MITIGATED NEGATIVE DECLARATION

NEW MEDICAL OFFICE

Response to Comments

Lead Agency:
City of Alhambra
111 South First Street
Alhambra, CA 91801
(626) 570-5007

Project Proponent:
Dr. George Lai & Partners
1 W. Hellman Avenue
Alhambra, CA 91801
Dr. George Lai, (626) 823-6660

Environmental Consultant:
Phil Martin & Associates
4860 Irvine Boulevard, Suite 203
Irvine, California 92620
(949) 454-1800

March 9, 2017
TABLE of CONTENTS

CHAPTER                             PAGE

1.0  INTRODUCTION AND LIST OF COMMENTERS ................................................................. 1.0-1
2.0  RESPONSE TO COMMENTS ......................................................................................... 2.0-1

APPENDICES

Appendix A – Comment Letters
1.0 INTRODUCTION AND LIST OF COMMENTERS
1.0.1 INTRODUCTION

This Response to Comments document contains the public agency comments received during the public review period of the Mitigated Negative Declaration (MND), a list of the public agencies commenting on the Mitigated Negative Declaration and the responses of the City of Alhambra, as the lead agency, to the environmental points that were raised in the public agency comments.

1.0.2 BACKGROUND

Project Location

The New Medical Office project totals approximately 0.52 acres and is located at 1 and 15 W. Hellman Avenue.

Description of New Medical Office

The 0.52-acre project site is located at the northwest corner of Hellman Avenue and Garfield Avenue. The site is developed with a single story medical office building with approximately 8,023 square feet of medical office space. There is an existing private alley adjacent to and west of the medical office building and west of the alley is a paved parking lot with 20 parking spaces. There are eleven parking spaces along the west side of the existing medical building with 31 existing parking spaces. The project applicant proposes to demolish the existing one-story medical office building and site improvements to construct a three-story, 13,372 square foot medical office building with subterranean parking. The building will front Hellman Avenue with surface parking on the north side of the building. The existing private alley will be dedicated to the City as a public alley and provide access to the site. It is contemplated that there will be a transfer of property rights, a portion of the alley, to the developer by the City. The project proposes 74 parking spaces, including 61 regular spaces, 8 compact spaces and 5 handicap spaces. Subterranean parking will be provided under both the medical building and the existing surface parking lot west of the medical building. Surface parking is proposed for the north side of the medical building and the parking lot west of the building. Of the 74 parking spaces, 28 parking spaces are proposed for the two surface parking lots and the remaining 46 spaces are proposed for the subterranean parking. The parking code requires 67 parking spaces, thus the project proposes seven more spaces than required. The project also proposes to provide 10 bicycle spaces in the open parking level.

1.0.3 PUBLIC CIRCULATION OF MITIGATED NEGATIVE DECLARATION

The Mitigated Negative Declaration was circulated for a 30-day public review period pursuant to CEQA Guideline §15105(a) from December 7, 2016 to January 5, 2017. The notice of availability of the Mitigated Negative Declaration was filed with the Los Angeles County Register/Recorder.

The Mitigated Negative Declaration is an informational document, intended to disclose the environmental consequences of approving and constructing the proposed New Medical Office project. All written comments received during the 30-day public review period are addressed in this Response to Comments document.
1.0.4 RESPONSES

Responses to comments received on the Mitigated Negative Declaration during the public review period are presented in Chapter 2, Comments and Responses. The City received six comment letters. The comment letters are numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is designated a number with the letter number appearing first, followed by the comment number. For example, Letter 1 would have the following format: 1-1. The bracketed letter precedes responses to the letter's comments in Chapter 2 of this Response to Comments.

The comments received to the Mitigated Negative Declaration by the City of Alhambra have been reviewed carefully based on the environmental issues raised. The information provided in the responses to comments provides clarifications and additional information necessary for the decision makers and the public to understand the environmental consequences of the proposed project and for the decision makers to act on the project. All responses to comments contain a good faith reasoned effort at full disclosure regarding the disposition of these significant environmental issues.

1.0.5 LIST OF COMMENTERS

The following are the letters received on the Mitigated Negative Declaration with an identifying letter number, the agency that submitted the letter, and the date of letter. A copy of the letters are attached in Appendix A.

4. Letter 4 - Adriana Raza, Customer Service Specialist, Facilities Planning Department, County Sanitation Districts of Los Angeles County.
5. Letter 5 – Frank Vidales, Chief, Forestry Division, Prevention Services Bureau, County of Los Angeles Fire Department.
2.0 RESPONSE TO COMMENTS
December 20, 2016

Mr. Paul Lam  
City of Alhambra  
111 South First Street  
Alhambra, CA 91801

RE: New Medical Office  
Vic. LA-10/PM 23.971  
GTS# 07-LA-2016-00343ME

Dear Mr. Lam:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The site is currently developed with a single story medical office building with approximately 8,023 square feet of medical office space. The project applicant proposes to demolish the existing one-story medical office building and site improvements to construct a three-story, 13,372 square foot medical office building with subterranean parking.

The proposed project will generate a net 193 daily trips and 13/19 AM/PM peak hour trips. There are 13 related projects in the City of Alhambra that will generate 19,623 daily trips, 1,486/1,746 AM/PM peak hour trips, therefore cumulative impacts may occur. As a reminder, the decision makers should be aware of this issue and be prepared to mitigate cumulative traffic impacts in the future.

Caltrans may accept fair share funding contributions towards future improvements of its facilities so long as we can show that such improvements are reasonably expected to be implemented in a reasonable time frame. Please contact Caltrans to explore and develop these reasonable measures and plan.

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

Caltrans will work with the Lead Agency in an effort to evaluate traffic impacts, identify potential improvements, and establish a funding mechanism that helps mitigate cumulative transportation impacts in the project vicinity.

If you have any questions regarding these comments, please contact project coordinator Ms. Miya Edmonson, at (213) 897-6536 and refer to GTS# LA-2016-00299ME.

Sincerely,

DIANNA WATSON  
Branch Chief  
Community Planning & LD / IGR Review
Letter 1: Dianna Watson, Branch Chief, Community Planning & LD/IGR Review, Caltrans, District 7

Comment 1-1:

The project will generate a net 193 daily vehicle trips and 13/19 AM/PM peak hour trips. There are 13 related projects in the City of Alhambra that will generate 19,623 daily vehicle trips, 1,486/1,746 AM/PM peak hour trips, therefore, cumulative impacts may occur. As a reminder, the decision makers should be aware of this issue and be prepared to mitigate cumulative traffic impacts in the future.

Response:

The comment is correct that the project is estimated to generate 193 daily vehicle trips and 13/19 AM/PM peak hour trips as shown in Table 19 on page 55 of the MND. The comment is also correct that the cumulative projects will generate approximately 19,623 daily vehicle trips, including 1,486/1,746 AM/PM peak hour trips as shown in Table 23 on page 61 of the MND. As stated on page 62 of the MND, the project traffic in conjunction with the cumulative traffic will not have a cumulative impact to any intersections. The project will not be required to provide any cumulative traffic impact mitigation since the project will not contribute to any cumulative traffic impacts.

Comment 1-2:

Caltrans may accept fair share funding contributions towards future improvements of its facilities so long as we can show that such improvements are reasonably expected to be implemented in a reasonable timeframe. Please contact Caltrans to explore and develop these reasonable measures and plan.

Response:

The project traffic report did not identify any traffic impacts. Therefore, no mitigation measures are required to reduce project traffic impacts to less than significant. Therefore, no improvements or fair share contributions by the applicant and Caltrans are required.

Comment 1-3:

As a reminder, transportation of heavy construction equipment and/or materials, which requires the use of oversized - transport vehicles on State Highways, will require a transportation permit from Caltrans.

Response:

The comment is noted. If required, the project contractor will be responsible to obtain a transportation permit from Caltrans, when required.
Comment 1-4:

Caltrans will work with the Lead Agency in an effort to evaluate traffic impacts, identify potential improvements, and establish a funding mechanism that helps mitigate cumulative transportation impacts in the project vicinity.

Response:

As noted in Caltrans December 20, 2016 letter to the City, Caltrans reviewed the MND and the project traffic report. As noted in the Responses to Comments 1-1 and 1-2, the Mitigated Negative Declaration and the project traffic report did not identify any significant project or cumulative traffic impacts that require mitigation measures. Therefore, there are no project or cumulative traffic impacts that require the City to work with Caltrans to mitigate any transportation impacts.
Draft Mitigated Negative Declaration (Draft MND) for the Proposed
Hellman Medical Office Development

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to
comment on the above-mentioned document. The following comment is meant as guidance for the Lead
Agency and should be incorporated into the Final MND.

The Lead Agency proposes to develop a 13,372 sf medical office building with subterranean parking.
The existing office building and parking lot would be demolished and removed. Since the project
includes demolition, the Lead Agency should discuss and provide additional information regarding
compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation in the Final
MND.

The SCAQMD staff is available to work with the Lead Agency to address these concerns and any other
air quality questions that may arise. Please contact Jack Cheng, Air Quality Specialist at (909) 396-2448,
if you have any questions regarding these comments. We look forward to reviewing and providing
comments for the Final MND associated with this project.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

Letter 2

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

December 16, 2016
plam@cityofalhambra.org

Paul Lam, Assistant Planner
City of Alhambra – Planning Division
111 South First St.,
Alhambra, CA 91801

Draft Mitigated Negative Declaration (Draft MND) for the Proposed
Hellman Medical Office Development

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to
comment on the above-mentioned document. The following comment is meant as guidance for the Lead
Agency and should be incorporated into the Final MND.

The Lead Agency proposes to develop a 13,372 sf medical office building with subterranean parking.
The existing office building and parking lot would be demolished and removed. Since the project
includes demolition, the Lead Agency should discuss and provide additional information regarding
compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation in the Final
MND.

The SCAQMD staff is available to work with the Lead Agency to address these concerns and any other
air quality questions that may arise. Please contact Jack Cheng, Air Quality Specialist at (909) 396-2448,
if you have any questions regarding these comments. We look forward to reviewing and providing
comments for the Final MND associated with this project.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

Letter 2

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

December 16, 2016
plam@cityofalhambra.org

Paul Lam, Assistant Planner
City of Alhambra – Planning Division
111 South First St.,
Alhambra, CA 91801

Draft Mitigated Negative Declaration (Draft MND) for the Proposed
Hellman Medical Office Development

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to
comment on the above-mentioned document. The following comment is meant as guidance for the Lead
Agency and should be incorporated into the Final MND.

The Lead Agency proposes to develop a 13,372 sf medical office building with subterranean parking.
The existing office building and parking lot would be demolished and removed. Since the project
includes demolition, the Lead Agency should discuss and provide additional information regarding
compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation in the Final
MND.

The SCAQMD staff is available to work with the Lead Agency to address these concerns and any other
air quality questions that may arise. Please contact Jack Cheng, Air Quality Specialist at (909) 396-2448,
if you have any questions regarding these comments. We look forward to reviewing and providing
comments for the Final MND associated with this project.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

Letter 2

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

December 16, 2016
plam@cityofalhambra.org

Paul Lam, Assistant Planner
City of Alhambra – Planning Division
111 South First St.,
Alhambra, CA 91801

Draft Mitigated Negative Declaration (Draft MND) for the Proposed
Hellman Medical Office Development

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to
comment on the above-mentioned document. The following comment is meant as guidance for the Lead
Agency and should be incorporated into the Final MND.

The Lead Agency proposes to develop a 13,372 sf medical office building with subterranean parking.
The existing office building and parking lot would be demolished and removed. Since the project
includes demolition, the Lead Agency should discuss and provide additional information regarding
compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation in the Final
MND.

The SCAQMD staff is available to work with the Lead Agency to address these concerns and any other
air quality questions that may arise. Please contact Jack Cheng, Air Quality Specialist at (909) 396-2448,
if you have any questions regarding these comments. We look forward to reviewing and providing
comments for the Final MND associated with this project.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

Letter 2

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

December 16, 2016
plam@cityofalhambra.org

Paul Lam, Assistant Planner
City of Alhambra – Planning Division
111 South First St.,
Alhambra, CA 91801

Draft Mitigated Negative Declaration (Draft MND) for the Proposed
Hellman Medical Office Development

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to
comment on the above-mentioned document. The following comment is meant as guidance for the Lead
Agency and should be incorporated into the Final MND.

The Lead Agency proposes to develop a 13,372 sf medical office building with subterranean parking.
The existing office building and parking lot would be demolished and removed. Since the project
includes demolition, the Lead Agency should discuss and provide additional information regarding
compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation in the Final
MND.

The SCAQMD staff is available to work with the Lead Agency to address these concerns and any other
air quality questions that may arise. Please contact Jack Cheng, Air Quality Specialist at (909) 396-2448,
if you have any questions regarding these comments. We look forward to reviewing and providing
comments for the Final MND associated with this project.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

Letter 2

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

December 16, 2016
plam@cityofalhambra.org

Paul Lam, Assistant Planner
City of Alhambra – Planning Division
111 South First St.,
Alhambra, CA 91801

Draft Mitigated Negative Declaration (Draft MND) for the Proposed
Hellman Medical Office Development

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to
comment on the above-mentioned document. The following comment is meant as guidance for the Lead
Agency and should be incorporated into the Final MND.

The Lead Agency proposes to develop a 13,372 sf medical office building with subterranean parking.
The existing office building and parking lot would be demolished and removed. Since the project
includes demolition, the Lead Agency should discuss and provide additional information regarding
compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation in the Final
MND.

The SCAQMD staff is available to work with the Lead Agency to address these concerns and any other
air quality questions that may arise. Please contact Jack Cheng, Air Quality Specialist at (909) 396-2448,
if you have any questions regarding these comments. We look forward to reviewing and providing
comments for the Final MND associated with this project.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources
Letter 2: Jillian Wong, South Coast Air Quality Management District

Comment 2-1:

Since the project includes demolition, the Lead Agency should discuss and provide additional information regarding compliance with SCAQMD Rule 1403.

Response:

Consistent with the comment and required by South Coast Air Quality Management District Rule 1403 (d) (1) (A), the existing building on the site shall be thoroughly surveyed for the presence of asbestos prior to any demolition or renovation activity. Prior to the issuance of a demolition permit by the city to demolish the existing building on the site, the city will require the project developer to submit proof that the building was surveyed for asbestos and if present, documentation the asbestos was removed in compliance with all applicable state and county laws and regulations.
December 23, 2016

Paul Lam
City of Alhambra
111 S. First Street
Alhambra, CA 91801

Re: SCH# 2016121023, Hellman Medical Office Project, City of Alhambra; Los Angeles County, California

Dear Mr. Lam:

The Native American Heritage Commission (NAHC) has reviewed the Negative Declaration prepared for the project referenced above. The review included the Project Description/Introduction, the Environmental Checklist, and the Explanation of Checklist Determinations from the document prepared by the City of Alhambra. We have the following concerns:

- There is no Tribal Cultural Resources section or subsection in the Executive Summary as per California Natural Resources Agency (2016) “Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form,” [link to the document].

- There is no documentation of government-to-government consultation by the lead agency under SB-18 or AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.

- There are no mitigation measures specifically addressing Tribal Cultural Resources separately. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring.

- Mitigation for inadvertent finds of Tribal Cultural Resources or human remains is inadequate. If groundbreaking activities are included in the project, previous disturbance does not automatically indicate that there will be no impacts.

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

CEQA was amended in 2014 by Assembly Bill 52. (AB 52). AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for tribal cultural resources, that now includes “a project with an effect that may cause a substantial adverse change in the significance of a cultural resource a project that may have a significant effect on the environment.” Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of an amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 may also apply.
Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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

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

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

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3710 if you have any questions.

Sincerely,

Gayle Totton, B.S., M.A., Ph.D.
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse
Pertinent Statutory Information:

Under AB 52:
AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:
Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice. A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."

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

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

1. The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

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

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

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

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

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.

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

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

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

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.\(^\text{18}\) This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

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

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

- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a “Tribal Consultation List.” If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.\(^\text{19}\)**

- **There is no Statutory Time Limit on Tribal Consultation under the law.**

- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,\(^\text{20}\) the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city’s or county’s jurisdiction.\(^\text{21}\)

- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.\(^\text{22}\)

**NAHC Recommendations for Cultural Resources Assessments:**

- **Contact the NAHC for:**
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project’s APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at [http://nahc.ca.gov/resources/forms/](http://nahc.ca.gov/resources/forms/).

- **Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page_id=1068](http://ohp.parks.ca.gov/?page_id=1068))** for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.

- **If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.**
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

---

\(^\text{18}\) Pub. Resources Code § 21082.3 (d)
\(^\text{19}\) Gov. Code § 65352.3 (a)(1)
\(^\text{20}\) pursuant to Gov. Code section 65040.2,
\(^\text{21}\) Gov. Code § 65352.3 (c)
\(^\text{22}\) (Tribal Consultation Guidelines, Governor’s Office of Planning and Research (2005) at p. 18).
Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

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

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

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources. 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.
- 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.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7060.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (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.

---

29 (Civ. Code § 815.5 (c)).
31 per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).
Letter 3: Gayle Totton, Native American Heritage Commission

Comment 3-1:

There is no Tribal Cultural Resources section or subsection in the Executive Summary as per California Natural Resources Agency (2016) "Final Text for tribal cultural resources updated to Appendix G.

Response:

Cultural Resources are adequately discussed in Section V, pages 32 and 33 of the Mitigated Negative Declaration.

Comment 3-2:

There is no documentation of government-to-government consultation by the lead agency under SB-18 or AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.

Response:

As the lead agency, the city is not required to notify California Tribal Governments under SB-18 because the project does not require the adoption or the amendment of the Alhambra General Plan.

As required by and consistent with AB-52, on July 19, 2016 the city mailed by certified mail a letter to the following tribes:

- Gabrielleño/Tongva Nation
- Gabrielleño/Tongva Tribe
- Gabrielleño Band of Mission Indians, Kizh Nation
- Gabrielleño/Tongva San Gabriel Band of Mission Indians
- Soboba Band of Luiseño Indians

The Native American Heritage Commission received a copy of the MND for its review. The city did not receive a response from any of the contacted tribes listed above.

Comment 3-3:

There are no mitigation measures specifically addressing Tribal Cultural Resources separately. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring.

Response:

As discussed in Section V on pages 32 and 33 of the MND, no potential Tribal resources are anticipated to occur on the site. Therefore, no mitigation measures are required. Should unique archaeological resources, including Tribal resources, be accidentally discovered during project construction, as required by law the contractor shall comply with CEQA Guidelines section 15064.5 (f) to protect the resources.
Comment 3-4:

Mitigation for inadvertent finds of Tribal Cultural Resources or human remains is inadequate. If groundbreaking activities are included in the project, previous disturbances does not automatically indicate there will be no impacts.

Response:

There is no documentation on file with the city that indicates that Tribal Cultural Resources exist in close proximity to the site with the potential for Tribal Cultural Resources to be uncovered during construction. Although cultural resources are not anticipated to be uncovered during project construction, the following measures are recommended to ensure that if Tribal Cultural Resources are uncovered during construction that they are protected until further investigated to determine their significance.

Mitigation Measure No. 1

The project developer shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior’s Professional Qualifications and Standards, to conduct an Archaeological Sensitivity Training for construction personnel prior to commencement of any demolition or excavation activities. The training session shall be carried out by a cultural resources professional with expertise in archaeology, who meets the U.S. Secretary of the Interior’s Professional Qualifications and Standards. The training session shall include a handout and will focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and, the general steps a qualified professional archaeologist would follow in conducting a salvage investigation if one is necessary.

Mitigation Measure No. 2

In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 25 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist, who meets the U.S. Secretary of the Interior’s Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring should be initiated. The project developer and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.
Comment 3-5:

The California Environmental Quality Act (CEQA), specifically Public Resources Code section 21084.1 states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.

CEQA was amended in 2014 by Assembly Bill 52 (AB 52). AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation that are traditionally and culturally affiliated with their jurisdictions before the timeframe provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC.

Response:

As stated in the Response to Comment 3-4, there is no documentation on file with the city that indicates that Tribal Cultural Resources have been discovered in close proximity or adjacent to the site with the potential to be present on the site and uncovered during construction. As also stated in the Response to Comment 3-2, on July 19, 2016 the city mailed by certified mail a letter to the following tribes. The city did not receive a response from any of the following contacted tribes with information that suggests a potential for Tribal Cultural Resources to exist on the site.

- Gabrieleño/Tongva Nation
- Gabrieleño/Tongva Tribe
- Gabrieleño Band of Mission Indians, Kizh Nation
- Gabrieleño/Tongva San Gabriel Bank of Mission Indians
- Soboba Band of Luiseño Indians

Comment 3-6:

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

Response:

As stated in the Response to Comment 3-2, on July 19, 2016 the city mailed by certified mail a letter to the following tribes in compliance with AB 52. The city did not receive a response from any of the contacted tribes.

- Gabrieleño/Tongva Nation
- Gabrieleño/Tongva Tribe
- Gabrieleño Band of Mission Indians, Kizh Nation
- Gabrieleño/Tongva San Gabriel Bank of Mission Indians
- Soboba Band of Luiseño Indians
January 5, 2017

Ref. Doc. No.: 3969610

Ms. Tonya Pace, Director
Development Services Department
City of Alhambra
111 South First Street
Alhambra, CA 91801

Dear Ms. Pace:

Response to NOI for the Hellman Medical Office Development

The Sanitation Districts of Los Angeles County (Districts) received a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the subject project on December 8, 2016. The proposed project is located within the jurisdictional boundary of District No. 16. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts’ Almansor Street Extension Trunk Sewer, located in Hellman Avenue at Alhambra Avenue. The Districts’ 15-inch diameter trunk sewer has a capacity of 10.2 million gallons per day (mgd) and conveyed a peak flow of 0.5 mgd when last measured in 2015.

2. The wastewater generated by the proposed project will be treated at the Whittier Narrows Water Reclamation Plant located in the City of South El Monte, which has a capacity of 15 mgd and currently processes an average flow of 7.4 mgd.

3. The expected increase in average wastewater flow from the proposed project, described in the document as a 13,372-square-foot medical office, is 1,605 gallons per day, after all structures on the project site are demolished. For a copy of the Districts’ average wastewater generation factors, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and 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 or 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 a permit to connect to the sewer is issued. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and search for the appropriate link. In determining the impact to the

DOC: #4003111.D16
Sewerage System and applicable connection fees, the Districts’ Chief Engineer will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel or facilities on the parcel. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at (562) 908-4288, extension 2727.

5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts’ 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 CAA. All expansions of Districts’ 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 the Districts’ 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 you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts’ 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
Letter 4: Adriana Raza, County Sanitation Districts of Los Angeles County

Comment 4-1:

The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the District’s Almansor Street Extension Trunk Sewer, located in Hellman Avenue at Alhambra Avenue. The Districts’ 15-inch diameter trunk sewer has a capacity of 10.2 million gallons per day (mgd) and conveyed a peak flow of 0.5 mgd when last measured in 2015.

Response:

The comment is noted and no response is required by CEQA.

Comment 4-2:

The wastewater generated by the proposed project will be treated at the Whittier Narrows Water Reclamation Plant located in the City of South El Monte, which has a capacity of 15 mgd and currently processes an average flow of 7.4 mgd.

Response:

The comment is noted and no response is required by CEQA.

Comment 4-3:

The expected increase in average wastewater flow from the proposed project, described in the document as a 13,372 square foot medical office, is 1,605 gallons per day, after all structures on the project site are demolished.

Response:

The comment is noted and no response is required by CEQA.

Comment 4-4:

Payment of a connection fee will be required before a permit to connect to the sewer is issued.

Response:

As noted by the comment, the project developer will be required to pay the required sewer connection fee prior to the connection of the project to the existing wastewater line in Hellman Avenue adjacent to the site.

Comment 4-5:

In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts’ wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide
this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts’ facilities.

Response:

The project is consistent with the zoning and the land use designation for the site as allowed by the Alhambra General Plan. SCAG references Alhambra’s General Plan in its growth forecasts for its region, which includes Los Angeles County. Because the project is consistent with the General Plan and the city’s projected future growth, the wastewater that will be generated by the project is not greater than and will not exceed the planned capacity of the Districts wastewater treatment facilities that will serve the project.
January 17, 2017

Paul Lam, Planner
City of Alhambra
Development Services Planning Division
111 South First Street
Alhambra, CA 91801

Dear Mr. Lam:

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION, "HELLMAN MEDICAL OFFICE DEVELOPMENT," INCLUDES THE DEMOLITION OF AN EXISTING SINGLE-STORY MEDICAL OFFICE BUILDING TO CONSTRUCT A THREE-STORY 13,372 MEDICAL OFFICE BUILDING WITH SUBTERRANEAN PARKING, LOCATED AT 1 AND 15 WEST HELLMAN AVENUE, ALHAMBRA, FFER 201600210

The Notice of Intent to Adopt a Mitigated Negative Declaration has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

PLANNING DIVISION:

The subject property is entirely within the City of Alhambra, which is not a part of the emergency response area of the Los Angeles County Fire Department (also known as the Consolidated Fire Protection District of Los Angeles County). Therefore this project does not appear to have any impact on the emergency responsibilities of this Department.
LAND DEVELOPMENT UNIT:

This project is located entirely in the City of Alhambra. Therefore the City of Alhambra Fire Department has jurisdiction concerning this project and will be setting conditions. This project is located in close proximity to the jurisdictional area of the Los Angeles County Fire Department. However, this project is unlikely to have an impact that necessitates a comment concerning general requirements from the Land Development Unit of the Los Angeles County Fire Department.

The County of Los Angeles Fire Department’s Land Development Unit appreciates the opportunity to comment on this project.

Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department’s Land Development Unit Inspector, Claudia Soiza at (323) 890-4243.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department’s Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.

The County of Los Angeles Fire Department’s Forestry Division has no objection to the proposed project.

HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:ac
Letter 5: Frank Vidales, County of Los Angeles Fire Department

Comment 5-1:

Land Development Unit: The subject property is entirely within the City of Alhambra, which is not part of the emergency response area of the Los Angeles County Fire Department. Therefore, this project does not appear to have any impact on the emergency responsibilities of this Department.

Response:

As stated in section XIV (a) (i) on page 53 of the draft Mitigated Negative Declaration, the City of Alhambra Fire Department will serve the project. The comment is noted.

Comment 5-2:

Land Development Unit: This project is located entirely in the City of Alhambra. However, this project is unlikely to have an impact that necessitates a comment concerning general requirements from the Land Development Unit of the Los Angeles County Fire Department.

Response:

The comment is noted and no response is required by CEQA.

Comment 5-3:

Forestry Division: The statutory responsibilities of the County of Los Angeles Fire Department’s Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archaeological and cultural resources, and the County Oak Tree Ordinance. The County of Los Angeles Fire Department’s Forestry Division has no objection to the proposed project.

Response:

The comment is noted and no response is required by CEQA.

Comment 5-4:

Health Hazardous Materials Division: Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

Response:

The comment is noted and no response is required by CEQA.
January 9, 2017

Paul Lam  
City of Alhambra  
111 S. First Street  
Alhambra, CA 91801-5796  

Subject: Hellman Medical Office  
SCH#: 2016121023  

Dear Paul Lam:  

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 6, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.  

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

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

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

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

Sincerely,  
Scott Morgan  
Director, State Clearinghouse  

Enclosures  
cc: Resources Agency
Letter 6:  State of California Governor’s Office of Planning and Research

Comment 6-1:

The State Clearinghouse received one comment from state agencies after the end of the state review period of the Mitigated Negative Declaration. The state agency that submitted comments included the Native American Heritage Commission.

Response: The comment is noted. The listed state agency that submitted comments to the Draft EIR through the State Clearinghouse (Native American Heritage Commission) has been responded to in Response to Letter 3.