

Appendix A

**Notice of Preparation and
Public Comment Letters**



Notice of Preparation

Draft Environmental Impact Report for the Proposed South Glendale Community Plan

Date: September 7, 2016

To: State Clearinghouse, Responsible Agencies, Trustee Agencies, Interested Parties and Organizations, Transportation Planning Agencies

From: City of Glendale
Community Development Department, Planning Division
633 East Broadway, Room 103
Glendale, California 91206

Subject: Notice of Preparation of a Draft Environmental Impact Report for the proposed South Glendale Community Plan

The City of Glendale (City) will initiate the preparation of an Environmental Impact Report (EIR) for the following project as defined by the California Environmental Quality Act (CEQA) and set forth in Public Resources Code Sections 21000-21178, and California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387. The City is the Lead Agency under CEQA and will prepare an EIR for the proposed South Glendale Community Plan (project).

This Notice of Preparation (NOP) provides information describing the South Glendale Community Plan project and its probable environmental effects in order to solicit public and agency comments as to the scope of environmental issues, reasonable alternatives, and mitigation to have explored in the Draft EIR.

The Draft EIR will describe the project need, goals, and objectives, baseline environmental conditions in the project study area, and the environmental effects associated with implementation of the project. Alternatives to the project and the effects of those alternatives will also be described and analyzed in the Draft EIR.

Project Location

The City of Glendale is located at the eastern end of the San Fernando Valley in Los Angeles County, at the southern base of the Verdugo Mountains. It was first incorporated in 1906 and today includes thirty-four unique neighborhoods over 30.5 square miles.

The City is bordered to the northwest by the Tujunga neighborhood of Los Angeles, to the northeast by La Cañada-Flintridge and the unincorporated area of La Crescenta, to the west by Burbank, to the east by Pasadena and to the south and southeast by the City of Los Angeles. Glendale is also defined by the Interstate 210 (I-210), State Route 2 (SR-2), SR-134, and I-5 freeways [Figure 1].

Community Plan Area

The South Glendale Community Plan is one of four community plans planned for or already adopted by the City of Glendale. The South Glendale Community Plan area encompasses all of the neighborhoods in the City of Glendale south of SR-134, including Downtown Glendale, Adams Hill, and Tropic. The Community Plan Area (CPA) comprises 2,173 acres and includes one of the main retail hubs in the Los Angeles Metropolitan Area, featuring the Glendale Galleria, a major regional mall, and The Americana at Brand, a flagship mixed-use lifestyle center [Figure 2].

Project Description

The project includes five components: 1) adoption of the South Glendale Community Plan; 2) amendments to the General Plan to reflect the Community Plan; 3) modification of the boundary of the Downtown Specific Plan; 4) amendments to the Greener Glendale Plan; and, 5) amendments to the Glendale Municipal Code (Zoning Code and Map) to apply zoning consistent with the Community Plan. The following paragraphs describe each of these components.

South Glendale Community Plan

The South Glendale Community Plan will build on the existing General Plan to provide a vision and policies for how South Glendale should develop over time. It will consist of a comprehensive set of incentives, standards, and requirements that work together to realize this vision. It will be developed to encourage positive community change and foster sustainable land use, while balancing the character of the community with citywide policies and regional initiatives, including multimodal connectivity and transit-oriented development (TOD). The South Glendale Community Plan will provide incentives for TOD and economic development to promote mixed use development in key areas such as the Tropic neighborhood and the Glendale Memorial Hospital and Health Center area.

Glendale General Plan

The project includes an amendment to the Glendale General Plan land use map to reflect the South Glendale Community Plan [Figure 3]. The amendment would modify the southern and western boundaries of the DSP and implement and apply new land use designations in South Glendale (within the CPA) to implement the vision of the community.

The following new General Plan land use designations would be added to the General Plan, including Centers, Corridors, Special Districts, and Residential of varying densities: Urban Center, Town Center,

Village Center, Mixed-Use Corridors, Suburban Corridor, Main Street Corridor, Transportation, Industrial/Creative, Brand Blvd. of Cars, and Single-Family Hillside.

Proposed modifications to the Land Use Element may require amendments to some or all of the following General Plan Elements: Housing Element, Circulation Element, Open Space and Conservation Element, Noise Element, Recreation Element, Safety Element, Historic Preservation Element.

Downtown Specific Plan

As outlined above, the project proposes to modify the western and southern boundaries of the Downtown Specific Plan. The proposed DSP land use map is illustrated in Figure 4 below. The changes are proposed to include entire properties in the DSP that are currently split between the DSP and Citywide zoning.

Greener Glendale Plan

The project includes incorporating information from the existing Greener Glendale Plan into a qualified Climate Action Plan as defined in CEQA Guidelines Section 15183.5(b). The existing Greener Glendale Plan does not provide greenhouse gas (GHG) emission forecasts through 2020 and 2035 for the City, and therefore does not fit within the requirements for a qualified Climate Action Plan. Changes in GHG emissions for the reduction target years 2020 and 2035 must be included.

Glendale Zoning Code

The project includes amendments to Title 30 of the Glendale Municipal Code to modify the City's Zoning Code and Map to implement the vision of the South Glendale Community Plan and the revised land use plan. The Proposed Zoning Map is outlined in Figure 5 below. The Map includes application of the new zones outlined above within community centers and corridors consistent with proposed General Plan map revisions. Other modifications include application of the T – Transportation Zone to properties within the Caltrans state highway ROW that fall within the boundaries of the proposed plan.

In addition to the map, changes to the Zoning Code would include the addition of new mixed-use and TOD zones along with corresponding development regulations. The zones would be available for citywide use but are only proposed to be applied to South Glendale at the present time.

Required Approval and Actions - Adoption of the South Glendale Community Plan requires approval of the following actions by the City:

- Certification of the EIR, including environmental findings pursuant to CEQA and may necessitate adoption of a Statement of Overriding Considerations;
- Amendments to the City of Glendale General Plan;
- Amendments to the Downtown Specific Plan;
- Amendments to the Greener Glendale Plan; and
- Amendments to the Glendale Municipal Code (Zoning Code and Map)

Probable Environmental Effects to be Evaluated in the Draft EIR

Based on the City's preliminary analysis of the project, the following environmental issues will be examined in the EIR:

- Aesthetics
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural and Paleontological Resources
- Geology and Soils
- Global Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems

Comments on the Notice of Preparation

The City needs to know the views of interested parties and other public agencies with discretionary approvals over the project. Any interested parties are invited to comment on the content of the NOP and forthcoming EIR. For agency review, please identify the scope and content of the environmental information which is germane to your agency’s statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by the City when considering your permit or other approval for the project.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice. Written comments on the NOP and on the contents of the forthcoming EIR should be addressed to: South Glendale Community Plan EIR, 633 E. Broadway, Room 300, Glendale, CA 91206; or e-mailed: SGCP@glendaleca.gov; or provided through our online form at <http://www.glendaleca.gov/SGCP/>. If submitting comments as an organization, please also provide contact information for an individual.

Documents related to the project will also be available for public review at the City of Glendale Clerk’s Office, located at 613 E. Broadway, Room 110, Glendale, CA 91206-4393.

Public Scoping Meeting

A public scoping meeting will be held by the City’s Planning Department on September 19, 2016 beginning at 6:00pm and running no later than 8:30pm at Pacific Community Center at 501 S. Pacific Ave., Glendale, CA 91204. Please note that depending on the number of attendees, the meeting could end earlier than 8:30pm. Written comments regarding the scope and content of the Draft EIR will be accepted at the meeting; written comments may also be mailed or emailed to the abovementioned address, with attention to the South Glendale Community Plan EIR during the NOP public comment period.

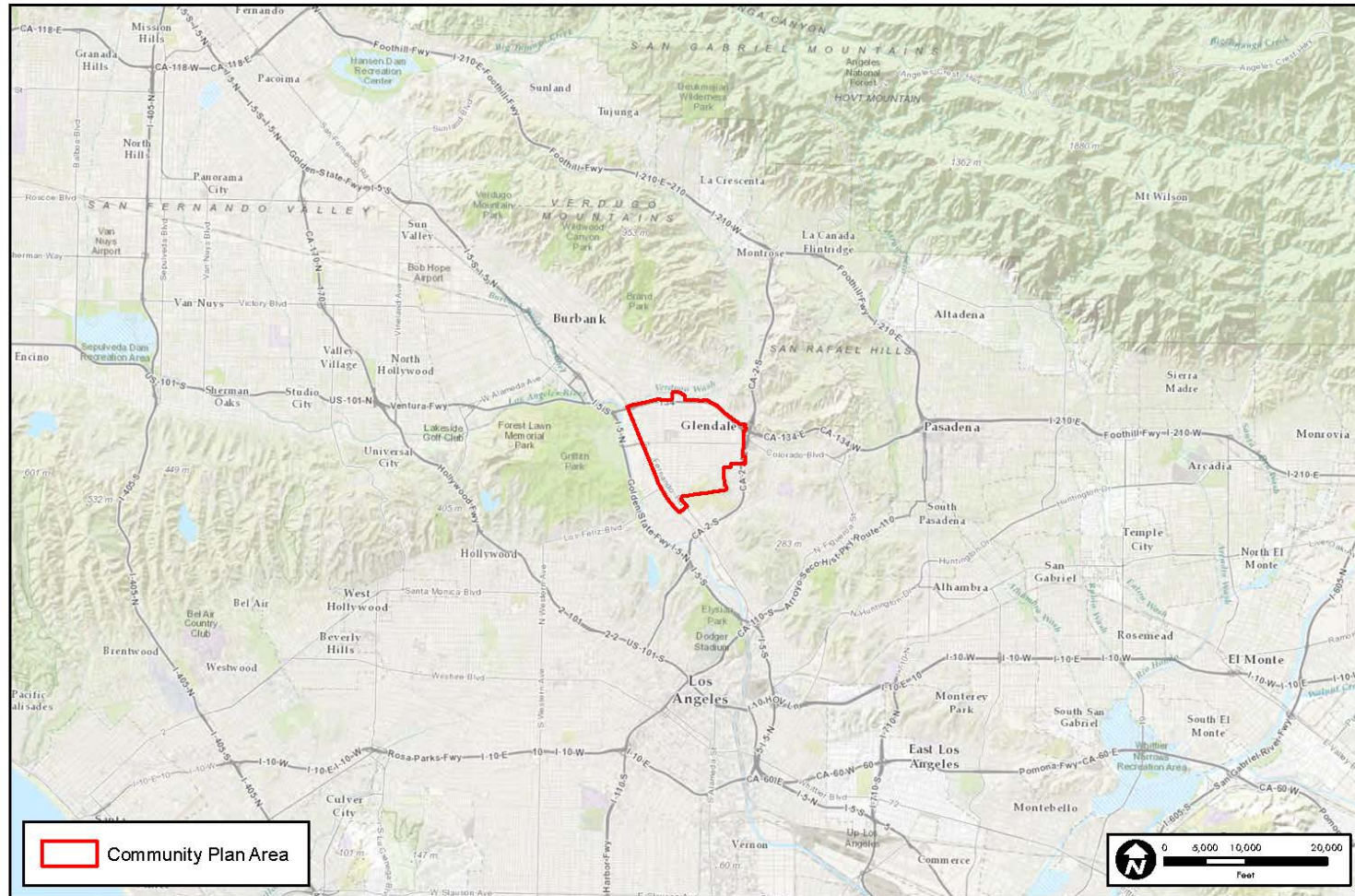


FIGURE 1
Regional Location

100042606 South Glendale Community Plan EIR NOP

Source: Esri 2016, Atkins 2016

3282316 BAR06646 HCLN15762426015 0115 0115 Community Plan EIR/CEQA/Map Fig 1-1_Regional Location.mxd

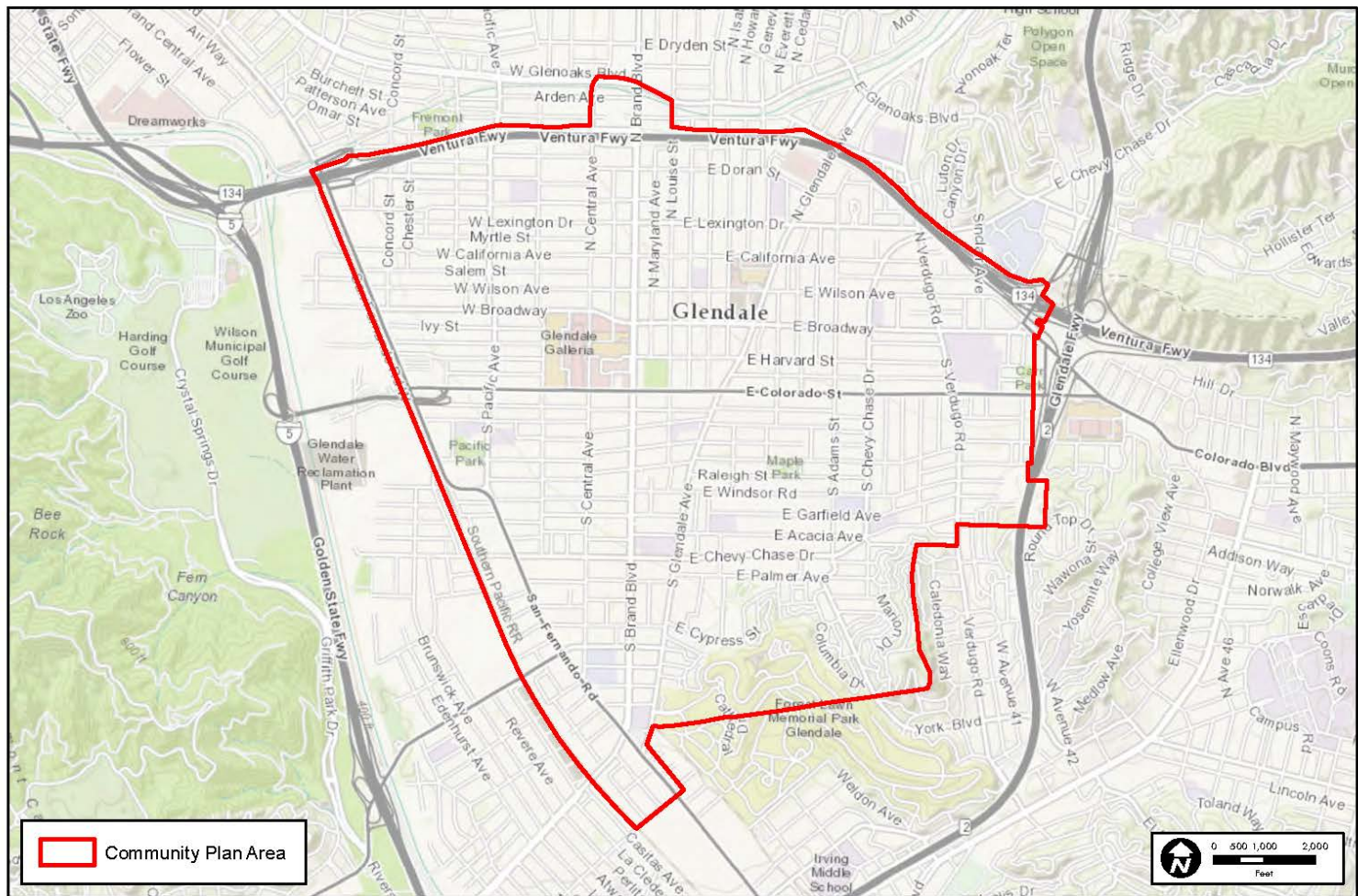


FIGURE 2
Community Plan Area

100042606 South Glendale Community Plan EIR NOP

Source: Esri 2016, Atkins 2016

3/28/2016 8:00:06 AM H:\GIS\Projects\100042606_South_Glendale_Comm_Plan_EIR\GIS\Map_Series_2_Comm_Plan_Area.aprx

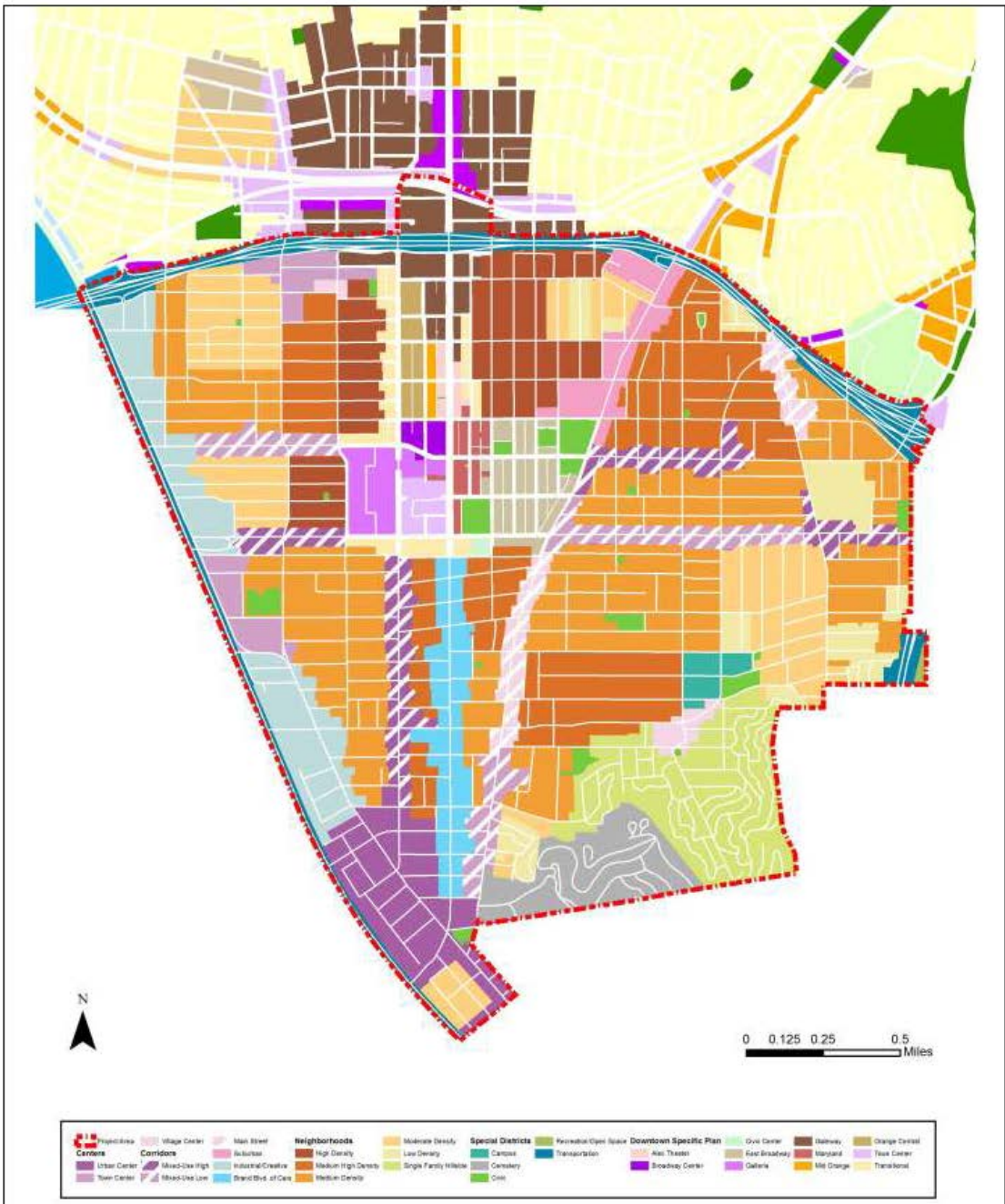
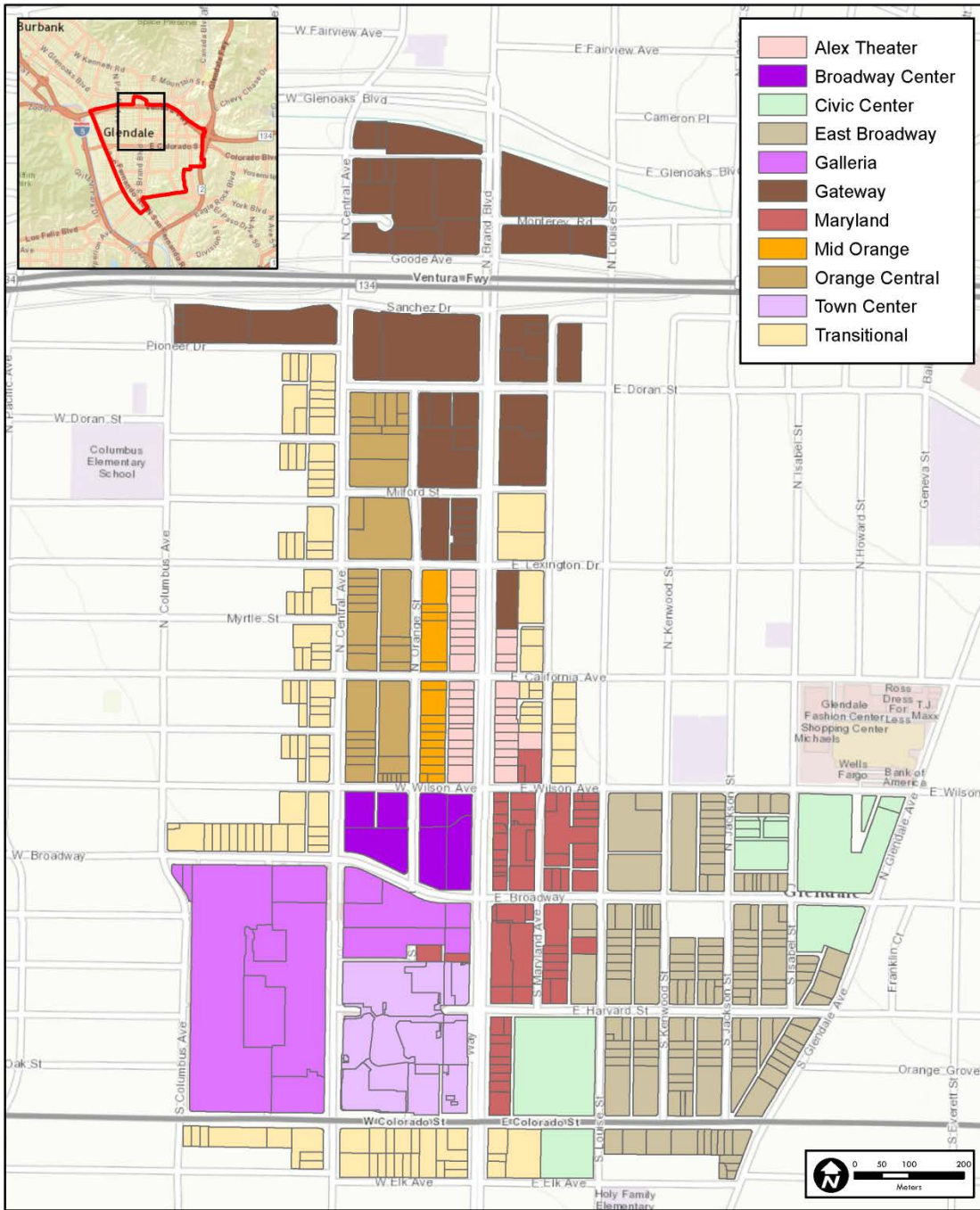


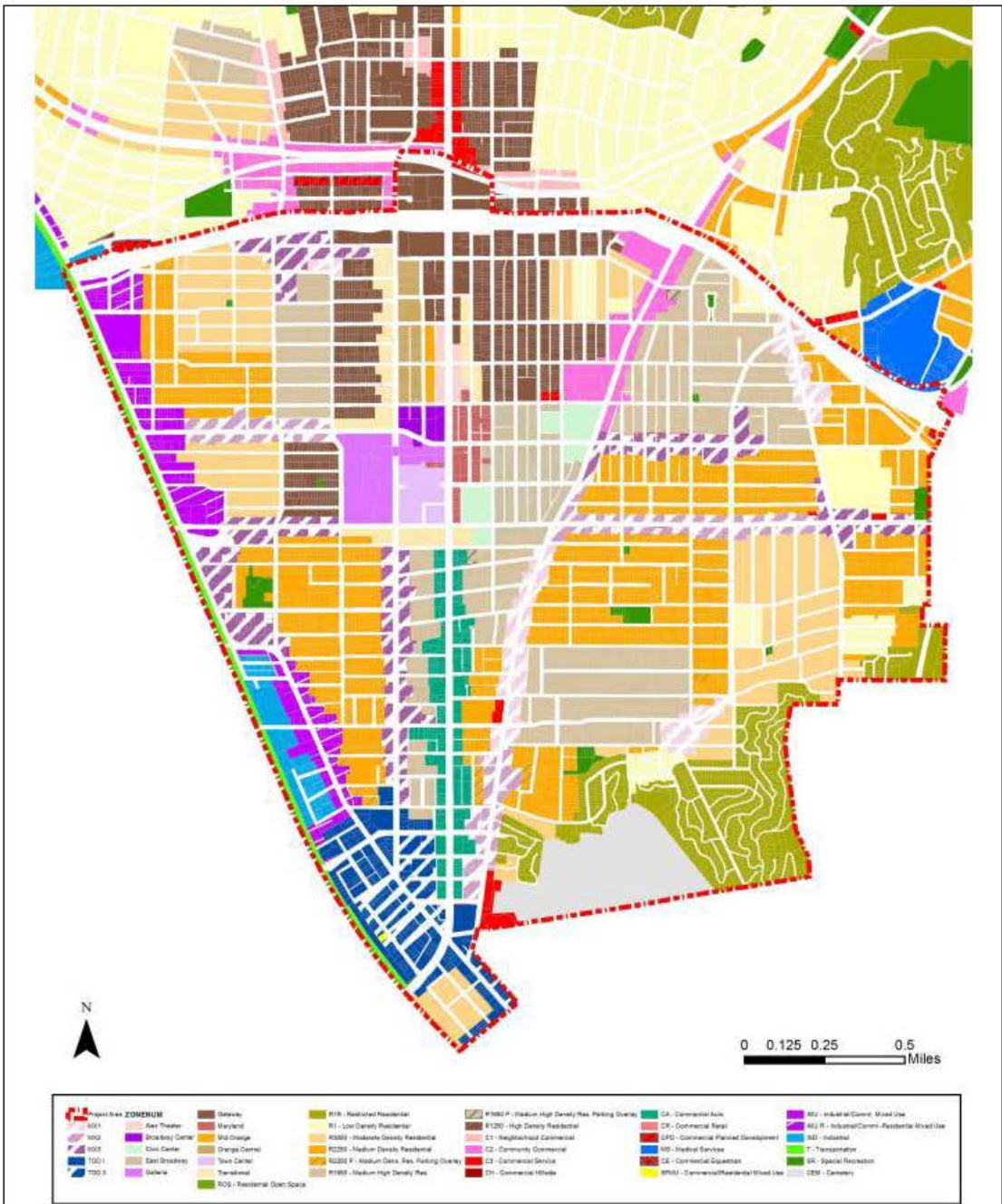
FIGURE 3
General Plan Land Use Map

100042606 South Glendale Community Plan EIR NOP





ATKINS **Figure 4**
Proposed Downtown Specific Plan Land Use Map
 Sources: Esri 2016, Atkins 2016, City of Glendale 2016
 100042606 South Glendale Community Plan EIR
 6/29/2016 BELA7036 H:\Clients\Glendale\100042606 South Glendale Community Plan EIR\GIS\Datasets\Figure4_DowntownSpecificPlan.mxd



**FIGURE 5
Proposed Zoning Map**

100042606 South Glendale Community Plan EIR NOP



SCH Number	e / Lead Agency / City--County / Description	Document type	Ending Date
<u>Documents Received on Monday, September 12, 2016</u>			
201609102	Foshay Minor Use Permit / DRC201 -00039 San Luis Obispo County Paso Robles--San Luis Obispo A minor use permit is a allow for the construction of a winery facility with a tasting room and an event program. The winery facility will be a 9,416 sf and will include a 3,423 sf wine storage/barrel storage area, 3,123 sf processing area, an 870 sf tasting room and a 2,000 sf outdoor covered crush pad. The winery production estimates are 10,000 cases annually. The event program includes six special events per year with no more than 80 guests.	MND	10/11/2016
2016091029	Direct Transfer Facility Santa Fe Springs, City of Santa Fe Springs--Los Angeles The proposed project involves the remodeling of an existing 13,732 sf building to accommodate a direct transfer facility. The floor area within the existing building to be remodeled will be 1,100 sf. No new additional buildings are foreseen proposed. The improvements required for the DTF will include the raising of the roof to accommodate the collection racks, the installation of two large roll-up doors, the construction of a new vehicle ramp, the installation of a new aboveground ruck scale, and new structural improvements. These improvements will be located within the existing CRTR facility. The purpose of the new DTF is to transfer non-hazardous municipal waste from collection vehicles to a large transfer station, which will then transport the waste to a designated landfill.	MND	10/11/2016
2016091024	Commerce Office Expansion and Commerce Casino Commerce, City of Commerce--Los Angeles Project applicant proposes to develop a three-phase project along the Telegraph Road corridor. The first part of the project will involve the expansion of the existing Commerce Office. This part of the project, referred to hereinafter as Phase 1 expansion, will include the construction of 106,738 sq. ft. of retail, a 170-room hotel, and a 96-unit apartment complex. The second part of the project is Phase 2 of the Commerce Expansion. This part of the project will include 210,800 sq. ft. of retail and restaurants. The third part of the project will consist of three new fast food restaurants, a six-story restaurant, a 19,200 sq. ft. office building, and a 170-unit apartment building of which will be a joint venture between Craig Realty and the Commerce Casino.	NOP	10/11/2016
2016091026	South Gendene Community Plan Gendene, City of Gendene--Los Angeles The City will prepare the preparation of an Environmental Impact Report for the following "project" as defined by CEQA and set forth in Public Resources Code, §21000-21178, and CA Code of Regulations, Title 14, Division 6, Chapter 3, §1000-1387. The City is the Lead Agency under CEQA and will prepare an EIR for the proposed South Gendene Community Plan (proposed project). The City is bordered to the north by the Ujunga Neighborhood of Los Angeles, to the north by La Canada-Franchise and the unincorporated area of La Crescenta, to the west by Burbank, to the east by Pasadena and to the south and southeast by the City of Los Angeles. Gendene is as defined by the I-210, SR 2, SR 134, and I freeways.	NOP	10/11/2016

Robertson, Justin

From: websitemail@glendaleca.gov
Sent: Friday, October 14, 2016 1:43 PM
To: Robertson, Justin
Subject: City of Glendale, CA: SGCP EIR Scoping Comments

A new entry to a form/survey has been submitted.

Form Name: South Glendale Community Plan Program EIR Scoping Comments
Date & Time: 10/14/2016 1:43 PM
Response #: 1
Submitter ID: 62846
IP address: 12.186.47.162
Time to complete: 48 min. , 2 sec.

Survey Details: Answers Only

Page 1

Andrew Allison
Not answered
1330 Romulus Drive
Glendale
California
91205
(818) 243-0134

drew_allison@yahoo.com

In South Glendale, there is a general concern over the impact of medium- and high-density residential development, and the capability of City Services to keep up with neighborhood needs and address the resulting issues associated with such development. Specifically, there is a concern with the large amount of abandoned furniture and bulky item trash that accumulates on the sidewalks in front of multi-family residential locations, which in some instances remains for weeks at a time. This has been observed as especially problematic along East Chevy Chase Drive and along East Palmer Avenue, from South Glendale Avenue to South Adams Street, but is likely a problem in other areas of South Glendale. As new development occurs and density likely increases, this problem could grow into an even larger issue. Furniture blight, construction waste, and bulky trash items left on sidewalks are eyesores in the neighborhood, and give the appearance of a run-down area where residents don't care about neat, clean, and safe streets and sidewalks. Providing adequate City Services to the general community of South Glendale must be a consideration in the accommodation of future growth.

Thank you,
City of Glendale, CA

DEPARTMENT OF TRANSPORTATION

DISTRICT 7-OFFICE OF REGIONAL PLANNING

100 S. MAIN STREET, MS 16

LOS ANGELES, CA 90012

PHONE (213) 897-0067

FAX (213) 897-1337

www.dot.ca.gov

*Serious drought.
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October 20, 2016

Mr. Justin Robertson
City of Glendale
633 E. Broadway, Room 103
Glendale, CA 91206

RE: South Glendale Community Plan
Notice of Preparation
SCH# 2016091026
GTS#07-LA-2016-00143

Dear Mr. Robertson:

Thank you for accepting additional comments from the California Department of Transportation (Caltrans) for the above referenced project. The South Glendale Community Plan will build upon the City's existing General Plan to provide a vision and policies for how South Glendale should develop over time. The plan is intended to foster sustainable land use and positive change while balancing neighborhood character with citywide policies and regional initiatives such as multimodal connectivity and transit-oriented development.

Based on the information received, Caltrans has the following comments:

South Glendale is home to approximately 46% of the city's residents and about 75% of the City's transit users. The Community Plan provides an opportunity to further enhance transit through measures such as better bus service and the creation of bus-only lanes. Improving bicycle and pedestrian access to the Metrolink Tropic Station can promote transit for long distance trips. Providing a secure and convenient bike parking near the main station building and allowing transit-oriented, mixed-use development in the area could also be considered. As a long-term possibility, Glendale may wish to explore a joint effort with the City of Los Angeles to create a connection to the train station by way of a bicycle/pedestrian bridge from Los Angeles side of the railroad tracks. Doing so can increase the station's accessibility and visibility.

The Community Plan should explore opportunities to coordinate transportation enhancements with neighboring municipalities, including the City of Los Angeles. Los Angeles' Mobility Plan 2035 (MP 2035) envisions transit-related enhancements along primary corridors used by the Metro 180, 181, and 780 buses, all of which travel through Glendale. The City may wish to explore incorporating a similar long-term vision for transit improvements so that transit improvements to regional buses can extend beyond city boundaries. Los Angeles' MP 2035 also designates streets such as Verdugo Road and Colorado Boulevard for Class II bike lanes, both of which cross into the City of Glendale. Rather than allowing bicycle infrastructure to terminate at city boundaries, the Community Plan should incorporate Class II bike lanes or Class IV protected bike lanes along the portion of these streets within Glendale to enhance regional connectivity and to facilitate internal connectivity to existing bikeways in the City of Glendale such as the Maple/Riverdale greenway. If Class II bike

lanes are accommodated through the implementation of road diets then pedestrians and automobile users can also benefit from a safety perspective. Such measures align with the Plan's goals of enhancing safety, and promoting sustainable transportation on a neighborhood scale.

In general, strong consideration should be given to implementing multi-modal safety measures that enhance conditions for all road users. This includes measures such as road diets, bike lanes, and other traffic calming elements. It should be noted the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

When considering implementation of innovative bicycle infrastructure, the City should consult resources such as the National Association of Transportation Officials' (NACTO) Urban Bikeway Design Guide, or FHWA Separated Bike Lane Planning and Design Guide, to assist in the design process. Caltrans formally endorsed the NACTO Guide in 2014 and the FHWA released its guide in 2015. Note the State's Highway Design Manual now contains provisions for protected bike lanes under "Design Information Bulletin Number 89: Class IV Bikeway Guidance (Separated Bikeways / Cycle Tracks)."

Current Caltrans policies related to sustainable transportation and traffic safety support the endeavors of the Community Plan to create active transportation links to "villages" and focusing growth along quality transit corridors. Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, the Community Plan should incorporate multi-modal transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Also, existing research on parking suggests that increasing the amount of automobile parking spaces in new and existing developments not only encourages and enables more driving, but also increases the cost of housing. The City should be mindful of the role parking plays in generating automobile use and explore alternatives that permit developments to reduce the amount of parking provided. Such alternatives may include allowing developments to provide on-site car-sharing services, or high-quality bicycle parking instead of car parking.

If you have any questions or concerns regarding these comments, please contact project coordinator, Severin Martinez at (213) 897-0067 or severin.martinez@dot.ca.gov and refer to GTS# 07-LA-2016-00143.

Sincerely,



DIANNA WATSON

Branch Chief, Community Planning & LD IGR Review

cc: Scott Morgan, State Clearinghouse

DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF TRANSPORTATION PLANNING
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October 18, 2016

Mr. Justin Robertson
City of Glendale
633 E. Broadway, Room 103
Glendale, CA 91206

RE: South Glendale Community Plan
Vic. LA-134, LA-02, LA-05
SCH # 2016091026
GTS # LA-2016-00143AL-NOP

Dear Mr. Robertson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The South Glendale Community Plan is one of four community plans planned for or already adopted by the City of Glendale. The project includes five components: 1) adoption of the South Glendale Community Plan; 2) amendments to the General Plan to reflect the Community Plan; 3) modification of the boundary of the Downtown Specific Plan; 4) amendments to the Greener Glendale Plan; and 5) amendments to the Glendale Municipal Code (Zoning code and Map) to apply zoning consistent with the Community Plan.

Senate Bill 743 (2013) mandated that CEQA review of transportation impacts of proposed development be modified by proposing that vehicle miles traveled be the primary metric used in identifying transportation impacts for all future development projects. Caltrans new mission is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

During this transition and per your telephone conversation with Mr. Alan Lin, Caltrans Project Coordinator, on October 14, 2016, the City has not determined which methodology to use for preparing the traffic study. We suggest the following options during the LOS to VMT transition.

For both options, the City should conduct an off-ramp queuing analysis utilizing the Highway Capacity Manual (HCM) queuing analysis methodology. The capacity of the off-ramp should be calculated by the actual length of the off-ramp between the terminuses to the gore point with some safety factor (85% of total length) or referenced to Highway Design Manual at 23' point (Figure 504.2A Single Lane Freeway Entrance) or any other justified methods. The queue length should be calculated from the traffic counts and the percent of truck assignments (data from Caltrans) to the ramp with an adequate passenger car equivalent factor. The analyzed result may need to be calibrated with actual signal timing when necessary, not optimal (default) signal timing. It is also recommended that the City determine whether the existing, existing plus project, and project-related plus cumulative traffic are expected to cause long queues on the on and off-ramps.

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Option I

The Governor's Office of Planning and Research (OPR) is currently updating its CEQA Guidelines to implement SB 743 (https://www.opr.ca.gov/s_sb743.php) and is proposing that vehicle miles traveled be the primary metric used in identifying transportation impacts.

OPR has released a separate "Technical Advisory" outlining recommended techniques for measuring impacts with this new metric, which applies statewide. General Plan Guidelines (https://www.opr.ca.gov/s_generalplanguidelines.php) are also concurrently being updated to align with state policy, including SB 743.

The City should refer the project's traffic consultant to OPR's website, guidelines on evaluating transportation impacts in CEQA:

https://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf

Caltrans is looking forward to working with Lead Agencies to address transportation deficiencies and enhancements through policies at the planning level and through mitigation fee programs. We would like to encourage Lead Agencies to share plans and projects for review that are in close proximity or directly abuts the State Highway System (SHS), or projects for which Caltrans must approve and issue an encroachment permit.

We request that an analysis of the community plan impacts and mitigation include information regarding the City's local impact fee program. The analysis should identify if those programs include improvements to State facilities in relates to safety issues, pedestrian, bicycle and transit infrastructure or that could be considered representative of the project's likely TDM mitigation measures. If no such fee exists, Caltrans would like the opportunity to explore the possibility of establishing a local VMT-based transportation impact fee program with you.

Option II

If the City decides to use Level of Service (LOS) when preparing the traffic analysis on the State facilities, please refer the project's traffic consultant to Caltrans' traffic study guide Website:

http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

Listed below are some elements of what is generally expected in the traffic study:

1. Presentations of assumptions and methods used to develop trip generation, trip distribution, choice of travel mode, and assignments of trips to I-5, SR-2, SR-134 and all off ramps at the project vicinity. Most of the freeways are operating at LOS E or F during the peak hours. The traffic consultant should work with Caltrans to identify and confirm the final off-ramp study locations prior to the preparation of the traffic study. The traffic study should also analyze the storage for left-turn pocket at off-ramps and to on-ramps.

2. Project travel modeling should be consistent with other regional and local modeling forecasts and travel data. Caltrans uses the indices to verify the results and any differences or inconsistencies must be thoroughly explained. Please submit modeling assumptions for Caltrans review and comment.
3. Trip generation rates for the project should be based on the nationally recognized recommendations contained in "Trip Generation" manual, 9th edition, published by the Institute of Transportation Engineers (ITE).
4. Analysis of ADT, AM and PM peak-hour volumes for both the existing and future conditions in the affected area with and without project. Utilization of transit lines and vehicles, and of all facilities, should be realistically estimated. Future conditions should include build-out of all projects and any plan-horizon years.
5. Include all appropriate traffic volumes. The analysis should include existing traffic, traffic generated by the project, cumulative traffic generated from all specific approved developments in the area, and traffic growth other than from the project and developments.
6. A discussion of mitigation measures appropriate to alleviate anticipated traffic impacts should also be included. Any mitigation involving transit or Transportation Demand Management (TDM) should be justified and the results conservatively estimated.
7. A fair share contribution toward pre-established or future improvements on the State Highway System is considered acceptable mitigation. (Please see Appendix "B" of the Guide for more information).

As mentioned during your telephone conversation on October 14, 2016 with Mr. Alan Lin, project coordinator, Caltrans would like to request a formal scoping meeting to discuss preparation of the traffic impact study for either methodology to discuss potential traffic direct/cumulative impacts, and possible traffic mitigation for the State facilities.

Caltrans is committed in working with the City to solve traffic congestion on the State facilities. If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 897-8391 and refer to GTS # LA-2016-00143AL.

Sincerely,



DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



Fernandeano Tataviam Band of Mission Indians
Tribal Historic & Cultural Preservation

Rudy J. Ortega, Jr.
Tribal President

*Tribal Historic & Cultural
Preservation Committee*

Steve Ortega
Chairman
David Ortega

SENT VIA EMAIL

September 23, 2016

RE: Notice of Preparation of a Draft Environmental Impact Report for the proposed South Glendale Community Plan

Dear Mr. Robertson,

The Fernandeano Tataviam Band of Mission Indians (Tribe) thanks you for the opportunity to consult on the above referenced project (Project) for Tribal Cultural Resources under the California Environmental Quality Act, Assembly Bill 52 (Gatto, 2014). The Tribe has reviewed the submitted document(s) and has the following comments:

The five components to the proposed Project are located within traditional Fernandeano Tataviam tribal boundaries. Therefore, the Tribe requests consultation on all plan adoptions, modifications, and amendments associated with this Project.

If you have any questions regarding this letter, please contact **Kimia Fatehi** at (818) 837- 0794 or via email at thcp@tataviam-nsn.us between 9:00 am to 3:00 pm, Monday through Friday.

Sincerely,

Δ f n t e h i

Kimia Fatehi



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians

Recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Dear Justin Robertson,

Subject: The City of Glendale is Located At the eastern end of the San Fernando Valley in Los Angeles County, At the southern base of the Verdugo Mountains.

*"The project locale lies in an area where the Ancestral & traditional territories of the Kizh(Kitc) Gabrieleno Prominent villages such as **Wiqanga & Hahmongna**, adjoined and overlapped with each other, at least during the Late Prehistoric and Protohistoric Periods. The homeland of the Kizh (Kitc) Gabrielenos, probably the most influential Native American group in aboriginal southern California (Bean and Smith 1978a:538), was centered in the Los Angeles Basin, and reached as far east as the San Bernardino-Riverside area. The homeland of the Serranos was primarily the San Bernardino Mountains, including the slopes and lowlands on the north and south flanks. Whatever the linguistic affiliation, Native Americans in and around the project area exhibited similar organization and resource procurement strategies. Villages were based on clan or lineage groups. Their home/base sites are marked by midden deposits, often with bedrock mortars. During their seasonal rounds to exploit plant resources, small groups would migrate within their traditional territory in search of specific plants and animals. Their gathering strategies often left behind signs of special use sites, usually grinding slicks on bedrock boulders, at the locations of the resources. Therefore in order to protect our resources we're requesting one of our experienced & certified Native American monitors to be on site during any & all ground disturbances (this includes but is not limited to pavement removal, pot-holing or auguring, boring, grading, excavation and trenching).*

In all cases, when the NAHC states there are "No" records of sacred sites" in the subject area; they always refer the contractors back to the Native American Tribes whose tribal territory the project area is in. This is due to the fact, that the NAHC is only aware of general information on each California NA Tribe they are "NOT" the "experts" on our Tribe. Our Elder Committee & Tribal Historians are the experts and is the reason why the NAHC will always refer contractors to the local tribes.

In addition, we are also often told that an area has been previously developed or disturbed and thus there are no concerns for cultural resources and thus minimal impacts would be expected. I have two major recent examples of how similar statements on other projects were proven very inadequate. An archaeological study claimed there would be no impacts to an area adjacent to the Plaza Church at Olvera Street, the original Spanish settlement of Los Angeles, now in downtown Los Angeles. In fact, this site was the Gabrieleno village of Yangna long before it became what it is now today. The new development wrongfully began their construction and they, in the process, dug up and desecrated 118 burials. The area that was dismissed as culturally sensitive was in fact the First Cemetery of Los Angeles where it had been well documented at the Huntington Library that 400 of our Tribe's ancestors were buried there along with the founding families of Los Angeles (Pico's, Sepulveda's, and Alvarado's to name a few). In addition, there was another inappropriate study for the development of a new sports complex at Fedde Middle School in the City of Hawaiian Gardens could commence. Again, a village and burial site were desecrated despite their mitigation measures. Thankfully, we were able to work alongside the school district to quickly and respectfully mitigate a mutually beneficial resolution.

Given all the above, the proper thing to do for your project would be for our Tribe to monitor ground disturbing construction work. Native American monitors and/or consultant can see that cultural resources are treated appropriately from the Native American point of view. Because we are the lineal descendants of the vast area of Los Angeles and Orange Counties, we hold sacred the ability to protect what little of our culture remains. We thank you for taking seriously your role and responsibility in assisting us in preserving our culture.

With respect,

Please contact our office regarding this project to coordinate a Native American Monitor to be present. Thank You

Andrew Salas, Chairman

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

Addendum: clarification regarding some confusions regarding consultation under AB52:

AB52 clearly states that consultation must occur with tribes that claim traditional and cultural affiliation with a project site. Unfortunately, this statement has been left open to interpretation so much that neighboring tribes are claiming affiliation with projects well outside their traditional tribal territory. The territories of our surrounding Native American tribes such as the Luiseno, Chumash, and Cahuilla tribal entities. Each of our tribal territories has been well defined by historians, ethnographers, archaeologists, and ethnographers – a list of resources we can provide upon request. Often, each Tribe as well educates the public on their very own website as to the definition of their tribal boundaries. You may have received a consultation request from another Tribe. However we are responding because your project site lies within our Ancestral tribal territory, which, again, has been well documented. What does Ancestrally or Ancestral mean? The people who were in your family in past times, Of, belonging to, inherited from, or denoting an ancestor or ancestors <http://www.thefreedictionary.com/ancestral>. . If you have questions regarding the validity of the “traditional and cultural affiliation” of another Tribe, we urge you to contact the Native American Heritage Commission directly. Section 5 section 21080.3.1 (c) states “...the Native American Heritage Commission shall assist the lead agency in identifying the California Native American tribes that are traditionally and culturally affiliated with the project area.” In addition, please see the map below.

CC: NAHC

APPENDIX 1: Map 1-2; Bean and Smith 1978 map.

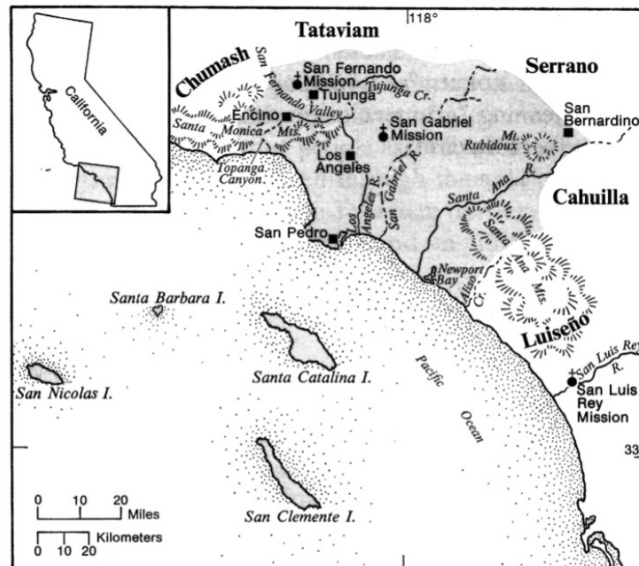


Fig. 1. Tribal territory.

The United States National Museum's Map of Gabrielino Territory:

Bean, Lowell John and Charles R. Smith
 1978 Gabrielino IN *Handbook of North American Indians, California*, Vol. 8, edited by R.F. Heizer, Smithsonian Institution Press, Washington, D.C., pp. 538-549

Andrew Salas, Chairman
 Albert Perez, treasurer I

Nadine Salas, Vice-Chairman
 Martha Gonzalez Lemos, treasurer II

Christina Swindall Martinez, secretary
 Richard Gradias, Chairman of the council of Elders



October 7, 2016

South Glendale Community Plan EIR
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Human Development
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Carmen Ramirez, Oxnard

Transportation
Barbara Messina, Alhambra

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the South Glendale Community Plan [SCAG NO. IGR8998]

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the South Glendale Community Plan ("proposed project" or SGCP) to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ Guidance provided by these reviews is intended to assist local agencies such as local jurisdictions and project proponents to take actions that help contribute to the attainment of the regional goals and policies in the RTP/SCS.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the South Glendale Community Plan in Los Angeles County. The proposed project includes five components: adoption of the SGCP, amendments to the General Plan to reflect the SGCP, modification of the boundary of the Downtown Specific Plan, amendments to the Greener Glendale Plan, and amendments to the Glendale Municipal Code to apply zoning consistent with the SGCP.

When available, please send environmental documentation to SCAG's office in Los Angeles or by email to sunl@scag.ca.gov providing, at a minimum, the full public comment period for review. If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Lijin Sun, Senior Regional Planner, at (213) 236-1882 or sunl@scag.ca.gov. Thank you.

Sincerely,

Ping Chang
Acting Manager, Compliance and Performance Monitoring

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
SOUTH GLENDALE COMMUNITY PLAN [SCAG NO. IGR8998]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

2016 RTP/SCS GOALS

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

SCAG 2016 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>

*SCAG does not yet have an agreed-upon security performance measure.

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG 2016 RTP/SCS GOALS	
Goal	Analysis
RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

2016 RTP/SCS STRATEGIES

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted City of Glendale Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	200,100	209,000	214,000
Households	6,458,000	7,325,000	7,412,300	75,200	79,000	81,100
Employment	8,414,000	9,441,000	9,871,500	119,800	124,200	127,000

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: <http://scagrtpscs.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 ♦ www.aqmd.gov

September 21, 2016

SGCP@glendaleca.gov

Alan Loomis, Deputy Director
Urban Design & Mobility
South Glendale Community Plan EIR
633 E. Broadway, Room 300
Glendale, CA 91206-4393

Notice of Preparation of a CEQA Document for the South Glendale Community Plan Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft EIR. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a Draft EIR document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment (“*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*”) can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board’s *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB’s Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Finally, should the proposed project include equipment that generates or controls air contaminants, a permit may be required and the SCAQMD should be listed as a responsible agency and consulted. The assumptions in the submitted Draft EIR would also be the basis for permit conditions and limits. Permit questions can be directed to the SCAQMD Permit Services staff at (909) 396-3385, who can provide further assistance.

Project Specific Comments – Sensitive Receptors Near Freeways

While the health science behind recommendations against placing sensitive receptors close to high volume urban roads and freeways is clear, SCAQMD staff recognizes the many factors Lead Agencies must consider when siting uses such as new housing. The lead agency should consider the limitations of enhanced filtration (HVAC systems with enhanced Maximum Efficiency Reporting Value – MERV filters) for the project, especially from traffic on high volume urban roadways or a freeway. For example, these filters have no ability to filter out any toxic gasses from vehicle exhaust; have higher long-term costs related to the required regular maintenance of the filters; and it is assumed that the HVAC units and the filters operate 100 percent of the time while residents are indoors. It is critical that any proposed mitigation must be carefully evaluated prior to determining if the health risks would be brought below CEQA significance thresholds. The presumed effectiveness and feasibility of proposed mitigation should therefore be evaluated and the Draft EIR document should also quantitatively demonstrate with substantial evidence the effectiveness of any proposed mitigation on any potentially significant impact.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Mitigation Measure resources are available on the SCAQMD CEQA Air Quality Handbook website: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD’s webpage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the lead agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact Gordon Mize, Air Quality Specialist by e-mail at gmize@aqmd.gov or by phone at (909) 396-3302.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Planning and Rules Manager
Planning, Rule Development & Area Sources

NATIVE AMERICAN HERITAGE COMMISSION

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September 15, 2016

Justin Robertson
City of Glendale
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sent via e-mail:
jrobertson@glendaleca.gov

RE: SCH# 2016091026; South Glendale Community Plan Project, Notice of Preparation for Draft Environmental Impact Report, Los Angeles County, California

Dear Mr. Robertson:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - I. Planning and construction to avoid the resources and protect the cultural and natural context.

- ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. 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.
- d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPA.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse