



**COMMUNITY  
DEVELOPMENT**

January 22, 2024

Fernandeño Tataviam Band of Mission Indians  
Attn: Sarah Brunzell, THCP Manager  
Second Street, Suite 1  
San Fernando, CA 91340  
Via Email:

**RE: AB 168 Acknowledgement of Enforceable Agreement between the Fernandeño  
Tataviam Band of Mission Indians and the City of Burbank for the Proposed SB  
35 Project located at 910 South Mariposa Street, Burbank, Los Angeles County,  
California**

Dear Ms. Brunzell,

This letter is a follow-up to the AB 168 tribal consultation concluded between the City of Burbank and the Fernandeño Tataviam Band of Mission Indians (FTBMI) regarding the proposed SB 35 Project located at 910 South Mariposa Street in the City of Burbank. The Project consists of one five-story residential structure containing a total of 30 condominium units and 43 subterranean parking spaces.

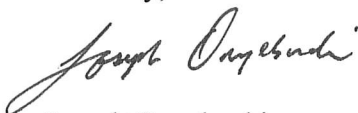
Based on the information provided and FTBMI's Tribal Resource knowledge, the CRM Division has noted concerns regarding potential for impacts to cultural resources by the proposed Project. Per the Tribal Consultation between the City and the Fernandeño Tataviam Band of Mission Indians, the following language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

- **TCR-1:** The Project applicant shall retain a professional Native American Monitor procured by the Fernandeño Tataviam Band of Mission Indians to observe all clearing, grubbing, and grading operations. If cultural resources are encountered, the Native American monitor will have the authority to request that ground-disturbing activities cease within 60-feet of discovery to assess and document potential finds in real time. One monitor will be required on-site for all ground-disturbing activities in areas designated through additional consultation. However, if ground-disturbing activities occur in more than one of the designated monitoring areas at the same time, then the parties can mutually agree to an additional monitor, to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage.
  - Any and all archaeological documents created as a part of the project (isolate records, site records, survey reports, testing reports, and monitoring reports) shall be provided to the Fernandeño Tataviam Band of Mission Indians.

- The applicant and Lead Agency shall, in good faith, consult with the Fernandeano Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during the Project implementation.
- **TCR-2:** Applicant shall provide notice to FTBMI not less than 14 days prior to commencement of ground disturbing activities to ensure FTBMI has sufficient time to schedule adequate site monitoring personnel.
- **TCR-3:** FTBMI shall be responsible to retain sufficient monitoring personnel to meet its monitoring obligations during all phases of ground disturbing activities. The applicant may, but shall have no obligation to, stop ground disturbing activities in the event FTBMI is not able to attend or monitor the site.
- **TCR-4:** The Project applicant shall pay FTBMI a rate of \$150.00 per hour for all monitoring costs and expenses.
- **TCR-5:** The FTBMI Monitor shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified and available to the City upon request. The on-site monitoring shall end when grading and excavation activities are completed, or when the FTBMI Monitor has indicated that the site has a low potential for cultural resources, whichever occurs first. The City may request a copy of all field documentation from FTBMI Monitor. In addition, the FTBMI Monitor shall provide the City a “closeout report” that addresses the FTBMI Monitor’s role on the project and provides a summary of cultural findings, if any.
- **TCR-6:** FTBMI shall comply with applicant’s site access and workplace safety requirements.
- **TCR-7:** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Per Government Code Section 65913.4(b), this concludes the Tribal Consultation process and documents the Enforceable Agreement with FTBMI. Please sign and return the letter acknowledging the Enforceable Agreement between the Fernandeano Tataviam Band of Mission Indians and the City of Burbank. Please contact me at (818) 238-5250 or via e-mail at [JOnyebuchi@burbankca.gov](mailto:JOnyebuchi@burbankca.gov). Thank you.

Sincerely,



Joseph Onyebuchi  
Associate Planner

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Manager  
Fernandeño Tataviam Band of Mission Indians

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Patrick Prescott, AICP  
Community Development Director

Approved as to Form  
Office of the City Attorney

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Joseph H. McDougall  
City Attorney



**COMMUNITY  
DEVELOPMENT**

January 22, 2024

Gabrieleño Band of Mission Indians – Kizh Nation  
Attn: Andrew Salas, Chairperson  
PO Box  
Covina, CA 91723  
Via Email:

**RE: AB 168 Acknowledgement of Enforceable Agreement between the Gabrieleño Band of Mission Indians – Kizh Nation and the City of Burbank for the Proposed SB 35 Project located at 910 South Mariposa Street, Burbank, Los Angeles County, California**

Dear Mr. Salas,

This letter is a follow-up to the AB 168 tribal consultation concluded between the City of Burbank and the Gabrieleño Band of Mission Indians – Kizh Nation (the Kizh) regarding the proposed SB 35 Project located at 910 South Mariposa Street in the City of Burbank. The Project consists of one five-story residential structure containing a total of 30 condominium units and 43 subterranean parking spaces.

Per the Tribal Consultation between the City and the Kizh, the following language will be made part of the Project's conditions of approval:

- **TCR-1:** The Project applicant shall retain and compensate a professional Tribal Cultural Resources monitor procured or selected by the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”). Prior to the commencement of any “ground - disturbing activity” for the subject project at all project locations(i.e: both on-site and any off-site locations that are included in the project description/ definition and /or required in connection with the project, such as public improvement work ). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. If cultural resources are encountered, the Native American monitor will have the authority to request that ground-disturbing activities cease within 50 feet of discovery to assess and document potential finds in real time. One monitor will be required on-site for all ground-disturbing activities in areas designated through additional consultation. However, if ground-disturbing activities occur in more than one of the designated monitoring areas at the same time, then the Project Applicant, doing business as Butterfly Gardens LLC, and the Kizh can mutually agree to an additional monitor, to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage.

- Any and all archaeological documents created as a part of the project (isolate records, site records, survey reports, testing reports, and monitoring reports) shall be provided to the Gabrieleño Band of Mission Indians – Kizh Nation.
  - The applicant and Lead Agency shall, in good faith, consult with the Gabrieleño Band of Mission Indians – Kizh Nation on the disposition and treatment of any Tribal Cultural Resource encountered during the Project implementation.
- **TCR-2:** Applicant shall provide written notice to the Gabrieleño Band of Mission Indians – Kizh Nation not less than 30 days prior to commencement of ground disturbing activities to ensure the “Tribe” has sufficient time to schedule adequate site monitoring personnel.
  - **TCR-3:** The Gabrieleño Band of Mission Indians – Kizh Nation shall be responsible to retain sufficient monitoring personnel to meet its monitoring obligations during all phases of ground disturbing activities. The applicant shall be obligated to contact The Gabrieleno Band Of Mission Indians 24-72 hours prior to any ground disturbance activities on the project site, so that there is sufficient monitoring personal to meet its monitoring obligations during all phase of ground disturbance activities to, stop ground disturbing activities in the event Gabrieleño Band of Mission Indians – Kizh Nation is not able to attend or monitor the site.
  - **TCR-4.** The Tribe shall charge a fee according to Tribal monitoring services at industry standards for the Tribal monitoring services of all ground disturbances.
  - **TCR-5:** The Gabrieleño Band of Mission Indians – Kizh Nation Monitor shall complete monitoring logs on a daily basis, providing descriptions of the daily ground disturbing activities, including construction activities, locations, soil, and any cultural materials identified and available to the City upon request. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the Gabrieleño Band of Mission Indians – Kizh Nation Monitor has indicated that the site has a low potential for cultural resources, whichever occurs first. The Gabrieleño Band of Mission Indians – Kizh Nation Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. The City shall request a copy of all field documentation from the Gabrieleño Band of Mission Indians – Kizh Nation Monitor. In addition, the Gabrieleño Band of Mission Indians – Kizh Nation Monitor shall provide the City a “closeout report” that addresses the Gabrieleño Band of Mission Indians – Kizh Monitor’s role on the project and provides a summary of cultural findings, if any.
  - **TCR-6:** The Gabrieleño Band of Mission Indians – Kizh Nation shall comply with applicant’s site access and workplace safety requirements.
  - **TCR-7:** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease

and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Per Government Code Section 65913.4(b), this concludes the Tribal Consultation process and documents the Enforceable Agreement with the Gabrieleño Band of Mission Indians – Kizh Nation. Please sign and return the letter acknowledging the Enforceable Agreement between the Gabrieleño Band of Mission Indians – Kizh Nation and the City of Burbank. Please contact me at (818) 238-5250 or via e-mail at [JOnyebuchi@burbankca.gov](mailto:JOnyebuchi@burbankca.gov). Thank you.

Sincerely,

Joseph Onyebuchi  
Associate Planner

~~Andrew Salas, Chairperson  
The Gabrieleno Band of Mission Indians – Kizh Nation~~

2/23/24  
This condition is  
acceptable for this  
project only

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Patrick Prescott, AICP  
Community Development Director

Approved as to Form  
Office of the City Attorney

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Joseph H. McDougall  
City Attorney



**COMMUNITY  
DEVELOPMENT**

June 7, 2024

Fernandeño Tataviam Band of Mission Indians  
Attn: Sarah Brunzell, THCP Manager  
1019 Second Street, Suite 1  
San Fernando, CA 91340  
Via Email: Sarah.Brunzell@tataviam-nsn.us

**RE: AB 168 Acknowledgement of Enforceable Agreement between the Fernandeño Tataviam Band of Mission Indians and the City of Burbank for the Proposed SB 35 Project located at 910 South Mariposa Street, Burbank, Los Angeles County, California**

Dear Ms. Brunzell,

On January 22, 2024, the City of Burbank and your Tribe completed a scoping consultation and signed an Enforceable Agreement outlining methods, measures, and conditions for tribal resource treatment at the Project site.

Following the conclusion of the scoping consultation, on May 10, 2024, the Project Applicant submitted a formal Streamlined Ministerial (SB 35) Application to the City with an amended Project description and scope of development. The updated Project proposes a five-story 40-unit residential structure with 47 subterranean parking spaces, an expanded building footprint and new top of roof height of approximately 68 feet.

On May 30, 2024, pursuant to California Government Code Section 65913.4(b)(2)(E), the City notified the Tribe of the proposed changes as well as the Tribe's right, under the law, to request a subsequent consultation. On June 3, 2024, the City of Burbank received email confirmation from the Tribe indicating that the previously agreed to mitigation measures would be sufficient to cover the proposed amendments to the Project. The existing mitigation measures are included below for reference.

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

- **TCR-1:** The Project applicant shall retain a professional Native American Monitor procured by the Fernandeño Tataviam Band of Mission Indians to observe all clearing, grubbing, and grading operations. If cultural resources are encountered, the Native American monitor will have the authority to request that ground-disturbing activities cease

275 EAST OLIVE AVENUE  
BURBANK, CA 91502

BURBANKCA.GOV  
INFO@BURBANKCA.GOV

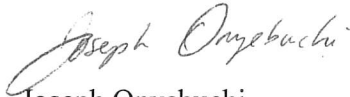
within 60-feet of discovery to assess and document potential finds in real time. One monitor will be required on-site for all ground-disturbing activities in areas designated through additional consultation. However, if ground-disturbing activities occur in more than one of the designated monitoring areas at the same time, then the parties can mutually agree to an additional monitor, to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage.

- Any and all archaeological documents created as a part of the project (isolate records, site records, survey reports, testing reports, and monitoring reports) shall be provided to the Fernandño Tataviam Band of Mission Indians.
- The applicant and Lead Agency shall, in good faith, consult with the Fernandño Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during the Project implementation.
- **TCR-2:** Applicant shall provide notice to FTBMI not less than 14 days prior to commencement of ground disturbing activities to ensure FTBMI has sufficient time to schedule adequate site monitoring personnel.
- **TCR-3:** FTBMI shall be responsible to retain sufficient monitoring personnel to meet its monitoring obligations during all phases of ground disturbing activities. The applicant may, but shall have no obligation to, stop ground disturbing activities in the event FTBMI is not able to attend or monitor the site.
- **TCR-4:** The Project applicant shall pay FTBMI a rate of \$150.00 per hour for all monitoring costs and expenses.
- **TCR-5:** The FTBMI Monitor shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified and available to the City upon request. The on-site monitoring shall end when grading and excavation activities are completed, or when the FTBMI Monitor has indicated that the site has a low potential for cultural resources, whichever occurs first. The City may request a copy of all field documentation from FTBMI Monitor. In addition, the FTBMI Monitor shall provide the City a “closeout report” that addresses the FTBMI Monitor’s role on the project and provides a summary of cultural findings, if any.
- **TCR-6:** FTBMI shall comply with applicant’s site access and workplace safety requirements.
- **TCR-7:** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

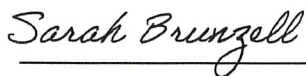


Please sign and return this letter acknowledging the proposed amendments to the Project description and scope of development as well as the Tribe's desire to retain the previously agreed to mitigation measures. Please contact me at (818) 238-5250 or via e-mail at [JOnyebuchi@burbankca.gov](mailto:JOnyebuchi@burbankca.gov) if you have any further questions or comments. Thank you.

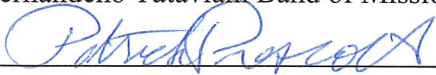
Sincerely,



Joseph Onyebuchi  
Associate Planner

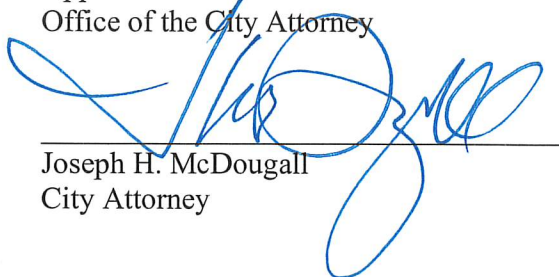


Manager  
Fernandeño Tataviam Band of Mission Indians



Patrick Prescott, AICP  
Community Development Director

Approved as to Form  
Office of the City Attorney



Joseph H. McDougall  
City Attorney

**Meredith, Alyssa**

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**From:** Gabrieleno Administration  
**Sent:** Friday, May 31, 2024 7:59 AM  
**To:** Onyebuchi, Joseph  
**Cc:** Administration Gabrieleno Indians; Kara Grant; Matthew Teutimez  
**Subject:** Re: 910 South Mariposa Street - Amendment to Project

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning Joseph ,

Thank you for your email . I have spoken with Chairman Salas, and despite some changes, he recommended that we proceed with the agreement we previously submitted for this project. This decision is based on the significant resources in the area that were already discussed during our initial consultation regarding the project and its location. Please consider this our decision to move forward with the existing signed enforceable agreement. Also just a FYI these special conditions are already online see below .

Thank you,  
Brandy Salas Kizh Nation Gabrieleno Band of Mission Indians

<https://www.burbankca.gov/documents/d/community-development/gabreleno-band-of-mission-indians-kizh-nation-signed-tribal-enforceable-agreement-2024>

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box  
Covina, CA 91723



*The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleño are the ones who did all this work, and they really are the foundation of*

*the early economy of the Los Angeles area “. “That’s a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleno, the community simply would not have survived.”*

On Thu, May 30, 2024 at 12:59 PM Onyebuchi, Joseph <[JOnyebuchi@burbankca.gov](mailto:JOnyebuchi@burbankca.gov)> wrote:

Good Afternoon,

The City cannot make that determination for your Tribe. As the law is written, you must determine how the existing enforceable agreement should be addressed in light of the amended project. If you would like to have a meeting to discuss the proposed changes to the project, that would be within your right to do so. Additionally, if you would like to proceed with the existing signed enforceable agreement, please indicate that you would like to move forward with the existing agreement and we will record that as your response to the amended project.

Thank you,



Joseph Onyebuchi  
Associate Planner

(818) 238-5250 office | [via Teams](#)

[BurbankCA.gov](http://BurbankCA.gov)

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**From:** Gabrieleno Administration ·  
**Sent:** Thursday, May 30, 2024 12:29 PM  
**To:** Onyebuchi, Joseph <[JOnyebuchi@burbankca.gov](mailto:JOnyebuchi@burbankca.gov)>  
**Subject:** Re: 910 South Mariposa Street - Amendment to Project

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Joseph

Thank you for your email. Since there have been some changes to the project would you like to have a meeting or would you still like to use the same enforceable agreement?

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box  
Covina, CA 91723



*The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. “The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area “. “That’s a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived.”*

On Tue, May 28, 2024 at 4:43 PM Onyebuchi, Joseph <[JOnyebuchi@burbankca.gov](mailto:JOnyebuchi@burbankca.gov)> wrote:

Dear Mr. Salas,

The purpose of this correspondence is to inform you of change in project description for the project located at 910 S. Mariposa Street, Burbank, CA 91505 (Project), pursuant to California Government Code Section 65913.4(b)(2)(E).

On December 26, 2023, the City of Burbank (City) received a Notice of Intent (NOI) to Submit a Streamlined Ministerial Application and Eligibility Checklist under the Senate Bill (SB) 35 Streamlined Ministerial Approval Process (Government Code Section 65913.4) for a five-story residential project at 910 South Mariposa Street. The Project described in the NOI proposed 30 condominium units and 43 subterranean parking spaces. Pursuant to Government Code Section 65913.4(b)(1)(A)(ii), the City engaged your Tribe in a scoping consultation on December 28, 2024.

On February 28, 2024, the City and your Tribe completed the scoping consultation and signed an Enforceable Agreement outlining the methods, measures, and conditions for tribal cultural resource treatment at the Project site.

Following the conclusion of the scoping consultation, on May 10, 2024 the Project Applicant submitted a formal Streamlined Ministerial (SB 35) Application to the City with an amended Project description. The updated Project proposes a five-story 40-unit residential structure with 47 subterranean parking spaces with an expanded footprint and new top of roof height of approximately 68 feet.

The table below provides a summary of the proposed changes to the Project:

	<b>Former Project Description (Based on Notice of Intent Application)</b>  (submitted 12/26/23)	<b>Updated Project Description (Based on SB 35 Application)</b>  (submitted 5/10/24)
<b>Lot Coverage</b>	43.4%	50.8%
<b>Building Height</b>	65’ to top of roof and architectural features	68’ 5.5” to top of architectural features
<b>Proposed Units</b>	30 units	40 units
<b>Unit Mix</b>	24 two-bedroom units	35 two-bedroom units
	6 three-bedroom units	5 three-bedroom units
<b>Vehicle Parking</b>	43 stalls	47 stalls
<b>Bicycle Parking</b>	8 spaces	11 spaces

<b>Provided Landscaping</b>	22,411.1 sf	19,705 sf
<b>Combined Open Space</b>	24,255 sf	22,884 sf

Pursuant to Government Code Section 65913.4(b)(2)(E), the City is notifying the Gabrieleño Band of Mission Indians – KIZH Nation of the proposed changes to the Project as well as their right, under the law, to request a subsequent scoping consultation. The input of your tribe is important to the City’s planning process. We respectfully request a written response within 30 days from receipt of this letter if you wish to consult on the proposed changes to the Project. If no written response is received within this 30-day time period, the City will presume that no further scoping consultation is requested and the Project application will be processed accordingly. If you require any additional information or have any questions, please contact me at (818) 238-5250 or via e-mail at [JOnyebuchi@burbankca.gov](mailto:JOnyebuchi@burbankca.gov). Thank you for your assistance.

Thank you,



**COMMUNITY DEVELOPMENT**

**Joseph Onyebuchi**  
Associate Planner

(818) 238-5250 office | [via Teams](#)

[BurbankCA.gov](http://BurbankCA.gov)