

Local Government Tribal Consultation List Request

Native American Heritage Commission

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nahc@nahc.ca.gov

Type of List Requested

CEQA Tribal Consultation List (AB 52) – *Per Public Resources Code § 21080.3.1, subs. (b), (d), (e) and 21080.3.2*

General Plan (SB 18) - *Per Government Code § 65352.3.*

Local Action Type:

___ General Plan ___ General Plan Element ___ General Plan Amendment

___ Specific Plan ___ Specific Plan Amendment ___ Pre-planning Outreach Activity

Required Information

Project Title: _____

Local Government/Lead Agency: _____

Contact Person: _____

Street Address: _____

City: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

Specific Area Subject to Proposed Action

County: _____ City/Community: _____

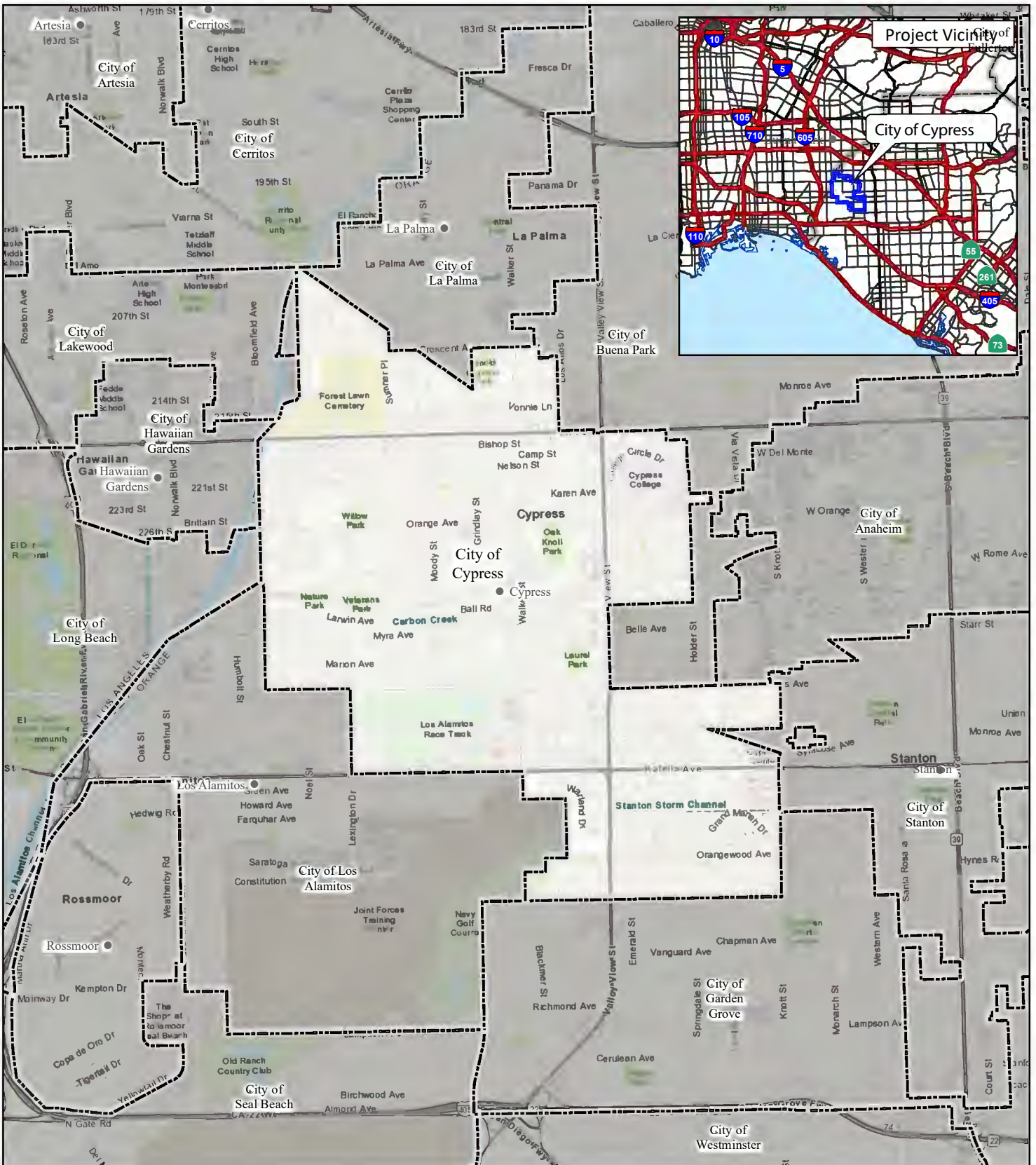
Project Description:

Additional Request

Sacred Lands File Search - *Required Information:*

USGS Quadrangle Name(s): _____

Township: _____ Range: _____ Section(s): _____



LSA

LEGEND
 - - - - City Boundary

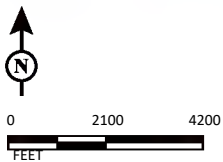


FIGURE 1

Cypress Housing Element Implementation
 Regional Location

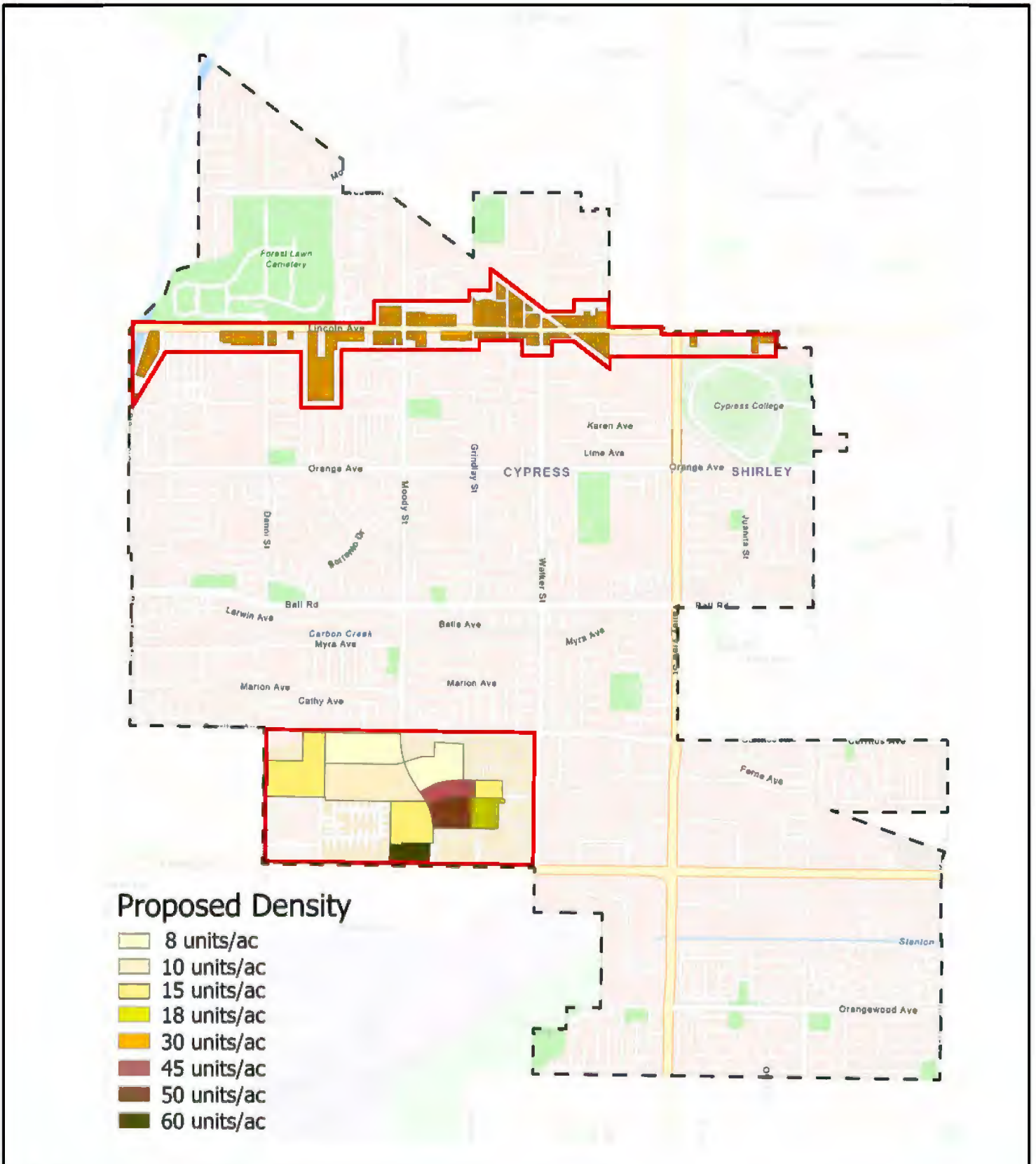


FIGURE 2

LSA

LEGEND

- City Boundary
- Project Sites



Cypress Housing Element Implementation
Opportunity Sites



NATIVE AMERICAN HERITAGE COMMISSION

April 28, 2023

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5275 Orange Ave.
Cypress, CA 90630

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Re: 2023040560, Cypress Housing Element Implementation, Orange County

Dear Ms. Velasco:

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](#)

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, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

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

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

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

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

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

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

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

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

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (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.

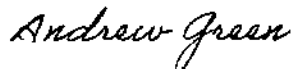
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated 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.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

**Native American Heritage Commission
Tribal Consultation List
Orange County
9/6/2022**

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Mission Indians**

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This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Cypress Housing Element Implementation Project, Orange County.

**Native American Heritage Commission
Tribal Consultation List
Orange County
9/6/2022**

**La Posta Band of Diegueno
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This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Cypress Housing Element Implementation Project, Orange County.



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Robert Pinto, Chairperson
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Michael Garcia, Vice Chairperson
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Pinto and Vice Chairperson Garcia:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

The City is proposing updates to the Land Use Element of its General Plan, the Lincoln Avenue Specific Plan, the Cypress Town Center and Commons Specific Plan 2.0 (CTCC Specific Plan), the Cypress Business and Professional Center Specific Plan, and the City's Zoning Ordinance to reflect the 2021–2029 Housing Element adopted on June 27, 2022. The 2021–2029 Housing Element identifies several adequate sites that are able to accommodate the development of up to 1,946 new housing units, but the City has a large unaccommodated housing need of 1,990 units in order to meet its regional housing need allocation of 3,936 units.

The 2021–2029 Housing Element includes a policy that requires that a rezoning program be undertaken during the early portion of the 6th Cycle Planning Period to ensure internal consistency between the various elements of the City's General Plan, its Specific Plans, and its Zoning Ordinance. In addition, the 2021–2029 Housing Element contains several programs that require amendments to the City's General Plan, Specific Plans, and Zoning Ordinance to ensure the provision of adequate and appropriate sites for future housing development to accommodate the City's unmet housing

needs. Future discretionary governmental approval of site-specific housing projects, including those proposing a density bonus component, will require review in accordance with CEQA.

The 2021–2029 Housing Element identified two different potential rezoning scenarios that would provide the development capacity needed to accommodate the City’s share of the region’s housing needs, one of which was selected as the preferred scenario and has been identified as the proposed project for purposes of CEQA.¹ Figure 1, Opportunity Sites, shows the locations of the opportunity sites and their proposed densities under the proposed project. The proposed project divides the City’s Regional Housing Needs Allocation (RHNA) between the CTCC Specific Plan, Cypress Business and Professional Center Specific Plan area and Lincoln Avenue Specific Plan area.

Located on the Los Alamitos Race Course site, the CTCC Specific Plan currently allows the development of residential units throughout seven districts which range in density from 8 dwelling units per acre (du/ac) to approximately 17 du/ac. As currently approved, the CTCC Specific Plan utilizes maximum density requirements in various districts as well as a maximum unit cap of 1,250 units in the CTCC Specific Plan area.² Under the proposed project, approximately 7.6 acres within the CTCC Specific Plan’s Single Family Detached District would be rezoned to create a new High Density Residential District, allowing a density of 45 du/ac to accommodate an estimated 273 units. Additionally, the allowable density within the Town Center District would be increased to 50 du/ac to accommodate an estimated 280 new units. The allowable densities within the remaining districts of the CTCC Specific Plan would remain unchanged, except that the unit cap would be removed to allow development within these districts up to the existing maximum allowable density regardless of the number of units already developed within the CTCC Specific Plan area. With these proposed changes, an estimated 1,926 units could be accommodated within the CTCC Specific Plan area.

The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

Under the proposed project, the remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan. The Lincoln Avenue Specific Plan currently allows for residential development at 30 du/ac within the R-30 and Residential Mixed Use districts. The proposed project would expand the maximum allowable density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area. With these amendments, the Lincoln Avenue Specific Plan could accommodate approximately 1,643 units.

¹ The second rezoning scenario included in the 2021–2029 Housing Element will be evaluated as a project alternative in the EIR being prepared for the implementation of the 2021–2029 Housing Element.

² While the unit cap within the CTCC Specific Plan is 1,250 units, the City has approved the 135-unit Cypress Town Center project which has been included as an entitled project. Therefore, there are 1,115 remaining units that may be permitted within the CTCC Specific Plan as currently adopted.

The proposed project involves the adoption of citywide programmatic policy documents and is intended to facilitate housing development opportunities. Future project-specific actions would be subject to the regulations contained in the adopted General Plan, Specific Plans, and Zoning Code, as necessary.

A search of the Sacred Lands Files conducted by the Native American Heritage Commission was negative for the presence of tribal cultural resources within the project site (City limits).

In summary, the City is reaching out to invite your tribe to participate in formal tribal consultation pursuant to AB 52 and/or SB 18 for the proposed project. The proposed project involves rezoning and specific plan amendments to allow for higher density housing than current regulations allow in certain areas already approved for housing. The proposed project would also allow for residential development in certain areas where currently only non-residential development is allowed.

If you would like to participate in formal tribal consultation for this proposed project pursuant to AB 52 and/or SB 18, please contact me via email at avelasco@cypressca.org. You may also call me at (714) 229-6720 for additional information.

Should your tribe participate in the consultation process, please know that at your request, any sensitive information you share with the City regarding cultural places and/or sacred sites will be kept strictly confidential and will not be divulged to the public. Thank you for your participation in this process.

Sincerely,

Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Charles Alvarez
Gabrieleño Tongva Tribe
23454 Vanowen Street
West Hills, CA 91307

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18
 for the Cypress Housing Element Update Implementation Project, Cypress, Orange
 County, California

Dear Mr. Alvarez:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

The City is proposing updates to the Land Use Element of its General Plan, the Lincoln Avenue Specific Plan, the Cypress Town Center and Commons Specific Plan 2.0 (CTCC Specific Plan), the Cypress Business and Professional Center Specific Plan, and the City's Zoning Ordinance to reflect the 2021–2029 Housing Element adopted on June 27, 2022. The 2021–2029 Housing Element identifies several adequate sites that are able to accommodate the development of up to 1,946 new housing units, but the City has a large unaccommodated housing need of 1,990 units in order to meet its regional housing need allocation of 3,936 units.

The 2021–2029 Housing Element includes a policy that requires that a rezoning program be undertaken during the early portion of the 6th Cycle Planning Period to ensure internal consistency between the various elements of the City's General Plan, its Specific Plans, and its Zoning Ordinance. In addition, the 2021–2029 Housing Element contains several programs that require amendments to the City's General Plan, Specific Plans, and Zoning Ordinance to ensure the provision of adequate and appropriate sites for future housing development to accommodate the City's unmet housing

needs. Future discretionary governmental approval of site-specific housing projects, including those proposing a density bonus component, will require review in accordance with CEQA.

The 2021–2029 Housing Element identified two different potential rezoning scenarios that would provide the development capacity needed to accommodate the City’s share of the region’s housing needs, one of which was selected as the preferred scenario and has been identified as the proposed project for purposes of CEQA.¹ Figure 1, Opportunity Sites, shows the locations of the opportunity sites and their proposed densities under the proposed project. The proposed project divides the City’s Regional Housing Needs Allocation (RHNA) between the CTCC Specific Plan, Cypress Business and Professional Center Specific Plan area and Lincoln Avenue Specific Plan area.

Located on the Los Alamitos Race Course site, the CTCC Specific Plan currently allows the development of residential units throughout seven districts which range in density from 8 dwelling units per acre (du/ac) to approximately 17 du/ac. As currently approved, the CTCC Specific Plan utilizes maximum density requirements in various districts as well as a maximum unit cap of 1,250 units in the CTCC Specific Plan area.² Under the proposed project, approximately 7.6 acres within the CTCC Specific Plan’s Single Family Detached District would be rezoned to create a new High Density Residential District, allowing a density of 45 du/ac to accommodate an estimated 273 units. Additionally, the allowable density within the Town Center District would be increased to 50 du/ac to accommodate an estimated 280 new units. The allowable densities within the remaining districts of the CTCC Specific Plan would remain unchanged, except that the unit cap would be removed to allow development within these districts up to the existing maximum allowable density regardless of the number of units already developed within the CTCC Specific Plan area. With these proposed changes, an estimated 1,926 units could be accommodated within the CTCC Specific Plan area.

The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

Under the proposed project, the remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan. The Lincoln Avenue Specific Plan currently allows for residential development at 30 du/ac within the R-30 and Residential Mixed Use districts. The proposed project would expand the maximum allowable density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area. With these amendments, the Lincoln Avenue Specific Plan could accommodate approximately 1,643 units.

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Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Sandonne Goad, Chairperson
Gabrieleño/Tongva Nation
106 ½ Judge John Aiso Street, #231
Los Angeles, CA 90012

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18
 for the Cypress Housing Element Update Implementation Project, Cypress, Orange
 County, California

Dear Chairperson Goad:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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needs. Future discretionary governmental approval of site-specific housing projects, including those proposing a density bonus component, will require review in accordance with CEQA.

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Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Robert Dorame, Chairperson
Gabrieleño Tongva Indians of California Tribal Council
P.O. Box 490
Bellflower, CA 90707

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Dorame:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

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Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Christina Conley, Tribal Consultant and Administrator
Gabrieleño Tongva Indians of California Tribal Council
P.O. Box 941078
Simi Valley, CA 93094

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Ms. Conley:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Anthony Morales, Chairperson
Gabrieleño/Tongva San Gabriel Band of Mission Indians
P.O. Box 693
San Gabriel, CA 91778

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Morales:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

Under the proposed project, the remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan. The Lincoln Avenue Specific Plan currently allows for residential development at 30 du/ac within the R-30 and Residential Mixed Use districts. The proposed project would expand the maximum allowable density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area. With these amendments, the Lincoln Avenue Specific Plan could accommodate approximately 1,643 units.

¹ The second rezoning scenario included in the 2021–2029 Housing Element will be evaluated as a project alternative in the EIR being prepared for the implementation of the 2021–2029 Housing Element.

² While the unit cap within the CTCC Specific Plan is 1,250 units, the City has approved the 135-unit Cypress Town Center project which has been included as an entitled project. Therefore, there are 1,115 remaining units that may be permitted within the CTCC Specific Plan as currently adopted.

The proposed project involves the adoption of citywide programmatic policy documents and is intended to facilitate housing development opportunities. Future project-specific actions would be subject to the regulations contained in the adopted General Plan, Specific Plans, and Zoning Code, as necessary.

A search of the Sacred Lands Files conducted by the Native American Heritage Commission was negative for the presence of tribal cultural resources within the project site (City limits).

In summary, the City is reaching out to invite your tribe to participate in formal tribal consultation pursuant to AB 52 and/or SB 18 for the proposed project. The proposed project involves rezoning and specific plan amendments to allow for higher density housing than current regulations allow in certain areas already approved for housing. The proposed project would also allow for residential development in certain areas where currently only non-residential development is allowed.

If you would like to participate in formal tribal consultation for this proposed project pursuant to AB 52 and/or SB 18, please contact me via email at avelasco@cypressca.org. You may also call me at (714) 229-6720 for additional information.

Should your tribe participate in the consultation process, please know that at your request, any sensitive information you share with the City regarding cultural places and/or sacred sites will be kept strictly confidential and will not be divulged to the public. Thank you for your participation in this process.

Sincerely,

Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Andrew Salas, Chairperson
Gabrieleño Band of Mission Indians – Kizh Nation
P.O. Box 393
Covina, CA 91723

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Salas:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

The City is proposing updates to the Land Use Element of its General Plan, the Lincoln Avenue Specific Plan, the Cypress Town Center and Commons Specific Plan 2.0 (CTCC Specific Plan), the Cypress Business and Professional Center Specific Plan, and the City's Zoning Ordinance to reflect the 2021–2029 Housing Element adopted on June 27, 2022. The 2021–2029 Housing Element identifies several adequate sites that are able to accommodate the development of up to 1,946 new housing units, but the City has a large unaccommodated housing need of 1,990 units in order to meet its regional housing need allocation of 3,936 units.

The 2021–2029 Housing Element includes a policy that requires that a rezoning program be undertaken during the early portion of the 6th Cycle Planning Period to ensure internal consistency between the various elements of the City's General Plan, its Specific Plans, and its Zoning Ordinance. In addition, the 2021–2029 Housing Element contains several programs that require amendments to the City's General Plan, Specific Plans, and Zoning Ordinance to ensure the provision of adequate and appropriate sites for future housing development to accommodate the City's unmet housing

needs. Future discretionary governmental approval of site-specific housing projects, including those proposing a density bonus component, will require review in accordance with CEQA.

The 2021–2029 Housing Element identified two different potential rezoning scenarios that would provide the development capacity needed to accommodate the City’s share of the region’s housing needs, one of which was selected as the preferred scenario and has been identified as the proposed project for purposes of CEQA.¹ Figure 1, Opportunity Sites, shows the locations of the opportunity sites and their proposed densities under the proposed project. The proposed project divides the City’s Regional Housing Needs Allocation (RHNA) between the CTCC Specific Plan, Cypress Business and Professional Center Specific Plan area and Lincoln Avenue Specific Plan area.

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The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

Under the proposed project, the remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan. The Lincoln Avenue Specific Plan currently allows for residential development at 30 du/ac within the R-30 and Residential Mixed Use districts. The proposed project would expand the maximum allowable density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area. With these amendments, the Lincoln Avenue Specific Plan could accommodate approximately 1,643 units.

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² While the unit cap within the CTCC Specific Plan is 1,250 units, the City has approved the 135-unit Cypress Town Center project which has been included as an entitled project. Therefore, there are 1,115 remaining units that may be permitted within the CTCC Specific Plan as currently adopted.

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A search of the Sacred Lands Files conducted by the Native American Heritage Commission was negative for the presence of tribal cultural resources within the project site (City limits).

In summary, the City is reaching out to invite your tribe to participate in formal tribal consultation pursuant to AB 52 and/or SB 18 for the proposed project. The proposed project involves rezoning and specific plan amendments to allow for higher density housing than current regulations allow in certain areas already approved for housing. The proposed project would also allow for residential development in certain areas where currently only non-residential development is allowed.

If you would like to participate in formal tribal consultation for this proposed project pursuant to AB 52 and/or SB 18, please contact me via email at avelasco@cypressca.org. You may also call me at (714) 229-6720 for additional information.

Should your tribe participate in the consultation process, please know that at your request, any sensitive information you share with the City regarding cultural places and/or sacred sites will be kept strictly confidential and will not be divulged to the public. Thank you for your participation in this process.

Sincerely,

Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



GABRIELENO 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

November 17, 2022

Project Name: Cypress Housing Element Update Implementation Project, Cypress, Orange County,
California

Thank you for your letter dated November 8, 2022. Regarding the project above. This is to
concur that we agree with the Housing Element Update. However, our Tribal government would like to
request consultation for all future projects within this location.

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation

Andrew Salas, Chairman
Albert Perez, treasurer I

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

Dr. 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



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Matias Belardes, Chairperson
Juaneño Band of Mission Indians Acjachemen Nation - Belardes
32161 Avenida Los Amigos
San Juan Capistrano, CA 92675

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Belardes:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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Under the proposed project, the remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan. The Lincoln Avenue Specific Plan currently allows for residential development at 30 du/ac within the R-30 and Residential Mixed Use districts. The proposed project would expand the maximum allowable density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area. With these amendments, the Lincoln Avenue Specific Plan could accommodate approximately 1,643 units.

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Sincerely,

Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Shasta Gaughen, THPO
Pala Band of Mission Indians
PMB 50, 35008 Pala Temecula Road
Pala, CA 92059

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Ms. Gaughen:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Michael Linton, Chairperson
Mesa Grande Band of Diegueño Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Linton:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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Sincerely,

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Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Angela Elliott Santos, Chairperson
Manzanita Band of Kumeyaay Nation
P.O. Box 1302
Boulevard, CA 91905

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Santos:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

The City is proposing updates to the Land Use Element of its General Plan, the Lincoln Avenue Specific Plan, the Cypress Town Center and Commons Specific Plan 2.0 (CTCC Specific Plan), the Cypress Business and Professional Center Specific Plan, and the City's Zoning Ordinance to reflect the 2021–2029 Housing Element adopted on June 27, 2022. The 2021–2029 Housing Element identifies several adequate sites that are able to accommodate the development of up to 1,946 new housing units, but the City has a large unaccommodated housing need of 1,990 units in order to meet its regional housing need allocation of 3,936 units.

The 2021–2029 Housing Element includes a policy that requires that a rezoning program be undertaken during the early portion of the 6th Cycle Planning Period to ensure internal consistency between the various elements of the City's General Plan, its Specific Plans, and its Zoning Ordinance. In addition, the 2021–2029 Housing Element contains several programs that require amendments to the City's General Plan, Specific Plans, and Zoning Ordinance to ensure the provision of adequate and appropriate sites for future housing development to accommodate the City's unmet housing

needs. Future discretionary governmental approval of site-specific housing projects, including those proposing a density bonus component, will require review in accordance with CEQA.

The 2021–2029 Housing Element identified two different potential rezoning scenarios that would provide the development capacity needed to accommodate the City’s share of the region’s housing needs, one of which was selected as the preferred scenario and has been identified as the proposed project for purposes of CEQA.¹ Figure 1, Opportunity Sites, shows the locations of the opportunity sites and their proposed densities under the proposed project. The proposed project divides the City’s Regional Housing Needs Allocation (RHNA) between the CTCC Specific Plan, Cypress Business and Professional Center Specific Plan area and Lincoln Avenue Specific Plan area.

Located on the Los Alamitos Race Course site, the CTCC Specific Plan currently allows the development of residential units throughout seven districts which range in density from 8 dwelling units per acre (du/ac) to approximately 17 du/ac. As currently approved, the CTCC Specific Plan utilizes maximum density requirements in various districts as well as a maximum unit cap of 1,250 units in the CTCC Specific Plan area.² Under the proposed project, approximately 7.6 acres within the CTCC Specific Plan’s Single Family Detached District would be rezoned to create a new High Density Residential District, allowing a density of 45 du/ac to accommodate an estimated 273 units. Additionally, the allowable density within the Town Center District would be increased to 50 du/ac to accommodate an estimated 280 new units. The allowable densities within the remaining districts of the CTCC Specific Plan would remain unchanged, except that the unit cap would be removed to allow development within these districts up to the existing maximum allowable density regardless of the number of units already developed within the CTCC Specific Plan area. With these proposed changes, an estimated 1,926 units could be accommodated within the CTCC Specific Plan area.

The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

Under the proposed project, the remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan. The Lincoln Avenue Specific Plan currently allows for residential development at 30 du/ac within the R-30 and Residential Mixed Use districts. The proposed project would expand the maximum allowable density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area. With these amendments, the Lincoln Avenue Specific Plan could accommodate approximately 1,643 units.

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² While the unit cap within the CTCC Specific Plan is 1,250 units, the City has approved the 135-unit Cypress Town Center project which has been included as an entitled project. Therefore, there are 1,115 remaining units that may be permitted within the CTCC Specific Plan as currently adopted.

The proposed project involves the adoption of citywide programmatic policy documents and is intended to facilitate housing development opportunities. Future project-specific actions would be subject to the regulations contained in the adopted General Plan, Specific Plans, and Zoning Code, as necessary.

A search of the Sacred Lands Files conducted by the Native American Heritage Commission was negative for the presence of tribal cultural resources within the project site (City limits).

In summary, the City is reaching out to invite your tribe to participate in formal tribal consultation pursuant to AB 52 and/or SB 18 for the proposed project. The proposed project involves rezoning and specific plan amendments to allow for higher density housing than current regulations allow in certain areas already approved for housing. The proposed project would also allow for residential development in certain areas where currently only non-residential development is allowed.

If you would like to participate in formal tribal consultation for this proposed project pursuant to AB 52 and/or SB 18, please contact me via email at avelasco@cypressca.org. You may also call me at (714) 229-6720 for additional information.

Should your tribe participate in the consultation process, please know that at your request, any sensitive information you share with the City regarding cultural places and/or sacred sites will be kept strictly confidential and will not be divulged to the public. Thank you for your participation in this process.

Sincerely,

Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Isaiah Vivanco, Chairperson
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92583

Joseph Ontiveros, Cultural Resource Director
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92583

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Vivanco and Mr. Ontiveros:

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Sincerely,

Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Lovina Redner, Tribal Chair
Santa Rosa Band of Cahuilla Indians
P.O. Box 391820
Anza, CA 92539

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Tribal Chair Redner:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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needs. Future discretionary governmental approval of site-specific housing projects, including those proposing a density bonus component, will require review in accordance with CEQA.

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The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

Under the proposed project, the remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan. The Lincoln Avenue Specific Plan currently allows for residential development at 30 du/ac within the R-30 and Residential Mixed Use districts. The proposed project would expand the maximum allowable density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area. With these amendments, the Lincoln Avenue Specific Plan could accommodate approximately 1,643 units.

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Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Heidi Lucero, Chairperson
Juaneño Band of Mission Indians Acjachemen Nation 84A
31411-A La Matanza Street
San Juan Capistrano, CA 92675

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Lucero:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

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The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

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CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Gwendolyn Parada, Chairperson
La Posta Band of Diegueño Mission Indians
8 Crestwood Road
Boulevard, CA 91905

Javaughn Miller, Tribal Administrator
La Posta Band of Diegueño Mission Indians
8 Crestwood Road
Boulevard, CA 91905

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

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In summary, the City is reaching out to invite your tribe to participate in formal tribal consultation pursuant to AB 52 and/or SB 18 for the proposed project. The proposed project involves rezoning and specific plan amendments to allow for higher density housing than current regulations allow in certain areas already approved for housing. The proposed project would also allow for residential development in certain areas where currently only non-residential development is allowed.

If you would like to participate in formal tribal consultation for this proposed project pursuant to AB 52 and/or SB 18, please contact me via email at avelasco@cypressca.org. You may also call me at (714) 229-6720 for additional information.

Should your tribe participate in the consultation process, please know that at your request, any sensitive information you share with the City regarding cultural places and/or sacred sites will be kept strictly confidential and will not be divulged to the public. Thank you for your participation in this process.

Sincerely,

Alicia Velasco
Planning Director

Attachment: Figure 1 – Opportunity Sites



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 8, 2022

Isaiah Vivanco, Chairperson
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92583

Joseph Ontiveros, Cultural Resource Director
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92583

Subject: Project Notification and Invitation to Consult under Assembly Bill 52 and Senate Bill 18 for the Cypress Housing Element Update Implementation Project, Cypress, Orange County, California

Dear Chairperson Vivanco and Mr. Ontiveros:

This letter is to notify you of the proposed Cypress Housing Element Update Implementation Project (project) in Cypress, California, and to formally invite you to request consultation with the City of Cypress (City) regarding the project pursuant to Assembly Bill 52 ([AB 52] Gatto 2014) and Senate Bill 18 ([SB 18] Burton 2004). AB 52 requires local governments to invite Native American tribes identified by the Native American Heritage Commission (NAHC) to participate in consultation during the California Environmental Quality Act (CEQA) process for the purpose of preserving or mitigating potential impacts from a project to Native American cultural places. Pursuant to Public Resources Code Section 21080.3.1(d), you have 30 days from receipt of this letter to respond in writing if you would like to consult on this project pursuant to AB 52. SB 18 requires local governments to invite Native American tribes identified by the NAHC to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The NAHC has identified your tribe as having traditional lands or cultural places in the project vicinity. The proposed project involves an amendment to the City's General Plan and multiple specific plans and is therefore subject to the requirements of SB 18.

The City is proposing updates to the Land Use Element of its General Plan, the Lincoln Avenue Specific Plan, the Cypress Town Center and Commons Specific Plan 2.0 (CTCC Specific Plan), the Cypress Business and Professional Center Specific Plan, and the City's Zoning Ordinance to reflect the 2021–2029 Housing Element adopted on June 27, 2022. The 2021–2029 Housing Element identifies several adequate sites that are able to accommodate the development of up to 1,946 new housing units, but the City has a large unaccommodated housing need of 1,990 units in order to meet its regional housing need allocation of 3,936 units.

The 2021–2029 Housing Element includes a policy that requires that a rezoning program be undertaken during the early portion of the 6th Cycle Planning Period to ensure internal consistency between the various elements of the City's General Plan, its Specific Plans, and its Zoning Ordinance. In addition, the 2021–2029 Housing Element contains several programs that require amendments to the City's General Plan, Specific Plans, and Zoning Ordinance to ensure the provision of adequate and appropriate sites for future housing development to accommodate the City's unmet housing

needs. Future discretionary governmental approval of site-specific housing projects, including those proposing a density bonus component, will require review in accordance with CEQA.

The 2021–2029 Housing Element identified two different potential rezoning scenarios that would provide the development capacity needed to accommodate the City’s share of the region’s housing needs, one of which was selected as the preferred scenario and has been identified as the proposed project for purposes of CEQA.¹ Figure 1, Opportunity Sites, shows the locations of the opportunity sites and their proposed densities under the proposed project. The proposed project divides the City’s Regional Housing Needs Allocation (RHNA) between the CTCC Specific Plan, Cypress Business and Professional Center Specific Plan area and Lincoln Avenue Specific Plan area.

Located on the Los Alamitos Race Course site, the CTCC Specific Plan currently allows the development of residential units throughout seven districts which range in density from 8 dwelling units per acre (du/ac) to approximately 17 du/ac. As currently approved, the CTCC Specific Plan utilizes maximum density requirements in various districts as well as a maximum unit cap of 1,250 units in the CTCC Specific Plan area.² Under the proposed project, approximately 7.6 acres within the CTCC Specific Plan’s Single Family Detached District would be rezoned to create a new High Density Residential District, allowing a density of 45 du/ac to accommodate an estimated 273 units. Additionally, the allowable density within the Town Center District would be increased to 50 du/ac to accommodate an estimated 280 new units. The allowable densities within the remaining districts of the CTCC Specific Plan would remain unchanged, except that the unit cap would be removed to allow development within these districts up to the existing maximum allowable density regardless of the number of units already developed within the CTCC Specific Plan area. With these proposed changes, an estimated 1,926 units could be accommodated within the CTCC Specific Plan area.

The proposed project also includes one opportunity site on Katella Avenue adjacent to the CTCC Specific Plan area (Site #115, 4955 Katella) in the Cypress Business and Professional Center Specific Plan. The Cypress Business and Professional Center Specific Plan area limits residential land uses to Senior Housing. The zoning on this parcel would be amended from a Professional Office/Hotel and Support Commercial zoning designation to allow residential densities of up to 60 du/ac, which would accommodate an estimated 321 units.

Under the proposed project, the remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan. The Lincoln Avenue Specific Plan currently allows for residential development at 30 du/ac within the R-30 and Residential Mixed Use districts. The proposed project would expand the maximum allowable density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area. With these amendments, the Lincoln Avenue Specific Plan could accommodate approximately 1,643 units.

¹ The second rezoning scenario included in the 2021–2029 Housing Element will be evaluated as a project alternative in the EIR being prepared for the implementation of the 2021–2029 Housing Element.

² While the unit cap within the CTCC Specific Plan is 1,250 units, the City has approved the 135-unit Cypress Town Center project which has been included as an entitled project. Therefore, there are 1,115 remaining units that may be permitted within the CTCC Specific Plan as currently adopted.

The proposed project involves the adoption of citywide programmatic policy documents and is intended to facilitate housing development opportunities. Future project-specific actions would be subject to the regulations contained in the adopted General Plan, Specific Plans, and Zoning Code, as necessary.

A search of the Sacred Lands Files conducted by the Native American Heritage Commission was negative for the presence of tribal cultural resources within the project site (City limits).

In summary, the City is reaching out to invite your tribe to participate in formal tribal consultation pursuant to AB 52 and/or SB 18 for the proposed project. The proposed project involves rezoning and specific plan amendments to allow for higher density housing than current regulations allow in certain areas already approved for housing. The proposed project would also allow for residential development in certain areas where currently only non-residential development is allowed.

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Sincerely,

Alicia Velasco
Planning Director

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