

Appendix B NOP Comment Letters

Appendices

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South Coast Air Quality Management District

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SENT VIA USPS AND E-MAIL:

February 11, 2020

Anita.juhola-garcia@longbeach.gov

Anita Juhola-Garcia, Planner
City of Long Beach, Development Services Department
411 W. Ocean Boulevard
Long Beach, CA 90802

Notice of Preparation of a Draft Environmental Impact Report for the Proposed Century Villages at Cabrillo Specific Plan

The South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the Draft EIR upon its completion and public release. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the Draft EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files¹. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results

¹ Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

Mobile Source Health Risk Assessment

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways and other sources of air pollution such as railroads, South Coast AQMD staff recommends that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse health risk impacts using its best efforts to find out and a good-faith effort at full disclosure in the CEQA document. Based on a review of aerial photographs and Figure 3, *Aerial Photograph*, in the Notice of Preparation, South Coast AQMD staff found that the Proposed Project will be located immediately west of State Route 103 and Union Pacific railroad tracks. Because of the proximity to the potential source of air pollution, residents at the Proposed Project² would be exposed to diesel particulate matter (DPM) emitted from vehicles and locomotives. Diesel particulate matter has been classified by the state as a toxic air contaminant and a carcinogen. Since future residences at the Proposed Project would be exposed to toxic emissions from the nearby sources of air pollution, South Coast AQMD staff recommends that the Lead Agency conduct a health risk assessment (HRA)³ to disclose the potential health risks in the Draft EIR⁴.

²According to the Project Description in the Notice of Preparation, the Proposed Project would include, among others, construction of 750 residential uses on 27 acres.

³ South Coast AQMD. "Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis." Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁴ South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold

Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the South Coast AQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning⁵ in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. South Coast AQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources such as railroad tracks) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance⁶ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

Mitigation Measures

If the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 of South Coast AQMD's CEQA Air Quality Handbook
- South Coast AQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- California Air Pollution Control Officers Association (CAPCOA)'s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Health Risk Reduction Strategies

As stated above, the Proposed Project is located in proximity to State Route 103 and railroad tracks. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping

of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

⁵ South Coast AQMD. Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>

⁶ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

Enhanced filtration systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters⁷, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Furthermore, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic emissions.

Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance and monitoring of filters in the Draft EIR. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to State Route 103 and railroad tracks, the Lead Agency should include the following information in the Draft EIR, at a minimum:

- Disclosure on potential health impacts to prospective residents from living and/or working in proximity to freeways and railroad tracks, and the reduced effectiveness of air filtration system when windows are open and when tenants are outdoor;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to provide periodic, regular inspection on filters;
- Provide information and guidance to the Project developer or proponent on the importance of filter installation and ongoing monitoring and maintenance;
- Provide information to residents about where the MERV filters can be purchased;
- Disclosure on increased costs for purchasing enhanced filtration systems to prospective residents;
- Disclosure on increased energy costs for running the HVAC system with MERV filters to prospective residents;
- Disclosure on recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
- Identification of the responsible entity such as residents, tenants, Homeowner's Association (HOA) or property management to ensure filters are replaced on time, if appropriate and feasible;
- Develop ongoing cost sharing strategies between the HOA and residents/tenants, if available, for replacing the enhanced filtration units;
- Set up criteria for assessing progress in installing, replacing, and maintaining the enhanced filtration units; and

⁷ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

- Set up process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

Alternatives

If the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

If the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit South Coast AQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385.

Data Sources

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD’s Public Information Center at (909) 396-2001. Much of the information available through the Public Information Center is also available at South Coast AQMD’s webpage at: <http://www.aqmd.gov>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that project air quality impacts are accurately evaluated, and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC200204-01

Control Number

DEPARTMENT OF TRANSPORTATION

DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-8391
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



*Serious Drought.
Making Conservation
a California Way of Life.*

February 26, 2020

Ms. Anita Juhola-Garcia, Planner
City of Long Beach
411 W. Ocean Boulevard
Long Beach, CA 90802

RE: Century Villages at
Cabarillo Specific Plan
Vic. LA-103/ PM 1.75, LA-01/PM 8.11
SCH # 2020010387
GTS # LA-2020-03144AL-NOP

Dear Ms. Juhola-Garcia:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Project Applicant is preparing a Specific Plan to redevelop portions of the existing Century Villages at Cabrillo. The Specific Plan is part of a collection of planning documents that effectively guide the services, housing, amenities, and programming for the project site. The Specific Plan would involve the demolition of 215 dwelling units, 10,030 square feet of amenities, 10,200 square feet of education uses, and 7,250 square feet of services and administration, and the development of 750 dwelling units, 77,000 square feet of amenities, 15,000 square feet of educational uses, 17,000 square feet of commercial/retail uses, and 48,000 square feet of administrative and supportive services.

Buildout of the community would result in a total of 1,380 dwelling units, 79,350 square feet of amenities, 15,000 square feet of educational uses, 22,850 square feet of commercial/retail uses, and 67,050 square feet of administrative and supportive services.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference to The Governor's Office of Planning and Research (OPR) for more information.

<http://opr.ca.gov/ceqa/updates/guidelines/>

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, this development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

As a reminder, Vehicle Miles Traveled (VMT) will be the standard transportation analysis metric in CEQA for land use projects after the July 1, 2020 statewide implementation date. Agencies may opt-in prior to that date.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

Overall, the EIR should include Transportation Impact Study (TIS) to ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

We encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

Residential construction next to State Route-103 is an incompatible land use and local jurisdictions may need to require soundwalls. We request that the City exercise its powers and responsibility to minimize the impacts of vehicle noise by requesting that the developer ensure compliance with established noise standards and guidelines. To protect future occupants from potential adverse effects associated with traffic noise levels exceeding these standards, soundwalls may need to be implemented in the zoning, architectural design, and construction of units to lessen future traffic noise controversy.

One of Caltrans' safety concerns is the potential traffic conflict on the State facilities. When this large project is at built-out condition, many project traffic trips would assign to the state facilities, traffic analysis should include queuing analysis to address safety issues to comply with CEQA. The following should be included in the traffic analysis.

1. Caltrans requests information regarding the assignment of direct and cumulative trips to state facilities in the project vicinity.
2. The project proponent may use a 95 percentile to obtain queue length for a queuing analysis. To calculate the baseline condition for total queue length on off-ramps, measure the distance from the intersection to the gore point. Caltrans recommends that any queuing on an off-ramp beyond 85% of this total length be considered a significant impact for direct or cumulative impacts. If Synchro software is used to calculate queue length, then actual signal timing must be used for existing condition. Caltrans recommends the following locations in the off-ramp queuing analysis:
 - a. I-710 NB/SB to W Willow St.,
 - b. I-710 NB/SB to SR-1 (Pacific Coast Highway),
 - c. I-710 NB/SB to W Anaheim St.,
 - d. SR-103 NB to W 20th St.,
 - e. SR-01 WB to San Gabriel Ave., etc.
3. Figure 4, Proposed Site Plan, shows that Williams St. will be extended westward beyond San Gabriel Ave. and project Boundary. Figure 6 Neighborhood Connections, shows that there will be access point from extended Williams St. potentially to NB SR-103. Please clarify this statement as feasibility study for this new access point may be needed.
4. In the event that the project proponent finds a significant impact to an intersection, an Intersection Control Evaluation (ICE) should be prepared as an initial step of an intersection-improvement project.
5. If an impact is identified, Caltrans recommends consideration of the following potential traffic conflict improvement measures:
 - a. Safety sign/Yield Sign, delineation
 - b. Pavement markings
 - c. ADA ramps, pedestrian sidewalk
 - d. Ramp metering
 - e. Intersection control
 - f. Ramp/lane widening. While ramp or lane widening is a potential improvement measure, this measure should be considered as a last resort after first considering measures (a) through (e) above.

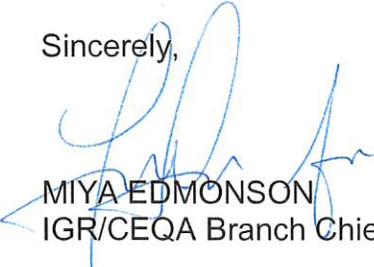
g. Please note that the above is a non-exclusive list of potential improvement measures. The project proponent should consider additional feasible measures.

6. The project proponent may pay 100% of the direct impact and/or fair-share contribution (i.e., a fee program) with cumulative impacts.

A discussion of mitigation measures appropriate to alleviate anticipated traffic impacts should be presented in the traffic study. Any mitigation involving transit or Transportation Demand Management (TDM) is encouraged and should be justified to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access.

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 897-8391 and refer to GTS # LA-2020-03144AL-NOP.

Sincerely,



MIYA EDMONSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



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VIA U.S. MAIL & E-MAIL

November 16, 2020

City of Long Beach Development Services
Attn: Anita Juhola-Garcia, Planner
411 W. Ocean Boulevard
Long Beach, CA 90802
Em: anita.juhola-garcia@longbeach.gov

RE: Century Villages at Cabrillo Specific Plan (SCH #2020010387; GTS #LA-2020-03144A-NOP) – Comments on Notice of Preparation of Environmental Impact Report

Dear Ms. Juhola-Garcia,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Carpenters**”), my Office is submitting these comments on the City of Long Beach (“**City**” or “**Lead Agency**”) Notice of Preparation of an Environmental Impact Report (“**NOP**”) and Initial Study for the Century Villages at Cabrillo Specific Plan (SCH #2020010387; GTS #LA-2020-03144A-NOP (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern California, and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the environmental impact report (“**EIR**”) submitted prior to certification of the EIR for

the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should seriously consider proposing that the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

In addition, the City should require the Project to be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).¹ “Its

¹ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great

purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. The Initial Study Fails to Provide All Required Information

Under CEQA Guidelines § 15063(d), an initial study must include in brief form:

- A description of the project, including its location;
- Identification of the environmental setting;
- Identification of the project's environmental effects by use of a checklist, matrix, or other method, with a brief explanation or reference to indicate the evidence supporting the checklist or matrix entries;
- A discussion of ways to mitigate the significant effects identified in the initial study;
- An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls; and
- The names of the persons who prepared or participated in the initial study.

The Initial Study fails to identify the Project’s environmental settings for each of the impacts discussed. For example, the Initial Study concluded potentially significant impact without establishing the existing environmental setting for air quality at the Project site. (Initial Study, p. 37.) In addition to those topics resulting in significant

impacts, the Initial Study brushed aside many other topics as being “less than significant impact” or even “no impact” in a similar way, without providing the environmental setting for the Project.

The Initial Study also fails to discuss ways to mitigate the significant effects it identified. For example, the Initial Study concluded that the project will have potentially significant air quality impacts but does not propose any mitigation measures. (Initial Study, p. 37-38.) The same is true for aesthetics, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service. (See Initial Study.)

C. The EIR Should Review the Project’s Consistency with Regional Housing Plans, Sustainable Community Strategy and Regional Transportation Plans

CEQA Guidelines section 15125(d) requires that an environmental impact report “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543.

The EIR should thoroughly evaluate the consistency of this Project with the City’s General Plan, City’s Regional Housing Needs Assessment targets, Sustainable Community Strategy and Regional Transportation Plan.

D. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health

Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.²

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.

² Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

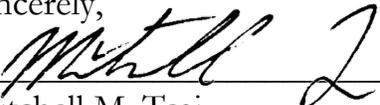
Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.³

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional
Council of Carpenters

³ See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S Construction Sites, available at https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.



NATIVE AMERICAN HERITAGE COMMISSION

January 28, 2020

Anita Juhola-Garcia
Long Beach, City of
411 W. Ocean Boulevard, 3rd Floor
Long Beach, CA 90802

Re: 2020010387, Century Villages at Cabrillo Specific Plan Project, Los Angeles County

Dear Ms. Juhola-Garcia:

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

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

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

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

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
Marshall McKay
Wintun

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Joseph Myers
Pomo

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
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Suite 100
West Sacramento,
California 95691
(916) 373-3710
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NAHC.ca.gov

AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

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

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

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

Notice of Preparation

January 27, 2020

To: Reviewing Agencies
Re: Century Villages at Cabrillo Specific Plan
SCH# 2020010387

Attached for your review and comment is the Notice of Preparation (NOP) for the Century Villages at Cabrillo Specific Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Anita Juhola-Garcia
Long Beach, City of
411 W. Ocean Boulevard, 3rd Floor
Long Beach, CA 90802

with a copy to the State Clearinghouse in the Office of Planning and Research at state.clearinghouse@opr.ca.gov. Please refer to the SCH number noted above in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2020010387/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Lead Agency

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044, (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# **202001038**

Project Title: Century Villages at Cabrillo Specific Plan

Lead Agency: City of Long Beach

Contact Person: Anita Juhola-Garcia

Street Address: 411 W. Ocean Boulevard

Phone: 562.570.6469

City: Long Beach

Zip: 90802

County: Los Angeles

Project Location: County: Los Angeles

City/Nearest Community: Long Beach

Cross Streets: West 20th Street and San Gabriel Avenue

Zip Code: 90810

Lat./Long.: 33° 47' 32.72" N / 118° 13' 21.69" W

Total Acres: 27

Assessor's Parcel No.: Various Section: 26 & 27

Twp: 4S

Range: 13W

Base: _____

Within 2 miles: State Hwy. #: SR-1, SR-103, I-710

Waterways: Dominguez Channel, Los Angeles River

Airports: None

Railways: None

Schools: Various

Document Types:

CEQA: NOP

Draft EIR

NEPA: NOI

OTHER: Joint Document

Early Cons Supplement/Subsequent EIR

EA

Final Document

Neg Dec (Prior SCH No.): _____

Draft EIS

Other: _____

Mit Neg Dec Other: _____

FONSI

Local Action Type:

General Plan Update

Specific Plan

Rezone

Annexation

General Plan Amendment

Master Plan

Prezone

Redevelopment

General Plan Element

Planned Unit Development

Use Permit

Coastal Permit

Community Plan

Site Plan

Land Division (Subdivision, etc.)

Other: _____

Development Type:

Residential: Units 1,380 Acres _____

Water Facilities: Type _____

Office Sq. Ft. 67,050 Acres _____ Employees _____

Transportation: Type _____

Commercial: Sq. Ft. 22,850 Acres _____ Employees _____

Mining: Mineral _____

Industrial: Sq. Ft. _____ Acres _____ Employees _____

Power: Type _____

Educational: 15,000 Sq. Ft.

Waste Treatment: Type _____

Recreational: Amenities-79,350 Sq Ft.

Hazardous Waste: Type _____

Other: _____

Governor's Office of Planning & Research

JAN 27 2020

MW

STATE CLEARINGHOUSE

Project Issues Discussed in Document:

Aesthetic/Visual

Fiscal

Recreation/Parks

Vegetation

Agricultural Land

Flood Plain/Flooding

Schools/Universities

Water Quality

Air Quality

Forest Land/Fire Hazard

Septic Systems

Water Supply/Groundwater

Archaeological/Historical

Geologic/Seismic

Sewer Capacity

Wetland/Riparian

Biological Resources

Minerals

Soil Erosion/Compaction/Grading

Wildlife

Coastal Zone

Noise

Solid Waste

Growth Inducing

Drainage/Absorption

Population/Housing Balance

Toxic/Hazardous

Land Use

Economic/Jobs

Public Services/Facilities

Traffic/Circulation

Cumulative Effects

Other: Greenhouse Gas Emissions and Energy

Present Land Use/Zoning/General Plan Designation:

General Plan Land Use Designations -- LUD#7 Mixed Use

Zoning Designations -- Subarea D of Planned Development District 31 (PD-31)

Project Description: The Project Applicant, Century Housing Corporation, is preparing a Specific Plan to redevelop portions of the existing Century Villages at Cabrillo. The Specific Plan is part of a collection of planning documents that effectively guides the services, housing, amenities, and programming for the project site. The Specific Plan provides the basis for the LEED -- Neighborhood Development certification and regulates the project site's allowable land use, circulation, open space, and development standards. The new specific plan, the Century Villages at Cabrillo Specific Plan (Specific Plan; Proposed Project), would involve the demolition of 215 dwelling units, 10,030 square feet of amenities, 10,200 square feet of education uses, and 7,250 square feet of services and administration; and the development of 750 dwelling units, 77,000 square feet of amenities, 15,000 square feet of educational uses, 17,000 square feet of commercial/retail uses, and 48,000 square feet of administrative and supportive services. Buildout of the community would result in a total of 1,380 dwelling units, 79,350 square feet of amenities, 15,000 square feet of educational uses, 22,850 square feet of commercial/retail uses, and 67,050 square feet of administrative and supportive services.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g., Notice of Preparation January 2008 or previous draft documents), please fill in.

Resources Agency

Resources Agency
Nadell Gayou

Dept. of Boating & Waterways
Denise Peterson

California Coastal Commission
Allyson Hitt

Colorado River Board
Elsa Contreras

Dept. of Conservation
Crina Chan

Cal Fire
Dan Foster

Central Valley Flood Protection Board
James Herota

Office of Historic Preservation
Ron Parsons

Dept of Parks & Recreation Environmental Stewardship Section

S.F. Bay Conservation & Dev't. Comm.
Steve Goldbeck

Dept. of Water Resources Agency
Nadell Gayou

Fish and Wildlife

Depart. of Fish & Wildlife
Scott Flint
Environmental Services Division

Fish & Wildlife Region 1
Curt Babcock

Fish & Wildlife Region 1E
Laurie Hamsberger

Fish & Wildlife Region 2
Jeff Drongesen

Fish & Wildlife Region 3
Craig Weightman

Fish & Wildlife Region 4
Julie Vance

Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program

Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program

Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Wildlife M
William Paznokas
Marine Region

Dept. of Fish & Wildlife M
William Paznokas
Marine Region

Dept. of Fish & Wildlife M
William Paznokas
Marine Region

California Department of Education
Lesley Taylor

OES (Office of Emergency Services)
Monique Wilber

Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

Dept. of General Services
Cathy Buck
Environmental Services Section

Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division

Delta Protection Commission
Erik Vink

Delta Stewardship Council
Anthony Navasero

California Energy Commission
Eric Knight

Independent Commissions/Boards

Delta Protection Commission
Erik Vink

Delta Stewardship Council
Anthony Navasero

California Energy Commission
Eric Knight

Native American Heritage Comm.
Debbie Treadway

Public Utilities Commission Supervisor

Santa Monica Bay Restoration
Guangyu Wang

State Lands Commission
Jennifer Deleong

Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

State Lands Commission
Jennifer Deleong

Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Caltrans - Division of Aeronautics
Philip Crimmins

Caltrans - Planning HQ LD-IGR
Christian Bushong

California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

State Water Resources Control Board
Cindy Forbes - Asst Deputy
Division of Drinking Water

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Caltrans, District 9
Gayle Rosander

Caltrans, District 10
Tom Dumas

Caltrans, District 11
Jacob Armstrong

Caltrans, District 12
Maureen El Harake

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Jacob Armstrong

Caltrans, District 12
Maureen El Harake

Regional Water Quality Control Board (RWQCB)

RWQCB 1
Cathleen Hudson
North Coast Region (1)

RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

RWQCB 3
Central Coast Region (3)

RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

RWQCB 5S
Central Valley Region (5)

RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

RWQCB 5R
Central Valley Region (5)
Redding Branch Office

RWQCB 6
Lahontan Region (6)

RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

RWQCB 7
Colorado River Basin Region (7)

RWQCB 8
Santa Ana Region (8)

RWQCB 9
San Diego Region (9)

Other

Other

Other

Other

Other

Other

San Gabriel & Lower Conservancy LA

Other

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Robert C. Ferrante
Chief Engineer and General Manager
1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

March 2, 2020

Ref. DOC 5552516

Ms. Anita Juhola-Garcia, Planner
Development Services Department
City of Long Beach
411 West Ocean Boulevard
Long Beach, CA 90802

Dear Ms. Juhola-Garcia:

NOP Response to Century Villages at Cabrillo Specific Plan

The Sanitation Districts of Los Angeles County (Districts) received a Notice of Preparation of a Draft Environmental Impact Report (NOP) for the subject project on January 28, 2020. The proposed project is located within the jurisdictional boundary of District No. 3. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project site will discharge to local sewer lines, which are not maintained by the Districts, for conveyance to the Districts' Pico Avenue Trunk Sewer, located in Fashion Avenue at the alleyway south of 12th Street. The Districts' 36-inch diameter trunk sewer has a capacity of 15 million gallons per day (mgd) and conveyed a peak flow of 6.7 mgd when last measured in 2018.
2. The wastewater generated by the proposed project site will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 mgd and currently produces an average flow of 261.1 mgd.
3. The expected increase in average wastewater flow from the project site, described in the document as 535 dwelling units, 66,970 square feet of amenities, 48,000 square feet education space, 17,000 square feet of commercial/retail space, 40,750 square feet of service/administrative space, and 1,208,776 square feet of residential other space, is 147,000 gallons per day, after the existing structures specified in the document are demolished. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits, select Will Serve Program, and scroll down to click on the Table 1, Loadings for Each Class of Land Use link.
4. The Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will

be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

5. In order for the District to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of District wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of District facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of District treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise the developer that the District intends to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of District facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

cc: A. Schmidt
A. Howard



COMMENT CARD
Century Villages at Cabrillo Specific Plan
Scoping Meeting

February 5, 2020 at 5:00 PM

Based on the environmental checklist included in the California Environmental Quality Act (CEQA) Guidelines, the Initial Study for the proposed project determined that the following topics would be analyzed further in the Draft EIR:

- Aesthetics
- Air Quality
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Population/Housing
- Hazards/Hazardous Materials
- Hydrology and Water Quality
- Land Use/Planning
- Noise
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems

Please identify any concerns you may have regarding the Century Villages at Cabrillo Specific Plan Draft EIR, including any additional environmental topic areas, potential mitigation measures, or project alternatives (please print):

The use of existing land is well planned making jogging and bike paths would be greatly appreciated. Moving Basketball courts along with Volleyball with added tennis courts. Instead of a pool install mini water parks for kids to cool off. Expand parking where ever possible. Find a place for seniors that's needed also.

Name: Glenn Verdine

Address: 2160 Williams St, Long Beach CA, 90810

Please return this comment card to Anita Juhola-Garcia, Planner, City of Long Beach, at the end of the Scoping Meeting or fold in half, staple, and mail to the City of Long Beach using the address provided (see reverse). Comments may also be submitted via email to Anita.Juhola-Garcia@longbeach.gov; Anita may be reached at 562-570-6469. **Comments must be submitted by February 26, 2020.**

COMMENT CARD Century Villages at Cabrillo Specific Plan Scoping Meeting

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TOO MANY PROPOSED HIGHRISE ART BLDGS CREATES A LOSS OF PARK LIKE COMMUNITY SETTING.

A PUBLIC SIDEWALK FROM THE NORTH END OF THE CAMPUS TO TAKE PEDISTRIANS TO SANTA FE IN A SAFER ROUTE VS HAVING TO WALK ALONG PCH WOULD BE GOOD, THE CAMPUS HOUSES MOSTLY HANDICAPPED VETERANS WHO UTILIZE MOTORIZED CHAIRS + SCOOTERS AS WELL AS WALKERS.

I WOULD HATE TO SEE THE LOSS OF THE T1 AS I PREFER USING IT TO TAKE ME TO WILLOW. ITS MUCH SAFER THAN DRIVING PCH WITH THE CMEL ^{TRUCKS.}

Name: ISABELLE McBETH

Address: 2000 RIVER AVE #304 90810

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Please identify any concerns you may have regarding the Century Villages at Cabrillo Specific Plan Draft EIR, including any additional environmental topic areas, potential mitigation measures, or project alternatives (please print):

- Air quality is very poor at CVC. Smells like refinery often. Black soot in air and on floors and ground and cars.
- New trucks on PCH (looks like a nice facility) BUT PCH road sharing is nightmare traffic jam from CVC to Santa Fe. Roads get potholes damaging POV's. Recommend parallel road development for the truck traffic. Recommend "POV-only" Gas Station. Trucks are overwhelming all corners of major intersection Santa Fe & PCH.
- Also, I think CVC residents and Cabrillo HS are wealth of opportunity to Boost Tech/trade facility investments.
- BIG Picture Now is CVC is getting squashed more & more between Growing Industrial Priorities. Not reflective of Honest Community "development."
- Name: Debra Sato
- Address: 2111 W. Williams #114, Long Beach 90810

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Please identify any concerns you may have regarding the Century Villages at Cabrillo Specific Plan Draft EIR, including any additional environmental topic areas, potential mitigation measures, or project alternatives (please print):

1. Event Parking

2. UBER Drop off sign for driver.

Name: Benjamin Swift

Address: Swift @ hauling XYZ

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MEETING SHOULD BE IN EARLY
AFTERNOON FROM 1pm TO 4pm WHEN CLIENTS
& STAFF ARE HERE

Name: SERALD NETTLES

Address: 2120 W. WILLIAMST APT 413. L.B. 90810

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Please identify any concerns you may have regarding the Century Villages at Cabrillo Specific Plan Draft EIR, including any additional environmental topic areas, potential mitigation measures, or project alternatives (please print):

AIR + WATER

Name: DAVID THOMASSON

Address: 2280 W. WILLIAMS ST. APT. J LONG BEACH 90810

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