

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

VAHID KHORSAND
VICE-PRESIDENT

DAVID H. J. AMBROZ
CAROLINE CHOE
HELEN LEUNG
KAREN MACK
MARC MITCHELL

VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
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 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 existing trade routes that overlap 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