in proximity to Metropolitan's facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

**Table 1: General Guidelines for Pipeline Separation between Metropolitan’s Pipeline<sup>1</sup> and Sanitary Sewer<sup>2</sup> or Hazardous Fluid Pipeline<sup>3</sup>**

<p><u>Pipeline Crossings</u></p>	<p>Metropolitan requires that sanitary sewer and hazardous fluid pipelines that cross Metropolitan’s pipelines have special pipe construction (no joints) <b>and</b> secondary containment<sup>4</sup>. This is required for the full width of Metropolitan’s rights-of-way or within 10 feet tangent to the outer edges of Metropolitan’s pipeline within public streets. Additionally, sanitary sewer and hazardous fluid pipelines crossing Metropolitan’s pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance between the top and the bottom of Metropolitan’s pipeline and the pipe casing.</p> <p>These requirements apply to all sanitary sewer crossings regardless if the sanitary sewer main is located below or above Metropolitan’s pipeline.</p>
<p><u>Parallel Pipeline</u></p>	<p>Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requires that all parallel sanitary sewer, hazardous fluid pipelines and/or non-potable utilities be located a minimum of 10 feet from the outside edges of Metropolitan’s pipelines. When 10-foot horizontal separation criteria cannot be met, longitudinal pipelines require special pipe construction (no joints) <b>and</b> secondary containment<sup>4</sup>.</p>
<p><u>Sewer Manhole</u></p>	<p>Sanitary sewer manholes are not allowed within Metropolitan’s rights-of-way. Within public streets, Metropolitan requests manholes parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment<sup>5</sup>.</p>

**Notes:**

<sup>1</sup> Separation distances are measured from the outer edges of each pipe.

<sup>2</sup> Sanitary sewer requirements apply to all recycled water treated to less than disinfected tertiary recycled water (disinfected secondary recycled water or less). Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

<sup>3</sup> Hazardous fluids include e.g., oil, fuels, chemicals, industrial wastes, wastewater sludge, etc.

<sup>4</sup> Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

<sup>5</sup> Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

**Table 2: General Guidelines for Pipeline Separation between Metropolitan’s Pipeline<sup>1</sup> and Storm Drain and/or Disinfected Tertiary Recycled Water<sup>2</sup>**

<p><b><u>Pipeline Crossings</u></b></p>	<p>Metropolitan requires crossing pipelines to be special pipe construction (no joints) or have secondary containment<sup>3</sup> within 10-feet tangent to the outer edges of Metropolitan’s pipeline. Additionally, pipelines crossing Metropolitan’s pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance.</p>
<p><b><u>Parallel Pipeline</u></b></p>	<p>Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requests that all parallel pipelines be located a minimum of 10 feet from the outside edges of Metropolitan’s pipelines. When 10-foot horizontal separation criteria cannot be met, special pipe construction (no joints) or secondary containment<sup>3</sup> are required.</p>
<p><b><u>Storm Drain Manhole</u></b></p>	<p>Permanent utility structures (e.g., manhole, catch basin, inlets) are not allowed within Metropolitan’s rights-of-way. Within public streets, Metropolitan requests all structures parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment<sup>4</sup>.</p>

**Notes:**

<sup>1</sup> Separation distances are measured from the outer edges of each pipe.

<sup>2</sup> Disinfected tertiary recycled water as defined in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

<sup>3</sup> Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

<sup>4</sup> Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

**Table 3: General Guidelines for Pipeline Separation<sup>1</sup> between Metropolitan’s Pipeline and Recycled Water<sup>2,4</sup> Irrigations**

<p>Pressurized recycled irrigation mainlines</p>	<ul style="list-style-type: none"> <li>• Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing pressurized recycled irrigation mainlines must be special pipe construction (no joints) or have secondary containment<sup>3</sup> within 10-feet tangent to the outer edges of Metropolitan’s pipeline.</li> <li>• Longitudinal - must maintain a minimum 10-foot horizontal separation and route along the perimeter of Metropolitan’s rights-of-way where possible.</li> </ul>
<p>Intermittently Energized Recycled Water Irrigation System Components</p>	<ul style="list-style-type: none"> <li>• Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing irrigation laterals within 5-feet tangent to the outer edges of Metropolitan’s pipeline must be special pipe construction (no joints) or have secondary containment<sup>3</sup>.</li> <li>• Longitudinal – must maintain a minimum 5-foot horizontal separation between all intermittently energized recycled water irrigation system components (e.g. irrigation lateral lines, control valves, rotors) and the outer edges of Metropolitan’s pipeline. Longitudinal irrigation laterals within 5-feet tangent to the outer edges of Metropolitan’s pipeline must be special pipe construction (no joints) or have secondary containment<sup>3</sup>.</li> </ul>
<p>Irrigation Structures</p>	<p>Irrigation structures such as meters, pumps, control valves, etc. must be located outside of Metropolitan’s rights-of-way.</p>
<p>Irrigation spray rotors near Metropolitan’s aboveground facilities</p>	<p>Irrigation spray rotors must be located a minimum of 20-foot from any Metropolitan above ground structures with the spray direction away from these structures. These rotors should be routinely maintained and adjusted as necessary to ensure no over-spray into 20-foot clear zones.</p>
<p>Irrigations near open canals and aqueducts</p>	<p>Irrigation with recycled water near open canals and aqueducts will require a setback distance to be determined based on site-specific conditions. Runoff of recycled water must be contained within an approved use area and not impact Metropolitan facilities. Appropriate setbacks must also be in place to prevent overspray of recycled water impacting Metropolitan’s facilities.</p>

**Notes:**

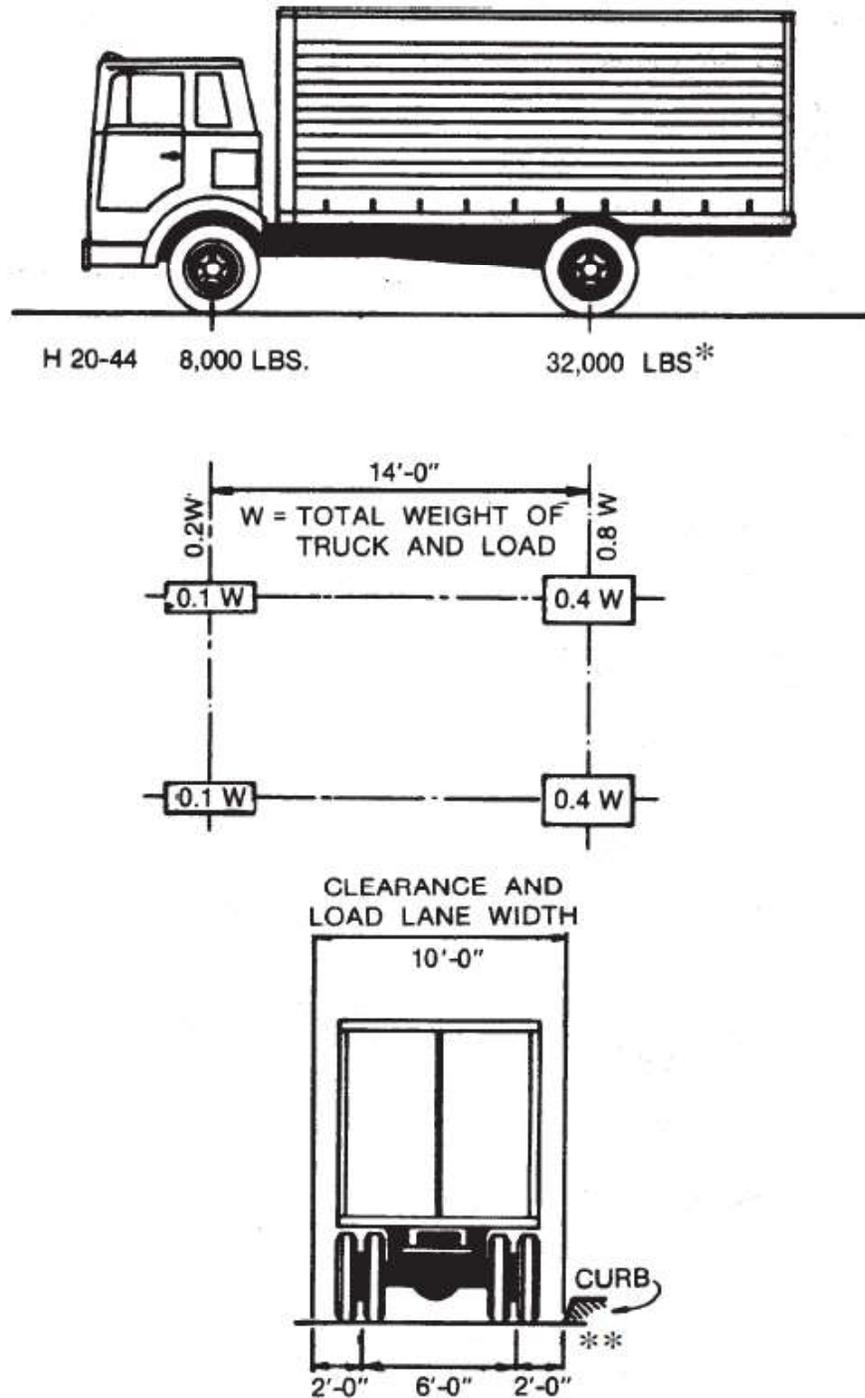
<sup>1</sup> Separation distances are measured from the outer edges of each pipe.

<sup>2</sup> Requirements for recycled water irrigation apply to all levels of treatment of recycled water for non-potable uses. Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

<sup>3</sup> Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

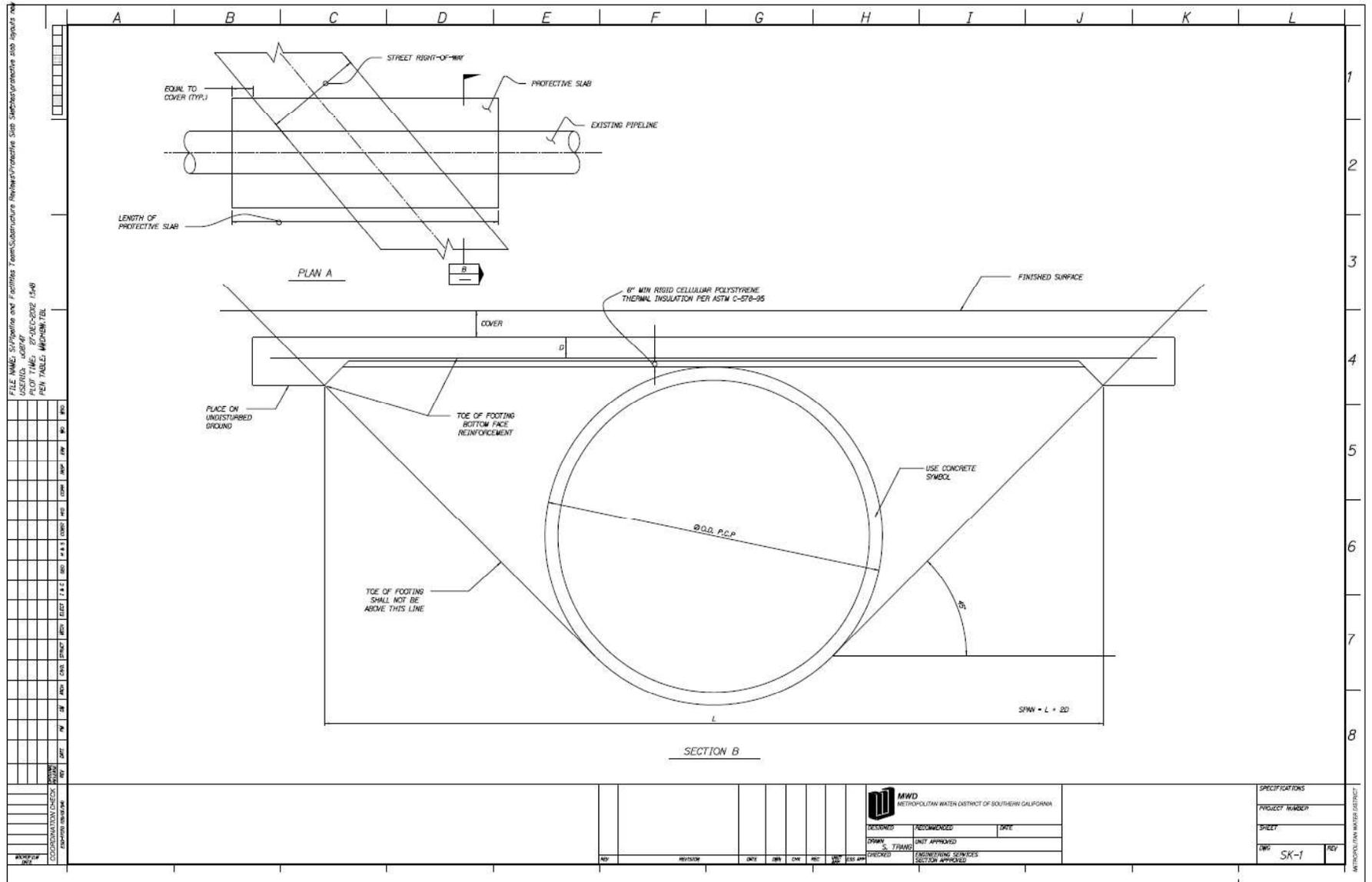
<sup>4</sup> Irrigation with recycled water shall not be applied directly above Metropolitan’s treated water pipelines.

Figure 1: AASHTO H-20 Loading



Note: The H loadings consist of a two-axle truck or the corresponding lane loadings as illustrated above. The H loadings are designated "H" followed by a number indicating the gross weight in tons of the standard truck.

Figure 2: Drawing SK-1





State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 South Coast Region  
 3883 Ruffin Road  
 San Diego, CA 92123  
 (858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



March 18, 2022

Joanne Hwang  
 Senior Planner  
 City of Anaheim  
 200 S. Anaheim Blvd  
 Anaheim, CA 92805  
[JHwang@anaheim.net](mailto:JHwang@anaheim.net)

**Subject: City of Anaheim General Plan Update (Project), Notice of Preparation (NOP), SCH #2022020363**

Dear Ms. Hwang:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a draft programmatic environmental impact report (PEIR) from the City of Anaheim (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

#### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also oversees implementation of the Natural Community Conservation Planning (NCCP) program. The City of Anaheim participates in the NCCP program through its role as a Participating Jurisdiction under the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).

#### **PROJECT DESCRIPTION SUMMARY**

**Proponent:** City of Anaheim (City)

**Objective:** The objective of the Project is to prepare a technical update to parts of the City's General Plan. The City is in the process of updating the sixth cycle housing element for the 2021-2029 planning period to address the City's Regional Housing Needs Assessment (RHNA). This Housing Element update will require changes to the City's Zoning Code and land use maps. Primary Project activities include a new Environmental Justice Element, a new Climate Action Plan, and updates to the Circulation Element, Safety Element, Zoning Code, Zoning Map, and Land Use Element to implement the 2021-2029 Housing Element.

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Joanne Hwang, Senior Planner  
 City of Anaheim  
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Key project components are outlined below:

**New Environmental Justice Element:** The state law requires local jurisdictions with disadvantaged communities to adopt a new Environmental Justice Element when they are updating two or more elements of their general plan. The Environmental Justice Element will be compliant with all relevant State laws, including California Senate Bill 1000 (2016).

**New Climate Action Plan (CAP):** The new CAP will serve as a strategic framework for measuring, planning, and reducing greenhouse gas emissions and related climatic impacts in the City.

**Circulation Element Update:** This identifies the general location and extent of existing and proposed major transportation facilities. The Circulation Element update will reflect changes in the transportation needs, new technologies, and other projects, such as the Housing Element.

**Zoning Code and Land Use Changes:** The 2021-2029 Housing Element and updates to the other General Plan elements require updates to the City's Zoning Code, Zoning Map, and the Land Use Element to ensure consistency and allow for future implementation.

**Location:** The Project encompasses the City of Anaheim, which is approximately 35 miles southeast of downtown Los Angeles and 7 miles north of Santa Ana. The city is surrounded by the cities of Fullerton, Placentia, and Yorba Linda to the north; Riverside County to the east; the cities of Orange, Garden Grove, and Stanton and unincorporated Orange County to the south; and the cities of Cypress and Buena Park to the west. The City encompasses over 32,000 acres of land, stretching nearly 20 miles along State Route 91.

**Biological Setting:** The City of Anaheim is largely urbanized and is largely surrounded by other developed cities. The developed areas of the City contain non-native species of plants and animals while the Hill and Canyon Area, located in the eastern portion of the City and Sphere of Influence, contains the majority of the City's remaining significant biological resources. The Hill and Canyon Area is within the County of Orange Central and Coastal Subregion NCCP/HCP. The State of California purchased approximately 1,400 acres within Coal Canyon to conserve natural habitats and provide a wildlife corridor between the Cleveland National Forest and the Chino Hills State Park. This site will be maintained in perpetuity as an open space wildlife corridor. The General Plan and Zoning Code Update reflects this use by designating this area for open space purpose. The other significant biological resource located in the City is the Santa Ana River.

Vegetation types likely to occur in the undeveloped portions of the City include annual grassland, chaparral, coastal sage scrub, riparian, woodland, forest communities, and cliff and rock. Sensitive plant communities found within the Hill and Canyon Area include coastal sage scrub communities, coast live oak communities (e.g., oak savannah and oak woodland), Tecate Cypress communities, nolina chaparral, needlegrass grassland, and riparian communities. Portions of the Hill and Canyon Area are utilized for local movement by a wide variety of resident wildlife. Observations made during the course of field work, as well as photographs taken at automated photo stations, have confirmed the presence of a variety of reptiles, birds, and medium to large mammals including, but not limited to skunk, raccoon, mule deer, coyote, bobcat, gray fox, and mountain lion.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, wildlife, and natural habitats, we recommend the following information be included in the PEIR:

### General Comments

- 1) **NCCP Compliance:** The City of Anaheim participates in the NCCP program through its role as a Participating Jurisdiction under the County of Orange Central and Coastal Subregion NCCP/HCP. Due to the potential for covered species and their habitats to occur within the Project area, which is defined as the entire City, CDFW recommends the updated General Plan maintaining consistency with the NCCP/HCP in order to avoid, minimize, and/or mitigate potential impacts to biological resources.
- 2) **Biological Resource Inventory:** Where the General Plan Update may result in impacts to natural resources, the document should contain a complete description of the Project, including purpose and need, that describes all habitats within or adjacent to the Project

Joanne Hwang, Senior Planner  
 City of Anaheim  
 March 18, 2022  
 Page 3 of 4

area. The Project area is described as the area in which potential effects may occur. Where applicable, the document should also provide a complete assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete floral and faunal species compendium of the entire Project site, undertaken at the appropriate time of year. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish and wildlife species. Seasonal variations in use of the Project area by wildlife should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required in order to adequately determine potential effects. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service.

- 3) **Biological Impacts:** To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the PEIR:

a) a discussion of potential adverse impacts from lighting, noise, human activity, sensitive species, recreational uses, and potential impacts to the Santa Ana River. The latter subject should address: Project-related changes to drainage patterns on, and downstream of, the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in the stream; and post-Project fate of runoff from the Project site. Mitigation measures proposed to alleviate such impacts should be included.

b) discussion regarding indirect Project impacts on biological resources, including appropriate biological buffers, resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., existing preserve lands or lands designated as within the County of Orange Central and Coastal Subregion NCCP/HCP).

c) the zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible wildlife conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.

d) CDFW also recommends that a habitat gain/loss table be included, which calculates the expected net habitat losses and gains of each type of habitat area lost, restored, enhanced, and created.

- 4) **Special-status Species:** The PEIR should thoroughly analyze direct, indirect, and cumulative impacts to any special-status species likely to occur in the Project area. Impacts to species designated as Fully Protected must be completely avoided; FPS may not be taken or possessed at any time per § 3511 of the Fish and Game Code. Avoidance measures for avian species may include phasing construction to occur outside of nesting season, conducting species-specific surveys when construction will occur within 500' of a nesting site, retaining a qualified biological monitor on-site during construction, and implementation of no-activity buffers around active nests.

CDFW also considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species not already covered by the Orange County Central and Coastal NCCP/HCP that results from the Project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project related activity during the life of the Project will result in take of a non-NCCP covered species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and G. Code §§ 2080.1, 2081, subs. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

Joanne Hwang, Senior Planner  
City of Anaheim  
March 18, 2022  
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**Lake and Streambed Alteration Notification:**

- 1) The Project area covers the entire City of Anaheim and thus includes the Santa Ana River. CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW as a Responsible Agency under CEQA may consider the City's PEIR for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSAA.

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

**ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

**CONCLUSION**

CDFW appreciates the opportunity to comment on the NOP assist the City of Anaheim in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alex Troeller, Environmental Scientist, at [Alexandra.Troeller@wildlife.ca.gov](mailto:Alexandra.Troeller@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
D700B4520375406...

David Mayer  
Environmental Program Manager  
South Coast Region

ec: CDFW  
Jennifer Turner, San Diego – [Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)  
Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)  
State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

**REFERENCES**

City of Anaheim. 2020. Climate Action Plan.  
<https://anaheim.net/DocumentCenter/View/7987/Greenhouse-Gas-Reduction-Plan?bidId=>  
City of Anaheim. 2004. Anaheim General Plan/Zoning Code Update EIR.  
<https://www.anaheim.net/DocumentCenter/View/2185/53-Biological-Resources-?bidId=>

**M e m o r a n d u m**

Date: March 15, 2022

To: Special Projects Section

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Westminster Area

File No.: 670.15143.15585

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE  
SCH# 2022020363

The Westminster Area reviewed the provided Notice of Environmental Impact documents from the State Clearinghouse (SCH# 2022020363). The documents did not have enough information to determine that there will be an impact to the local Area operations and public safety. The point of contact for this memorandum is Sergeant W. Fitzgerald, #15585. The office phone number is (714) 892-4426.

  
D. M. SOFFA, Captain  
Commander