

Appendix B

Notice of Preparation & Comments

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Date: October 31, 2024

SUBJECT PROJECT: Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the City of Buena Park Land Use and Community Design Element and Residential Code Update Project.

PROJECT APPLICANT: City of Buena Park, Community Development Services Department

PUBLIC REVIEW PERIOD: November 4, 2024 – December 10, 2024

The purpose of this Notice of Preparation (NOP) is to notify reviewing agencies, including Responsible and Trustee Agencies (Agencies), and all interested parties that the City of Buena Park (City), as the Lead Agency, will be preparing a Draft Environmental Impact Report (DEIR) for the Land Use and Community Design Element and Residential Zoning Code Update Project (Project).

The City is requesting comments and guidance on the scope and content of the DEIR from Responsible and Trustee agencies, interested public agencies, organizations, and the general public (State of California Environmental Quality Act [CEQA] Guidelines §15082). The project description, location, and potential environmental impacts are contained in this notice. Additionally, an Initial Study was prepared for the Project to identify potential environmental effects that may result from Project implementation. This NOP and the Project's Initial Study may be reviewed online at the following link:

https://www.buenapark.com/city_departments/community_development/planning_division/keynote_projects.php.

Further, the NOP and Initial Study can also be reviewed at the following location:

City of Buena Park, Planning Division
 6650 Beach Boulevard, Buena Park, CA 90621

SCOPING MEETING: As a part of the NOP process, the City will conduct a public scoping meeting in order to present the proposed Project and environmental process and to receive public comments and suggestions regarding the proposed Project. The scoping meeting is open to the public and all interested parties, and will be held during **Planning Commission on November 13 2024, at 6:30 p.m.** or as soon as possible thereafter as the matter can be heard, at the City of Buena Park City Council Chambers of City Hall, 6650 Beach Boulevard, Buena Park, California.

PROJECT LOCATION: The Project encompasses the entire City of Buena Park which is comprised of 10.3 square miles and is situated in the northwestern boundary of Orange County, California, as shown in *Exhibit 1, Regional Vicinity* and *Exhibit 2, Project Boundary*. Cities that surround the City of Buena Park include La Mirada to the north, Anaheim to the south and east, Fullerton to the east, La Palma and Cerritos to the west, and Cypress to the west and south. Regional access to the City is provided via Interstate 5 (I-5) which is a major north-south Interstate that passes through the central portion of the City, and State Route 91 (SR-91) which is a major east-west highway that traverses through the central portion of the City.

PROJECT BACKGROUND: Based on the Southern California Association of Governments (SCAG) 6th Cycle Final Regional Housing Needs Assessment (RHNA), the City has a total RHNA allocation of 8,919 housing units that are identified by income categories as shown in Table 1, City of Buena Park 2021-2029 RHNA Allocation.

Table 1: City of Buena Park 2021-2029 RHNA Allocation

Income Level	Dwelling Units	Percentage
Extremely Low Income	1,059	12%
Very Low Income	1,059	12%
Low Income	1,343	15%
Moderate Income	1,573	17%
Above Moderate Income	3,884	44%

Total	8,919	100%
Source: SCAG 6th Cycle Final RHNA, adopted March 4, 2021.		

In accordance with State law, the City must demonstrate that it has planned to accommodate all of its regional housing need allocation in its Housing Element. The 6th Cycle Housing Element Update was approved by the City Council on January 25, 2022, and was certified by the California Department of Housing and Community Development (“HCD”) on February 29, 2024. The City’s 2021-2029 Housing Element Update indicates that the City has the capacity to exceed its RHNA allocation and can accommodate approximately 10,322 housing units through pending projects, the City’s inventory of vacant and underutilized land, accessory dwelling units (ADUs), rezoned sites, and Housing Incentive Overlays (HIO’s). The 6th Cycle Housing Element identifies 410 parcels throughout the City that can accommodate the additional housing units.

On February 13, 2024, City Council approved amendments to the General Plan Land Use Map and Zoning Map to accommodate the City’s shortfall of sites needed to meet its RHNA allocation of 8,919 housing units. The General Plan Land Use Map was amended to include five (5) new Housing Incentive Overlays and two (2) land use designation amendments. The Official Zoning Map was amended to include six (6) new Housing Incentive Overlays and one (1) change of zone. Additionally, the Auto Center Specific Plan (ACSP) was amended to include MUO-45 and MUO-60 and the Entertainment Corridor Specific Plan (ESCP) was amended to include MUO-45. Land use and zoning maps were amended for 315 parcels to add the above-mentioned overlays.

PROJECT DESCRIPTION: The proposed Project would update the Land Use and Community Design Element of the City’s General Plan and the Residential Zoning Code to facilitate the development of affordable housing consistent with the City’s 2021-2029 Housing Element. Specifically, the project would include the following:

1. The Project requires a General Plan Amendment (GPA) to update the text and exhibits of the Land Use and Community Design Element of the General Plan to include Goals and Policies for affordable housing, descriptions of the HIO’s, incorporation of relevant State Laws, updates to the City’s existing land uses, Focus Areas, and projected buildout tables, updates to the ACSP and ECSP descriptions to include the applicable HIO’s, and updates to the City’s focus areas to include descriptions of key design and form characteristics the HIO’s.
2. The Residential Zoning code will update the text of the Single-Family Zones (Division 3), Multi-Family Zones (Division 4), and Administration Section (Division 1) to streamline review of development proposals, increase heights within multi-family zones, adopt the Density Bonus Law by reference, incorporate new uses along with development standards into the permitted use table as indicated by the 6th Cycle Housing Element Update (SB-9, Supportive/Transitional Housing, etc.), reference and incorporate the HIO Objective Design and Development Standards (ODDS) as they pertain to affordable housing development within single-family and multi-family zones. Division 5 will be updated to reference and incorporate the HIO ODDS. Additionally, Division 7 will be created to include development standards for four (4) Mixed-Use zones, three (3) of which permit residential uses.
3. Though the Project itself does not include the construction and development of affordable housing, the Project would study the impact of the future construction and development of 10,322 dwelling units and 438,333 sq. ft. of new commercial space within 410 parcels located within the Housing Incentive Overlay zones and throughout the City.

ENVIRONMENTAL DETERMINATION: The City has determined that an EIR will be required for the Project. The following environmental topics marked with a check mark below have the potential to result in significant environmental impact and will be further evaluated in the DEIR.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |

- | | | |
|--|---|--|
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | |

PUBLIC REVIEW: The City requests your review and consideration of this notice and Initial Study, and it invites any and all input and comments from interested agencies, persons, and organizations regarding the preparation of the DEIR. Comments in response to this notice must be submitted to the City through the close of business on December 10, 2024. All comments must be submitted in writing; either in a letter or email. Please indicate a contact person for your agency or organization and send your responses or comments to:

City of Buena Park, Planning Division
 Attn: Swati Meshram, PhD, AICP, Planning Manager
 6650 Beach Boulevard
 Buena Park, CA 90621
 Email: smeshram@buenapark.com

Any person with impairment pursuant to the Americans with Disability Act who needs special accommodations should call the City Clerk at (714) 562-3750.



If you would like to participate in the scoping meeting and would like translation in Chinese, Korean, Spanish, Tagalog, or Vietnamese, please contact the City Clerk's Office at (714) 562-3750, 48-hours prior to the meeting.

Further information may be obtained from the Planning Division, (714) 562-3620.

Swati Meshram,
 Planning Manager

Published November 1, 2024 and Posted and Mailed by November 1, 2024

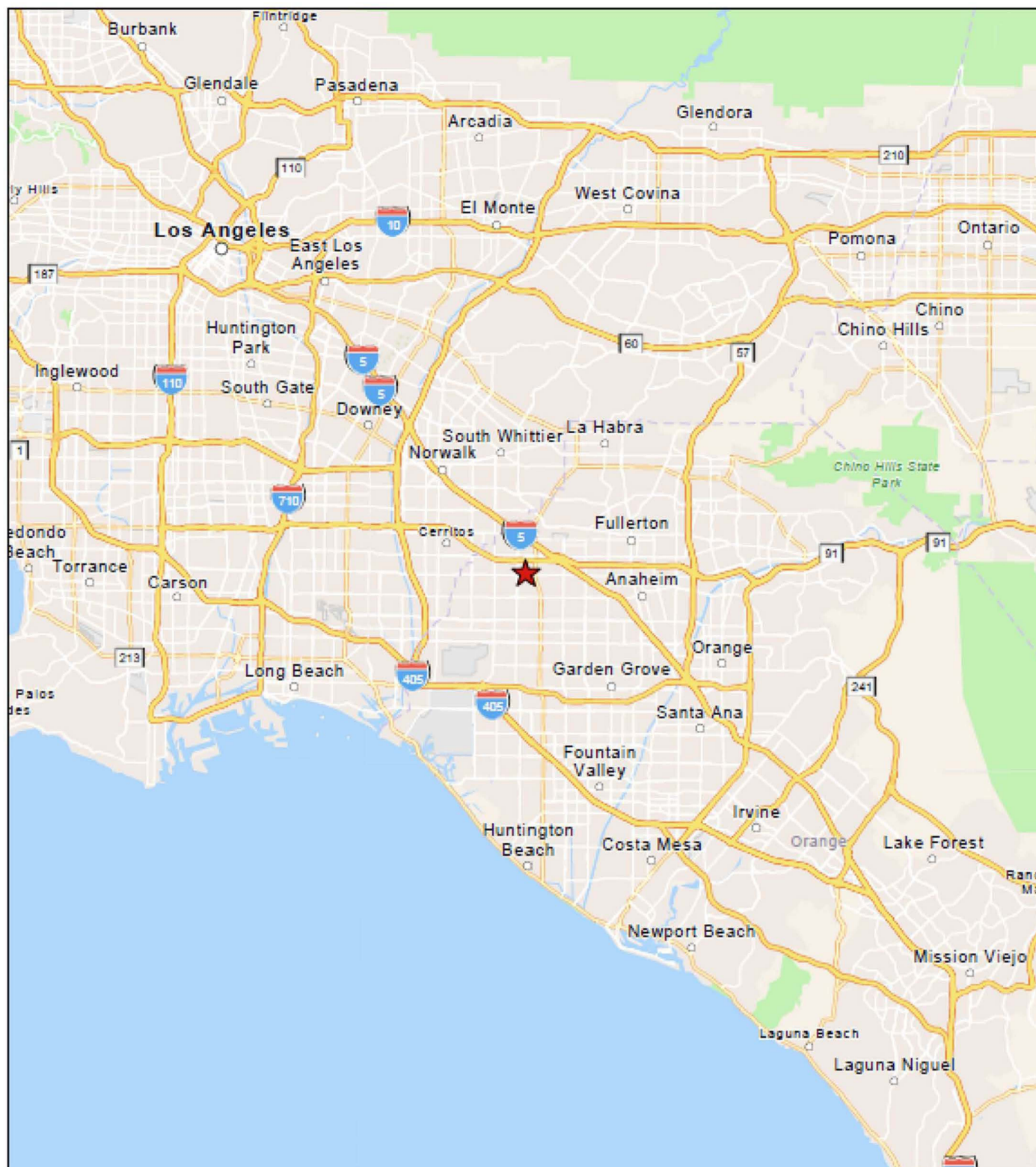
I, Ruth Santos, do hereby certify that a full and correct copy of this notice was posted at the Buena Park Civic Center, 6650 Beach Boulevard; the Ehlers Event Center, 8150 Knott Avenue; and the Buena Park Library, 7150 La Palma Avenue, Buena Park, CA.

ATTEST: _____ DATE: October 31, 2024

POST BY: November 1 REMAIN POSTED THROUGH: December 10

NOP Attachments:

- Regional Vicinity
- Project Boundary
- General Plan Land Use Map
- Zoning Map



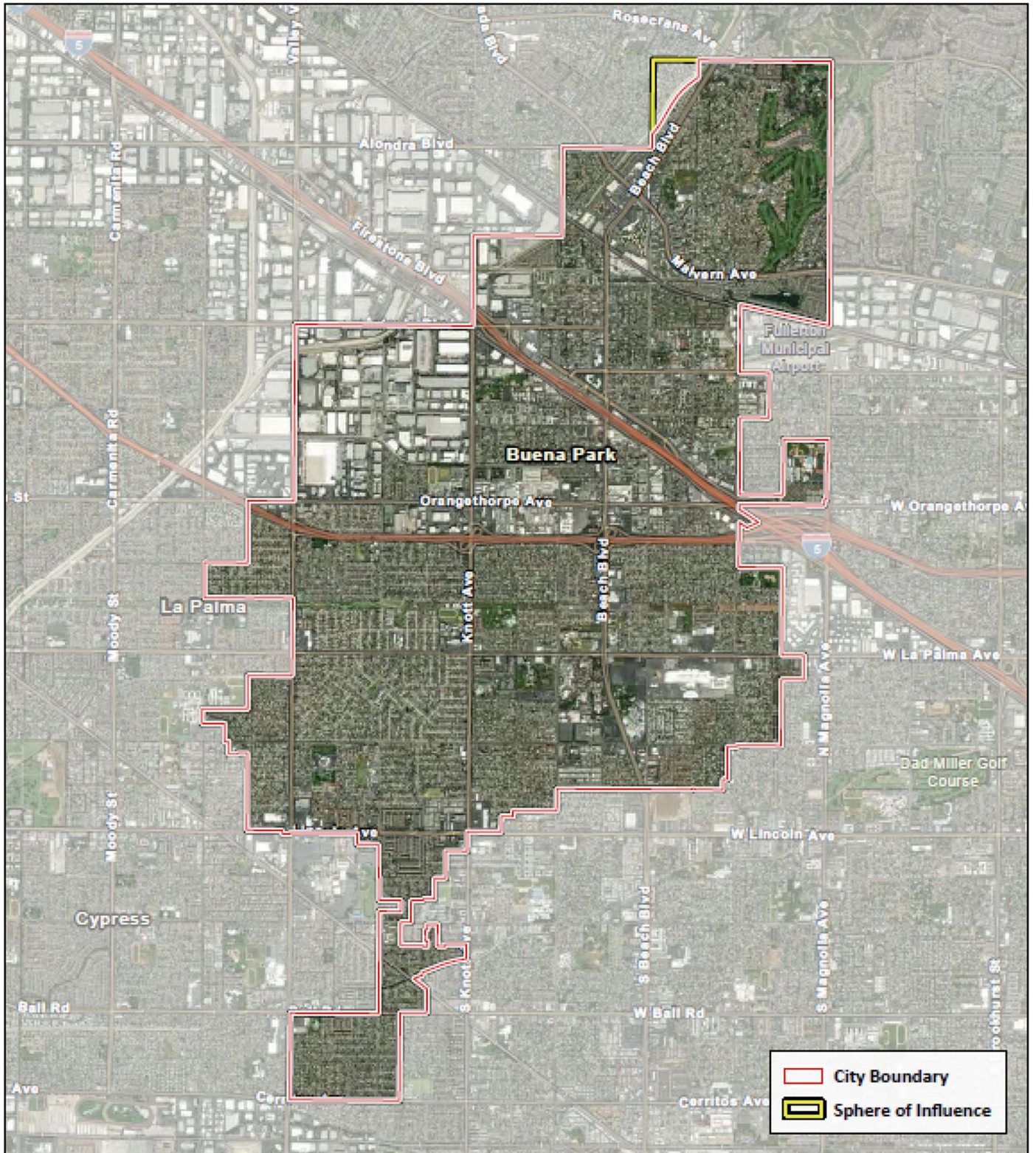
0 3.75 7.5 15 Miles

Regional Vicinity Map

City of Buena Park General Plan Land Use and
Community Design Element and Residential Zoning
Code Update Project

Notice of Preparation

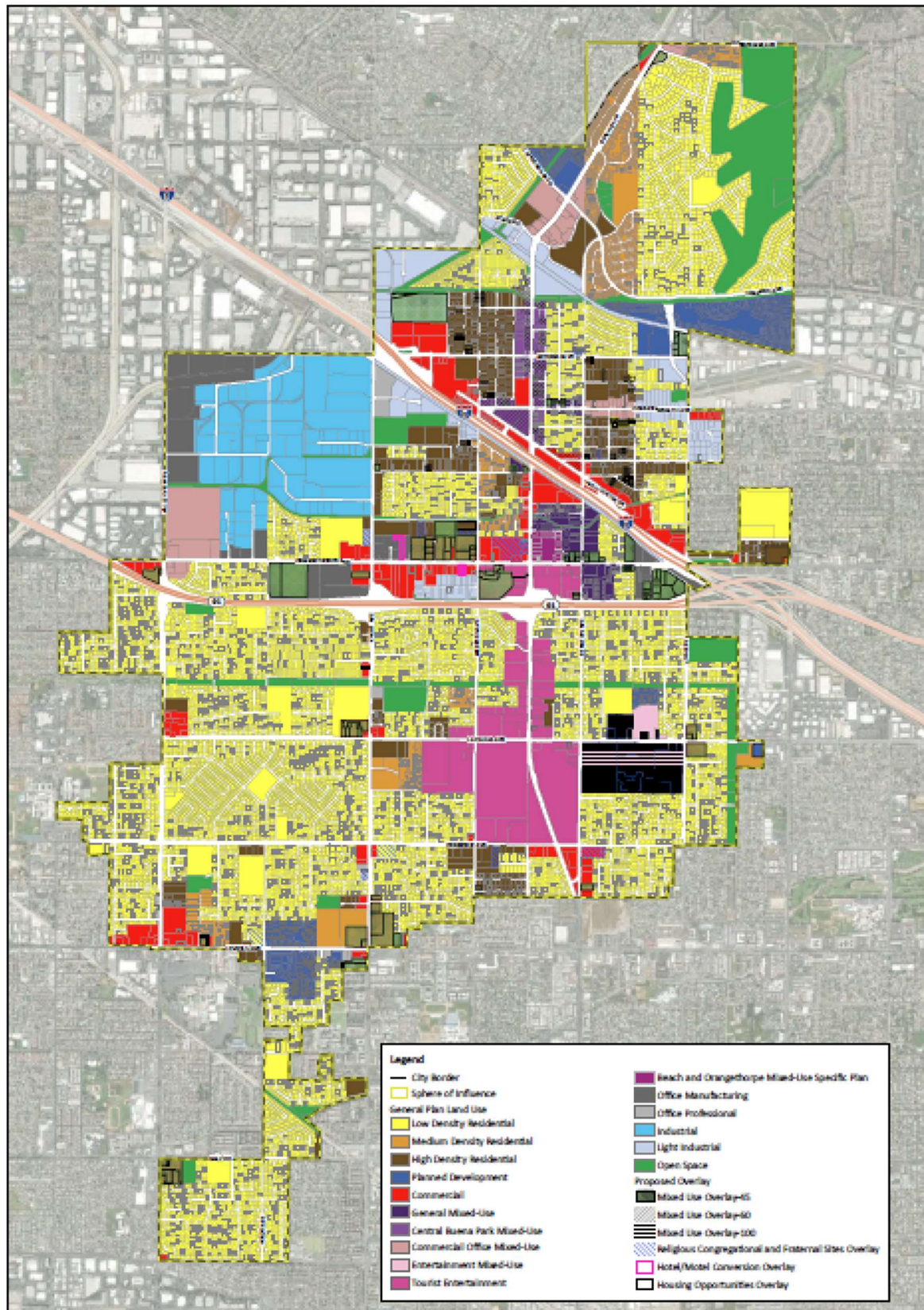
City of Anaheim, County of Los Angeles, California State Parks, Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USFWS

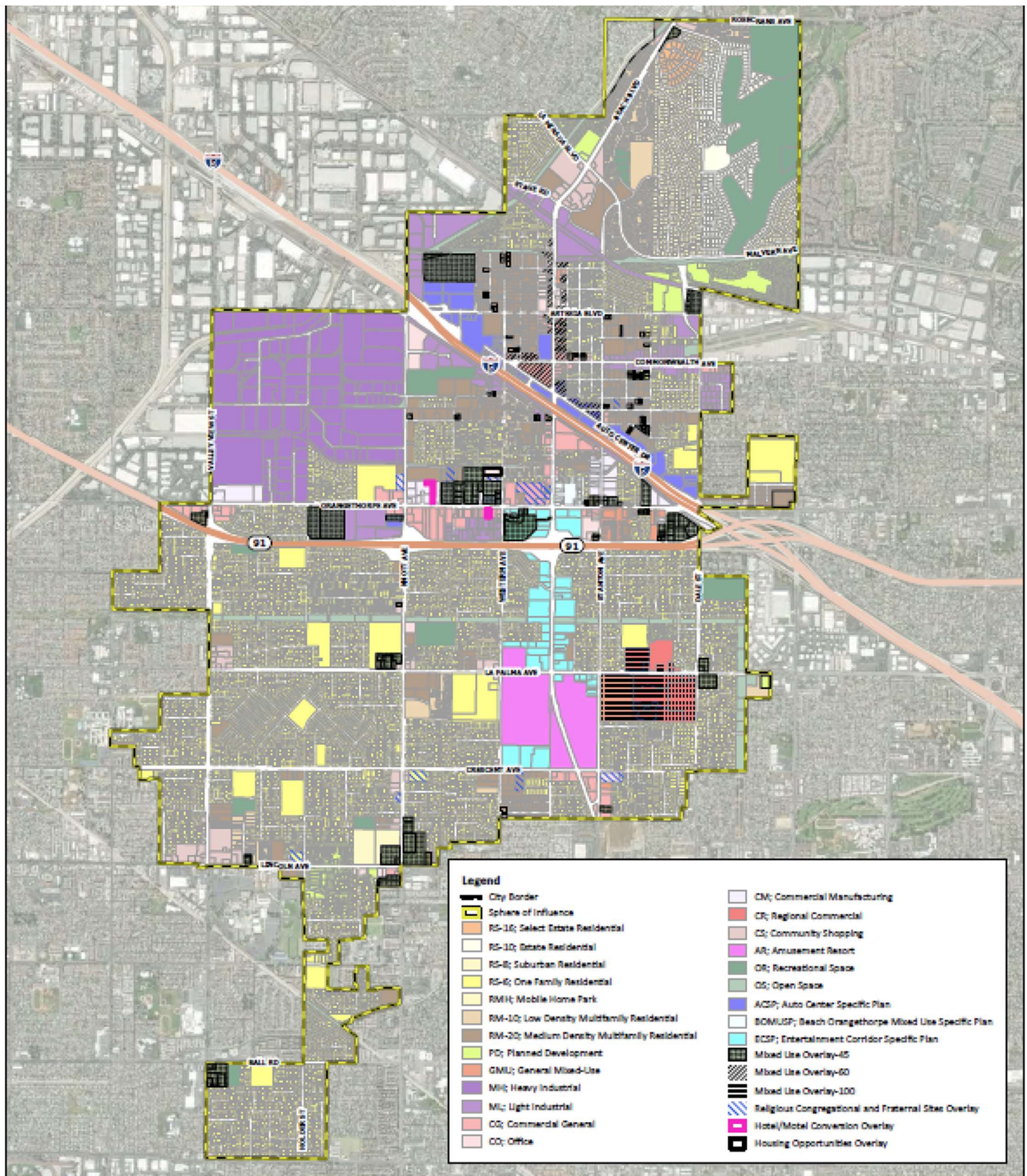


Aerial Imagery Map

City of Buena Park General Plan Land Use and
Community Design Element and Residential Zoning
Code Update Project

Notice of Preparation







December 10, 2024

AFFILIATED AGENCIES

*Orange County
Transit District*

*Local Transportation
Authority*

*Service Authority for
Freeway Emergencies*

*Consolidated Transportation
Service Agency*

*Congestion Management
Agency*

Ms. Swati Meshram
Planning Manager
City of Buena Park, Planning Division
6650 Beach Blvd.
Buena Park, CA 90621

Via email: smeshram@buenapark.com

Subject: Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the City of Buena Park Land Use and Community Design Element and Residential Code Update Project

Dear Ms. Meshram,

The Orange County Transportation Authority (OCTA) appreciates the opportunity to comment on the Land Use and Community Design Element and Residential Code Update Project. OCTA has the below comments for your consideration:

- In Appendix E, Traffic Impact Assessment, Exhibit 4-3, on page 32, the City of Buena Park Transit Routes map currently displays outdated routes. Please revise with the following information:
 - Routes 21 and 24, which have been replaced by Route 123.
 - Route 529 on Beach Boulevard has been added.
 - The alignment to Route 25 has been changed.
 - Route 33 on Magnolia Avenue has been added.
 - Route 35 on Brookhurst Street has been added.
- The OCTA General Transit Feed (GTFS) which contains routes and stops data can all be found on our Open Data Portal. The GTFS is a zip file of all GTFS formatted text files. The routes and stops data can be downloaded as shapefiles at the link below.

<https://data-octagis.opendata.arcgis.com/search?tags=transit>

We encourage open communication with OCTA on any matters discussed herein. Should you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,

Dan Phu
Manager, Environmental Programs

DP:tc

California Department of Transportation

DISTRICT 12
1750 East 4th Street, Suite 100 | SANTA ANA, CA 92705
(657) 328-6000 | FAX (657) 328-6522 TTY 711
<https://dot.ca.gov/caltrans-near-me/district-12>



December 10, 2024

Ms. Swati Meshram
Planning Manager
City of Buena Park
6650 Beach Blvd.
Buena Park, CA. 90622

File: LDR/CEQA
SCH: **2024110035**
12-ORA-2024-02675
SR-39; SR 90; SR 91 &
Interstate 5

Dear Ms. Meshram,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation (NOP) of a Draft EIR for the Land Use & Community Design Element and Residential Zoning Code Update. The Project requires a General Plan Amendment (GPA) to update the text and exhibits of the Land Use and Community Design Element of the General Plan to include Goals and Policies for affordable housing. The Residential Zoning code will update the text of Division 3, Division 4, Division 5, and Division 1 to streamline review of development proposals, and include design and development standards to be consistent with the adopted Housing Element and State Laws. Division 7 will be created to include design and development standards for 4 mixed use overlays. Finally, the Project would study the impact of the future construction and development of 10,322 dwelling units and 438,333 sq. ft of new commercial space within 410 parcels within the Housing Incentive Overlay zones.

The Project encompasses the entire City of Buena Park which is comprised of 10.3 square miles and is situated in the northwestern boundary of Orange County, California. Cities that surround the City of Buena Park include La Mirada to the north, Anaheim to the south and east, Fullerton to the east, La Palma and Cerritos to the west, and Cypress to the west and south. Regional access to the City is provided via Interstate 5 (I-5), State Route 91 (SR-91), State Route 90 (SR-90) and State Route 39 (SR-39).

State Route 91, State Route 90, State Route 39, and Interstate 5 are owned and operated by Caltrans. Therefore, Caltrans is a responsible agency on this project, and has the following comments:

1. Caltrans supports the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. New residential and mixed-use developments offer opportunities to encourage multi-modal travel and a reduction in VMT. Caltrans supports opportunities to include Complete Streets improvements in the project, and/or to improve bicycle, pedestrian, and transit access and connectivity to nearby bikeway, sidewalk, and transit facilities. The design of Complete Streets may also include pedestrian-oriented LED lighting and wayfinding signage.
2. As part of state goals to increase active transportation, Caltrans recommends the inclusion of secure and functional short- and long-term bike parking. Short-term bike parking at public/commercial locations should be placed in visible areas that are close to main entrances and should be installed at least 24" away from walls and other objects (e.g. trash cans, plants, etc.). Long-term bike storage for residential units should be provided indoors and on the ground floor. Both short- and long-term bike parking should be designed to accommodate different types of bikes (e.g. cargo bike, bike with trailer).
3. A Complete Vehicle Miles Traveled (VMT) and a Traffic Impact Study (TIS) must be completed and submitted per Caltrans guidelines. (See link below)
<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>
4. Additional vehicular traffic is anticipated with proposed future developments. Therefore, please complete an operational analysis (weaving, queuing, delay, etc.) and safety analysis for the following locations:
 - SR 91 Westbound (WB) and Eastbound (EB) onramp from Beach Blvd. (Rt 39)
 - SR 91 WB and EB offramp to Beach Blvd. (Rt 39)
 - Mainline

Land Use and Community Design Element Draft Initial Study Comments:

5. Page 8 of the report: Service population per VMT analysis is expected to increase by 17,597. Please clarify.
6. Page 94 of the report: Is 2016 the latest and greatest base year that can be used?
7. Page 94 of the report: Per Section 2.1 (Pg.8), the population is anticipated to increase by 36,127.

Traffic Analysis (Appendix E) Comments:

8. Page 10 of the report: State and list which of the above intersections and their LOS have gotten worse with the project and what improvements will be made to mitigate that.
9. Page 19 of the report: State and list which of the above segments and their LOS have gotten worse with the project and what improvements will be made to mitigate that.
10. Page 20 of the report: How are these intersections considered "choke points" if they are operating at an acceptable LOS? Please clarify and provide details on the process of how LOS was determined.
11. Page 21 of the report: Has Intersection #8 improvements for existing conditions been approved? If yes, which project and when is the project completion date?
12. Page 22 of the report: Why are there no improvements suggested for the remaining segments containing intersections that will operate at unacceptable LOS?
13. Page 27 of report: Can the analysis be redone per the latest HCM (7th edition)?
14. Page 39 of the report: Please provide Appendices and all Synchro sheets for further review and possible comments.
15. Please provide link to Appendix 4.3 and traffic signal warrant analysis worksheets for the I-5 SB On-Ramp & Artesia Blvd (#8) Existing Condition.
16. Provide discussion in the Traffic Analysis of all potential adverse impacts on state facilities as a result of the future signal installation. Also, provide solutions and/or mitigation measures for these signal installation improvements.
17. Provide discussion in the Traffic Analysis regarding how the proposed signal will be synchronous with the upstream signal (Knott and Artesia) and downstream signal (I-5 NB/Firestone and Artesia). Also, discuss the impact that the proposed signal will have on the operation of these two signals due to their distance and close proximities.
18. Any projects developed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to

submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. Applicant must submit a signed Standard Encroachment Permit application form TR-0100 along with a deposit payable to Caltrans. Deposit amount will be dependent on when the application is submitted. Public corporations are legally exempt from encroachment permit fees. However, contractors working for public corporations are not exempt from fees. Please note that all utility work should be disclosed prior to permit submittal, and utility companies are to apply for separate permits for their corresponding work.

Caltrans' mission is to provide a safe and reliable transportation network that serves all people and respects the environment. Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Julie Lugaro at Julie.lugaro@dot.ca.gov.

Sincerely,



Scott Shelley
Branch Chief,
LDR-Climate Change-Transit Grants
Caltrans, District 12

**NATIVE AMERICAN HERITAGE COMMISSION**

November 21, 2024

Swati Meshram
City of Buena Park
6650 Beach Boulevard
Buena Park CA 90622-5009

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of
Luiseño Indians

ACTING EXECUTIVE
SECRETARY
Steven Quinn

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

Re: 2024110035 Land Use & Community Design Element and Residential Zoning Update Project, Orange County

Dear Ms. Meshram:

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

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

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

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

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

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

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

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

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

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

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

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

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

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

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

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

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

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
 - a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plan 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 plan provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@NAHC.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



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December 5, 2024

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Subject: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Buena Park Land Use and Community Design Element and Residential Code Update [SCAG NO. IGR11150]

Dear Swati:

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Buena Park Land Use and Community Design Element and Residential Code Update ("proposed project") to the Southern California Association of Governments (SCAG) for review. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG's adopted regional plans, to be determined by the lead agencies.¹

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP), including the Sustainable Communities Strategy (SCS). SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of and alignment with adopted Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and policies. Finally, SCAG is 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 Buena Park Land Use and Community Design Element and Residential Code Update in Orange County. The proposed project includes development of an amendment to the General Plan to update the Land Use and Community Design Element and the Residential Zoning Code to make consistent with the 2021-2029 Housing Element on 10.3 square miles.

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

If you have any questions regarding the attached comments, please contact the IGR Program, attn.: Ryan Bañuelos, Associate Regional Planner, at (213) 630-1532 or IGR@scag.ca.gov. Thank you.

Sincerely,

Sarah Dominguez
Manager, Planning Strategy Department

¹ Local jurisdictions and other lead agencies shall have the sole discretion to determine a local project's or plan's consistency and/or alignment with Connect SoCal 2024 for the purpose of determining consistency for CEQA purposes.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
BUENA PARK LAND USE AND COMMUNITY DESIGN ELEMENT AND RESIDENTIAL CODE UPDATE
[SCAG NO. IGR11150]**

CONNECT SoCal 2024

Connect SoCal 2024 (Plan) is a long-range visioning plan for the six-county SCAG region, reflecting a continuation of the shift towards more efficient resource management including transportation infrastructure resources, land resources and environmental resources. The Plan highlights the existing land use and transportation conditions throughout the SCAG region and forecasts the region's evolving transportation needs between 2024 and 2050. The Plan identifies and prioritizes expenditures of the anticipated funding for transportation projects of all transportation modes: highways, streets and roads, transit, rail, bicycle, and pedestrian, as well as aviation ground access.

The Plan was developed to achieve greenhouse gas (GHG) per capita emission reduction targets, consistent with Senate Bill (SB) 375 and other regional goals. In accordance with federal fiscal constraint requirements, Connect SoCal 2024 is a financially constrained Plan in terms of transportation revenues and expenditures. Connect SoCal 2024 would reduce traffic congestion, improve air quality, and improve the region's long-term economic viability through more than \$751 billion in transportation investments and a more sustainable regional development pattern. To view Connect SoCal 2024 and the accompanying technical reports, please visit the [Connect SoCal 2024](#) webpage.

Connect SoCal 2024 Vision and Goals

The SCAG Regional Council fully adopted the Plan on April 4, 2024. Connect SoCal 2024 represents the vision for the region and reflects the planned transportation investments, policies, and strategies that integrate with the Forecasted Regional Development Pattern to achieve the Plan's goals. The Vision and Goals for Connect SoCal 2024 are rooted in the direction set forth by Connect SoCal 2020, reflecting both SCAG's statutory requirements, the emerging trends, and persistent challenges facing the region. Reflecting input from engagement with stakeholders and members of the public, SCAG's vision for Southern California in the year 2050 is "A healthy, prosperous, accessible and connected region for a more resilient and equitable future." The following goals and subgoals help the SCAG region to achieve this vision.

Mobility: Build and maintain an integrated multimodal transportation network

- Support investments that are well-maintained and operated, coordinated, resilient and result in improved safety, improved air quality and minimized greenhouse gas emissions
- Ensure that reliable, accessible, affordable and appealing travel options are readily available, while striving to enhance equity in the offerings in high-need communities
- Support planning for people of all ages, abilities and backgrounds

Communities: Develop, connect and sustain communities that are livable and thriving

- Create human-centered communities in urban, suburban and rural settings to increase mobility options and reduce travel distances
- Produce and preserve diverse housing types in an effort to improve affordability, accessibility and opportunities for all households

Environment: Create a healthy region for the people of today and tomorrow

- Develop communities that are resilient and can mitigate, adapt to and respond to chronic and acute stresses and disruptions, such as climate change
- Integrate the region's development pattern and transportation network to improve air quality, reduce greenhouse gas emissions and enable more sustainable use of energy and water
- Conserve the region's resources

Economy: Support a sustainable, efficient and productive regional economic environment that provides opportunities for all residents

- Improve access to jobs and educational resources

- Advance a resilient and efficient goods movement system that supports the economic vitality of the region, attainment of clean air and quality of life for our communities

For ease of review, SCAG staff encourages 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 SoCal 2024 GOALS AND SUBGOALS		
	Goal/Subgoal	Analysis
Mobility Goal:	<i>Build and maintain an integrated multimodal transportation network</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>
Mobility Subgoal:	<i>Support investments that are well-maintained and operated, coordinated, resilient and result in improved safety, improved air quality and minimized greenhouse gas emissions</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 2024 Key Elements

Unique to this plan cycle, SCAG developed a set of Regional Planning Policies and Implementation Strategies to guide decision-making in the region toward integrated land use and transportation planning and other goals in Connect SoCal 2024. Eighty-eight Regional Planning Policies provide guidance for integrating land use and transportation planning to realize the vision of Connect SoCal 2024. The Implementation Strategies help the region to achieve this vision for the future and are priorities for SCAG efforts in fulfilling or going beyond the Regional Planning Policies. The Regional Planning Policies and Implementation Strategies were developed to achieve California’s greenhouse gas emission reduction goals as set forth in SB 375 and federal Clean Air Act Section 176(c) requirements for transportation conformity while meeting the broader regional objectives, such as improved equity and resilience in addition to preservation of natural lands, improvement of public health, increased roadway safety, support for the region’s vital goods movement industries and more efficient use of resources. The Plan also includes a detailed project list; strategic investments to bridge local plans with overarching regional performance targets and goals; a growth forecast and regional development pattern based on population, household and employment growth projections by 2050; and a transportation network including a list of transportation projects and investments.

Connect SoCal 2024 presents a summary of that work in five chapters of the Main Plan with additional details on Plan elements and analysis in the Plan’s accompanying 15 Technical Reports. Connect SoCal 2024 builds upon the progress from previous RTP/SCS cycles, reflecting both SCAG’s statutory requirements, the emerging trends, and persistent challenges facing the region. These policies offer a resource by which County Transportation Commissions (CTCs) or local jurisdictions within the SCAG region, when seeking resources from state or federal programs, can refer to specific policies to demonstrate alignment with the RTP/SCS.

Regional Growth Forecast and Forecasted Regional Development Pattern

As part of developing a Sustainable Communities Strategy per SB 375, SCAG must include a “forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies ...” enables SCAG to reach its per capita GHG emission reduction target of 19 percent below 2005 levels by 2035. SCAG staff prepared a Forecasted Regional Development Pattern for Connect SoCal 2024 through 2050, the horizon year of the Plan. The regional growth forecast determines the projected increase in population, households, and jobs based on local general plans and known development entitlement agreements, including available data from 6th cycle housing element updates. The Connect SoCal 2024 [Demographic and Growth Forecast Technical Report](#) includes detailed discussions on socioeconomic data, including additional detail on the growth forecast, growth vision, and Sustainable Communities Strategy (SCS) consistency in Section of the Technical Report. The Connect SoCal 2024 [Land Use and Communities Technical Report](#) includes the most recent planning assumptions and estimates of population and housing.

SCAG's work helps facilitate implementation, but SCAG does not directly implement or construct projects or have land use authority. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2035 and 2050, please refer to the [Final Connect SoCal 2024 growth forecast data](#). The growth forecasts for the region and the applicable jurisdiction is below.

	Adopted SCAG Region Growth Forecasts				Adopted City of Buena Park Growth Forecasts		
	Year 2019	Year 2030	Year 2035	Year 2050	Year 2019	Year 2035	Year 2050
Population	18,827,000	19,476,000	19,946,000	20,909,000	84,400	92,100	98,700
Households	6,193,000	7,006,000	7,311,000	7,814,000	24,900	29,400	31,500
Employment	8,976,000	9,609,000	9,885,000	10,276,000	37,400	37,300	39,300

Consistency with Connect SoCal 2024

SCAG provides informational resources to facilitate the lead agency's consistency determination of the proposed project with Connect SoCal 2024. For the purpose of determining consistency with CEQA, local jurisdictions shall have the sole discretion to determine a local project's or plan's consistency and/or alignment with Connect SoCal 2024².

CEQA MITIGATION MEASURES

The SCAG Regional Council certified the [Final Program Environmental Impact Report](#) for Connect SoCal 2024 (2024 PEIR) and adopted the Mitigation Monitoring and Reporting Program (MMRP), Findings of Fact, and a Statement of Overriding Considerations on April 4, 2024. The mitigation approach used in the 2024 PEIR recognizes the limits of SCAG's authority; distinguishes between SCAG commitments and project-level responsibilities and authorities; optimizes flexibility for project implementation; and facilitates CEQA streamlining (e.g., SB 375) and tiering where appropriate on a project-by project basis determined by each lead agency. Consistent with the approach, the 2024 PEIR identifies regional-level mitigation measures to be implemented by SCAG over the lifetime of the Plan as well as project-level mitigation measures that lead agencies can and should consider, as applicable and feasible, in subsequent project-specific design, CEQA review, and decision-making processes. Given that SCAG is not an implementing agency and has no decision-making authority over projects or any land use authority, it is ultimately up to each lead agency's own discretion to determine the appropriateness of mitigation measures, including exploring opportunities of voluntary regional advance mitigation programs, based on project-specific circumstances such as individual site conditions, project specific details, and community values. Therefore, SCAG staff recommends that the proposed project's CEQA lead agency review the 2024 PEIR for guidance, as appropriate.

² SCAG. April 2024. Connect SoCal 2024 [Demographic and Growth Forecast Technical Report](https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-demographics-growth-forecast-final-040424.pdf). Accessible at: <https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-demographics-growth-forecast-final-040424.pdf>