

APPENDIX G

AB 52 Consultation

Appendix G.1

Correspondence with Fernandefio Band of Mission Indians

From: [Caitlin Gulley](#)
To: [Foote, Brian](#)
Subject: Tribal Consultation: The Premier on First (15-5132)
Date: Wednesday, September 23, 2015 1:58:50 PM
Attachments: [Tribal Consultation Request.pdf](#)

Mr. Foote,

Attached is a letter requesting consultation on the above referenced project. Please let me know when in the next 30 days that you can join us at our offices to initiate consultation.

Thank you,

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Caitlin Gulley
Cultural Preservation Officer
Tribal Historic and Cultural Preservation
Cell: (661) 433-0599
cgulley@tataviam-nsn.us

Fernandeño Tataviam Band of Mission Indians
1019 Second Street, Suite 1
San Fernando, California 91340
Phone: (818) 837-0794 Ext. 208
Website: <http://www.tataviam-nsn.us>

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Fernandeno Tataviam Band of Mission Indians
Tribal Historic & Cultural Preservation

Rudy Ortega Jr.
Tribal President

*Tribal Historic & Cultural
Preservation Committee*
Steve Ortega
Chairman
David Ortega

September 23, 2015

Brian Foote, Community Development Department
City of Burbank
150 North Third Street
P.O. Box 6459
Burbank, CA 91510

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subs. (b), (d) and (e) for The First on Premier (Permit No. 15-5132), City of Burbank.

Dear Brian Foote,

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. The Fernandeno Tataviam Band of Mission Indians requested formal notice and information for all projects within your agency's geographical jurisdiction on July 1, 2015 and received notification on **September 23, 2015** regarding the above referenced project.

The Fernandeno Tataviam Band of Mission Indians requests consultation on the following topics below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

- Alternatives to the project
- Recommended mitigation measures if alternatives are not feasible
- Mitigation measures
- Potentially significant effects of the project

Fernandeno Tataviam Band of Mission Indians also requests consultation on the following discretionary topics below (Public Resources Code section 21080.3.2), subd. (a)):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by both your agency and the Fernandeno Tataviam Band of Mission Indians to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:

- a. Protecting the cultural character and integrity of the resource;
 - b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Additionally, Fernandeno Tataviam Band of Mission Indians would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

- 1) The results of any record search(es) conducted at an archaeological information center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - (a) Any known cultural resources that have already been recorded on or adjacent to the potential APE;
 - (b) Whether the probability is low, moderate or high that cultural resources are located in the potential APE; and
 - (c) If a survey is required to determine whether previously unrecorded cultural resources are present in the potential APE.
- 2) The results of any archaeological inventory survey that was conducted of all or part of the potential APE, including, but not limited to:
 - (a) Any report that may contain site forms, site significance, and suggested mitigation measures.
- 3) The results of any Sacred Lands File searches conducted through the Native American Heritage Commission for all or part of the potential APE;
- 4) Any ethnographic studies conducted for any area including all or part of the potential APE; and
- 5) Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Fernandeno Tataviam Band of Mission Indians expects to begin consultation within 30 days of your receipt of this letter. Via email, please contact the Fernandeno Tataviam Band of Mission Indians Cultural Preservation Officer assigned to this specific project, marked below, to arrange an in-person meeting :

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Sincerely,

Caitlin B. Gulley
 Tribal Historic and Cultural Preservation Officer

cc: Native American Heritage Commission

The information presented in this ethnography is based off the interpretations of the present-day enrolled citizens, elders, and the tribal leadership of the Fernandeano Tataviam Band of Mission Indians, constructed off data gathered by anthropologists, archaeologists, and linguists.

Fernandeano: Regional Terms

“Fernandeano” (or “Fernandiano”) is a Spanish regional term representing the people of four diverse territories enslaved during the Mission San Fernando period. J.P. Harrington archives Fernandeano Takic terms, one of the many languages spoken among the Indians of Mission San Fernando, for the four related, yet culturally diverse, territories prior to the Mission period. Using *Pasekivitam*, the people of the villages of San Fernando, the Mission, and the basin of the valley, as a central point of reference would position *Tatavitam* as the people of the region north of *Pasekivitam*, *Simivitam* as the western people inhabiting Simi Valley in territories south of *Tatavitam*, and the *Vanyume* as the most eastern groups encompassing Antelope Valley (Harrington 1916 Reel #106). The *Tatavitam*, *Pasekivitam*, and *Vanyume* maintained slightly distinct Takic languages, while the people of Simi Valley and coastal areas were members of the Chumashan language. There are several alternative names that represent ethnic (tribal) perspectives for the words recorded by both the Spanish priests and Harrington, but the general rule stands with four important Takic suffixes: *-vit*, *-pet*, *-bit*, or *-bet* refer to one person or lineage, *-am* is plural and can convert one person (*-vit*) to multiple people (*-vitam*), and *-nga* is a locative reference. Language types and marital patterns did not determine political or national organization among the pre-mission Fernandeanos. They exercised power over territory, self-government, a judicial system, and upheld a network of social, economic and political ties to other lineages over an extensive area. The lineages continued as the major form of social and political organization through the Mission period, and are the primary form of indigenous organization among the present-day descendants of the Fernandeanos.

Fernandeano and Gabrieleño: The Difference

Although the Fernandeano and Gabrieleño are linguistically related, they represent two geographical areas that shall not be confused, or interchanged, with one another. *Sivavitam*, the people of Los Angeles Basin, are known as the Gabrieleños during the Mission period. The people of Mission San Gabriel, Gabrieleños, referred to the Fernandeanos as *Pavasikwar*, which exemplifies the separate native identities associated with the two post-Mission era names. Additionally, the Fernandeanos referred to the Gabrieleños inhabiting areas further east of the Los Angeles Basin as *Komivitam*, or the people in the Eastern portion of San Gabriel Valley, which further established a line between the two mission-associated regional terminologies.

Pasekivitam, Tatavitam, and Simivitam Overview

The distinct community of the present-day Fernandeano Tataviam Band of Mission Indians (Band) (Fig.4) originated in the lineages, villages and culture of the pre-Mission period. Mission San Fernando was established on September 8, 1797 at the village of *Achoicominga* (Engelhardt 1927; Lasuén 1965:44-45) and, for years following, gathered converts from the Indian villages in the geographically surrounding area, ranging from present day Santa Catalina Island and Malibu in the west, Cahuenga and Encino in the south, Tujunga in the east, and the present-day Tejon Ranch in the north. Before the founding of Mission San Fernando, the Indians in the region lived in lineages within villages that were associated with territories. The tribal villages, or tribelets, consisted of speakers from the Takic branch of the Uto-Aztec language, who intermarried with individuals from other linguistic groups within the area, as well as strengthened economic, social, and cultural relations with those outside of their language group by practicing exogamy. Each tribelet or lineage held territory and maintained political and economic sovereignty over its local area, but was also linked through social exchange to neighboring villages and lineages.

Appendix G.2

Correspondence with San Gabriel of Mission Indians



December 19, 2016

San Gabriel Band of Mission Indians
Attn: Anthony Morales, Chief
P.O. Box 693
San Gabriel, CA. 91778

RE: Notification of Proposed Project (Public Resources Code §21080.3.1)

Dear Mr. Morales:

On December 15, 2016, the City of Burbank received your request for notifications in accordance with Public Resources Code §21080.3.1(b). This letter serves as notification to the San Gabriel Band of Mission Indians of a proposed development project in the City of Burbank, in accordance with Public Resources Code §21080.3.1. The City of Burbank, as the CEQA Lead Agency, is beginning the environmental review process and will be preparing an Environmental Impact Report for the following project.

Application Type(s): Planned Development, Development Agreement, Development Review (Planning Permit No. 15-5132)

Project Location: 103 E. Verdugo Ave (six properties totaling 1.8 acres located at: 103, 121, 137 E. Verdugo; 100 E. Tujunga Ave.; APNs 2453-019-011, -012, -013, -015, -017, -018; and alley)

Project Description: The proposed project involves two development scenarios which propose two 14-story (154 ft. high) buildings for mixed uses. In both scenarios, referred to as Options A and B, Phase 1 consists of a single 14-story residential building with a total of 154 multifamily units. The residential building includes an 7,968 square-foot ground floor retail space, a 1,727 square-foot restaurant space, two stories of podium parking above the ground floor (plus three levels of underground parking below the ground floor), and ten floors of residential units above the podium parking. Amenities for the residents are proposed to include a fitness center, outdoor swimming pool and spa, yoga/multipurpose room, and community room.

Option A (“Phase 2A”) proposes a 14-story hotel with approximately 126,000 square-feet of hotel space (230 rooms), conference center space, an 1,156 square-foot retail space on the ground floor, a 4,738 square-foot restaurant space on the ground floor, and two stories of podium parking above the ground floor. Option B (“Phase 2B”) proposes a 14-story office building with approximately 159,000 square-feet of office space, two stories of podium parking above the ground floor (plus three levels of underground parking below the ground floor), and approximately 12,822 square-feet of retail/restaurant space on the ground floor.

The complete set of project plans for both options and phases may be obtained from the Planning Division website at: <http://www.burbankca.gov/departments/community-development/planning-transportation/current-planning/the-premier-on-first>.

Public Resources Code §21080.3.1 allows 30 days for a California Native American tribe to respond to this notification. If a response is not provided within 30 days of receiving this notice, the City of Burbank will assume that the San Gabriel Band of Mission Indians declines to initiate the formal consultation process for the above project. Your written response may be mailed to the address above, or submitted via e-mail to bfoote@burbankca.gov. If you have any questions regarding the proposed project, please contact me at (818) 238-5250.

Sincerely,

BRIAN FOOTE, AICP
Senior Planner

Enclosures:

A. Initial Study