

# APPENDIX H

## Assembly Bill 52 Consultation

**From:** Rachel Kwok <Rachel.Kwok@SMGOV.NET>  
**Sent:** Wednesday, January 6, 2021 11:40 AM  
**To:** Meisinger, Nick; Leachman, Erika  
**Subject:** FW: 6th Cycle 2021-2029 Housing Element Project  
**Attachments:** SB 18 AB 52 Combo Yes 6th Cycle 2021-2029 Housing Element Project 1.4.2021.pdf; 6th Cycle 2021-2029 Housing Element Project 1.4.2021.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** External email. Please do not click on links/attachments unless you know the content is genuine and safe.

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**From:** Green, Andrew@NAHC <Andrew.Green@nahc.ca.gov>  
**Sent:** Monday, January 4, 2021 12:49 PM  
**To:** Rachel Kwok <Rachel.Kwok@SMGOV.NET>  
**Cc:** Gabrieleno Administration <admin@gabrielenoindians.org>  
**Subject:** 6th Cycle 2021-2029 Housing Element Project

EXTERNAL

Good Afternoon,

Attached is the response to the project referenced above. If you have any additional questions, please feel free to contact our office email at [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov).

Regards,

**Andrew Green**

Native American Heritage Commission  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov)  
Direct Line: (916) 573-1072  
Office: (916) 373-3710

Native American Heritage Commission  
Tribal Consultation List  
Los Angeles County  
1/4/2021

**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

**Soboba Band of Luiseno  
Indians**

Scott Cozart, Chairperson  
P. O. Box 487 Cahuilla  
San Jacinto, CA, 92583 Luiseno  
Phone: (951) 654 - 2765  
Fax: (951) 654-4198  
jontiveros@soboba-nsn.gov

**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

**Gabrielino /Tongva Nation**

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

**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

**Gabrielino-Tongva Tribe**

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

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 6th Cycle 2021-2029 Housing Element Project, Los Angeles County.

## NATIVE AMERICAN HERITAGE COMMISSION

January 4, 2021

Rachel Kwok  
City of Santa Monica

Via Email to: [rachel.kwok@smgov.net](mailto:rachel.kwok@smgov.net)

**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, 6<sup>th</sup> Cycle 2021-2029 Housing Element Project, Los Angeles County**

Dear Ms. Kwok:

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.*

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:



CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Julie Tumamait-Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

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 (SFL) check conducted through the Native American Heritage Commission was positive. Please contact the Gabrieleno Band of Mission Indians – Kizh Nation on the attached list for more information.
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 will 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](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
*Cultural Resources Analyst*

Attachment

# Local Government Tribal Consultation List Request

## Native American Heritage Commission

1550 Harbor Blvd, Suite 100  
West Sacramento, CA 95691  
916-373-3710  
916-373-5471 – Fax  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

### Type of List Requested

CEQA Tribal Consultation List (AB 52) – *Per Public Resources Code § 21080.3.1, subs. (b), (d), (e) and 21080.3.2*

General Plan (SB 18) - *Per Government Code § 65352.3.*

#### Local Action Type:

General Plan  General Plan Element  General Plan Amendment

Specific Plan  Specific Plan Amendment  Pre-planning Outreach Activity

### Required Information

Project Title: 6th Cycle 2021-2029 Housing Element

Local Government/Lead Agency: City of Santa Monica

Contact Person: Rachel Kwok

Street Address: 1685 Main Street, Room 212

City: Santa Monica Zip: 90407

Phone: (310) 458-8341 Fax: \_\_\_\_\_

Email: rachel.kwok@smgov.net

#### Specific Area Subject to Proposed Action

County: Los Angeles City/Community: Santa Monica

#### Project Description:

In response to the 6th Cycle Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period, the City of Santa Monica (City) has initiated a process to update its Housing Element, one of the required elements of the City's General Plan. Per the RHNA for the 2021-2029 planning period, the City has been allocated 8,873 units to accommodate the estimated growth need at various income levels. The proposed 2021-2029 Housing Element will include all required components pursuant too California State law, including an identification of goals, objectives, and policies as well as programs that will implement the vision of the plan; a list of sites that could accommodate new housing, demonstrating the City's ability to meet the housing target established in the RHNA.

### Additional Request

Sacred Lands File Search - *Required Information:*

USGS Quadrangle Name(s): Citywide search

Beverly Hills Quadrangle

Township: 01S Range: 16W Section(s): Unsectioned



**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

January 7, 2021

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

RE: Formal Notification of Tribal Consultation Opportunity Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) 2021-2029 Housing Element Update, City of Santa Monica

Greetings Mr. Alvarez,

In response to the 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period, the City of Santa Monica (City) has initiated a process to update its Housing Element, one of the required elements of the City's General Plan. The proposed 2021-2029 Housing Element Update constitutes a "Project" pursuant to the California Environmental Quality Act (CEQA) and, therefore, the City is preparing a Program Environmental Impact Report (EIR). The Program EIR will address the short-term and long-term effects of the proposed Project on the environment. It will also evaluate the potential for the proposed Project to cause direct and indirect growth-inducing impacts as well as cumulative impacts. Alternatives to the proposed Project will be evaluated that may reduce impacts that are determined to be potentially significant in the Program EIR. Mitigation may be proposed for those impacts that are determined to be potentially significant. The Program EIR will address the goals, objectives, and policies of the proposed 2021-2029 Housing Element Update and will not address any specific residential development or re-development projects.

As a Native American tribe that has requested notification pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, the City invites your participation and consultation regarding any concerns related to tribal cultural resources. A summary of the proposed 2019-2029 Housing Element Update is provided on Page 2 and 3 of this letter. Additionally, a description of the proposed 2021-2029 Housing Element Update is available in the Notice of Preparation (NOP) provided at:  
<https://www.smgov.net/Departments/PCD/Environmental-Reports/6th-Cycle-2021-2029-Housing-Element-EIR/>

Your input is important to the City's planning process. If you would like to consult on this project, please notify the City in writing 30 days from receipt of this letter. Please also provide the appropriate contact who will represent the tribe in consultation. If you require any additional information or have any questions, please contact me at (310) 458-8341 or via e-mail at [rachel.kwok@smgov.net](mailto:rachel.kwok@smgov.net). Thank you for your assistance.

Sincerely,

A handwritten signature in red ink, appearing to read "Rachel Kwok", written over a horizontal line.

Rachel Kwok, Environmental Planner  
City Planning  
City of Santa Monica



**Background**

Since 1969, California has required that all local governments (i.e., cities and counties) adequately plan to meet the housing needs of everyone in the community. One of the required elements of a General Plan is the Housing Element. California State law requires that communities prepare and update the Housing Element every 8 years. The Housing Element serves as the City’s guide for addressing the housing needs of all segments of the City’s population. Housing needs are determined by the California Housing and Community Department (HCD), which develops the numerical housing targets for each of the regional council of governments across the State. Each of the regional council of governments then further allocates the housing target – known as the Regional Housing Needs Allocation or RHNA – to every city and county within its jurisdiction. The RHNA is a “target” in that cities and counties are not required to build this number of housing units, but rather they must plan for them and show that there is capacity to accommodate them under current land use and development standards.

**6<sup>th</sup> Cycle Housing Element Update Components**

Per State requirements, the City’s proposed 2021-2029 Housing Element Update would include the following components:

- A detailed analysis of the City’s demographic, economic, and housing characteristics.
- An analysis of the barriers to producing and preserving housing.
- A review of the City’s progress in implementing current housing policies and programs.
- An identification of goals, objectives, and policies, in addition to a full list of programs that will implement the vision of the plan.
- A list of sites (i.e., the Suitable Sites Inventory) that could accommodate new housing, demonstrating the City’s ability to meet the numerical housing target established in the RHNA.

The proposed 6<sup>th</sup> Cycle Housing Element must be certified by the HCD no later than October 15, 2021.

**Regional Housing Needs Assessment**

The Southern California Association of Governments (SCAG) is responsible for oversight of the RHNA process for Southern California, including the City. Per the RHNA for the 2021-2029 planning period, the City has been allocated 8,873 units to accommodate the estimated growth need at various income levels. The significant increase in the City’s RHNA housing number, more than five times the last cycle, is indicative of the severity of the current housing crisis. As required by California State law, the Housing Element must identify the City’s ability to accommodate this estimated growth through available sites and appropriate zoning.

<b>City of Santa Monica</b>			
<b>6<sup>th</sup> Cycle RHNA Allocations by Income Category</b>			
<b>Income Category (Percent of Annual Mean Income)</b>	<b>Income Range</b>		<b>RHNA Allocation</b>
	<b>Minimum</b>	<b>Maximum</b>	
Very Low (31% to 50%)	\$23,963	\$38,650	2,787
Low (51% to 80%)	\$39,423	\$61,840	1,668
Moderate (81% to 120%)	\$62,613	\$92,760	1,698
Above Moderate (121% or more)	\$93,533	> \$93,533	2,720
<b>Total</b>			<b>8,873</b>

Notes: HUD 2020 Area Median Income Limits – 2020 Los Angeles, AMI \$77,300  
<https://www.huduser.gov/portal/datasets/il/il2020/2020summary.odn>



**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

### **Available Sites and Capacity Assessment**

The proposed 2021-2029 Housing Element must demonstrate the City's ability to accommodate the RHNA either through production or the availability of properly zoned land that can accommodate additional growth. If adequate sites cannot be identified within the existing zoning, the City is required to rezone sites that can accommodate the remaining need at a minimum density of 20 dwelling units per acre, which is the default density set by HCD. The City is not required to build residential units in order to meet its RHNA allocation, only to identify potential sites and create the framework to allow the market the opportunity to develop these units. The proposed 2021-2029 Housing Element Update will explore opportunities to accommodate the RHNA through current production, entitled units, or the availability of properly zoned land that can accommodate additional growth. The proposed 2021-2029 Housing Element Update will further identify and address potential and actual governmental and non-governmental constraints on the development of housing for all income levels.

### **AB 52 and SB 18 Consultation**

The City will undertake consultation with California Native American tribes concerning this Project, in fulfillment of the requirements of AB 52 and SB 18 as implemented in the California Government Code and Public Resources Code. This letter invites consultation under AB 52 and SB 18, and addressees have 30 days from the date of receipt to initiate consultation.

AB 52 and PRC §21080.3.1 establish a formal consultation process for California Native American tribes regarding tribal cultural resources. Tribal cultural resources are defined as "*sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe.*" The consultation process must be completed before a CEQA document can be certified. AB 52 requires that lead agencies "*begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.*" California Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the Lead Agency (i.e., the City). California Government Code §65352.3, adopted pursuant to the requirements of SB 18, requires local governments to contact, refer plans to, and consult with California Native American tribes prior to making a decision to adopt or amend a general or specific plan, or to designate open space that includes Native American Cultural Places.

Within 30 days of receiving the tribe's request for consultation, the City will begin the consultation process. This may include a discussion regarding the scope of environmental review necessary for the proposed Project, the significance of tribal cultural resources in the Project area, the significance of potential impacts on tribal cultural resources that might result from the Project, and, if necessary, alternatives or appropriate measures for preservation or mitigation that the tribe may recommend. The consultation does not limit the ability of the tribe to submit information to the City regarding the significance of a tribal cultural resource, the significance of potential impacts on a tribal cultural resources, or about any measures the tribe feels are appropriate to mitigate impacts. Transmitting confidential information, such as the specific location of a tribal cultural resource, is not recommended. In such instances, please notify the City via formal letter, in person, or over the phone. If you wish to informally submit information, written comments may be sent to:

Rachel Kwok, Environmental Planner  
City Planning, City of Santa Monica  
1685 Main Street, Room 212  
Santa Monica, CA 90407  
E-mail: [rachel.kwok@smgov.net](mailto:rachel.kwok@smgov.net)



**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

January 7, 2021

Soboba Band of Luiseno  
Indians  
Scott Cozart, Chairperson  
P. O. Box 487  
San Jacinto, CA, 92583  
Phone: (951) 654-2765  
jontiveros@soboba-nsn.gov

RE: Formal Notification of Tribal Consultation Opportunity Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) 2021-2029 Housing Element Update, City of Santa Monica

Greetings Chairperson Cozart,

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**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

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Rachel Kwok, Environmental Planner  
City Planning, City of Santa Monica  
1685 Main Street, Room 212  
Santa Monica, CA 90407  
E-mail: [rachel.kwok@smgov.net](mailto:rachel.kwok@smgov.net)



**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

January 7, 2021

Gabrielino Tongva Indians of  
California Tribal Council  
Robert Dorame, Chairperson  
P.O. Box 490  
Bellflower, CA, 90707  
Phone: (562) 761-6417  
gtongva@gmail.com

RE: Formal Notification of Tribal Consultation Opportunity Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) 2021-2029 Housing Element Update, City of Santa Monica

Greetings Chairperson Dorame,

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Rachel Kwok, Environmental Planner  
City Planning  
City of Santa Monica



**Background**

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**6<sup>th</sup> Cycle Housing Element Update Components**

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<b>City of Santa Monica</b>			
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**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

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**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

January 7, 2021

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

RE: Formal Notification of Tribal Consultation Opportunity Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) 2021-2029 Housing Element Update, City of Santa Monica

Greetings Chairperson Goad,

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**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

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**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

January 7, 2021

Gabrieleno/Tongva San Gabriel  
Band of Mission Indians  
Anthony Morales, Chairperson  
P.O. Box 693  
San Gabriel, CA, 91778  
Phone: (626) 483-3564  
GTTribalcouncil@aol.com

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City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

January 7, 2021

Santa Rosa Band of Cahuilla  
Indians  
Lovina Redner, Tribal Chair  
P.O. Box 391820  
Anza, CA, 92539  
Phone: (951) 659-2700  
lsaul@santarosa-nsn.gov

RE: Formal Notification of Tribal Consultation Opportunity Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) 2021-2029 Housing Element Update, City of Santa Monica

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Above Moderate (121% or more)	\$93,533	> \$93,533	2,720
<b>Total</b>			<b>8,873</b>

Notes: HUD 2020 Area Median Income Limits – 2020 Los Angeles, AMI \$77,300  
<https://www.huduser.gov/portal/datasets/il/il2020/2020summary.odn>



**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

### **Available Sites and Capacity Assessment**

The proposed 2021-2029 Housing Element must demonstrate the City's ability to accommodate the RHNA either through production or the availability of properly zoned land that can accommodate additional growth. If adequate sites cannot be identified within the existing zoning, the City is required to rezone sites that can accommodate the remaining need at a minimum density of 20 dwelling units per acre, which is the default density set by HCD. The City is not required to build residential units in order to meet its RHNA allocation, only to identify potential sites and create the framework to allow the market the opportunity to develop these units. The proposed 2021-2029 Housing Element Update will explore opportunities to accommodate the RHNA through current production, entitled units, or the availability of properly zoned land that can accommodate additional growth. The proposed 2021-2029 Housing Element Update will further identify and address potential and actual governmental and non-governmental constraints on the development of housing for all income levels.

### **AB 52 and SB 18 Consultation**

The City will undertake consultation with California Native American tribes concerning this Project, in fulfillment of the requirements of AB 52 and SB 18 as implemented in the California Government Code and Public Resources Code. This letter invites consultation under AB 52 and SB 18, and addressees have 30 days from the date of receipt to initiate consultation.

AB 52 and PRC §21080.3.1 establish a formal consultation process for California Native American tribes regarding tribal cultural resources. Tribal cultural resources are defined as "*sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe.*" The consultation process must be completed before a CEQA document can be certified. AB 52 requires that lead agencies "*begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.*" California Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the Lead Agency (i.e., the City). California Government Code §65352.3, adopted pursuant to the requirements of SB 18, requires local governments to contact, refer plans to, and consult with California Native American tribes prior to making a decision to adopt or amend a general or specific plan, or to designate open space that includes Native American Cultural Places.

Within 30 days of receiving the tribe's request for consultation, the City will begin the consultation process. This may include a discussion regarding the scope of environmental review necessary for the proposed Project, the significance of tribal cultural resources in the Project area, the significance of potential impacts on tribal cultural resources that might result from the Project, and, if necessary, alternatives or appropriate measures for preservation or mitigation that the tribe may recommend. The consultation does not limit the ability of the tribe to submit information to the City regarding the significance of a tribal cultural resource, the significance of potential impacts on a tribal cultural resources, or about any measures the tribe feels are appropriate to mitigate impacts. Transmitting confidential information, such as the specific location of a tribal cultural resource, is not recommended. In such instances, please notify the City via formal letter, in person, or over the phone. If you wish to informally submit information, written comments may be sent to:

Rachel Kwok, Environmental Planner  
City Planning, City of Santa Monica  
1685 Main Street, Room 212  
Santa Monica, CA 90407  
E-mail: [rachel.kwok@smgov.net](mailto:rachel.kwok@smgov.net)



**Planning and Community Development**  
City Planning Division  
1685 Main Street, Room 212  
Santa Monica, CA 90401

January 7, 2021

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

RE: Formal Notification of Tribal Consultation Opportunity Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) 2021-2029 Housing Element Update, City of Santa Monica

Greetings Chairperson Salas,

In response to the 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period, the City of Santa Monica (City) has initiated a process to update its Housing Element, one of the required elements of the City's General Plan. The proposed 2021-2029 Housing Element Update constitutes a "Project" pursuant to the California Environmental Quality Act (CEQA) and, therefore, the City is preparing a Program Environmental Impact Report (EIR). The Program EIR will address the short-term and long-term effects of the proposed Project on the environment. It will also evaluate the potential for the proposed Project to cause direct and indirect growth-inducing impacts as well as cumulative impacts. Alternatives to the proposed Project will be evaluated that may reduce impacts that are determined to be potentially significant in the Program EIR. Mitigation may be proposed for those impacts that are determined to be potentially significant. The Program EIR will address the goals, objectives, and policies of the proposed 2021-2029 Housing Element Update and will not address any specific residential development or re-development projects.

As a Native American tribe that has requested notification pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18, the City invites your participation and consultation regarding any concerns related to tribal cultural resources. A summary of the proposed 2019-2029 Housing Element Update is provided on Page 2 and 3 of this letter. Additionally, a description of the proposed 2021-2029 Housing Element Update is available in the Notice of Preparation (NOP) provided at:

<https://www.smgov.net/Departments/PCD/Environmental-Reports/6th-Cycle-2021-2029-Housing-Element-EIR/>

Your input is important to the City's planning process. If you would like to consult on this project, please notify the City in writing 30 days from receipt of this letter. Please also provide the appropriate contact who will represent the tribe in consultation. If you require any additional information or have any questions, please contact me at (310) 458-8341 or via e-mail at [rachel.kwok@smgov.net](mailto:rachel.kwok@smgov.net). Thank you for your assistance.

Sincerely,

A handwritten signature in red ink, appearing to read "Rachel Kwok", written over a horizontal line.

Rachel Kwok, Environmental Planner  
City Planning  
City of Santa Monica



**Background**

Since 1969, California has required that all local governments (i.e., cities and counties) adequately plan to meet the housing needs of everyone in the community. One of the required elements of a General Plan is the Housing Element. California State law requires that communities prepare and update the Housing Element every 8 years. The Housing Element serves as the City’s guide for addressing the housing needs of all segments of the City’s population. Housing needs are determined by the California Housing and Community Department (HCD), which develops the numerical housing targets for each of the regional council of governments across the State. Each of the regional council of governments then further allocates the housing target – known as the Regional Housing Needs Allocation or RHNA – to every city and county within its jurisdiction. The RHNA is a “target” in that cities and counties are not required to build this number of housing units, but rather they must plan for them and show that there is capacity to accommodate them under current land use and development standards.

**6<sup>th</sup> Cycle Housing Element Update Components**

Per State requirements, the City’s proposed 2021-2029 Housing Element Update would include the following components:

- A detailed analysis of the City’s demographic, economic, and housing characteristics.
- An analysis of the barriers to producing and preserving housing.
- A review of the City’s progress in implementing current housing policies and programs.
- An identification of goals, objectives, and policies, in addition to a full list of programs that will implement the vision of the plan.
- A list of sites (i.e., the Suitable Sites Inventory) that could accommodate new housing, demonstrating the City’s ability to meet the numerical housing target established in the RHNA.

The proposed 6<sup>th</sup> Cycle Housing Element must be certified by the HCD no later than October 15, 2021.

**Regional Housing Needs Assessment**

The Southern California Association of Governments (SCAG) is responsible for oversight of the RHNA process for Southern California, including the City. Per the RHNA for the 2021-2029 planning period, the City has been allocated 8,873 units to accommodate the estimated growth need at various income levels. The significant increase in the City’s RHNA housing number, more than five times the last cycle, is indicative of the severity of the current housing crisis. As required by California State law, the Housing Element must identify the City’s ability to accommodate this estimated growth through available sites and appropriate zoning.

<b>City of Santa Monica</b>			
<b>6<sup>th</sup> Cycle RHNA Allocations by Income Category</b>			
<b>Income Category (Percent of Annual Mean Income)</b>	<b>Income Range</b>		<b>RHNA Allocation</b>
	<b>Minimum</b>	<b>Maximum</b>	
Very Low (31% to 50%)	\$23,963	\$38,650	2,787
Low (51% to 80%)	\$39,423	\$61,840	1,668
Moderate (81% to 120%)	\$62,613	\$92,760	1,698
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Rachel Kwok, Environmental Planner  
City Planning, City of Santa Monica  
1685 Main Street, Room 212  
Santa Monica, CA 90407  
E-mail: [rachel.kwok@smgov.net](mailto:rachel.kwok@smgov.net)

**From:** Rachel Kwok <Rachel.Kwok@SMGOV.NET>  
**Sent:** Wednesday, January 6, 2021 11:40 AM  
**To:** Meisinger, Nick; Leachman, Erika  
**Subject:** FW: 6th Cycle 2021-2029 Housing Element City of Santa Monica

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** External email. Please do not click on links/attachments unless you know the content is genuine and safe.

**From:** Gabrieleno Administration <admin@gabrielenoindians.org>  
**Sent:** Monday, January 4, 2021 11:19 AM  
**To:** Rachel Kwok <Rachel.Kwok@SMGOV.NET>  
**Subject:** Re: 6th Cycle 2021-2029 Housing Element City of Santa Monica

EXTERNAL

Hello Rachel

I will go ahead and take a look at Mr. Salas's schedule and get back to you.

Thank you

On Mon, Jan 4, 2021 at 9:45 AM Rachel Kwok <[Rachel.Kwok@smgov.net](mailto:Rachel.Kwok@smgov.net)> wrote:

Hi Brandy,

I know that Mr. Salas is usually busy, so I can work around his schedule. Obviously the sooner the better. I'm available next week. Thanks.

Rachel

**From:** Gabrieleno Administration <[admin@gabrielenoindians.org](mailto:admin@gabrielenoindians.org)>  
**Sent:** Monday, December 28, 2020 2:24 PM  
**To:** Rachel Kwok <[Rachel.Kwok@SMGOV.NET](mailto:Rachel.Kwok@SMGOV.NET)>  
**Subject:** 6th Cycle 2021-2029 Housing Element City of Santa Monica

EXTERNAL

Hello Rachel

Thank you for your letter regarding the above project. Mr. Salas would like to arrange a meeting to discuss the location. Please get back to us to set up a date and time.

Thank you

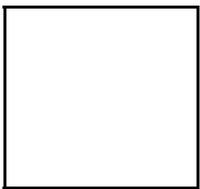
Sincerely,

Brandy Salas

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723

Office: 844-390-0787

website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)

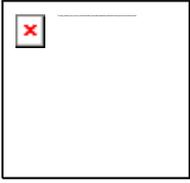


*The region where Gabrieleno culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleno who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleno are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleno, the community simply would not have survived."*

--

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation

PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



*The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. “The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area “. “That’s a contribution that Los Angeles has not recognized—the fact that in its early decades, without the Gabrieleño, the community simply would not have survived.”*

**From:** [Meisinger, Nick](#)  
**To:** [Rachel Kwok](#)  
**Cc:** [Gira, Daniel](#)  
**Subject:** RE: SM Housing Element Tribal Consultation  
**Date:** Tuesday, March 23, 2021 3:43:00 PM

---

Rachel,

Please see brief summary of the consultation discussion below! Thanks for including us, it was helpful to hear that exchange first hand!

Nick

**Summary of AB 52 Consultation  
Gabrieleno Band of Mission Indians - Kizh Nation  
March 23, 2021**

*Tribe*

- Andrew Salas (Chairman)
- Matthew Teutimez (PhD, Tribal Biologist)
- Alex Molina (Tribal Monitor)

*City*

- Rachel Kwok (Environmental Planner)

*Wood*

- Nick Meisinger (Project Manager)

**Overview / Introduction**

- This is a Housing Element Update and does not specifically direct/involve ground disturbance
- All local jurisdictions are required to update their Housing Elements to accommodate new housing for the existing and future population of California
- Within the next 8 years Santa Monica has to incorporate approximately 9,000 new units
- The City is required to show regulations and policies are in place to facilitate the development of housing, but there is no real proposed development or Project site
- As a part of the Housing Element Update the City is preparing an EIR that will include an analysis of Tribal Cultural Resources
- New projects that come on board would require ground disturbance, but we don't know where
- As housing projects are proposed they will be required to go through their own CEQA process

**Tribal Concerns**

- The Tribe is okay with the proposed zone changes, policy changes, etc.
- The Tribe wants to do their best to work *with* the Applicants and developers going forward as housing projects are proposed
- The Tribe wants to ensure protection of buried archaeological resources and pre-historic resources
  - The Tribe has an extensive geography (e.g., villages were just *communities* there are

many other locations areas where Native Americans dispersed and may have left tribal cultural resources)

- Due to the expansive geography of the Tribe, the Tribe has concerns about any disturbance of soils – even soils that were dug up and re-deposited back as fill materials
- The City is the mediator between the Tribe and the Applicant

#### **Standard Programmatic Mitigation Measures**

- Every developer wants certainty in their project, so the goal of the City is to develop programmatic mitigation measures that can be applied to all projects/developments going forward (e.g., Projects that involve soil disturbance to a depth of X feet in native soils)
- The Tribe will work with the City to agree on programmatic mitigation language
- The City has mitigation language that was agreed to and used in the past (e.g., Ocean Avenue EIR). Rachel will send that mitigation language to the Tribe for additional revision, as necessary
- This measure will apply to any projects that meet the criteria described within the measure

-----Original Appointment-----

**From:** Rachel Kwok <Rachel.Kwok@SMGOV.NET>

**Sent:** Friday, February 5, 2021 11:26 AM

**To:** Rachel Kwok; Leachman, Erika; Meisinger, Nick

**Subject:** SM Housing Element Tribal Consultation

**When:** Tuesday, March 23, 2021 3:00 PM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:**

**CAUTION:** External email. Please do not click on links/attachments unless you know the content is genuine and safe.

(626)343-5588 Passcode 1234