



California Environmental Quality Act NOTICE OF PREPARATION AND SCOPING MEETING

Date: July 26, 2019

To: Responsible Agencies and Interested Persons

**Subject: Notice of Preparation of an Environmental Impact Report
and Public Scoping Meeting for
The Bowery at 2300 South Red Hill Avenue Mixed-Use Project**

POSTED
JUL 30 2019
ORANGE COUNTY CLERK-RECORDER DEPARTMENT
DEPUTY
BY: [Signature]

NOTICE IS HEREBY GIVEN that the City of Santa Ana has prepared this Notice of Preparation for a proposed mixed-use project located at 2300, 2310, and 2320 Red Hill Avenue. The City has determined that an Environmental Impact Report (EIR) is necessary pursuant to the Public Resources Code Section 21165 and the California Environmental Quality Act (CEQA) Guidelines Section 15050 to evaluate the potential environmental impacts from the proposed project. The City is the Lead Agency for the proposed project. The purpose of this notice is (1) to serve as a Notice of Preparation of an EIR pursuant to the CEQA Guidelines Section 15082, (2) to advise and solicit comments and suggestions regarding the scope and content of the forthcoming EIR to be prepared for the project, and (3) to serve as a notice of the public scoping meeting. Copies of the Notice of Preparation and Initial Study are available for review at the following locations:

City of Santa Ana, Planning Division
20 Civic Center Plaza, M-20
Santa Ana, CA 92701

City of Santa Ana Public Library
26 Civic Center Plaza
Santa Ana, CA 92701

The document can also be accessed on the City's website at:

<https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/bowery-2300-south-red-hill-avenue>

Notice of Availability: Pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082, the City has prepared a Notice of Preparation to solicit comments related to the scope and content of the EIR. The 30-day public comment period is from Tuesday, July 30, 2019 through Thursday, August 29, 2019. The City, as the Lead Agency, requests that responsible and trustee agencies respond in a manner consistent with Section 15082(b) of the CEQA Guidelines. **All environmental related comments to the Notice of Preparation should be submitted in writing by 5 p.m. on Thursday, August 29, 2019 to:**

Jerry C Guevara, Assistant Planner I
City of Santa Ana Planning and Building Agency
PO BOX 1988 (M-20)
Santa Ana, CA 92702
Email: jguevara@santa-ana.org

Scoping Meeting: The City will conduct a public scoping meeting in conjunction with this Notice of Preparation in order to receive public comments and suggestions regarding the scope and content of the EIR. The meeting will be held on:

Date: Thursday, August 15, 2019
Time: 6:00 p.m. to 7:00 p.m.
Location: Embassy Suites by Hilton
1325 East Dyer Road
Santa Ana, CA 92705

Project Title: The Bowery at 2300 South Red Hill Avenue Mixed-Use Project

Project Location: The project site is located at 2300, 2310, and 2320 Red Hill Avenue, at the southwest corner of Red Hill Avenue and Warner Avenue, which is 0.32 miles southeast of State Route 55.

Project Description: The 14.69-acre site is currently developed with three large-scale industrial, warehousing, office buildings, associated parking areas, an open space lawn area, and limited areas of other landscaping.



The project proposes to redevelop the site with new mixed uses that include retail, restaurant, and multi-family residential. Three phases of mixed-use development are proposed with a total of 1,150 multi-family residential units to be provided in three buildings 5 to 7 stories tall with adjacent parking structures. In addition, a total of 80,000 square feet of retail and restaurant commercial space. The proposed residential units would range in size from approximately 635 square feet to 1,120 square feet and would consist of studios, one bedroom and two bedroom units.

The project would also provide approximately 236,000 square feet of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas for residents and the public. In addition, recreation amenities for residents would include three pool and spa areas, a fitness area, and a community room. Each residential building would have a common area with outdoor kitchen and seating areas.

Three phases are proposed and would include development of one building and parking structure per phase; the open space/plaza area would be constructed in conjunction with the first phase. The project would connect to the existing utility infrastructure in the Red Hill Avenue and Warner Avenue rights-of-way. In addition, new landscaping would be installed throughout the site that would include ornamental trees, shrubs, and ground covers. New exterior lighting onsite would be provided to accent the landscaping, project signage, light walkways, parking areas, and to provide for security.

The project requires a General Plan Amendment to change the land use designation of the site from the Professional and Administration Office (PAO) designation to a mixed-use designation and a zone change to modify the zoning from Light Industrial (M-1) to a Specific Development (SD) zone.

Environmental Issues: Based on the proposal, the City anticipates that the following environmental topic areas will be addressed in the EIR:

- Aesthetics
- Air Quality
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Project Alternatives

POSTED

JUL 30 2019

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY:  DEPUTY



California Environmental Quality Act
REVISED NOTICE OF PREPARATION AND SCOPING MEETING**

Date: July 26, 2019 (Modified on August 5, 2019)

To: Responsible Agencies and Interested Persons

Subject: **Revised Notice of Preparation of an Environmental Impact Report
and Public Scoping Meeting for
The Bowery at 2300 South Red Hill Avenue Mixed-Use Project**

**** Revised to clarify that an Initial Study has not been prepared and only a Notice of Preparation is available for review. Revisions are shown in strikethrough and additions in underline.**

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POSTED

AUG 06 2019

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: RR DEPUTY

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- Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Project Alternatives

APPENDIX A: COMMENT LETTERS

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Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

Notice of Preparation

August 1, 2019

To: Reviewing Agencies

Re: The Bowery Mixed-Use Project
SCH# 2019080011

Attached for your review and comment is the Notice of Preparation (NOP) for the The Bowery Mixed-Use Project 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:

**Jerry Guevara
Santa Ana, City of
20 Civic Center Plaza
Santa Ana, CA 92702**

with a copy to the State Clearinghouse in the Office of Planning and Research at state.clearinghouse@opr.ca.gov. Please refer to the SCH number noted above in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2019080011/2>.

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

2019080011

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: The Bowery Mixed-Use Project

Lead Agency: City of Santa Ana

Contact Person: Jerry Guevara

Mailing Address: 20 Civic Center Plaza

Phone: 714-647-5481

City: Santa Ana

Zip: 92702

County: Orange

Project Location: County: Orange

City/Nearest Community: Santa Ana

Cross Streets: Red Hill and Warner

Zip Code: 92072

Longitude/Latitude (degrees, minutes and seconds): 30 ° 42 ' 40 " N / 117 ° 50 ' 19 " W Total Acres: 14.69

Assessor's Parcel No.: 430-222-16 and 430-222-07

Section: 29

Twp.: 5

Range: 9

Base: SB

Within 2 Miles: State Hwy #: 55

Waterways:

Airports:

Railways:

Schools: Monroe Elementary, Edison Elementary

Creekside High School, Cesar E. Chavez High School, Research

Document Type:

CEQA: ☒ NOP
☐ Early Cons
☐ Neg Dec
☐ Mit Neg Dec

☐ Draft EIR
☐ Supplement/Subsequent EIR
 (Prior SCH No.) _____
 Other: _____

NEPA: ☐ NOI
☐ EA
☐ Draft EIS
☐ FONSI

Other: ☐ Joint Document
☐ Final Document
☐ Other: _____

AUG 01 2019
STATE CLEARINGHOUSE**Local Action Type:**

☐ General Plan Update
☒ General Plan Amendment
☐ General Plan Element
☐ Community Plan

☐ Specific Plan
☐ Master Plan
☐ Planned Unit Development
☒ Site Plan

☒ Rezone
☐ Prezone
☒ Use Permit
☐ Land Division (Subdivision, etc.)

☐ Annexation
☐ Redevelopment
☐ Coastal Permit
☐ Other: _____

Development Type:☒ Residential: Units 1,150 Acres _____☐ Office: Sq.ft. _____ Acres _____ Employees _____☒ Commercial: Sq.ft. 80,000 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 _____☐ Other: _____**Project Issues Discussed in Document:**

☐ Aesthetic/Visual
☐ Agricultural Land
☐ Air Quality
☐ Archeological/Historical
☐ Biological Resources
☐ Coastal Zone
☐ Drainage/Absorption
☐ Economic/Jobs

☐ Fiscal
☐ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☐ Geologic/Seismic
☐ Minerals
☐ Noise
☐ Population/Housing Balance
☐ Public Services/Facilities

☐ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☐ Sewer Capacity
☐ Soil Erosion/Compaction/Grading
☐ Solid Waste
☐ Toxic/Hazardous
☐ Traffic/Circulation

☐ Vegetation
☐ Water Quality
☐ Water Supply/Groundwater
☐ Wetland/Riparian
☐ Growth Inducement
☐ Land Use
☐ Cumulative Effects
☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

Industrial/Light Industrial (M-1)/Professional and Administration Office (PAO)

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

The project proposes to redevelop a 14.69 acre site in three phases with new mixed uses that include retail, restaurant, and multi-family residential. The multi-family residential will consist of 1,150 units in 3 buildings 5 to 7 stories tall with adjacent parking structures. A total of 80,000 square feet of retail and restaurant commercial space. The project would also provide approximately 236,000 square feet of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas for residents and the public. Recreational amenities include three pool and spa areas, a fitness area, and a community room. The project requires a General Plan Amendment to change the land use designation of the site from the Professional and Administration Office (PAO) designation to a mixed-use designation and a zone change to modify the zoning from Light Industrial (M-1) to a Specific Development (SD) zone.

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.

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.*

August 23, 2019

Mr. Jerry Guevara
City of Santa Ana Planning
20 Civic Center Plaza
Santa Ana, CA 92701

File: IGR/CEQA
SCH#: N/A
12-ORA-2019-01190
SR 55 8.539

Dear Mr. Guevara,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation of an Environmental Impact Report (NOP) for the proposed Bowery at 2300 South Red Hill Avenue Mixed-Use Project. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The proposed development will redevelop the project site into a mixed-use development featuring 1,150 multi-family residential units and 80,000 square feet of commercial space. The project development is located on the western corner of Red Hill Avenue and Warner Avenue, on the border of the cities of Santa Ana and Tustin, east of State Route (SR) 55. Caltrans is a commenting agency and has the following comments:

Transportation Planning:

1. The proposed project is adjacent to the Tustin Legacy development. Tustin Legacy is a 1,600-acre development that can include 6,800 new residential units. Cumulative impacts from both developments will have a significant impact on the local transportation system. Please coordinate with the City of Tustin to develop strategies to mitigate impacts for the local transportation system.
2. As stated in Caltrans' Toward an Active California, the State's Bicycle and Pedestrian Plan, our goal is to triple biking, double walking, and double transit trips by 2020. Caltrans has developed the following comments to work towards this goal:
 - The City of Santa Ana's Active Transportation Plan (2019) shows the following proposed bicycle facilities nearby: Class IV on Warner Avenue; Class II on Carnegie Avenue; and Class II on Pullman

Street. Additionally, the Tustin Legacy Specific Plan (2017) notes the following proposed bicycle facilities nearby: Class II on Red Hill Avenue; Class II on Warner Avenue; Class II on Victory Road; and Class II on Armstrong Avenue. There is also an existing Class II on Barranca Parkway. Coordinate with the City of Tustin to discuss constructing the bicycle facilities on Red Hill Avenue and Warner Avenue. Active Transportation facilities increase mobility and regional connectivity, improve air quality, and reduce congestion and VMT.

- Consider including Complete Street measures for all modes of transportation. 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. Examples of supportive Complete Streets facilities and safety features include secure bicycle storage, high visibility crosswalks, wayfinding signage, transit shelters, and Class IV separated bikeways.
 - Promote the use of transit. OCTA operates bus transit routes with stops near the project site. Route 472 runs from Tustin Metrolink Station to Irvine Business Complex. Route 71 runs from the City of Yorba Linda to the City of Newport Beach. Ensure that transit service will not be disrupted during construction.
 - Ensure that connections are provided to the Tustin Metrolink Station, which is located three miles away from the project site, as rail transit increases regional connectivity. OCTA Bus Route 472 provides a direct connection to Tustin Metrolink. Bicycle facilities also improve first-/last-mile connections to the station. The Tustin Legacy Specific Plan (2017) proposes a Class I trail through the Tustin Legacy Park that runs diagonally from Red Hill Avenue and Barranca Parkway to the Tustin Metrolink Station.
3. One of Caltrans' goals is to reduce VMT, congestion, and reduce emissions. Consider installing electric vehicle charging stations within the development. Include vanpooling and carpooling parking spaces at convenient location to promote these services and reduce the number of automobiles on the road.
4. Consider incorporating designated areas/parking for freight delivery and micro-transit pick up and drop off in the site plan design for this project.

Traffic Operation:

5. The project site is located in proximity to SR 55 facilities on Dyer Road and Newport Avenue. Submit a Traffic Impact Study on the SR 55, including queuing analysis at Dyer Road and Newport Avenue.
6. The project site is located in proximity to SR 261 facilities on Jamboree Road. Submit a Traffic Impact Study for the SR 261, including traffic circulation to Jamboree Road.
7. Include a Traffic Management Plan to avoid disrupting normal traffic conditions.

Encroachment Permits:

8. Any project work proposed in the vicinity of the State Right-of-Way (ROW) would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at:
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Jude Miranda, at (657) 328-6229 or Jude.Miranda@dot.ca.gov.

Sincerely,



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

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone: (916) 373-3710
Email: nahec@nahec.ca.gov
Website: <http://www.nahec.ca.gov>



Jerry Guevara
City of Santa Ana
20 Civic Center Plaza
Santa Ana, CA 92702

Dear Mr. Guevara:

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.

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

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

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

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

Sincerely,



Andrew Green
Staff Service Analyst

cc: State Clearinghouse



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

August 29, 2019

VIA EMAIL AND USPS

Mr. Jerry C. Guevara
Assistant Planner I
City of Santa Ana Planning and Building Agency
P.O. Box 1988 (M-20)
Santa Ana, CA 92702

Dear Mr. Guevara:

Revised Notice of Preparation of a
Draft Environmental Impact Report for the Bowery at 2300 Red Hill Avenue

Thank you for submitting the Revised Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting for the Bowery at 2300 Red Hill Avenue for review and comment. The Bowery (project) is a mixed-use project located at the southwest corner of Red Hill Avenue and Warner Avenue, which is 0.32 miles southeast of State Route 55. The proposed project is on a 14.69-acre site that is currently developed with three large-scale industrial, warehousing, office buildings, associated parking areas, an open space lawn area, and limited areas of other landscaping. The project proposes to redevelop the site with new mixed uses that include retail, restaurant, and multi-family residential. Three phases of mixed use development are proposed with a total of 1,150 multi-family residential units to be provided in three buildings 5 to 7 stories tall with adjacent parking structures. In addition, a total of 80,000 square feet of retail and restaurant commercial space. The project would also provide approximately 236,000 square feet of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas for residents and the public. New landscaping would be installed throughout the site that would include ornamental trees, shrubs, and ground covers. The project requires a General Plan Amendment to change the land use designation of the site from the Professional and Administration Office (PAO) designation to a mixed-use designation and a zone change to modify the zone from Light Industrial (M-1) to a Specific Development (SD) zone.

The Metropolitan Water District of Southern California (Metropolitan) comprises 26 cities and water agencies charged with providing a reliable supply of high quality drinking water to 18 million people in six counties in Southern California. Metropolitan reviews the consistency of local plans, projects, and programs for effects to Metropolitan's projects, programs, activities, and planning efforts. Information provided by these reviews is intended to encourage local agencies and project sponsors to take actions that aid and sustain Metropolitan's water policies and programs, including conservation, recycling, and reclamation.

Metropolitan owns and operates facilities adjacent to the proposed Project Limits. City of Santa Ana initiated consultation with Metropolitan April 16, 2018. Metropolitan Substructures Team

Mr. Jerry C. Guevara

Page 2

August 29, 2019

responded April 24, 2018 (see enclosure 1). Metropolitan's Substructures Team determined that we have two pipelines adjacent to the site:

- The East Orange County Feeder No. 2 pipeline with Service Connection SA-07, appurtenant manhole, air release and vacuum valve structure located along Red Hill Ave and,
- Santa Ana Cross Feeder pipeline and Service Connection OC-58 located on Warner Ave. The Santa Ana Cross Feeder pipeline is no longer in service and is abandoned.

Metropolitan requested that our facilities be fully shown and identified on project plans and that preliminary plan be submitted for our review and written approval as they pertain to our facilities at EngineeringSubstructures@mwdh2o.com. We request that all stipulations contained in the letter be added to the plans. To further assist with this effort we are enclosing "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way."

We are concerned with water conservation and encourage projects to include water conservation measures. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

We appreciate the opportunity to provide input to your planning process and look forward to receiving future plans and documentation for this project. If we can be of further assistance, please contact Ms. Ellen Mackey at (213) 217-6217.

Very truly yours,



Sean Carlson

Team Manager, Environmental Planning Section

EM:em

SharePoint\City of Santa Ana – Bowery at 2300 Red Hill Avenue_Comment Letter

Enclosures:

- 1) MWD Letter dated April 24, 2018
- 2) Location Map
- 3) Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of The Metropolitan Water District of Southern California



**THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**

Office of the General Manager

MWD Santa Ana Cross Feeder
Sta. 147+50 to 151+00
MWD East Orange County Feeder No. 2
Sta. 806+00 to 812+00
Substr. Job No. 2007-18-006

April 24, 2018

Ms. Angie Maldonado
Research Specialist
Thienes Engineering, Inc.
14349 Firestone Boulevard
La Mirada, CA 90638

Dear Ms. Maldonado:

2300 Red Hill Avenue – Utility Request

Thank you for email dated April 16, 2018, and a map showing the location of the proposed project located on the western corner of Redhill Avenue and Warner Avenue in the city of Santa Ana.

As shown on the enclosed map, Metropolitan's 79-inch-inside-diameter welded steel East Orange County Feeder No. 2 pipeline, Service Connection SA-07, appurtenant manhole, air release and vacuum valve structure are located along Red Hill Avenue adjacent to the limits of your project. In addition, Metropolitan's 18-inch-inside-diameter concrete Santa Ana Cross Feeder pipeline and Service Connection OC-58 are located on Warner Avenue near the limits of your project. Please note that our Santa Ana Cross Feeder pipeline is no longer in service and has been abandoned.

We are transmitting a copy of our "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of The Metropolitan Water District of Southern California" and prints of our Drawings A-4885, B-22757, B-19079 and B-17180, for your information and use.

Ms. Angie Maldonado
Page 2
April 24, 2018

We request that our facilities be fully shown and identified as Metropolitan's on your project plans and that prints of the preliminary plans be submitted for our review and written approval as they pertain to our facilities. All applicable portions of the enclosed guidelines should be incorporated into your plans.

We also request that a stipulation be added to your plans and/or specifications to notify Roel Cortez of our Water System Operations Group, telephone (714) 577-5052, at least two working days prior to starting any work in the vicinity of our facilities.

For any further correspondence with Metropolitan relating to this project, please make reference to the Substructures Job Number shown in the upper right-hand corner of this letter. Should you require any additional information, please contact Andrew Hoeschele at (213) 217-6808 or Ahoeschele@mwdh2o.com.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Ken Chung', with a stylized flourish extending to the right.

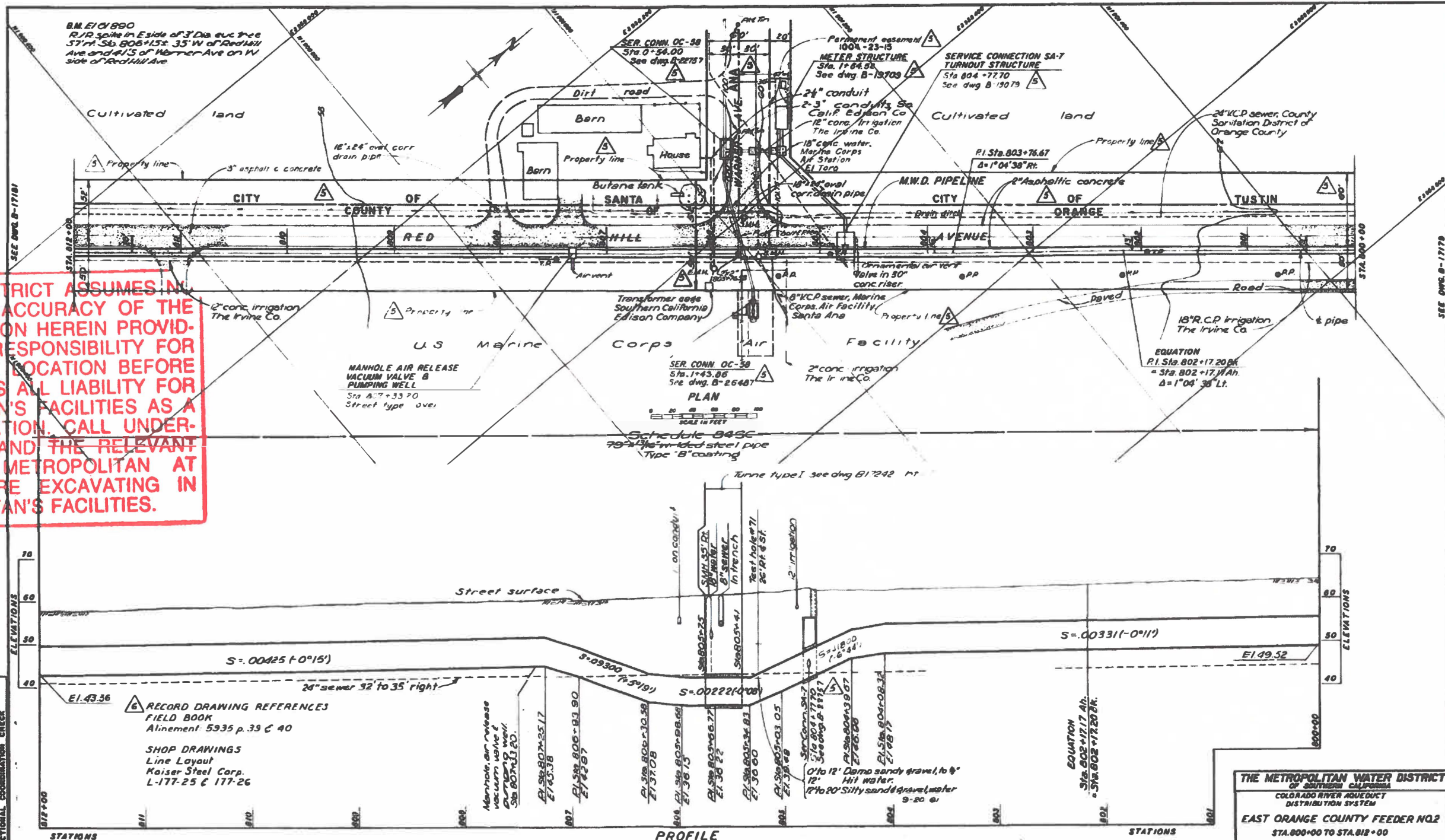
Ken Chung
Substructures Team

AH/dl
DOC#: 2007-18-006

Enclosures (6)

Ms. Angie Maldonado
Page 3
April 24, 2018

bcc: A. Hoeschele
Substructures File



FIELD BOOKS
Alignment: 5727 p. 25, 5735 p. 20
Profile: 5723 p. 18-20
Test holes: 5730 p. 44

Const notes Item book Item 6
BM.5088 p45
Const files 5735 p19A

Stationing and elevations apply to invert at inside face
of steel pipe
Revised to show pipeline as constructed
For detail design of pipe see drawings B-77250 sub T1.
B-77252 sub T5

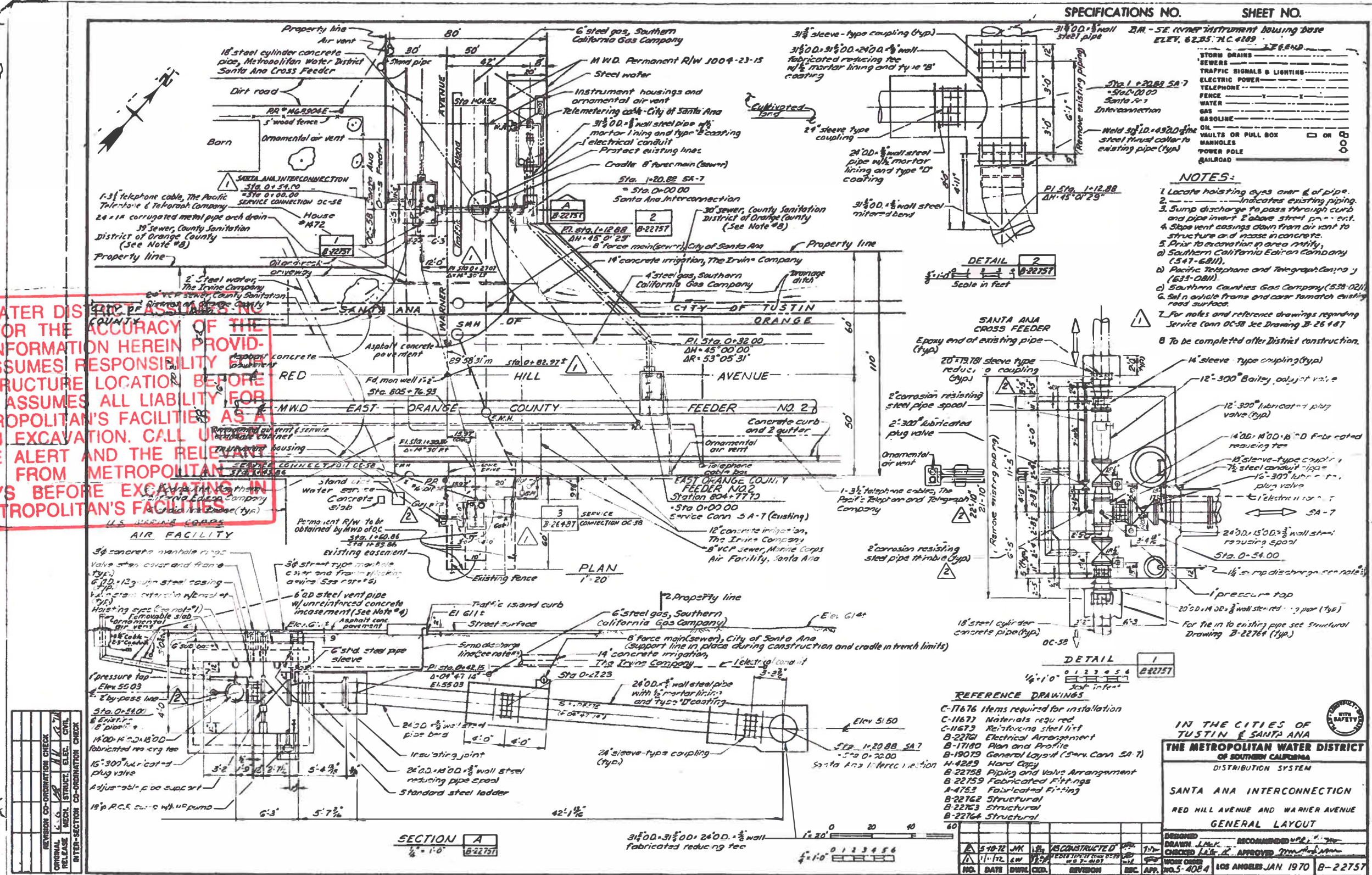
6	4-1-94	JSL	BG	Added Record Drawing Reference	HW	8
5	5-2-94	DM	LA	Changed on A-10-10-94 and temporary final E.C. boundaries		10
NO	DATE	OWN	CRD	REVISION	REC	APP

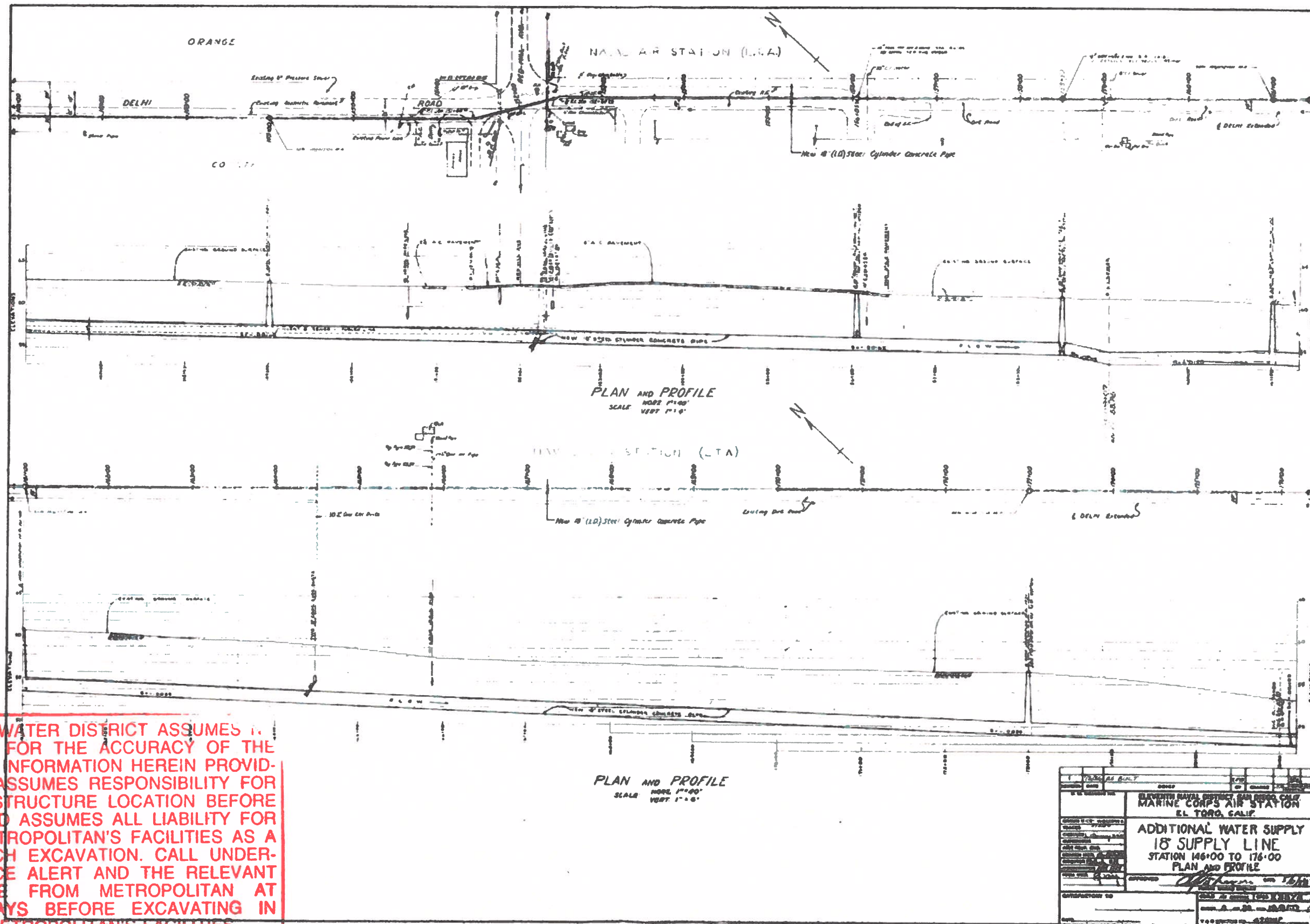
4	11-9-65	TC2	JP	Revised as cons.
3	10-9-63	WLB	JP	Revised a line.
2	5-20-63	HH	JP	Revised location of slide matter
1	5-15-61	ARP	JP	Grades for steel pipe
NR	DATE	DRW.	CHK.	REVISION

PLAN AND PROFILE	
DRAWN BY: <u>SS. DR.</u> TRACED BY: <u>SS. DR.</u> CHECKED BY: <u>SS. DR.</u>	RECOMMENDED TO: <u>SS. DR.</u> APPROVED: <u>SS. DR.</u>
REC. APR	LOS ANGELES JULY 1962 B-17180

**THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**
COLORADO RIVER AQUEDUCT
DISTRIBUTION SYSTEM
EAST ORANGE COUNTY FEEDER NO.2
STA. 800+00 TO STA. 812+00
PLAN AND PROFILE

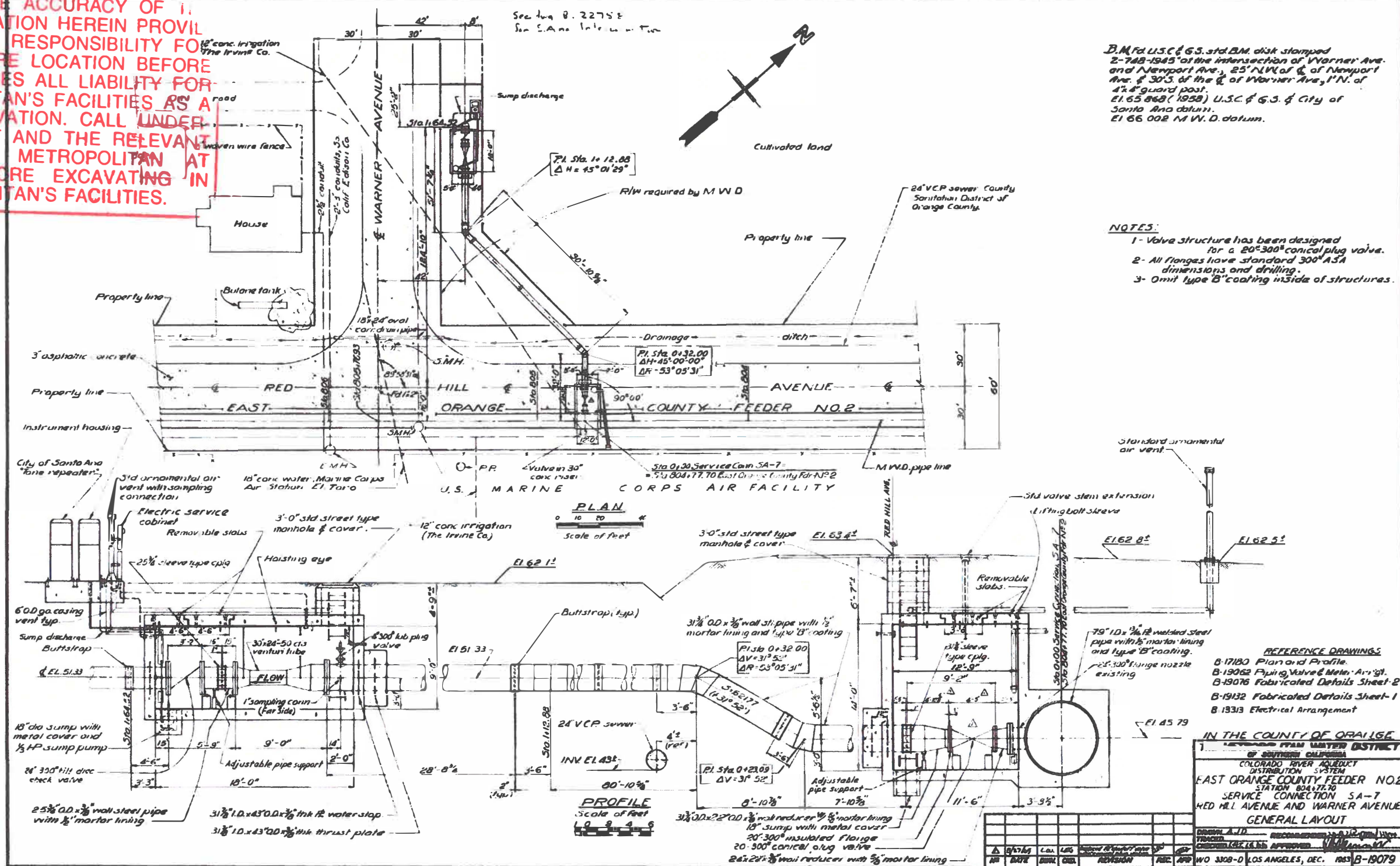
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
COUNTY OF SAN DIEGO
ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE
SUBSTRUCTURE INFORMATION HEREIN PROVIDED. THE USER ASSUMES
RESPONSIBILITY FOR VERIFYING SUBSTRUCTURE LOCATION BEFORE
EXCAVATING AND ASSUMES ALL LIABILITY FOR DAMAGE TO
METROPOLITAN'S FACILITIES AS A RESULT OF SUCH EXCAVATION.
CALL UNDERGROUND UTILITY GROUND SERVICE ALERT AND THE
RELEVANT REPRESENTATIVE FROM METROPOLITAN AT LEAST TWO
DAYS BEFORE EXCAVATING IN PROXIMITY TO METROPOLITAN'S
FACILITIES.





METROPOLITAN WATER DISTRICT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE SUBSTRUCTURE INFORMATION HEREIN PROVIDED. THE USER ASSUMES RESPONSIBILITY FOR VERIFYING SUBSTRUCTURE LOCATION BEFORE EXCAVATING AND ASSUMES ALL LIABILITY FOR DAMAGE TO METROPOLITAN'S FACILITIES AS A RESULT OF SUCH EXCAVATION. CALL UNDERGROUND SERVICE ALERT AND THE RELEVANT REPRESENTATIVE FROM METROPOLITAN AT LEAST TWO DAYS BEFORE EXCAVATING IN PROXIMITY TO METROPOLITAN'S FACILITIES.

METROPOLITAN WATER DISTRICT ASSOCIATION
 RESPONSIBILITY FOR THE ACCURACY OF THE
 SUBSTRUCTURE INFORMATION HEREIN PROVIDED.
 THE USER ASSUMES RESPONSIBILITY FOR
 VERIFYING SUBSTRUCTURE LOCATION BEFORE
 EXCAVATING AND ASSUMES ALL LIABILITY FOR
 DAMAGE TO METROPOLITAN'S FACILITIES AS A
 RESULT OF SUCH EXCAVATION. CALL UNDER-
 GROUND SERVICE ALERT AND THE RELEVANT
 REPRESENTATIVE FROM METROPOLITAN AT
 LEAST TWO DAYS BEFORE EXCAVATING IN
 PROXIMITY TO METROPOLITAN'S FACILITIES.



Lee,Dianne E

From: Zareh,Shohreh
Sent: Monday, April 16, 2018 12:15 PM
To: Lee,Dianne E
Subject: FW: 2300 Red Hill Ave., Santa Ana
Attachments: Vicinity Map.pdf

Dianne,
Please log in,
thanks

From: Angie Maldonado [<mailto:Angie@thieneseng.com>]
Sent: Monday, April 16, 2018 9:40 AM
To: Engineering Substructures
Subject: 2300 Red Hill Ave., Santa Ana

Good morning,

MWD is on our Dig Alert Design Lookup as potentially having facilities within the vicinity of our project located at 2300 Red Hill Ave., Santa Ana – corner of Redhill Ave & Warner Ave. Map attached for reference.

If there are facilities present within or adjacent to our project, please provide the following:

- Copies of plans which clearly state the size, location and description of your facilities (plan view and profile if possible); showing ANY underground or aerial facilities that are existing and/or proposed.

If your company DOES NOT have existing facilities on or adjacent to the above referenced property, we would greatly appreciate a response stating such for our records.

Thank you!

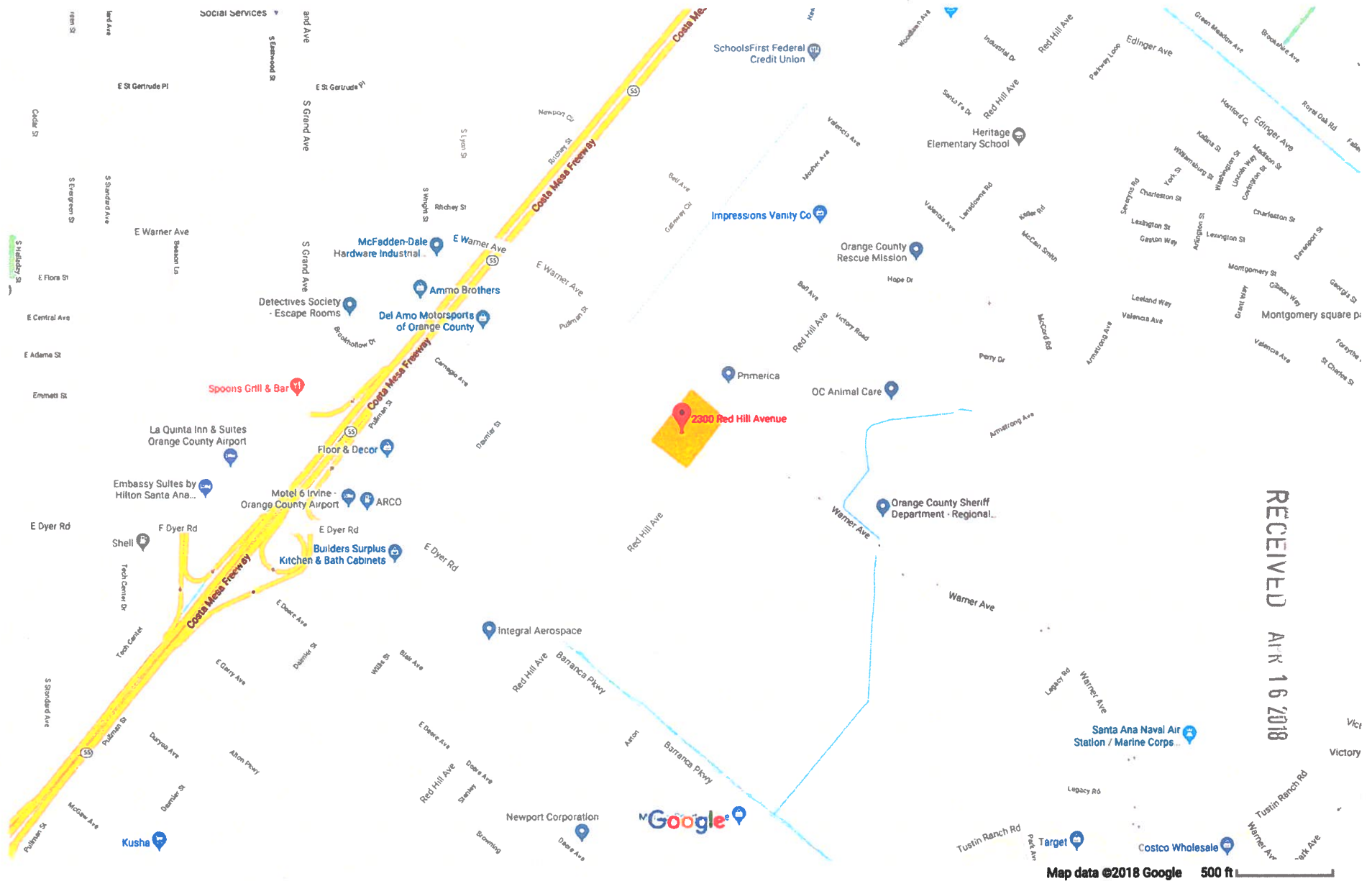
Angie Maldonado
Research Specialist

THIENES ENGINEERING,INC.
14349 Firestone Blvd. La Mirada, CA 90638
Phone: (714) 521-4811 ext: 237 Fax: (714) 521-4173
Angie@ThienesEng.com

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Google Maps

2300 Red Hill Ave



RECEIVED APR 16 2018

Map data ©2018 Google

500 ft

500 ft

#2007-18-006



LAT: 33.710572°

LoN: -117.839276°

SUBSTRUCTURES
JOB LOG-IN FORM

COORDINATOR: *Hoeschel*
SUBSTRUCTURES JOB NO.: 2007-18-006

MWD FACILITY: East OC No.2/ Santa Ana Cross F

STATION 806+00 TO 814+00; 146+00 TO 151+00

THOMAS BROTHERS MAP OR 859 J1

WSO TEAM Orange

FROM: THIENES ENGINEERING

DATE RECEIVED 04/16/18

LETTER DATE 04/16/18

DATE MAILED:

REVIEWER:

SUBJECT 2300 REDHILL AVE, SANTA ANA, CA - CORNER OF
REDHILL AVE AND WARNER AVE

LATITUDE 33.710572

LONGITUDE -117.839276

LOGGED IN

Martinez,Lilia I

From: Kurukulasuriya,Kushan J
Sent: Thursday, August 29, 2019 1:23 PM
To: Martinez,Lilia I; Budhia,Sandip K
Cc: De Jeronimo,Marco A
Subject: RE: DTSC Presentation - V2.pptx

Hi Sandip,

Following are suggestions only.

Slide 2 - Should be west Valley Feeder 1 & 2 (or simply say Project area and a circle

Slide 3 – Instead of WVF 1 it should be “project area” (I think the access road supports both access to WVF 1 & 2)

Slide 5 – There are multiple “proposed access Road” segments. You are only highlighting the Proposed access road option 1. Shown is green. What about the orange dash line. For a first time viewer it is not clear from this slide the relevance of the orange proposed access roads. Suggest clarifying the proposed access road option better. One color.

Slide 6 - What is the purpose of this slide

Slide 7 – Expand the slide 7, remediation area, to another slide. Include the proposed road and WVF 1& 2 pipe alignments in that slide. Slide 7 is the most critical area to show that the proposed road is on the north and outside of the area IV (which is considered the upper limit of the lead pellet accumulation area)

Slide 8 – what is the purpose of Slide 8 – I think it is not relevant to the presentation.

Slide 8 New – A new slide should be added summary. Why this access road is critical and independent from DTSC/LAcity cleanup so the most critical message we need to deliver is

1. Need Reliable/ and Redundant water supply to City of LA and Callegas.
2. Allowing Metropolitan to develop the access road does not negatively impact, public safety and environment as the Lead pellets found in the lower areas of the Chatsworth Park.
3. If during access road construction lead pellets are found we Metropolitan will separate such soil and dispose it accordingly.

Kushan Kuru
Engineer
Treatment Plant Design Team
Metropolitan Water District of Southern California
MET ext. 67670 Direct 213 217 6760

From: Martinez,Lilia I
Sent: Wednesday, August 28, 2019 5:24 PM
To: Budhia,Sandip K
Cc: Kurukulasuriya,Kushan J; De Jeronimo,Marco A
Subject: FW: DTSC Presentation - V2.pptx

Hi Sandip,

I have the following comments/recommendations:

1. Slides 7 & 8: I would note that these maps are from DTSC's Human Health Risk Assessment Report Chatsworth Park South, April 26, 2010.
 - Slide 7 map shows our project outside of the Areas of Environmental Concern.
2. I recommend including a slide showing the remediation area (attached); this map is from the Chatsworth Park South Remedial Action Plan Project Remedial Action Plan Project, 2013.
 - This map indicates that our project is outside the limits of the remediation area
<< File: DTSC Presentation - V2.pptx >>

Let me know if you have any questions.

Thanks,

Lilia I. Martínez

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Environmental Planning Section

700 North Alameda Street | Los Angeles, CA 90012

Phone: (213) 217-5656 | E-Fax: (213) 576-5260 | EMail: limartinez@mwdh2o.com

From: Budhia,Sandip K

Sent: Wednesday, August 28, 2019 1:56 PM

To: Martinez,Lilia I <limartinez@mwdh2o.com>; Kurukulasuriya,Kushan J <KKurukulasuriya@mwdh2o.com>; De Jeronimo,Marco A <MDeJeronimo@mwdh2o.com>

Subject: DTSC Presentation - V2.pptx

Attached is the presentation I plan to provide DTSC. Please review and let's discuss your comments in the meeting tomorrow.

Thank you.

<< File: Figure 2-3_Project Site Remediation Areas_Chatsworth Park South MND.pdf >>

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City of Santa Ana - The Bowery at 2300 South Red Hill Avenue Mixed Use Project

East Orange County Feeder 2 Pipeline



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



July 2018

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

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

Disclaimer

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

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

PUBLICATION HISTORY:

Initial Release

July 2018

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This page is intentionally blank.

1.0 GENERAL INFORMATION

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

1.1 Introduction

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

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

1.2 Submittal and Review of Project Plans/Utilities and Maps

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

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

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

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

Email: EngineeringSubstructures@mwdh2o.com

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

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

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

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

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

2.0 General Requirements

2.1 Vehicular Access

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

2.2 Fences

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

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

2.3 Driveways and Ramps

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

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

2.4 Walks, Bike Paths, and Trails

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

2.5 Clear Zones

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

2.6 Slopes

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

2.7 Structures

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

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

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

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

2.8 Protection of Metropolitan Facilities

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

2.9 Potholing of Metropolitan Pipelines

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

2.10 Jacked Casings or Tunnels

A. General Requirements

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

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

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

B. Jacking or Tunneling Procedures

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

C. Shoring

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

D. Temporary Support

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

3.0 Landscaping

3.1 Plans

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

3.2 Drought-Tolerant Native and California Friendly Plants

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

3.3 Trees

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

3.4 Other Vegetation

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

3.5 Irrigation

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

3.6 Metropolitan Vehicular Access

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

4.0 General Utilities

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

4.1 Utility Structures

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

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

4.2 Utility Crossings

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

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

4.3 Longitudinal Utilities

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

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

4.4 Underground Electrical Lines

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

4.5 Fiber Optic Lines

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

4.6 Overhead Electrical and Telephone Lines

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

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

4.7 Sewage Disposal Systems

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

4.8 Underground Tanks

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

5.0 Specific Utilities: Non-Potable Utility Pipelines

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

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

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

6.0 Cathodic Protection/Electrolysis Test Stations

6.1 Metropolitan Cathodic Protection

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

6.2 Review of Cathodic Protection Systems

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

7.0 Drainage

7.1 Drainage Changes Affecting Metropolitan Rights-of-Way

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

7.2 Metropolitan's Blowoff and Pumpwell Structures

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

8.0 Grading and Settlement

8.1 Changes in Cover over Metropolitan Pipelines

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

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

8.2 Settlement

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

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

9.0 Construction Equipment

9.1 Review of Proposed Equipment

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

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

9.2 Equipment Restrictions

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

9.3 Vibratory Compaction Equipment

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

9.4 Equipment Descriptions

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

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

10.0 Excavations Close to Metropolitan Facilities

10.1 Shoring Design Submittal

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

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

10.2 Shoring Design Requirements

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

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

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

11.0 Support of Metropolitan Facilities

11.1 Support Design Submittal

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

11.2 Support Design Requirements

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

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

12.0 Backfill

12.1 Metropolitan Pipeline Not Supported

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

12.2 Metropolitan Pipeline Partially Exposed

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

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

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

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

13.0 Piles

13.1 Impacts on Metropolitan Pipelines

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

13.2 Permanent Cast-in-place Piles

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

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

14.0 Protective Slabs for Road Crossings Over Metropolitan Pipelines

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

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

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

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

15.0 Blasting

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

16.0 Metropolitan Plan Review Costs, Construction Costs and Billing

16.1 Plan Review Costs

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

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

16.2 Cost of Modification of Facilities Performed by Metropolitan

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

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

16.3 Final Billing

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

17.0 Street Vacations and Reservation of Easements for Metropolitan

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

18.0 Metropolitan Land Use Guidelines

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

http://mwdh2o.com/PDF_Doing_Your_Business/4.7.1_Land_Use_Request_form_revised.pdf

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

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

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

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

19.0 Compliance with Environmental Laws and Regulations

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

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

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

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

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

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

21.0 Disclaimer and Information Accuracy

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

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

Table 1: General Guidelines for Pipeline Separation between Metropolitan's Pipeline¹ and Sanitary Sewer² or Hazardous Fluid Pipeline³

<u>Pipeline Crossings</u>	<p>Metropolitan requires that sanitary sewer and hazardous fluid pipelines that cross Metropolitan's pipelines have special pipe construction (no joints) and secondary containment⁴. This is required for the full width of Metropolitan's rights-of-way or within 10 feet tangent to the outer edges of Metropolitan's pipeline within public streets. Additionally, sanitary sewer and hazardous fluid pipelines crossing Metropolitan's pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance between the top and the bottom of Metropolitan's pipeline and the pipe casing.</p> <p>These requirements apply to all sanitary sewer crossings regardless if the sanitary sewer main is located below or above Metropolitan's pipeline.</p>
<u>Parallel Pipeline</u>	<p>Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requires that all parallel sanitary sewer, hazardous fluid pipelines and/or non-potable utilities be located a minimum of 10 feet from the outside edges of Metropolitan's pipelines. When 10-foot horizontal separation criteria cannot be met, longitudinal pipelines require special pipe construction (no joints) and secondary containment⁴.</p>
<u>Sewer Manhole</u>	<p>Sanitary sewer manholes are not allowed within Metropolitan's rights-of-way. Within public streets, Metropolitan requests manholes parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment⁵.</p>

Notes:

¹ Separation distances are measured from the outer edges of each pipe.

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

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

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

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

Table 2: General Guidelines for Pipeline Separation between Metropolitan's Pipeline¹ and Storm Drain and/or Disinfected Tertiary Recycled Water²

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

Notes:

¹ Separation distances are measured from the outer edges of each pipe.

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

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

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

Table 3: General Guidelines for Pipeline Separation¹ between Metropolitan's Pipeline and Recycled Water^{2,4} Irrigations

Pressurized recycled irrigation mainlines	<ul style="list-style-type: none"> • Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing pressurized recycled irrigation mainlines must be special pipe construction (no joints) or have secondary containment³ within 10-feet tangent to the outer edges of Metropolitan's pipeline. • Longitudinal - must maintain a minimum 10-foot horizontal separation and route along the perimeter of Metropolitan's rights-of-way where possible.
Intermittently Energized Recycled Water Irrigation System Components	<ul style="list-style-type: none"> • Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing irrigation laterals within 5-feet tangent to the outer edges of Metropolitan's pipeline must be special pipe construction (no joints) or have secondary containment³. • Longitudinal – must maintain a minimum 5-foot horizontal separation between all intermittently energized recycled water irrigation system components (e.g. irrigation lateral lines, control valves, rotors) and the outer edges of Metropolitan's pipeline. Longitudinal irrigation laterals within 5-feet tangent to the outer edges of Metropolitan's pipeline must be special pipe construction (no joints) or have secondary containment³.
Irrigation Structures	Irrigation structures such as meters, pumps, control valves, etc. must be located outside of Metropolitan's rights-of-way.
Irrigation spray rotors near Metropolitan's aboveground facilities	Irrigation spray rotors must be located a minimum of 20-foot from any Metropolitan above ground structures with the spray direction away from these structures. These rotors should be routinely maintained and adjusted as necessary to ensure no over-spray into 20-foot clear zones.
Irrigations near open canals and aqueducts	<p>Irrigation with recycled water near open canals and aqueducts will require a setback distance to be determined based on site-specific conditions. Runoff of recycled water must be contained within an approved use area and not impact Metropolitan facilities.</p> <p>Appropriate setbacks must also be in place to prevent overspray of recycled water impacting Metropolitan's facilities.</p>

Notes:

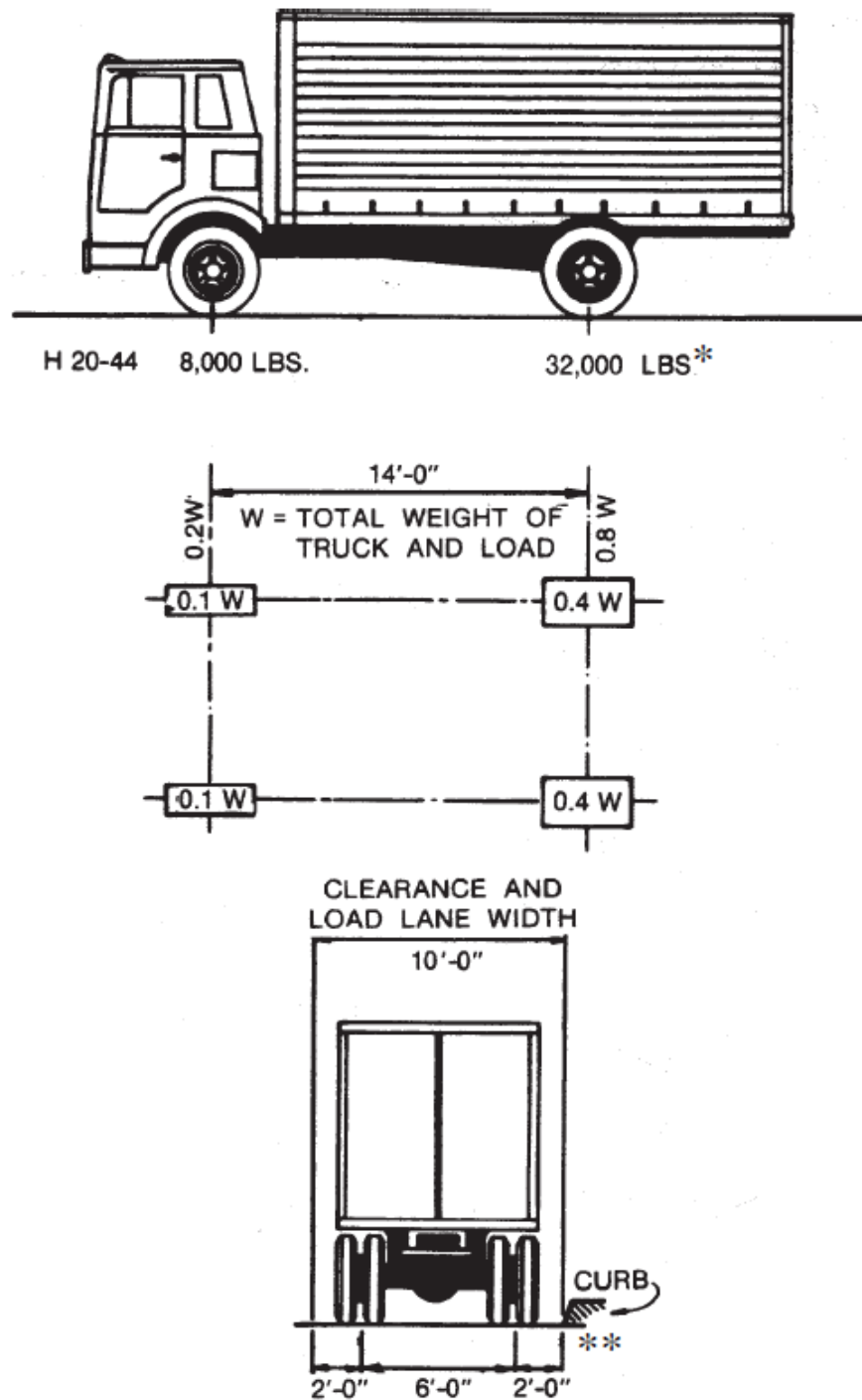
¹ Separation distances are measured from the outer edges of each pipe.

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

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

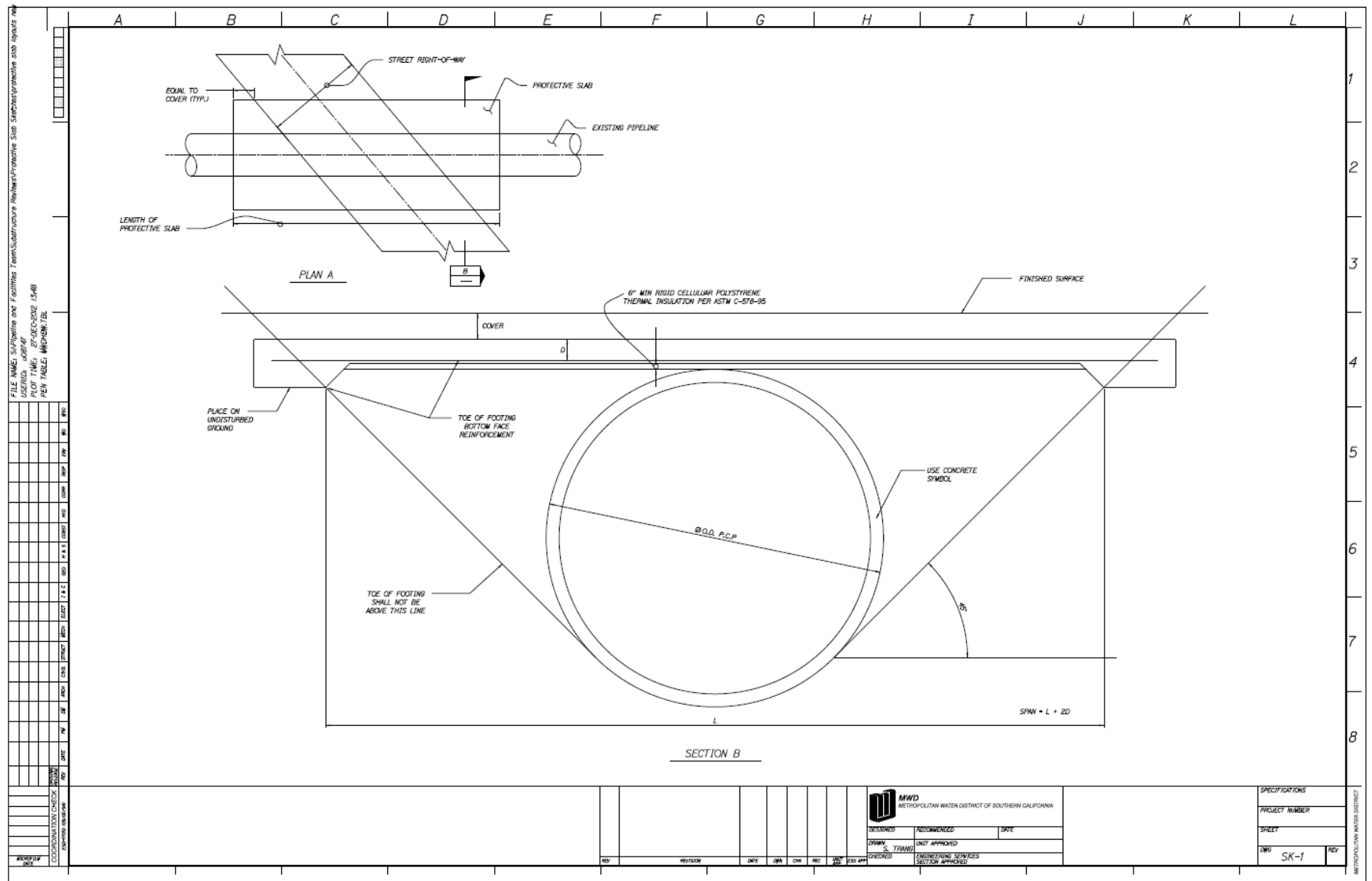
⁴ Irrigation with recycled water shall not be applied directly above Metropolitan's treated water pipelines.

Figure 1: AASHTO H-20 Loading



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

Figure 2: Drawing SK-1





South Coast Air Quality Management District

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(909) 396-2000 • www.aqmd.gov

SENT VIA USPS AND E-MAIL:

August 20, 2019

jguevara@santa-ana.org

Jerry C. Guevara, Assistant Planner I
City of Santa Ana, Planning and Building Agency
P.O. Box 1988 (M-20)
Santa Ana, CA 92702

Notice of Preparation of an Environmental Impact Report for the Proposed The Bowery at 2300 South Red Hill Avenue Mixed-Use Project

The South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the EIR upon its completion. Note that copies of the EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the 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, South Coast AQMD 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

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD'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)). South Coast AQMD 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.

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air

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.

quality impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be 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, South Coast AQMD 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 perform a localized analysis by either using the LSTs developed by South Coast AQMD staff 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>.

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

Mobile Source Health Risk Assessment

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways and other sources of air pollution such as industrial and warehouse facilities, South Coast AQMD staff recommends that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

When specific development is reasonably foreseeable as result of the goals, policies, guidelines, and elements in the Proposed Project, the Lead Agency should identify any potential adverse health risk impacts using its best efforts to find out and a good-faith effort at full disclosure in the CEQA document. Based on a review of aerial photographs and Project Location information in the Notice of Preparation, South Coast AQMD staff found that the Proposed Project will be surrounded by industrial and warehouse uses that generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles. Because of the proximity to the potential sources of air pollution, residents at the Proposed Project² would be exposed to diesel particulate matter (DPM), which is a toxic air contaminant and a carcinogen. Since future residences at the Proposed Project would be exposed to toxic emissions from the nearby sources of air pollution, South Coast AQMD staff recommends that the Lead Agency conduct a health risk assessment (HRA)³ to disclose the potential health risks to the residents in the EIR⁴.

²According to the Project Description in the Notice of Preparation, the Proposed Project would include, among others, construction of 58 townhomes on 2.92 acres.

³ South Coast AQMD. "Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis." Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁴ South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold

Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

South Coast AQMD 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 South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD 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. South Coast AQMD 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 South Coast AQMD's website at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources such as industrial and warehouse uses) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance⁵ 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.

Mitigation Measures

If 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 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 potential mitigation measures for the Proposed Project, including:

- Chapter 11 of South Coast AQMD's CEQA Air Quality Handbook
- South Coast AQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD'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>
- California Air Pollution Control Officers Association (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>

Health Risk Reduction Strategies

As stated above, the Proposed Project is located in proximity to industrial and warehouse uses that generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended;

of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

⁵ 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>.

building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

Enhanced filtration systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters⁶, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. In addition, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic emissions.

Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance and monitoring of filters in the EIR. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to sources of air pollution, the Lead Agency should include the following information in the EIR, at a minimum:

- Disclosure on potential health impacts to prospective residents from living in proximity to industrial and warehouse uses, and the reduced effectiveness of air filtration system when windows are open and when residents are outdoor;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to provide periodic, regular inspection on filters;
- Provide information and guidance to the Project developer or proponent on the importance of filter installation and ongoing maintenance;
- Provide information to residents about where the MERV filters can be purchased;
- Disclosure on increased costs for purchasing enhanced filtration systems to prospective residents;
- Disclosure on increased energy costs for running the HVAC system with MERV filters to prospective residents;
- Disclosure on recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
- Identification of the responsible entity such as residents, tenants, Homeowner's Association (HOA) or property management to ensure filters are inspected for replacement and maintenance on time, if appropriate and feasible;
- Develop ongoing cost sharing strategies between the HOA and residents/tenants, if available, for replacing the enhanced filtration units;

⁶ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

- Set up criteria for assessing progress in installing, replacing, and maintaining the enhanced filtration units; and
- Set up process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

Alternatives

If 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 EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

If the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit South Coast AQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385.

Data Sources

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

South Coast AQMD staff is available to work with the Lead Agency to ensure that project’s air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

ORC190801-16

Control Number



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

August 28, 2019

Jerry C. Guevara, Assistant Planner I
City of Santa Ana Planning & Building Agency
PO Box 1988 (M-20)
Santa Ana, CA 92702

Subject: The Bowery at 2300 South Red Hill Avenue Mixed-Use Project

Dear Mr. Guevara:

Thank you for the opportunity to review the Notice of Preparation for The Bowery Mixed-Use Project located at 2300 South Red Hill Avenue in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)* and the *AELUP for Heliports*. The proposed project would redevelop the 14.69-acre site with new mixed uses that include retail, restaurant, and multi-family residential. Three phases of mixed-use development are proposed, with 1,150 multi-family residential units to be provided in three buildings 5 to 7 stories tall with adjacent parking structures. A total of 80,000 square feet of retail and restaurant commercial space is also proposed. The project would also provide approximately 236,000 square feet of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas for residents and the public.

The proposed project is located under the primary aircraft approach corridor to John Wayne Airport and is within the Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR) Part 77 Notification Area for JWA. Any project within this notification area needs to be reviewed by FAA and is required to file FAA Form 7460-1. Also, note that any project within Orange County that is proposed for more than 200 feet above ground level must also file FAA Form 7460-1. The proposed Draft Environmental Impact Report (DEIR) should address all FAR Part 77 imaginary surfaces given the close proximity of the proposed project to JWA. We recommend that the DEIR discuss how all required coordination with FAA was or will be completed.

Additionally, we recommend that the DEIR include the City's maximum allowable building height for the proposed project area as permitted through the City's General Plan or Zoning Code. Because the proposed project site is located under the aircraft approach corridor and conical surface for JWA, we request that the DEIR discuss maximum building heights and existing ground elevation to address whether the proposed project

remains below the imaginary surfaces for JWA. It is also recommended that the DEIR address land use compatibility impacts, safety impacts, visual impacts and outdoor recreational area impacts given the project's location within the JWA primary aircraft approach corridor, including the impacts of approving multi-family residential units at this project site.

The DEIR should also discuss that the proposed project site would be exposed to significant aircraft overflight and single event noise due to the project's location under the aircraft approach corridor for JWA. Single noise events in this area would create serious disturbance to many inhabitants and to those utilizing the proposed outdoor areas such as the open space courtyards, roof deck and perimeter plazas and open space areas for resident and the public.

Because of the project's proximity to a noise impacted area, any prospective resident should be notified of the presence of aircraft overflight. We recommend that the DEIR include a mitigation measure stating that any residential development in the JWA influence area would be notified of potential aircraft overflight as follows:

"NOTICE OF AIRPORT IN VICINITY:

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

The Draft EIR should also identify if the project will be impacted by helicopter overflight due to the close proximity of helicopter arrival and departure operations at JWA and if the project allows for heliports as defined in the Orange County *AELUP for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

Because this project falls within the *JWA AELUP* planning areas and requires a General Plan Amendment, it is recommended that the project be referred to the Airport Land Use Commission for a Consistency determination with the *AELUP for JWA*. In this regard, please note that the Commission wants such referrals to be submitted to the ALUC staff between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaing.

Thank you again for the opportunity to comment on the Notice of Preperation. Please contact me at (949) 252-5123 or via email at lchoum@ocair.com should you have any questions related to the future referral of your project.

Sincerely,

A handwritten signature in blue ink that reads "Lea U. Choum". The signature is fluid and cursive, with the first name "Lea" being more prominent.

Lea U. Choum
Executive Officer



August 29, 2019

Mr. Jerry C. Guevara, Assistant Planner I
City of Santa Ana Planning and Building Agency
PO Box 1988 (M-20)
Santa Ana, California 92702
E-mail: jguevara@santa-ana.org

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Bowery at 2300 South Red Hill Avenue Mixed-Use Project [SCAG NO. IGR9980]

Dear Mr. Guevara,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Bowery at 2300 South Red Hill Avenue Mixed-Use Project ("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 Bowery at 2300 South Red Hill Avenue Mixed-Use Project in The proposed project includes the development of approximately 1,150 residential units, 80,000 square feet (sf) of commercial use, and 236,000 sf of open space on a 14.69 acre project site.

When available, please send environmental documentation to SCAG's Los Angeles office in Los Angeles (900 Wilshire Boulevard, Ste. 1700, Los Angeles, California 90017) 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
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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Linda Parks, Ventura County

Transportation
Cheryl Viegas-Walker, El Centro

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
BOWERY AT 2300 SOUTH RED HILL AVENUE MIXED-USE PROJECT [SCAG NO. IGR9980]**

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>
<i>*SCAG does not yet have an agreed-upon security performance measure.</i>	

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

SCAG 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 Santa Ana Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	340,600	343,400	343,100
Households	6,458,000	7,325,000	7,412,300	76,600	77,700	78,000
Employment	8,414,000	9,441,000	9,871,500	160,600	165,200	166,000

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.

August 29, 2019

NCL-19-033

Jerry Guevara, Assistant Planner I
City of Santa Ana
Planning and Building Agency
PO Box 1988 (M-20)
Santa Ana, California 92702

Subject: Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting for The Bowery at 2300 South Red Hill Avenue Mixed-Use Project

Dear Jerry Guevara,

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting for The Bowery at 2300 South Red Hill Avenue Mixed-Use Project. The County of Orange offers the following comments for your consideration.

OC Infrastructure Programs/Flood Programs/Hydrology

1. The Draft EIR for the proposed project must clearly identify the possible impacts to OCFCD facilities. Barranca Storm Drain (Facility No. F09P15) is in the vicinity of the project. Please be advised that the mentioned storm drain contains deficient segments that are not capable of conveying runoff from the 100-year storm event. Appropriate mitigation measures should be provided to address adverse impacts, and minimize increased runoff resulting from the project.
2. Hydrologic and hydraulic analyses should be performed to evaluate and compare quantitatively the runoff volumes, peak flow rate increases, adequacy of existing drainage facilities to ensure existing conditions are not worsened in the post-project condition. The analyses must be consistent with the prevailing criteria of the Orange County Hydrology Manual (OCHM), Addendum No. 1 to the OCHM, the Orange County Flood Control Design Manual, the Orange County Local Drainage Manual, and other related design criteria.
3. Since the City of Santa Ana is responsible for land use planning and development within its municipal limits, the City should review and approve all local hydrology and hydraulic analyses. The project proponent should ensure that the proposed development is adequately protected from flooding in a 100-year storm event.

4. The City, as floodplain administrator, should ensure that floodplains are properly identified and that structures are located outside the Federal Emergency Management Agency (FEMA) a 100-year floodplain, or designed in conformance with local floodplain ordinances, and FEMA regulations.

OC Infrastructure Programs/Traffic Engineering

1. Please provide a copy of the Traffic Study to OC Traffic Engineering for review, when it becomes available.

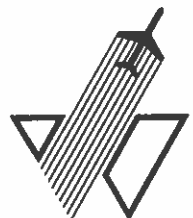
If you have any questions regarding these comments, please contact Penny Lew at (714) 647-3990 or Sahar Parsi at (714) 647-3988 in OC Flood Programs or Jamie Reyes at (714) 647-3903 in OC Infrastructure Programs/Traffic Engineering or Cindy Salazar at (714) 667-8870 in OC Development Services.

Sincerely,



Richard Vuong, Manager, Planning Division
OC Public Works Service Area/OC Development Services
300 North Flower Street
Santa Ana, California 92702-4048
Richard.Vuong@ocpw.ocgov.com

cc: Jamie Reyes, OC Infrastructure Programs/Traffic Engineering
Sahar Parsi, OC Flood Programs/Hydrology & Floodplain Management
Penny Lew, OC Flood Programs/Hydrology & Floodplain Management



JOHN WAYNE
AIRPORT
ORANGE COUNTY

Barry A. Rondinella,
A.A.E./C.A.E.
Airport Director

August 28, 2019

Jerry C. Guevara, Assistant Planner I
City of Santa Ana Planning & Building Agency
PO Box 1988 (M-20)
Santa Ana, CA 92702

Subject: The Bowery at 2300 South Red Hill Avenue Mixed-Use Project

Dear Mr. Guevara:

Thank you for the opportunity to review the Notice of Preparation for The Bowery Mixed-Use Project located at 2300 South Red Hill Avenue. The proposed project would redevelop the 14.69-acre site with new mixed uses that include retail, restaurant, and multi-family residential. Three phases of mixed-use development are proposed with 1,150 multi-family residential units to be provided in three buildings 5 to 7 stories tall with adjacent parking structures. A total of 80,000 square feet of retail and restaurant commercial space is also proposed. The project would provide approximately 236,000 square feet of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas for residents and the public.

The location of this property is under the primary aircraft approach corridor to John Wayne Airport (JWA). Because of the project location and its proximity to JWA (2.5 miles), JWA is not supportive of the proposed residential portion of this proposal. Residents would be subject to significant aircraft overflight, noise and annoyance as approaching aircraft fly overhead at an average altitude of approximately 700 feet. Additionally, during reverse flow circumstances, departing aircraft may be higher in altitude, but louder over the project area. It has been JWA's experience that residential uses located under aircraft approach and departure corridors generate a significant number of noise complaints from the affected residents. The City should give consideration as to how these noise complaints will be addressed should the project be approved.

Based upon the concerns noted above, JWA requests that the Draft Environmental Impact Report (DEIR) address all impacts related to airport compatibility, including but not limited to noise, land use and safety. Additionally, the DEIR should address the visual impacts of aircraft flying above the site and impacts to proposed outdoor recreational areas. JWA also requests that the City include a project alternative in the DEIR that does not include residential uses at this site.

3160 Airway Avenue
Costa Mesa, CA
92626 - 4608
949.252.5171
949.252.5178 fax
www.ocair.com



Thank you for the opportunity to comment on the Bowery Mixed Use Project. Please provide John Wayne Airport a copy of the Draft EIR when it becomes available for review. Please contact me at (949) 252-5123 or via email at lchoum@ocair.com should any questions arise regarding these comments.

Sincerely,



Lea U. Choum
Planning Manager, Facilities

cc: L. G. Serafini



August 28, 2019

Mr. Jerry C. Guevara
City of Santa Ana
Planning and Building Agency
PO Box 1988
Santa Ana, CA 92702

**Subject: Notice of Preparation (NOP) of an Environmental Impact Report (EIR)
for the Bowery Mixed Use Project at 2300 South Red Hill Avenue in
the City of Santa Ana.**

Dear Mr. Guevara:

The City of Irvine is in receipt of an NOP for an EIR for the Bowery Mixed Use project located at 2300 South Red Hill Avenue in the City of Santa Ana. The proposed mixed use project consists of 80,000 square feet of retail, restaurant, and commercial space, and a five to seven story, 1,150 unit, multi-family residential development. To accomplish this, the project will require a General Plan Amendment to change the land use from Professional and Administration Office (PAO) to a mixed-use designation, and a zone change from Light Industrial (M-1) to Specific Development (SD).

Staff completed its review and enclosed the following comments. If you have any questions, please contact me at 949-724-6364 or at jequina@cityofirvine.org.

Sincerely,

Justin Equina
Associate Planner

Enclosure: City of Irvine Comments

ec: Kerwin Lau, Manager of Planning Services
Marika Poynter, Principal Planner
Farideh Lyons, Senior Transportation Analyst

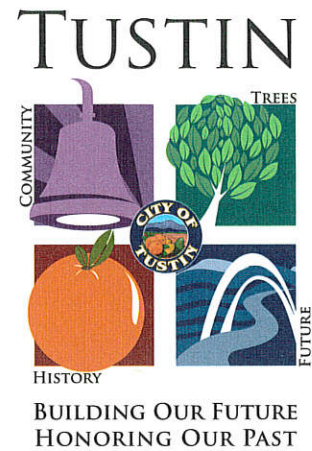
CITY OF IRVINE COMMENTS

1. Include the following intersections in the study area as the proposed project is in the Irvine Business Complex (IBC) sphere of influence.
 - Red Hill from Warner to MacArthur;
 - MacArthur from Red Hill to Michelson; and
 - Barranca/Dyer from SR-55 to Jamboree.
2. Contact the City's traffic modeling analyst, Peter Anderson at panderson@cityofirvine.org, to verify the existing, interim, and buildout land use and network assumptions within the City of Irvine's study area. Additionally, use the latest version of the Irvine Transportation Analysis Model (ITAM) when forecasting future traffic for the interim year and buildout conditions.
3. Analyze the existing, interim, and buildout years with "no project" and "with project" scenarios in the traffic study.
4. Use the City of Irvine's performance criteria to analyze project impacts within the City. If any impacts are identified on any City arterials or intersections, include mitigation measures in the EIR findings.
5. In the traffic study, identify project contributions towards any planned roadway improvements including, the widening of Dyer Road between Red Hill Avenue and the SR-55 ramps from 6 to 8 lanes, and roadway improvements associated with the Alton/SR-55 Overcrossing Project.
6. Minimize operational deficiencies along Red Hill Avenue and Warner Avenue given the project's close proximity to the City's boundary. Staff also recommends applying the City of Irvine's Transportation Design Procedures (TDPs), dated February 2007, to full access driveways and/or limited access driveways along Red Hill Avenue and Warner Avenue (i.e. signal warrants, distance between driveways and intersections, left-turn pocket storage lengths, and more).
7. Contact Lisa Thai, Supervising Transportation Analyst, at lthai@cityofirvine.org for a list of pending projects to include in the traffic analysis. Staff is concurrently processing development projects within the Irvine Business Complex (IBC).
8. Identify truck routes that will be utilized during the construction phase of the project.

Community Development Department

August 22, 2019

Mr. Jerry C. Guevara
Assistant Planner I
City of Santa Ana
Planning and Building Agency
PO BOX 1938 (M-20)
Santa Ana, CA 92702



SUBJECT: REVIEW OF NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BOWERY MIXED USE PROJECT IN THE CITY OF SANTA ANA

Dear Mr. Guevara:

Thank you for the opportunity to provide comments on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for The Bowery Mixed Use Project proposed at the southwesterly corner of Warner Avenue and Red Hill Avenue in the City of Santa Ana. According to the NOP, the proposed project consists of the development of a 14.69-acre site with 1,150 multiple family residences within five-story to seven-story buildings, three wrapped parking structures, and 80,000 square feet of retail and restaurant commercial space. Also proposed is approximately 236,000 square feet of open space within courtyards, common areas, a roof deck, perimeter plazas, and other open space areas. Recreation amenities for residents would include three (3) pool and spa areas, a fitness area, and a community room. According to the NOP, the project includes a proposed General Plan Amendment from Professional and Administrative Office to a mixed-use designation and a Zone Change from Light Industrial to Specific Development.

The City of Tustin offers the following comments at this time:

1. The City of Tustin is concerned with the significant changes in land uses (i.e., from commercial and industrial buildings to residential mixed use) along Red Hill Avenue in Santa Ana that are proposed by The Bowery project or have occurred recently with the approval and construction of The Heritage project at 2001 East Dyer Road. The City of Santa Ana has already demonstrated that these significant use intensifications will likely continue, as evidenced by proposed land use changes that are already being contemplated through the public outreach efforts for Santa Ana's next comprehensive General Plan Update. These land use changes could result in significant modifications to the anticipated traffic and park impacts and planned mitigations. While individually each project may cause relatively modest changes in traffic patterns or impacts to parks, the cumulative impacts are likely to be substantial. Therefore, there should be some overall projections of the anticipated changes in land uses, so the cumulative impacts related to traffic and parks and the associated mitigation can be documented. Ideally, the proposed Santa Ana General Plan Update or a focused General Plan Amendment for the Red Hill Avenue corridor should be completed before the proposed project is considered so that cumulative impacts are properly analyzed and mitigated.

2. The City of Santa Ana Municipal Code will require the project to pay park acquisition and development fees or dedicate land for park and recreational purposes. According to the NOP, approximately 236,000 square feet of open space is proposed. However, this area includes private open space and perimeter open space and is not equivalent to park land provided. In any event, the project should be required to provide land for park and recreational purposes to meet the City of Santa Ana's minimum standard of "two (2) acres of property devoted to parks and recreational purposes for each thousand (1,000) persons residing within the City of Santa Ana." If on-site parkland is not required for the proposed project, residents of the project may be unable to find adequate parks in Santa Ana and may negatively impact parks and overburden parkland facilities in adjacent jurisdictions, including Tustin. These impacts must be mitigated. An analysis of the proposed project's compliance with the City of Santa Ana's park standards should focus on the potential to physically deteriorate existing and future recreational facilities in the City of Tustin, as the nearest existing and planned large scale recreational facilities are located in the City of Tustin.
3. The Draft EIR should include a study that analyzes how far residents in a suburban community are willing to travel to reach a community park. As a comparison, the study should also analyze the distances from other similar existing City of Santa Ana residential neighborhoods to their nearest community parks.
4. Due to the proposed project description, a Traffic Impact Analysis (TIA) is required. The Study Area should include Tustin arterial roadways within the area between Barranca Parkway/Dyer Road and the I-5 Freeway and between the SR-55 Freeway and Jamboree Road. The greatest potential impacts are anticipated to occur along Red Hill Avenue, Warner Avenue, and Barranca Parkway. The intersection of Tustin Ranch Road/Barranca Parkway is especially sensitive to additional impacts, as it is already expected to operate at unacceptable levels. The Red Hill Avenue /I-5 Ramp intersections along with the adjacent intersections at Nisson Road and El Camino Real should be included. The City's concerns sent via email on May 15, 2019, regarding additional analysis locations and traffic model use still apply.
5. The newly installed landscaped median on Red Hill Avenue between Warner Avenue and Carnegie Avenue currently prevents left turn ingress and egress at driveways along the westerly side of Red Hill Avenue along the frontage of the proposed development. Due to the high speeds and traffic volume on Red Hill Avenue, the City is not supportive of an additional traffic signal to serve the proposed development, nor the installation of median breaks to provide turning movements across the median. Any driveways on Red Hill Avenue to serve the proposed development will need to only allow right-turn in and right-turn out movements.
6. Any development or land use intensification in this area would likely require a traffic signal on Warner Avenue, which should be located at the western most driveway and be aligned with the driveway across the street on the northerly side of Warner Avenue. In addition, the project should look into a dedicated right-turn lane on eastbound Warner Avenue at Red Hill Avenue. The project should look into the modification of the median break on Warner Avenue at the driveway location that would be closed with this project.

7. Any analysis of Tustin roadways and intersections would need to comply with the most current City of Tustin methodology for such analyses. The traffic analysis should consider cumulative traffic impacts, and all traffic impacts should be mitigated to the greatest extent feasible through the imposition of effective mitigation measures on the project.
8. Due to this project's proximity with the City of Tustin and its potential to significantly impact Tustin roadways, it is requested that an opportunity be extended to Tustin staff to participate in the development of the TIA for the project, and to review the TIA before public release.
9. The NOP must include the probable environmental effects of the project. (CEQA Guidelines Section 15082(a)(1)(C).) To do so, the NOP should have described all of the existing uses at the Project site.

Thank you again for the opportunity to provide comments on the proposed project. The City of Tustin would appreciate receiving early responses to our comments as well as a copy of the Draft EIR when it becomes available and all future public hearing notices with respect to this project. Please provide all future CEQA notices regarding this project to the undersigned pursuant to Public Resources Code Section 21092.2.

If you have any questions regarding the City's comments, please call Scott Reekstin, Principal Planner, at (714) 573-3016 or Krys Saldivar, Public Works Manager, at (714) 573-3172.

Sincerely,



Elizabeth A. Binsack
Community Development Director

cc: Minh Thai, Executive Director, Santa Ana Planning and Building Agency
Matthew S. West, City Manager
David Kendig, City Attorney
John Buchanan, Director of Economic Development and Finance
Douglas S. Stack, Public Works Director
David Wilson, Parks and Recreation Director
Ken Nishikawa, Deputy Director of Public Works/Engineering
Justina Willkom, Assistant Director – Planning
Kris Saldivar, Public Works Manager
Scott Reekstin, Principal Planner
Ryan Swiontek, Senior Management Analyst



T 510.836.4200
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www.lozeaudrury.com
richard@lozeaudrury.com

Via Email and U.S. Mail

August 22, 2019

Jerry C Guevara, Assistant Planner I
Planning and Building Agency
City of Santa Ana
PO BOX 1988 (M-20)
Santa Ana, CA 92702
jguevara@santa-ana.org

Minh Thai, Executive Director
Planning and Building Agency
City of Santa Ana
20 Civic Center Plaza, Ross Annex, M-20
Santa Ana, CA 92702
mthai@santa-ana.org

Maria D. Huizar, City Clerk
Clerk of the Council Office
City of Santa Ana
20 Civic Center Plaza, 8th Floor
Santa Ana, CA 92702
clerk@ci.santa-ana.ca.us

Re: CEQA and Land Use Notice Request for The Bowery at 2300 South Red Hill Avenue Mixed-Use Project (SCH 2019080011)

Dear Mr. Guevara, Mr. Thai, and Ms. Huizar:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") and its members living in the City of Santa Ana, regarding The Bowery at 2300 South Red Hill Avenue Mixed-Use Project (SCH 2019080011), including all actions referring or related to the proposed construction of a 3-phase mixed-use project consisting of 1,150 multifamily residential units in three (3) buildings; seven (7) stories of structured parking; 80,000 square feet of retail and restaurant commercial space; 236,000 square feet of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas; and recreational amenities including three pool and spa areas, a fitness area, and a community room, located at 2300, 2310, and 2320 Red Hill Avenue in Santa Ana ("Project").

We hereby request that the Santa Ana ("City") send by electronic mail, if possible, or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.

August 22, 2019

CEQA and Land Use Notice Request for The Bowery at 2300 South Red Hill Avenue Mixed-Use Project
Page 2 of 2

- Notices of determination that an Environmental Impact Report (“EIR”) is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

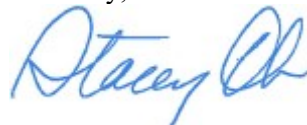
In addition, we request that the City send to us via email, if possible or U.S. Mail a copy of all Planning Commission and City Council meetings and/or hearing agendas.

Please send notice by electronic mail, if possible, or U.S. Mail to:

Richard Drury
Komalpreet Toor
Stacey Osborne
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
komal@lozeaudrury.com
stacey@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Stacey Osborne
Lozeau | Drury LLP

P: (626) 381-9248
F: (626) 389-5414
E: mitch@mitchtsailaw.com



155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA U.S. MAIL & E-MAIL

August 29, 2019

Jerry C Guevara, Assistant Planner I
City of Santa Ana Planning and Building Agency
PO BOX 1988 (M-20)
Santa Ana, CA 92702
Email: jguevara@santa-ana.org

RE: The Bowery at 2300 South Red Hill Avenue Mixed Use Project

Dear Mr. Guevara,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Carpenters**”), my Office is submitting these comments on the City of Santa Ana’s (“**City**” or “**Lead Agency**”) Notice of Preparation of an Environmental Impact Report (“**NOP**”) (SCH No. 2019080011) for the The Bowery at 2300 South Red Hill Avenue Mixed Use Project (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern California, and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

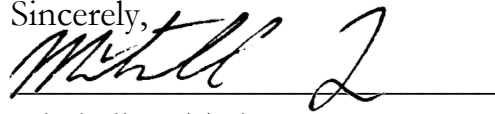
Commenter incorporates by reference all comments raising issues regarding the environmental impact report (“**EIR**”) submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191

(finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai

Attorneys for Southwest Regional
Council of Carpenters

Serving:

Anaheim

Brea

Buena Park

Cypress

Fountain Valley

Fullerton

Garden Grove

Huntington Beach

Irvine

La Habra

La Palma

Los Alamitos

Newport Beach

Orange

Placentia

Santa Ana

Seal Beach

Stanton

Tustin

Villa Park

County of Orange

Costa Mesa
Sanitary District

Midway City
Sanitary District

Irvine Ranch
Water District

Yorba Linda
Water District

Orange County Sanitation District

10844 Ellis Avenue, Fountain Valley, CA 92708
714.962.2411 • www.ocsd.com

October 7, 2019

Jerry C Guevara, Assistant Planner 1
City of Santa Ana Planning and Building Agency
PO Box 1988 (M-20)
Santa Ana, CA 92708
Email: jguevara@santa-ana.org

**SUBJECT: RE: Notice of Availability
The Bowery at 2300 South Red Hill Avenue Mixed-Use
Project Environmental Impact Report**

Thank you for the opportunity to review the proposed "The Bowery at 2300 South Red Hill Avenue Mixed-Use" project. Orange County Sanitation District (Sanitation District) has reviewed the proposed project Revised Notice of Preparation.

Please be advised that the Sanitation District does not allow parking structure drains to be connected to the sewer. If you have any questions regarding plan review and approval contact Daniel Lee at 714 593-7116 or dlee@ocsd.com.



Adam Nazaroff, Engineering Supervisor
Planning Division
714 593-7854

AN:KH;sa

[http://project/sites/Planning/CEQA/Externally Generated/2019 Comment Letters and emails/Response comment Letter-Bowery Mixed Use Project - Santa Ana 10-07-19.docx](http://project/sites/Planning/CEQA/Externally%20Generated/2019%20Comment%20Letters%20and%20emails/Response%20comment%20Letter-Bowery%20Mixed%20Use%20Project-Santa%20Ana%2010-07-19.docx)



*Our Mission: To protect public health and the environment by
providing effective wastewater collection, treatment, and recycling.*