

APPENDIX O

Tribal Cultural Resources Report

HOLLYWOOD CENTER PROJECT, CITY OF LOS ANGELES, CALIFORNIA

Assembly Bill 52 Consultation Summary Report

April 2020



HOLLYWOOD CENTER PROJECT, CITY OF LOS ANGELES, CALIFORNIA

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Project Location:

Hollywood (CA) USGS 7.5-minute Topographic Quad
Section 10, Township 1 South, Range 14 West

Acreage: Approx. 4.46 acres

Assessor Parcel Numbers: 5546-004-006; 5546-004-029; 5546-004-020;
5546-004-021; 5546-004-032; 5546-030-028; 5546-030-031; 5546-030-032;
5546-030-033; and 5546-030-034

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HOLLYWOOD CENTER PROJECT

Assembly Bill 52 Consultation Summary Report

Introduction

Environmental Science Associates (ESA) prepared this Assembly Bill (AB) 52 Consultation Summary Report for the Hollywood Center Project (Project) in support of an Environmental Impact Report (EIR). The Project proposes to construct a mixed-use development on an approximately 4.46-acre site (Project Site) in the Hollywood community of the City of Los Angeles (City), California. The City is the lead agency pursuant to the California Environmental Quality Act (CEQA).

Public Resources Code (PRC) Subdivision 21080.3.1 indicates that California Native American tribes may have expertise concerning tribal cultural resources and lead agencies are required to initiate consultation with tribes that have requested notification in writing of proposed projects within the geographic area that is traditionally and culturally affiliated with a tribe. CEQA indicates that “public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.” (PRC 21084.3(a)).

“Tribal cultural resources” are defined as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant (PRC 21074(a)). A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. A historical resource, unique archaeological resource, or non-unique archaeological resource may also be a tribal cultural resource if it meets these criteria.

This report summarizes the methods and results of the City’s AB 52 consultation efforts to identify tribal cultural resources that could potentially be impacted by the Project. Consultation was carried out consistent with provisions of PRC Subdivision 21080.3.1. This report contains a Project description including location, details of the Project, and current Project Site conditions; an ethnographic setting or overview of tribal affiliation with the Project area; a brief summary of database searches conducted as part of the Cultural Resources Assessment (appended as Appendix C to the Hollywood Center EIR); a regulatory framework which presents a brief overview of AB 52 and its implementing regulations; the methods and results of the City’s AB 52 consultation; and a conclusion summarizing the results of the consultation process.

Project Description

Project Location

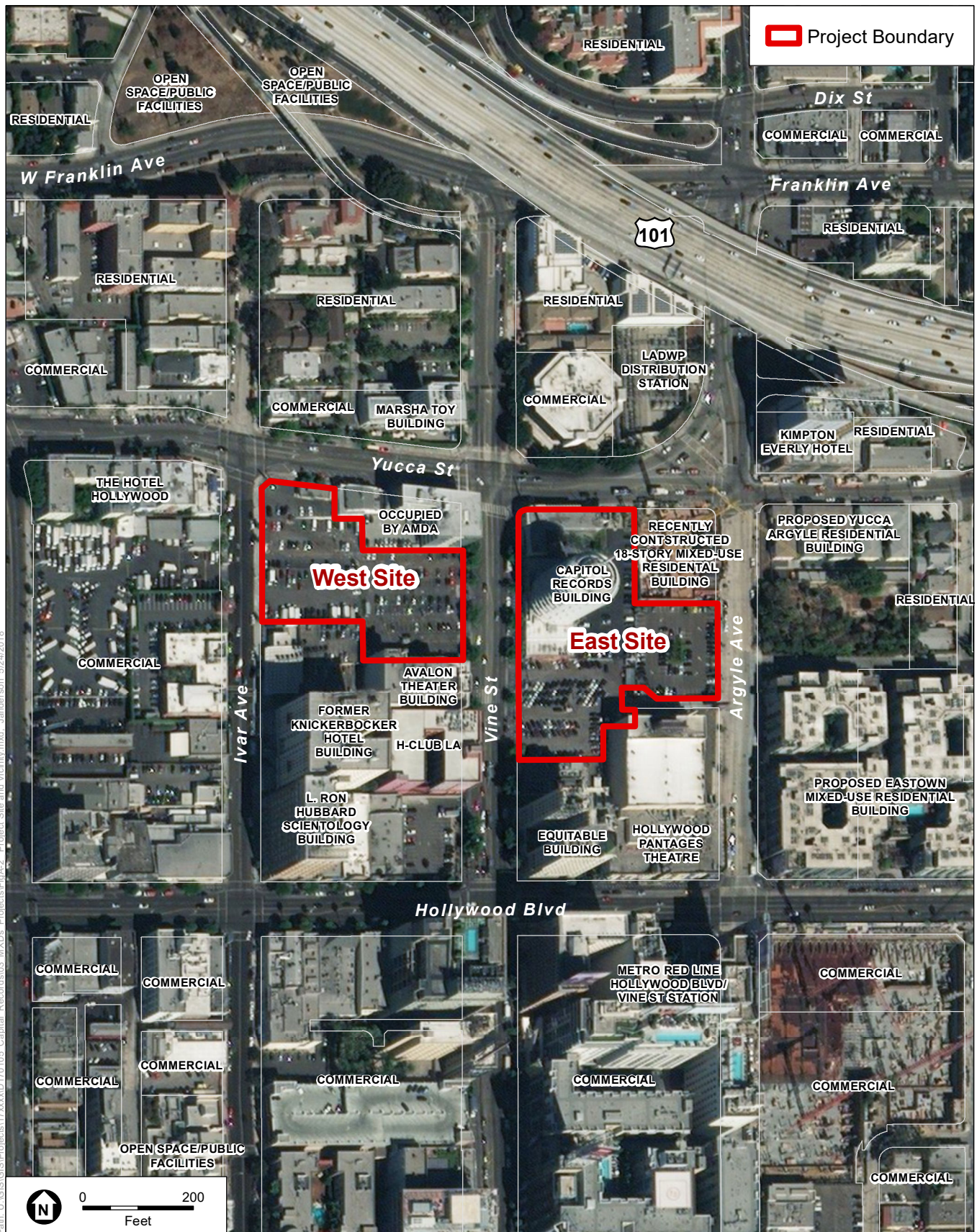
The 4.46-acre Project Site is located on 10 parcels generally bounded by Yucca Street to the north, by Ivar Avenue to the west, by Argyle Avenue to the east, and by Hollywood Boulevard to the south, within the community of Hollywood (City of Los Angeles) (Figure 1). Vine Street bisects the Project Site, which creates two development subareas referred to as the West Site and the East Site. The West Site consists of Assessor Parcel Numbers (APN) 5546-004-006 (1746-1764 N. Ivar Ave.); 5546-004-029 (6334 W. Yucca St.); 5546-004-020 (1745-1753 N. Vine St.); 5546-004-021; and 5546-004-032. The East Site consists of APNs: 5546-030-028 (6236 W. Yucca St.; 1740-1768 N. Vine St.); 5546-030-031 (6270 W. Yucca St.); 5546-030-032 (1770 N. Vine St.); 5546-030-033 (1733-1741 N. Argyle Ave.); and 5546-030-034 (1720-1724 N. Vine St.).

The West Site is generally bound by Ivar Avenue to the west, Yucca Street and two commercial buildings to the north, Vine Street to the east, and two commercial buildings to the south. The East Site is generally bounded by Vine Street to the west, Yucca Street to the north, Argyle Avenue to the east, and two commercial buildings to the south. The Capitol Records and Gogerty Buildings (Capitol Records Complex) is located on the East Site (Figure 2).

To the north and east of the Project Site is the Hollywood Freeway (Highway 101); to the south is the Hollywood neighborhood and Central Los Angeles; to the west is the neighborhood of Hollywood Heights. Specifically, the Project is located in Section 10, Township 1 South, Range 14 West, San Bernardino Base and Meridian on the USGS Hollywood 7.5-minute topographic quadrangle (Figure 3).

Project Characteristics

The Project would develop four new buildings, including a 35-story building on the West Site (West Building), a 46-story building on the East Site (East Building), and an 11-story senior housing building on each site (West Senior Building and East Senior Building), set aside for Extremely-Low and Very-Low Income households. The Project would develop approximately 1,287,150 square feet of developed floor area, including: 1,005 residential housing units (872 market-rate units and 133 senior affordable housing units) totaling approximately 1,256,974 square feet of residential floor area; approximately 30,176 square feet of commercial floor area (retail and restaurant uses); approximately 166,582 square feet of open space; up to 1,521 vehicle parking spaces; and up to 551 bicycle parking spaces. The Capitol Records Complex would be preserved, although portions of its supporting parking area, along with some existing parking adjacent to the Capitol Records Complex, would be reconfigured and relocated to a subterranean and grade-level parking garage proposed on the East Site. The remaining surface parking uses on the Project Site would be removed.

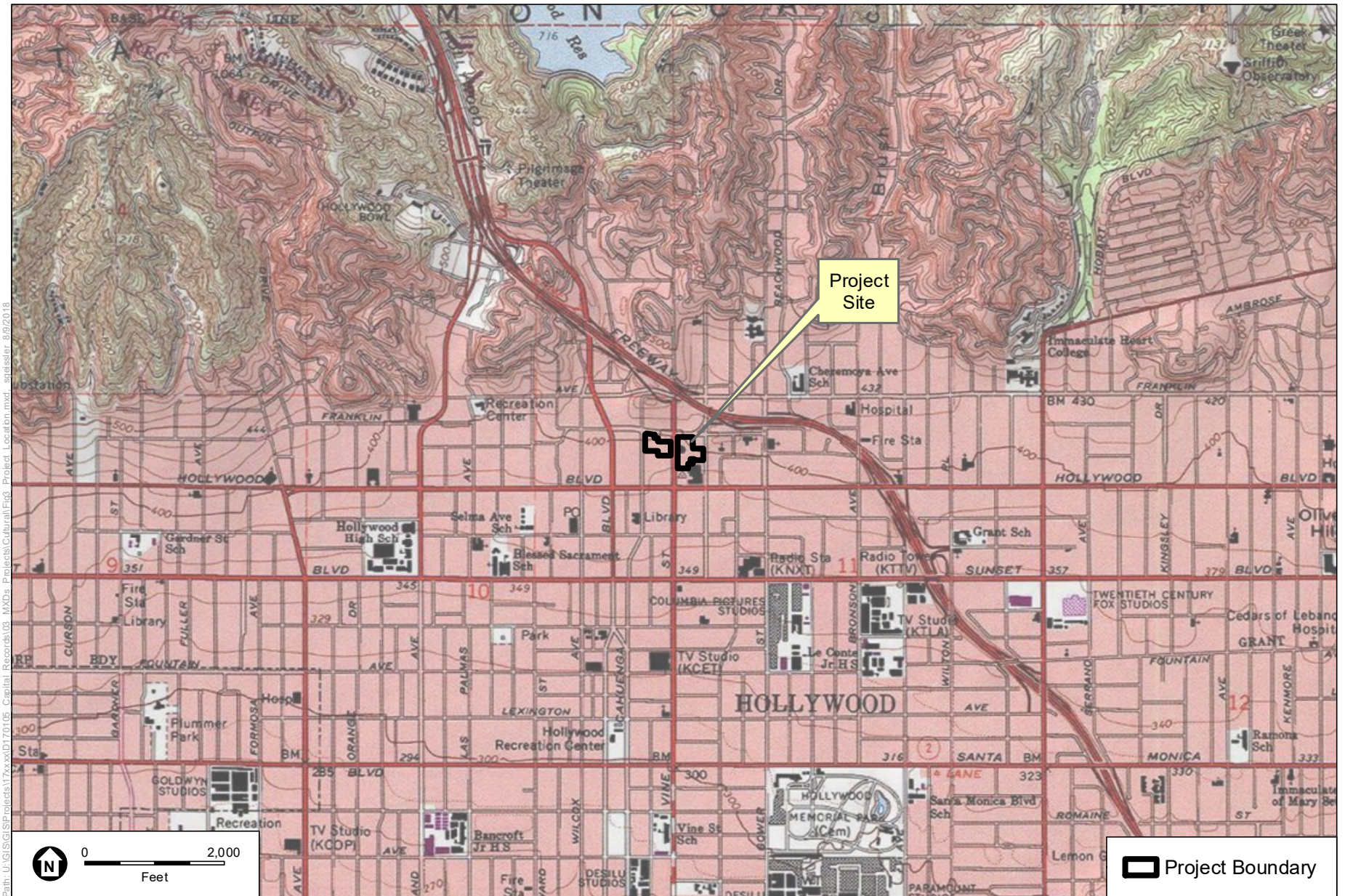


SOURCE: Google Earth, 2016.

Hollywood Center Project

Figure 2

Aerial Photograph of Project Site and Vicinity



SOURCE: USGS Topographic Series (Hollywood, CA).

Hollywood Center Project

Figure 3
Project Location

Project construction would require grading and excavation activities on both the West and East Site down to a maximum depth of 82 feet below existing grade for building foundations and five levels of subterranean parking. No import of soil is proposed, and the Project would generate truck trips associated with the export of approximately 542,300 cubic yards of soil from the Project Site.

Under a proposed hotel option associated with the East Site (East Site Hotel Option), the Project would replace 104 residential units within East Building levels 3 through 12 with a 220-room hotel, with no change to building heights or massing. The number of affordable residential units within the East Senior Building would be reduced by 17 units and the height of the building would be reduced from 11 stories to nine stories. Overall, under the East Site Hotel Option, there would be approximately 1,272,741 square feet of developed floor area, including: 884 residential housing units (768 market-rate units and 116 senior affordable housing units) totaling approximately 1,112,287 square feet of residential floor area; a 220-room hotel with approximately 130,278 square feet of floor area; approximately 30,176 square feet of commercial floor area (retail and restaurant uses); approximately 150,371 square feet of open space; up to 1,521 vehicle parking spaces, and up to 554 bicycle parking spaces.

Existing Conditions on Project Site

The Project Site is entirely developed and is used primarily for surface parking and storage with the exception of the historic Capitol Records Complex. The East and West Sites slope from northeast to southwest with elevations ranging from about 404 feet elevation to 383 feet elevation (i.e., a grade change of approximately 21 feet). The sidewalk along Vine Street contains the Hollywood Walk of Fame and street trees.

The northern part of the West Site contains an approximately 1,237 square-foot, single-story building, constructed in 1978, that is currently leased by American Musical and Dramatic Academy (AMDA) and used on a daily basis for sets and props. The remaining part of the West Site (approximately 78,512 square feet) contains a surface parking lot with a parking attendant kiosk. Existing access to the West Site is provided from a driveway off Vine Street and two driveways along Ivar Street. The entire Project Site is enclosed by an iron gate and fencing.

The East Site contains the Capitol Records Complex, which includes the 13-story Capitol Records Building, and ancillary studio recording uses containing 94,882 square feet of floor area, as well as the two-story Gogerty Building containing 22,157 square feet of floor area, all of which total approximately 114,303 square feet of floor area. The Capitol Records Building, which reaches an above-grade height of 165 feet, was built in 1956 and is the visual focal point of the Project Site. The adjacent Gogerty Building, constructed in 1930, was renovated in 2003 and reaches a height of 33 feet above grade. Both buildings within the Capitol Records Complex are considered historical resources. The remaining part of the East Site (approximately 38,931 square feet) contains surface parking lots with controlled gated access.

Ethnographic Setting

The Project Site is located in a region traditionally occupied by the Takic-speaking Gabrielino Indians. The term “Gabrielino”¹ is a general term that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. Prior to European colonization, the Gabrielino occupied a diverse area that included: the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina (Kroeber, 1925). Their neighbors included the Chumash to the north, the Juáñeno to the south, and the Serrano and Cahuilla to the east. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence (Bean and Smith, 1978). The Gabrielino language is part of the Takic branch of the Uto-Aztecan language family.

The Gabrielino were hunter-gatherers who lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering. Small terrestrial game were hunted with deadfalls, rabbit drives, and by burning undergrowth, while larger game such as deer were hunted using bows and arrows. Fish were taken by hook and line, nets, traps, spears, and poison (Bean and Smith, 1978). The primary plant resources were the acorn, gathered in the fall and processed in mortars and pestles, and various seeds that were harvested in late spring and summer and ground with manos and metates. The seeds included chia and other sages, various grasses, and islay, also known as the holly-leaved cherry.

There were possibly more than 100 mainland villages and Spanish reports suggest that village populations ranged from 50 to 200 people (Bean and Smith, 1978). Prior to actual Spanish contact, the Gabrielino population had been decimated by diseases, probably spread by early Spanish maritime explorers. The Gabrielino are estimated to have had a population numbering around 5,000 in the pre-contact period (Kroeber, 1925). Villages are reported to have been the most abundant in the San Fernando Valley, the Glendale Narrows area north of Downtown, and around the Los Angeles River’s coastal outlets (Gumprecht, 2001). A map of Gabrielino villages, based on documents from the Portola expedition in 1769 and other ethnographic records, indicates that the closest Gabrielino site to the Project Site is the village and sacred site of *Kawegna*, the source of the name for Cahuenga Boulevard. This site is located approximately three miles northwest of the Project Site in the general area of Toluca Lake and Universal City. The next closest village to the Project Site is the village of *Maungna* (McCawley, 1996:55), once situated at the current location of Rancho Los Feliz, about 3.5-miles northeast of the Project Site.

Database Searches

To supplement the ethnographic context above, a summary of database searches conducted for the Cultural Resources Assessment, (included as Appendix C of the Hollywood Center Draft EIR) are

¹ The term “Gabrielino” is a general term used in ethnographies cited in this report, that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. In the modern era, individual tribal entities have adopted various spellings of the name as seen in Table 1 below.

summarized here to provide additional context regarding the nature of archaeological resources and sacred lands that have been previously recorded within the Project Site and vicinity.

The Native American Heritage Commission (NAHC) was contacted on April 5, 2018, to request a search of the Sacred Lands File (SLF) which contains an inventory of sites of traditional, cultural, or religious value to the Native American community. The NAHC responded to the request in a letter dated April 18, 2018, that the Project Site was negative for known sacred lands.

A records search for the Project was conducted on April 3, 2018, at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) housed at California State University, Fullerton. The search included a 0.5-mile-radius for archaeological resources. The records search results indicate that no archaeological resources have been previously recorded within the Project Site itself, and one historic-period archaeological resource has been recorded within a 0.5-mile-radius of the Project Site. The one historic archaeological resource consists of structural remains and refuse associated with a 1914 to 1945 era residential block that was recorded during construction monitoring for new development.

Regulatory Framework

Assembly Bill 52 and Related Public Resources Code Sections

AB 52 was approved by California State Governor Edmund Gerry “Jerry” Brown, Jr. on September 25, 2014. The act amended California PRC Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under CEQA, known as tribal cultural resources. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation (PRC Sections 21080.3.1(d) and 21080.3.1(e)).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project's impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt an MND (PRC Section 21082.3(d)(2) and (3)).

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is 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 without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information 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.

Thresholds of Significance for Tribal Cultural Resources

On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources in an update to Appendix G of the CEQA Guidelines (*CEQA Guidelines*), which was approved by the Office of Administrative Law on September 27, 2016. Appendix G states that a project would result in significant adverse impacts related to tribal cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

According to the PRC Section 21084.2, 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. While what constitutes a “substantial adverse change” to a tribal cultural resource is not defined in the section, guidance on what constitutes a substantial adverse change under CEQA can be drawn from *CEQA Guidelines* Section 15064.5(b). Although applicable specifically to historical resources (as defined in 15064.5(a)), an analogy can be drawn when assessing if there has been a substantial adverse change to a tribal cultural resource. *CEQA Guidelines* Section 15064.5(b)(1) defines a substantial adverse change as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings, resulting in material impairment of the historical resource. According to *CEQA Guidelines* Section 15064.5(b)(2), the significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

In drawing an analogy, a substantial adverse change to a tribal cultural resource could be considered to be the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings, resulting in material impairment of the tribal cultural resource. Similarly, material impairment could include:

- Demolition or material alteration in an adverse manner those characteristics of a tribal cultural resource that justify its eligibility for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k); or
- Demolition of material alteration in an adverse manner those characteristics of a tribal cultural resource that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Mitigating Impacts to Tribal Cultural Resources

PRC Section 21084.3 provides guidance on addressing impacts to tribal cultural resources and states that:

- (a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.

- (b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:
- (1) 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, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - (2) 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:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.
 - (3) 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.
 - (4) Protecting the resource.

CEQA Guidelines Section 15370 provides additional guidance on the types of mitigation that may be considered, and includes: avoiding impacts altogether; minimizing impacts; rectifying impacts through repair, rehabilitation, or restoration; reducing impacts through preservation; and compensating for impacts by providing substitute resources.

PRC Section 21082.3(b) indicates that if a project may have a significant impact on a tribal cultural resource, the agency's environmental document shall discuss whether the proposed project has a significant impact on an identified tribal cultural resource and whether feasible alternatives or mitigation measures avoid or substantially less the impact on the identified tribal cultural resource.

PRC Section 21080.3.2 indicates that as part of the consultation pursuant to Section 21080.3.1, California Native American Tribes may propose mitigation measures, including, but not limited to, those recommended in Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. Also, the lead agency may incorporate changes or additions to a project even if not legally required to do so.

California Government Code Sections 6254(r) and 6254.10

Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." Section 6254.10 specifically exempts from disclosure requests for "records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission,

the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency.”

Consultation Methods and Results

Pursuant to the requirements of AB 52, on September 4, 2018, the City sent consultation notification letters via certified mail to 10 California Native American Tribes on the City’s AB 52 Notification List (City of Los Angeles, 2017) that are traditionally and culturally affiliated with the geographic area of the Project (**Table 1**). The notification letters included a description of the Project, the Project location, and the City’s contact information, and requested that tribes interested in consulting on this Project respond to the City in writing within 30 calendar days of their receipt of the letter. Three of the 10 Native American groups contacted by the City responded, two of which have submitted formal consultation responses to date (Gabrieleño Band of Mission Indians-Kizh Nation [Kizh Nation] and Gabrielino Tongva Nation [Tongva Nation]), and the third deferred consultation to other groups (Fernandeño Tataviam Band of Mission Indians [Tataviam]). More information regarding consultation is summarized below. All consultation materials are attached in **Appendix B** of this report.

TABLE 1
SUMMARY OF AB 52 CONSULTATION

Contact	Tribe/Organization	Date AB 52 Notice Sent	Response Received	Date AB 52 Initiation Sent	Consultation Results
Kimia Fatehi, Director, Public Relations	Fernandeño Tataviam Band of Mission Indians	09/04/2018	09/05/2018	-	Consultation deferred
Andrew Salas, Chairperson	Gabrieleño Band of Mission Indians – Kizh Nation	09/04/2018	09/10/2018	09/11/2018	Telephone conference 12/05/2018
Robert F. Dorame, Tribal Chair/Cultural Resources	Gabrielino Tongva Indians of California Tribal Council	09/04/2018	No response	-	-
Sam Dunlap, Cultural Resources Director	Gabrielino/Tongva Nation	09/04/2018	10/03/2018	10/04/2018	In person meeting 10/19/2018
Sandonne Goad, Chairperson	Gabrielino/Tongva Nation	09/04/2018	No response	-	-
Anthony Morales, Chairperson	Gabrielino/Tongva San Gabriel Band of Mission Indians	09/04/2018	No response	-	-
Charles Alvarez, Co-Chairperson	Gabrielino-Tongva Tribe	09/04/2018	No response	-	-
Joseph Ontiveros, Cultural Resource Director	Soboba Band of Luiseño Indians	09/04/2018	No response	-	-
John Valenzuela, Chairperson	San Fernando Band of Mission Indians	09/04/2018	No response	-	-
Michael Mirelez, Cultural Resource Coordinator	Torres Martinez Desert Cahuilla Indians	09/04/2018	No response	-	-

Source: ESA, 2019.

On September 5, 2018, Jairo Avila, Tribal Historic and Cultural Preservation Officer for the Fernandeño Tataviam Band of Mission Indians, responded via email to the City regarding AB 52 consultation. Mr. Avila stated that the Project Site is outside of their tribal boundaries and deferred consultation to the members of the Gabrieleno Indian Tribe.

On September 10, 2018, an email was received by the City from “Admin Specialist” for the Kizh Nation, requesting AB 52 consultation. Included in the email was a formal letter response from Andy Salas, Tribal Chairman, and a map depicting the territories of original peoples in Southern California. On September 11, 2018, City staff responded via email to the Kizh Nation initiating consultation and requesting dates that the Kizh Nation would be available for a phone conference and also requested that the Tribe submit any documentation that they would like the City to consider as part of the consultation process. On September 21, 2018, City staff sent a follow up email to the Kizh Nation regarding a consultation appointment. On November 7, 2018, an email from “Admin Specialist” with the Kizh Nation was received by City staff requesting to reschedule the telephone meeting that was scheduled for that day to Friday November 9, 2018. On the same date, City staff confirmed the request to reschedule and notified the Kizh Nation of the new City Planner and point of contact for the Project, Mindy Nguyen. The Kizh Nation responded on November 7, 2018, via email confirming the point of contact to be notified and indicated they would be in touch with her to reschedule. On November 7, 2018, the Kizh Nation emailed City staff requesting to reschedule to the phone consultation to December 5, 2018 at 1:00 p.m. City staff confirmed this appointment and proceeded with a phone consultation on said date.

On December 6, 2018, City staff emailed the Kizh Nation to confirm that the telephone conference took place on December 5, 2018, with representatives from the City and the Kizh Nation. This email summarized the information exchanged during this meeting and included the following information:

- The Tribe described information regarding two existing trade routes; and
- The Tribe indicated the routes are considered cultural resources, and overlap the Project Site.

The City requested that the tribe “provide substantial evidence in writing that the trade routes relative to the Project Site are listed or eligible for listing in the California Register OR that this resource was determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.” The City further requested that the substantial evidence be provided within 14 days (December 20, 2018) of the communication.

The City indicated that substantial evidence could be provided in the following forms:

- Recorded maps of resources within 0.5-miles of the Project Site;
- Tribal Cultural Resources in the area;
- Evidence of human remains and artifacts within the vicinity;
- Evidence of sacred land for trading routes; and/or
- Factual and written language in lieu of verbal knowledge.

The City contacted the tribe on January 3, 2019, to follow up regarding the substantive evidence and extended the deadline to January 17, 2019, before closing consultation. On January 5, 2019, the Tribe emailed to ask if the requested information had been received. The City responded on January 7, 2019, inquiring if the additional information had been sent, and indicating nothing had been received since the phone call on December 5, 2018. On January 9, 2019, Ms. Brandy Salas emailed that she would let Mr. Andrew Salas know that the information had not been received. City staff responded later in the day on January 9, 2019, confirming receipt of the email. After again not receiving any information, on January 22, 2019, City staff emailed Ms. Salas to follow up. After not receiving any documentary information, on March 4, 2019, the City again emailed the Kizh Nation indicating that no information had been received and extended the deadline to March 18, 2019. To date, no further documentation or response has been received and no tribal cultural resources have been identified as a result of consultation with the Kizh Nation.

On October 3, 2018, Sam Dunlap, Cultural Resources Director for the Tongva Nation, responded via email to the City and requested to engage in AB 52 consultation. On October 4, 2018, City staff responded via email to the Tongva Nation initiating consultation and requesting dates that the Tongva Nation would be available for a meeting. No response from the Tongva Nation was received. On October 10, 2018, City staff again emailed the Tongva Nation inquiring about a preferred date and time for a consultation meeting. Following a telephone conversation between City staff and Mr. Dunlap on October 10, 2018, City staff sent an email on October 11, 2018, to Mr. Dunlap confirming the meeting date, time, and location, for a meeting scheduled for October 19, 2018. City staff also requested in the October 11, 2018, email that Mr. Dunlap bring any documentation or materials that he would like to submit to the City in consideration of the analysis of tribal cultural resources in connection with the Project.

On November 1, 2018, City staff sent an email to Mr. Dunlap, summarizing the in-person consultation meeting that took place on October 19, 2018. In the email City staff noted that Mr. Dunlap discussed the background history of several tribes, and was concerned with the proper mitigation during construction activities, including monitoring for the Project. If such monitoring was warranted, he requested that the City not specify any particular tribe in the mitigation. City staff also mentioned that during the consultation meeting, staff had requested documentation that would assist the City in their analysis of tribal cultural resources, and noted that no further documentation had been provided by the Tongva Nation to date. City staff also informed the tribe of the new point of contact for the Project. On March 27, 2019, City staff sent an email indicating that no information had been received and extended the deadline to provide documentary information to April 10, 2019. To date, no further documentation or response has been received and no tribal cultural resources have been identified as a result of the consultation with the Tongva Nation.

No further correspondence has been received by the City beyond what is described above, from either the Kizh Nation or the Tongva Nation and as such, close out letters were sent to both tribes on April 8, 2020.

Summary and Conclusion

Pursuant to the requirements of AB 52, the City, as lead CEQA agency, notified 10 California Native American Tribes on the City's AB 52 Notification List to invite the Tribes to consult and to share information that would assist the City in determining whether the Project could potentially impact tribal cultural resources as defined in PRC 21074. Three of the 10 Tribes contacted responded to the City's notification letter, one (Tataviam) deferred to other area Tribes, and two (Kizh Nation and Tongva Nation) requested and engaged in consultation meetings with the City. The Kizh Nation described potential trade routes in the Project area; however, they provided no further information specifying where the trade routes were located and whether they could potentially be impacted by the Project. The Tongva Nation discussed their desire, that in the event Native American monitoring is warranted, no specific Tribe be named in the mitigation measures; however, similarly they did not provide any substantial evidence to support that mitigation measures were warranted.

In summary, the City demonstrated a good faith effort by engaging with the Kizh Nation and the Tongva Nation Tribes during the course of the AB 52 consultation process, and offering several opportunities to provide additional information to substantiate their claims, none of which resulted in the identification of a tribal cultural resource either listed in or eligible for listing in the California Register or in a local register of historical resources as defined in PRC 5020.1(k), or a resources determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC 5024.1. Additionally, the SLF search prepared by the NAHC indicated that no sacred lands are recorded within the Project Site, and the record search indicated that no archaeological resources have been previously recorded within the Project Site itself, and one historic-period archaeological resource has been recorded within a 0.5-mile radius of the Project Site. Since the Tribes have not presented substantial evidence of tribal cultural resources and the SLF search indicated that no sacred lands have been recorded on the Project Site, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, impacts to tribal cultural resources would be less than significant.

References

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Appendix A

Personnel



Monica Strauss, RPA

Director, Southern California
Cultural Resources Group

EDUCATION

M.A., Archaeology,
California State
University, Northridge

B.A., Anthropology,
California State
University, Northridge

AA, Humanities, Los
Angeles Pierce College

20 YEARS EXPERIENCE

SPECIALIZED EXPERIENCE

Treatment of Historic
and Prehistoric Human
Remains

Archaeological
Monitoring

Complex Shell Midden
Sites

Groundstone Analysis

PROFESSIONAL AFFILIATIONS

Register of Professional
Archaeologists (RPA),
#12805

Society for California
Archaeology (SCA)

Society for American
Archaeology (SAA)

QUALIFICATIONS

Exceeds Secretary of
Interior Standards

CA State BLM Permitted

Monica has successfully completed dozens of cultural resources projects throughout California and the greater southwest, where she assists clients in navigating cultural resources compliance issues in the context of CEQA, NEPA, and Section 106. Monica has extensive experience with archaeological resources, historic buildings and infrastructure, landscapes, and Tribal resources, including Traditional Cultural Properties. Monica manages a staff of cultural resources specialists throughout the region who conduct Phase 1 archaeological/paleontological and historic architectural surveys, construction monitoring, Native American consultation, archaeological testing and treatment, historic resource significance evaluations, and large-scale data recovery programs. She maintains excellent relationships with agency staff and Tribal representatives. Additionally, Monica manages a general compliance monitoring team who support clients and agencies in ensuring the daily in-field compliance of overall project mitigation measures.

Relevant Experience

Orange County, Saddle Crest Homes Project EIR, Orange County, CA. Cultural Resources Project Director. The Saddle Crest project includes the development of 65 residential homes on an approximately 113.7-acre site. Monica managed the preparation of a Cultural Resources EIR section as well as a Phase 1 archaeological resources assessment. As part of the Phase 1 archaeological resources assessment, a literature review, a pedestrian survey, and Native American outreach were undertaken to meet CEQA compliance requirements.

Irvine Ranch Water District, Baker Treatment Plant, Orange County, CA. Cultural Resources Principal Investigator. ESA was retained by the Irvine Ranch Water District to provide environmental compliance services. In support of an EIR for the upgrade of the IRWD's Baker Treatment Plant near Lake Forest, ESA cultural resources staff conducted a Phase I Cultural Resources Assessment. Monica directed the archival research, a series of pedestrian surveys, and oversaw the preparation of Phase I Cultural resources Technical reports and the cultural resources section of the EIR.

Topock Compressor Station Remediation CEQA Services. Mohave County, AZ and San Bernardino County, CA. Cultural Resources Project Director. Monica is overseeing the preparation of cultural resources EIR sections and is providing project support to the California Department of Toxic Substances Control (DTSC), including facilitating Native American involvement. DTSC provides oversight of the site investigation and cleanup activities for the Pacific Gas and Electric Company (PG&E) Topock Gas Compressor Station, located in San Bernardino County, 15 miles southeast of Needles, California. Groundwater samples taken under and near the Station were found to be contaminated with hexavalent chromium and other chemicals as result of past disposal activities. Soils contamination is also present at the site, requiring investigation and cleanup.

These activities are highly scrutinized by the regional Native American Tribes because the area has important cultural and religious significance. ESA is currently preparing an EIR for soil investigations and will be conducting CEQA evaluations that tier off of the Program EIR for the Groundwater Remedy. Additional project-specific EIRs may be required for the final remedy, which is currently undergoing engineering design. ESA will provide these services as well as lead the Native American and public participation efforts.

Los Angeles Department of Water and Power, Path 46 Clearance Surveys, San Bernardino, CA. *Project Director.* ESA has been tasked by Los Angeles Department of Water and Power (LADWP) to conduct required surveys for the Path 46 Transmission Line Clearances Project. The project's objective is to restore required code clearances to the transmission conductors, which will be accomplished by grading the ground surface underneath the transmission lines to achieve required height consistency. The work is being conducted in compliance with BLM guidelines and federal laws and statutes. Biological, archaeological, and paleontological resource surveys are currently being conducted for the 77 proposed grading areas, staging areas, and roads. Reports will be written documenting the results of the surveys and providing recommendations on the areas for access, staging areas, and soil distribution that would have the least amount of impacts on natural resources. Monica is providing support to LADWP in their coordination with the BLM, including providing oversight of map preparation, field surveys, and preparation of pre-field research designs and post-field technical reports.

Ballona Wetlands Restoration EIR, Los Angeles County, CA. *Cultural Resources Project Director.* As part of the development of the restoration plan for the Ballona Wetlands, the ESA project team characterized existing conditions that included water and sediment sampling and analysis. The water and sediment quality sampling was performed to develop and evaluate potential restoration alternatives, and to develop a conceptual plan. The ESA project team compiled existing data on and conducted additional sampling for water and sediment to assess potential effects on the proposed wetland restoration habitat from the use of urban runoff and tidal in-flow from Ballona Creek. These data were used to complete a baseline report and restoration alternatives assessment. Monica is assisting the CSCC in fulfilling Army Corps of Engineers requirements under Section 106 of the National Historic Preservation Act. In addition, she is coordinating with Tribal members and is overseeing a team of resource specialists who are compiling cultural resources technical in preparation of the EIR's Cultural Resources section.

Los Angeles Department of Water and Power La Kretz Innovation Campus, Los Angeles County, CA. *Project Director.* The project involved the rehabilitation of the 61,000-square-foot building located at 518-524 Colyton Street, demolition of the building located at 537-551 Hewitt Street, and construction of an open space public plaza and surface parking lot, and involved compliance with Section 106 of the National Historic Preservation Act and consultation with the California State Historic Preservation Officer. ESA is providing archaeological monitoring and data recovery services and is assisting LADWP with meeting their requirements for Section 106 of the National Historic Preservation Act. Monica is providing oversight to archaeological monitors and crew conducting resource data recovery

and laboratory analysis, and is providing guidance to LADWP on meeting Section 106 requirements.

Los Angeles Department of Water and Power Lone Pine Landfill

Paleontological Resources Recovery, Inyo County, CA. Cultural Resources

Project Director. At the request of LADWP, ESA responded to a discovery of large mammal bone at the Lone Pine Landfill in an area where borrow materials were being excavated. ESA conducted geologic map research and recovered what was identified as a mammoth tusk. The tusk was stabilized, prepared for curation, and transported to a storage facility. Monica provided senior oversight of the paleontological resources recovery team and conducted paleontological resources sensitivity training and guidance to landfill staff in the event additional material are encountered.

City of Los Angeles Recreation and Parks, Hansen Dam Skate Park Project,

Los Angeles County, CA. Cultural Resources Principal Investigator.

ESA prepared a joint EA and IS/MND for the Los Angeles Department of Recreation and Parks in coordination with the U.S. Army Corps of Engineers (Corps) for a proposed skate park facility within the Hansen Dam Recreation Area. Monica managed a Phase I Cultural resources Study, coordinated with the Army Corps of Engineers and provided senior review for the EA/IS/MND cultural resources section.

Los Angeles Unified School District, Central Los Angeles High School #9. Los

Angeles, CA. Project Director. ESA contributed to Data Recovery Report sections for Los Angeles Unified School District's Central High School #9, constructed in downtown Los Angeles. Between 2004 and 2009, Monica led a team of archaeological staff of ten who conducted archaeological monitoring and data recovery of archaeological materials in connection with the 19th century Los Angeles City Cemetery. She coordinated with the Los Angeles County Coroner and office of Vital Statistics to obtain disinterment permits and developed a mitigation plan incorporating components related to the future disposition of remains, artifact curation, and commemoration. She directed an extensive historical research effort to identify the human remains, and at the request of the client, participated in public outreach and coordination with media.

Bureau of Land Management, On-Call Cultural Resources Services, Riverside

County, CA. Project Manager. ESA has been retained by the Bureau of Land Management under an on-call contract to provide cultural resource services including compliance monitoring for projects under Bureau of Land Management (BLM) jurisdiction. Monica managed a number of projects for the BLM (Palm Springs South Coast Field Office) providing a wide range of cultural resources services for solar projects and other projects taking place on BLM lands in compliance with Section 106 and specified BLM protocols. Services that she and her staff provide under this contract include compliance monitoring and peer review, Phase I archaeological resources surveys, resource evaluations, the preparation of reports, and Native American consultation. Projects completed under this contract include Dos Palmas Phase I Survey and Archaeological Monitoring, National Monument Phase I Survey, Windy Pointe Archaeological Monitoring, and Fast and the Furious Phase I Survey.



Sara Dietler

Archaeologist

EDUCATION

B.A., Anthropology,
San Diego State
University

19 YEARS EXPERIENCE

CERTIFICATIONS/ REGISTRATION

California BLM Permit,
Principal Investigator,
Statewide

Nevada BLM Permit,
Paleontology, Field
Agent, Statewide

PROFESSIONAL AFFILIATIONS

Society for American
Archaeology (SAA)

Society for California
Archaeology (SCA)

Sara is a senior archaeology and paleontology lead with 20 years of experience in cultural resources management in Southern California. As a senior project manager, she manages technical studies including archaeological and paleontological assessments and surveys, as well as monitoring and fossil salvage for many clients, including public agencies and private developers. She is a cross-trained paleontological monitor and supervisor, familiar with regulations and guidelines implementing the National Historic Preservation Act (NHPA), National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and the Society of Vertebrate Paleontology guidelines. She has extensive experience providing oversight for long-term monitoring projects throughout the Los Angeles Basin for archaeological, Native American, and paleontological monitoring compliance projects and provides streamlined management for these disciplines.

Relevant Experience

Los Angeles Unified School District (LAUSD) Central Los Angeles High School

#9; Los Angeles, CA. Senior Project Archaeologist & Project Manager. Sara conducted on-site monitoring and investigation of archaeological sites exposed as a result of construction activities. During the data recovery phase in connection with a 19th century cemetery located on-site, she participated in locating of features, feature excavation, mapping, and client coordination. She organized background research on the cemetery, including genealogical, local libraries, city and county archives, other local cemetery records, internet, and local fraternal organizations. Sara advised on the lab methodology and setup and served as project manager. Sara was a contributing author and editor for the published monograph, which was published as part of a technical series, "Not Dead but Gone Before: The Archaeology of Los Angeles City Cemetery."

Downtown Cesar Chavez Median Project, City of Los Angeles, CA. Project Manager. Sara assisted the City of Los Angeles Department of Public Works Bureau of Engineering with a Local Assistance Project requiring consultations with Caltrans cultural resources. Responsible for Caltrans coordination, serving as contributing author and report manager for required ASR, HPSR, and HRER prepared for the project.

Elysian/USC Water Recycling Project Initial Study/Environmental Assessment, Los Angeles, CA. Project Manager. Sara worked on the Initial Study/Mitigated Negative Declaration and an Environmental Assessment/Finding of No Significant Impact to construct recycled water pipelines for irrigation and other industrial uses serving Los Angeles Department of Water and Power customers in downtown Los Angeles, including Elysian Park. The U.S. Environmental Protection Agency is the federal lead agency.



Vanessa N. Ortiz, MA, RPA

Cultural Resources Specialist

EDUCATION

M.A., Anthropology
emphasis Archaeology,
California State
University, Los Angeles

B.A. Anthropology,
California State
University, Los Angeles

7 YEARS EXPERIENCE

PROFESSIONAL AFFILIATIONS

Register of Professional
Archaeologists
#30984230

Society for American
Archaeology

California Cultural
Resources Preservation
Alliance

Society for California
Archaeology

Lambda Alpha Honors
Society

Vanessa is an archaeologist with over seven years of documentation, records searches, survey, excavation, and monitoring experience. She is cross trained in archaeology and paleontology. She has worked extensively throughout California, with particular experience in the context of the Mojave and California Great Basin, prehistoric food processing sites, and historic artifacts.

Relevant Experience

City of Beverly Hills Metro Purple Line Extension, Beverly Hills, CA.

Compliance Coordinator. ESA is retained by the City of Beverly Hills to conduct general compliance monitoring during the advanced utilities relocation phase of construction for the segment of the Metro Purple Line Extension Project located in the City of Beverly Hills. Vanessa oversees ESA monitors, prepare weekly reports and 3-week look-ahead projections based on estimated contractor planned activities. As needed, she issues violations in the event a non-compliance issue is identified. ESA's primary objective is to assist contractors in avoiding non-compliance issues through thorough observation and open communication.

Ballona Wetland Restoration, Playa Del Rey, CA. *Archaeologist.* As part of the development of the restoration plan for the Ballona Wetlands, the ESA project team characterized existing conditions that included water and sediment sampling and analysis. The water and sediment quality sampling was performed to develop and evaluate potential restoration alternatives, and to develop a conceptual plan. The ESA project team compiled existing data on and conducted additional sampling for water and sediment to assess potential effects on the proposed wetland restoration habitat from the use of urban runoff and tidal inflow from Ballona Creek. These data were used to complete a baseline report and restoration alternatives assessment. Vanessa assisted in survey, data recovery and artifact analysis.

Los Angeles Department of Water and Power (LADWP), Path 46 Clearance Surveys, San Bernardino, CA. *Archaeologist.* ESA has been tasked by LADWP to conduct required surveys for the Path 46 Transmission Line Clearances Project. The project's objective is to restore required code clearances to the transmission conductors, which will be accomplished by grading the ground surface underneath the transmission lines to achieve required height consistency. The work is being conducted in compliance with BLM guidelines and federal laws and statutes. Biological, archaeological, and paleontological resource surveys are currently being conducted for the 77 proposed grading areas, staging areas, and roads. Pending reports will document results of the surveys and provide recommendations for minimally invasive access areas, staging areas, and soil distribution. Vanessa provided field surveys and documentation of archaeological sites for submission to the California State Parks.

Los Angeles Department of Water and Power (LADWP), Scattergood Olympic Transmission Line (SOTL) Cultural Resources Monitoring, Los Angeles, CA.

Archaeologist. LADWP is constructing and will operate approximately 11.4 miles of new 230 kilovolt (kv) underground transmission line. LADWP installed 55 vaults and underground conduit for the SOTL Project. ESA provided cultural resources services, including archaeological, Native American, and paleontological monitoring, to fulfill the requirements of the Project EIR mitigation measures for cultural resources. Reports documenting the monitoring findings were submitted at the end of the project. Vanessa provided oversight and scheduling to monitors and assisted in preparing the final report.

California High Speed Rail, Fresno, CA. *Archaeological Monitor.* ESA was retained as a sub-consultant to the Tutor Perini Zachary Parsons Joint Venture. The project consisted of pre-construction surveys for biological and cultural resources, compliance monitoring during construction, and compliance tracking and reporting. Approximately 29 miles in length, the project also included both biological and cultural resources such as the historic Chinatown in downtown Fresno, vernal pool and seasonal wetland habitat and crossings of the San Joaquin and Fresno Rivers. Vanessa provided archaeological monitoring for the Project during construction.

Los Angeles Department of Water and Power, La Kretz Innovation Campus Project, Los Angeles, CA. *Archaeological Monitor and Lab Technician.* ESA provided archaeological monitoring in connection with the La Kretz Innovation Campus Project located in downtown Los Angeles. ESA conducted construction worker cultural resources sensitivity training; archaeological monitoring; and prepared a monitoring report. The Project involved the rehabilitation of the 61,000-square-foot building located at 518-524 Colyton Street, the demolition of the building located at 537-551 Hewitt Street, and the construction of an open space public plaza, and surface parking lot, and involved compliance with Section 106 of the National Historic Preservation Act and consultation with the California State Historic Preservation Officer. Vanessa provided monitoring for the duration of the Project as well as a lab technician during the curation of the artifacts recovered from the Project and co-authored the final cultural report.

Los Angeles Department of Water and Power (LADWP), Silver Lake Reservoir Complex (SLRC) Storage Replacement and River Supply Conduit 1A, Los Angeles County, CA. *Archaeological and Paleontological Monitor.* ESA is providing archaeological and paleontological monitoring for SLRC Storage Replacement and River Supply Conduit 1A Project. As part of this task, ESA conducted construction worker cultural resources sensitivity training and archaeological and paleontological monitoring. A final monitoring report will be prepared at the end of construction. Vanessa was the field monitor on this project.

Appendix B
**Assembly Bill 52 Consultation
Correspondence**

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ

CAROLINE CHOE

RENEE DAKE WILSON

KAREN MACK

MARC MITCHELL

VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
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**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

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KEVIN J. KELLER, AICP
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(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

September 4, 2018

Fernandeño Tataviam Band of Mission Indians
Kimia Fatehi, Director, Public Relations
1019 2nd Street, Ste. 1
San Fernando, CA 91340

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

RE: AB52 NOTIFICATION - HOLLYWOOD CENTER PROJECT

Dear Tribal Representative:

This letter is to inform you that the Los Angeles Department of City Planning is reviewing the following proposed project:

The demolition of 1,237 square feet of existing commercial building for the construction of 1,188,105 square feet of residential uses (1,005 units), 124,066 square feet of residential amenities and lobbies 30,176 square feet of restaurant/retail uses for a total net square footage buildable area of 1,401,453 square feet. A total of 1,521 parking spaces would be provided within above-grade and subterranean parking areas at Project build-out. Excavation is proposed at 76 feet below grade to accommodate foundations and 5-levels of subterranean parking, and includes approximately 321,675 cubic yards of soil export. A hotel option is also proposed to include 1,053,554 square feet of residential uses (884 units), 220 hotel rooms (130,278 square feet), 58,732 square feet of residential amenities and lobbies, and 30,176 square feet of restaurant and retail uses for a total buildable area of 1,387,044 square feet. Parking proposed would remain unchanged for this option at 1,521 parking spaces.

Per AB 52, you have the right to consult on a proposed public or private project prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. You have 30 calendar days from receipt of this letter to notify us in writing that you want to consult on this project. Please provide your contact information and mail your request to:

Los Angeles Department of City Planning
Attn: Elva Nuño-O'Donnell, City Planner
6262 Van Nuys Boulevard, Room 351
Los Angeles, CA 91401
Email: elva.nuno-odonnell@lacity.org
Phone No. (818) 374-5066

Sincerely,

Vincent P. Bertoni, AICP
Director of Planning

Elva Nuño-O'Donnell, City Planner
Major Projects/Environmental Analysis

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

September 4, 2018

Gabrieleño Band of Mission Indians-Kizh Nation
Andrew Salas, Chairperson
P.O. Box 393
Covina, CA 91723

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

RE: AB52 NOTIFICATION - HOLLYWOOD CENTER PROJECT

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6262 Van Nuys Boulevard, Room 351
Los Angeles, CA 91401
Email: elva.nuno-odonnell@lacity.org
Phone No. (818) 374-5066

Sincerely,

Vincent P. Bertoni, AICP
Director of Planning

Elva Nuño-O'Donnell, City Planner
Major Projects/Environmental Analysis

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CITY PLANNING COMMISSION

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LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

September 4, 2018

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower, CA 90707

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

RE: AB52 NOTIFICATION - HOLLYWOOD CENTER PROJECT

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Attn: Elva Nuño-O'Donnell, City Planner
6262 Van Nuys Boulevard, Room 351
Los Angeles, CA 91401
Email: elva.nuno-odonnell@lacity.org
Phone No. (818) 374-5066

Sincerely,

Vincent P. Bertoni, AICP
Director of Planning

Elva Nuño-O'Donnell, City Planner
Major Projects/Environmental Analysis

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ

CAROLINE CHOE

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**CITY OF LOS ANGELES
CALIFORNIA**



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September 4, 2018

Gabrielino/Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908
Los Angeles, CA 90086

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

RE: AB52 NOTIFICATION - HOLLYWOOD CENTER PROJECT

Dear Tribal Representative:

This letter is to inform you that the Los Angeles Department of City Planning is reviewing the following proposed project:

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Los Angeles Department of City Planning
Attn: Elva Nuño-O'Donnell, City Planner
6262 Van Nuys Boulevard, Room 351
Los Angeles, CA 91401
Email: elva.nuno-odonnell@lacity.org
Phone No. (818) 374-5066

Sincerely,

Vincent P. Bertoni, AICP
Director of Planning

Elva Nuño-O'Donnell, City Planner
Major Projects/Environmental Analysis

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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September 4, 2018

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

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
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Area and Hollywood Sign District

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September 4, 2018

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

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

RE: AB52 NOTIFICATION - HOLLYWOOD CENTER PROJECT

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September 4, 2018

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

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

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Director of Planning

Elva Nuño-O'Donnell, City Planner
Major Projects/Environmental Analysis

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September 4, 2018

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838
Newhall, CA 91322

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

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Elva Nuño-O'Donnell, City Planner
Major Projects/Environmental Analysis

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September 4, 2018

Soboba Band of Luiseño Indians
Joseph Ontiveros, Cultural Resource Director
P.O. Box 487
San Jacinto, CA 92581

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

RE: AB52 NOTIFICATION - HOLLYWOOD CENTER PROJECT

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Director of Planning

Elva Nuño-O'Donnell, City Planner
Major Projects/Environmental Analysis

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September 4, 2018

Torres Martinez Desert Cahuilla Indians
Michael Mirelez, Cultural Resource Coordinator
P.O. Box 1160
Thermal, CA 92274

CASE NO. ENV-2018-2116-EIR
Project Address: 1750 N. Vine Street;
Community Plan: Hollywood
Other: Hollywood CRA Redevelopment
Area and Hollywood Sign District

RE: AB52 NOTIFICATION - HOLLYWOOD CENTER PROJECT

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DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

April 8, 2020

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

RE: AB 52 Completion of Consultation
Hollywood Center Project at 1720-1770 North Vine Street; 1746-1760 North Ivar
Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street,
Los Angeles, California 90028
(Case No. ENV-2018-2116-EIR)(“Proposed Project”)

Dear Chairman Salas:

The purpose of this correspondence is to briefly summarize the City’s combined efforts to engage in a meaningful and good faith consultation regarding potential impacts to tribal cultural resources as they relate to the above-named Project, and to document the conclusion of the tribal consultation process, pursuant to Public Resources Code (PRC) Section 21080.3.2. The following is a summary of the history of tribal consultation regarding the Proposed Project.

On September 4, 2018, the City mailed an AB 52 Notification Letter to the Gabrieleño Band of Mission Indians – Kizh Nation (Gabrieleño) and on September 10, 2018, the City received an email from an Administrative Specialist for the Gabrieleño, requesting tribal consultation. The email included, as attachments, a formal letter request from Andrew Salas, Tribal Chairman, and a map depicting the territories of original peoples in Southern California.

On September 11, 2018, City Planning staff confirmed receipt of the email and requested a date and time to initiate the AB 52 Consultation for the Proposed Project. The tribal consultation process commenced on December 5, 2018 via a conference call attended by Tribal Chairman Andrew Salas and Tribal Biologist Matt Teutimez of the Gabrieleño; and Mindy Nguyen, William Lamborn, May Sirinopwongsagon and Nuri Cho of the Los Angeles Department of City Planning. During the phone consultation, City Planning staff acknowledged the receipt of the Gabrieleño’s request for consultation, described the Project scope, including the proposed excavation activities and existing soil conditions. In response, the Gabrieleño shared their knowledge of the Project Site. Specifically, the Gabrieleño described two historic trade routes that traverse the Project Site, and indicated that these routes are considered cultural resources.

On December 6, 2018, City Planning staff sent a follow-up email to the Gabrieleño, summarizing the details of the phone consultation, and requested that additional documentation and/or materials in the form of recorded maps demonstrating the presence of a tribal cultural resource

located within 0.5 miles of the Project Site, identification of tribal cultural resources in the Project area, evidence of human remains and artifacts in the surrounding area, and/or evidence of sacred land designated for trading routes be provided. On January 3, 2019, January 22, 2019 and again on March 4, 2019, the City sent a follow-up email to the Gabrieleño, requesting additional information and extending the deadline to provide substantial evidence.

To date, no evidence has been submitted that demonstrates that the specific location of the Project Site should be considered a tribal cultural resource pursuant to Public Resources Code Section 5024.1, such that monitoring for tribal cultural resources would be required to avoid significant and unavoidable impacts. Furthermore, review of the map originally provided with the consultation request did not demonstrate that there is an existing tribal cultural resource within the Project Site.

As a result of the information provided to the City by the Gabrieleño prior to, and during, the December 5, 2018 tribal consultation, in conjunction with the information provided in the Project's Tribal Cultural Resources Report, the City, after acting in good faith and with reasonable effort, has concluded that mutual agreement cannot be reached for purposes of AB 52. Based upon the record, the City has determined that no substantial evidence exists to support a conclusion that the 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 will soon release the Project's Draft Environmental Impact Report, which will commence a 60-day period, during which, any interested parties and agencies, including the Gabrieleño, 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,



Mindy Nguyen
City Planner
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

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April 8, 2020

Sam Dunlap
Cultural Resources Director
Gabrielino Tongva Nation
PO Box 86908
Los Angeles, CA 90086

RE: AB 52 Completion of Consultation
Hollywood Center Project at 1720-1770 North Vine Street; 1746-1760 North Ivar
Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street,
Los Angeles, California 90028
(Case No. ENV-2018-2116-EIR)("Proposed Project")

Dear Director Dunlap:

The purpose of this correspondence is to briefly summarize the City's combined efforts to engage in a meaningful and good faith consultation regarding potential impacts to tribal cultural resources as they relate to the above-named Project, and to document the conclusion of the tribal consultation process, pursuant to Public Resources Code (PRC) Section 21080.3.2. The following is a summary of the history of tribal consultation regarding the Proposed Project.

On September 4, 2018, the City mailed an AB 52 Notification Letter to the Gabrielino Tongva Nation (Tongva) and on October 3, 2018, the City received your request to engage in tribal consultation with the City for the aforementioned Project.

On October 4, 2018, City Planning staff confirmed receipt of the email and requested a date and time to initiate the AB 52 Consultation for the Proposed Project. On October 11, 2018, City Planning staff confirmed an in-person meeting date and asked that Mr. Dunlap bring any documentation and/or materials to be considered by the City, and incorporated into the Project's tribal cultural resources analysis. The tribal consultation process commenced on October 19, 2018 via an in-person meeting at the Marvin Braude Constituent Service Center, between Sam Dunlap of the Tongva, and Elva Nuño-O'Donnell of the Los Angeles Department of City Planning. During the in-person consultation, the Department of City Planning discussed the receipt of the Tribe's request for consultation, and described the scope of the Project, and provided general information including proposed excavation activities and existing soil conditions. In response, the Tongva provided background history of several tribes and expressed concern with the need for proper mitigation during construction activities, including monitoring for the Project. If such monitoring was warranted, the Tongva requested that the City not specify any particular tribe in the mitigation. At the conclusion of the meeting, City Planning staff requested additional documentation that would assist the City in their analysis of tribal cultural resources.

On November 1, 2018, City Planning staff sent a follow-up email to Mr. Dunlap, summarizing the details of the consultation meeting, making note that no further documentation had been provided by the Tongva, and informed Mr. Dunlap of the new point of contact for the Project. On March 27, 2019, City Planning staff sent an email indicating that no information had been received in response to the email sent on November 1, 2018, and extended the deadline to provide any documentation and/or materials to April 10, 2019. To date, no further documentation or response has been received and no tribal cultural resources have been identified as a result of the consultation with the Tongva.

To date, no evidence has been submitted that demonstrates that the specific location of the Project Site should be considered a tribal cultural resource pursuant to Public Resources Code Section 5024.1, such that monitoring for tribal cultural resources would be required to avoid significant and unavoidable impacts.

As a result of the information provided to the City by the Tongva prior to, and during, the October 19, 2018 tribal consultation, in conjunction with the information provided in the Project's Tribal Cultural Resources report, the City, after acting in good faith and with reasonable effort, has concluded that mutual agreement cannot be reached for purposes of AB 52. 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 will soon release the Project's Draft Environmental Impact Report soon, which will commence a 60-day period, during which, any interested parties and agencies, including the Tongva, 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,



Mindy Nguyen
City Planner
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