

**DEPARTMENT OF
CITY PLANNING**

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January 24, 2024

Fernandeño Tataviam Band of Mission
Indians
Rudy Ortega, Tribal President
1019 Second Street, Ste. 1
San Fernando, CA 91340

Fernandeño Tataviam Band of Mission
Indians
Miguel Luna, THCP Director
1019 Second Street, Ste. 1
San Fernando, CA 91340

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

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

Gabrielino/Tongva Nation
Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St., #231

Los Angeles, CA 90012
Gabrielino Tongva Indians of California
Tribal Council
Robert F. Dorame, Chairperson
P.O. Box 490
Bellflower, CA 90707

Gabrielino-Tongva Tribe
Attn: Charles Alvarez
23454 Vanowen Street
West Hills, CA 91307

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

Soboba Band of Luiseño Indians
Isaiah Vivanco, Chairperson
P.O. Box 487
San Jacinto, CA 92581

Torres Martinez Desert Cahuilla Indians
Thomas Tortez, Chairperson
PO Box 1160
Thermal, CA 92274

CASE No.: ENV-2023-6313-EAF

Project Address: 9143 – 9143 North De Soto, Los Angeles 91311

Community Plan: Chatsworth – Porter Ranch

Dear Tribal Representative:

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

The project site is located on the west side of De Soto Avenue, between Nordhoff Street and Dearborn Street. The project is for the construction, use and maintenance of a 108,833 square foot facility within three buildings. The area is currently zoned (T)(Q)C2-1 and has a General Plan Land Use designation of Highway Oriented Commercial. Additional zoning information includes the proposed project is not within a Hillside Area, a Bureau of Engineering Special Grading Area, and High Wind Velocity Areas. The site is not located in a specific plan area, overlay zone, or methane zone. The project site is exactly 8.05 miles away from the Santa Susana Fault.

The Applicant proposes the construction, use and maintenance of a 108,833 square foot facility within three buildings. The construction will be for a four story building totaling 81,274 square feet, and two additional one-story buildings totaling 15,415 square feet and 12,144 square feet. The proposed project is expected to grade approximately 2,080 cubic yards with 11,680 cubic yards for over excavation/recompacting yards of dirt.

The applicant has prepared a Environmental Assessment, Biological Resource Statement and a Tree Disclosure Statement which are available upon request.

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 wish to consult on this project. Please provide your contact information and mail your request to:

Los Angeles Department of City Planning
Attn: Correy Kitchens
6262 Van Nuys Blvd, Room 430
Los Angeles, CA 91401
Email: Correy.Kitchens@lacity.org
Phone No.: (818) 374-5034

Sincerely,

Vincent P. Bertoni, AICP
Director of Planning

Correy Kitchens

Correy Kitchens
Valley Project Planning

Enclosure: Project Vicinity Map
Site Plan



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

January 30

Project Name: 9143-9143 North De Soto, Los Angeles 91311

Dear Correy Kitchens,

Thank you for your letter dated January 24, 2024 regarding AB52 consultation. The above proposed project location is within our Ancestral Tribal Territory; therefore, our Tribal Government requests to schedule a consultation with you as the lead agency, to discuss the project and the surrounding location in further detail.

Please contact us at your earliest convenience. ***Please Note: AB 52, "consultation" shall have the same meaning as provided in SB 18 (Govt. Code Section 65352.4).***

Thank you for your time,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

3/19/24, 1:30 PM

City of Los Angeles Mail - 9143 North De Soto Project



Correy Kitchens <correy.kitchens@lacity.org>

9143 North De Soto Project

1 message

Gabrieleno Administration <admin@gabrielenoindians.org>

Fri, Feb 23, 2024 at 3:49 PM

To: Correy Kitchens <correy.kitchens@lacity.org>

Hello Correy,

In order to enable the AB52 process to continue without delay we are providing our concerns in written form for this project in lieu of the in-person meeting. The information provided herein is to be kept confidential as part of AB52

Remainder of Document is Confidential.



GABRIELEÑO BAND OF MISSION INDIANS – KIZH NATION

California State Recognized Aboriginal Tribe of the Los Angeles Basin
(Historically known as the Gabrieleño Tribal Council - San Gabriel Band of Mission Indians)



GABRIELENO BAND OF MISSION INDIANS – KIZH NATION - PROPOSED TCR MITIGATION MEASURES

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

- A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
- D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

- A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover

and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects

- A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
- E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

PLEASE NOTE THE FOLLOWING:

Any/all revisions to the Kizh's proposed TCR mitigations set forth above must be requested in writing, and not more than ten (30) calendar days from the date that we consulted on the subject Project so that we can conclude consultation. Requested revisions shall be delivered to the Kizh via email at admin@gabrielenoindians.org, and in a Word document, redline format. Please include as the email subject: "REQUEST FOR MITIGATION REVISIONS," and identify the project name and location/address. If revisions are not requested within 10 calendar days of consultation, the Kizh's proposed mitigations are presumed accepted as proposed (i.e., as set forth above). The laws preserving the confidentiality of Native

The laws preserving the confidentiality of Native

American documents and records prohibits the inclusion of any information about the location of Native American artifacts, sites, sacred lands, or any other information that is exempt from public disclosure pursuant to the Public Records Act. (Cal. Code Regs. § 15120(d) Rocklin (2011) 197 Cal.App.4th 200, at p. 220. Please be advised that these protective mitigation measures are property of the KIZH Nation Tribal

government and no other entity or Tribal government nor should they be utilized for any other Tribal government or entity and are protected under the AB52 confidentiality act

Thank you for your anticipated cooperation.

**DEPARTMENT OF
CITY PLANNING**

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PRESIDENT

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HAYDEE URITA-LOPEZ
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

Date: March 28, 2024

Andrew Salas, Chairperson
P.O. Box 393
Covina, CA 91723

RE: AB 52 Completion of Consultation
9129 – 9134 North De Soto Avenue
(Case No. ENV-2023-6313-MND)(“Proposed Project”)

Dear Chairman Salas:

Based upon the record, the City has determined that there is substantial evidence exists to support a conclusion that this Proposed Project may cause a significant impact on tribal cultural resources and that mitigation is necessary to reduce that potential impact to a less than significant level. The City, after acting in good faith and after reasonable effort, has concluded that mutual agreement cannot be reached for purposes of AB 52 regarding the specific language to be included in Mitigation Measures.

The City is expecting to release its Mitigation Negative Declaration for public review in the next couple of weeks. Please do not hesitate to contact me if you wish to share any additional information, comments, or concerns.

This concludes AB 52 Consultation,

Respectfully,

Correy Kitchens
City Planning Associate
Department of City Planning - Valley Project Planning

Attachment:
Mitigation Measure & Condition of Approval

Attachment

Mitigation Measure: Tribal Monitoring

Prior to commencing any ground disturbance activities at the Project site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleño Band of Mission Indians – Kizh Nation. Any qualified archeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (“OHR”).

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring the on-site monitoring shall end when the ground disturbing activities are completed, or when the archeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consulting with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in conjunction with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, 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 OHR.
2. If OHR determines, pursuant to Public Resources Code Section 21074(a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and

3. supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
4. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendation are reasonable and feasible.
5. In addition to any recommendations from the applicable tribe(s), a qualified archaeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with the best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state, or local law, rule or regulation.
6. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that it is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
7. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as the radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
8. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery only after it has complied with all the recommendations developed and approved pursuant to the process to the process set forth in paragraphs 2 through 5 above.
9. 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 Costal Information Center

(SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

10. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB52 Confidentiality Protocols

Condition of Approval: Human Remains Inadvertent Discovery

In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:

- Stop immediately and contact the County Coroner: 1104 North Mission Road, Los Angeles, CA 90033, (323) 343-5012 (8 a.m. to 5 p.m., Monday through Friday) or (323) 343-0714 (After Hours, Saturday, Sunday, and Holidays).
- If the remains are determined to be of Native American decent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
- The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, which proper dignity, of the human remains and grave goods.
- If the Applicant does not accept the descendant's recommendation, the owner or the descendent may request mediation by the NAHC