

NATIVE AMERICAN HERITAGE COMMISSION

September 6, 2022

Hayden Beckman
City of Huntington Beach

Via Email to: hayden.beckman@surfcity-hb.org

Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, General Plan Amendment 21-004, Conditional Use Permit 21-024, Zoning Text Amendment 22-005, Environmental Impact Report 21-004 (Bolsa Chica Senior Living Community) Project, Orange County

Dear Mr. Beckman:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1 (d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.



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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

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 in accordance with Government Code Section 6254.10.

3. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand well help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

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

Sincerely,



Andrew Green
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Tribal Consultation List
Orange County
9/6/2022**

**Campo Band of Diegueno
Mission Indians**

Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno
Campo, CA, 91906
Phone: (619) 478 - 9046
Fax: (619) 478-5818
rgoff@campo-nsn.gov

**Gabrielino Tongva Indians of
California Tribal Council**

Christina Conley, Tribal
Consultant and Administrator
P.O. Box 941078 Gabrielino
Simi Valley, CA, 93094
Phone: (626) 407 - 8761
christina.marsden@alumni.usc.edu

**Ewiiapaayp Band of Kumeyaay
Indians**

Robert Pinto, Chairperson
4054 Willows Road Diegueno
Alpine, CA, 91901
Phone: (619) 368 - 4382
Fax: (619) 445-9126
ceo@ebki-nsn.gov

**Gabrielino Tongva Indians of
California Tribal Council**

Robert Dorame, Chairperson
P.O. Box 490 Gabrielino
Bellflower, CA, 90707
Phone: (562) 761 - 6417
Fax: (562) 761-6417
gtongva@gmail.com

**Ewiiapaayp Band of Kumeyaay
Indians**

Michael Garcia, Vice Chairperson
4054 Willows Road Diegueno
Alpine, CA, 91901
Phone: (619) 933 - 2200
Fax: (619) 445-9126
michaelg@leaningrock.net

Gabrielino-Tongva Tribe

Charles Alvarez,
23454 Vanowen Street Gabrielino
West Hills, CA, 91307
Phone: (310) 403 - 6048
roadkingcharles@aol.com

**Gabrieleno Band of Mission
Indians - Kizh Nation**

Andrew Salas, Chairperson
P.O. Box 393 Gabrieleno
Covina, CA, 91723
Phone: (626) 926 - 4131
admin@gabrielenoindians.org

**Juaneno Band of Mission
Indians Acjachemen Nation -
Belardes**

Matias Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano, CA, 92675
Phone: (949) 293 - 8522
kaamalam@gmail.com

**Gabrieleno/Tongva San Gabriel
Band of Mission Indians**

Anthony Morales, Chairperson
P.O. Box 693 Gabrieleno
San Gabriel, CA, 91778
Phone: (626) 483 - 3564
Fax: (626) 286-1262
GTTribalcouncil@aol.com

**Juaneno Band of Mission
Indians Acjachemen Nation 84A**

Heidi Lucero, Chairperson
31411-A La Matanza Street Juaneno
San Juan Capistrano, CA, 92675
Phone: (562) 879 - 2884
hllucero105@gmail.com

Gabrielino /Tongva Nation

Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St., Gabrielino
#231
Los Angeles, CA, 90012
Phone: (951) 807 - 0479
sgoad@gabrielino-tongva.com

**La Posta Band of Diegueno
Mission Indians**

Gwendolyn Parada, Chairperson
8 Crestwood Road Diegueno
Boulevard, CA, 91905
Phone: (619) 478 - 2113
Fax: (619) 478-2125
LP13boots@aol.com

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed General Plan Amendment 21-004, Conditional Use Permit 21-024, Zoning Text Amendment 22-005, Environmental Impact Report 21-004 (Bolsa Chica Senior Living Community) Project, Orange County.

**Native American Heritage Commission
Tribal Consultation List
Orange County
9/6/2022**

**La Posta Band of Diegueno
Mission Indians**

Javaughn Miller, Tribal
Administrator
8 Crestwood Road Diegueno
Boulevard, CA, 91905
Phone: (619) 478 - 2113
Fax: (619) 478-2125
jmiller@LPtribe.net

**Soboba Band of Luiseno
Indians**

Joseph Ontiveros, Cultural
Resource Department
P.O. BOX 487 Cahuilla
San Jacinto, CA, 92581 Luiseno
Phone: (951) 663 - 5279
Fax: (951) 654-4198
jontiveros@soboba-nsn.gov

**Manzanita Band of Kumeyaay
Nation**

Angela Elliott Santos, Chairperson
P.O. Box 1302 Diegueno
Boulevard, CA, 91905
Phone: (619) 766 - 4930
Fax: (619) 766-4957

**Soboba Band of Luiseno
Indians**

Isaiah Vivanco, Chairperson
P. O. Box 487 Cahuilla
San Jacinto, CA, 92581 Luiseno
Phone: (951) 654 - 5544
Fax: (951) 654-4198
ivivanco@soboba-nsn.gov

**Mesa Grande Band of Diegueno
Mission Indians**

Michael Linton, Chairperson
P.O Box 270 Diegueno
Santa Ysabel, CA, 92070
Phone: (760) 782 - 3818
Fax: (760) 782-9092
mesagrandeband@msn.com

Pala Band of Mission Indians

Shasta Gaughen, Tribal Historic
Preservation Officer
PMB 50, 35008 Pala Temecula Cupeno
Rd. Luiseno
Pala, CA, 92059
Phone: (760) 891 - 3515
Fax: (760) 742-3189
sgaughen@palatribe.com

**Santa Rosa Band of Cahuilla
Indians**

Lovina Redner, Tribal Chair
P.O. Box 391820 Cahuilla
Anza, CA, 92539
Phone: (951) 659 - 2700
Fax: (951) 659-2228
lsaul@santarosa-nsn.gov

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

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City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division
714/536-5271

Code Enforcement Division
714/375-5155

Building Division
714/536-5241

September 22, 2022

RE: AB 52/SB 18 Notice of Opportunity to Consult for the Bolsa Chica Senior Living Community Project

Dear Native American Tribal Leaders:

The City of Huntington Beach has initiated environmental review under the California Environmental Quality Act (CEQA) for the Bolsa Chica Senior Living Community project, located the southwest corner of Bolsa Chica Street at Warner Avenue, at 4952 and 4972 Warner Avenue, 92649. The project site is comprised of two parcels totaling 3.1 acres, currently developed with existing commercial retail and office space totaling approximately 55,000 square feet within a two story commercial building fronting Warner Avenue and a three story office building fronting Bolsa Chica Street. The proposed project includes a request to demolish the existing commercial buildings to construct a five-story approximately 285,150 square foot senior living facility consisting of 202 total living units, 207 on-site parking spaces within a subterranean parking garage, and associated hardscape and landscape improvements. The project location map is enclosed for your information.

The project site contains two separate adjacent parcels, which upon project implementation, the existing lot lines would be adjusted. The components of the request are as follows:

General Plan Amendment No. 21-004 – To amend the General Plan Land Use Map by changing the General Plan Land Use designation of the subject parcels from CG (Commercial General) to Mixed Use (MU);

Zoning Map Amendment No. 21-003 – To amend the Zoning Map by changing the zoning land use designation of the subject parcels from CG (Commercial General) to SP (Specific Plan);

Conditional Use Permit No. 21-024 – To permit the establishment and operation of a convalescent facility use, permit the on-site sale, service, and consumption of alcoholic beverages to residents and their guests, and permit the construction of the proposed facility on a property with an existing grade differential in excess of 3 ft. that includes the

excavation of approximately 55,000 cubic yards of soils. The new facility would be fully licensed by the California Department of Social Services, Community Care Licensing Division (CCLD) per California Code of Regulations (CCR) Title 22, Division 6, Chapter 8 as a Residential Care Facility for the Elderly (RCFE); and

Environmental Impact Report No. 2021-004 – To analyze the potential environmental impacts associated with the project.

We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. As part of the CEQA process, the purpose of tribal consultation under AB 52 is to determine whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the project. If Tribal Cultural Resources may be significantly impacted, then consultation would help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3.1(d) of the PRC, you have 30 days from the receipt of this letter to request AB 52 consultation in writing for this project. Please send your written request to Hayden Beckman at 2000 Main Street, Huntington Beach, CA 92648 or by email to hayden.beckman@surfcity-hb.org. In your request for consultation, please reference the project name. Thank you and we look forward to your response.

Regards,



Hayden Beckman
Senior Planner

Encl: Project Location Map

Distribution List (by email unless otherwise noted):

1. Ralph Goff, Chair, Campo Band of Diegueno Mission Indians
2. Robert Pinto, Chair, and Michael Garcia, Vice Chair, Ewiiapaayp Band of Kumeyaay Indians
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4. Anthony Morales, Chair, Gabrieleno/Tongva San Gabriel Band of Mission Indians
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7. Robert Dorame, Chair, Gabrielino Tongva Indians of California Tribal Council
8. Charles Alvarez, Gabrielino-Tongva Tribe

9. Heidi Lucero, Chair, Juaneno Band of Mission Indians Acjachemen Nation 84A
10. Matias Belardes, Chair, Juaneno Band of Mission Indians Acjachemen Nation – Belardes
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12. Javaughn Miller, Tribal Administrator, La Posta Band of Diegueno Mission Indians
13. Angela Elliott Santos, Chair, Manzanita Band of Kumeyaay Nation (by US Mail)
14. Michael Linton, Chair, Mesa Grande Band of Diegueno Mission Indians
15. Shasta Gaughen, Tribal Historic Preservation Officer, Pala Band of Mission Indians
16. Lovina Redner, Tribal Chair, Santa Rosa Band of Cahuilla Indians
17. Joseph Ontiveros, Cultural Resource Department, Soboba Band of Luiseno Indians
18. Isaiah Vivanco, Chair, Soboba Band Luiseno Indians

Project Location: 4952 Warner Avenue, Huntington Beach CA 92649

APNs: 163-281-01 and 163-281-02

VICINITY MAP:

SITE



TRUE NORTH

