

---

## **Appendix A**

### Notice of Preparation (NOP) and NOP Comments



## NOTICE OF PREPARATION

---

**DATE:** Friday, April 18, 2025

**TO:** Responsible Agencies, Trustee Agencies, and Interested Parties

**LEAD AGENCY:** City of Garden Grove  
Contact: Monica Covarrubias  
11222 Acacia Parkway  
Garden Grove, California 92507

**SUBJECT:** Notice of Preparation of a Supplemental Environmental Impact Report for the B-2 Hotel Project

**NOP REVIEW PERIOD:** Friday, April 18, 2025 to Monday, May 19, 2025

---

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed B-2 Hotel Project and was approved by the City in 2022. Thereafter, Unite Here Local 11, among others, filed a lawsuit challenging the City's MND. (Perez et al. v. City of Garden Grove et al. OCSC Case No. 30-2022-01281816-CU-WM-CC.) On February 13, 2024, a stipulated Writ of Mandate ("Writ") was entered in that matter directing the City to "prepare a focused review under CEQA of the Projects'...potentially significant Vehicle Miles Travelled (VMT) and Greenhouse Gas (GHG) impacts." (Writ, ¶ 1(a).) Pursuant to the Writ, all other claims related to the Project and compliance with CEQA with respect to the Project and the approvals related to the same, that were or could have been raised, were released and dismissed with prejudice. In compliance with the Writ and pursuant to CEQA Guidelines Section 15163, the City is preparing a Supplemental Environmental Impact Report (SEIR) to evaluate the Greenhouse Gas and VMT impacts of the Project.

The Project site is approximately 3.72 acres of land located at the northwest corner of Harbor Boulevard and Twintree Avenue, along the west and east sides of, and on, Thackery Drive in the City of Garden Grove. The Project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

The proposed Project involves construction of a full-service, maximum height of 350 feet, hotel with a hotel program entertainment/pool deck (height of approximately 61 feet) on the 3.72-acre site. The proposed hotel would include 500 guest suites with balconies and guest amenities/services such as a themed pool experience with lazy river, theater, a ballroom, meeting rooms, food and beverage spaces, themed amenities and shops, an arcade and spa and fitness center. The proposed Project would also include a five-level (approximately 61 feet) parking garage (four levels above grade and one level below grade) with a total of 528 spaces inclusive of spaces available for valet parking.

The City welcomes public input during the Notice of Preparation (NOP) review period regarding the Project's Greenhouse Gas and VMT impacts. Due to the time limits mandated by the CEQA Guidelines, your response must be sent not later than 30 days after your receipt of this notice. If

no response or request for additional time is received by the end of the review period, the City may presume that you have no response (CEQA Guidelines §15103). Please send your comments to:

Monica Covarrubias, Senior Project Manager  
City of Garden Grove  
Economic Development and Housing Department  
11222 Acacia Parkway  
Garden Grove, California 92507  
714-741-5788  
[monicac@ggcity.org](mailto:monicac@ggcity.org)

To allow for mailing, receipt, and 30-day review of this NOP, the comment period closes on Monday, May 19, 2025.

Monica Covarrubias  
Monica Covarrubias, Senior Project Manager

4/18/25  
Date

## SCOPING MEETING

Pursuant to CEQA Guidelines Section 15082(c) (Notice of Preparation and Determination of Scope of EIR), the City will conduct a scoping meeting for the purpose of soliciting comments from adjacent cities, responsible agencies, trustee agencies, and interested parties requesting notice as to the appropriate scope and content of the SEIR.

The purpose of the meeting is to present the Project and environmental topics in a public setting and provide an opportunity for the City to hear from the community and interested agencies on what potential environmental issues are important to them. The meeting will include a brief presentation of the proposed Project, the EIR process, and the topics to be analyzed in the SEIR consistent with the Writ. Following the presentation, and consistent with the scope of review established by the Writ, interested agencies, organizations, and members of the public will be encouraged to offer their views concerning the Project's Greenhouse Gas and VMT impacts to be included in the Draft SEIR.

The Public Scoping Meeting will be held on Wednesday, April 30, 2025 at 6:00 PM. The meeting will be held at the Garden Grove Community Meeting Center, located at 11300 Stanford Ave, Garden Grove, CA 92840.







T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

[www.lozeaudrury.com](http://www.lozeaudrury.com)  
[rebecca@lozeaudrury.com](mailto:rebecca@lozeaudrury.com)

***VIA EMAIL***

April 22, 2025

Monica Covarrubias, Senior Project Manager  
Economic Development and Housing  
Department  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92507  
[monicac@ggcity.org](mailto:monicac@ggcity.org)

Liz Vasquez, City Clerk  
City Clerk Department  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92507  
[cityclerk@ggcity.org](mailto:cityclerk@ggcity.org)

**Re: CEQA and Land Use Notice Request for B-2 Hotel Project (SCH 202206017400)**

Dear Ms. Covarrubias and Ms. Vasquez

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the project known as the B-2 Hotel Project (SCH 20220601740 including all actions referring or related to the proposed development of the proposed hotel would include 500 guest suites with balconies and guest amenities/services and a five-level (approximately 61 feet) parking garage, located at the northwest corner of Harbor boulevard in the City of Garden Grove (“Project”).

We hereby request that the City of Garden Grove (“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.
  - 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.

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

Rebecca Davis  
Amy Lipkind  
Chase Preciado  
Leslie Reider  
Lozeau Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612  
Rebecca@lozeaudrury.com  
Amy@lozeaudrury.com  
Chase@lozeaudrury.com  
Leslie@lozeaudrury.

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

Sincerely,



Amy Lipkind  
Lozeau | Drury LLP



## NATIVE AMERICAN HERITAGE COMMISSION

April 22, 2025

Monica Covarrubias  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove CA 92840

CHAIRPERSON  
**Reginald Pagaling**  
Chumash

VICE-CHAIRPERSON  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

SECRETARY  
**Sara Dutschke**  
Miwok

PARLIAMENTARIAN  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**Reid Milanovich**  
Cahuilla

COMMISSIONER  
**Bennae Calac**  
Pauma-Yuima Band of  
Luiseño Indians

COMMISSIONER  
**Vacant**

ACTING EXECUTIVE  
SECRETARY  
**Steven Quinn**

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

**Re: 2022060174 Site B-2 Hotel Project, Orange County**

Dear Ms. Covarrubias:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

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



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

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

**7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

**8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

**9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

**10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- a. Avoidance and preservation of the resources in place, including, but not limited to:
  - i. Planning and construction to avoid the resources and protect the cultural and natural context.
  - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - i. Protecting the cultural character and integrity of the resource.
  - ii. Protecting the traditional use of the resource.
  - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

**11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

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

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

### NAHC Recommendations for Cultural Resources Assessments

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

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

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

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

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

Sincerely,

*Andrew Green*

Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

---

**From:** "THPO" <THPO@palatribe.com>  
**To:** "Monica Covarrubias" <monicac@ggcity.org>  
**Sent:** Thursday, April 24, 2025 2:27:09 PM  
**Subject:** RE: Notice of Preparation of a Supplemental Environmental Impact Report for the B-2 Hotel Project, City of Garden Grove

Dear Miss Covarrubias,

Thank you for your correspondence regarding the Notice of Preparation of a Supplemental Environmental Impact Report for the B-2 Hotel Project. We wish to defer to the Tribes located in closer proximity to the project area.

Patricia Sanchez  
Tribal Historic Preservation Office Assistant  
Pala Band of Mission Indians  
PMB 50, 35008 Pala Temecula Rd.  
Pala, Ca 92059  
760-891-3500 ext. 96006  
[thpo@palatribe.com](mailto:thpo@palatribe.com)





SENT VIA E-MAIL:  
[monicac@ggcity.org](mailto:monicac@ggcity.org)

May 16, 2025

Monica Covarrubias, Senior Project Manager  
City of Garden Grove  
Economic Development and Housing Department  
11222 Acacia Parkway  
Garden Grove, California 92507

**Notice of Preparation of a Supplemental Environmental Impact Report for  
the B-2 Hotel Project (Proposed Project)  
(SCH# 2022060174)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Supplemental Environmental Impact Report (Supplemental EIR). Please send a copy of the Supplemental EIR upon its completion and public release directly to South Coast AQMD as copies of the Supplemental EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses (electronic versions of all emission calculation spreadsheets, air quality modeling, and health risk assessment input and output files, not PDF files).** Any delays in providing all supporting documentation for our review **will require** additional review time beyond the end of the comment period.

**CEQA Air Quality Analysis**

The Lead Agency is recommended to rely on the guidance provided in the South Coast AQMD's CEQA Air Quality Handbook and website<sup>1</sup> when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the California Air Pollution Control Officers Association's California Emissions Estimator Model (CalEEMod)<sup>2</sup> software, to quantify emissions of air pollutants from typical land use development project.

In addition, the South Coast AQMD has adopted regional air quality significance thresholds<sup>3</sup> as well as localized significance thresholds (LST).<sup>4</sup> If the Lead Agency has not adopted its own significance thresholds, the Lead Agency is recommended to rely on South Coast AQMD's adopted thresholds for determining whether the Proposed Project's air quality and greenhouse gas

---

<sup>1</sup> South Coast AQMD's CEQA Air Quality Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> South Coast AQMD's air quality significance thresholds can be found at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

<sup>4</sup> South Coast AQMD's 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>.

impacts are significant. It is important to note that the localized analysis can be conducted by either using the LST screening tables or performing air dispersion modeling.

The Lead Agency should identify any potential adverse air quality and greenhouse gas impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality and greenhouse gas 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, and hauling trips). Operation-related air quality and greenhouse gas impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality and greenhouse gas impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, if the Lead Agency elects to rely on South Coast AQMD's air quality significance thresholds, the emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's air quality significance thresholds for *operation* to determine the level of significance.

Also, if implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, etc., one or more air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency under CEQA to a Responsible Agency as defined in CEQA Guidelines Section 15381. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the air permit(s) under CEQA and imposing permit conditions and limits. Questions about air permit requirements should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project, if applicable. Also, as set forth in CEQA Guidelines Sections 15086, the Lead Agency is required to consult with all Responsible Agencies with discretionary approval power over the Proposed Project. Thus, if air permits are required and South Coast AQMD is identified as a Responsible Agency, please let this comment letter serve as South Coast AQMD's request to convene a meeting with the Lead Agency as required by CEQA Guidelines Section 15104 to discuss the scope and content of the environmental information that will need to be included in the EIR.

### **Mitigation Measures**

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the

Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,<sup>5</sup> South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,<sup>6</sup> and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.<sup>7</sup>

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Supplemental EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

### **Health Risk Reduction Strategies**

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a study that South Coast AQMD conducted to investigate filters,<sup>8</sup> a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the Supplemental EIR. 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. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste that the Lead Agency should evaluate in the Supplemental EIR. 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 diesel particulate matter emissions.

---

<sup>5</sup> <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

<sup>6</sup> South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

<sup>7</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: [https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

<sup>8</sup> 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: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact Jivar Afshar, Air Quality Specialist, at [jafshar@aqmd.gov](mailto:jafshar@aqmd.gov).

Sincerely,

*Sam Wang*

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

SW:JA

ORC250422-03

Control Number

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12

1750 EAST 4<sup>TH</sup> STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6000

FAX (657) 328-6522

TTY 711

[www.do.ca.gov/caltrans-near-me/district12](http://www.do.ca.gov/caltrans-near-me/district12)*Making Conservation  
California Way of Life.*

May19, 2025

Ms. Monica Covanubias  
Planning Services Division  
11222 Acacia Parkway  
Garden Grove, California 92840

File: IGR/CEQA  
SCH#: 2022060174  
LDR LOG #2025-02795

Dear Ms. Covanubias,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for an Environmental Impact Report for the Site B-2 Hotel Project. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed B-2 Hotel Project and was approved by the City in 2022. Thereafter, Unite Here Local 11, among others, filed a lawsuit challenging the City's MND. (Perez et al. v. City of Garden Grove et al. OCSC Case No. 30-2022-01281816-CU-WM-CC.) In compliance with the Writ and pursuant to CEQA Guidelines Section 15163, the City is preparing a Supplemental Environmental Impact Report (SEIR) to evaluate the Greenhouse Gas and VMT impacts of the Project. The proposed Project involves construction of a full-service, maximum height of 350 feet, hotel with a hotel program entertainment/pool deck (height of approximately 61 feet) on the 3.72-acre site. The proposed hotel would include 500 guest suites with balconies and guest amenities/services such as a themed pool experience with lazy river, theater, a ballroom, meeting rooms, food and beverage spaces, themed amenities and shops, an arcade and spa and fitness center. The proposed Project would also include a five-level (approximately 61 feet) parking garage (four levels above grade and one level below grade) with a total of 528 spaces inclusive of spaces available for valet parking. The project site is located at the northwest corner of Harbor Boulevard and Twintree Avenue, along the west and east sides of Thackery Drive, east of Tamerlane Drive in the City of Garden Grove.

The mission of Caltrans is Improving lives and communities through transportation. Caltrans is a reviewing agency on this project and has the following comments:

1. Our previous comments in the letter dated June 28, 2022, are still standing (copy attached).



Ms. Monica Covanubias  
May 19, 2025  
Page 2

2. Project applicant should consider including a Transportation Demand Management (TDM) analysis as part of the DEIR, which should identify opportunities to minimize customer and employee VMT where possible, and propose strategies such as, but not limited to, carpooling, transit incentives, schedule staggering, and support for bicycle accessibility.
3. Please ensure that appropriate detours, signage, and safety measures for pedestrians and bicyclists are planned for the construction phase.
4. 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. This may include planning for appropriate safety measures for bicyclists and pedestrians in the project area, such as pedestrian-oriented LED lighting, high-visibility continental crosswalk striping, wayfinding signage, and safe connections to existing and proposed bicycle facilities. Complete Streets improvements promote regional connectivity, improve air quality, reduce congestion, and increase safety for all modes of transportation.

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 at Maryam Molavi at [Maryam.Molavi@dot.ca.gov](mailto:Maryam.Molavi@dot.ca.gov).

Sincerely,

  
Scott Shelley (May 19, 2025 15:39 PDT)

Scott Shelley  
Branch Chief – Local Development Review/Climate Change/Transit Grants  
District 12

# **LAW OFFICE OF JORDAN R. SISSON**

LAND USE, ENVIRONMENTAL & MUNICIPAL LAW

3993 Orange Street, Suite 201  
Riverside, CA 92501

Office: (951) 405-8127  
Direct: (951) 542-2735

jordan@jrsissonlaw.com  
www.jrsissonlaw.com

May 19, 2025

**VIA EMAIL:**

Monica Covarrubias, Senior Project Manager  
City of Garden Grove, Economic Development and Housing Department  
11222 Acacia Parkway  
Garden Grove, California 92507  
monicac@ggcity.org

**Re: NOP Comments Supplemental Environmental Impact Report for the B-2 Hotel Project**

Dear Ms. Covarrubias:

On behalf of UNITE HERE Local 11 ("Local 11") and VietRISE (collectively "Petitioners"), this office respectfully provides the following comments<sup>1</sup> to the City of Garden Grove ("City") in response to the Notice of Preparation ("NOP")<sup>2</sup> for the above referenced item involving a proposed 500-room hotel development ("Project") located on an approximately 3.72 acres of land within the City ("Site"). Petitioners were the litigants in the referenced litigation *Perez et al. v. City of Garden Grove et al.* (OCSC Case No. 30-2022-01281816-CU-WM-CC) ("Action"). (See NOP, p. 1.) Petitioners offer the following comments regarding the NOP.

1. The NOP states that the "City is preparing a Supplemental Environmental Impact Report (SEIR) to evaluate the Greenhouse Gas [GHG] and VMT [vehicle miles traveled] impacts of the Project." (NOP, p. 1.) However, the Project was previously reviewed via a mitigated negative declaration ("MND")—not an EIR—and the NOP does not specify what EIR is being supplemented. The City should clarify what environmental review is being supplemented (e.g., the prior MND or some unspecified EIR).
2. The NOP states the SEIR is being prepared pursuant to the Writ to resolve the prior Action. The NOP should identify all project approvals associated with the City's SEIR, including any and all land use approvals that will be considered for approval, denial, or approval as modified.
3. Petitioners urge the supplemental environmental review provide a robust analysis of GHG and VMT impacts, including but not limited to consideration of all feasible mitigation measures. To that end, the City should consider the following factors:
  - a. The SEIR should consider the Project's consistency with all applicable GHG/VMT reduction plans, including but not limited to all relevant goals, strategies, project level mitigation, and other measures identified under the Southern California Association of Governments ("SCAG") Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"), particularly those related to : (i) Communities goals and Traffic Demand Management ("TDM") policies/strategies under Mobility

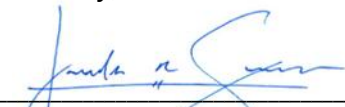
<sup>1</sup> Herein, page citations are either the stated pagination (i.e., "p. #") or PDF-page location (i.e., "PDF p. #")

<sup>2</sup> NOP, [https://files.ceqanet.opr.ca.gov/279232-3/attachment/Y-fDOcUWazHEYVW3VYATxeZLKfBxVFXsnskGhxbB58q6LgBYa61HwWox08qGljWuYubStUT\\_qg6R15r70](https://files.ceqanet.opr.ca.gov/279232-3/attachment/Y-fDOcUWazHEYVW3VYATxeZLKfBxVFXsnskGhxbB58q6LgBYa61HwWox08qGljWuYubStUT_qg6R15r70).

- goals;<sup>3</sup> project-level mitigation recommended under SCAG's RTP/SCS, particularly those related to project-level mitigation for air quality, GHGs, transportation, and other relevant resources.<sup>4</sup>
- b. The SEIR should consider VMT and GHG reduction measures urged by the California Air Pollution Control Officers Association ("CAPCOA"), particularly those related to transportation, land use, energy, and other relevant subsectors.<sup>5</sup>
  - c. The SEIR should consider all relevant local actions suggested in the California Air Resources Board ("CARB") Scoping Plans, particularly those intended to reduced VMTs and promote affordable housing.<sup>6</sup>

In conclusion, Petitioners thank the City for the opportunity to provide these comments. Petitioners look forward to participating in the review process for the SEIR and Project. This office requests all notices concerning any CEQA/land use actions involving the Project and Project Approvals as required under applicable law. (See e.g., Pub. Res. Code §§ 21092.2, 21167(f); Gov. Code § 65092.) Please send notice by electronic and regular mail and inform us of any fees associated with this request. Thank you for consideration of these comments. We ask that this letter be placed in the Project's administrative record.

Sincerely,



---

Jordan R. Sisson  
Attorney for Petitioners

---

<sup>3</sup> See e.g., 2024 RTP/SCS, pp. 12, 85, 88-112, 90, 113-121, 126-135 (listing various goals, subgoals, regional policies, and implementing strategies, particularly those related to Communities goal and Mobility TDMs), <https://scag.ca.gov/sites/default/files/2024-05/23-2987-connect-socal-2024-final-complete-040424.pdf>;

<sup>4</sup> 2024 RTP/SCS, p. 110 (RTP/SCS subject to Program Environmental Impact Report ("PEIR"), which includes Mitigation Monitoring and Reporting Program ("MMRP") that identifies various project-level mitigation measures ("PMM(s)") that can be implemented by local governments); <https://scag.ca.gov/sites/default/files/2024-05/23-2987-connect-socal-2024-final-complete-040424.pdf>; see also SCAG (Apr. 2024) MMRP for the 2024 RTP/SCS PEIR, pp. A-3 – A-47 (PMMs related to Agriculture and Forestry, Air Quality, Biological Resources, GHG, Transportation, and Utilities and Service Systems), [https://scag.ca.gov/sites/default/files/2024-05/exhibit\\_a\\_mmrp\\_508\\_final.pdf](https://scag.ca.gov/sites/default/files/2024-05/exhibit_a_mmrp_508_final.pdf); SCAG (May 2020) MMRP for the 2020 RTP/SCS PEIR, pp. 2-52 (same), [https://scag.ca.gov/sites/default/files/2024-05/exhibit-a\\_connectsocal\\_peir.pdf](https://scag.ca.gov/sites/default/files/2024-05/exhibit-a_connectsocal_peir.pdf).

<sup>5</sup> CAPCOA (Dec. 2021) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, pp. 28-30, 45-49 (listing measures), pp. 50-373 (discussing individual measures), [https://www.airquality.org/ClimateChange/Documents/Final%20Handbook\\_AB434.pdf](https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf); see also CAPCOA (Aug. 2010) Quantifying GHGs and Mitigation, pp. 64-74, 82-84 (listing measures), 94-486 (discussing individual measures), <https://www.contracosta.ca.gov/DocumentCenter/View/34123/CAPCOA-2010-GHG-Quantification-PDF>

<sup>6</sup> See e.g., CARB 2017 Scoping Plan, Appendix B (Local Action), pp. 1-10, [https://ww3.arb.ca.gov/cc/scopingplan/2030sp\\_appb\\_localaction\\_final.pdf](https://ww3.arb.ca.gov/cc/scopingplan/2030sp_appb_localaction_final.pdf); CARB 2022 Scoping Plan, Appendix D (Local Action), pp. 11-12, 22-23, <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>.

