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## **Appendix A**

### Notice of Preparation and Scoping Comments





## NOTICE OF PREPARATION AND NOTICE OF PUBLIC SCOPING MEETING Environmental Impact Report Gateway Village Project

**Date:** October 16, 2024  
**To:** Reviewing Agencies, Interested Parties, and Organizations  
**Subject:** Notice of Preparation of an Environmental Impact Report  
**Scoping Meeting:** October 23, 2024, 5:30 p.m. to 7:00 p.m., Irvine City Hall in the City Council Chamber, 1 Civic Center Plaza, Irvine, California 92606-5207 and via Zoom  
**Comment Period:** October 16, 2024, through November 15, 2024  
**Project Title:** Gateway Village  
**Project Proponent:** City of Irvine and Brookfield Residential

The City of Irvine (City) is preparing an environmental impact report (EIR) to evaluate potential environmental impacts associated with the proposed Gateway Village Project (project). The City, acting as the Lead Agency, has determined that the project will require an EIR in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and Title 14 of the California Code of Regulations (CEQA Guidelines) (14 CCR 15000 et seq.). The City has prepared this Notice of Preparation (NOP) in accordance with CEQA Guidelines Sections 15082(a) and 15375.

The City requests comments and guidance on the scope and content of the EIR from interested public agencies, organizations, and individuals. The City needs to know the significant environmental issues and reasonable alternatives and mitigation measures that are germane to each Responsible and Trustee Agency's statutory responsibilities in connection with the proposed project. The project description, location, and probable environmental effects are described in this notice.

Responses to this NOP must be submitted by the close of the NOP review period, which concludes on November 15, 2024, at 5:00 p.m. Comments should be provided in writing to:

Ann Wu, Principal Planner  
City of Irvine  
PO Box 19575  
Irvine, California 92623-9575  
[awuu@cityofirvine.org](mailto:awuu@cityofirvine.org)

A copy of this notice will be available to download from the City's website at the following link: [www.cityofirvine.org/city-managers-office/gateway-preserve](http://www.cityofirvine.org/city-managers-office/gateway-preserve). Please contact Principal Planner Ann Wu at [awuu@cityofirvine.org](mailto:awuu@cityofirvine.org) with any questions regarding this notice or the scoping meeting.

### Public Scoping Meeting

The City will hold a public scoping meeting on October 23, 2024, to present information regarding the project and the CEQA process and to receive public comments and suggestions regarding the scope and content of the Draft EIR. The time and location of the public scoping meeting are provided above.

## Weblink for Virtual Participation:

You may also submit live comments via “Zoom.” For more information, visit [www.cityofirvine.org/city-managers-office/gateway-preserve](http://www.cityofirvine.org/city-managers-office/gateway-preserve)

Verbal and written comments regarding the scope of the EIR will be accepted at the public scoping meeting. It is the intention of the City to comply with the Americans with Disabilities Act in all respects. If, as a participant and observer at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Ann Wu at [awuu@cityofirvine.org](mailto:awuu@cityofirvine.org) no later than October 21, 2024, for assistance. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35. 102-35. 104 ADA Title II).

## Project Location

The approximately 120-acre project site is in north Irvine, at the northeast corner of Portola Parkway and Jeffrey Road. The site is bounded by Portola Parkway to the south, Jeffrey Road/Hicks Haul Road to the northwest, and Bee Canyon Access Road to the east. Hicks Canyon Wash is to the north.



## Project Description

The project includes the development of approximately 1,360 two- to three-story homes, including both attached and detached configurations, with an average site density between 10 and 35 units per acre. Access to the site would be provided via Jeffrey Road and a right-in/right-out driveway on Portola Parkway. The project would create essential public access points, trails, and other improvements in the Gateway Preserve Open Space to be located north of the site. The project also includes the extension of the Jeffrey Open Space Trail (JOST) and creation of new park space located at the terminus of the JOST. Park space is expected to include parking, restroom, and trail staging.

## Probable Environmental Effects

The City has determined that an EIR will be prepared for the project. As required, the EIR will focus on the significant effects of the proposed project and will document the reasons for concluding that other effects would be less than significant. Where significant or potentially significant environmental impacts are identified, the EIR will also discuss feasible mitigation measures to avoid or reduce these impacts, as well as a reasonable range of potentially feasible alternatives. Based on the preliminary analysis of the project, the following environmental topics will be examined in the EIR: aesthetics, agricultural/forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazard and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation, tribal cultural resources, utilities/service systems, and wildfire.

  
Signature of Lead Agency Representative

10/16/24

Date



# GATEWAY VILLAGE PROJECT | SIGN-IN SHEET

## NOTICE OF PREPARATION AND NOTICE OF PUBLIC SCOPING MEETING

Environmental Impact Report (EIR)



Name	Agency/Affiliation	Email Address
John Olivier	Fusco Engineering	jolivier@fuscoe.com
Doug Woodyard	County of Orange	dougwoodyard@co.gov.com
Jennifer Le	Irvine Company	jenniferle@irvinecompany.com
Winnie Tham	Fusco Engineering	wtham@fuscoe.com
Jeff Choi	KTGY	woongjae15@gmail.com
NICOLE BURDETTE	BROOKVIEW	NICOLE.BURDETTE@brookview.com

email maps to



## California Department of Transportation

DISTRICT 12  
1750 East 4<sup>th</sup> Street, Suite 100 | SANTA ANA, CA 92705  
(657) 328-6000 | FAX (657) 328-6522 TTY 711  
<https://dot.ca.gov/caltrans-near-me/district12>



November 15, 2024

Ms. Ann Wu  
Principal Planner  
City of Irvine  
1 Civic Center Place  
Irvine, CA 92606

File: LDR/CEQA  
SCH: 2024100742  
12-ORA-2024-02670  
SR 133, PM 13.294

Dear Ms. Wu,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the Gateway Village Project for the City of Irvine. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment.

The project proposes the development of approximately 1,360 two- to three-story homes, including both attached and detached configurations, with an average site density between 10 and 35 units per acre. Regional access to the site is provided by State Route 241 (SR 241), State Route 133 (SR 133), State Route 261 (SR 261), and Interstate 5 (I-5). Caltrans is a commenting agency on this project and has the following comments:

1. Potential impacts to traffic safety and operations on State Highway System Facilities (mainline, on/off ramps, intersections) are anticipated. Please provide a Vehicle Miles Traveled (VMT) based Traffic Impact Study (TIS) for this project in the Environmental Impact Report (EIR).

Caltrans' primary review focus for a land use project's impact is now VMT. Please refer to OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA and Caltrans' Transportation Impact Study Guide for VMT assessment. Pursuant to SB 743, VMT is a required metric for transportation impact analysis per CEQA Guidelines Section 15064.3

For more information please review the following guidance:

Caltrans' Transportation Impact Study Guide:

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>

OPR's Technical Advisory on Evaluating Transportation impacts in CEQA:

[https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

2. Caltrans supports local developments that are consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public and health safety. This can be achieved by promoting smart growth principles in projects which provide a diversity of housing choices and destinations accessible by active transportation (i.e. bicycle and pedestrian) and transit users.

New residential land use construction provides an opportunity to encourage a variety of travel choices. Please consider opportunities to increase active transportation and transit use through active transportation infrastructure to/from the project site (such as Complete Streets designs) and wayfinding directional signage to transit stops within the project vicinity and local roadways to encourage non-motorized modes and transit use. This may include safety measures such as physically separated sidewalks and bike lanes, pedestrian-oriented LED lighting, high-visibility continental crosswalk striping, raised crosswalks, refuge islands, wayfinding signage, and safe connections to existing and proposed bicycle facilities.

3. Caltrans encourages 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. Complete Streets improvements promote regional connectivity, improve air quality, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation.

For more information, please review Caltrans DIB 89-02 (<https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib-89-02-final-a11y.pdf>) when designing and implementing Class IV bikeways; consider HDM 1003.1 (CHAPTER 1000 ([ca.gov](https://www.ca.gov))) when designing Class I bikeways.

4. For additional guidance on providing functional bike parking, see the attached "Essentials of Bike Parking" guidance created by the Association of Pedestrian and Bicycle Professionals (like to online PDF: <https://www.apbp.org/Publications>).

5. In preparation of the EIR, please include a discussion of any existing transit services including the connectivity to regional rail services from the nearest train stations provided by Metrolink and/or Amtrak Pacific Surfliner.
6. Caltrans encourages the City to continue coordination with the Orange County Transportation Authority (OCTA) for opportunities to enhance multimodal transit strategies.
7. Please consider the opportunity to enhance Class II bikeway along Portola Parkway and Jeffrey Road.
8. Should any existing bike lanes need to be closed during construction, Caltrans recommends the use of "May Use Full Lane" (MUTCD R4-11) signage rather than "Share the Road" (W16-IP) signage to more clearly indicate to both drivers and bicyclists that bicyclists may ride in the center of the travel lane while the bike lane is closed.
9. Caltrans recognizes our responsibility to assist communities of color and underserved communities by removing barriers to provide a more equitable transportation system for all.

The Department firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, and more accessible and more connected transportation system.

Please consider providing a discussion on equity and efforts to meet the City's Regional Housing Needs Assessment (RHNA) allocation per the California Department of Housing & Community Development (HCD).

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 Joseph Jamoralin at [Joseph.Jamoralin@dot.ca.gov](mailto:Joseph.Jamoralin@dot.ca.gov).

Sincerely,



Scott Shelley  
Branch Chief, Local Development Review-Climate Change  
Caltrans, District 12



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

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



November 15, 2024

Ann Wu  
City of Irvine  
1 Civic Center Plaza  
Irvine, Ca 92606  
[Awuu@cityofirvine.org](mailto:Awuu@cityofirvine.org)

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GATEWAY VILLAGE PROJECT, SCH NO. 2024100742, ORANGE COUNTY, CA**

Dear Ann Wu:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Irvine (City) for the Gateway Village Project (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, CDFW appreciates 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 (Fish & G. Code, § 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.

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<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.

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CDFW may also act 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<sup>2</sup> of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Irvine participates in the NCCP as a Signatory to the Implementation Agreement (IA) under the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).

## PROJECT DESCRIPTION SUMMARY

**Proponents:** City of Irvine (City)

**Objective:** The objective of the Project is to develop approximately 1,360 two-to three-story homes with an average site density between 10 and 35 units per acre. The Project would create essential public access points, trails, and other improvements in the Gateway Open Space to be located north of the site. The Project also proposes the extension of the Jeffrey Open Space Trail (JOST), and the creation of a new park space located at the terminus of the JOST. Park space will include parking, restroom, and trail staging.

**Location:** The 120-acre site is located in north Irvine, at the northeast corner of Portola Parkway and Jeffrey Road. The site is bounded by Portola Parkway to the south, Jeffrey Road/Hicks Haul Road to the northwest, and Bee Canyon access road to the east. The Project site is also adjacent to Syphon Reservoir.

**Biological Setting:** According to recent aerial photos, the Project site may contain disturbed habitat and may have been graded in the past. The site is surrounded by NCCP/HCP Reserve land to the northeast and to the south. Surrounding land supports coastal sage scrub and riparian habitat. The areas surrounding the Project site support several special-status species including, but not limited to, coastal California gnatcatcher (*Polioptila californica californica*; CDFW Species of Special Concern (SSC), federal Endangered Species Act (ESA) listed-threatened) and), least Bell's vireo (*Vireo bellii pusillus*; CESA listed-endangered, ESA listed-endangered) Crotch's bumble bee

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<sup>2</sup> "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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(*Bombus crotchii*); CESA candidate species)) and orange-throated whiptail (*Aspidoscelis hyperythrus*).

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Irvine in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, and to ensure regional conservation objectives in the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan would not be eliminated by implementation of the Project.

### Specific Comments

- 1) Impacts to Crotch's Bumble Bee: According to [California's Natural Diversity Database \(CNDDDB\)](#), observations of Crotch's bumble bee have been recorded within Orange County and close proximity to Project site (CDFW 2024a). Additionally, [iNaturalist](#) has recent expert-verified observations of Crotch's bumble bee within Orange County (iNaturalist 2024). Upland habitat areas within the Project footprint may provide suitable habitat for Crotch's bumble bee. Crotch's bumble bees often nest underground, sometimes occupying abandoned rodent burrows (Hatfield et al., 2015). If Crotch's bumble bees are using burrows on the Project site for nesting, direct impacts could result from ground disturbing activities, which could lead to death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.
  - a. Protection Status. The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble bee is granted full protection under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017).
  - b. Surveys and Disclosure<sup>3</sup>. CDFW recommends that the City retain a qualified biologist familiar with the species to survey the Project site for Crotch's bumble

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<sup>3</sup> Lack of records in the CNDDDB for Crotch bumble bee at the Project site does not mean that Crotch's bumble bee is not present. Reporting data to the CNDDDB is voluntary and it was only until recently that entry of data became strongly recommended or required for candidate species such as Crotch's bumble bee. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review.



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bee and habitat. Surveys for Crotch's bumble bee should be conducted when the species is most likely to be active and detected above ground, between March 1 to September 1 (Thorp et al. 1983). The DEIR should provide information on the presence of Crotch's bumble bee and the Project's potential impact to affect this species. CDFW has published a document for CESA Candidate Bumble Bees, which can be found at the following link: <https://wildlife.ca.gov/Conservation/CESA>. This document describes factors for evaluating potential for presence, conducting habitat assessments, and survey methods.

- c. Mitigation. The DEIR should include measures to avoid impacts to Crotch's bumble bee. If Crotch's bumble bee is present, a qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 50-foot no-disturbance buffer zones should be established around nests to reduce the risk of take. If the Project cannot avoid impacts, the City should require the Project Applicant to consult CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, the City should require the Project Applicant to provide compensatory mitigation for removal or damage to any floral resource associated with Crotch's bumble bee. Floral resources should be replaced as close to their original location as is feasible.
  - d. CESA Incidental Take Permit. Appropriate take authorization from CDFW under CESA would be addressed through an ITP (Fish & Game Code, §§, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document (i.e., addendum or supplemental EIR) for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impacts on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation, monitoring, and reporting program (MMRP) that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation, monitoring, and, reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impacts on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.
- 2) Coastal California Gnatcatcher and Least Bell's Vireo. There is a strong possibility that these two species occur on or near the Project site. California gnatcatcher and least Bell's vireo have been documented directly south of the Project site at Syphon Reservoir as well as in the Open Space north of the site. The DEIR should include a complete, recent habitat assessment for suitable coastal California gnatcatcher and least Bell's vireo habitat. If suitable habitat for the coastal California

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gnatcatcher and least Bell's vireo is present onsite or adjacent to the Project site, CDFW recommends protocol level surveys for California gnatcatcher and least Bell's vireo to determine presence or absence of these species. Mitigation for direct, indirect, and cumulative impacts to these species should be determined after the completion of these surveys.

- 3) Recreational Trails. The Project proposes the development of trails that would connect to the Gateway Open Space located within the NCCP/HCP Reserve. Incorporating trails would lead to the loss of habitat designated for the sole purpose of species protection and recovery and create new disturbances due to the presence of trail users. The DEIR should provide a discussion pertaining to the direct and indirect impacts the trails would have special status species and the habitats those species depend upon.. The location of the trail system, description of trail materials (i.e., paved asphalt, gravel, etc.), and level of access to the trails should be discussed in the DEIR. The DEIR should also contain a mitigation measure that calls for the creation of a Recreational Trails Plan. The Recreational Trail Plan should include, but not be limited to, installation of appropriate signage, trash receptacles, allowable and prohibited trail uses, and best management practices. This is especially important since the trails will be connecting to NCCP/HCP Reserve land. The DEIR should include an analysis of the consistency of the trails with the NCCP/HCP. CDFW requests the opportunity to review the Recreational Trail Plan and provide feedback to the City prior to the adoption of the final EIR.

## General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR.
  - e. A complete discussion of the purpose and need for, and description of the proposed Project.
  - f. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect

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impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

- g. Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).
  - h. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.
- a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be

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considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities webpage](#)<sup>4</sup>.

- b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)<sup>5</sup>. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.
- c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The [Manual of California Vegetation](#)<sup>6</sup>, second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts offsite.
- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes, but is not limited to, CDFW's [California Natural Diversity Database](#)<sup>7</sup> (CNDDDB). The CNDDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.
- e. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the

<sup>4</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

<sup>5</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

<sup>6</sup> <https://vegetation.cnps.org/>

<sup>7</sup> <https://wildlife.ca.gov/Data/CNDDDB>

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CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See [CDFW's Survey and Monitoring Protocols and Guidelines](#)<sup>8</sup> for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.

- f. A recent wildlife and rare plant survey. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DEIR should address the following.
- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).
  - b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
  - c. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.

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<sup>8</sup> <https://wildlife.ca.gov/conservation/survey-protocols>

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- d. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
  - e. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
- 5) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The City's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative impacts on biological resources, the City, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

- 6) Nesting Birds. To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer for common avian species, 300 feet for listed or highly sensitive species, and 500 feet for raptors/birds of prey. The

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buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 7) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).
  - a. The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
  - b. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 8) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should prioritize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.



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- 9) Long-term Management of Mitigation Lands. For proposed mitigation lands, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.
- 10) Salvage, Relocation and Translocation of Plants and Animal Species. Salvage, Relocation and translocation is the process of moving or removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of relocation or translocation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are inconclusive in their benefits to avoiding harm to species and without long-term monitoring, the outcome of these actions is questionable, at best and ineffective, at worst. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 11) Scientific Collecting Permit. A Scientific Collecting Permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see CDFW's [Scientific Collecting Permit webpage](#)<sup>9</sup>.
- 12) Lake and Streambed Alteration. CDFW has regulatory authority over activities in streams 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

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<sup>9</sup> <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

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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 recommends that the City assess whether notification is appropriate. A Notification package for a LSAA may be obtained by accessing CDFW's [Lake and Streambed Alteration Program website](#)<sup>10</sup>.

- 13) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the [Fish and Game Commission's \(Commission\) policies](#)<sup>11</sup>. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
  - a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
  - b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their

<sup>10</sup> <http://www.wildlife.ca.gov/Conservation/LSA>

<sup>11</sup> <https://fgc.ca.gov/About/Policies/Miscellaneous>

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habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

- 14) Use of Native Plants and Trees. CDFW recommends the City require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#)<sup>12</sup> CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

## 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 (CNDDB). The [CNDDB website](#)<sup>13</sup> provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)<sup>14</sup>.

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<sup>12</sup> <https://www.cal-ipc.org/plants/inventory/>

<sup>13</sup> <https://wildlife.ca.gov/Data/CNDDB>

<sup>14</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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The City should ensure data collected for the preparation of the DEIR is properly submitted.

## FILING FEES

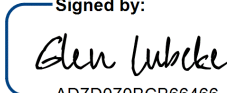
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 to assist the City of Irvine in identifying and mitigating Project impacts on biological resources.

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

Sincerely,

Signed by:  
  
AD7D070BCB66466...  
Glen M. Lubcke  
Environmental Program Manager  
South Coast Region

ec: California Department of Fish and Wildlife  
Jennifer Turner, CEQA Supervisor  
Melanie Burlaza, NCCP Supervisor  
Steve Gibson, CESA Supervisor  
Frederic (Fritz) Rieman, LSA Supervisor

Office of Planning and Research  
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## NATIVE AMERICAN HERITAGE COMMISSION

November 8, 2024

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City of Irvine  
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## Re: 2024100742 Gateway Village Project, Orange County

Dear Ms. Wu:

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

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

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

[Andrew.Green@NAHC.ca.gov](mailto:Andrew.Green@NAHC.ca.gov).

Sincerely,

*Andrew Green*

Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

November 13, 2024

NCL-24-0004

City of Irvine  
1 Civic Center Plaza  
Irvine, CA 92606  
Attn: Ann Wu, Principal Planner

**Subject:** NCL 24-0004 Notice of Preparation (NOP) and Notice of Public Scoping Meeting for the Environmental Impact Report for the Gateway Village Project

Dear Ann Wu:

The County of Orange has reviewed the NOP and Notice of Public Scoping Meeting for the Environmental Impact Report for the Gateway Village Project and has no comments at this time. Please continue to keep us on the distribution list for future notifications and developments related to the project.

If you have any questions, please contact Yuritzy Randle at (714) 667-8816 or Virginia Gomez at (714) 667-1614 in OC Development Services.

Sincerely,

*Yuritzy Randle*

Yuritzy Randle, Associate Planner  
OC Public Works Service Area/OC Development Services  
601 North Ross Street  
Santa Ana, California 92701

cc: Virginia Gomez, Senior Planner, OC Development Services



County Administration South  
601 North Ross Street  
Santa Ana, California 92701



P.O. Box 4048  
Santa Ana, CA 92702-4048



info@ocpw.ocgov.com



(714) 667-8800



OCPublicWorks.com



# ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602-0125

Brian Fennessy, Fire Chief

(714) 573-6000

[www.ocfa.org](http://www.ocfa.org)

December 31st, 2024

Ann Wu  
Principle Planner  
[awuu@cityofirvine.org](mailto:awuu@cityofirvine.org)  
(949) 724 6667

Subject: Notice of Preparation of EIR for Gate Village Project ( SR 24003153)

Dear Ann:

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to 23 cities in Orange County and all unincorporated areas. The OCFA operates 79 fire stations throughout Orange County.

We believe that the project will have less than a significant impact.

Please contact me at 714-573-6102 if you have any questions.

Sincerely,

Todd Letterman  
Assistant Fire Marshal  
Planning and Development  
[toddletterman@ocfa.org](mailto:toddletterman@ocfa.org)  
[www.ocfa.org](http://www.ocfa.org)





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

#### REGIONAL COUNCIL OFFICERS

President  
**Curt Hagman**  
County of San Bernardino

First Vice President  
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Community, Economic &  
Human Development  
**David J. Shapiro, Calabasas**

Energy & Environment  
**Luis Plancarte**  
County of Imperial  
Transportation  
**Tim Sandoval, Pomona**

**November 13, 2024**

Ann Wu, Principal Planner  
City of Irvine, Community Development Department  
PO Box 19575  
Irvine, California 92623-9575  
Phone: (949) 724-6362  
E-mail: [awuu@cityofirvine.org](mailto:awuu@cityofirvine.org)

Subject: SCAG Comments on the Notice of Preparation of an Environmental Impact Report for the Gateway Village Project [SCAG NO. IGR11142]

Dear Ann:

Thank you for submitting the Notice of Preparation of an Environmental Impact Report for the Gateway Village Project ("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.<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 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 an Environmental Impact Report for the Gateway Village Project in Orange County. The proposed project consists of construction of 1,360 residential units on 120 acres.

**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 IGR Program, attn.: Ryan Bañuelos, Associate Regional Planner, at (213) 630-1532 or [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov). Thank you.

Sincerely,

Sarah Dominguez  
Manager, Planning Strategy Department

---

<sup>1</sup> 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 AN  
ENVIRONMENTAL IMPACT REPORT FOR THE  
GATEWAY VILLAGE PROJECT [SCAG NO. IGR11142]**

**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 Irvine 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	306,900	314,900	345,400
Households	6,193,000	7,006,000	7,311,000	7,814,000	108,600	123,100	135,000
Employment	8,976,000	9,609,000	9,885,000	10,276,000	282,600	322,500	338,700

#### 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 2024<sup>2</sup>.

#### 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.

<sup>2</sup> 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>



COUNTY OF ORANGE  
**Waste & Recycling**  
Our Community. Our Commitment.  
(Letter Sent Via Email)

Thomas D. Koutroulis,  
Director  
601 N. Ross Street, 5<sup>th</sup> Floor  
Santa Ana, CA 92701  
[www.oclandfills.com](http://www.oclandfills.com)  
Telephone: (714) 834-4000  
Fax: (714) 834-4183

November 14, 2024

Ann Wu, Principal Planner  
City of Irvine  
PO Box 19575  
Irvine, California 92623-9575  
[awuu@cityofirvine.org](mailto:awuu@cityofirvine.org)

**Subject:** Orange County Waste & Recycling Response to City of Irvine Notice of Preparation of an Environmental Impact Report for Gateway Village Project

Ann Wu:

OC Waste & Recycling (OCWR) appreciates receiving your CEQA Notice of Preparation (NOP) dated October 16, 2024, for the proposed Gateway Village Project ('Project') which, as OCWR understands, includes the closure/removal of the existing All American Asphalt plant and development of an estimated 800-1,200 new homes including significant new affordable housing on approximately 120 acres; essential public access points, trails, and other improvements in the Gateway Preserve Open Space north of the site; and new park space at the terminus of the Jeffrey Open Space Trail (JOST). Vehicular access to Gateway Village would be provided via Jeffrey Road and a driveway on Portola Parkway; nonmotorized access would be provided via proposed extension of the JOST.

The Project is bounded to the southeast by unincorporated County lands and the Bee Canyon Access Road which provides direct access to OCWR's Frank R. Bowerman (FRB) Landfill. As a neighboring property owner (and public agency) to the proposed Project, OCWR has potential CEQA concerns that we feel should be fully fleshed out in the Project's EIR.

This letter clarifies OCWR's role as a potential Responsible, Trustee or Reviewing agency under CEQA, which underlies our statutory responsibilities in responding to the referenced NOP. Specifically, OCWR is being asked to provide comments and guidance on the scope of the Project's EIR including any potentially significant environmental impacts and reasonable alternatives and mitigation measures that may be germane to OCWR and therefore recommended for evaluation in the EIR. We offer the following comments:

1. The County of Orange has granted a Fuel Modification Easement to the City of Irvine ('City'), as approved by an Orange County Board of Supervisors Resolution on July 23, 2024, and by a City Council Resolution acknowledging a Fuel Modification Zone (FMZ) as an important design feature in the Project planning and as a requirement by the Orange County Fire Authority. This 170-foot wide FMZ would be located along the southeast edge of Bee Canyon Access Road on County hillside property that is undevelopable. The FMZ would be planted with prescribed fire-resistant landscaping to mitigate potential wildfire risk to the Project. OCWR suggests that this FMZ, required by the above-referenced Fuel Modification Easement, be described in detail and evaluated as a design feature in the Project's EIR, including its installation and perpetual maintenance



requirements and responsibilities in relationship to any necessary access provisions from the gated Bee Canyon Access Road.

2. The above-referenced City Council Resolution also calls for the construction of a new public offramp or accessway from the State Route 241 Toll Road to directly serve the FRB Landfill. Our understanding of the benefits of the proposed Toll Road Accessway to FRB operations would be the creation of a new authorized Landfill traffic access route and the shortening of drop-off times for some haul trucks, thereby reducing Landfill truck traffic on Portola Parkway and facilitating air quality improvements to the region. We further understand that the design and permitting process for the Toll Road Accessway is underway with the Transportation Corridor Agencies (TCA) and Caltrans, and funding would come from a variety of potential sources including restricted transportation- and refuse-related funds. OCWR suggests that the Project's EIR include a discussion as to why the Toll Road Accessway would have independent utility from the Gateway Village development and therefore is not considered a Project design feature necessitating evaluation in the EIR.

Prior to implementation of the Toll Road Accessway, however, the expected increase in Project-generated vehicle trips in the surrounding circulation system could result in indirect effects such as potential increase in traffic hazards. In light of the fact that the Toll Road Accessway has not been approved or budgeted and is only in the preliminary stages, the Project's EIR should evaluate the potential traffic impacts of the Project if the Toll Road Accessway is not developed or is delayed. In other words, the Project's contribution to greater traffic congestion levels in the surrounding circulation system may exacerbate the frequency of vehicular conflicts involving landfill-related haul trucks if the Toll Road Accessway is not developed or is delayed. This potential impact should be disclosed and evaluated in the Project's EIR, particularly as the Toll Road Accessway currently envisions some level of public use of the Bee Canyon Access Road that does not currently exist.

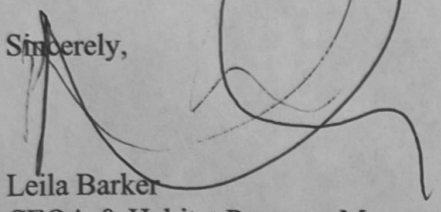
3. As the FRB Landfill is a neighboring essential public service/public-benefit facility in the vicinity of the proposed Project, for each applicable EIR subject matter, the discussion of baseline conditions should fully account for, disclose, and evaluate the existing effects from the daily Landfill operations including, but not limited to, air quality, fugitive dust emissions, greenhouse gas emissions, noise, odor emissions, socioeconomics, traffic, etc.
4. According to the attached exhibits, the proposed Project would encompass small portions of two parcels owned by OCWR that are associated with rights-of-way (ROW) for Bee Canyon Access Road and an unnamed bisecting dirt road. It is our understanding that negotiations between the City and the Orange County Real Estate Department have been underway to resolve these encroachment issues. Those encroachments should be disclosed and identified in the Project's EIR, along with any resolution of those encroachment issues.

If the parcel encroachment issue remains unresolved prior to finalization of the Project's parcel map and completion of the EIR, the Project would result in direct impacts on OCWR-owned property, and OCWR would then assume a Responsible Agency role under CEQA as

the County would be required to issue discretionary approval(s) to allow for Project implementation (i.e., encroachment permit(s) and potentially other discretionary approvals). Otherwise, OCWR would be a Reviewing Agency under CEQA based on our initial review of the Project's potential indirect impacts as described above.

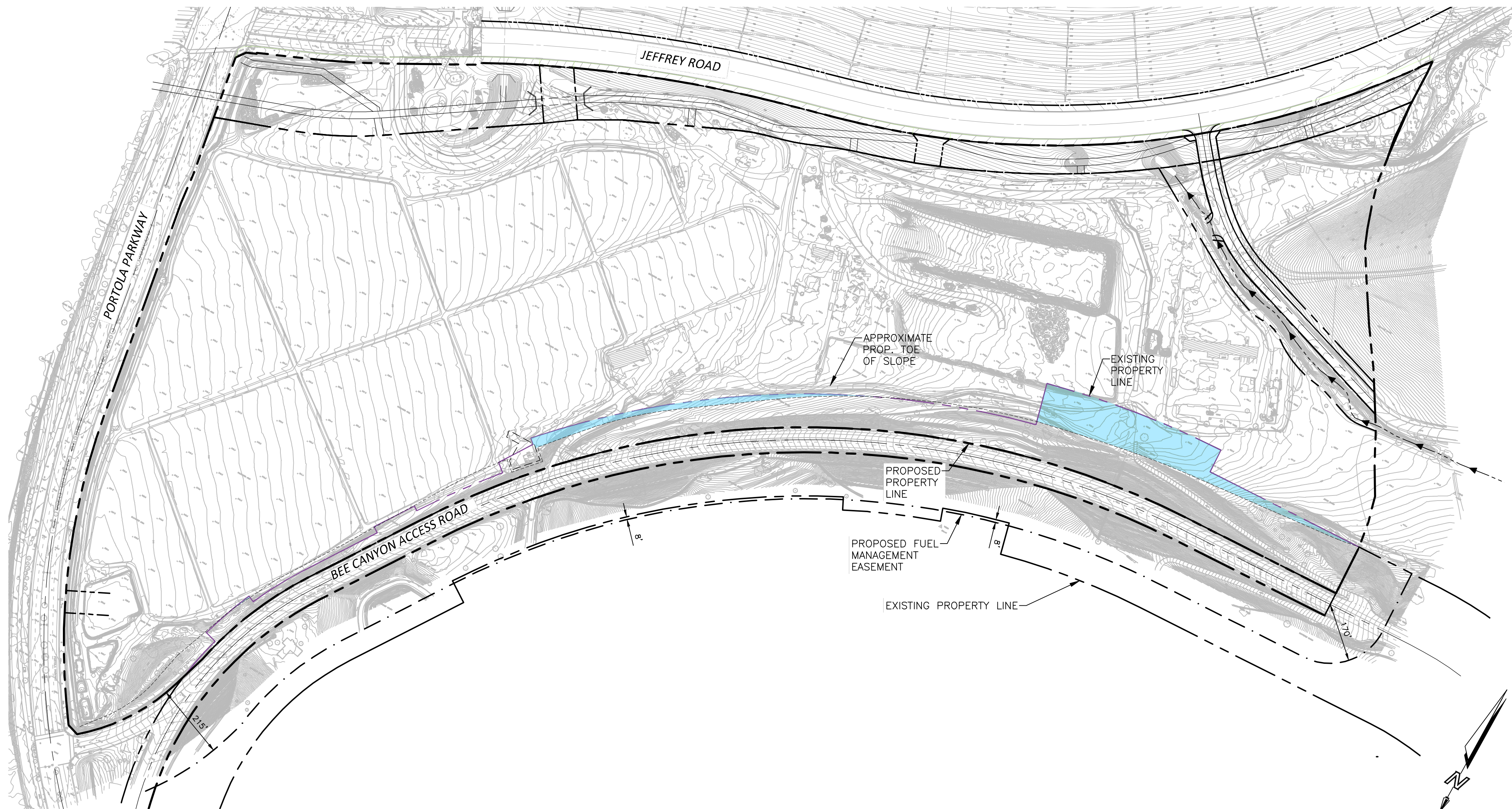
Please email me to schedule an informal consultation meeting to discuss and reach consensus on the scope of the CEQA analysis for the Project as pertains to OCWR interests. OCWR appreciates the opportunity for early coordination with the City to ensure that the Project's EIR serves both the City's needs and OCWR's needs, should OCWR need to issue a subsequent discretionary approval for the Project.

Sincerely,



Leila Barker  
CEQA & Habitat Program Manager  
OC Waste & Recycling  
Email: [Leila.barker@ocwr.ocgov.com](mailto:Leila.barker@ocwr.ocgov.com)

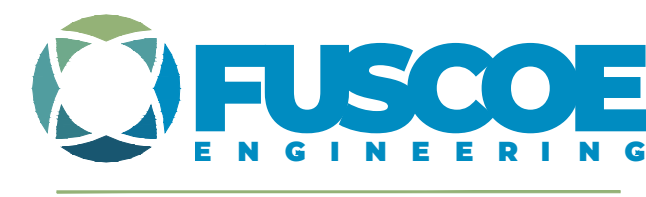




# LEGEND

DEVELOPABLE AREA  
WITHIN COUNTY PROPERTY  
(± 1.9 AC)

## GATEWAY VILLAGE



15535 Sand Canyon Ave Suite 100  
Irvine California 92618  
949.474.1960  
fuscoe.com



ATTACHMENT V

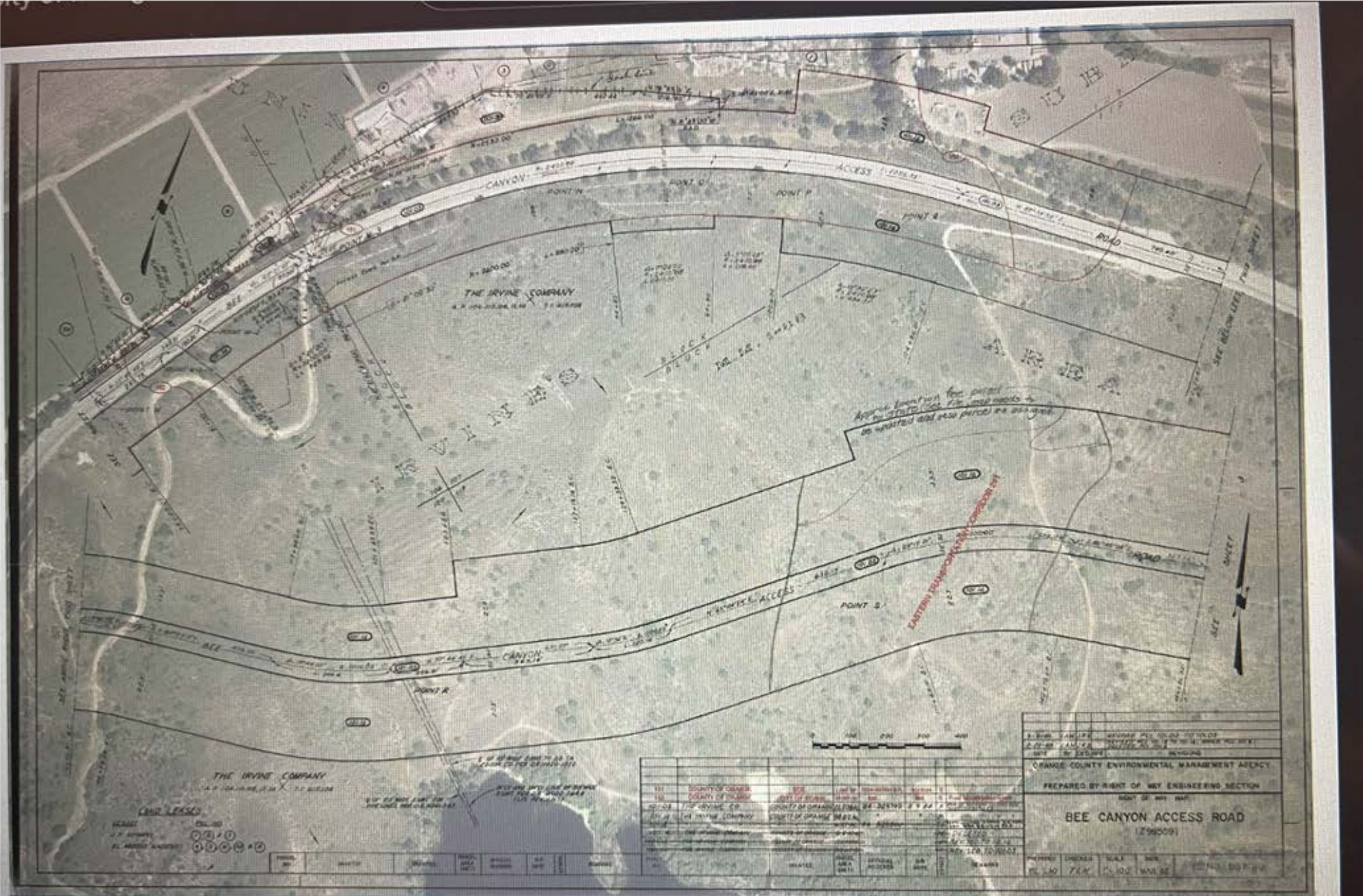




OCWR comment letter on Gateway project- attachment 2

**T** Thumbeleila <thumbeleila@gmail.com>  
To Ann Wu

This was too large to send. Please add to comment letter.



## Rachel Struglia

---

**From:** Ann Wu [AWuu@cityofirvine.org](mailto:AWuu@cityofirvine.org)  
**Sent:** Wednesday, October 23, 2024 12:26 PM  
**To:** Rachel Struglia  
**Subject:** FW: Certified mail that I was supposed to receive

FYI

**ANN WUU** | PRINCIPAL PLANNER | 949.724.6362

---

**From:** Roger Goh [gksroger@gmail.com](mailto:gksroger@gmail.com)  
**Sent:** Wednesday, October 23, 2024 12:24 PM  
**To:** Ann Wu [AWuu@cityofirvine.org](mailto:AWuu@cityofirvine.org)  
**Subject:** Re: Certified mail that I was supposed to receive

**CAUTION: EXTERNAL EMAIL**

Hi Ms Wu,

Thank you for the prompt response.

I feel the project will increase traffic on Portola Parkway and Jeffrey and increase the need for amenities and retail such as supermarkets and restaurants, so hopefully those will be allocated. Currently Woodbury seems already fully "utilized" due to the build out of Portola Springs (zero retail and restaurants in the local Portola neighborhoods, which I am pretty sure were included in the master plan but not executed?) and Orchard Hills residential areas. Adding more homes is ok as long as the underlying infrastructure can accommodate without degrading the quality of life of incumbents.

Cheers,  
Roger

On Wed, Oct 23, 2024, 11:31 AM Ann Wu [AWuu@cityofirvine.org](mailto:AWuu@cityofirvine.org) wrote:

Hi Mr. Goh:

Please see the attached notice that was sent in the certified mail. Let me know if you have any questions. Thank you.

**ANN WUU** | PRINCIPAL PLANNER | 949.724.6362

---

**From:** Roger Goh [gksroger@gmail.com](mailto:gksroger@gmail.com)  
**Sent:** Wednesday, October 23, 2024 11:17 AM  
**To:** Ann Wu [AWuu@cityofirvine.org](mailto:AWuu@cityofirvine.org)  
**Subject:** Certified mail that I was supposed to receive

**CAUTION: EXTERNAL EMAIL**

Hi Ms Wuu,

This is Roger K Goh of [REDACTED]

I was informed via email notification by USPS that I would receive a certified mail from your office. I have received all the other pieces in the notification but did not see the certified envelope.

Would it be possible for you to send an email copy or resend the letter? I attach a screenshot showing the letter that USPS told me I should receive.

Thank you.

Regards,

Roger K Goh



## NOTICE OF PREPARATION AND NOTICE OF PUBLIC SCOPING MEETING Environmental Impact Report Gateway Village Project

**Date:** October 16, 2024  
**To:** Reviewing Agencies, Interested Parties, and Organizations  
**Subject:** Notice of Preparation of an Environmental Impact Report  
**Scoping Meeting:** October 23, 2024, 5:30 p.m. to 7:00 p.m., Irvine City Hall in the City Council Chamber, 1 Civic Center Plaza, Irvine, California 92606-5207 and via Zoom  
**Comment Period:** October 16, 2024, through November 15, 2024  
**Project Title:** Gateway Village  
**Project Proponent:** City of Irvine and Brookfield Residential

The City of Irvine (City) is preparing an environmental impact report (EIR) to evaluate potential environmental impacts associated with the proposed Gateway Village Project (project). The City, acting as the Lead Agency, has determined that the project will require an EIR in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and Title 14 of the California Code of Regulations (CEQA Guidelines) (14 CCR 15000 et seq.). The City has prepared this Notice of Preparation (NOP) in accordance with CEQA Guidelines Sections 15082(a) and 15375.

The City requests comments and guidance on the scope and content of the EIR from interested public agencies, organizations, and individuals. The City needs to know the significant environmental issues and reasonable alternatives and mitigation measures that are germane to each Responsible and Trustee Agency's statutory responsibilities in connection with the proposed project. The project description, location, and probable environmental effects are described in this notice.

Responses to this NOP must be submitted by the close of the NOP review period, which concludes on November 15, 2024, at 5:00 p.m. Comments should be provided in writing to:

Ann Wu, Principal Planner  
City of Irvine  
PO Box 19575  
Irvine, California 92623-9575  
[awuu@cityofirvine.org](mailto:awuu@cityofirvine.org)

A copy of this notice will be available to download from the City's website at the following link: [www.cityofirvine.org/city-managers-office/gateway-preserve](http://www.cityofirvine.org/city-managers-office/gateway-preserve). Please contact Principal Planner Ann Wu at [awuu@cityofirvine.org](mailto:awuu@cityofirvine.org) with any questions regarding this notice or the scoping meeting.

### Public Scoping Meeting

The City will hold a public scoping meeting on October 23, 2024, to present information regarding the project and the CEQA process and to receive public comments and suggestions regarding the scope and content of the Draft EIR. The time and location of the public scoping meeting are provided above.



## Weblink for Virtual Participation:

You may also submit live comments via "Zoom." For more information, visit [www.cityofirvine.org/city-managers-office/gateway-preserve](http://www.cityofirvine.org/city-managers-office/gateway-preserve)

Verbal and written comments regarding the scope of the EIR will be accepted at the public scoping meeting. It is the intention of the City to comply with the Americans with Disabilities Act in all respects. If, as a participant and observer at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Ann Wu at [awuu@cityofirvine.org](mailto:awuu@cityofirvine.org) no later than October 21, 2024, for assistance. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35. 102-35. 104 ADA Title II).

## Project Location

The approximately 120-acre project site is in north Irvine, at the northeast corner of Portola Parkway and Jeffrey Road. The site is bounded by Portola Parkway to the south, Jeffrey Road/Hicks Haul Road to the northwest, and Bee Canyon Access Road to the east. Hicks Canyon Wash is to the north.



## Project Description

The project includes the development of approximately 1,360 two- to three-story homes, including both attached and detached configurations, with an average site density between 10 and 35 units per acre. Access to the site would be provided via Jeffrey Road and a right-in/right-out driveway on Portola Parkway. The project would create essential public access points, trails, and other improvements in the Gateway Preserve Open Space to be located north of the site. The project also includes the extension of the Jeffrey Open Space Trail (JOST) and creation of new park space located at the terminus of the JOST. Park space is expected to include parking, restroom, and trail staging.

## Probable Environmental Effects

The City has determined that an EIR will be prepared for the project. As required, the EIR will focus on the significant effects of the proposed project and will document the reasons for concluding that other effects would be less than significant. Where significant or potentially significant environmental impacts are identified, the EIR will also discuss feasible mitigation measures to avoid or reduce these impacts, as well as a reasonable range of potentially feasible alternatives. Based on the preliminary analysis of the project, the following environmental topics will be examined in the EIR: aesthetics, agricultural/forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazard and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation, tribal cultural resources, utilities/service systems, and wildfire.

  
Signature of Lead Agency Representative

10/16/24

Date



## Rachel Struglia

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**From:** Ann Wu <AWuu@cityofirvine.org>  
**Sent:** Monday, October 21, 2024 9:30 AM  
**To:** Rachel Struglia  
**Subject:** FW: Notice of EIP of Gateway Village Project - Individual Input

Hi Rachel:

Please see email below regarding comment from resident. I'd like to chat about this before our scoping session.  
Thanks!

**ANN WUU** | PRINCIPAL PLANNER | 949.724.6362

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**From:** Larry Lin <lungchang.lin@gmail.com>  
**Sent:** Friday, October 18, 2024 7:25 PM  
**To:** Ann Wu <AWuu@cityofirvine.org>  
**Subject:** Notice of EIP of Gateway Village Project - Individual Input

### CAUTION: EXTERNAL EMAIL

This 1,360 two to three story home project built on the slope of a hill would not only damage the natural water drainage but also increased the danger of wild wire. Not to mention the already congested traffic on Jeffrey road during the rush hours.

Whoever sanctioned this project needs to reconsider its density and the magnitude of the project to upkeep the quality of air, quality of available park space and the safety of resident.

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Best Regards,  
Larry Lin

[REDACTED]

## Rachel Struglia

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**From:** Ann Wu <AWuu@cityofirvine.org>  
**Sent:** Wednesday, November 13, 2024 11:19 AM  
**To:** Rachel Struglia  
**Subject:** FW: EIR of Gateway Village

FYI

**ANN WUU** | PRINCIPAL PLANNER | 949.724.6362

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**From:** Zhang Juliet <julietzhang66@gmail.com>  
**Sent:** Tuesday, November 12, 2024 5:55 PM  
**To:** Ann Wu <AWuu@cityofirvine.org>  
**Subject:** EIR of Gateway Village

**CAUTION: EXTERNAL EMAIL**

Hi Ms. Ann Wu,

Hope the message finds you well :)

We received a letter regarding to the Gateway Village EIR and would like to express our concerns to the project. The area is fully packed with more and more residential projects with a lot of population moving in, which created heavy traffic/pollution, crowded in commercial town centers and less green areas.

Hope the above can be addressed and considered during the process.

Best,

Yihong Zhang