August 29, 2017

Mr. Steven Mendoza
Development Services Director
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

Subject: Los Alamitos Sausalito Street Condominiums Project Draft Initial Study/Mitigated Negative Declaration (IS/MND)

Dear Mr. Mendoza:

Thank you for providing the Orange County Transportation Authority (OCTA) with the IS/MND for the Los Alamitos Sausalito Street Condominiums Project (Project). The following comments are provided for your consideration:

- In Section 3.16 (‘Transportation/Traffic’), please note that Los Alamitos Boulevard was inconsistent with both OCTA’s Master Plan of Arterial Highways (MPAH) and the Los Alamitos General Plan Circulation Element. Los Alamitos Boulevard is currently a major arterial highway that is planned for 6 lanes per its MPAH and General Plan classification. Should there be a desire to amend the MPAH, please contact OCTA staff.

- OCTA coordinated with local jurisdictions and community members to develop regional bikeway corridors as shown in the District 1 and 2 Bikeways Strategy (December 2013). The District 1 and 2 Bikeways Strategy identified Corridor H as a regional bikeway corridor within the Project area. OCTA recommends the proposed Project consider evaluation of the following document to identify opportunities to enhance active transportation facilities and encourage increased travel by people walking and biking.
  o District 1 and 2 Bikeways Strategy (December 2013)
Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,

[Signature]

Dan Phu
Manager, Environmental Programs
Good Afternoon Mr. Mendoza,

In my role as District Engineer of the Rossmoor/Los Alamitos Area Sewer District (RLAASD), Susan Bell, General Manager of that agency, has asked me to review the DRAFT CEQA Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed 50-unit condominium project at 3311 Sausalito Street in Los Alamitos. My comments on the DRAFT IS/MND are as follows:

1. **Section 1.3.5.2 (Wastewater)** – The references to wastewater service to the subject property (pasted below) are somewhat confusing and should be clarified. I do not recall being contacted by anyone from Placeworks during the preparation of this document and suspect the confusing statements are simply based on a misunderstanding by the report’s authors of the differing roles of RLAASD and the Orange County Sanitation District (OCSD). The first sentence of Section 1.3.5.2, which states RLAASD provides sewer collection service to the subject property and would continue to do so, is accurate. The second sentence is the source of the confusion. While partially accurate, it is misleading, especially to the uninformed reader because it notes wastewater collection service is provided via an existing connection to an OCSD trunk sewer in Sausalito Street. In other words, the first two sentences seem to conflict with one another in that the first sentence says sewer collection is provided by RLAASD while the second sentence says sewer collection service is provided by OCSD. My understanding of the situation is as follows: When the permit for the existing Cottonwood Church connection was issued in 1988, it said RLAASD (then known as Los Alamitos County Water District) was providing service to the property by allowing connection through a short run of sewer pipe leading directly into the OCSD trunk line. Twenty-nine years ago, OCSD allowed the developer in this instance to connect directly into their trunk lines (through that short run of pipe), but they no longer allow such connections. OCSD currently requires the local sewer agency to collect sewage and deliver it to OCSD at designated points in their respective systems. To avoid confusion, I suggest eliminating the second sentence and revising the third sentence to read as follows, “Wastewater collected by the Sewer District is eventually conveyed to Orange County Sanitation District (OCSD) from which it flows through a system of regional trunk lines to.....” The wording of the second paragraph in the report (as pasted below) is acceptable.
The Rossmoor/Los Alamitos Sewer District (Sewer District) provides wastewater collection service to the existing church use onsite and would continue to do so for the residential uses under the Proposed Project. Wastewater collection service to the site is provided via the existing Orange County Sanitation District (OCSD) sewer trunk along Sausalito Street. Wastewater collected by the Sewer District flows through a system of regional trunk lines to Reclamation Plant No. 1 (in the City of Fountain Valley) and Treatment Plant No. 2 (in the City of Huntington Beach) for treatment; both plants are owned and operated by OCSD.

Wastewater service for the Proposed Project would be provided via new internal sewer lines that connect the Sewer District’s existing eight-inch sewer trunk in Walnut Street. Proposed wastewater infrastructure improvements would entail demolition of existing lines onsite, trenching and installing new lines, in connection to the existing trunk line in Walnut Street. A small portion of the offsite sewer line would be required to connect to the Sewer District’s sewer trunk to accommodate the Proposed Project. Therefore, some construction would occur within the public right-of-way of Walnut Street in order to make the necessary infrastructure connections to the existing sewer trunk.

2. **Section 3.18 (Utilities and Service Systems) – Subsection a) of this section (pasted below) mistakenly notes that OCSD is responsible for the “collection” ... of wastewater generated by people living and working in central and northwestern Orange County. While OCSD is responsible for the treatment and disposal of wastewater, as noted in item No. 1, they are not responsible for collection of wastewater in the City of Los Alamitos. As noted above, RLAASD is responsible for the collection of wastewater in Los Alamitos. I suggest revising the first sentence of the first paragraph below to read as follows: “Rossmoor/Los Alamitos Area Sewer District would be responsible for the collection of wastewater generated by this project. The Orange County Sanitation District (OCSD) would be responsible for conveying that collected sewage (as well as sewage generated by other people living and working in central and northwestern Orange County) through a series of regional trunk sewers for treatment at its regional treatment plants.” The next sentence is OK as written.

While I do not disagree with the overall finding of a “Less than Significant Impact,” on OCSD’s treatment plants, I will defer to OCSD for an opinion on that impact.
3.18 UTILITIES AND SERVICE SYSTEMS

The analysis in this section is based partly on the following technical study, which is included as Appendix to this Initial Study:


a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. The Orange County Sanitation District (OCSD) is responsible for the collection, treatment, and disposal of domestic, commercial, and industrial wastewater generated by people living and working in central and northwestern Orange County. OCSD facilities, Reclamation Plant No. 1 in the City of Fountain Valley and Treatment Plant No. 2 in the City of Huntington Beach, would receive wastewater generated from the Proposed Project. Both plants provide a mix of advanced primary and secondary treatment. OCSD is required by federal and state law to meet applicable standards of treatment plant discharge requirements. Specifically, OCSD’s wastewater treatment system is subject to NPDES Permit No.CA04110684 issued by the Santa Ana Regional Water Quality Control Board in 2012 under Order No. R 2012-0035 (SARWQCB 2012). The NPDES permit regulates the amount and type of pollutants that the system can discharge into receiving waters. OCSD’s wastewater treatment system is operating in compliance with and would continue to operate subject to state waste discharge requirements and federal NPDES permit requirements, as set forth in the NPDES permit and order.

3. Section 3.5, Subsection d) (Cultural Resources – Human Remains) – While my review of the IS/MND was focused on wastewater, I did a cursory review of the rest of the document. In doing so, I found a reference in the first full paragraph on page 59 to the “Los Angeles Coroner.” I believe the reference in this instance should be to the Orange County coroner.

4. And lastly, I have attached an email sent to Tom Oliver in your office on November 29, 2016 with my response to City of Los Alamitos SPR 16-08, CUP 16-17 & TTM 16-03 - Proposed 50-Unit Condo at Old Cottonwood Church Site on Sausalito Street. Please note that since that time, we have worked with the developer’s engineer (Alan Short) and have run the district’s sewer system hydraulic model to confirm there is sufficient capacity in RLAASD’s 8-inch sewer in Walnut Street to serve the proposed 50 residential units at 3311 Sausalito Street.

Thank you and please let me know if you have any questions regarding these comments.

Harvey R. Gobas, PE, ENV SP
PSOMAS | Balancing the Natural and Built Environment
Vice President
Water and Wastewater Infrastructure
3 Hutton Centre Drive, Suite 200
Santa Ana, CA 92707
714.481.7992 | cell 562.618.3181
www.Psomas.com
August 31, 2017

Mr. Stephen Mendoza
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

Dear Mr. Mendoza,

Thank you for involving the California Department of Transportation (Caltrans) in the Mitigated Negative Declaration for the proposed Sausalito Street Condominiums. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability.

The project proposes the construction of a 50 residential condominiums in 11 multi-family structures. The project is located on Cerritos Avenue and east of Coyote Creek in the City of Los Alamitos, in proximity of Interstate 605. Caltrans is a commenting agency and has the following comments:

Transportation Planning

1. The Los Alamitos General Plan (Mobility and Circulation Element, pg. 36) states: "Class III bike routes should be introduced along the streets that would connect the existing and proposed bicycle facilities and facilitate bicycle access between schools, neighborhoods, and the downtown area." As such, the project should facilitate bicycle access between the project site, Oak Middle School, and the Coyote Creek Bikeway, particularly on Sausalito Street and Oak Street.

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Jude Miranda at (657) 329-6227 or Jude.Miranda@dot.ca.gov.

Sincerely,

YATMAN KWAN, AICP
Branch Chief, Regional-IGR-Transit Planning
District 12

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability"
August 30, 2017

City of Los Alamitos
Attn: Steven Mendoza, Community Development Director
3191 Katella Ave
Los Alamitos, CA 90720

SUBJECT: 3311 Sausalito Street Condominiums Initial Study/Mitigated Negative Declaration

Thank you for the opportunity to review the subject document. Please see our comments below:

- Page 99
  - We believe this project will be Less Than Significant with Mitigation
    - Mitigation includes requiring the project to enter into a Secured Fire Protection Agreement with OCFA.

The Project Applicant will be required to enter into a Secure Fire Protection Agreement which will specify the Project Applicant’s pro-rata fair share funding of the capital improvements necessary to establish adequate fire protection facilities and equipment and/or personnel. The current fair share funding fee is $600 per dwelling unit, which would result in a total of $30,000.00 for the proposed 50 residential units. Although the project site would be served by existing resources, the Project’s participation in the Agreement would ensure that the Project would participate in the funding of capital improvements and equipment necessary to meet increasing demands related to emergency service to this project site.

- OCFA currently has 72 fire stations in Orange County
- Table 9
  - Fire station 2 has:
    - 1 Paramedic Engine
    - 1 Fire Captain, 1 Engineer, 2 Firefighter/Paramedics
  - Fire Station 17 has:
    - 1 Paramedic Engine, 1 Truck
    - 2 Fire Captains, 2 Engineers, 3 Firefighters, 2 Firefighter/Paramedics
  - Fire Station 48 has:
    - 1 Paramedic Engine
    - 1 Fire Captain, 1 Engineer, 2 Firefighter/Paramedics

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RESIDENTIAL SPRINKLERS AND SMOKE ALARMS SAVE LIVES
• Project Design Features and Mitigation Measures required to minimize impact to fire service and risk to community include:
  o The project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the 2016 editions of the CBC, CFC and related codes.
  o Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the 2016 CBC, CFC.
  o A water supply system to supply fire hydrants and automatic fire sprinkler systems is required. Fire flow and hydrant spacing shall meet the minimums identified in the codes. Please refer to the California Fire Code Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.
  o Fire apparatus and personnel access to and around structures shall meet the minimum development standards of the OCFA and California Fire Code requirements. Please reference Section 2 of the OCFA’s Guideline B-09 at www.ocfa.org.
  o If the project scope includes or requires the installation of traffic signals on public access ways, these improvements shall include the installation of optical preemption devices.

In addition, we would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal.

Sincerely,

[Signature]

Tamera Rivers
Management Analyst
(714) 573-6199
August 31, 2017

Mr. Steven Mendoza, Community Development Director
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, California 90720

Subject: Notice of Intent to Adopt Mitigated Negative Declaration Sausalito Street Condominiums

Dear Mr Mendoza:

Thank you for the opportunity to comment on the subject project that involves the proposed Sausalito Street Condominiums. The County of Orange offers the following comments for your consideration:

**OC Public Works Infrastructure Programs/Flood Programs/Hydrology**

Flood Program Support/Hydrology Section reviewed the subject document and offers the following comments.

1. Since the City of Los Alamitos is responsible for land use planning and development within City limits, the City should review and approve all local hydrology and hydraulic analyses including the needed 100-year flood protection for proposed developments within the project area.

2. All work within or adjacent to any OCFCD right-of-way for flood control facilities should be conducted so as not to adversely impact channel's structural integrity, hydraulic flow conditions, access and maintainability. Furthermore, all work within OCFCD's right-of-way should be conducted only after an encroachment permit for the proposed work has been obtained from the County. For information regarding the permit application process and other details please refer to the Encroachment Permits Section link on OC Public Works' website [http://www.ocpublicworks.com/ds/permits/encroachment_permits](http://www.ocpublicworks.com/ds/permits/encroachment_permits). Technical reviews and approvals for the proposed work will be accomplished within the permit process.

**OC Public Works Infrastructure Programs/Development Support**

Development Support Section reviewed the subject document and offers the following comments.

1. A safety study for the intersection between Sausalito and Chestnut Street with the parking lot exits is recommended.
2. We also recommend a traffic study to include a density study and pedestrian cross walks for Sausalito and Los Alamitos, as the new development might affect the traffic conditions.
If you have any questions regarding these comments, please contact Sahar Parsi at (714) 647-3988 or Robert McLean at (714) 647-3951 in Flood Programs, Manuel Delgado at (714) 647-3993 in Development Support, or Linda Smith at (714) 667-8848 in Planning.

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: Sahar Parsi, Flood Programs/Hydrology
    Robert McLean, Flood Programs/Hydrology
    Manuel Delgado, Development Support
August 31, 2017

Mr. Steven Mendoza, Community Development Director
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, California 90720

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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: Sahar Parsi, Flood Programs/Hydrology
    Robert McLean, Flood Programs/Hydrology
    Manuel Delgado, Development Support
Inspection Warrants

- An administrative tool to gather evidence of violations pursuant to California Code of Civil Procedure §1822.50 through 1822.60.

- 2 basic requirements to obtain a warrant:
  o 1. Refusal by the occupant to allow an inspection (or a sufficient basis to show why consent was not requested); and
  o 2. “Reasonable cause” to believe a condition of non-conformity exists with respect to the property or premises constituting a violation of a state or local law or regulation relating to building, fire, safety, plumbing, electrical, health, labor, or zoning.

- In order to obtain a warrant, the following items are submitted to the court:
  o The officer’s Declaration
  o The proposed Warrant
  o An Application explaining the legal basis for the warrant (prepared by CAO)

- The Declaration (to be prepared by the officer and submitted to CAO for review & filing)
  o Include inspector background, training, duties and responsibilities
  o Set forth the reasons why an inspection warrant is needed
  o Brief narrative of the investigation against the property, including past violations, citations, criminal complaints, and photos (if applicable)
  o Establishes that the City was refused entry to the property. If an access letter is used to request entry, it should be certified return receipt and both the letter and receipt should be attached to the Declaration.
  o Highlight issues that give reasonable cause to believe that the property is in violation, such as complaints lodged against the property, prior violations, prior inspections. Also state which violations you believe to exist (SAMC, State codes, etc.)
  o If 24 hour notice of the inspection should not be given, provide reasons why.
  o If forcible entry should be granted, provide reasons why. This includes cutting locks, removing gates or doors, or any other barrier that would prevent inspection.

- The Warrant (to be prepared by CAO based on information provided by officer)
  o The address/APN of the property to be inspected and which areas of the property specifically
  o What actions will be taken while inspecting the property
  o Are you requesting to inspect outside normal hours? (8am-6pm, Monday –Friday)
  o Are you requesting the warrant be extended beyond 14 days?
  o Will outside agencies be attending? (OCFA, Sanitation, Building, etc.) Police may be included only for safety concerns and to prevent interference with the inspection (be sure to state safety concerns in the Declaration).

Kyle Nellesen, Deputy City Attorney  (Knellesen@santa-ana.org) x5260
April 14, 2016
August 30, 2017

Steven Mendoza, CD Director
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

Sent via e-mail: smendoza@cityoflosalamitos.org

Re: SCH# 2017081004, Proposed Sausalito Street Condominiums Project, City of Los Alamitos, Orange County, California

Dear Mr. Mendoza:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the project referenced above. The review included the Introduction and Project Description, and the Environmental Analysis, section 3.5, Cultural Resources, and section 3.17 Tribal Cultural Resources prepared by PlaceWorks for the City of Los Alamitos. We have the following concerns:

1. Mitigation for inadvertent finds of Archaeological Resources, Tribal Cultural Resources and Human Remains is missing or incomplete. Standard mitigation measures should be included in the document. Please refer to Health and Safety Code § 7050.5 and Public Resources Code § 5097.98 for the process for inadvertent finds of human remains.

The California Environmental Quality Act (CEQA), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for “tribal cultural resources,” that now includes “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.” Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, 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 may also apply.

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

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPOD.pdf, entitled “Tribal Consultation Under AB 52: Requirements and Best Practices”.

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2. Pub. Resources Code § 21064.1, Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)
4. Government Code 65352.3
5. Pub. Resources Code § 21065
6. Pub. Resources Code § 21064.2
7. Pub. Resources Code § 21064.3 (a)
The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC’s recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3710 if you have any questions.

Sincerely,

[Signature]

Gayle Totton, B.S., M.A., Ph.D
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse
Pertinent Statutory Information:

Under AB 52:
AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:
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.
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, and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. For purposes of AB 52, consultation shall have the same meaning as provided in Gov. Code § 65362.4 (SB 18).

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.

1. 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.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (f) 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.

If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

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

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.

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

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5 Pub. Resources Code § 21080.3.1, subds. (d) and (e)
6 Pub. Resources Code § 21080.3.1 (b)
7 Pub. Resources Code § 21080.3.2 (a)
8 Pub. Resources Code § 21080.3.2 (a)
9 Pub. Resources Code § 21082.3 (c)(1)
10 Pub. Resources Code § 21082.3 (b)
11 Pub. Resources Code § 21082.3 (b)
12 Pub. Resources Code § 21082.3 (a)
13 Pub. Resources Code § 21082.3 (a)
14 Pub. Resources Code § 21082.3 (a)
15 Pub. Resources Code § 21082.3 (a)
16 Pub. Resources Code § 21082.3 (a)
17 Pub. Resources Code § 21082.3 (a)
c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3 1 (d) and the tribe failed to request consultation within 30 days. 

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

Under SB 18:
Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to local governments and requires them 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. 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/08_14_05_Updated_Guidelines_922.pdf
- 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.
- There is no Statutory Time Limit on Tribal Consultation under the law.
- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation.
  - 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.

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
  - 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.
  - A Native American Tribal Contact 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.
    - The request form can be found at http://nahc.ca.gov/resources/forms/.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1062) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- 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.
  - 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.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

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18 Pub. Resources Code § 21082.3 (d)
19 Gov. Code § 65352.3 (a)(e)
20 Pursuant to Gov. Code section 65040.2,
21 Gov. Code § 65352.3 (d))
22 Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18.
Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

- 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:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.

- 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.

- 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.23

- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.24

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.25 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.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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23 (Civ. Code § 815.3 (c)).
25 per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).
August 24, 2017

Steven Mendoza
Community Development Director
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

SUBJECT: Notice of Intent to Adopt a Mitigated Negative Declaration—Sausalito Street Condominiums - 50 Units 3311 Sausalito Street, Los Alamitos

Orange County Sanitation District (Sanitation District) has reviewed the City of Los Alamitos’s (City) Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed Sausalito Street Condominiums with 50 Units to be constructed at 3311 Sausalito Street, Los Alamitos. We have identified no significant impact to Sanitation District’s regional collection system or treatment plants from the proposed development. The Sanitation District would like to remind the City that the project developers will be required to connect to the local sewer system or construct a local sewer and dedicate it to the local sewer provider. Sanitation District does not permit direct connections from private properties to its regional trunk sewers. If the scope of the project changes, Sanitation District would like to be notified to re-evaluate our hydraulic model for impacts.

If you have questions, or for more information, please contact me at (714) 593-7331.

Thank you for the opportunity to review and comment on the proposed 50 Unit Condominium Complex at 3311 Sausalito Street.

Ann Crafton
Principal Staff Analyst

AC:sa
http://project/sites/Planning/Shared Documents/2017-8-24 City of Los Alamitos Sausalito Condos.docx

cc: Susan Bell, General Manager
Rossmoor/Los Alamitos Area Sewer District