Appendix C

Sacred Lands File Search and AB52 Consultation
See response from Gabrieleno Indians regarding the Mitigation Measure for the proposed project.

Best,

Ignacio Rincon
Associate Planner – CEQA Compliance
Anaheim Planning and Building Department
200 South Anaheim Boulevard | Suite 162
Anaheim, CA 92805
Direct: 714.765.5238
Fax: 714.765.5280
Email: irincon@anaheim.net

From: Administration Gabrieleno Indians <admin@gabrielenoindians.org>
Sent: Wednesday, November 28, 2018 11:41 AM
To: Ignacio Rincon <IRincon@anaheim.net>
Subject: Re: FW: AB 52 & SB18 Notification - DEV2017-00124 (Downtown 39)

Hello Ignacio

Thank you for sending over the mitigation, we agree on the mitigation.

Thank you

Sincerely,

Brandy Salas
Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org

On Tue, Nov 27, 2018 at 2:54 PM Ignacio Rincon <IRincon@anaheim.net> wrote:
Ok, great. Thanks.

I really appreciate it!

Ignacio Rincon

Associate Planner – CEQA Compliance

Anaheim Planning and Building Department

200 South Anaheim Boulevard | Suite 162

Anaheim, CA 92805

Direct: 714.765.5238

Fax: 714.765.5280

Email: irincon@anaheim.net

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From: Administration Gabrieleno Indians <admin@gabrielenoindians.org>
Sent: Tuesday, November 27, 2018 2:47 PM
To: Ignacio Rincon <IRincon@anaheim.net>
Subject: Re: FW: AB 52 & SB18 Notification - DEV2017-00124 (Downtown 39)

Ok I will get ahold of Mr. salas as soon as possible.

On Tue, Nov 27, 2018 at 1:27 PM Ignacio Rincon <IRincon@anaheim.net> wrote:

Hello Brandy,

Yes, we had several consultation dates cancelled or re-scheduled and now we are scheduled for January 9th at 1pm, but given the progress of the project, I sent you an email asking if the Mitigation Measure (highlighted below) would suffice if included in the Mitigated Negative Declaration, so we could move forward with the project, now, and not have to wait until January 9th.

Please let me know, as soon as possible. I would really appreciate it. Thanks.

Best regards,

Ignacio Rincon

Associate Planner – CEQA Compliance

Anaheim Planning and Building Department
Hello Ignacio

I am out of the office today, was the concern regarding a consultation?

On Tue, Nov 27, 2018 at 1:10 PM Ignacio Rincon <IRincon@anaheim.net> wrote:

Hello Brandy,

I just left you a voice message regarding the email below. Where you able to speak with Andy regarding my concern? Could you please contact me as soon as possible? I would really appreciate it.

Thanks.

Best,

Ignacio Rincon

Associate Planner – CEQA Compliance

Anaheim Planning and Building Department

200 South Anaheim Boulevard │ Suite 162

Anaheim, CA 92805

Direct: 714.765.5238

Fax: 714.765.5280
Email: irincon@anaheim.net

From: Ignacio Rincon  
Sent: Wednesday, November 21, 2018 2:06 PM  
To: 'Administration Gabrieleno Indians' <admin@gabrielenoindians.org>  
Subject: AB 52 & SB18 Notification - DEV2017-00124 (Downtown 39)  
Importance: High

Hello Brandy,

We had a consultation scheduled for The Anaheim Downtown 39 residential project located at 740 La Palma in Anaheim, for November 1, 2018, and for whatever reason, a miscommunication on my part, it was re-scheduled for January 9, 2019. That said, the Mitigated Negative Declaration is currently being prepared and close to completion, and would like to release it for public review as soon as possible, so the January 9\textsuperscript{th}, consultation date does not work for our schedule.

I know that Andrew is extremely busy, as I have spoken with him on a number of projects, throughout Southern California. Is there any chance that I could speak to him regarding this project, sometime next week, at any time that works best for him? I would really appreciate it.

Below is the Mitigation Measure that has been inserted into the CEQA (MND) document, regarding the Tribal Cultural Resources. If Andrew is not available to speak with me, next week, could he possibly review the mitigation measure (below), and confirm if his project concerns are addressed by the mitigation measure that has been included in the CEQA (MND) document for Tribal Cultural Resources?

Again, this is a standard mitigation measure used in environmental documents to address potential discovery of TCR’s.

**MM-TCR-1:** Prior to the issuance of a grading permit, the Property Owner/Developer shall submit to the City a Native American tribal monitoring agreement with the Gabrieleño Band of Mission Indians – Kizh Nation for tribal cultural resource monitoring to take place during subsurface ground-disturbing construction activities. If tribal cultural resources are encountered during ground disturbing activities, work in the immediate area must halt. Depending on the nature of the find, if the discovery proves to be potentially significant under CEQA, as determined by the tribal representative, additional measures such as data recovery excavation, avoidance of the area of the find, documentation, testing, data recovery, reburial, archival review and/or transfer to the appropriate museum or educational institution, or other appropriate actions may be warranted. The tribal representative shall complete a brief letter report of excavations and findings and submit the report to the City. After the find is appropriately mitigated, work in the area may resume.

Please let me know if the mitigation measure (above) would suffice, and the consultation is no longer required/needed. I would really appreciate a prompt response. Thanks.
If you have any questions and/or need additional information, please feel free to contact me anytime.

Best Regards,

Ignacio Rincon

Associate Planner – CEQA Compliance

Anaheim Planning and Building Department

200 South Anaheim Boulevard │ Suite 162

Anaheim, CA 92805

Direct: 714.765.5238

Fax: 714.765.5280

Email: irincon@anaheim.net
Sacred Lands File & Native American Contacts List Request

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd, Suite 100
West Sacramento, CA  95501
(916) 373-3710
(916) 373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: Downtown Anaheim 39, 740 E La Palma Avenue, Anaheim
County: Orange

USGS Quadrangle
Name: Anaheim 7.5 Minute Quadrangle
Township: _________ Range: _________ Section(s): __________

Company/Firm/Agency:
Sagecrest Planning & Environmental

Contact Person: Christine Saunders
Street Address: 2400 E Katella Avenue, Suite 800
City: Anaheim Zip: 92806
Phone: (714) 783-1863 Extension: 706
Fax:
Email: csaunders@sagecrest.us

Project Description:
The Proposed Project includes the demolition of an existing outdoor surface parking lot/storage yard and construction of 39 attached, for-sale residential units. The Proposed Project utilizes the RM-3.5 standards at a density of 24.84 units/acre, and features three-story homes with entry courtyards, a private drives, fencing, sidewalks and landscaping separating the existing single-family residential to the west. In addition, the existing alley would be widened to a full 20 feet per City standards and the existing sewer line in the alley would be replaced.

✔ Project Location Map is attached
FIGURE 3: TOPOGRAPHIC MAP
Project No. 17-203776.1

USGS 7.5 Minute Anaheim, California Quadrangle
Created: 1981

KEY:
Subject Property

PARTNER
September 20, 2018

Christine Saunders
Sagecrest Planning & Environmental

Sent by Email: csaunders@sagecrest.us
Re: Downtown Anaheim 39, Orange County

Dear Ms. Saunders,

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not preclude the presence of cultural resources in any project area. Other sources for cultural resources should also be contacted for information regarding known and/or recorded sites.

Enclosed is a list of Native Americans tribes who may have knowledge of cultural resources in the project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these tribes, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at 916-573-1033 or frank.lienert@nahc.ca.gov.

Sincerely,

Frank Lienert
Associate Governmental Program Analyst
Native American Heritage Commission
Native American Contacts
September 20, 2018

Juaneno Band of Mission Indians Acjachemen Nation
Matias Belardes. Chairperson
32161 Avenida Los Amigos
San Juan Capistrano, CA 92675
kaamalam@gmail.com
(949) 444-4340 (Cell)

Juaneno Band of Mission Indians
Sonia Johnston. Tribal Chairperson
P.O. Box 25628
Santa Ana, CA 92799
sonia.johnston@sbcglobal.net

Gabrieleno/Tongva San Gabriel Band of Mission Indians
Anthony Morales. Chairperson
P.O. Box 693
San Gabriel, CA 91778
GT Tribal Council@aol.com
(626) 483-3564 Cell
(626) 286-1262 Fax

Gabrieleno/Tongva Nation
Sandonne Goad. Chairperson
106 1/2 Judge John Aiso St., #231
Los Angeles, CA 90012
ggoad@gabrielino-tongva.com
(951) 807-0479

Gabrieleno Tongva Nation
Gabrieleno Tongva

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero. Chairwoman
31411-A La Matanza Street
San Juan Capistrano, CA 92675
tromero@juaneno.com
(949) 488-3484
(626) 354-5876 Cell
(949) 488-3294 Fax

Teresa Romero. Chairwoman
31411-A La Matanza Street
San Juan Capistrano, CA 92675
tromero@juaneno.com
(949) 488-3484
(626) 354-5876 Cell
(949) 488-3294 Fax

Gabrieleno Band of Mission Indians - Kizh Nation
Andrew Salas. Chairperson
P.O. Box 393
Covina, CA 91723
admin@gabrielenonations.org
(626) 926-4131

Gabrieleno Band of Mission Indians - Kizh Nation
Andrew Salas. Chairperson
P.O. Box 393
Covina, CA 91723
admin@gabrielenonations.org
(626) 926-4131

Gabrieleno-Tongva Tribe
Charles Alvarez. Councilmember
23454 Vanowen St.
West Hills, CA 91307
roadkincharles@aol.com
(310) 403-6048

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7060.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American Tribes with regard to cultural resources assessments for the proposed Downtown Anaheim 39, Orange County
August 1, 2018

by email to: admin@gabrielenoindians.org

Andrew Salas, Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
P.O. Box 393
Covina, CA 91723

Subject: AB 52 Consultation for Downtown Anaheim 39

Dear Mr. Salas:

Thank you for your interest in proposed development projects in the City of Anaheim. The City is in receipt of the Gabrieleño Band of Mission Indians – Kizh Nation’s request, pursuant to the provisions of Assembly Bill 52 and Section 21080.3.1 (d) of the Public Resources Code, for formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with your tribe. This notification is for the purpose of extending the opportunity to request a consultation to protect any tribal cultural resources that may exist in the planning area.

The City of Anaheim is the lead agency for the proposed project, The Downtown Anaheim 39, located at 740 E. La Palma Avenue in the City of Anaheim. A map of the proposed project is attached for your review. The proposed project would demolish an existing outdoor surface parking lot/storage yard on 1.57-acres, and construct 39 attached, for-sale townhome residential units. The proposed project consists of three-story homes with entry courtyards, a private drives, fencing, sidewalks and landscaping separating the existing single-family residential. In addition, the existing alley will be widened to a full 20 feet per City standards and the existing sewer line in the alley will be replaced. The two and four-bedroom homes will range in size from 1,215 to 1,779 SF. All homes will have a two-car garage and there will be 28 open parking spaces, for a total of 106 spaces (2.7 parking spaces/unit, exceeding the parking requirement by 2 spaces).

Please contact me within 30 days of receipt of this letter if you would like additional information about this project or would like to consult with the City of Anaheim about any tribal cultural resources located within the project area. I can be reached at 714-765-5238 or rincon@anaheim.net.

Sincerely,

Ignacio Rincon
Associate Planner - CEQA Compliance
Project Location – Downtown Anaheim 39

Subject Property

APN: 035-205-01

DEV No. 2017-00124
City of Anaheim  
200 S. Anaheim Blvd  
Anaheim, CA 92805  

August 13, 2018  

Re: AB52 Consultation request for Downtown Anaheim 39  

Dear Ignacio Rincon,  

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a “no records found” for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. This is the reason the NAHC will always refer the lead agency to the respective Native American Tribe of the area because the NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and are able to provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area. Therefore, to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.  

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email gabrielenoindians@yahoo.com to schedule an appointment.  

** Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at:  

http://calepa.ca.gov/Tribal/Training/ or http://nahc.ca.gov/2015/12/ab-52-tribal-training/  

With Respect,  

Andrew Salas, Chairman  

Andrew Salas, Chairman  
Nadine Salas, Vice-Chairman  
Christina Stadler Martinez, secretary  
Albert Perez, treasurer |  
Martha Gonzalez Lemos, treasurer II  
Richard Gradias, Chairman of the Council of Elders  
PO Box 393, Covina, CA 91723  
www.gabrielenoindians.org  
gabrielenoindians@yahoo.com
August 1, 2018

by email to: kaamalam@gmail.com

Joyce Stanfield Perry, Tribal Manager
Juaneño Band of Mission Indians – Acjachemen Nation
4955 Paseo Segovia
Irvine, CA 92603

Subject: AB 52 Consultation for Downtown Anaheim 39

Dear Ms. Perry:

Thank you for your interest in proposed development projects in the City of Anaheim. The City is in receipt of the Juaneño Band of Mission Indians – Acjachemen Nation’s request, pursuant to the provisions of Assembly Bill 52 and Section 21080.3.1 (d) of the Public Resources Code, for formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with your tribe. This notification is for the purpose of extending the opportunity to request a consultation to protect any tribal cultural resources that may exist in the planning area.

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Please contact me within 30 days of receipt of this letter if you would like additional information about this project or would like to consult with the City of Anaheim about any tribal cultural resources located within the project area. I can be reached at 714-765-5238 or irincon@anaheim.net.

Sincerely,

Ignacio Rincon
Associate Planner - CEQA Compliance
Project Location – Downtown Anaheim 39
August 1, 2018

Joseph Ontiveros
Cultural Resource Director
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581

Subject: AB 52 Consultation for Downtown Anaheim 39

Dear Mr. Ontiveros:

Thank you for your interest in proposed development projects in the City of Anaheim. The City is in receipt of the Soboba Band of Luiseño Indians’ request, pursuant to the provisions of Assembly Bill 52 and Section 21080.3.1 (d) of the Public Resources Code, for formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with your tribe. This notification is for the purpose of extending the opportunity to request a consultation to protect any tribal cultural resources that may exist in the planning area.

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Sincerely,

Ignacio Rincon
Associate Planner - CEQA Compliance
Project Location – Downtown Anaheim 39

APN: 035-205-01

DEV No. 2017-00124
Gabrielino-Tongva Tribe  
Linda Candelaria, Chairperson  
80839 Camino Santa Juliana  
Indio, CA 92203  
lcandelaria1@gabrielinotribe.org

October 17, 2018

The City of Anaheim has initiated the preparation of an Initial Study pursuant to California Environmental Quality Act (CEQA) for the Downtown Anaheim 39 Project located on 1.57 acres at 740 E. La Palma Avenue in the City of Anaheim, Orange County (see attached map of the Project Site).

The Applicant proposes to demolish an existing outdoor surface parking lot/storage yard and construct 39 attached, for-sale townhome residential units.

The Proposed Project consists of three-story homes with entry courtyards, a private drives, fencing, sidewalks and landscaping separating the existing single-family residential. In addition, the existing alley will be widened to a full 20 feet per City standards and the existing sewer line in the alley will be replaced. The two and four-bedroom homes will range in size from 1,215 to 1,779 SF. All homes will have a two-car garage and there will be 28 open parking spaces, for a total of 106 spaces (2.7 parking spaces/unit, exceeding the parking requirement by 2 spaces).

This project would require a General Plan Amendment, Zoning Reclassification, Tentative Tract Map, and Conditional Use Permit approvals.

Sagecrest Planning & Environmental is contacting you as a result of the Sacred Lands File Search conducted with the Native American Heritage Commission for the purpose of offering a consultation to identify and protect any cultural resources that may exist in the planning area. Your tribe is on the NAHC’s list of tribes to be notified.

Please note that separate notification has been conducted pursuant to SB18 and AB52.

If your tribal group wishes to consult with the City about any cultural resources located in the project area, please contact me within the next 14 days. Apart from a cultural resource consultation, please also contact me if you would like to be notified of public hearings for the proposed project.
If you have any questions or need additional information, please contact me at 714-783-1863 x 706 or csaunders@sagecrest.us.

Christine Saunders
Senior Project Manager
Sagecrest Planning+Environmental
2400 E Katella Avenue, Suite 800
Anaheim, CA 92806
Office: 714-783-1863 x 706
Cell: 714-488-1529
Email: csaunders@sagecrest.us
Web: www.sagecrest.us
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Web: www.sagecrest.us
Gabrieleno/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA 91778
GTTribalcouncil@aol.com
(626) 483-3564 Cell
(626) 286-1262 Fax

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Web: www.sagecrest.us
Juaneno Band of Mission Indians Acjachemen Nation
Matias Belardes, Chairperson
32161 Avenida Los Amigos
San Juan Capistrano, CA 92675
(949) 444-4340 (Cell)

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Office: 714-783-1863 x 706
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Email: csaunders@sagecrest.us
Web: www.sagecrest.us
Juaneno Band of Mission Indians Acjachemen Nation  
Joyce Perry, Tribal Manager  
4955 Paseo Segovia  
Irvine, CA 92612  
kaamalam@gmail.com  
(949) 293-8522  

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October 17, 2018

The City of Anaheim has initiated the preparation of an Initial Study pursuant to California Environmental Quality Act (CEQA) for the Downtown Anaheim 39 Project located on 1.57 acres at 740 E. La Palma Avenue in the City of Anaheim, Orange County (see attached map of the Project Site).

The Applicant proposes to demolish an existing outdoor surface parking lot/storage yard and construct 39 attached, for-sale townhome residential units.

The Proposed Project consists of three-story homes with entry courtyards, a private drives, fencing, sidewalks and landscaping separating the existing single-family residential. In addition, the existing alley will be widened to a full 20 feet per City standards and the existing sewer line in the alley will be replaced. The two and four-bedroom homes will range in size from 1,215 to 1,779 SF. All homes will have a two-car garage and there will be 28 open parking spaces, for a total of 106 spaces (2.7 parking spaces/unit, exceeding the parking requirement by 2 spaces).

This project would require a General Plan Amendment, Zoning Reclassification, Tentative Tract Map, and Conditional Use Permit approvals.

Sagecrest Planning & Environmental is contacting you as a result of the Sacred Lands File Search conducted with the Native American Heritage Commission for the purpose of offering a consultation to identify and protect any cultural resources that may exist in the planning area. Your tribe is on the NAHC’s list of tribes to be notified.

Please note that separate notification has been conducted pursuant to SB18 and AB52.

If your tribal group wishes to consult with the City about any cultural resources located in the project area, please contact me within the next 14 days. Apart from a cultural resource consultation, please also contact me if you would like to be notified of public hearings for the proposed project.
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