



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459
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July 17, 2024

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 1130 West Olive 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 1130 West Olive Avenue in the City of Burbank. The Project consists of a proposed construction of a new three-story mixed-use building consisting of up to potentially 23 rental residential units, two office suites that total 2,722 square feet, a 563-square foot retail space, a 3,152-square foot medical office suite, and a total of 48 parking spaces – 39 subterranean spaces and 9 surface spaces.

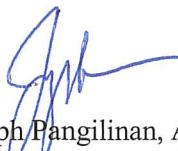
Based on the information provided and FTBMI's Tribal Resource knowledge, the CRM Division has noted concerns regarding potential for impacts to cultural resources by the proposed Project. Per the Tribal Consultation between the City and the Fernandeño Tataviam Band of Mission Indians (FTBMI), the following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

- **TCR-1:** If cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards retained by the project applicant shall assess the find. Work on the portions of the Projects outside of the buffered area may continue during this assessment period. Should the find be deemed significant, as defined by CEQA (as amended, 2015), the Project applicant shall retain a professional Tribal Monitor procured by the FTBMI to observe all remaining ground-disturbing activities including, but not limited to, clearing, grading, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, leveling, driving posts, auguring, blasting, stripping topsoil or similar activity, and archaeological work.
- **TCR-2:** 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 all ground disturbing activities.
- **TCR-3:** The Project applicant shall pay FTBMI a rate of \$150.00 per hour for all monitoring costs and expenses.

- **TCR-4:** Applicant shall provide notice to FTBBI not less than 14 days prior to commencement of ground disturbing activities to ensure FTBBI has sufficient time to schedule adequate site monitoring personnel.
- **TCR-5:** 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.
 - Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendant (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin in accordance with applicable law.
- **TCR-6:** The FTBBI Monitor shall complete monitoring logs on a daily basis when monitoring, 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 FTBBI 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 FTBBI Monitor. In addition, the FTBBI Monitor shall provide the City a “closeout report” that addresses the FTBBI Monitor’s role on the project and provides a summary of cultural findings, if any.
- **TCR-7:** FTBBI shall comply with applicant’s site access and workplace safety requirements.
- **TCR-8:** FTBBI shall be responsible to retain sufficient monitoring personnel to meet its monitoring obligations during all phases of ground disturbing activities prescribed by this letter. The applicant may, but shall have no obligation to, stop ground disturbing activities in the event FTBBI is not able to attend or monitor the site.

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

Sincerely,



Joseph Pangilinan, AICP
Associate Planner, City of Burbank, Planning Division



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



Patrick Prescott, AICP
Community Development Director

Approved as to Form
Office of the City Attorney



Iain MacMillan
Senior Assistant City Attorney