

From: Mindy Nguyen <Mindy.Nguyen@lacity.org>
Sent time: 04/08/2020 12:47:12 PM
To: samdunlap@earthlink.net
Subject: Hollywood Center AB 52 Consultation Conclusion
Attachments: AB 52 Conclusion of Consultation for Tongva Nation_4 8 20.pdf

Director Dunlap,

Attached please find the City of Los Angeles Department of City Planning's AB 52 Completion of Consultation Letter for the Hollywood Center Project, located at 1720-1770 North Vine Street; 1746-1760 North Ivar Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street.

A hard copy has also been sent in the mail to your attention.

Thank you,

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Mindy Nguyen

City Planner

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E-NEWS

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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