

NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines Section 15062)

Pursuant to Public Resources Code § 21152(b) and CEQA Guidelines § 15062, the notice should be posted with the County Clerk by mailing the form and posting fee payment to the following address: Los Angeles County Clerk/Recorder, Environmental Notices, P.O. Box 1208, Norwalk, CA 90650. Pursuant to Public Resources Code § 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

ENV-2025-3598-SE / Haul Route v.2

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2025-3598-SE

PROJECT TITLE

3842 West Roble Vista Drive

COUNCIL DISTRICT

CD 4 – Raman

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

3842 West Roble Vista Drive

☐ Map attached.

PROJECT DESCRIPTION:

☒ Additional page(s) attached

The proposed project includes the construction of four (4) new structures on a vacant site consisting of three (3) apartment buildings and two (2) detached ADUs on a 31,061 square-foot lot. In conjunction with the construction of four (4) new structures, the project requests approval of a haul route for the export of approximately 23,000 cubic yards of earth. Construction of the project will require grading consisting of approximately 20,500 cubic yards of cut, 100 cubic yards of fill and an export 20,450 cubic yards.

NAME OF APPLICANT / OWNER:

Hallid "Holland" Ashrafnia, Vista Views LLC

CONTACT PERSON (If different from Applicant/Owner above)

Jason Grant

(AREA CODE) TELEPHONE NUMBER

(310) 488-4446

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

☒ STATUTORY EXEMPTION(S)Public Resources Code Section(s) 21080.66☐ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)

CEQA Guideline Section(s) / Class(es) _____

☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached

The project is eligible for a statutory exemption as it meets the eligibility criteria. (a) Site is 20 acres or less. The project site is approximately 0.71 acres pre-dedications per ZIMAS (b) Site is previously developed with or 75 percent of the perimeter of the site adjoins parcels developed with urban uses. The subject site is currently vacant, however, the lots adjacent to the subject site are developed with urban uses. (c) Project is consistent with General Plan and Zoning. The project is consistent with the applicable Hollywood Community Plan designation and policies and all applicable zoning designations and regulations. (d) Density is 15 dwelling units/acre or more. The project proposes 29 units on a lot that is approximately 0.71 acres. (e) Site is not located within a coastal zone, farmland, wetlands (as defined by the U.S. Fish and Wildlife Service), hazardous waste site listed pursuant to PRC 65962.5, earthquake fault zone, special flood plain, floodway, habitat conservation plan, habitat for protected special status species, conservation easement. The subject site is located in a Very High Fire Hazard Severity Zone; however, the project is subject to fire hazard mitigation measures pursuant to existing building standards of state fire mitigations measures applicable to the development. (f) Not demolishing designated Historic Resource. The vacant project site has not been identified as a historic resource by local or state agencies. (g) No portion of the project is for hotel, motel, other transient lodging.

☐ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project; no unusual circumstance is found.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Yasmin Diaz

Yasmin Diaz

STAFF TITLE

Planning Assistant

ENTITLEMENTS APPROVED

Haul Route Only – Statutory Exemption

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE
PRESIDENT

CAROLINE CHOE
VICE-PRESIDENT

PRISCILLA CHAVEZ
MARTINA DIAZ

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BRIAN ROSENSTEIN

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**CITY OF LOS ANGELES
CALIFORNIA**



KAREN BASS
MAYOR

EXECUTIVE OFFICES

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LISA M. WEBBER, AICP
DEPUTY DIRECTOR

JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2025-3598-SE

On January 13, 2026, the Planning Department determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Statutorily Exempt under California Public Resource Code Section 21080.66.

A project qualifies for a Statutory Exemption if it is developed as a Housing Development Project as defined as 65905.5(b) of the California Government Resource Code and meets the following eligibility criteria and procedural requirements:

Eligibility Criteria

- a. Site is 20 acres or less.
- b. Site is previously developed or 75 percent of the perimeter of the site adjoins parcels developed with urban uses.
- c. Project is consistent with General Plan and Zoning; if the plan or zone is inconsistent, then consistent with the plan or the zoning.
- d. Density is 15 dwelling units per acre (for City of Los Angeles) or more.
- e. Site is not located within a coastal zone, farmland, wetlands (as defined by the U.S. Fish and Wildlife Service), very high fire hazard severity zone unless mitigation exists, hazardous waste site listed pursuant to PRC 65962.5, earthquake fault zone, special flood plain, floodway, habitat conservation plan, habitat for protected special status species, conservation easement.
- f. Not demolishing designated historic resource.
- g. No portion of the project is for hotel, motel, other transient lodging (not including residential hotel or resident use as short-term lodging).

Procedural Requirements

- a. Tribal Notification/Consultation
- b. Condition for Phase I Environmental Site Assessment (ESA) and if necessary, mitigation is necessary.
- c. Conditions added to housing within 500 feet of freeway.

Project Description

The project consists of three contiguous lots with a total lot size of approximately 31,061 square-feet. The project is located on the easterly side of Roble Vista Drive with approximately 255 feet of street frontage. The subject property is zoned R2-1XL with a corresponding land use designation of Low Medium I Residential. The project is located within the Hollywood Community Plan area. The site is located within a Very High Fire Hazard Severity Zone, Special Grading Rea (BOE Basic Gird Map A-13372), 300-Foot Habitat Buffer, Wildland Urban Interface (WUI), and Alquist-Priolo Fault Zone. The site is currently vacant.

The proposed project includes the construction of four (4) new structures on a vacant site consisting of three (3) apartment buildings and two (2) detached ADUs on a 31,061 square-foot lot. Building 1 is a 12-unit, four-story building consisting of 19,802 square-feet of floor area. Building 2 is a 9-unit, four-story building consisting of 11,603 square-feet of floor area. Building 3 is a 6-unit, three-story building consisting of 5,565 square-feet of floor area. Building 4 is a 2-unit (ADU), two-story building consisting of 2,306 square-feet of floor area. In total, 29 units are proposed (27 units and 2 ADUs) and a total floor area of 39,276 square-feet is proposed. Three (3) of the 29 units will be reserved for Very Low-Income Households. The project proposes 46 parking spaces and 5,889 square-feet of open space. There are 25 existing trees on-site which may be removed for construction of the project, none of which are protected tree species.

In conjunction with the construction of four (4) new structures on a vacant lot, the project requests approval of a haul route for the export of approximately 23,000 cubic yards of earth. Construction of the project will require grading (BHO exempt and non-exempt) consisting of approximately 20,500 cubic yards of cut, 100 cubic yards of fill, and an export of 20,450 cubic yards. The project is requesting the approval of a haul route for the export of approximately 23,000 cubic yards of earth to account for soil expansion during export.

As a qualifying Housing Development Project as defined in Section 65905.5(b) of the California Government Resource Code, the project qualifies for the Statutory CEQA Exemption pursuant to California Public Resource Code Section 21080.66 as described below:

SITE AND ENVIRONMENTAL CRITERIA

(a) Site is 20 acres or less.

The project site is approximately 0.71 acres pre-dedications per the Zone Information & Map Access System (ZIMAS).

(b) Site is previously developed with or 75 percent of the perimeter of the site adjoins parcels developed with urban uses.

The site is currently vacant. Lots adjacent to the subject site are developed with the following urban uses: single-family dwelling, multi-family dwellings, and a religious institution.

- (c) Project is consistent with General Plan and Zoning; if the plan or zone is inconsistent, then consistent with the plan or the zoning.*

The site is located in the Hollywood Community Plan and has a General Plan Land Use Designation of Low Medium I Residential. The site is zoned R2-1XI, however, the project was vested under SB330 per its former zoning designation. The project is therefore, zoned RD1.5-1XL consistent with the corresponding land use designation of Low Medium II Residential. As shown in the case file, the project is consistent with the applicable Hollywood Community Plan designation and policies and all applicable zoning designations and regulations. Therefore, the project is consistent with the General Plan, and complies with the local zoning.

- (d) Density is 15 dwelling units/acre (for City of Los Angeles) or more.*

The Project proposes 29 units and the site is approximately 0.71 acres, less than one acre. The proposed density is therefore greater than 15 dwelling units per acre.

- (e) Not located within a Coastal Zone, farmland, wetlands (defined by USFW), VHFHSZ unless mitigation exists, hazardous waste site listed pursuant to PRC 65962.5 or DTSC pursuant to H&S Code 25356 – unless site has been cleared for residential use, earthquake fault zone, special flood hazard area, regulatory floodway, habitat conservation plan, habitat for protected special status species, conservation easement.*

The project is not located within a Coastal Zone, farmland, wetlands (as defined by USFW), hazardous waste site as listed pursuant to PRC 65962.5, special flood plain, floodway, habitat conservation plan or conservation easement. The subject site is located in a Very High Fire Hazard Severity Zone, however, the project is subject to fire hazard mitigation measures pursuant to existing building standards of state fire mitigations measures applicable to the development. The City has adopted the regulations in Section 4290 of the Public Resources Code, Section 4291 of the Public Resources Code, and Chapter 7A of the California Building Code.

The project is also located within the Alquist-Priolo Fault Zone, however, the project is required to comply with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code) and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2. Furthermore, the applicant submitted a Geology and Soils Report Approval Letter

from the LADBS and the accompanying Geological and Soils Engineering Report prepared by Irvine Geotechnical, Inc. The Geological and Soils Engineering Report concludes the site is free of active fault traces. Per the report provided, the ground rupture hazard at the site was determined to be low.

Lastly, as provided in the Biologist's Statement of Habitat form dated September 16, 2025, the property does not contain Habitat for protected species per GCS 65913.4(a)(6)(J).

(f) Not demolishing designated historic resource (designated before preliminary application).

The vacant project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Consequently, the project will not result in the demolition of a designated historic resource.

Immediately south of the site is Cardinal Timothy Manning Housing of Prayer for Priests, which is identified in HistoricPlacesLA as a resource eligible for listing in the National register, California register, and local listing through SurveyLA. A small portion of the hardscape from this property extends onto the subject site, and would be retained in the rear yard of the project. However, this project does not require the demolition of any historic structures placed on a national, state, or local historic register before the date a preliminary application was submitted for the project.

(g) No portion of the project is for hotel, motel, other transient lodging (not including residential hotel or resident use as short-term lodging).I

No portion of the Project shall be used for hotel, motel, or other transient lodging.

PROCEDURAL CRITERIA

(a) Tribal Notification/Consultation

The City has met the tribal notification and consultation requirement per AB130 as evidenced in the case file. The City provided formal notification via certified mail and email on October 23, 2025, to each of the California Native American Tribes traditionally and culturally affiliated with the project area as an invitation to consult on the proposed project on the project's potential effects on tribal cultural resources. On November 4, 2025, the Gabrieleño Band of Mission Indians – Kizh Nation ('Tribe') acknowledged receipt of the City's letter and included an

attachment requesting consultation. On January 13, 2026, the City responded to the Tribe's request for consultation and requested the Tribe's recommendation. On January 20, 2026, the Tribe provided recommended conditions of approval. On January 22, 2026, the City accepted the Tribe's recommended conditions of approval without any revisions. As required per Public Resources Code Section 21080.66.(b)(4)(a), those agreements reached during the consultation were incorporated into the project's binding Conditions of Approval, as well as the other binding Conditions of Approval required in PRC 21080.66.(b)(4)(B) and 21080.66.(c)(1)(A). As such, the City has complied with the tribal and consultation requirements of AB130.

- (b) As a condition of approval, the applicant will be required to submit a Phase 1 Environmental Site Assessment (ESA) to identify any potential exposures to hazardous conditions. If necessary, mitigated to current federal and state standards.*

As part of City Planning written approval, the project will be conditioned to provide a Phase 1 Environmental Site Assessment (ESA) prior to any building permit issuance. If any hazardous conditions are found, proper mitigation to current federal and state standards will be required.

- (c) Freeway – Additional Conditions of Approval for Projects within 500 feet of a Freeway.*

The subject site is not within 500 feet of a freeway and therefore, this condition does not apply.

BINDING CONDITIONS OF APPROVAL

Pursuant to California Public Resources Code (PRC) Section 21080.66.(b)(4), the Lead Agency must include the following Binding Conditions of Approval for a Project utilizing the AB130 Statutory Exemption when local California Native American Tribes traditionally and culturally affiliated with the project site request consultation.

The conditions below shall be incorporated into the Haul Route application requested by the Applicant and before the Board of Building and Safety Commissions for consideration.

1. Pursuant to PRC Section 21080.66(b)(4)(A), the lead agency shall condition any enforceable agreements reached during the project consultation. Below are the conditions of approval requested by the Gabrieleno Band of Mission Indians – Kizh Nation (Tribe) and accepted by the City:
 - i. 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 Gabrieleno 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.

- ii. 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.
 - iii. 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.
2. Pursuant to PRC Section 21080.66(b)(4)(B), the project shall include tribal monitoring during all ground-disturbing activities, as follows:
- i. The California Native American tribe shall designate the monitor.
 - ii. The tribal monitor shall comply with applicant's site access and workplace safety requirements.
 - iii. The applicant shall compensate the tribal monitor at a reasonable rate, determined in good faith, that aligns with customary compensation for cultural resource monitoring, taking into account factors such as the scope and duration of the project.
 - iv. Tribal cultural resources shall be avoided where feasible, in accordance with subdivision (a) of Section 21084.3. In furtherance of this requirement, where feasible, the project applicant shall provide deference to tribal preferences regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes.

- v. All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Section 21083.9.
 - vi. A California Historical Resources Information System archaeological records search and a tribal cultural records search shall be completed for the project site.
 - vii. A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission.
 - viii. The project shall comply with Section 7050.5 of the Health and Safety Code and Section 5097.98, including immediate work stoppage upon discovery of human remains or burial grounds, and treatment in accordance with applicable law and in consultation with the affected California Native American tribe.
 - ix. An application of tribal ecological knowledge into habitat restoration efforts undertaken by the project as applicable to the specific environmental context and conditions of the project.
3. Pursuant to PRC Section 21080.66.(c), the local government shall, as a condition of approval for the development, require the development proponent to complete a phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code.
- i. If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.
 - ii. If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.
 - iii. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.

Administrative Conditions

4. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.



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 CONDITIONS OF APPROVAL

3842 W. Roble Vista Drive

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 Conditions of Approvals 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 CONDITIONS OF APPROVAL REVISIONS," and identify the project name and location/address. If revisions are not requested within 10 calendar days of consultation, the Kizh's proposed Conditions of Approvals are presumed accepted as proposed (i.e., as set forth above).

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 Conditions

of Approval 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 During AB 52/AB 130/SB 18 consultation, the Gabrieleño Band of Mission Indians – Kizh Nation provided substantial evidence: (1) confirming their direct ancestral connection to and cultural affiliation with the geographic area that encompasses the subject project; and (2) establishing their expertise of known and undiscovered tribal cultural resources located in the project's geographic area. Therefore, the parties acknowledge and agree that the project's impacts to tribal cultural resources will be mitigated by and through the Kizh Nation's tribal monitoring for all ground-disturbing project-related activities. To ensure fulfillment and compliance with the law and policy contemplated by CEQA, NEPA, CERCLA, and other relevant state and federal legislation, the parties further agree that the Kizh Nation's expertise of the tribal cultural resources located in the project's geographic area shall not be implemented by another entity without the prior written consent of the Kizh Nation.

Thank you for your anticipated cooperation.