

SB 18 and AB 52 Project Notification



CITY OF LONG BEACH

LONG BEACH DEVELOPMENT SERVICES

333 W. Ocean Blvd. - Long Beach, CA 90802 - 562/570-6194 - FAX 562/570-6068

PLANNING BUREAU

July 17, 2018

*Via U.S. Mail and Certified Mail, Return Receipt Requested
(No. 7017 3040 0000 4494 2234)*

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

**RE: SB 18 and AB 52 Project Notification
Application No. Laserfiche Office Project (Application No. 1804-14)**

Dear Mr. Salas:

This letter is to notify you of the proposed Laserfiche Office Project (Proposed Project) in the City of Long Beach (City), Los Angeles County, California. The City, is the lead agency under the California Environmental Quality act for the proposed project.

The Proposed Project is comprised of nine existing parcels located between Locust Avenue and Long Beach Boulevard, South of 35th Street, and north of the I-405 freeway in the central portion of Long Beach (Project Location – Attached). The project location addresses range from 3435-3459 Long Beach Boulevard and 3432-3464 Locust Avenue.

The Proposed Project will consolidate nine existing lots and a portion of an alley into a single parcel to be developed with a four-story, 108,511 square-foot office building and separate 3-story parking structure with one subterranean level of parking.

The project requires the following entitlements and discretionary actions:

Zone Change (ZC) of four existing lots 3435-3459 Long Beach Boulevard from Community Commercial Automobile-Oriented (CCA) District to Community R-4-N Commercial (CCN) District.

Zone Change (ZC) of five existing lots 3432-3464 Locust Avenue from Single-Family Residential District (R-1-N) to Community R-4-N Commercial (CCN) District in conjunction with a General Plan Amendment from LUD 1 (Single Family District) to LUD 8 (Major Commercial Corridor).

Zoning Code Amendment (ZCA) to permit the averaging of setbacks for the proposed office building within the High-Rise Overlay (HR-4) District.

Site Plan Review of a four-story office building ranging in height from 75 to 83 feet in height

and a three-story parking garage with one subterranean level of parking.

Tentative Tract Map (TTM) to create a single lot for development, including vacation of a portion of the alley that runs north-to-south (between Long Beach Boulevard and Locust Street). The alley easement will be maintained.

General Plan Conformity Finding for the vacation of the northern 250' feet of the unnamed alley which runs north to south between E. 35th Street and Wardlow Road.

Since the Proposed Project requires a General Plan Amendment and Zone Change, the City must therefore comply with California Public Resources Code Sections 65352.3- 65352.4 per Senate Bill 18 (SB 18), which requires local governments to conduct meaningful consultation with California Native American tribes on the contact list maintained by the California Native American Heritage Commission prior to approval of the Proposed Project.

This letter also serves to initiate consultation in compliance with Assembly Bill 52 (AB 52, Chapter 532, Statutes of 2014), which is required to consider the Proposed Project potential impacts to tribal cultural resources as part of the CEQA environmental review. To ensure compliance with AB 52 and Public Resources Code Section 21080.3.1, we are requesting any information you may have of tribal cultural resources within the project area boundaries and offer this opportunity to request consultation with the City regarding this Proposed Project.

Your input is important to the City's planning process. We request that you advise the City if you wish to initiate consultations with the City on the Proposed Project. Under the provisions of SB 18, you have 90 days from the date of this notice to advise the City if you are interested in further consultation. Under the provisions of AB 52, you have 30 days from the receipt of this notice to advise the City if you are interested in consultation.

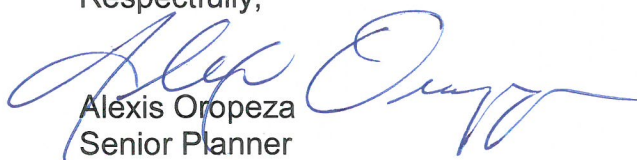
If you know of any cultural resources that may be of religious and/or cultural significance to your community within the Project Area, or if you would like more project information, please contact me by email at alexis.oropeza@longbeach.gov.

You may contact the City by letter:

Alexis Oropeza, Senior Planner
City of Long Beach
Development Services Department, Planning Bureau
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Your comments are important to the City. Thank you for your involvement in this process. You may also reach me by phone at (562) 570-6413.

Respectfully,


Alexis Oropeza
Senior Planner

Attachments: Project Location

Project Location - 3435-3459 Long Beach Boulevard and 3432-3464 Locust Avenue.



Source: HDR



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PLANNING BUREAU

July 17, 2018

*Via U.S. Mail and Certified Mail, Return Receipt Requested
(No. 7017 3040 0000 4494 2203)*

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

**RE: SB 18 and AB 52 Project Notification
Application No. Laserfiche Office Project (Application No. 1804-14)**

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If you know of any cultural resources that may be of religious and/or cultural significance to your community within the Project Area, or if you would like more project information, please contact me by email at alexis.oropeza@longbeach.gov.

You may contact the City by letter:

Alexis Oropeza, Senior Planner
City of Long Beach
Development Services Department, Planning Bureau
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

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Respectfully,



Alexis Oropeza
Senior Planner

Attachments: Project Location

Project Location - 3435-3459 Long Beach Boulevard and 3432-3464 Locust Avenue.



Source: HDR



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July 17, 2018

*Via U.S. Mail and Certified Mail, Return Receipt Requested
(No. 7017 3040 0000 4494 2197)*

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

**RE: SB 18 and AB 52 Project Notification
Application No. Laserfiche Office Project (Application No. 1804-14)**

Dear Mr. Salas:

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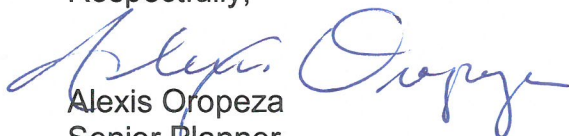
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Alexis Oropeza, Senior Planner
City of Long Beach
Development Services Department, Planning Bureau
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

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Alexis Oropeza
Senior Planner

Attachments: Project Location

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July 17, 2018

*Via U.S. Mail and Certified Mail, Return Receipt Requested
(No. 7017 3040 0000 4494 2210)*

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

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July 17, 2018

*Via U.S. Mail and Certified Mail, Return Receipt Requested
(No. 7017 3040 0000 4494 2227)*

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

**RE: SB 18 and AB 52 Project Notification
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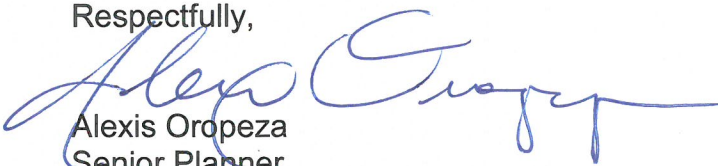
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Development Services Department, Planning Bureau
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

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Respectfully,



Alexis Oropeza
Senior Planner

Attachments: Project Location

Project Location - 3435-3459 Long Beach Boulevard and 3432-3464 Locust Avenue.



Source: HDR

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SB 18 and AB 52 Project Notification Responses



GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

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

City of Long Beach
Development Services
333 W. Ocean Blvd
Long Beach, CA 90802

July 23, 2018

Re: AB52 Consultation request for Laserfiche Office Project

Dear Alexis Oropeza,

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a "no records found" for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. This is the reason the NAHC will always refer the lead agency to the respective Native American Tribe of the area because the NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and are able to provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area. Therefore, to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email gabrielenoindians@yahoo.com to schedule an appointment.

** Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: <http://calepa.ca.gov/Tribal/Training/> or <http://nahc.ca.gov/2015/12/ab-52-tribal-training/>

With Respect,

Andrew Salas, Chairman

Andrew Salas, Chairman

Albert Perez, treasurer

PO Box 393, Covina, CA 91723

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer

www.gabrielenoindians.org

Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the Council of Elders

gabrielenoindians@yahoo.com

Alexis Oropeza

From: Alexis Oropeza
Sent: Monday, August 06, 2018 1:56 PM
To: 'gabrielenoindians@yahoo.com'
Cc: 'Administration Gabrieleno Indians'
Subject: RE: Laserfiche Office Project

Mr. Andrew Salas,

I am writing in response to your letter dated July 23rd requesting consultation pertaining to a pending project (Application No. 1804-14 -Laserfiche Office Project) within the City of Long Beach. Your interest in the project is appreciated and I would like schedule a conference call to initiate the consultation. Would you have availability for this initial consultation next Wednesday, August 15th between 10-11:30 a.m. or Thursday, August 16th after 1 p.m.?

Kind Regards,
Alexis Oropeza

From: Administration Gabrieleno Indians [mailto:admin@gabrielenoindians.org]
Sent: Monday, July 23, 2018 2:04 PM
To: Alexis Oropeza <Alexis.Oropeza@longbeach.gov>
Subject: Laserfinche Office Project

Please see attachment

Sincerely,

Brandy Salas
Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



Original People of Los Angeles County



Map of territories of Original Peoples with county boundaries in Southern California

Alexis Oropeza

From: Alexis Oropeza
Sent: Monday, August 13, 2018 10:03 AM
To: 'gabrielenoindians@yahoo.com'
Subject: Schedule

Mr. Andrew Salas,

i am writing in response to your letter dated July 23rd requesting consultation pertaining to a pending project (Application No. 1804-14 -Laserfiche Office Project) within the City of Long Beach. Your interest in the project is appreciated and I would like schedule a conference call to initiate the consultation. Would you have availability for this initial consultation Wednesday, August 15th between 10-11:30 a.m. or Thursday, August 16th after 1 p.m.? If those days/times do not work for you please let me know your earliest availability.

All the Best,

Alexis Oropeza
Planner V

Long Beach Development Services | Planning Bureau
T 562.570.6413 F 562.570.6068
333 West Ocean Blvd., 5th Floor | Long Beach, CA 90802
Alexis.Oropeza@longbeach.gov | www.lbds.info

Alexis Oropeza

From: Alexis Oropeza
Sent: Monday, August 20, 2018 9:01 AM
To: 'Andrew Salas'
Cc: Administration Gabrieleno Indians; Administration KNRM
Subject: RE: Urgent Project Notification - Schedule Consult

Thank you. I look forward to hearing from them.

All the Best,
Alexis Oropeza

From: Andrew Salas [mailto:gabrielenoindians@yahoo.com]
Sent: Saturday, August 18, 2018 9:48 PM
To: Alexis Oropeza <Alexis.Oropeza@longbeach.gov>
Cc: Administration Gabrieleno Indians <admin@gabrielenoindians.org>; Administration KNRM <admin@knrm-nsn.us>
Subject: Urgent Project Notification - Schedule Consult

Hello Alexis ,
I'll have Vivian Martinez or Brandy Salas schedule a consultation . Thank you

Sent from my iPhone

On Aug 15, 2018, at 5:54 PM, Alexis Oropeza <Alexis.Oropeza@longbeach.gov> wrote:

Mr. Salas,

I am trying to reach you again in response to the interest you expressed in initiating consultation regarding No. 1804-14 (Laserfiche Office Project) in the City of Long Beach.

I would like to schedule a phone conference with you at your earliest convenience on that project. Please let me know your availability.

Also, I tried reaching you earlier today at 626-926-4131 and your voice mail was full. Finally, please advise if there is another contact for you or the Gabrieleno Band of Mission Indians – Khiz Nation that you would prefer I use.

Sincerely,

Alexis Oropeza
Planner V

Long Beach Development Services | Planning Bureau
T 562.570.6413 F 562.570.6068
333 West Ocean Blvd., 5th Floor | Long Beach, CA 90802
Alexis.Oropeza@longbeach.gov | www.lbds.info

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SB 18 and AB 52 Project Notification Follow-up

Alexis Oropeza

From: Alexis Oropeza
Sent: Wednesday, August 15, 2018 4:53 PM
To: 'roadkingcharles@aol.com'
Subject: Project Notification

Mr. Alvarez,

I am writing to verify the mailing address where you would like to receive project notifications pertaining to SB 18 and AB 52.

Thank you,

Alexis Oropeza
Planner V

Long Beach Development Services | Planning Bureau
T 562.570.6413 F 562.570.6068
333 West Ocean Blvd., 5th Floor | Long Beach, CA 90802
Alexis.Oropeza@longbeach.gov | www.lbds.info

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SB 18 and AB 52 Project Notification Additional Correspondence

Alexis Oropeza

From: Andrew Salas <gabrielenoindians@yahoo.com>
Sent: Friday, November 30, 2018 7:35 PM
To: Alexis Oropeza
Cc: Matt Teutimez.Kizh Gabrieleno
Subject: Application No. 1804-14.
Attachments: Kizh Nation Mitigation Measures.pdf

Hello Alexis

Thank you for your email . We spoke with our tribal council today and because this site location is within a village of which some of our members descend from as well as our ancestral territory, we like to recommend this mitigation. Let us know if you have any questions. Thank you

Sent from my iPhone



Gabrieleno Band of Mission Indians – Kizh Nation

Protection of Tribal Cultural Resources (TCRs)

Most Important Things for Agencies to Know About AB52:

- An EIR, MND, or ND can not be certified until AB-52 tribal consultation has concluded.
- Agreed mitigation measures with the tribe, **MUST** be recommended for inclusion in the environmental document.
- Signature confirming acceptance of these mitigation measures recommended by our Tribal Government is required within 14 days of receipt to conclude AB.52 consultation.

Tribal Cultural Resources Mitigation Measures within Kizh Nation Tribal Territory:

Note: To avoid compliance issues with the following laws, all Native American Monitorings shall be conducted by a documented lineal descendant from the ancestral Tribe of the project area (NAGPRA Law 10.14)

- The Native American Graves Protection and Repatriation Act (NAGPRA), Public Law-101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048.
- CEQA Guidelines Section 15064.5, PRC 5097.98 (d)(1).
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

If you are receiving these measures, The Gabrieleno Band of Mission Indians Kizh -Nation are the direct lineal descendants of your project area. The Kizh Nation ONLY responds and consults on projects within their ANCESTRAL tribal territory. Therefore, to remain in compliance with above referenced laws and to enable our Tribe with the ability to protect and preserve our last remaining and irreplaceable Tribal Cultural Resources, it is recommended that the project applicant retain a qualified professional tribal monitor/consultant from the Gabrieleno Band of Mission Indians Kizh -Nation. The Kizh Nation possesses Tribal archives including documented historical information as well as multiple members who possess unique knowledge derived from oral tradition passed down through generations of the Tribe in order to provide the expertise needed to identify whether a project is located within a culturally sensitive area given its proximity to village areas, commerce areas, recreation areas, ceremonial areas, and burial locations.

Native American Heritage Commission (NAHC) Guidelines for Native American Monitors/Consultants (approved 9/13/05): By acting as a liaison between Native American, archaeologist, developers, contactors and public agency, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extent of knowledge that should be expected.

Mitigation Guidelines for Tribal Cultural Resources (TCRs): CEQA now defines TCRs as an independent element separate from archaeological resources. Environmental documents shall address a separate Tribal Cultural Resources section that includes a thorough analysis of the impacts to only TCRs and includes separate and independent mitigation measures created with tribal input under AB-52 consultations. Therefore, all agreements, mitigation, and conditions of approval regarding TCRs shall be handled solely with the Tribal Government and conversely all agreements, mitigation, and conditions of approval regarding Archaeological Resources shall be handled by an Archaeological resource company.



MITIGATION MEASURES

Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and

Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects:

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

**Resource Assessment & Continuation of Work Protocol:**

Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

Kizh-Gabrieleno Procedures for burials and funerary remains:

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

Treatment Measures:

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.



Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Acceptance of Tribal Government Recommended Mitigation Measures:

By _____
Lead Agency Representative Signature

Date: _____

Revised: August 2018

Attachment A