



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

April 20, 2017

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Adopt Mitigated Negative Declaration ND-01-17; and approve a Conditional Use Permit for a proposed adult daycare facility for 21 individuals in an existing medical office building located at 3311 E. Willow Street in the Medium Industrial (IM) zone. (District 5).

APPLICANT: Aaron Nicholls
Kamus & Keller
31416 Agoura Road, Suite 118
Westlake Village, CA 91361
(Application No. 1606-12)

DISCUSSION

The project site is located on the north side of E. Willow Street between Redondo and Temple Avenues (Exhibit A – Location Map). The site is improved with a 3,960-square-foot medical office building on a 12,547-square-foot lot.

The area consists of a variety of industrial uses including a City Utility Yard to the west, an auto auction operation to the north, a moving and storage warehouse to the east, and a business park to the south within the adjacent City of Signal Hill. The proposed adult daycare facility is a conditionally permitted use within a Medium Industrial (IM) zone and is consistent with the City's General Plan Land Use District of General Industry (LUD #9G) which allows for some opportunity to establish commercial uses intended to serve the nearby industries and employees.

The applicant is requesting approval of a Conditional Use Permit (CUP) to establish an adult daycare facility at a former medical office. The facility will operate from 8:00 a.m. to 4:00 p.m. Monday through Friday and would be closed evenings, weekends, and major holidays. The daycare would serve up to 21 clients and be staffed by 10 employees. The employees will consist of seven professionals directly providing care to clients and three administrative staff consisting of a Program Director, Case Manager, and Administrative Assistant.

Interior and minor exterior remodeling of the medical office are proposed (Exhibit B – Plans and Photo). The interior reconfiguration will result in three offices, a media room,

CHAIR AND PLANNING COMMISSIONERS

April 20, 2017

Page 2 of 3

a conference room, a library/iPad room, salon, arts and crafts, a locker area, staff lounge, a kitchen, three restrooms, a storage area, and a reception area. The salon room will be used by the on-site staff to teach clients basic grooming skills. The salon will not be operated for additional commercial purposes and services will be limited to teaching on-site clients.

The exterior improvements will include repainting the building, adding a new metal entry canopy, upgrading an access ramp along the alley, new rooftop mechanical equipment with screening, a new front door, and new upgraded windows. Other exterior improvements include parking lot restriping and landscaping. As conditioned, the project will meet all the City's development standards including building setbacks, parking, and landscaping.

The proposed adult daycare will be operated by Social Vocational Services (SVS), which has over 75 daycare locations throughout California. SVS has an existing operation in Long Beach located at 530 E. Wardlow Road, which has been operating for over 14 years with no active or past code enforcement activity. As reported by the applicant, this facility has also been in compliance with the tri-annual inspections conducted by the State Department of Social Services- Community Care Licensing Division.

An initial study and environmental review was prepared for this project to further evaluate land use compatibility of the project with its surroundings. Specifically, the clients being cared for at the daycare facility are considered potential sensitive receptors particularly in an industrial area with land uses that typically generate higher levels of air pollutants. In addition to the adjacent uses to the site, other close proximity uses of potential concern include the 405 Freeway and the Long Beach Airport. Mitigation measures required for the project have been incorporated as conditions of approval to address the impacts on biological resources and hazardous materials as further described in the environmental review portion below. In addition to the mitigation measures outlined in the MND, staff has also provided conditions of approval to improve the air quality for the clients at the facility by incorporating air filters in their mechanical equipment and to keep the windows closed during their business operations.

Staff has been able to make positive findings for the Conditional Use Permit and has determined that it will meet the requirements and intent of the City's General Plan and Zoning regulations. Staff has also included conditions of approval to ensure that the objectives of consistent, high-quality design for this project will be met, and the interests of the City will be protected (Exhibit C – Findings & Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on April 3, 2017, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing of this report, staff has received no public inquiries on this project.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a Mitigated Negative Declaration (MND) has been prepared for the project. The MND provided two mitigation measures related to biological resources and hazardous materials, specifically related to disturbing nesting birds during construction and asbestos/lead abatement. The MND was circulated for a 30-day public review period between February 16, 2017 and March 17, 2017 (Exhibit D- ND-01-17 & Exhibit E- Mitigation Monitoring and Reporting Program).

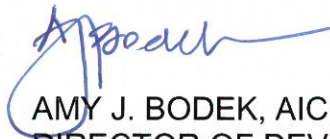
During the circulation of the Draft Initial Study and MND written correspondence was provided by the State Clearinghouse, State Department of Transportation, and the Native American Heritage Commission (Exhibit F- Environmental Review Correspondence).

The Final MND determined that the project, in compliance with all recommended mitigation measures, would not result in any significant adverse environmental impacts. The preparation and public availability of this MND have been carried out in compliance with the provisions of CEQA and the CEQA Guidelines. Staff therefore recommends the Planning Commission adopt ND 01-17 and approve a Conditional Use Permit for a proposed adult daycare facility for 21 individuals in an existing medical office building located at 3311 E. Willow Street within the Medium Industrial (IM) zone.

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



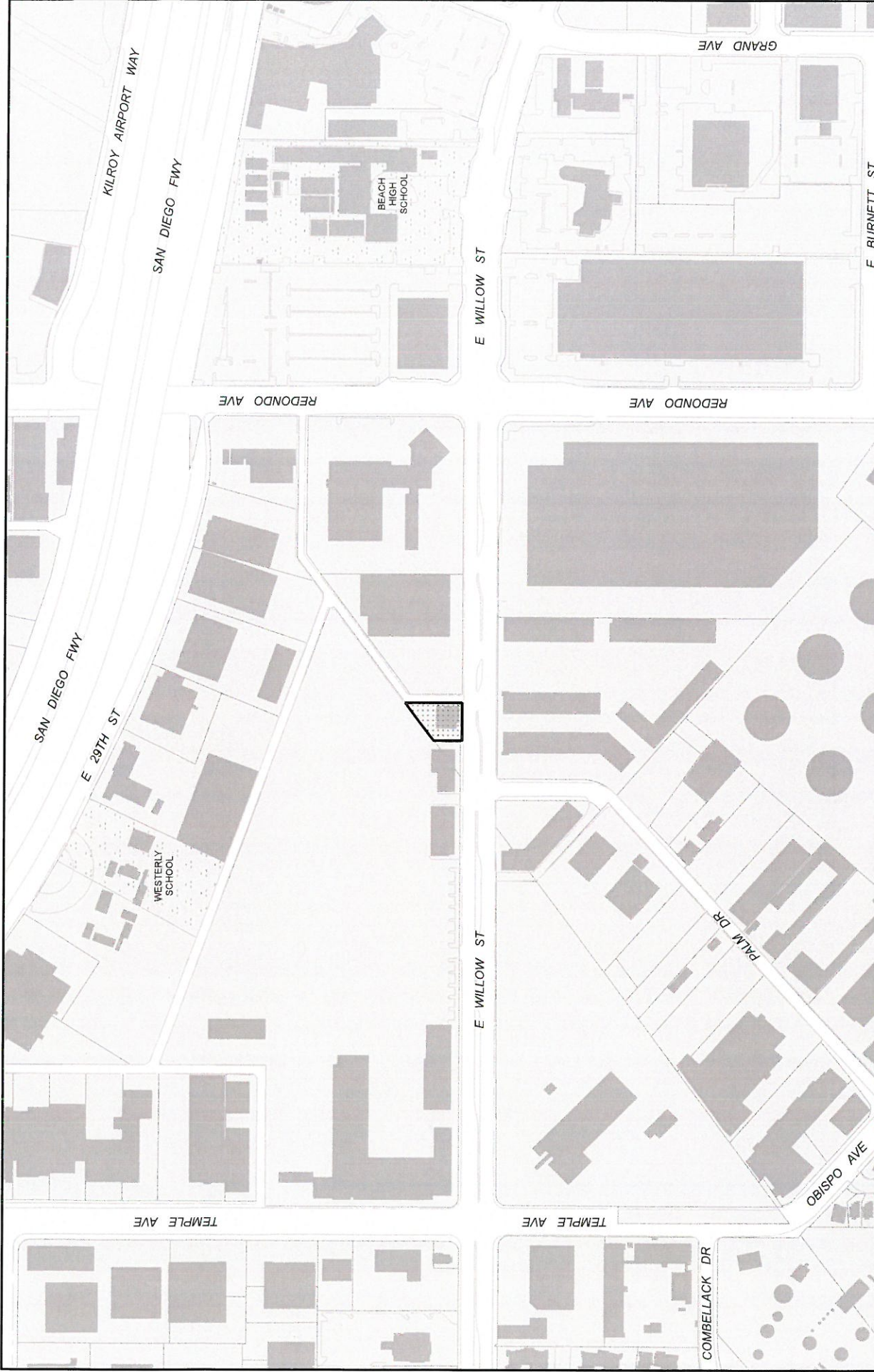
AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:nv

P:\Planning\Entitlement Applications\2016\1606-12 3311 E. Willow St\Staff Report 1606-12.docx

Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans and Photos
- Exhibit C – Findings & Conditions of Approval
- Exhibit D – Mitigated Negative Declaration ND-01-17
- Exhibit E – Mitigation Monitoring and Reporting Program
- Exhibit F – State Clearinghouse Correspondence



Subject Property:
3311 E Willow St
Application No. 1606-12
Council District 5
Zoning Code : IM

Exhibit A



**CONDITIONAL USE PERMIT
FINDINGS**

**3311 E. Willow Street
Application No. 1606-12
April 20, 2017**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;

The project site is located in Land Use District #9G– General Industry. LUD #9G is intended for a wide variety of industrial uses varying from light to heavy. The underlying zoning of the property is Medium Industrial (IM) which allows some opportunity to establish office and commercial uses intended to serve the nearby industries and employees.

A daycare facility is a use which can be established through the City's Conditional Use Permit process. The City defines daycare as a facility which provides non-medical care for an individual on less than a twenty-four basis.

The proposed adult daycare d.b.a. Social Vocation Services (SVS) will provide an added level of commercial service to the area and is consistent with the General Plan. Furthermore, all proposed interior and exterior improvements for the site will also meet the requirements of the City's Zoning regulations including building setbacks, parking, landscaping.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND

SVS has over 75 locations throughout California and 1 existing location in Long Beach (530 E. Wardlow Road). This location has been in good standing for over 14 years and has met the annual licensing requirements required from the Department of Social Services- Community Care Licensing Division. The proposed location at 3311 E. Willow Street will be operated in the same manner as the existing location.

The area consists of a variety of industrial uses including a City Utility Yard to the west, an auto auction to the north, a moving and storage warehouse to the east, and a business industrial park to the south (Signal Hill jurisdiction). Other near proximity uses of potential concern include the 405 freeway and the Long Beach Airport.

An initial study and environmental review was prepared for this project to further evaluate land use compatibility of the project with its surroundings. Specifically, the clients being cared for at the daycare facility are considered potential sensitive receptors particularly in an industrial area with land uses that typically generate higher levels of air pollutants.

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a Mitigated Negative Declaration (MND) has been prepared for the project. The MND provided two mitigation measures related to biological resources and hazardous materials, specifically related to disturbing nesting birds during construction and asbestos/lead abatement. These mitigation measures are included as conditions of approval for the project. The MND finds that by implementing identified mitigation measures the project will not result in significant environmental effects to the environment. The MND was circulated for a 30-day public review period between February 16, 2017 and March 17, 2017 (Exhibit D-ND-01-17 & Exhibit E- Mitigation Monitoring and Reporting Program).

The proposed adult daycare is not anticipated to be detrimental to the surrounding community.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.

There are no special conditions imposed for daycare facilities.

CONDITIONS OF APPROVAL

3311 E. Willow Street

Application No: 1606-12

Date: April 20, 2017

1. A request to establish a Conditional Use Permit for a proposed adult daycare facility for 21 individuals in an existing medical office building located at 3311 E. Willow Street zoned in the Medium Industrial (IM) zone.
2. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written request approved by the Zoning Administrator, submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
4. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
5. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
6. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
7. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must

be printed on the site plan or a subsequent reference page.

8. The Director of Long Beach Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
9. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
10. Any graffiti found on site must be removed within 24 hours of its appearance.
11. Site development, including landscaping, shall conform to the approved plans on file with Long Beach Development Services. At least one set of approved plans containing Planning, Building, Fire, and, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
12. All proposed landscaping shall be subject to Chapter 21.42 of the Zoning Code. Landscape plan shall provide plant type factor, maximum applied water allowance, and estimated total water usage ETWU.
13. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
14. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
15. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
16. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
17. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or

proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

18. To comply with Mitigation Measure Bio-1, limit all initial ground disturbing activities, including tree removal, to the time period between September 1 and January 31. A qualified biologist shall prepare a pre-construction survey if initial site disturbance cannot be conducted during the time specified above. The project proponent shall record the results of protective measures to document compliance with applicable state and federal laws and California Department of Fish & Wildlife requirements pertaining to protection of native birds.
19. To comply with Mitigation Measure Bio-1, the applicant shall avoid disturbance of nesting and special-status birds, including raptorial species protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Commission (CFGF), activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 30). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 3 days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the Project Boundary, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/ nesting is completed and the young
20. To comply with Mitigation Measure Haz-1, the applicant must conduct testing for lead based paint asbestos containing materials prior to any demolition of the existing building. If no materials are found, the applicant shall provide a

letter from a qualified abatement consultant that no asbestos or lead is present in the buildings. If contaminants are found to be present, a qualified abatement consultant shall remove the materials in compliance with the South Coast Air Quality Management District's Rule 1403. Once removed, the applicant shall provide proof of remediation in order to obtain building permits.

21. Install and maintain Minimum Efficiency Reporting Value (MERV) rated or High Efficiency Particulate Arrestance (HEPA) air filtration equipment exceeding the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 52.2 (MERV) of 11 or higher.
22. The windows shall be closed during the hours of operation from Monday to Friday, 8:00 a.m. to 4:00 p.m. to allow the Heating Ventilation Air Conditioning (HVAC) system and filtration equipment to clean the indoor air.

Public Works Department

23. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).
24. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements during plan check, the right-of-way dedication shall be provided.
25. The Developer shall repair the cracked and uplifted section of sidewalk pavement adjacent to the site on E. Willow Street. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
26. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. All off-site improvements adjacent to the development site, and/or along the truck delivery route found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
27. The Developer shall provide for the resetting to grade of existing utility vaults, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
28. Public improvements shall be constructed in accordance with City standards per plans reviewed and approved by the Public Works. Detailed off-site

improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.

29. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
30. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
31. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify the existing curb marking zones, adjacent to the site.

Gas & Oil Department

32. There is an existing 1-1/4" gas service line within the project limits that may be in conflict. Please maintain minimum separations from gas meter to any openings or electrical panels. To further review and coordinate the scope and potential costs involved with the work on the gas facilities, please have applicant/developer/owner establish contact as soon as possible by calling (562) 570-5991 to initiate an investigation with an assigned LBGO inspector. The assigned LBGO inspector will be the point of contact and will engage additional resources as required depending on project details.

Mitigation Monitoring and Reporting Program

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Final Initial Study-Mitigated Negative Declaration (Final IS-MND), specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in this Mitigation Monitoring and Reporting Program.

| Mitigation Measure/ Condition of Approval | Action Required | Monitoring Timing | Monitoring Frequency | Responsible Agency | Compliance Verification | |
|--|-----------------|-------------------|----------------------|--------------------|-------------------------|----------|
| | | | | | Initial | Comments |

BIOLOGICAL RESOURCES

BIO-1: Nesting Birds

To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 30). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 3 days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the Project Boundary, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/ nesting is completed and the young

Limit all initial ground disturbing activities, including tree removal, to the time period between September 1 and January 31.
A qualified biologist shall prepare a pre-construction survey if initial site disturbance cannot be conducted during the time specified above.
The project proponent shall record the results of protective measures to document compliance with applicable state and federal laws and CDFW requirements pertaining to protection of native birds.

Monitor ground disturbing activities schedule prior to construction.
Review pre-construction survey no more than two weeks prior to construction
Review record of protective measures upon notice of located active bird nests.

City of Long Beach, Development Services Department

Once

| Mitigation Measure/ Condition of Approval | Action Required | Monitoring Timing | Monitoring Frequency | Responsible Agency | Compliance Verification | |
|--|-----------------|-------------------|----------------------|--------------------|-------------------------|--------------------|
| | | | | | Initial | Date Comments |

have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-1 Asbestos and Lead Based Paint

The applicant must conduct testing for lead based paint asbestos containing materials prior to any demolition of the existing building. If no materials are found, the applicant shall provide a letter from a qualified abatement consultant that no asbestos or lead is present in the buildings. If contaminants are found to be present, a qualified abatement consultant shall remove the materials in compliance with the South Coast Air Quality Management District's Rule 1403. Once removed, the applicant shall provide proof of remediation in order to obtain building permits.

Prior to construction, verify the applicant has conducted asbestos and lead paint surveys. If contaminants are found, verify completed abatement.

Prior to issuance of any permits.

Once
City of Long Beach, Development Services Department



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EXHIBIT F



KEN ALEX
DIRECTOR

March 20, 2017

Craig Chalfant
City of Long Beach
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Subject: 3311 East Willow Street Adult Day Care
SCH#: 2017021057

Dear Craig Chalfant:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 17, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017021057
Project Title 3311 East Willow Street Adult Day Care
Lead Agency Long Beach, City of

Type MND Mitigated Negative Declaration
Description The project includes remodeling of the existing building located at 3311 East Willow St and reorganization of the parking lot. The building was previously used as a physical therapy center and is proposed to be utilized as an adult day care facility. The proposed project would remodel the exterior and interior of the building while leaving the exterior structure intact. Building square footage would remain 3,960 sf. The existing lot would be repaved and restriped to allow for fourteen parking spaces, including one van accessible parking space. The applicant plans to install new parking lot lighting and upgrade current electrical panels.

Lead Agency Contact

Name Craig Chalfant
Agency City of Long Beach
Phone (562) 570-6368 **Fax**
email
Address 333 W. Ocean Boulevard, 5th Floor
City Long Beach **State** CA **Zip** 90802

Project Location

County Los Angeles
City Long Beach
Region
Lat / Long 33° 48' 17" N / 118° 09' 15" W
Cross Streets Nearest-Willow St/Redondo Ave
Parcel No. 7212-22-017
Township **Range** **Section** **Base**

Proximity to:

Highways I-405
Airports Long Beach Intl
Railways
Waterways
Schools Westerly School of LB
Land Use Medium industrial district

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Water Quality; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Native American Heritage Commission

Date Received 02/16/2017 **Start of Review** 02/16/2017 **End of Review** 03/17/2017

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



Governor's Office of Planning & Research

MAR 03 2017

STATE CLEARINGHOUSE

February 28, 2017

Craig Chalfant
City of Long Beach
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802

Clear

3/17/17

Re: SCH# 2017021057 3311 East Willow Street Adult Day Care, Los Angeles County.

Dear Mr. Chalfant:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration (MND) prepared for the project referenced above.

The California Environmental Quality Act (CEQA)¹, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.² 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.³ In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).⁴ AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for "tribal cultural resources", that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁵ Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966⁶ may also apply.

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

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

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

Please contact me at katy.sanchez@nahc.ca.gov or call (916) 373-3712, if you have any questions.

Sincerely,

Katy Sanchez
Katy Sanchez
Associate Environmental Planner

Attachment

cc: State Clearinghouse

¹ Pub. Resources Code § 21000 et seq.

² Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

³ Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

⁴ Government Code 65352.3

⁵ Pub. Resources Code § 21074

⁶ Pub. Resources Code § 21084.2

⁷ Pub. Resources Code § 21084.3 (a)

⁸ 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

Pertinent Statutory Information:

Under AB 52:

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

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

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project,⁹ and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."¹⁰

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.¹²

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (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.¹³

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

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.¹⁴

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.¹⁵

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.¹⁶

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b).¹⁷

An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.¹⁸

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

Under SB 18:

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

⁹ Pub. Resources Code § 21080.3.1, subs. (d) and (e)

¹⁰ Pub. Resources Code § 21080.3.1 (b)

¹¹ Pub. Resources Code § 21080.3.2 (a)

¹² Pub. Resources Code § 21080.3.2 (a)

¹³ Pub. Resources Code § 21082.3 (c)(1)

¹⁴ Pub. Resources Code § 21082.3 (b)

¹⁵ Pub. Resources Code § 21080.3.2 (b)

¹⁶ Pub. Resources Code § 21082.3 (a)

¹⁷ Pub. Resources Code § 21082.3 (e)

¹⁸ Pub. Resources Code § 21082.3 (d)

- SB 18 applies to local governments and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.¹⁹
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,²⁰ the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.²¹
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
 - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - 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.²²

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
 - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
 - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - If part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have been already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.²³
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁴

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

¹⁹ (Gov. Code § 65352.3 (a)(2)).

²⁰ pursuant to Gov. Code section 65040.2,

²¹ (Gov. Code § 65352.3 (b)).

²² (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

²³ (Civ. Code § 815.3 (c)).

²⁴ (Pub. Resources Code § 5097.991).

- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.²⁵ In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- o 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.
- o 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 section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

²⁵ per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

DEPARTMENT OF TRANSPORTATION

District 7 – Office of Regional Planning
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-0673
FAX (213) 897-1337
www.dot.ca.gov



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Governor's Office of Planning & Research

MAR 01 2017

STATE CLEARINGHOUSE

March 01, 2017

Mr. Craig Chalfant
City of Long Beach
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

RE: 3311 East Willow Street Adult Day
Care Facility
Mitigated Negative Declaration
SCH#2017021057
GTS#07-LA-2017-00657-FL
Vic. LA/ 405/ PM 4.216

Dear Mr. Chalfant:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project.

The proposed project would remodel the exterior and interior of the building while leaving the exterior structure intact. Also, the existing parking lot would be repaved and restriped, and install new lighting and upgrade current electrical panels. Vehicular access to the site is provided via a "right-turn in only" driveway on E. Willow Street and existing alley. The building was previously used as a physical therapy center and is proposed to be utilized as an adult day care facility.

The nearest facilities to the proposed project is I-405. Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities.

Caltrans acknowledges that in the Focused Traffic Analysis dated December 20, 2016 indicated that the project consumers (up to 21 consumers) would be transported to and from the project site via the use of five (5) passenger vans that are owned and operated by Social Vocational Services (SVS), the project applicant. These vans will operate Monday through Friday from 8AM to 4PM, closed evenings, weekends and all holidays, except occasional Community Integration activities (drive out into the community).

As a reminder, any transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. Caltrans recommends that large size truck trips be limited to off-peak commute periods.

Mr. Craig Chalfant

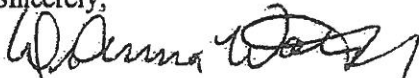
03/01/2017

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Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that project needs to be designed to discharge clean run-off water, and it is not permitted to discharge onto State highway facilities.

If you have any questions or concerns regarding these comments, please contact project coordinator, Frances Lee at (213) 897-0673 or electronically at frances.lee@dot.ca.gov.

Sincerely,



DIANNA WATSON

Branch Chief, Community Planning & LD IGR Review

cc: Scott Morgan, State Clearinghouse