

Appendix C
SB 18 and AB 52 Correspondence



Community Development Department

30111 Crown Valley Parkway • Laguna Niguel, California 92677
Phone/949•362•4360 Fax/949•362•4369

Laurie Davies
Elaine Gennawey
Jerry McCloskey
Fred Minagar
Jerry Slusiewicz

December 18, 2015

SUBJECT: Project Notification Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18 for the SunPointe Residential Development in the City of Laguna Niguel, County of Orange, California (Assessor Parcel Numbers: 637-071-01 thru 637-071-36, -47 and -48)

To Whom It May Concern:

Pursuant to the provisions of AB 52 and SB 18, as the lead agency under the California Environmental Quality Act (CEQA), the City of Laguna Niguel hereby extends an invitation to consult on the California Environmental Quality Act (CEQA) review of the Sunpointe Residential Development in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

- Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine; and
- Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historical Resources including historic or prehistoric ruins and any burial ground, archaeological, or historic site.

To assist in your evaluation, the City has conducted a Sacred Lands File check through the Native American Heritage Commission, which was completed with negative results.

The site of the proposed SunPointe Residential Development is located at the southern terminus of Avenida Del Caballo, within the City of Laguna Niguel. The site includes the entirety of Tract 5241, an existing 35-lot single-family hillside subdivision (19.5 AC). Tract 5241 was recorded in 1960. Mass grading and construction of the accompanying single-family neighborhood commenced in 1962. However construction was subsequently halted and the development ultimately abandoned due to the discovery of significant geotechnical issues in the underlying hillside. Despite several attempts to revive the project, the site has remained in a partially developed state for over 50 years. Legacy improvements include backbone infrastructure improvements, 35 graded pads, and a rough graded segment of the Colinas Bluff Trail.

Open space areas located within the City of San Juan Capistrano border the site to the south and west. The site abuts a single-family neighborhood to the north and an existing Mercedes-Benz dealership to the east.

The project proposes to resubdivide and redevelop Tract 5241 with a 71-unit small-lot single-family development (TTM 17433). The project includes the following:

- Recontouring of the site to include approximately 350,000 cubic yards of cut and fill, to be balanced on site, with no off-site grading proposed.
- Subterranean drainage improvements to dewater and stabilize the hillside.
- Multiple retaining (MSE) walls up to 25 feet in height.
- 71 detached single-family dwelling units and related infrastructure improvements.
- Two neighborhood parks.
- Retention and completion of the existing rough-graded Colinas Bluff Trail segment.
- A General Plan Amendment to increase the maximum density from 35 units to 71 units.
- A Zone Change from Single-Family Residential (RS-3) to Planned Residential (RP) District.

If you desire to consult with the City on the review of this project, please respond in writing within thirty (30) days of the date of this letter.

Should the City not receive a response within thirty (30) days, it will be presumed that you have declined consultation. Thank you for your consideration on this matter and please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,



Jonathan Orduna

Senior Planner

Direct Phone: 949-362-4357

E-mail: jorduna@cityoflagunaniguel.org

Attachments:

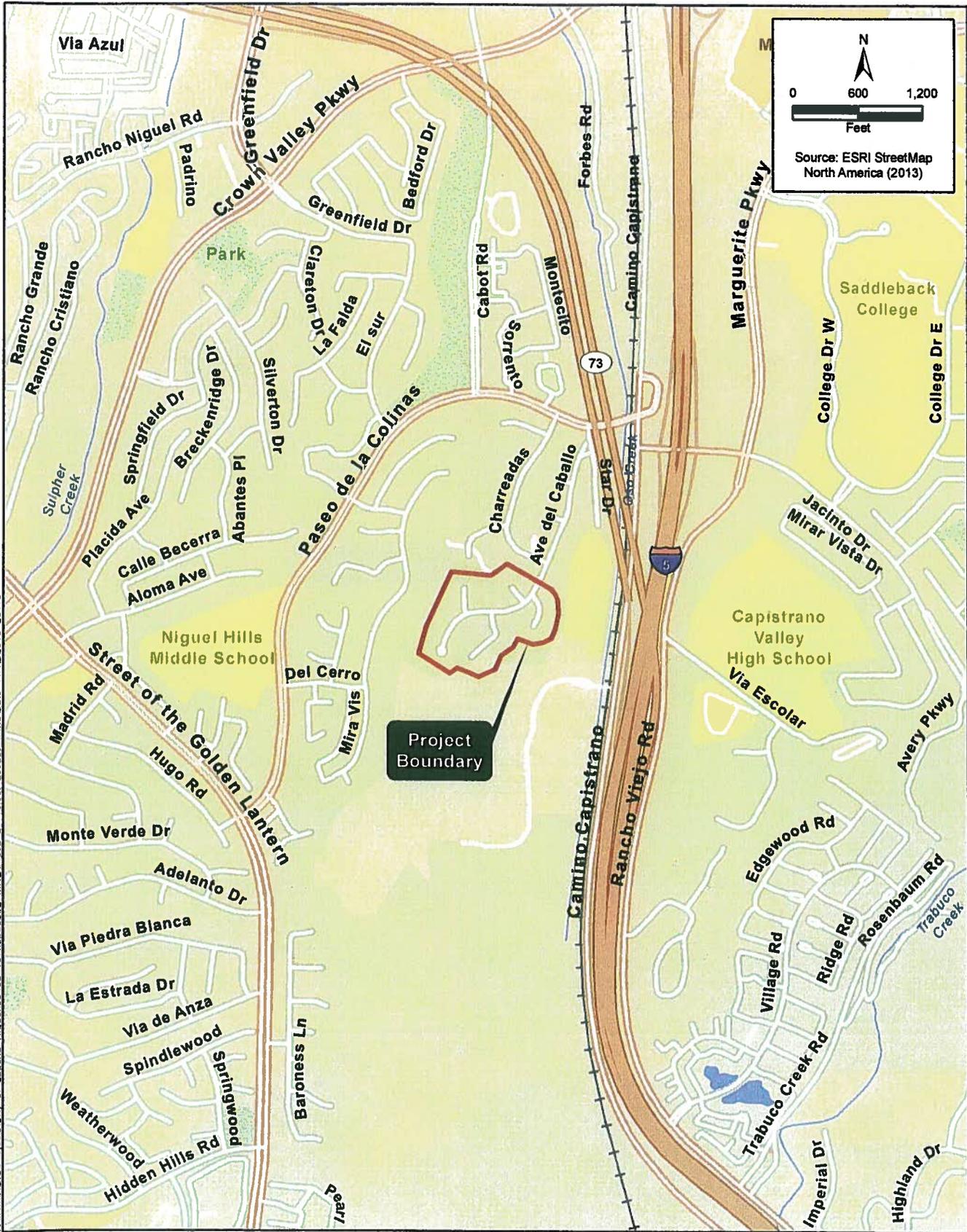
Project Location Exhibits

K:\In\GIS\Projects\City of Laguna_Nicolas\00408_45\mapdocs\1_MND\Fig02_1_Regional_Vicinity.mxd Date: 11/12/2015 2:51:19

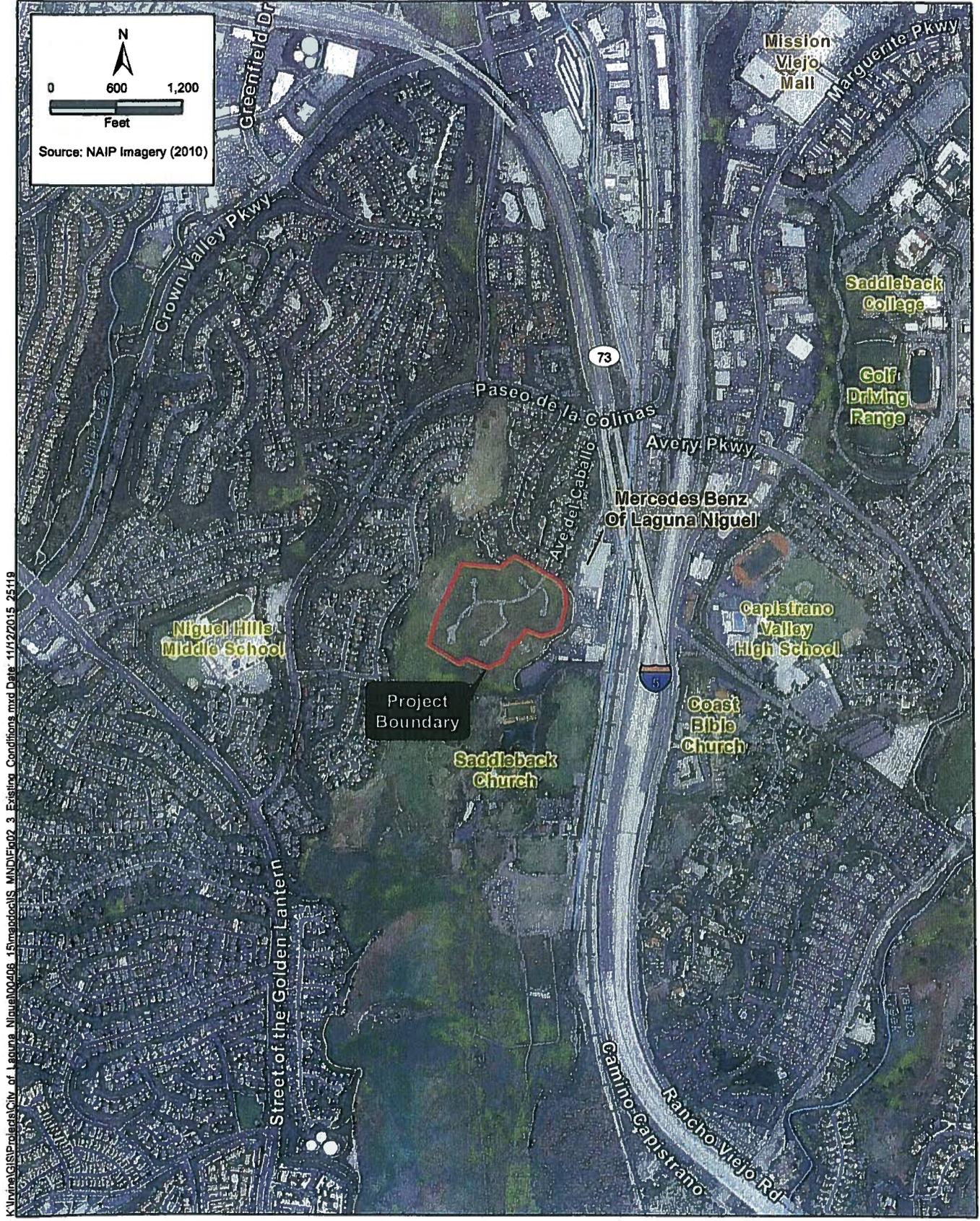


**Regional Vicinity Map
SunPointe Residential Project**

K:\Inves\GIS\Projects\City of Laguna Niguel\0406_15\mxd\oc\GIS_MND\Fig02_2_Project_Location.mxd Date: 11/12/2015 25119



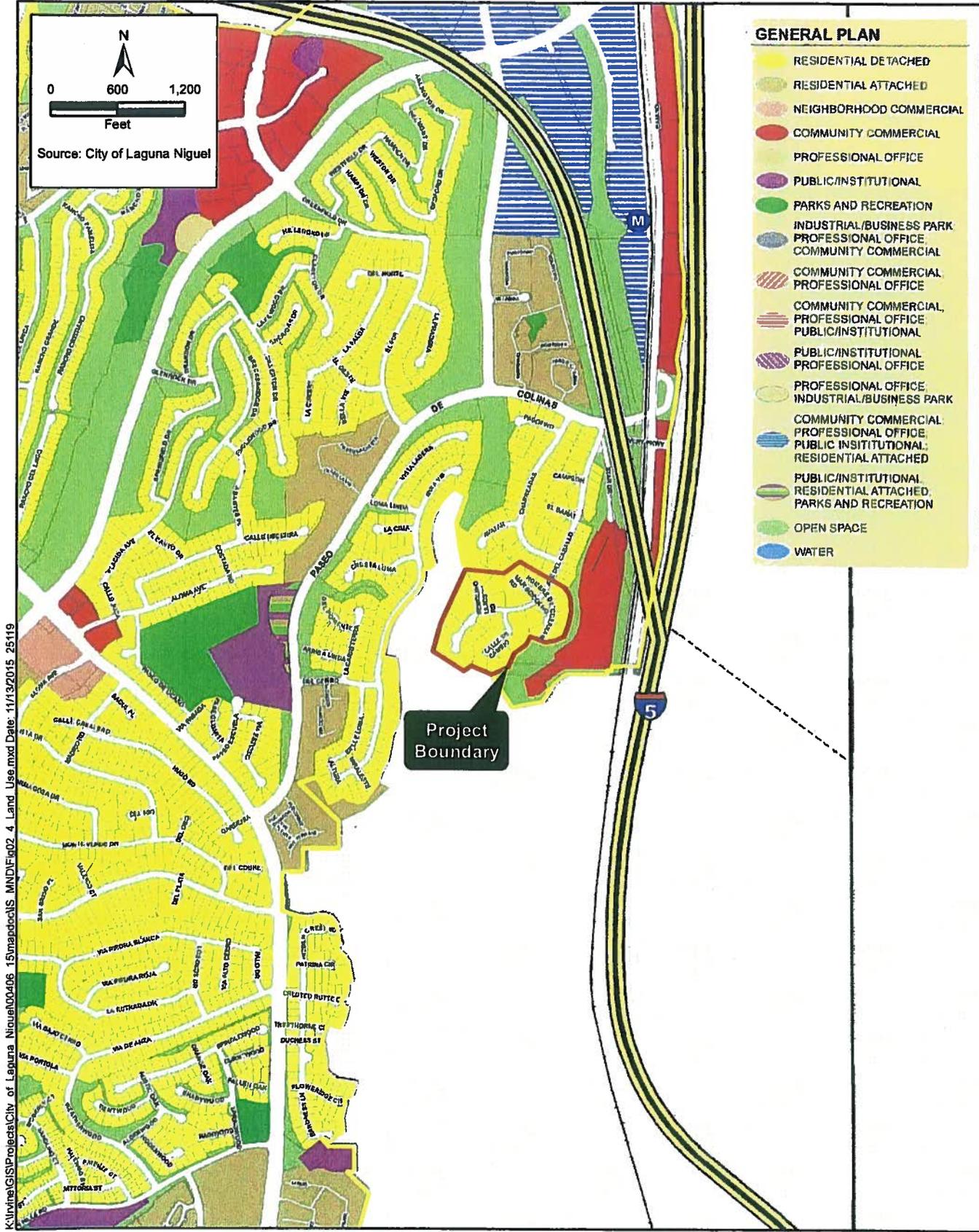
Project Location SunPointe Residential Project



K:\Inres\GIS\Projects\City of Laguna Niguel\00406_15\mapdocs\IS_MIND\Em02_3_Existing_Conditions.mxd Date: 11/12/2015 25:119



**Existing Conditions
SunPointe Residential Project**



N
0 600 1,200
Feet
Source: City of Laguna Niguel

- GENERAL PLAN**
- RESIDENTIAL DETACHED
 - RESIDENTIAL ATTACHED
 - NEIGHBORHOOD COMMERCIAL
 - COMMUNITY COMMERCIAL
 - PROFESSIONAL OFFICE
 - PUBLIC/INSTITUTIONAL
 - PARKS AND RECREATION
 - INDUSTRIAL/BUSINESS PARK
 - PROFESSIONAL OFFICE
 - COMMUNITY COMMERCIAL
 - COMMUNITY COMMERCIAL, PROFESSIONAL OFFICE
 - COMMUNITY COMMERCIAL, PROFESSIONAL OFFICE, PUBLIC/INSTITUTIONAL
 - PUBLIC/INSTITUTIONAL, PROFESSIONAL OFFICE
 - PROFESSIONAL OFFICE, INDUSTRIAL/BUSINESS PARK
 - COMMUNITY COMMERCIAL, PROFESSIONAL OFFICE, PUBLIC INSTITUTIONAL, RESIDENTIAL ATTACHED
 - PUBLIC/INSTITUTIONAL, RESIDENTIAL ATTACHED, PARKS AND RECREATION
 - OPEN SPACE
 - WATER

Project Boundary

K:\urvine\GIS\Projects\Civ of Laguna Niguel\00406 15\mapdocs\NS_MND\Fig02_4 Land Use.mxd Date: 11/13/2015 25:119



**Existing General Plan Land Use
SunPointe Residential Project**

**Juaneno Band of Mission Indians
Acjachemen Nation
Attn: Matias Belardes, Chairperson
32161 Avenida Los Amigos
San Juan Capistrano, CA 92675**

**Juaneno Band of Mission Indians
Acjachemen Nation
Attn: Joyce Perry, Tribal Manager
4955 Paseo Segovia
Irvine, CA 92612**

**Juaneno Band of Mission Indians
Acjachemen Nation
Attn: Teresa Romero, Chairwoman
31411-A La Matanza St.
San Juan Capistrano, CA 92675**

**Juaneno Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25268
Santa Ana, CA 92799**

**Gabrielino/Tongva Nation
Sandonne Goad, Chairperson
Attn: Gabrielino Tongva
106 ½ Judge John Aiso St., #23`
Los Angeles, CA 90012**

**Gabrieleno Band of Mission Indians –
Kizh Nation
Attn: Andrew Salas, Chairperson
P.O. Box 393
Covina, CA 91723**

**Gabrieleno/Tongva San Gabriel Band
of Mission Indians
Attn: Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA 91778**

**Gabrielino-Tongva Tribe
Attn: Linda Candelaria, Chairperson
1999 Avenue of the Stars, Ste. 1100
Los Angeles, CA 90067**

**Gabrielino Tongva Indians of California
Tribal Council
Attn: Robert F. Dorame, Tribal
Chair/Cultural Resources
P.O. Box 490
Bellflower, CA 90707**

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 FAX



December 16, 2015

Jonathan Orduna
City of Laguna Niguel

Sent by Email: jorduna@cityoflagunaniguel.org
Number of Pages: 3

RE: Sunponte Residential Development, Laguna Niguel, Orange County

Dear Mr. Orduna:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced project. Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to tribal cultural resources in creating or amending general plans, including specific plans. As of July 1, 2015, Public Resources Code Sections 21080.1, 21080.3.1 and 21080.3.2 require public agencies to consult with California Native American tribes identified by the NAHC for the purpose mitigating impacts to tribal cultural resources under the California Environmental Quality Act (CEQA). In accordance with Public Resources Code Section 21080.1(d):

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC believes that agencies should also include with their notification letters information regarding any cultural resources assessment that has been completed on the APE, such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and

- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.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 in accordance with Government Code Section 6254.10.
 3. The results of any Sacred Lands File (SLF) check conducted through Native American Heritage Commission. A SLF search was completed with negative results.
 4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
 5. Any geotechnical reports regarding all or part of the potential APE.

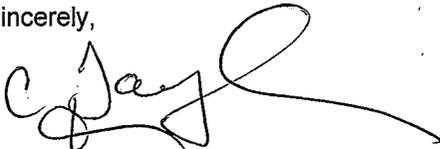
Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the case that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: rw_nahc@pacbell.net.

Sincerely,



Rob Wood
Associate Environmental Planner

**Native American Heritage Commission
Tribal Consultation List
Orange County
December 16, 2015**

Juaneno Band of Mission Indians Acjachemen Nation
Chairperson, Matias Belardes
32161 Avenida Los Amigos Juaneno
San Juan Capistrano , CA 92675
(949) 293-8522
(949) 444-4340 (Cell)

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

Gabrieleno/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
P.O. Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 483-3564 Cell

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Tribal Manager
4955 Paseo Segovia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
(949) 293-8522

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

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
1999 Avenue of the Stars, Suite 1100
Los Angeles , CA 90067
Gabrielino
(626) 676-1184 Cell

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano , CA 92675
tromero@juaneno.com
(949) 488-3484
(530) 354-5876 Cell

Gabrieleno Band of Mission Indians - Kizh Nation
Andrew Salas, Chairperson
P.O. Box 393
Covina , CA 91723
gabrielenoindians@yahoo.com Gabrielino
(626) 926-4131

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
(562) 761-6417 Voice/Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65362.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Sunponte Residential Development, Laguna Niguel, Orange County.



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

Jonathan Orduna, Senior Planner
City of Laguna Niguel
30111 Crown Valley Parkway
Laguna Niguel, CA 92677

RE: AB52 consultation response for SunPointe Residential Development

Dear Mr. Orduna,

January 18, 2016

Please find this letter in response to your request for consultation for the Sun Pointe Residential Development project. I have reviewed the project site and do have concerns for cultural resources. The homeland of the Kizh Gabrieleño was 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 our neighbors 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 left behind signs of special use sites, usually grinding slicks on bedrock boulders, at the locations of the resources.

Typically when we have concerns for cultural resources, we request one of our certified Native American Monitor to be on site during any and all ground disturbances (including but not limited to pavement removal, post holing, auguring, boring, grading, excavation and trenching) to protect any cultural resources which may be effected during construction or development. It is especially interesting that a site was found in the near vicinity. In all cases, when the Native American Heritage Commission states there are “no records of sacred sites in the project area” the NAHC will always refer lead agencies to the respective Native American Tribe 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. While the property may be located in an area that has been previously developed, numerous examples can be shared to show that there still is a possibility that unknown, yet significant, cultural resources will be encountered during ground disturbance activities. Please note, if they haven’t been listed with the NAHC, it doesn’t mean that they aren’t there. Not everyone reports what they know.

The recent implementation of AB52 dictates that lead agencies consult with Native American Tribes who can prove and document traditional and cultural affiliation with the area of said project in order to protect cultural resources. Our priorities are to avoid and protect without delay or conflicts – to consult with you to avoid unnecessary destruction of cultural and biological resources, but also to protect what resources still exist at the project site for the benefit and education of future generations.

With respect,

Andrew Salas, Chairman
cell (626)926-4131

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

PO Box 393 Covina, CA 91723

www.gabrielenoindians@yahoo.com

gabrielenoindians@yahoo.com

