



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459
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April 10, 2023

Fernandeño Tataviam Band of Mission Indians
Attn: Sarah Brunzell, THCP Manager
1019 Second Street, Suite 1
San Fernando, CA 91340
Via Email: Sarah.Brunzell@tataviam-nsn.us

RE: AB 168 Acknowledgement of Enforceable Agreement between the Fernandeño Tataviam Band of Mission Indians and the City of Burbank for the Proposed SB 35 Project located at 3000 West Empire Avenue, Burbank, Los Angeles County, California

Dear Ms. Brunzell,

This letter is a follow-up to the AB 168 tribal consultation concluded between the City of Burbank and the Fernandeño Tataviam Band of Mission Indians (FTBMI) regarding the proposed SB 35 Project located at 3000 West Empire Avenue in the City of Burbank. The Project consists of a proposed construction of a new seven-story multi-family residential building consisting of up to potentially 337 rental residential units and an at-grade parking structure.

Based on the information provided and FTBMI's Tribal Resource knowledge, the CRM Division has noted concerns regarding potential for impacts to cultural resources by the proposed Project. Per the Tribal Consultation between the City and the Fernandeño Tataviam Band of Mission Indians, the following language will be made part of the Project's conditions of approval:

- **TCR-1:** The Project applicant shall retain a professional Native American Monitor procured by the Fernandeño Tataviam Band of Mission Indians to observe all clearing, grubbing, and grading operations. If cultural resources are encountered, the Native American monitor will have the authority to request that ground-disturbing activities cease within 60-feet of discovery to assess and document potential finds in real time. One monitor will be required on-site for all ground-disturbing activities in areas designated through additional consultation. However, if ground-disturbing activities occur in more than one of the designated monitoring areas at the same time, then the parties can mutually agree to an additional monitor, to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage.
 - Any and all archaeological documents created as a part of the project (isolate records, site records, survey reports, testing reports, and monitoring reports) shall be provided to the Fernandeño Tataviam Band of Mission Indians.
 - The applicant and Lead Agency shall, in good faith, consult with the Fernandeño Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during the Project implementation.

- **TCR-2:** Applicant shall provide notice to FTBMI not less than 14 days prior to commencement of ground disturbing activities to ensure FTBMI has sufficient time to schedule adequate site monitoring personnel.
- **TCR-3:** FTBMI shall be responsible to retain sufficient monitoring personnel to meet its monitoring obligations during all phases of ground disturbing activities. The applicant may, but shall have no obligation to, stop ground disturbing activities in the event FTBMI is not able to attend or monitor the site.
- **TCR-4:** The Project applicant shall pay FTBMI a rate of \$150.00 per hour for all monitoring costs and expenses.
- **TCR-5:** The FTBMI Monitor shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified and available to the City upon request. The on-site monitoring shall end when grading and excavation activities are completed, or when the FTBMI Monitor has indicated that the site has a low potential for cultural resources, whichever occurs first. The City may request a copy of all field documentation from FTBMI Monitor. In addition, the FTBMI Monitor shall provide the City a "closeout report" that addresses the FTBMI Monitor's role on the project and provides a summary of cultural findings, if any.
- **TCR-6:** FTBMI shall comply with applicant's site access and workplace safety requirements.
- **TCR-7:** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Per Government Code Section 65913.4(b), this concludes the Tribal Consultation process and documents the Enforceable Agreement with FTMBI. Please sign and return the letter acknowledging the Enforceable Agreement between the Fernandeano Tataviam Band of Mission Indians and the City of Burbank. Please contact me at (818) 238-5250 or via e-mail at gmirzaavakyan@burbankca.gov. Thank you for your assistance.

Sincerely,



Greg Mirza-Avakyan
Associate Planner, City of Burbank, Planning Division

Sarah Brunzell

Sarah Brunzell

Tribal Historic and Cultural Preservation Manager
Cultural Resources Management Division
Fernandeño Tataviam Band of Mission Indians

Patrick Prescott

Patrick Prescott, AICP

Community Development Director

Approved as to Form
Office of the City Attorney

Joe McDougall

Joseph H. McDougall
City Attorney