



Memo

Date: September 26, 2016

To: Mel Lee, AICP

From: Kim Burnell, Project Manager

Subject: Response to Comments—ISND 2850 Mesa Verde Dr. E.

Dear Mr. Lee:

FirstCarbon Solutions is pleased to submit this Response to Comments memo for the proposed 2850 Mesa Verde Drive East development (“Project”) in the City of Costa Mesa.

To date, four correspondences have been received with regard to the proposed project. The Gabrieleno Band of Mission Indians – Kizh Nation letter was dated and received on September 13, 2016 via email (Letter #1). On September 26, 2016, a letter was received from the City of Irvine (Letter #2), another from the Airport Land Use Commission (Letter #3), and lastly from OCTA (Letter #4). The comment letters are included in Attachment A of this memo and are summarized below.

Letter #1

Letter #1 requests one of their certified Native American Monitor to be on site during any and all ground disturbances (including but not limited to pavement removal, post holing, auguring, boring, grading, excavation and trenching) to protect any cultural resources which may be effected during construction or development due to the project location and the high sensitivity of the area location.

Response #1

The request for a Gabrieleno Band of Mission Indians – Kizh Nation certified Native American Monitor to be present for all ground disturbance activities shall be included as a condition of approval.

Letter #2

Letter #2 indicates that the City of Irvine has no comments at this time.

Response #2

Noted.

Letter #3

Letter #3 indicates that a referral by the City to the ALUC may be required for this project due to the location of the proposal within a JWA AELUP Planning Area and due to the nature of the required City approvals (i.e. General Plan Amendment and Zone Change) under PUC Section 21676 (b). In this regard, please note that the Commission suggests such referrals be submitted to the ALUC for a determination, 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.

Response #3

Only projects within the designated JWA impact zones are subject to approval by the ALUC. The proposed 2850 Mesa Verde Drive East project is outside the JWA impact zone. As such, approval will not be required by the ALUC.

Letter #4

OCTA recommends employing measures to reduce potential disruptions to the Class II bicycle facility on Mesa Verde Drive. Throughout the development of this proposed project, OCTA encourages communication with OCTA.

Response #4

Noted. Will coordinate with OCTA throughout the development of this project.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Kim Burnell, Project Manager
FirstCarbon Solutions
250 Commerce, Ste. 250
Irvine, CA 92618

Enc: Attachment A: Comment Letters

**Attachment A:
2850 Mesa Verde Dr. E. Comment Letters**



GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Mel Lee, AICP
Senior Planner

RE: AB52 consultation response for the General Plan Amendment GP-16-05 and Rezone R-16-05

Dear Mel Lee,

Sep 13, 2016

Please find this letter in response to your request for consultation dated Sep 1, 2016. I have reviewed the project site and do have concerns for cultural resources. Your project lies in an area where the Ancestral territories of the Kizh (Kitch) Gabrieleño's villages adjoined and overlapped with each other, at least during the Late Prehistoric and Protohistoric Periods. The homeland of the Kizh Gabrieleño was probably the most influential Native American group in aboriginal southern California (Bean and Smith 1978a:538), was centered in the Los Angeles Basin, and reached as far east as the San Bernardino-Riverside area. The homeland of our neighbors the Serranos was primarily the San Bernardino Mountains, including the slopes and lowlands on the north and south flanks. Whatever the linguistic affiliation, Native Americans in and around the project area exhibited similar organization and resource procurement strategies. Villages were based on clan or lineage groups. Their home/ base sites are marked by midden deposits often with bedrock mortars. During their seasonal rounds to exploit plant resources, small groups would migrate within their traditional territory in search of specific plants and animals. Their gathering strategies of ten left behind signs of special use sites, usually grinding slicks on bedrock boulders, at the locations of the resources.

Due to the project location and the high sensitivity of the area location, we would like to request one of our certified Native American Monitor to be on site during any and all ground disturbances (including but not limited to pavement removal, post holing, auguring, boring, grading, excavation and trenching) to protect any cultural resources which may be effected during construction or development. In all cases, when the Native American Heritage Commission states there are "no records of sacred sites in the project area" the NAHC will always refer lead agencies to the respective Native American Tribe because the NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & Tribal Historians are the experts for our Tribe and are able to provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area. While the property may be located in an area that has been previously developed, numerous examples can be shared to show that there still is a possibility that unknown, yet significant, cultural resources will be encountered during ground disturbance activities. Please note, if they haven't been listed with the NAHC, it doesn't mean that they aren't there. Not everyone reports what they know.

The recent implementation of AB52 dictates that lead agencies consult with Native American Tribes who can prove and document traditional and cultural affiliation with the area of said project in order to protect cultural resources. However, our tribe is connected Ancestrally to this project location area, what does Ancestrally or Ancestral mean? The people who were in your family in past times, Of, belonging to, inherited from, or denoting an ancestor or ancestors <http://www.thefreedictionary.com/ancestral>. Our priorities are to avoid and protect without delay or conflicts – to consult with you to avoid unnecessary destruction of cultural and biological resources, but also to protect what resources still exist at the project site for the benefit and education of future generations. At your convenience we can Consultation either by Phone or Face to face. Thank you

CC: NAHC

With respect,

Andrew Salas, Chairman
cell (626)926-4131

Andrew Salas, Chairman
Albert Perez, treasurer I

Nadine Salas, Vice-Chairman
Martha Gonzalez Lemos, treasurer II

Christina Swindall Martinez, secretary
Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

www.gabrielenoindians@yahoo.com

gabrielenoindians@yahoo.com



September 26, 2016

Ms. Mel Lee
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

**Subject: General Plan Amendment GP-16-05 and Rezone R-16-05 located at
2850 Mesa Verde Drive East – City of Costa Mesa**

Dear Ms. Lee:

Thank you for the opportunity to review the proposed General Plan Amendment and Zone Change in the City of Costa Mesa. The project proposes to change the land use and zoning designation of a two acre site from General Commercial to Low Density Residential to allow a future 11-unit, two story, single-family residential development.

Staff has no comments at this time. If you have any questions, I can be reached at 949-724-6364, or at jequina@cityofirvine.org.

Sincerely,

Justin Equina
Associate Planner

ec: Bill Jacobs, Principal Planner
Sun-Sun Murillo, Supervising Transportation Analyst
Farideh Lyons, Senior Transportation Analyst



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

September 26, 2016

Mel Lee, Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

Subject: 2850 Mesa Verde Drive East MND Comments

Dear Mr. Lee:

Thank you for the opportunity to review the Initial Study for the proposed residential development project located at 2850 Mesa Verde Drive East, Costa Mesa, in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)*. The proposed project involves the development of an 11-unit, two story, single family residential development on a 2-acre site and requires a General Plan amendment to change the existing land use designation from General Commercial to Low Density Residential.

As discussed in the initial study, the proposed project is located within the Federal Aviation Regulation (FAR) Part 77 Notification Area for JWA. The initial study states that the City is requiring notice to the Federal Aviation Administration (FAA) by the project applicant. In addition, the proposed site is located outside the FAR Part 77 Obstruction Imaginary Surfaces, the Airport Impact Zones and Airport Safety Zones for JWA.

A referral by the City to the ALUC may be required for this project due to the location of the proposal within a JWA AELUP Planning Area and due to the nature of the required City approvals (i.e., General Plan Amendment and Zone Change) under PUC Section 21676(b). In this regard, please note that the Commission suggests such referrals be submitted to the ALUC for a determination, 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 for the opportunity to comment on this initial study. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com if you need any additional details or information regarding the future referral of your project.

Sincerely,

Kari A. Rigoni
Executive Officer



September 26, 2016

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Mr. Mel Lee, AICP, Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

SUBJECT: General Plan Amendment GP-16-05 and Rezone R-16-05

Dear Mr. Lee:

Thank you for providing Orange County Transportation Authority (OCTA) with the opportunity to review the Initial Study/Negative Declaration for General Plan Amendment GP-16-05 and Rezone R-16-05 located at 2850 Mesa Verde Drive East Project.

On page 91-92 from section '4.16 Transportation/Traffic' under subsection f), mentions the proposed project site has access to bicycle facilities within the immediate area. OCTA recommends employing measures to reduce potential disruptions to the Class II bicycle facility on Mesa Verde Drive.

Throughout the development of this proposed project, we encourage communication with OCTA on the matter discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,

Dan Phu
Manager, Environmental Programs

CHIEF EXECUTIVE OFFICE

Darrell Johnson
Chief Executive Officer