

Appendix F-6:
AB52 Consultation Conclusion

DEPARTMENT OF
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July 8, 2019

Andrew Salas
Tribal Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723

RE: AB 52 Completion of Consultation
3003 Runyon Canyon Road, Los Angeles California 90046
(Case No. ENV-2016-4180-EIR)(“Proposed Project”)

Dear Chairman Salas:

The purpose of this correspondence is to briefly summarize our combined efforts to engage in a meaningful and good faith consultation regarding the above named project’s potential impacts to tribal cultural resources and to document the conclusion of the tribal consultation process, pursuant to Public Resources Code, section 21080.3.2. The following provides a brief summary of the history of tribal consultation regarding this project:

On November 30, 2016, the City mailed a project notification letter to the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe). On December 5, 2016, the City received the Tribe’s request for tribal consultation. Per this letter, the Tribe requested that the following mitigation measure be applied to the project to reduce the potential impacts to Cultural Resources:

“Due to the project location and the high sensitivity of the area location, we would like to request one of our certified Native American Monitor to be on site during any and all ground disturbances (including but not limited to pavement removal, post holing, auguring, boring, grading, excavation and trenching) to protect any cultural resources which may be effected during construction or development.”

Since the letter lacked evidence to indicate there was a cultural resource on site, City staff sent a letter dated December 16, 2016, to Tribal Chairman Andrew Salas, indicating that no evidence had been submitted but that the City looked forward to working with the Tribe to finish the consultation process.

On February 27, 2017, a consultation was held between Chairman Salas and the City to discuss four properties, one of which was the 3003 Runyon Canyon project. The consultation included a discussion of oral history, traditional land use practices, and indicators of sensitivity for tribal cultural resources. Although Chairman Salas indicated that no information was available for the specific Project Site, he requested that a mitigation measure requiring on-site tribal monitors for all ground disturbing activities.

As a result of the information provided in the tribal cultural resources report prepared for the Proposed Project, and information provided by the Tribe during the February 27th conference call, the City, after acting in good faith and after reasonable effort, has concluded that mutual agreement cannot be reached for purposes of AB52. Based upon the record, the City has determined that no substantial evidence exists to support a conclusion that this Proposed Project may cause a significant impact on tribal cultural resources. Therefore, the City has no basis under CEQA to impose any related mitigation measures. However, as an additional protection, the City will add the attached condition of approval under its police powers to protect the inadvertent discovery of tribal cultural resources.

The City is expecting to release its Draft Environmental Impact Report for this project. The release of the Draft EIR will commence a 45 period during which interested parties and agencies, such as the Tribe, may submit written comments on the adequacy of the EIR. In the meantime, please do not hesitate to contact me if you wish to share any additional information, comments, or concerns.

Respectfully,

A handwritten signature in cursive script that reads "Erin Strellich".

Erin Strellich
City Planning Associate
Department of City Planning - Major Projects

Condition of Approval - Tribal Cultural Resource Inadvertent Discovery

In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities¹, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

¹ Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity

