

Appendix D: SB 18 / AB 52 Tribal Consultation Letter



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

100 Civic Center Drive
Newport Beach, California 92660

949 644-3200
newportbeachca.gov/communitydevelopment

September 19, 2024

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

**RE: INVITATION TO CONSULT PER SENATE BILL 18 AND ASSEMBLY BILL 52
NOTIFICATION – CITY OF NEWPORT BEACH**

Dear Andrew Salas,

This letter is to formally invite you to request consultation pursuant to Senate Bill (SB) 18 (Government Code Section 65352.3) and Assembly Bill 52 (Public Resources Code Section 21080.3.1) regarding a proposed Project in the City of Newport Beach.

The Project, known as Snug Harbor Surf Park, is located at 3100 Irvine Avenue, which is within the northern portion of the City of Newport Beach, near the State Route (SR) 73 Toll Road (SR 73) and SR 55, as shown on Exhibit 1, *Regional Map*. The Project is located within a portion of the Newport Beach Golf Course. The golf course is separated into three physically distinct land areas and the Project site consists of the central portion bounded by Irvine Avenue and Mesa Drive. The Upper Newport Bay Nature Preserve is located approximately 0.25-mile to the south and John Wayne Airport is located approximately 1,000 feet to the north. The site and surrounding area are depicted on Exhibit 2, *Vicinity Map*.

The Project would remove the existing improvements on the approximately 15.83-acre site, including the driving range and holes 1, 2, and 9 to redevelop the site with a surf lagoon, a three-story clubhouse, two-story accommodations for athletes (20 units), a training lawn, seating for viewing, and associated outdoor recreational facilities including 3 swimming pools and a spa, and ancillary uses. The Project would maintain primary vehicle access location from Irvine Avenue and proposes secondary access from Mesa Drive via a new curb cut. The Project includes two solar panel covered parking lot areas that would provide approximately 351 surface parking spaces. The Project requires an amendment to the General Plan to allow for increased development intensity, a Site Development Review, a Conditional Use Permit, and a Modification Permit. Conceptual project plans are available as Exhibit 3.

SB 18 requires local governments to consult with California Native American Tribes before amending or adopting any general plan or specific plan or designating land as open space for the purpose of protecting traditional tribal cultural places or sacred sites. The Project includes an amendment to the City of Newport Beach General Plan; therefore, it is subject to the requirements of SB 18. Under SB 18, a Request for Consultation about the Project must be made within ninety (90) days of this notice.

The Project is also subject to the California Environmental Quality Act (CEQA) and Assembly Bill 52 (Public Resources Code Section 21080.3.1). Pursuant to AB 52, California Native American Tribes may request consultation regarding possible significant effects that implementation of the proposed Project may have on tribal cultural resources within 30 days of this notice.

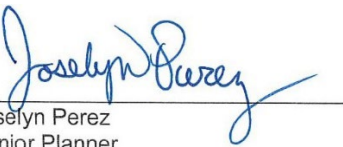
The City of Newport is committed to fulfilling the goals of SB 18 and AB 52 and believes that tribal participation in the planning process is crucial. Pursuant to SB 18, the City contacted the Native American Heritage Commission (NAHC) to request a list of tribes that should be consulted about the proposed Project, and your tribe is on the list. The intent of consultation is to provide an opportunity for local governments and interested tribes to work together early in the planning process toward the protection of Native American cultural places and resources that might not appear on cultural resource registries. This is an opportunity for your tribe to participate in the process for this Project. SB 18 defines Native American Places as:

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

Any sensitive information shared with the City regarding cultural places and/or sacred sites will be kept strictly confidential and will not be divulged to the public.

If your tribe would like to consult pursuant to SB 18 or AB 52 about the proposed Project, please contact me in writing at the address above, by phone at (949) 644-3312, or by email at jperez@newportbeachca.gov.

Sincerely,



Joselyn Perez
Senior Planner

EXHIBIT 1 – Regional Map

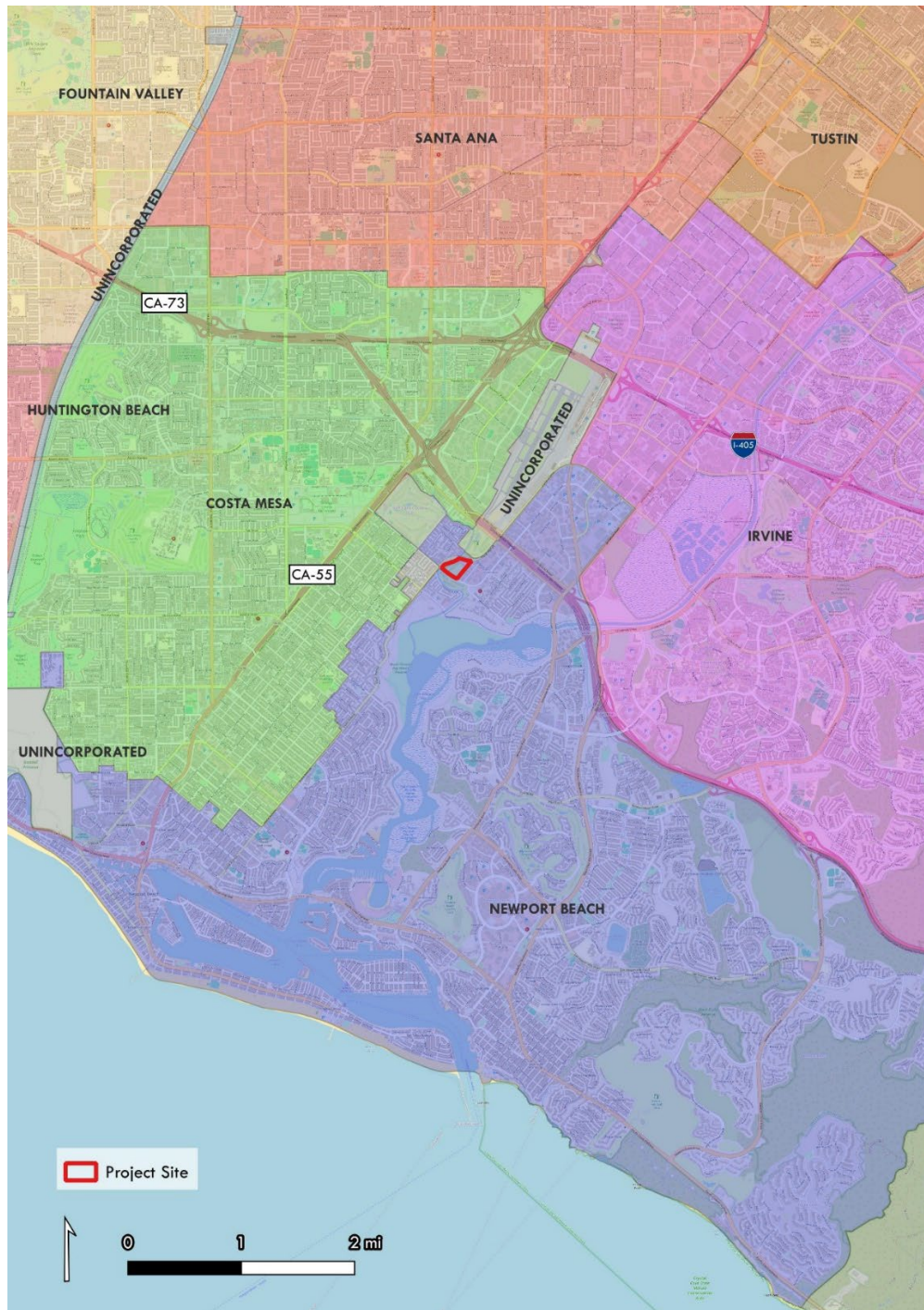


EXHIBIT 2 – Local Vicinity Aerial

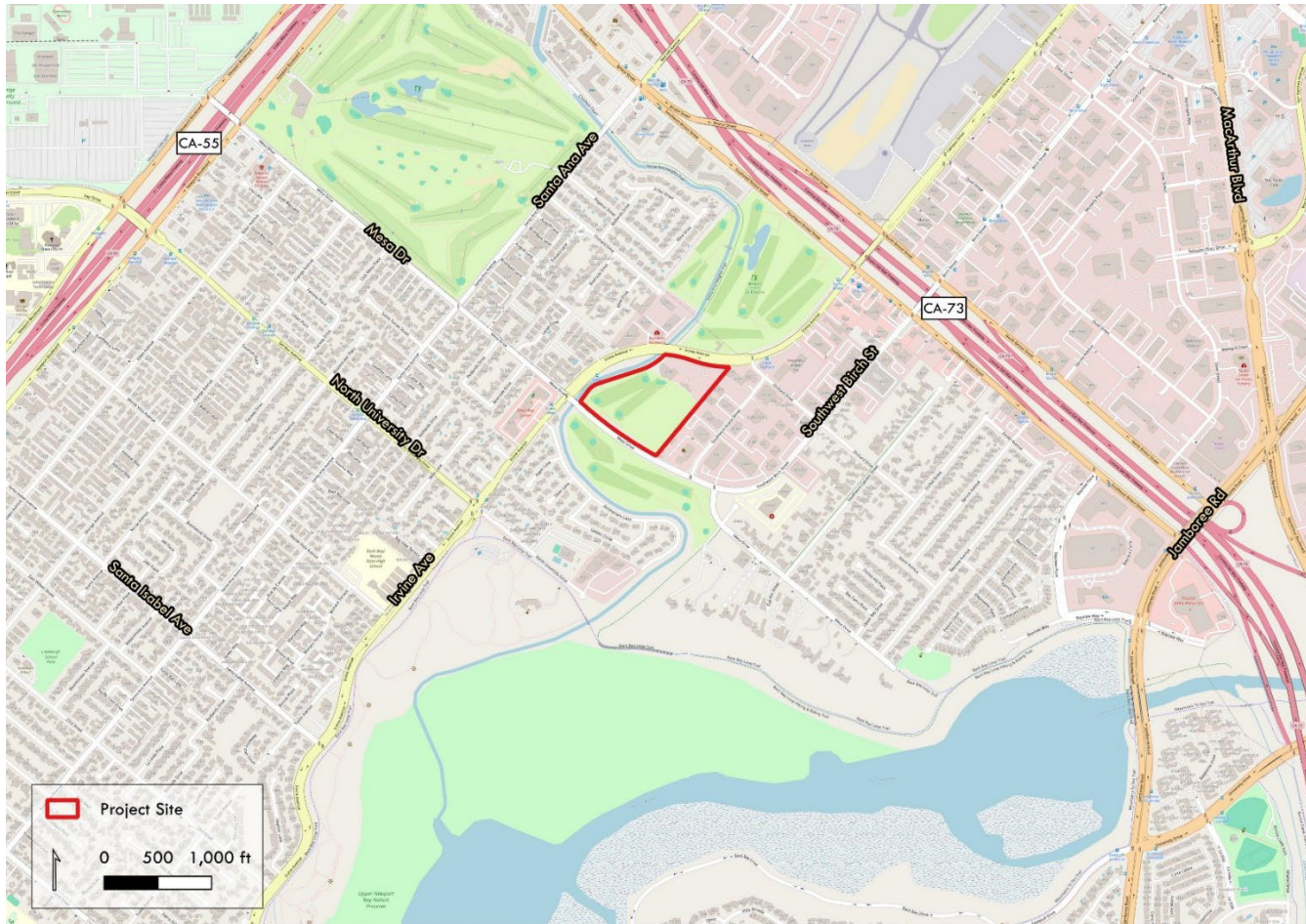


EXHIBIT 3 – Conceptual Proposed Project

