



Appendix B Notice of Preparation Comments



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Notice of Preparation

CITYRSMY18MAY 3PM 2:17

April 30, 2018

To: Reviewing Agencies

Re: Rancho Santa Margarita General Plan Update
SCH# 2018041075

Attached for your review and comment is the Notice of Preparation (NOP) for the Rancho Santa Margarita General Plan Update draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Wendy Starks
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, CA 92688**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2018041075
Project Title Rancho Santa Margarita General Plan Update
Lead Agency Rancho Santa Margarita, City of

Type NOP Notice of Preparation
Description The Rancho Santa Margarita General Plan Update (General Plan Update) is a strategic update focused on five elements: Conservation/Open Space, Economic Development, Land Use, Noise, and Safety. The Circulation and Housing Elements were update din 2013 and 2014 respectively; thus no changes are proposed to those two elements. The purpose of the General Plan is to provide the City Council, Planning Commission, Staff, and the entire community with a comprehensive and internally consistent plan to guide the City's decision-making and development processes through the General Plan planning period (2040). The work program includes an update of the General Plan baseline data, goals, and policies.

Lead Agency Contact

Name Wendy Starks
Agency City of Rancho Santa Margarita
Phone 949-635-1807 **Fax**
email
Address 22112 El Paseo
City Rancho Santa Margarita **State** CA **Zip** 92688

Project Location

County Orange
City Rancho Santa Margarita
Region
Cross Streets Various
Lat / Long 33° 38' 24.62" N / 117° 36' 10.20" W
Parcel No. Various
Township **Range** **Section** **Base**

Proximity to:

Highways SR 243, 133, I-5
Airports
Railways
Waterways Various
Schools Various
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Regional Water Quality Control Board, Region 1; Department of Conservation; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Fish and Wildlife, Region 5; Office of Emergency Services, California; Department of Housing and Community Development; Native American Heritage Commission; State Lands Commission; California Highway Patrol; Caltrans, District 12; State Water Resources Control Board, Division of Drinking Water; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 9

Date Received 04/30/2018 **Start of Review** 04/30/2018 **End of Review** 05/29/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

2018041075

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Rancho Santa Margarita General Plan Update

Lead Agency: City of Rancho Santa Margarita Contact Person: Wendy Starks, AICP
Mailing Address: 22112 El Paseo Phone: 949.635.1807
City: Rancho Santa Margarita Zip: 92688 County: Orange

Project Location: County: Orange City/Nearest Community: Rancho Santa Margarita
Cross Streets: Various Zip Code: 92688
Longitude/Latitude (degrees, minutes and seconds): 33 ° 38 ' 24.62" N / 117 ° 36 ' 10.20" W Total Acres: 8,607 acres
Assessor's Parcel No.: Various Section: N/A Twp.: N/A Range: N/A Base: N/A
Within 2 Miles: State Hwy #: SR-243, SR-133, I-5 Waterways: Various
Airports: N/A Railways: N/A Schools: Various

Document Type:

CEQA: [X] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[] Mit Neg Dec Other: []

Local Action Type:

[X] General Plan Update [] Specific Plan [] Rezone [] Application
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other:

Development Type:

[X] Residential: Units 528 Acres
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[] Industrial: Sq.ft. Acres Employees
[] Educational:
[] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[X] Other: Non-residential: 3,085,014 square feet

Project Issues Discussed in Document:

[X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [X] Schools/Universities [X] Water Quality
[X] Air Quality [X] Forest Land/Fire Hazard [] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [X] Solid Waste [X] Land Use
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[X] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [X] Other: GHG Emissions

Present Land Use/Zoning/General Plan Designation:

Various existing Land Uses; Various Zones; and Various General Plan Designations.

Project Description: (please use a separate page if necessary)

The Rancho Santa Margarita General Plan Update (General Plan Update) is a strategic update focused on five elements: Conservation/Open Space, Economic Development, Land Use, Noise, and Safety. The Circulation and Housing Elements were updated in 2013 and 2014 respectively; thus, no changes are proposed to those two elements. The purpose of the General Plan is to provide the City Council, Planning Commission, Staff, and the entire community with a comprehensive and internally consistent plan to guide the City's decision-making and development processes through the General Plan planning period (2040). The work program includes an update of the General Plan baseline data, goals, and policies.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

- Air Resources Board
- Boating & Waterways, Department of
- California Emergency Management Agency
- California Highway Patrol
- Caltrans District #12
- Caltrans Division of Aeronautics
- Caltrans Planning
- Central Valley Flood Protection Board
- Coachella Valley Mtns. Conservancy
- Coastal Commission
- Colorado River Board
- Conservation, Department of
- Corrections, Department of
- Delta Protection Commission
- Education, Department of
- Energy Commission
- Fish & Game Region #5
- Food & Agriculture, Department of
- Forestry and Fire Protection, Department of
- General Services, Department of
- Health Services, Department of
- Housing & Community Development
- Native American Heritage Commission

- Office of Historic Preservation
- Office of Public School Construction
- Parks & Recreation, Department of
- Pesticide Regulation, Department of
- Public Utilities Commission
- Regional WQCB #9
- Resources Agency
- Resources Recycling and Recovery, Department of
- S.F. Bay Conservation & Development Comm.
- San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
- San Joaquin River Conservancy
- Santa Monica Mtns. Conservancy
- State Lands Commission
- SWRCB: Clean Water Grants
- SWRCB: Water Quality
- SWRCB: Water Rights
- Tahoe Regional Planning Agency
- Toxic Substances Control, Department of
- Water Resources, Department of
- Other: _____
- Other: _____

Local Public Review Period (to be filled in by lead agency)

Starting Date April 30, 2018 Ending Date May 29, 2018

Lead Agency (Complete if applicable):

Consulting Firm: Michael Baker International
 Address: 5 Hutton Centre Drive, Suite 500
 City/State/Zip: Santa Ana, CA 92707
 Contact: Ms. Starla Barker, AICP
 Phone: 949.855.5771

Applicant: City of Rancho Santa Margarita
 Address: 22112 El Paseo
 City/State/Zip: Rancho Santa Margarita, CA 92688
 Phone: Ms. Wendy Starks, AICP: 949.635.1807

Signature of Lead Agency Representative: _____

Starla Barker

Date: 4/27/18

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Resources Agency

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
Denise Peterson
- California Coastal Commission
Alyson Hitt
- Colorado River Board
Lisa Johansen
- Dept. of Conservation
Crina Chan
- Cal Fire
Dan Foster
- Central Valley Flood Protection Board
James Herota
- Office of Historic Preservation
Ron Parsons
- Dept of Parks & Recreation Environmental Stewardship Section
- S.F. Bay Conservation & Dev't. Comm.
Steve Goldbeck
- Dept. of Water Resources
Nadell Gayou

- Fish & Wildlife Region 4
Julie Vance
- Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program
- Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program
- Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife M
William Paznokas
Marine Region

- Native American Heritage Comm.
Debbie Treadway
- Public Utilities Commission
Supervisor
- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Maureen El Harake

Other Departments

- California Department of Education
Lesley Taylor
- OES (Office of Emergency Services)
Monique Wilber
- Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture
- Dept. of General Services
Cathy Buck
Environmental Services Section
- Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division

- Caltrans - Division of Aeronautics
Philip Crimmins
- Caltrans - Planning
Christian Bushong
- California Highway Patrol
Suzann Ikeuchi
Office of Special Projects
- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Susan Zanchi - North
- Caltrans, District 4
Patricia Maurice
- Caltrans, District 5
Larry Newland
- Caltrans, District 6
Michael Navarro
- Caltrans, District 7
Dianna Watson
- Caltrans, District 8
Mark Roberts

- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Maureen El Harake

Fish and Game

- Dept. of Fish & Wildlife
Scott Flint
Environmental Services Division
- Fish & Wildlife Region 1
Curt Babcock
- Fish & Wildlife Region 1E
Laurie Harnsberger
- Fish & Wildlife Region 2
Jeff Drongesen
- Fish & Wildlife Region 3
Craig Weightman

- Caltrans, District 9
Maureen El Harake
- State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance
- State Water Resources Control Board
Cindy Forbes - Asst Deputy
Division of Drinking Water
- State Water Resources Control Board
Div. Drinking Water # _____
- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- State Water Resources Control Board
Phil Crader
Division of Water Rights
- Dept. of Toxic Substances Control Reg. # _____
CEQA Tracking Center
- Department of Pesticide Regulation
CEQA Coordinator

- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)
- Other _____

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710



May 3, 2018

Wendy Starks
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, CA 92688

Also sent via e-mail: wstarks@cityofrsm.org

RE: SCH# 2018041075, Rancho Santa Margarita General Plan Update Project, City of Rancho Santa Margarita; Orange County, California

Dear Ms. Starks:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an 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 Section 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, § 15064 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 with the area of project 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). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. 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 or a notice of negative declaration or 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 **lead agencies consult with all 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

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 sections 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 section 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 section 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 section 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 section 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 nonfederally 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 sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 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 section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) 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 been 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, section 15064.5(f) (CEQA Guidelines section 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 section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 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.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst
(916) 373-3714

cc: State Clearinghouse



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

May 16, 2018

Ms. Wendy Starks, AICP
Senior Planner
City of Rancho Santa Margarita
Planning Division
22112 El Paseo
Rancho Santa Margarita, California 92688
wstarks@cityofrsm.org

NOTICE OF PREPARATION (NOP) OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR RANCHO SANTA MARGARITA GENERAL PLAN UPDATE PROJECT, CITY OF MARGARITA, ORANGE COUNTY (SCH# 2018041075)

Dear Ms. Starks:

The Department of Toxic Substances Control (DTSC) has reviewed the subject NOP. The following project description is stated in the NOP: "The Housing Element was updated in September 2013 in compliance with the 2013-2021 planning cycle for cities within the Southern California Association of Governments region. The Circulation Element was adopted in January 2014. No changes are proposed to the Housing and Circulation Elements. According to the 2002 General Plan Land Use Plan Development Capacity Summary, implementation of the 2002 General Plan was anticipated to result in the development of 17,608 dwelling units and 13.6 million square feet of non-residential development, resulting in a population of 51,178 within the planning area. Because of the time that has elapsed since adoption of the 2002 General Plan, it contains some outdated information, projections, and policy direction. Thus, it was determined that a strategic update to the 2002 General Plan was warranted."

Based on the review of the submitted document, DTSC has the following comments:

1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. A Phase I Environmental Site Assessment may be appropriate to identify any recognized environmental conditions.

2. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.
3. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
4. If planned activities include building modifications/demolitions, lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be investigated and mitigated/disposed of in accordance with all applicable and relevant laws and regulations. In addition, evaluate whether polychlorinated biphenyls (PCBs) containing materials is present in onsite buildings and address as necessary to protect human health and the environment.
5. If the site was used for agricultural or related activities, residual pesticides may be present in onsite soil. DTSC recommends investigation and mitigation, as necessary, to address potential impact to human health and environment from residual pesticides.
6. DTSC recommends evaluation, proper investigation and mitigation, if necessary, of onsite areas with current or historic PCB-containing transformers.
7. If soil contamination is suspected or observed in the project area, then excavated soil should be sampled prior to export/disposal. If the soil is contaminated, it should be disposed of properly in accordance with all applicable and relevant laws and regulations. In addition, if the project proposes to import soil to backfill the excavated areas, proper evaluation and/or sampling should be conducted to make sure that the imported soil is free of contamination.
8. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted and the appropriate government agency to provide regulatory oversight.

Ms. Wendy Starks, AICP
May 16, 2018
Page 3

If you have any questions regarding this letter, please contact me at (714) 484-5380 or by email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnson P. Abraham", with a horizontal line underneath.

Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Site Mitigation and Restoration Program – Cypress

kl/sh/ja

cc: Governor's Office of Planning and Research (via e-mail)
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
State.clearinghouse@opr.ca.gov

Mr. Dave Kereazis (via e-mail)
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Mr. Shahir Haddad, Chief (via e-mail)
Brownfields Restoration and School Evaluation Branch
Site Mitigation and Restoration Program - Cypress
Shahir.Haddad@dtsc.ca.gov

CEQA# 2018041075



Board of Education

Amanda Morrell, President · Suzie R. Swartz, Vice President · Dr. Edward Wong, Clerk
Dennis Walsh, Member · Dolores Winchell, Member

Crystal Turner, Ed.D.
Superintendent

May 22, 2018

Wendy Starks, AICP
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, CA 92688

Via Email: wstarks@cityofrsm.org

Subject: Response to Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Rancho Santa Margarita General Plan Update

Dear Ms. Starks:

Thank you for providing the opportunity to comment on the NOP for the General Plan Update Environmental Impact Report.

The portion of the City of Rancho Santa Margarita within the Saddleback Valley Unified School District is served by four elementary schools, one intermediate school and one high school. The elementary school and high school attendance boundaries are shown in Figures 1 and 2 (attached). No figure is provided for the intermediate school as the entire area is served by one school. The following table identifies the schools serving the City of Rancho Santa Margarita, including their current enrollment and capacity.

School	Current Enrollment (2017-18)	Capacity (2018)
Elementary Schools		
Cielo Vista	776	823
Melinda Heights	996	1,265
Robinson	561	1,250
Trabuco Mesa	618	1,325
Intermediate Schools		
Rancho Santa Margarita	1,312	1,734
High Schools		
Mission Viejo	2,221	3,076
Trabuco Hills	2,830	3,173

The District is concerned with potential impacts that may adversely affect the environment, health or safety conditions around its schools. The District requests that the Draft EIR analyze all direct and indirect impacts on schools, paying particular attention to the issues of traffic congestion, noise, air pollution and health and safety impacts around District schools and student generation from new residential development.

The Draft EIR should acknowledge that new residential units and commercial/industrial development constructed under the General Plan will be required to pay the developer fee in place at the time building permits are issued.

The proposed Land Use Map includes a designation for a large "Future Planned Community" along Trabuco Creek. We understand the City does not plan to initiate the entitlement process as part of this General Plan update and the development figures provided in Tables 1 and 2 of the NOP do not include development of this property

We request that the City notify the District when planning for this property is initiated. This large area has the potential to significantly impact school facilities, so it is critical that the District be involved early in the planning process.

Again, thank you for the opportunity to submit these comments on the NOP. We look forward to reviewing the Draft EIR and working cooperatively with the City to create the best environment for our students and staff and the larger community. Please contact the undersigned if you have any questions or require additional information.

Sincerely,

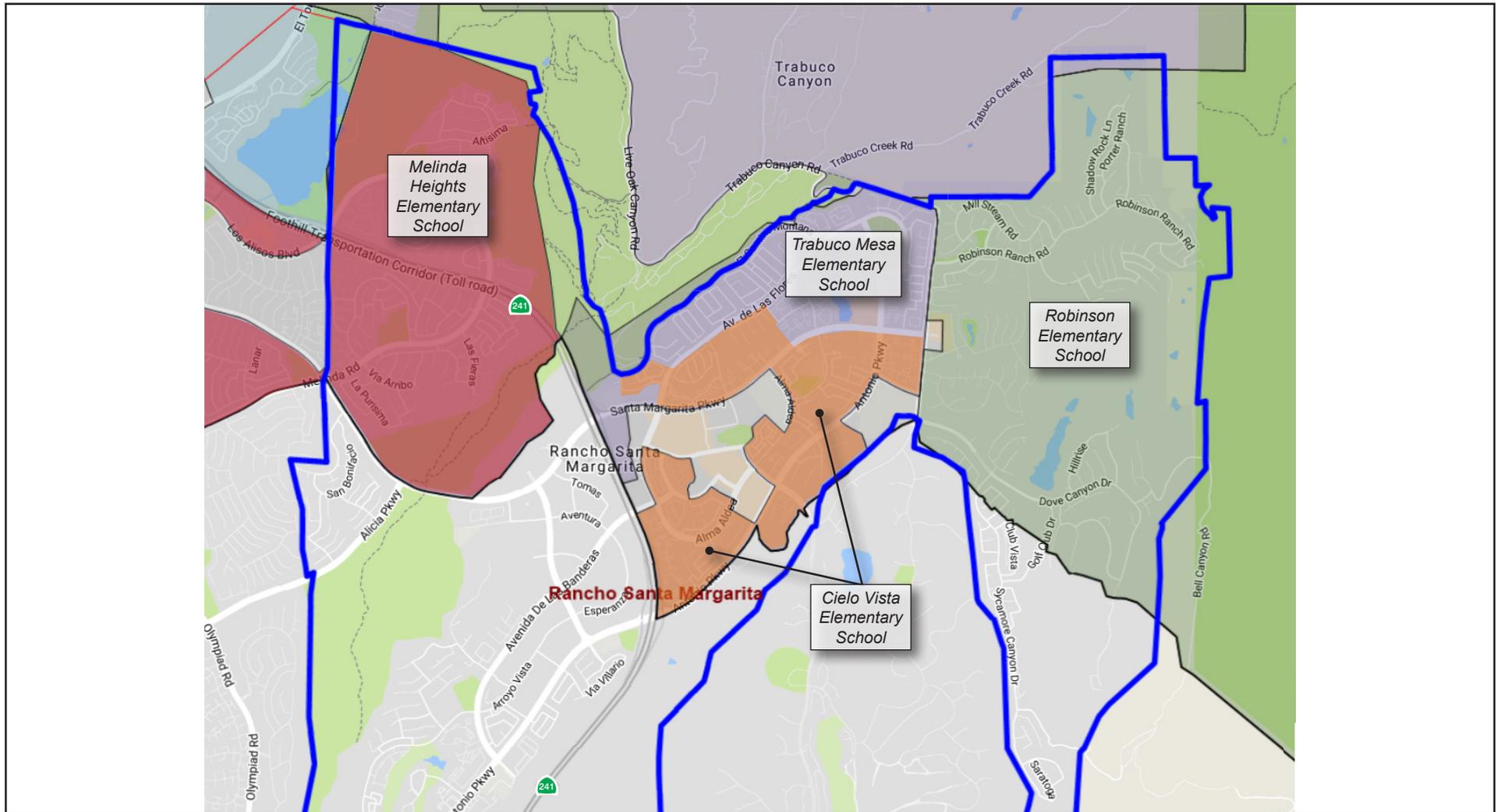


Stella Escario-Doiron

Chief of Facilities, Maintenance, Operations, Construction and Transportation

- c: Crystal Turner, Ed.D, Superintendent
- Connie Cavanaugh, Assistant Superintendent, Business Services
- Mark Perez, Director, Communications & Administrative Services

Figure 1 - Elementary School Boundaries with RSM

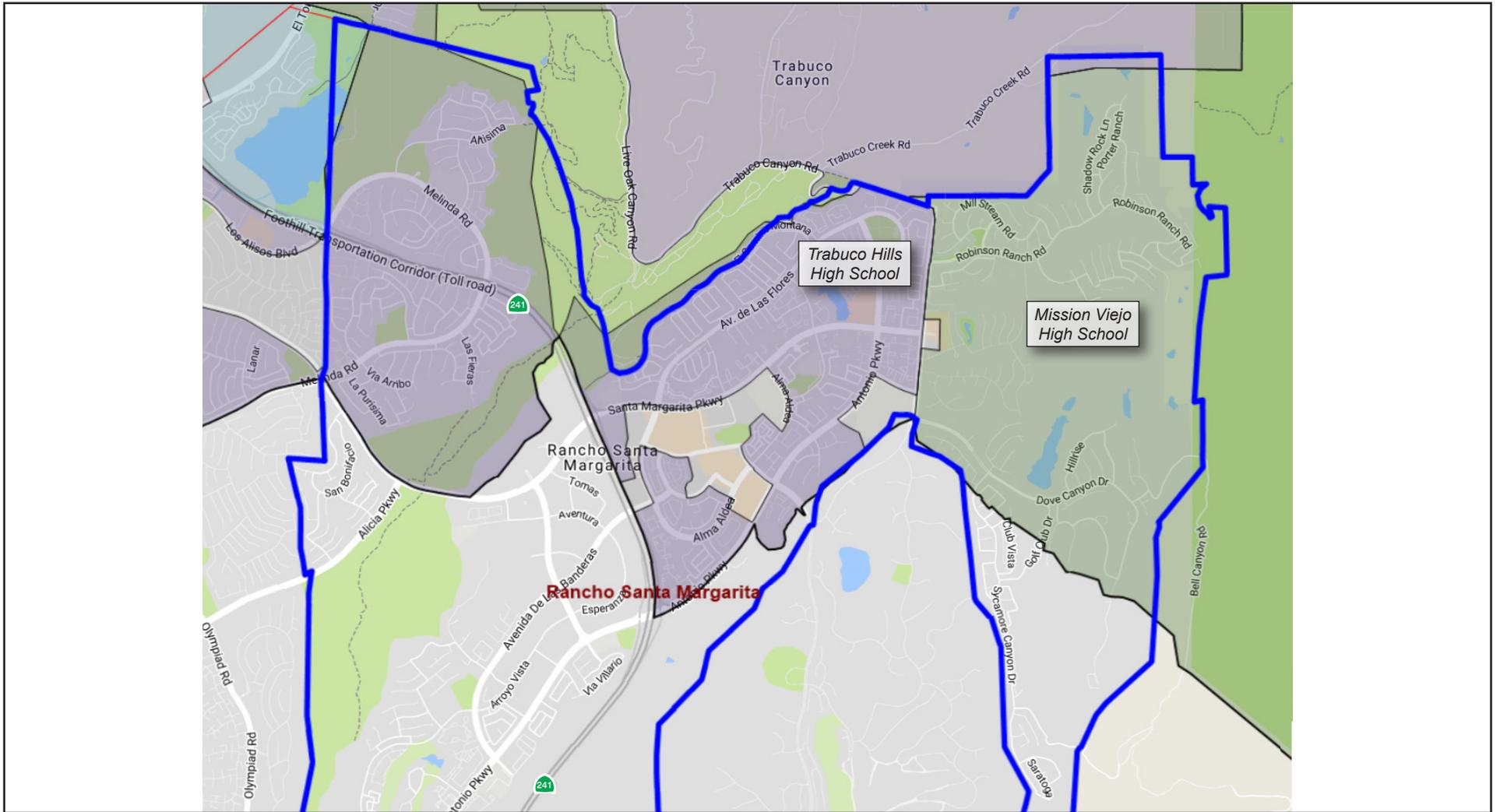


City of Rancho Santa Margarita City Limits

0 1
Scale (Miles)



Figure 2 - High School Boundaries with RSM



City of Rancho Santa Margarita City Limits

0 1
Scale (Miles)





South Coast Air Quality Management District

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

SENT VIA USPS AND E-MAIL:

May 22, 2018

wstarks@cityofrsm.org

Ms. Wendy Starks, AICP, Senior Planner
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, CA 92688

Notice of Preparation of a Draft Environmental Impact Report for the Rancho Santa Margarita General Plan Update

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files¹. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD staff recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analyses. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). The SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP), which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional

¹ Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NO_x) emissions in 2023 and an additional 55 percent NO_x reduction beyond 2031 levels for ozone attainment. The 2016 AQMP is available on SCAQMD's website at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. SCAQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. This Guidance Document is available on SCAQMD's website at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance² on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

The SCAQMD has also developed both regional and localized significance thresholds. SCAQMD staff requests that the Lead Agency compare the emission results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency use its best efforts to quantify localized air emissions and perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the EIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area

² In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, for phased projects where there will be an overlap between construction and operation, the air quality impacts from the overlap should be combined and compared to SCAQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment (“*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*”) can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the Proposed Project, including:

- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- SCAQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAG's MMRP for the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy available here: http://scagrtpscs.net/Documents/2016/peir/final/2016fPEIR_ExhibitB_MMRP.pdf
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a responsible agency for the Proposed Project in the Draft EIR. For more information on permits,

please visit SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD's Engineering and Permitting staff at (909) 396-3385.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's webpage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the Lead Agency to ensure that project air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or call me at (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

LS
ORC180501-02
Control Number



Mayor
Dr. Jim Gardner

Mayor Pro Tem
Leah Basile

Council Members
Tom Cagley
Dwight Robinson
Scott Voigts

City Manager
Debra DeBruhl Rose

May 23, 2018

City of Rancho Santa Margarita
Attn. Wendy Starks – Senior Planner
22112 El Paseo
Rancho Santa Margarita, 92688

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL
IMPACT REPORT FOR THE RANCHO SANTA MARGARITA
GENERAL PLAN UPDATE**

Dear Ms. Starks:

Thank you for providing the City of Lake Forest with the opportunity to review and comment on the NOP of the draft EIR for the Rancho Santa Margarita General Plan Update. City staff has reviewed the NOP and has no comments at this time.

Please notify the City of Lake Forest, care of the Development Services Department, when the draft EIR is available for public review.

Sincerely,

City of Lake Forest

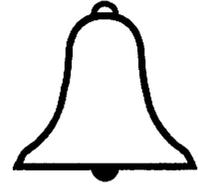
Gayle Ackerman, AICP
Development Services Director

cc: Ron Santos – Senior Planner

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GENERAL MANAGER



Santa Margarita Water District

May 24, 2018

Wendy Starks, AICP
Principal Planner
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, CA 92688
wstarks@cityofrsm.org

Re: Response to NOP of a Draft EIR for the Rancho Santa Margarita General Plan Update

Dear Ms. Starks:

Santa Margarita Water District received the City of Rancho Santa Margarita's notice of preparation (NOP) of a draft environmental impact report (EIR) for the Rancho Santa Margarita General Plan Update. The comment period for the NOP begins April 30, 2018 and ends on May 29, 2018. The District serves as the water provider for most of the City. The District has two comments in response to the NOP:

1. Because the General Plan Update's buildout would account for an increase of more than 500 dwelling units, the City should formally contact the District to request a water supply assessment to accompany this Update.
2. As the City works on the EIR, the District encourages and would appreciate the City's coordination with the District on water-related matters.

Water Supply Assessment. Based on the information in the NOP, the City should contact the District to request a water supply assessment for the General Plan Update. When a city determines that a "project," as defined by Water Code, section 10912, is subject to environmental review under the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 26000 et seq.), the city must contact the appropriate public water system to request the public water system prepare a water supply assessment. (Water Code, § 10910(b).) Unless the public water system determines that the project is covered by its current urban water management plan, it will prepare a water supply assessment. (Water Code, § 10910(c)(1).) The definition of "project" includes "[a] project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project." (Water Code, § 10912(a)(7).)

The NOP states that the 2002 General Plan's "anticipated buildout" was 17,608 dwelling units. The General Plan update would have an "estimated buildout" of 18,294 dwelling units, an increase of 686 dwelling units. Since the General Plan Update would plan for a more than 500-dwelling unit increase in future development, the General Plan Update may require a water supply assessment. (Water Code, §§ 10910(b); 19012(a)(7).) Once contacted by the City, the District

would begin to determine whether this level of growth was anticipated by the District's 2015 Urban Water Management Plan. Updates to the Water Supply Assessment and the District's Urban Water Management Plan should be included in the Update's project description.

The NOP provides a breakdown of the estimated buildout by land use designations (Table 1, General Plan Update Development Potential). This data should be sufficient for the District to determine whether the General Plan Update is covered by the 2015 Urban Water Management Plan.

Water-related Environmental Review. As the City works on the EIR, the District encourages and would appreciate the City's coordination with the District on water-related studies, determinations, and mitigation approaches. This analysis will be essential for the District as a responsible agency when it takes up consideration of the Water Supply Assessment. These matters include, but are not limited to:

- Growth-inducing elements,
- Cumulative impacts with neighboring development,
- Total water demand,
- Demand for stormwater drainage facilities,
- Demand for wastewater conveyance and/or pumping facilities,
- Demand for wastewater treatment facilities,
- Consistency with Sustainable Groundwater Management Act (SGMA) (Gov. Code, §65350.5 et seq.)
- Policies for landscape maintenance, and
- Policies for re-use and recycling of water.

The City accounts for approximately 46% of the District's service area, so water-related demand and infrastructure capacity changes could also impact the District's delivery of service in other communities. As the Update progresses, City staff and its consultants should feel free to contact Karla Houlihan (949) 459-6581 or karlah@smwd.com at the District for assistance with the details necessary to undertake this effort.

Thank you for your consideration of the District's comments in response to the NOP. We look forward to working with the City on this. Please feel free to contact me directly at any time if you have any questions.

Sincerely,



Patricia A. Butler
Chief Engineer

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6267

FAX (657) 328-6510

TTY 711

www.dot.ca.gov*Making Conservation
a California Way of Life.*

May 29, 2018

Wendy Starks
22112 El Paseo
Rancho Santa Margarita, CA 92688

File: IGR/CEQA
SCH#: 2018041075
12-ORA-2018-00881
SR 241

Dear Ms. Starks,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the General Plan Update for the City of Rancho Santa Margarita, except for the Housing and Circulation Elements (updated in 2013 and 2014 respectively). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The City of Rancho Santa Margarita is in proximity to the State Highway System (SHS). Caltrans is a responsible/commenting agency on this project and upon review, we have the following comments:

Office of Planning and Research 2017 General Plan Guidelines

As of 2017, the Governor's Office of Planning and Research (OPR) updated its General Plan Guidelines (GPG) as statutorily required by Government Code Section 65040.2. The GPG is used as a resource to assist communities and accomplish its community goals and priorities while meeting the goals and practices of the State. The updated GPG includes a free General Plan Mapping Tool which incorporates requirements for the mandatory elements and provides Geographic Information Systems tools necessary for cities and counties to use when drafting a General Plan. Social inequities are intimately tied to the environment. Therefore, the updated GPG also expands the equity and environmental justice section including new sections on healthy communities, equitable and resilient communities, economic development, and climate change. For information on the major changes, please refer to OPR website for more information: <http://www.opr.ca.gov/planning/general-plan/>

Traffic Impact Study

The environmental document should include a Traffic Impact Study (TIS) that analyzes short-term and long-term impacts to the SHS including on-ramps, off-ramps, and freeway mainline specifically for State Route 241.

Please include the following:

- Existing and Build-out Annual Average Daily traffic volumes.
- Existing and Build-out AM and PM Peak Hour traffic volumes.

- A discussion of trip generation methodology including any counts, traffic modeling and forecasting tools, distribution and assignments, justification of modal splits, etc.
- A discussion of any Transportation Demand Management measures including potential funding to support longevity of these measures.
- Traffic impact analysis methodology used and any specific assumptions used that are unique to the City of Rancho Santa Margarita.
- Ninety-five percent queue information for all off-ramps on the SHS under the Build-out condition.
- Potentially significant adverse impacts and its associated mitigation measures. Any impacts to the SHS should not be deemed 'Significant and Unavoidable' without consultation with Caltrans to mitigate these impacts in the early development stages of the environmental document.

Multimodal Planning

Moving toward the State's SB 743 goals includes supporting infill land use, reducing greenhouse gas emissions, and supporting active transportation. Caltrans suggests that the General Plan Update includes a Vehicle Miles Travels (VMT) based transportation analysis that assesses impacts and mitigates with transportation demand management (TDM), multimodal, and operational efficiency projects.

In addition, the General Plan Update should also include an analysis of existing multimodal transportation system. Under the Complete Streets Act of 2008, Assembly Bill (AB) 1358, cities and counties are required to integrate multimodal transportation network policies into the circulation elements of its General Plans. These networks should allow for all citizens to effectively travel by motor vehicle, foot, bicycle, and transit to reach destinations throughout the city. Prioritizing and allocating space to efficient modes of travel can allow streets to transport more people in a fixed amount of right-of-way. The goal is to encourage connectivity within the local and regional bicycle network. Poor connectivity can result in higher speed of traffic along local roads and a more hostile environment for pedestrians.

Climate Change Reductions

Further, AB 32, also known as the California Global Warming Solutions Act of 2006 mandates Greenhouse Gas (GHG) emissions reduction in California. Senate Bill (SB) 375, also known as the Sustainable Communities and Climate Protection Act of 2008, capitalizes on the need for reducing GHG by directing the California Air Resources Board to set regional targets for reducing GHG emissions. SB 375 builds on AB 32 in coordinated efforts to address transportation and land use planning needs with an overall goal of promoting more sustainable communities. SB 375 sets emission reduction standards for the years 2020 and 2035. Consistent with the goals brought forth by AB 32, SB 375 encourages plans/projects consistent with to-be regional plan that achieves GHG reductions as those highlighted in the Southern California Association of Governments' (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). As noted by the updated GPG, it is important to address these environmental impacts.

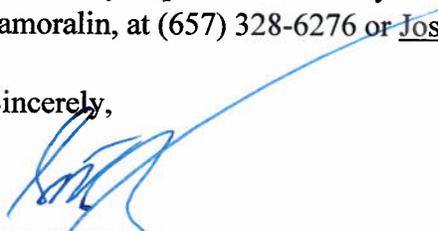
It is our recommendation for the city of Rancho Santa Margarita to incorporate these recommended practices and policies within the Rancho Santa Margarita General Plan Update. By addressing impacts at the General Plan level, Caltrans and the City can ensure that those impacts are mitigated or avoided, while also providing streamlining benefits at the project level.

Encroachment Permits

Please be advised that any project work proposed in the vicinity of the State Highway System (SHS) will require an Encroachment Permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans' requirements, additional documentation would be required before the approval of the Encroachment Permit. For specific details for Encroachment Permits procedure, please refer to the Caltrans' Encroachment Permits Manual. The latest edition of the Manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments which could potentially impact the SHS. If you have any questions, please do not hesitate to contact Joseph Jamoralin, at (657) 328-6276 or Joseph.Jamoralin@dot.ca.gov.

Sincerely,



SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12

May 29, 2018



17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909
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Ms. Wendy Starks, Senior Planner
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, CA 92688

RE: Notice of Preparation of a Draft Environmental Impact Report for the Rancho Santa Margarita General Plan Update

Dear Ms. Starks:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with jurisdictions in Orange County to create effective policies that has led to the new construction of homes affordable to lower income working households.

As the City moves forward with the Draft Environmental Impact Report for the City's General Plan Update, the Commission urges the City to consider the following:

1. Prioritize the development of affordable homes by including an additional land use alternative that specifically allows new proposed residential development under the City's residential land use designations at High Density Residential at 25 du/acre to develop and set-aside a percentage of homes to be affordable to seniors, veterans and lower income working households.
2. Collaborate with the Kennedy Commission to develop effective land use alternatives (i.e., affordable residential incentive overlays) for balanced growth in the General Plan Update that will increase affordable home opportunities for seniors, veterans and lower income working households.

Please keep us informed of any updates to the City's General Plan Update and if you have any questions, please feel free to contact Cesar Covarrubias at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,

A handwritten signature in blue ink that reads "Cesar". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cesar Covarrubias
Executive Director



May 29, 2018

Ms. Wendy Starks, AICP, Senior Planner
City of Rancho Santa Margarita
22112 El Paseo
Rancho Santa Margarita, California, 92688
Phone: (949) 635-1807
E-mail: wstarks@cityofrsm.org

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Rancho Santa Margarita General Plan Update [SCAG NO. IGR9597]

Dear Ms. Starks,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Rancho Santa Margarita General Plan Update ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also 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) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS) goals and align with RTP/SCS policies.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Rancho Santa Margarita General Plan Update in Orange County. The proposed project includes a comprehensive update for five elements (Conservation/Open Space, Economic Development, Land Use, Noise, and Safety) of the city's General Plan through the horizon year of 2040.

When available, please send environmental documentation to SCAG's office in Los Angeles or by email to au@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 Inter-Governmental Review (IGR) Program, attn.: Anita Au, Associate Regional Planner, at (213) 236-1874 or au@scag.ca.gov. Thank you.

Sincerely,

Ping Chang
Acting Manager, Compliance and Performance Monitoring

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

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**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
RANCHO SANTA MARGARITA GENERAL PLAN UPDATE [SCAG NO. IGR9597]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

2016 RTP/SCS GOALS

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

SCAG 2016 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>

*SCAG does not yet have an agreed-upon security performance measure.

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

SCAG 2016 RTP/SCS GOALS	
Goal	Analysis
RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</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.

2016 RTP/SCS STRATEGIES

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted City of Rancho Santa Margarita Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	48,700	48,700	48,700
Households	6,458,000	7,325,000	7,412,300	16,800	16,800	16,800
Employment	8,414,000	9,441,000	9,871,500	18,500	19,300	19,500

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: <http://scagrtpscs.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

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Corridor Agency

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Fred Minagar
Laguna Niguel



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Foothill/Eastern
Transportation
Corridor Agency

Chair:
Ed Sachs
Mission Viejo

May 29, 2018

Via email: wstarks@cityofrsm.org

Ms. Wendy Starks, AICP
Senior Planner
City of Rancho Santa Margarita
22112 El Paseo,
Rancho Santa Margarita, CA 92688

Re: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Rancho Santa Margarita General Plan Update.

Dear Ms. Starks,

The Transportation Corridor Agencies (TCA) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Rancho Santa Margarita General Plan Update. We understand that the General Plan update will consist of revisions to the following elements: Conservation/Open Space, Economic Development, Land Use, Noise and Safety. Thank you for the opportunity to provide comments on the NOP. At this time, I would like to provide the City of Rancho Santa Margarita notice that TCA does have planned widenings along all the toll roads including State Route (SR) 241 through Rancho Santa Margarita. The SR 241 widenings should be reflected in any plans in the General Plan as applicable.

As such, TCA requests to be kept on the City's distribution list and looks forward to receiving all future notices, the EIR, along with any other forthcoming documentation for the Project. TCA appreciates the opportunity to provide input to your planning process. If you have questions or require additional information, please do not hesitate to contact me at 949.754.3487 or via email at vgomez@thetollroads.com.

Sincerely,

Virginia Gomez
Environmental Analyst

cc: Document Control

125 Pacifica, Suite 100, Irvine, CA 92618-3304 • (949) 754-3400 Fax (949) 754-3467

thetollroads.com

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