

POSTED

FILED

MAY 24 2022

MAY 24 2022

HUGH NGUYEN, CLERK.

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

Recorded In Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



50.00

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202285000456 12:00 pm 05/24/22

446 NC-2 Z01

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BY:

BY: DEPUTY



CITY OF ANAHEIM NOTICE OF DETERMINATION

To: Orange County Clerk Recorder
County Administration South
601 N Ross Street
Santa Ana, CA 92701

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Anaheim
Planning & Building Department
200 S. Anaheim Blvd., MS 162
Anaheim, CA 92805

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Lead Agency: City of Anaheim

PROJECT TITLE & FILE NUMBER:	Beach Boulevard Specific Plan (BBSP) Environmental Impact Report No. 2017-00350	STATE CLEARINGHOUSE NO. 2017041042
	39 Commons Phase 2 (Retail Component) Project <ul style="list-style-type: none"> • Development Project No. 2019-00186 • Development Project No. 2022-00026 • Development Project No. 2022-00027 • Development Project No. 2022-00029 	

PROJECT LOCATION: The BBSP Project Area encompasses approximately 283 acres along an approximately 1.5-mile portion of Beach Boulevard/State Route 39 (SR-39) in the City of Anaheim, County of Orange, California. The segment of Beach Boulevard within the Project Area borders the City of Buena Park to the north and the City of Stanton to the south. Major cross streets along the corridor within the City limits include Ball Road, Orange Avenue, and Lincoln Avenue. Existing uses within the Project Area include hospitality, commercial, residential, office, recreational, and institutional facilities. Points of interest within the area include Twila Reid Park, Schweitzer Park, West Anaheim Medical Center, and the West Anaheim Youth Center.

The project site is approximately 19.79 acres in size and located at 200-224 North Beach Boulevard, approximately 157 feet north of the intersection of Beach Boulevard and

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**CITY OF ANAHEIM
NOTICE OF DETERMINATION**

Lincoln Avenue. (APNs 258-011-17, -21, -25, -31 and 258-031-05) The Project Site is located within the BBSP Area in the City of Anaheim, Orange County.

PROJECT DESCRIPTION: The BBSP will guide future development of properties along Beach Boulevard in the City of Anaheim. The BBSP establishes a community-driven vision for future development of this area. This vision is supported by new development standards, permitted and prohibited uses, design guidelines, sustainable practices, economic development incentives, and capital improvements that improve the quality of life for all future users of the corridor.

The 39 Commons Phase 2 (Retail Component) project implements the BBSP, by constructing a commercial center with five buildings totaling 21,654 square feet on the 4.86-acre project site. The project would include three “pad buildings” with drive-through restaurants (Pads A, B, and C) and two “shop buildings” (Shops 1 and 2). Pad A would consist of a 3,879 square-foot drive-thru restaurant and patio space. Pad B would consist of a 2,575 square-foot building with a drive-thru restaurant and patio space. Pad C would consist of a 2,000 square-foot drive-thru restaurant and patio space. Shop 1 would be an 8,400 square-foot building with patio space and five suites for commercial tenants. Shop 2 would be a 4,800 square-foot building with three suites for commercial tenants. The 39 Commons Phase 2 (Retail Component) Project is subject to the following discretionary approvals:

- Development Project No. 2019-00186: The applicant requests approval of the following entitlements: i) Final Site Plan No. 2021-00001 to permit a development project within the Beach Boulevard Specific Plan; and ii) Conditional Use Permit No. 2021-06114 to permit a drive-through restaurant (Pad A).
- Development Project No. 2022-00026: The applicant requests approval of a conditional use permit to permit a drive-through restaurant (Pad B).
- Development Project No. 2022-00027: The applicant requests approval of a conditional use permit to permit a drive-through restaurant (Pad C).
- Development Project No. 2022-00029: The applicant requests approval of Tentative Tract Map to permit the subdivision of the property into four lots for the purpose of commercial development.

APPLICANT:	Brett Foy Zelman 39 Commons, LLC	PHONE NUMBER: (213) 533-8119
ADDRESS:	2400 E. Katella Ave., Suite 760 Anaheim, CA	ZIP CODE: 92806

PROJECT APPROVAL: This is to advise that on November 20, 2018, the Anaheim City Council, at its meeting, adopted a resolution determining that an Environmental Impact Report was the appropriate environmental documentation for this request per the California Environmental Quality Act (CEQA) and approved the Beach

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**CITY OF ANAHEIM
NOTICE OF DETERMINATION**

Boulevard

The following determinations were made regarding the Beach Boulevard Specific Plan Project:

- (a) The project will have a significant effect on the environment.
- (b) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- (c) A Mitigation Monitoring Program was adopted for this project.
- (d) Mitigation Measures were made a condition of the approval of the project.
- (e) A Statement of Overriding Considerations was adopted for this project.
- (f) Findings were made pursuant to the provisions of CEQA.

On May 09, 2022, the Anaheim Planning Commission, at its meeting approved a resolution determining that the previously certified EIR No. 350 for the BBSP Project, adequately analyzed the 39 Commons Phase 2 (Retail Component) pursuant to CEQA Guidelines Section 15162 and 15168; and, approved Development Project No. 2019-00186, Development Project No. 2022-00026, Development Project No. 2022-00027 and Development Project No. 2022-00029

The following determinations were made regarding the 39 Commons Phase 2 (Retail Component) project:

- (a) An Initial Study Checklist has been prepared for the 39 Commons Phase 2 (Retail Component) project pursuant to CEQA Guidelines Section 15162 and 15168 to determine that
- (b) The Initial Study Checklist confirmed that none of the circumstances set forth in Section 15162 and 15168 of the CEQA Guidelines were present and no further environmental review is necessary.
- (c) Mitigation Measures were made a condition of approval for the project.

[Signature]
Authorized Signature – Planning Department

05/24/2022

Date

Heather Allen, Principal Planner

714-765-4958

Print Name & Title

Staff Phone Number & Extension

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HUGH NGUYEN, CLERK-RECORDER

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

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**CITY OF ANAHEIM
NOTICE OF DETERMINATION**

Fish & Wildlife Fees Applicable:

- Negative Declaration/Mitigated Negative Declaration
- Environmental Impact Report
- Check
- Credit Card
- No Effect Determination (see attached)

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Hugh Nguyen, Clerk-Recorder

MAY 24 2022

MAY 24 2022



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HUGH NGUYEN, CLERK-RECORDER

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

201885001389 9:27 am 12/19/18

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390 NC-2 Z01

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CITY OF ANAHEIM
NOTICE OF DETERMINATION

30-2018-1-8122-02
2278

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Orange County Clerk-Recorder
12 Civic Center Plaza, Room 106
Santa Ana, CA 92701

From: City of Anaheim
Planning Department
200 S. Anaheim Blvd., MS 162
Anaheim, CA 92805

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the
Public Resources Code.

Lead Agency: City of Anaheim

PROJECT TITLE & FILE NUMBER:	STATE CLEARINGHOUSE NO.
Beach Boulevard Specific Plan Environmental Impact Report No. 2017-00350 Zoning Code Amendment No. 2017-00137 Reclassification No. 2017-00304 Development Project No. 2015-00014	2017041042

PROJECT LOCATION: The Beach Boulevard Specific Plan Project is located in the City of Anaheim, County of Orange, California.

The Beach Boulevard Specific Plan (Project Area) encompasses approximately 283 acres along an approximately 1.5-mile portion of Beach Boulevard/State Route 39 (SR-39) in the City of Anaheim. The segment of Beach Boulevard within the Project Area borders the City of Buena Park to the north and the City of Stanton to the south. Major cross streets along the corridor within the City limits include Ball Road, Orange Avenue, and Lincoln Avenue. Existing uses within the Project Area include hospitality, commercial, residential, office, recreational, and institutional facilities. Points of interest within the area include Twila Reid Park, Schweitzer Park, West Anaheim Medical Center, and the West Anaheim Youth Center.

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BY: MM DEPUTY



**CITY OF ANAHEIM
NOTICE OF DETERMINATION**

PROJECT DESCRIPTION: This is a City-initiated request to approve the Beach Boulevard Specific Plan (BBSP) Project, which would guide future development of properties along Beach Boulevard in the City of Anaheim. The BBSP establishes a community-driven vision for future development of this area. This vision is supported by new development standards, permitted and prohibited uses, design guidelines, sustainable practices, economic development incentives, and capital improvements that improve the quality of life for all future users of the corridor.

Approval of the Beach Boulevard Specific Plan Project includes approval of the following:

- Environmental Impact Report No.2017-00350: Analyzes and discloses the environmental effects of implementation of the BBSP, in accordance with the California Environmental Quality Act (CEQA). Significant effects on the environment anticipated because of implementation of this project include air quality, greenhouse gas emissions, and transportation and traffic. The draft environmental impact report was circulated for a 45-day public review period which concluded on October 8, 2018. The proposed certification of the EIR No. 350 includes adoption of a Water Supply Assessment, Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring Program No. 342.
- General Plan Amendment No. 2015-00500: Amends the General Plan Land Use, Circulation, Green, Economic Development, and Community Design Elements to provide consistency with the Beach Boulevard Specific Plan.
- Specific Plan Amendment No. 2017-00001: Revitalize the Beach Boulevard Specific Plan Area as a safe, attractive, and economically thriving corridor in the heart of West Anaheim. Also, encourage a balanced mix of uses including a variety of housing types consistent with the City's adopted Housing Element, contributing to a balance of land uses throughout the City.
- Zoning Code Amendment No. 2017-00137 and Reclassification No. 2017-00304: Amends Title 18 (Zoning) of the Anaheim Municipal Code (Chapter 18.122 Beach Boulevard Specific Plan (SP2017-01) Zoning and Development Standards) and apply the chapter's zoning and development standards to those properties within the Beach Boulevard Specific Plan Area. These properties, which are currently classified under the "RM-2" Multiple-Family Residential Zone, "RM-3" Multiple-Family Residential Zone, "RM-4" Multiple-Family Residential Zone, "C-G" General Commercial Zone, "O-L" Low Intensity Office Zone and "T" Transition Zone, would be reclassified to SP2017-1 with nine unique Development Areas (DA), as previously described. The proposed reclassification is necessary to ensure that all properties located within the BBSP Area will be consistent with the proposed General Plan Amendment and for the orderly and proper development of the BBSP Area. The BBSP will implement the General Plan's residential, mixed-use, commercial, office, institutional, parks, and water land use designations through its nine DAs.

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BY: MM DEPUTY



**CITY OF ANAHEIM
NOTICE OF DETERMINATION**

APPLICANT:	City of Anaheim Planning and Building Department	PHONE NUMBER: 714-765-4671
ADDRESS:	200 South Anaheim Blvd Anaheim, CA	ZIP CODE: 92805

PROJECT APPROVAL: This is to advise that:

- On November 20, 2018, the Anaheim City Council, at its meeting, adopted a resolution determining that an Environmental Impact Report was the appropriate environmental documentation for this request per the California Environmental Quality Act and approved the Beach Boulevard Specific Plan, including the adoption of resolutions for the subject Environmental Impact Report, General Plan Amendment, Specific Plan Amendment, and introduction of Ordinances for the Subject Zoning Code Amendment and Reclassification; and,
- On December 17, 2018, the Anaheim City Council, at its meeting, adopted Ordinances for the Subject Zoning Code Amendment and Reclassification and determined that the previously-certified Environmental Impact Report was the appropriate environmental documentation for the adoption of said ordinances.

The following determinations were made regarding the Beach Boulevard Specific Plan Project:

- (a) The project will have a significant effect on the environment.
- (b) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- (c) A Mitigation Monitoring Program was adopted for this project.
- (d) Mitigation Measures were made a condition of the approval of the project.
- (e) A Statement of Overriding Considerations was adopted for this project.
- (f) Findings were made pursuant to the provisions of CEQA.

This is to certify that the Environmental Impact Report, with comments and responses, and a record of project approvals are available to the general public during regular business hours at the Planning Department, 200 S. Anaheim Blvd., Anaheim, CA 92805.

	12/18/18
Authorized Signature – Planning Department	Date
Susan Kim, Principal Planner	714-765-4958
Print Name & Title	Staff Phone Number & Extension

Attached: California Department of Fish and Wildlife CEQA Filing Fee No Effect Determination



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



CEQA Filing Fee No Effect Determination

Applicant Name and Address:

City of Anaheim
 200 N. Anaheim, Boulevard
 Anaheim, CA 92805

CEQA Lead Agency: City of Anaheim

Project Title: Beach Boulevard Specific Plan

CEQA Document Type: Environmental Impact Report

State Clearinghouse Number/local agency ID number: SCH No. 2017041042

Project Location: The Beach Boulevard Specific Plan Area (Project Area) encompasses approximately 283 acres along an approximately 1.5-mile portion of Beach Boulevard-State Route 39 (SR-39) in the City of Anaheim, Orange County. Beach Boulevard is an eight-lane divided highway that connects the cities of Huntington Beach, Westminster, Garden Grove, Stanton, Anaheim, Buena Park, Fullerton, La Mirada, and La Habra.

Regional access to the Project Area is provided by State Route 91 (SR-91) and Interstate 5 (I-5) to the north through the City of Buena Park. To the south, it connects to state Route 22 (SR-22) and Interstate 405 (I-405) through the cities of Stanton and Westminster, the route terminates at State Route 1 (Pacific Coast Highway) in Huntington Beach. Figure 1, Regional Location, depicts the regional location of the Project Area and surrounding cities.

The segment of Beach Boulevard within the Project Area borders the City of Buena Park to the north and the City of Stanton to the south. Major cross streets along the corridor within the City limits include Ball Road, Orange Avenue, and Lincoln Avenue.

Brief Project Description: The Proposed Project consists of the adoption and implementation of a specific plan for the Project Area. The Beach Boulevard Specific Plan (BBSF) would guide future development within 283 acres along the Beach Boulevard corridor in the City of Anaheim. The proposed Specific Plan would establish a community-driven vision supported by new development standards, permitted and prohibited uses, design guidelines, sustainable practices, economic development incentives, and capital improvements that improve the quality of life for all future users of the corridor.

The Specific Plan establishes permitted uses, development standards, and design criteria regulating/guiding site planning, building design, parking, architectural treatment, landscaping, and circulation improvements on which subsequent, project-related development will be founded. It is intended that design review plans, detailed site plans, grading and building permits, or any other action requirement ministerial or discretionary approval applicable to the project area will need to be consistent with the Specific Plan.

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DEC 19 2018

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BY: MM DEPUTY

Conserving California's Wildlife Since 1870

Determination: Based on a review of the project as proposed, the Department of Fish and Wildlife has determined that for purposes of the assessment of CEQA filing fees (Fish & G. Code, § 711.4, subd. (c)) the project has no effect on fish, wildlife or their habitat and the project as described does not require payment of a CEQA filing fee. This determination does not in any way imply that the project is exempt from CEQA and does not determine the significance of any potential project effects evaluated pursuant to CEQA.

Please retain this original determination for your records. Local lead agencies are required to file two copies of this determination with the county clerk at the time of filing the Notice of Determination (NOD) after the project is approved. State lead agencies are required to file two copies of this determination with the Governor's Office of Planning and Research (i.e., State Clearinghouse) at the time of filing the NOD. If you do not file a copy of this determination as appropriate with the county clerk or State Clearinghouse at the time of filing the NOD, the appropriate CEQA filing fee will be due and payable.

Without a valid CEQA Filing Fee No Effect Determination form or proof of fee payment, the project will not be operative, vested, or final and any local permits issued for the project will be invalid, pursuant to Fish and Game Code section 711.4, subdivision (c)(3).

Approved by:  Date: 10/11/2018
Signature
Jennifer Turner, Environmental Scientist
Name, Title

FOR COUNTY CLERK USE ONLY

Stamp or initial inside the box to indicate acceptance of this signed No Effect Determination in lieu of a CEQA Document Filing Fee.

County Clerk Stamp or Initial

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DEC 19 2018

HUGH NGUYEN, CLERK-RECORDER

BY: MM DEPUTY

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DEC 19 2018

HUGH NGUYEN, CLERK-RECORDER

BY: MM DEPUTY



State of California - Department of Fish and Wildlife
2018 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/18) Previously DFG 753.5a



RECEIPT NUMBER:
 30-2018 2278
 STATE CLEARINGHOUSE NUMBER (if applicable)
 2017041042

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF ANAHEIM	LEAD AGENCY EMAIL	DATE 12/19/2018
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COUNTY/STATE AGENCY OF FILING Orange	DOCUMENT NUMBER 201885001389
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PROJECT TITLE
BEACH BOULEVARD SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT NO. 2017-00350 ZONING CODE AMENDMENT NO. 2017-00137 RECLASSIFICATION NO. 2017-00304 DEVELOPMENT PROJECT NO. 2015-00014

PROJECT APPLICANT NAME CITY OF ANAHEIM	PROJECT APPLICANT EMAIL	PHONE NUMBER (714) 765-4958
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PROJECT APPLICANT ADDRESS 200 S. ANAHEIM BLVD. MS 162	CITY ANAHEIM	STATE CA	ZIP CODE 92805
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PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,168.00 \$ _____ 0.00
- Mitigated/Negative Declaration (MND)(ND) \$2,280.75 \$ _____ 0.00
- Certified Regulatory Program document (CRP) \$1,077.00 \$ _____ 0.00
- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ _____ 0.00
- County documentary handling fee \$ _____ 0.00
- Other \$ _____

PAYMENT METHOD:

Cash Credit Check Other TOTAL RECEIVED \$ _____ 0.00

SIGNATURE x / Nadia Al Obaidi	AGENCY OF FILING PRINTED NAME AND TITLE NADIA AL OBAIDI, DEPUTY CLERK
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Hugh Nguyen

Orange County Clerk - Recorder

P.O. Box 238 Santa Ana, CA 92702

12 Civic Center Plaza, Room 106 Santa Ana, CA 92701

Phone: (714) 834-2500

www.ocrecorder.com

RECEIVED

2019 JAN 30 A 10:46

OFFICE OF CITY CLERK
CITY OF ANAHEIM

CITY OF ANAHEIM
P.O. BOX 3222
ANAHEIM, CA 92803

Office of the Orange County Clerk-Recorder Memorandum

SUBJECT: NOTICE OF DETERMINATION - NO EFFECT

The attached notice was received, filed and a copy was posted on 12/19/2018

It remained posted for 30 (thirty) days.

Hugh Nguyen
Clerk - Recorder
In and for the County of Orange

By: March, Melissa Deputy

Public Resource Code 21092.3

The notice required pursuant to Sections 21080.4 and 21092 for an environmental impact report shall be posted in the office of the County Clerk of each county *** in which the project will be located and shall remain posted for a period of 30 days. The notice required pursuant to Section 21092 for a negative declaration shall be so posted for a period of 20 days, unless otherwise required by law to be posted for 30 days. The County Clerk shall post notices within 24 hours of receipt.

Public Resource Code 21152

All notices filed pursuant to this section shall be available for public inspection, and shall be posted *** within 24 hours of receipt in the office of the County Clerk. Each notice shall remain posted for a period of 30 days.

*** Thereafter, the clerk shall return the notice to the local lead agency *** within a notation of the period it was posted. The local lead agency shall retain the notice for not less than nine months.

Additions or changes by underline; deletions by ***

Orange County
Clerk-Recorder's Office
Hugh Nguyen

601 N. Ross Street
92701

County

Finalization: 20220000189913
5/24/22 12:00 pm
446 NC-2

Item	Title	Count
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1	Z01	1
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EIR: Exempt or Previously Paid

Document ID	Amount
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DOC# 202285000456	50.00
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Time Recorded 12:00 pm

Total	50.00
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Payment Type	Amount
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Check tendered	50.00
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102

Amount Due 0.00

THANK YOU
PLEASE RETAIN THIS RECEIPT
FOR YOUR RECORDS

www.ocrecorder.com

