

## **Appendix L**

---

### Tribal Cultural Resources Correspondence

DEPARTMENT OF  
CITY PLANNING  
COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE  
PRESIDENT

MICHAEL R. NEWHOUSE  
VICE-PRESIDENT

MARIA CABILDO  
CAROLINE CHOE  
MARTINA DIAZ  
PHYLLIS KLEIN  
KAREN MACK  
JACOB SAITMAN  
ELIZABETH ZAMORA

# CITY OF LOS ANGELES CALIFORNIA



KAREN BASS  
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

HAYDEE URITA-LOPEZ  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

March 26, 2025

## AB 52 PROJECT NOTIFICATION LETTER

**Case No.:** ENV-2024-6372-EIR

**Project Address:** 3822-3828 South Figueroa Street, 3801-3833 ½ South Flower Drive, and 468-470 West 39th Street, Los Angeles, California 90037

**Community Plan:** South Los Angeles

Dear Tribal Representative:

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

The 3822 South Figueroa Project (Project) proposes a new, seven-story 252,148 square-foot mixed-use building comprised of 209 dwelling units (including 16 units for Low-Income households, 22 units for Very Low-Income households, and four units for Extremely Low-Income households, 12 market-rate RSO units); and 2,705 square feet of ground level retail and restaurant uses. The Project would have a maximum building height of 86 feet, and a total floor area of 252,148 square feet on a 62,988 square-foot (1.4-acre) site, for a Floor Area Ratio (FAR) of 4:1. The Project involves the demolition of eight multi-family residential buildings (seven of which are within the Flower Drive Historic District), and the removal of surface parking areas.

### Applicant Information

Red Penguins QOZB, LLC  
6789 Quail Hill Parkway, #225  
Irvine, CA 92603  
(310) 595-3208

### Lead Agency

City of Los Angeles  
Department of City of Planning  
221 North Figueroa Street, Suite 1350  
Los Angeles, CA 90012  
Tamar Gharibian  
Tamar.gharibian@lacity.org

## Subject Property

- *Project Name:* 3822 South Figueroa Project
- *Assessor's Parcel Numbers:* 5037-031-001; 5037-031-002; 5037-031-003; 5037-031-004; 5037-031-005; 5037-031-006; 5037-031-007; 5037-031-015; 5037-031-016
- *Addresses:* 3822-3828 South Figueroa Street, 3801-3833 ½ South Flower Drive, and 468-470 West 39th Street, Los Angeles, California 90037
- *Township and Range:* 2 South, 13 West
- *Acreage:* 1.4 acres
- *Project Proposed Uses:* Residential, retail, and restaurant uses

## Documentation

- *Initial Study Availability:* Available at <https://planning.lacity.gov/project-review/environmental-review/published-documents> on or before April 2, 2025.
- *Draft EIR Availability:* Not yet available.
- *Sacred Lands File Availability:* A Sacred Lands File search will be completed and will be included as part of the Tribal Cultural Resources Report.
- *Tribal Cultural Resources Report Availability:* To be included in the Draft EIR analysis.
- *Cultural Resources Report Availability:* To be included in the Draft EIR analysis.
- *Archaeological Resources Report:* Archaeological Resources Assessment has been prepared and will be included with the Initial Study.
- *Paleontological Resources Report:* Paleontological Resources Assessment has been prepared and will be included with the Initial Study.
- *Geotechnical Engineering Investigation Availability:* Geotechnical Engineering Investigations have been prepared and will be included with the Initial Study.
- *Biological Report Availability:* A Biological Resources Report is not being prepared for the Project. Please note Biological Resources are analyzed in the Project's Initial Study.
- *Construction/Grading Plans Availability:* To be prepared if Project is approved.

## Previous Activities

- *Has the site been previously developed?*

The Project Site is currently developed with seven, two-story multi-family residential buildings, a two-story multi-family residential building, and surface parking consisting of a total of 51 units, or 26,597 square feet of existing floor area.

- *Does the site currently contain fill and/or native soil?*

The Project Site is fully developed. Geotechnical Engineering Investigations were prepared for the Project by Leighton and Associates, Inc., dated March 8, 2023, revised June 4, which included new exploratory borings, laboratory testing of on-site soil samples, analysis of collected data, and a review of previously published geotechnical data. The results indicated that there is undocumented artificial fill extending four feet deep beneath the Project Site. The fill is underlaid by naturally deposited alluvial materials composed of multiple substrata of varying composition. Minor interbedded gravelly sands are also present. Geologic mapping also showed near-surface native soils at the project site consisting of Holocene age (<11,700 years) fluvial soils over well-indurated Pleistocene-age (11,700 years to 1.8 million years old) nonmarine alluvium at depths ranging from 25 to 30 feet below the current ground surface. Interbedded and moderately well oxidized, mottled dark reddish brown silt and clay was encountered generally at 40 to 45 feet bgs

and deeper. Further detailed analysis regarding soil sedimentation are provided in the Revised Limited Geotechnical Exploration.

- *Are there any oak trees on the subject property or within 100 feet of the property?*

Per the Tree Assessment Report dated July 24, 2024, no oak trees were identified on the Project Site nor within 100 feet of the Project Site.


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: Tamar Gharibian  
221 North Figueroa Street, Suite 1350  
Los Angeles, CA 90012  
Email: [tamar.gharibian@lacity.org](mailto:tamar.gharibian@lacity.org)  
Phone No.: (213) 978-1797

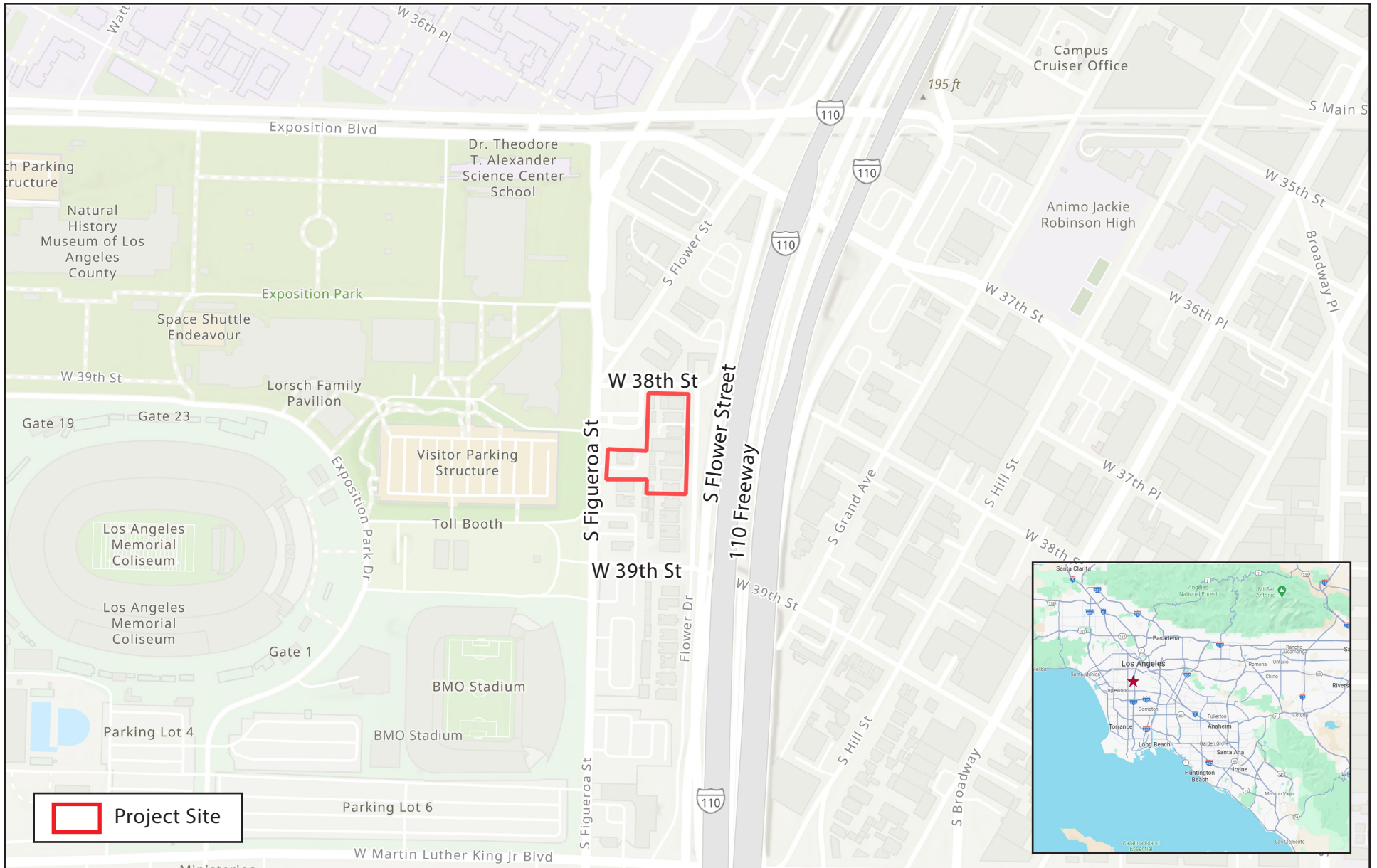
Sincerely,

Vincent P. Bertoni, AICP  
Director of Planning

A handwritten signature in black ink, appearing to read 'T. Gharibian', with a stylized flourish at the end.

Tamar Gharibian  
Major Projects

Attachments:  
Figure 1 Regional Map  
Figure 2 Aerial of Project Site  
Figure 3 Conceptual Site Plan

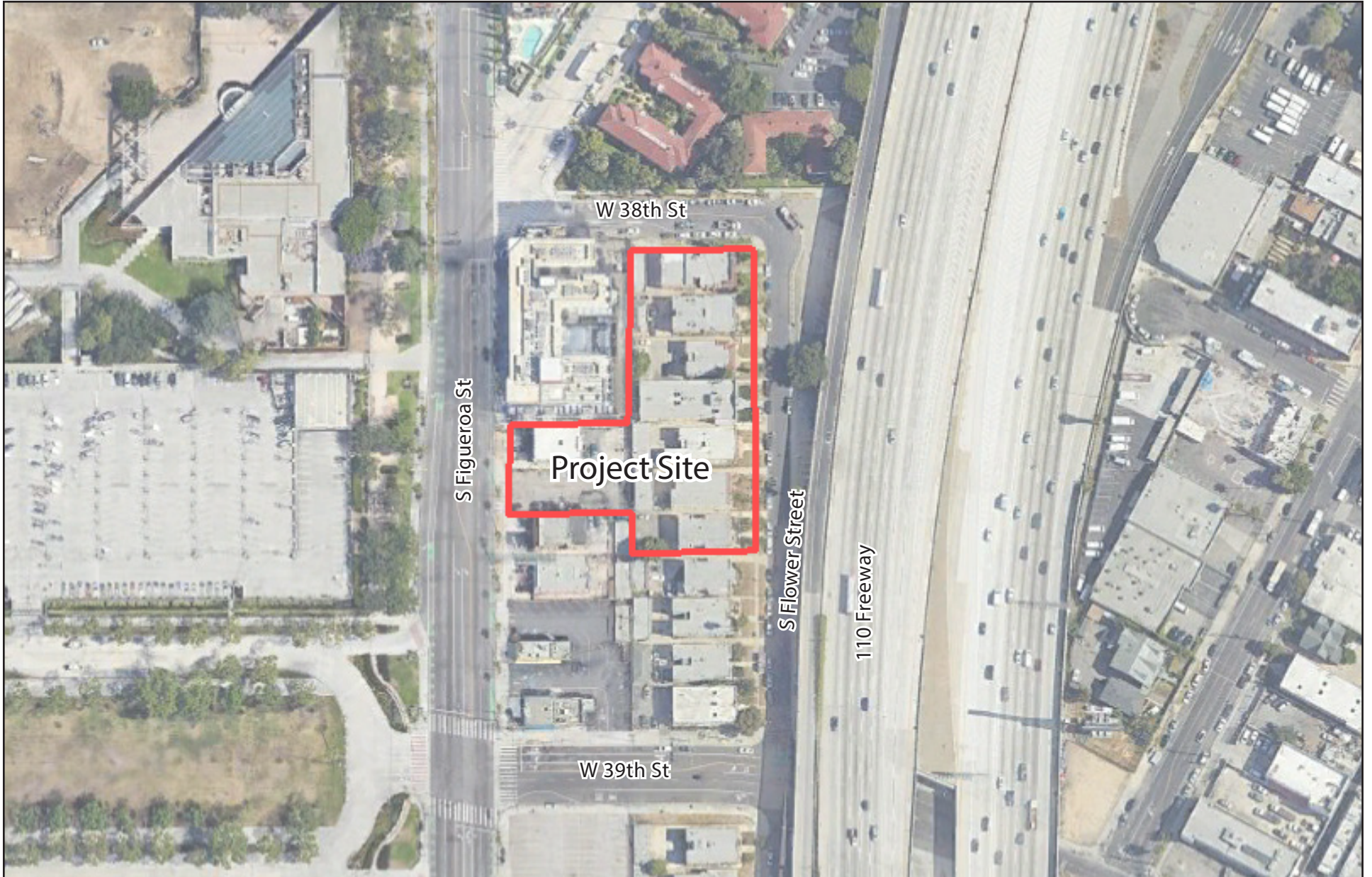


SOURCE: ESRI, 2025



FIGURE 1: Regional Map

3822 SOUTH FIGUEROA PROJECT



N.T.S.

FIGURE 2: Aerial of the Project Site

3822 SOUTH FIGUEROA PROJECT



- Units
- Commercial
- Utility
- Lobby/Mail Room
- Dog Wash
- Long-term Bike Storage



FIGURE 3: Conceptual Site Plan

3822 SOUTH FIGUEROA PROJECT



Tamar Gharibian <tamar.gharibian@lacity.org>

---

## 3822 South Figueroa Project ENV-2024-6372-EIR

---

**Gabrieleño Administration** <admin@gabrieleñoindians.org>  
To: Tamar Gharibian <tamar.gharibian@lacity.org>

Thu, Apr 3, 2025 at 11:21 AM

Hello Tamar

Thank you for your email. Please see the attachment below.

Best regards,  
Brandy Salas

Tribal Administrative Coordinator  
Gabrieleño Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrieleñoindians.org](http://www.gabrieleñoindians.org)



*The region where Gabrieleño culture thrived for more than twelve thousand years 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 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.*

[Quoted text hidden]

---

 **3822 South Figueroa Project .pdf**  
167K



## GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians recognized by the State of California as the aboriginal tribe of the Los Angeles basin

April 3, 2025

Tamar Gharibian

Planning Assistant

Los Angeles City Planning

Los Angeles, CA 90012

Subject: Formal Request for Government-to-Government Consultation – 3822 South Figueroa Project ENV-2024-6372 -EIR

Dear Tamar Gharibian,

On behalf of the Gabrieleno Band of Mission Indians Kizh Nation, I am formally requesting government-to-government consultation with the Los Angeles City Planning pursuant to Assembly Bill 52 (AB 52) and the California Environmental Quality Act (CEQA) regarding the proposed 3822 South Figueroa Project. Our tribe has ancestral and cultural ties to this area, and we are concerned that the project may impact Tribal Cultural Resources (TCRs) within our traditional territory.

Under AB 52, lead agencies are required to engage in meaningful government-to-government consultation with our tribe who is ancestrally traditionally and culturally affiliated with the project area when the project undergoes CEQA review, in accordance with the law.

We request that formal consultation be initiated within the required timeframe, and we are prepared to meet at your earliest convenience. Please confirm receipt of this request and provide available dates for an initial consultation meeting.

Andrew Salas, Chairman

Mike Jesus Lemos, Treasurer I

Nadine Salas, Vice-Chairman

Samantha Lemos, Treasurer II

Dr. Christina Swindall Martinez, Secretary

Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

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

[admin@gabrielenoindians.org](mailto:admin@gabrielenoindians.org)

For scheduling or further discussion, please contact me at [gabrielenoindians@gmail.com](mailto:gabrielenoindians@gmail.com) or (844) 390 - 0787. We appreciate your commitment to ensuring compliance with AB 52 and protecting the cultural heritage of our tribal community.

Sincerely,

Andrew Salas

Hereditary Chief

Kizh (Quiichi) Nation Gabrieleño Band Of Mission Indians

Best regards,



Hereditary Chief Andrew Salas  
Gabrieleño Band of Mission Indians–Kizh Nation

Andrew Salas, Chairman

Mike Jesus Lemos, Treasurer I

Nadine Salas, Vice-Chairman

Samantha Lemos, Treasurer II

Dr. Christina Swindall Martinez, Secretary

Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

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

[admin@gabrielenoindians.org](mailto:admin@gabrielenoindians.org)



Tamar Gharibian <tamar.gharibian@lacity.org>

---

## 3822 South Figueroa Project ENV-2024-6372-EIR

---

**Gabrieleño Administration** <admin@gabrieleñoindians.org>  
To: Tamar Gharibian <tamar.gharibian@lacity.org>

Thu, Apr 3, 2025 at 12:43 PM

Hello Tamar

Thank you for your email response. Since Chief Salas's schedule is fully booked this month and next month he is giving the option to go through consultation via email. We can provide substantial evidence, historical maps, and mitigation measures to help expedite the consultation process. Please let us know if this will work for you.

Best regards,  
Brandy Salas

Tribal Administrative Coordinator  
Gabrieleño Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrieleñoindians.org](http://www.gabrieleñoindians.org)



*The region where Gabrieleño culture thrived for more than twelve thousand years 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 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.*

[Quoted text hidden]

DEPARTMENT OF  
CITY PLANNING  
COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE  
PRESIDENT

CAROLINE CHOE  
VICE-PRESIDENT

PRISCILLA CHAVEZ  
MARTINA DIAZ  
SARAH JOHNSON  
PHYLLIS KLEIN  
BRIAN ROSENSTEIN  
JACOB SAIMAN  
ELIZABETH ZAMORA

CITY OF LOS ANGELES  
CALIFORNIA



KAREN BASS  
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

HAYDEE URITA-LOPEZ  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

CRAIG R. WEBER  
DEPUTY DIRECTOR

March 4, 2026

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

RE: AB 52 Notification of Pre-Closure of Consultation  
3822 South Figueroa Project (Project) at 3822-3828 South Figueroa Street, 380-3833 ½  
South Flower Drive, and 468-470 West 39th Street, Los Angeles, CA 90037 (Case No.  
ENV-2024-6372-EIR

Dear Chairman Salas:

Thank you for taking the time to consult with us regarding the 3822 South Figueroa Project (Project). We recognize that the AB 52 consultation process requires on-going collaboration between Los Angeles City Planning (City) and sovereign Tribal governments, including the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe) and very much appreciate the Tribe's dedication to continued conversations and collaboration with the City regarding this Project. The purpose of this correspondence is to briefly summarize our combined efforts to engage in a meaningful and good faith consultation regarding the Project's potential impacts to tribal cultural resources and to document the tribal consultation process, pursuant to Public Resources Code (PRC) Section 21080.3.2.

The following provides a brief summary of the history of tribal consultation regarding this project:

On March 26, 2025, the City mailed a project notification letter to the Tribe. On April 3, 2025, the City received the Tribe's request for tribal consultation.

On August 20, 2025, the City and Tribe engaged in tribal consultation pursuant to AB 52 via email. The Tribe submitted documentation including a letter clarifying the legal definition and threshold of "substantial evidence" as required by CEQA and AB 52 and a letter identifying the substantial evidence establishing the cultural and ancestral affiliation of the Tribe and the Project Site. The Tribe also indicated its position that the Project Site is sensitive for the presence of tribal cultural resources, due to the Project Site being located within and around the ancestral village of Yaangna. The Tribe also provided a set of proposed mitigation measures. To date, no

further correspondence, beyond what is described above, has been received by the City from the Kizh Nation.

Prior to finalizing the closure of consultation for the Project, the City would like to request any additional information, comments, and materials to be submitted by the Tribe in advance of the publication of the Draft Environmental Impact Report (DEIR).

A review of the information provided by the Tribe as well as the Archaeological Resources Assessment prepared for the Project did not find substantial evidence of an existing tribal cultural resource within the Project Site area; no evidence has been submitted that considers the specific location of the Project Site (as opposed to the broader region as a whole), and no criteria has been provided to indicate that the Project area should be considered sensitive as to require on-site monitoring for Tribal Cultural Resources to avoid potential significant impacts. Although no evidence was found identifying any tribal cultural resources on the Project Site, the City recognizes the Tribe's concerns and therefore will condition the proposed Project to comply with the City's standard Condition of Approval for the Inadvertent Discovery of Tribal Cultural Resources, which is attached for the Tribe's review. To ensure that such tribal cultural resource discoveries are evaluated and treated appropriately, the standard Condition of Approval provides for temporarily halting construction activities near any encounter and notifying the City and Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the Project. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Project Applicant would then implement the tribe's recommendations if a qualified archaeologist concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resources monitoring plan and once the plan is approved by the City, ground disturbance activities would resume.

In light of the above, this Notification of Pre-Closure of Consultation serves to inform the Tribe of the City's intent to conclude consultation at the publication of the DEIR, in a subsequent notice to the Tribe. The City will then release the DEIR for the Project, thereby commencing a 45-day public comment period during which interested parties, members of the public, governmental agencies, and tribal governments, may submit written comments on the adequacy of the DEIR. Comments received during this period and any associated materials would be incorporated into the Final EIR.

The conclusion of consultation does not foreclose the ability of the City or Tribe to continue discussions about the Project. We welcome continued communication with your Tribe and look forward to meeting with you to further discuss the attached Conditions for the Inadvertent Discovery of Tribal Cultural Resources. Please do not hesitate to contact me if you wish to share any additional information, comments, or concerns prior to the closure of consultation.

Respectfully,



Tamar Gharibian  
Planning Assistant  
Los Angeles City Planning – Major Projects

## **Conditions of Approval – Inadvertent Discovery of Tribal Cultural Resources and Human Remains**

**Inadvertent Discovery of Tribal Cultural Resources.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any Ground Disturbance Activities (demolition, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil, potholing, pavement removal, grubbing, tree removals, boring or a similar activity at the project site), the potential tribal cultural resources shall be properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all Ground Disturbance Activities in the immediate vicinity of the find, i.e. within a radius of 60 feet, and contact the following: (1) all California Native American tribes that requested consultation on the proposed project; (2) and the Department of City Planning.
- The applicant shall retain a qualified archaeological monitor, identified as principal personnel who must meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in Southern California, and shall ensure that all other personnel associated with and hired for the archaeological monitoring are appropriately trained and qualified.
- If the archaeological monitor determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the Applicant shall consult with the archaeological monitor and with the Kizh Nation on the recommended disposition and treatment of any Tribal Cultural Resource encountered during all Ground Disturbing Activities.
- The Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the Kizh Nation that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities in the vicinity of the find (i.e. within a radius of 60 feet) until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by the Kizh Nation, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant 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 by the Kizh Nation 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.

**Inadvertent Discovery of Human Remains.** 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 N. Mission Road  
Los Angeles, CA 90033  
323-343-0512 (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 descent, 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, with proper dignity, of the human remains and grave goods.
- If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE  
PRESIDENT

CAROLINE CHOE  
VICE-PRESIDENT

PRISCILLA CHAVEZ  
MARTINA DIAZ  
SARAH JOHNSON  
PHYLLIS KLEIN  
BRIAN ROSENSTEIN  
JACOB SAITMAN  
ELIZABETH ZAMORA

**CITY OF LOS ANGELES  
CALIFORNIA**



KAREN BASS  
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

HAYDEE URITA-LOPEZ  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

CRAIG R. WEBER  
DEPUTY DIRECTOR

April 2, 2026

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

RE: AB 52 Notification of Closure of Consultation  
3822-3828 South Figueroa Street, 380-3833 ½ South Flower Drive, and 468-470 West  
39th Street, Los Angeles, CA 90037 (Case No. ENV-2024-6372-EIR)

Dear Chairman Salas:

Thank you for engaging with the City of Los Angeles (City) in the AB 52 consultation process for the 3822 South Figueroa Project (Project). The City recognizes that the AB 52 consultation process requires on-going collaboration between the City and sovereign Tribal governments, including the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe), and appreciates the Tribe's dialogue and collaboration with the City regarding this Project. The purpose of this correspondence is to inform the Tribe of the City's closure of AB 52 consultation for the Project as of today's date, April 2, 2026.

On March 26, 2025, the City mailed a project notification letter to the Tribe; and on April 3, 2025, the City received the Tribe's request for tribal consultation, and offered a date and time to initiate the AB 52 consultation for the Project via email. The Tribe responded on the same day requesting to proceed with the consultation process via email rather than in person, and both the City and Tribe agreed that consultation for the Project could begin.

On August 20, 2025, the City and Tribe engaged in tribal consultation pursuant to AB 52 via email. The Tribe submitted documentation, including a letter clarifying the legal definition and threshold of "substantial evidence" as required by CEQA and AB 52, and a letter identifying the cultural and ancestral affiliation of the Tribe with an area that includes the Project Site. The Tribe also indicated that the Project Site is sensitive for the presence of tribal cultural resources, due to the Project Site being located within and around the ancestral territory directly associated with the major tribal village of Yaangna, and, as a result, the Project could have significant impacts to tribal cultural resources. The Tribe also provided a set of proposed mitigation measures, including a requirement that the Project retain a tribal monitor during ground-disturbing activities.

The Archaeological Resources Assessment, prepared for the Project and included as an appendix to the Draft EIR, includes background and an analysis of information regarding the potential for tribal cultural resources including, but not limited to, an ethnographic setting, a natural setting including soils underlying the Project Site, a Sacred Lands File Search, a California Historical Resources Information System (CHRIS) review, a review of previously performed Cultural Resource Studies within the record search area, which was defined as the Project Site plus a 0.5 mile buffer, and conclusions related to archaeological sensitivity and potential for buried resources.

A review of this information, as well as the information provided by the Tribe, did not find substantial evidence of the presence of a tribal cultural resource within the Project Site or in the immediate Project area. Rather, the evidence submitted provides general information about settlements and travel routes in the broader region as a whole, and no evidence was provided to indicate that the Project Site or immediate area should be considered highly sensitive to such a degree as to require mitigation, such as on-site tribal monitoring, to avoid potential significant impacts. Although no evidence was found identifying any potential significant impacts to tribal cultural resources on the Project Site that would warrant mitigation, the City recognizes the Tribe's concerns and therefore has proposed to condition the Project to comply with the City's standard Condition of Approval for the Inadvertent Discovery of Tribal Cultural Resources (Condition of Approval). In addition, the Project would already voluntarily retain a qualified professional archaeologist meeting the Secretary of the Interior's professional qualifications (Project Archaeologist) as a Project Design Feature to prepare and conduct Archaeological Resources Training to all construction managers and construction personnel prior to commencing any ground disturbance work within the Project Site. The Project Archaeologist would also monitor Project activities, or supervise archaeological monitors who would monitor Project activities, provide intermittent archaeological monitoring during ground-disturbing activities, and would assist with any inadvertent discovery of any tribal cultural resources, as stipulated by the Condition of Approval.

In the City's Pre-Closure of Consultation Letter dated March 4, 2026, the City summarized the combined efforts to engage in a meaningful consultation regarding the Project's potential impacts to tribal cultural resources and to document the tribal consultation process, pursuant to Public Resources Code (PRC) Section 21080.3.2, and shared the proposed Condition of Approval. On March 17, 2026, the Tribe responded to the Pre-Closure of Consultation Letter, objecting to the Condition of Approval, stating that the documentation they provided during consultation qualifies as substantial evidence of a significant impact to tribal cultural resources. Further, the Tribe asserted that a tribal monitor possesses the cultural knowledge to determine whether unearthed objects, features, or soil changes constitute tribal cultural resources, while a City-retained archaeologist does not. The Tribe stated that without their continuous on-site monitoring, the City's approach to rely on non-tribal personnel to identify tribal cultural resources only after they have been disturbed is incompatible with PRC § 21084.3's directive that agencies "shall, when feasible, avoid damaging effects to any tribal cultural resource." To date, no further documentation or evidence beyond what is described above has been received by the City from the Tribe as a part of the tribal consultation for this Project.

In light of the above, the City, as the lead agency, has determined that there is no substantial evidence that the Project would have any potential significant impact on tribal cultural resources, and therefore no mitigation is necessary. As such, the City, after acting in good faith and after reasonable effort, concludes consultation pursuant to AB 52. The closure of consultation does not foreclose the ability of the City or Tribe to continue discussions about the Project and the attached

City's standard Condition of Approval. With the upcoming release of the Draft EIR, a minimum 45-day comment period will commence, during which the Tribe may submit written comments on the adequacy of the Draft EIR, to be made public and incorporated in the Final EIR.

Thank you again for engaging with the City on the Project.

Respectfully,

A handwritten signature in black ink, appearing to read 'T. Gharibian', with a long horizontal flourish extending to the right.

Tamar Gharibian  
Planning Assistant  
Department of City Planning – Major Projects

Enclosures:

Condition of Approval – Tribal Cultural Resource Inadvertent Discovery

## **Condition of Approval – Inadvertent Discovery of Tribal Cultural Resources**

**Inadvertent Discovery of Tribal Cultural Resources.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any Ground Disturbance Activities (demolition, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil, potholing, pavement removal, grubbing, tree removals, boring or a similar activity at the project site), the potential tribal cultural resources shall be properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all Ground Disturbance Activities in the immediate vicinity of the find, i.e. within a radius of 60 feet, and contact the following: (1) all California Native American tribes that requested consultation on the proposed project; (2) and the Department of City Planning.
- The applicant shall retain a qualified archaeological monitor, identified as principal personnel who must meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in Southern California, and shall ensure that all other personnel associated with and hired for the archaeological monitoring are appropriately trained and qualified.
- If the archaeological monitor determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the Applicant shall consult with the archaeological monitor and with the Kizh Nation on the recommended disposition and treatment of any Tribal Cultural Resource encountered during all Ground Disturbing Activities.
- The Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the Kizh Nation that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities in the vicinity of the find (i.e. within a radius of 60 feet) until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by the Kizh Nation, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant 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 by the Kizh Nation 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.