

IV. Environmental Impact Analysis

L. Tribal Cultural Resources

1. Introduction

This section evaluates the Project’s potential impacts to tribal cultural resources associated with development of the Project Site. The analysis is based in part on information provided in the *676 Mateo Street Project, Assembly Bill 52 Consultation Summary Report* (Tribal Cultural Report) prepared by ESA and dated November 2018. The Tribal Cultural Report included an archaeological data search at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) housed at California State University at Fullerton; the Sacred Lands File search prepared by the Native American Heritage Commission (NAHC), dated December 20, 2017; and Assembly Bill 52 (AB 52) tribal notification process with California Native American tribes. Additional information concerning the Tribal Cultural Report is contained in **Appendix M** of this Draft EIR.

2. Environmental Setting

a) Regulatory Framework

(1) Assembly Bill 52

AB 52 was approved on September 25, 2014. The act amended California PRC Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) is filed on or after July 1, 2015. The primary intent of AB 52 was to involve California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans, that require consideration under CEQA, known as tribal cultural resources. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. Further, as stated under PRC Section 21074(b), “a

cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.” On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources update to Appendix G of the *State CEQA Guidelines*, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that, within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern. Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation.

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt an MND.

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is 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 without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information 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.

However, confidentiality, does not apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the Project applicant or the Project applicant's agents, or are lawfully obtained by the Project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.

b) Existing Conditions

(1) Ethnographic Context

The Project Site is located within an area that has been inhabited by the contemporary Native American group known as the Gabrielino.¹ The florescence of this group occurred during a time period that spanned from approximately 1,500 years B.P. to the mission era, with the arrival of Spanish expeditions and the establishment of the mission system. Coming ashore near Malibu Lagoon or Mugu Lagoon in October of 1542, Juan Rodriguez Cabrillo was the first European to make contact with the Gabrielino Indians. The Gabrielino are estimated to have numbered around 5,000 in the pre-contact period and maps produced by early explorers indicate that at least 26 Gabrielino villages were within proximity to known Los Angeles River courses, while an additional 18 villages were reasonably close to the river.²

The term "Gabrielino" is a general term that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. Prior to European colonization, the Gabrielino occupied a diverse area that included: the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina. Their neighbors included the Chumash to the north, the Juañeno to the south, and the Serrano and Cahuilla to the east. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence. The Gabrielino language is part of the Takic branch of the Uto-Aztecan language family.³

Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. Gabrielino villages are reported by early explorers to have

¹ *The term "Gabrielino" is a general term that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. Prior to European colonization, the Gabrielino occupied a diverse area that included: the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina.*

² *ESA, 676 Mateo Street Project, City of Los Angeles, California, February 2020, p. 9-10.*

³ *ESA, 676 Mateo Street Project, City of Los Angeles, California, February 2020, p. 9-10.*

been most abundant near the Los Angeles River, in the San Fernando Valley, the Glendale Narrows area north of Downtown, and around the Los Angeles River's coastal outlets. Among those villages north of Downtown are *Maawnga* in the Glendale Narrows; *Totongna* and *Kawengna*, in the San Fernando Valley; *Hahamongna*, northeast of Glendale; and the village of *Yaangna*, in the vicinity of present-day Downtown Los Angeles.⁴

The exact location of *Yaangna* within Downtown Los Angeles continues to be debated, although it was possibly located at the present-day location of the Civic Center. Other possible locations are near the present-day Union Station, to the south of the old Spanish Plaza, and near the original site of the Bella Union Hotel located on the 300 Block of North Main Street. One hypothesis is that the Union Station location is an unlikely spot for a large village or habitation, as it lies within the annual Los Angeles River flood zone.⁵ Local sources such as the Echo Park Historical Society report that when Gaspar de Portola and Father Juan Crespi camped on the river bank opposite the North Broadway Bridge entrance to Elysian Park, they were served refreshments by *Yaangna* Indian villagers from the current location of the Los Angeles Police Academy.⁶

Based on baptismal records, *Yaangna* appears to have been occupied until at least 1813. But by the early 1820s, *Yaangna*'s Gabrielino residents were displaced to an area south of the village site in what is presently the block north of Los Angeles Street and 1st Street. By 1836, the displaced Gabrielino community was known as *Rancho de los Pablinos*, and Los Angeles residents began complaining about the Gabrielino bathing in the *Zanjas*. As a result of the complaints, the Gabrielino were once again displaced farther to the east near the present-day intersection of Alameda Street and Commercial Street. Between 1845 and 1847, they were moved to the east side of the river to a settlement that was known as *Pueblito*, and by 1847, the Gabrielino from *Yaanga* were displaced once again and left without a place in which to form a new community. As a result, the Gabrielino dispersed throughout Los Angeles County.⁷

Another community or village, the smallest, which was named *Rancheria de los Pipimares* was a separate location where the Island Gabrielino who had relocated to Los Angeles lived. The name originally referenced to people from Santa Catalina Island but over time it became associated with Island Indians generally. The village was likely in place by the late 1820's when survivors from Santa Catalina were relocated to Los Angeles, but in 1846 it was removed and relocated due to neighbor complaints. Historical research, including descriptions documented from residents at the time indicate that the Island

⁴ ESA, 676 Mateo Street Project, City of Los Angeles, California, February 2020, p. 9-10.

⁵ Dillon, B.D., *Alameda District Plan, Los Angeles, California, Prehistoric and Early Historic Archaeological Research*, 1994.

⁶ ESA, 676 Mateo Street Project, City of Los Angeles, California, February 2020, p. 9-10.

⁷ ESA, 676 Mateo Street Project, City of Los Angeles, California, February 2020, p. 9-10.

Indians living in *Rancheria de los Pipimares*, in spite of being baptized in the Catholic Church, were still practicing traditional religion at the Rancheria location as late as 1842, clustered in a few huts and maintaining a distinct identity (as Island Indians). The *Rancheria de los Pipimares* is estimated to have been on the west side of San Pedro Street at Seventh Street which was just under one-mile west of the Project Site.⁸

(2) Historic Map and Aerial Photograph Review

Topographic maps, Sanborn maps, and aerial photographs were found in the Phase I ESA Report and were examined to provide historical information about the Project Site and to contribute to an assessment of the Project Site's archaeological sensitivity.

The 1894, 1896, and 1900 topographic maps identify the Project Site with urban development which became denser by 1953. The 1900 and 1906 Sanborn Maps depicts the Project Site as platted for residential development and show six residential structures. The adjacent areas to the north, east, and south are also depicted as residential and Imperial Street is identified as Mimosa Street. According to the 1923 and 1928 aerial photographs, the Project Site appears to be divided into small lots indicative of residential development. By 1938 there appears to be small buildings within the Project Site as well as a surface parking lot which remains unchanged through 1952. The 1950, 1953, and 1954 Sanborn Maps identify Star Truck & Warehouse Company within the Project Site. Outbuildings are labeled as office and tool house, yard area, a building in the center of the Project Site labelled "Auto" and a truck repair with concrete floor. Star Truck yard was located adjacent to the north along with buildings labelled dwelling, office, and truck washing. The 1959, 1960, 1967, and 1970 Sanborn Maps depict the Project Site has changed from east to west is the truck storage yard (the office and tool house and gas and oil tank are no longer shown), a north-south oriented truck storage and repair building with concrete floor, and parking. The 1964 and 1972 aerials identify the west half of the Project Site to be used as a surface parking lot. A narrow north-south oriented building occupies the central portion and the eastern portion of the Project Site appears to be a surface parking lot as well. By 1983 an east-west oriented building with a parking area on the south side occupies the Project Site and paved parking is visible to the north. This remains unchanged through the 2012 aerial photographs.

(a) *Zanja Specific Map Research*

As there are no surface indications for the majority of the *Zanja* system, data is reliant on historic maps and records over 100-year old, as well as projects which have encountered it during ground disturbance. The entire *Zanja* system has been mapped and put on file with the SCCIC. However, the map used to create the file may not be the most accurate

⁸ *ESA, 676 Mateo Street Project, City of Los Angeles, California, February 2020, p. 9-10.*

or best map available for certain areas, so additional research is generally needed to confirm or supplement this information. Site records from the SCCIC indicate that the system has been encountered up to a dozen times throughout the downtown area including several areas within Chinatown and Little Tokyo. The various lines of the *Zanja* system have been represented in the historical record as above ground decorative open trenches, cement pipes, brick conduits, and wrought iron pipes, in various locations. It has been recorded just below the surface of sidewalks and pavement and up to 15-feet in depth below grade. As discussed above, maps included in the Archaeological Assessment (**Appendix C.1** of this Draft EIR) depict *Zanja* No. 1 running from north to south adjacent to the western Project Site boundary. However, the level of accuracy of these maps is currently unknown.

In the 1850s, the development of orchards and vineyards located to the south of Seventh Street between Los Angeles and Figueroa Streets created a need for additional irrigation. This need was met with the construction of new branches off the *Zanja Madre*, including *Zanja* No. 1. Near the Project Site, *Zanja* No. 1 has been described as follows, “There [Fourth Street between Colyton and Carolina Streets] it [*Zanja* No. 1] turned east along Short Fourth Street in a 16-inch cement pipe to Molino Street, where it turned South. It next followed Molino, across Palmetto Street and south on Mateo and Lemon Streets, through Vineyards to the city limits.”⁹ The first 800 feet of *Zanja* No. 1 has been described as a flume box (wooden, likely redwood), with the next 1,300 feet as a 16-inch cement pipe, and the last 9,625 feet to the city boundary as an open ditch.¹⁰ Based on this information, the *Zanja* segment near the Project Site is likely open earthen ditch.

(3) Record Search and Agency and Tribal Coordination

(a) *Archaeological Resource Evaluation*

As previously discussed, a cultural archaeological resources records search was conducted at the CHRIS SCCIC at California State University, Fullerton. The cultural archeological resources records search conducted by the SCCIC included a review of all recorded archeological and built-environment resources, as well as a review of cultural resource reports on file. As previously detailed in **Section IV.B, Cultural Resources**, of this Draft EIR, and presented below in **Table IV.L-1, Archaeological Resources Search Results**, the records search results indicate that three historic period archaeological sites have been previously recorded within the 0.5-mile records search radius. These resources are not currently listed as eligible for the National Register or the California

⁹ Layne, J. Gregg, *Water and Power for a Great City, A History of the Department of Water & Power of the City of Los Angeles to December, 1950, 1957*, p. 23.

¹⁰ Hall, William, 1888. *Irrigation in California [Southern], the Field, Water-Supply, and Works, Organization and Operation in San Diego, San Bernardino, and Los Angeles Counties Chapter XXIII-Los Angeles p. 535-570.*

Register. No archaeological or historic architectural resources have been previously recorded within the Project Site.

Table IV.L-1
Archaeological Resources Search Results

Primary Number	Trinomial	Description	Date Recorded
P-19-4192	CA-LAN-4192H	Historic-period archaeological site; four discrete refuse scatter dating to the early 20 th century.	2010
P-19-4193	CA-LAN-4193H	Historic-period archaeological site; roadway and refuse deposit.	2010
P-19-4460	CA-LAN-4460H	Historic-period archaeological site; trash deposits, railroad spur and foundations.	2014; 2016

Source: ESA, 676 Mateo Street Project Phase I Archaeological Assessment Report, February 2019.

(b) Sacred Lands File Search

The NAHC maintains a confidential Sacred Lands File which contains sites of traditional, cultural, or religious value to the Native American community. The NAHC was contacted on December 6, 2017, to request a search of the Sacred Lands File and responded to the request in a letter dated December 20, 2017. The NAHC's letter states that tribal cultural resources are known to be located within the Project Site and to contact Gabrieleño Band of Mission Indians - Kizh Nation for information regarding the nature of the resources.

In compliance with the requirements of AB 52, the City provided formal notification of the Project on October 16, 2017. Letters were sent via certified mail to the following California Native American tribes that requested notification:

- Fernandeano Tataviam Band of Mission Indians
- Gabrieleño Band of Mission Indians – Kizh Nation
- Gabrieleno Tongva Indians of California Tribal Council
- Gabrieleno/Tongva Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino-Tongva Tribe
- San Fernando Band of Mission Indians
- Soboba Band of Luiseño Indians
- Torres Martinez Desert Cahuilla Indians

In a letter dated October 18, 2017, Andrew Salas, Chairperson of the Gabrieleño Band of Mission Indians - Kizh Nation (tribe), initiated AB 52 consultation in response to the City's notification. During a consultation phone call on December 20, 2017, the Chairperson of the tribe indicated that:

- The Arts District is within the Area of Potential Effect (APE) defined by the NAHC.
- The Project Site is located close to the Los Angeles River which is a highly sensitive location with a potential to find tribal resources.
- There was a 400-year old Sycamore tree near the river near the location of the present day Vignes/Commercial Streets, which was used for ceremonial activities and was located near a burial ground.
- The Santa Fe trading route is close to the Project Site which underlies present-day Santa Fe Avenue and is near burial grounds.
- Metro/LADOT found human remains during a construction project in fall/winter of 2017 in the vicinity of the Project Site.

The City requested further documentation and information regarding the potential for tribal cultural resources in the Project vicinity, in particular regarding the burial grounds that were encountered during the above-referenced Metro/LADOT project. The City followed up with the Chairperson of the tribe and had a consultation call August 21, 2019. In following up from the call, the Chairperson of the tribe provided the City with several maps and an explanation of each map via email the same day to "explain our concerns for impacts to tribal cultural resources during ground disturbing activities." The following map images and explanations were provided and are on file with the City to maintain confidentiality. The explanations do not match the maps in all cases, so the map name/date is corrected below.

- **18[84] map (Stevenson 1884) showing the Zanja No. 1 in proximity to the Project Site.** The tribe indicates the *zanja* is a water ditch that their people created in the late 1700's for the Spanish to grow crops and feed water to the people of the pueblo. Artifacts made of stone such as mano's, metate's, grinders, pounders, etc. were utilized and placed inside these *zanjas* as construction material for the ditches. This "feature," as stated in section 21074 (a) is protected under AB 52 and is considered a tribal cultural resource.
- **1898 Los Angeles topo map.** The tribe indicated "that this map shows projects close proximity to a railroad, and describes that railroads follow traditional trade routes." The tribe further describes that "the map shows trade routes around the project area and that routes were heavily used by the tribe and could have isolated

burials or artifacts along the trade routes. Trade routes are considered “cultural landscapes” as stated in Section 21074(a) because the landscapes will house the objects and therefore both cultural landscapes and cultural objects are protected under AB52 as a cultural resource.” The tribe goes on to describe that water sources were used by the Tribe for life substance and seasonal or permanent hamlets occurred around water due to the habitats and riparian corridors that provide an abundance of food.

- **1938 Kirkman Map overlay on aerial with Project Site.** The tribe indicated that this map shows the project within the village of *Yaangna*.
- **2019 Location of *Rancheria de los Pipimares* in proximity to Project Site on a modern aerial.** (Map indicates distance to another location as 0.56-mile but that location is not *Rancheria de los Pipimares*, it is the former location of the home of Antonio Coronel lot, on Alameda Street. Antonio Coronel was a patron or adoptive family to the island Indians. *Rancheria de los Pipimares* is just under one-mile west of the Project Site). The tribe indicated “the Project location next to the village of Pipimares. All of our mainland villages overlapped each other to help facilitate the movement of tribal cultural resources throughout the landscape and also to our sister tribes outside of our traditional ancestral territory. Village use areas were usually shared between village areas and were commonly used by two or more adjoin village s depending on the type, quantity, quality, and availability of natural resources in the area. Therefore, human activities can be pronounced with the shared use areas due to the combined use by multiple village and TCRs [tribal cultural resources] may be present in the silt layers from the thousands of years of human activity within that landscape.”
- **2019 *Zanja* Conduit system overlay in proximity to Project Site on an aerial.**
- **Kizh Nation Mitigation Measures.** The tribe’s suggested mitigation measures include: retention of a Native American monitor/consultant to be present at the Site during ground disturbing activities; procedures to be followed upon unanticipated discovery of tribal cultural resources; and procedures to be followed upon discovery of human remain and associated funerary objects.

In closing the Chairperson of the tribe stated, “due to the project site being located within and around sacred villages, adjacent to sacred water courses, major traditional trade routes, and historic *zanja*, there is a high potential to impact tribal cultural resources still present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. Therefore, to avoid impacting or destroying Tribal Cultural Resources that may be inadvertently unearthed during the Project’s ground disturbing activities, attached is the mitigation language approved by our

Tribal Government for use with this project.” On September 22, 2020, the City provided the tribe with information regarding the close of consultation.

A record of the notification letters, verification of mailing, the SLF search request and results, and the suggested mitigation language approved by the tribe are included as **Appendix M** of this Draft EIR.

3. Project Impacts

a) Thresholds of Significance

In accordance with Appendix G of the *State CEQA Guidelines*, the Project would have a significant impact related to Tribal Cultural Resources if the project would:

- a) *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:***
 - (i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or***
 - (ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

The *L.A. CEQA Thresholds Guide* does not include any criteria to evaluate tribal cultural resources impacts. Thus, the potential for the Project to result in impacts related to tribal cultural resources is based on the *State CEQA Guidelines* Appendix G thresholds.

b) Methodology

A resource records search for the Project was conducted by ESA at the CHRIS SCCIC and of the NAHC’s Sacred Land File and California Native American tribes who had previously contacted the City for inclusion to the notification process were contacted. The records search at the CHRIS SCCIC consisted of a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. The NAHC is a Statewide Trustee Agency for the protection and preservation of Native

American cultural resources pursuant to PRC Section 21070. The Sacred Lands File search is a search of recorded Native American sacred sites and burial sites as defined by the NAHC and PRC Sections 55097.94(a) and 5097.96. Pertinent academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the project area.

As set forth in PRC Section 21074, tribal cultural resources are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.¹¹

c) Project Design Features

No specific Project Design Features are proposed with regards to tribal cultural resources.

d) Analysis of Project Impacts

As compared to the Project, the Increased Commercial Flexibility Option (Flexibility Option) would change the use of the second floor from residential to commercial, and would not otherwise change the Project's land uses or size. The overall commercial square footage provided would be increased by 22,493 square feet to 45,873 square feet and, in turn, there would be a reduction in the number of live/work units from 185 to 159 units. The overall building parameters would remain unchanged and the design, configuration, and operation of the Flexibility Option would be comparable to the Project. Furthermore, tribal cultural resources impacts are typically site-specific and dependent on a project's proposed footprint and depth/amount of excavation. The Flexibility Option would be located on the same Project Site with the same subsurface sensitivity for buried tribal cultural resources. In addition, the Flexibility Option would not alter the proposed construction footprint, depth, or amount of excavation compared to the Project and would be subject to the same regulatory requirements, including California PRC Section 21074. Therefore, the conclusions regarding the impact analysis and impact significance determination presented below for the Project would be the same under the Flexibility Option.

Threshold a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape,

¹¹ PRC Section 5020.1(k) states the following: "Local register of historical resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution."

sacred place, or object with cultural value to a California Native American tribe and that is:

- (i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?***
- (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?***

Because the Flexibility Option would be located on the same Project Site with the same potential to encounter buried tribal cultural resources as the Project and would not alter the proposed construction footprint or increase or decrease the amount or depth of excavation compared to the Project, the conclusions regarding the impact analysis and impact significance determination presented below for the Project would be the same under the Flexibility Option.

(1) Impact Analysis

As detailed in **Table IV.L-1** above, results of the CHRIS SCCIC records search indicate that three historic period archaeological sites consisting of refuse scatter, a roadway and refuse deposit, trash deposits, and a railroad spur and foundations, have been previously recorded within the 0.5-mile records search radius. However, these resources are not currently listed as eligible for the National Register or the California Register and no archaeological or historic architectural resources have been previously recorded within the Project Site.

As described above, the City commenced tribal notification for the Project in accordance with AB 52 on October 16, 2017, via a mailing to all of the surrounding tribes that had requested to be included on the AB 52 notification list. In addition, in order to identify tribal cultural resources within or adjacent to the Project Site and at the request of ESA, an SLF search was undertaken by the NAHC. The SLF search indicated that tribal cultural resources are known to be located within the Project Site and to contact Gabrieleño Band of Mission Indians - Kizh Nation for information regarding the nature of the resources.

During consultation conversations, the Chairperson of the tribe stated that the Project Site is sensitive for the potential presence of tribal cultural resources due to its proximity to the Los Angeles River (the current channel of the river is approximately 1000 feet east of the Project Site); the presence of the Santa Fe trading route within the Arts District; the

Sycamore tree at Vignes and Commercial Streets; and human remains found by Metro/LADOT during a construction project near the Project vicinity.

Consultation in 2019 did not provide documentation regarding the Sycamore tree or the human remains found by Metro. Information regarding the proximity of the Los Angeles River and the nearby railroad was provided. Although documentation has not been provided as yet by the tribes regarding the Sycamore tree and human remains, what is known about these areas of sensitivity has been considered as part of this study and supplements the determination that the Project Site itself and the vicinity maintains a high sensitivity for having the potential to encounter resources of prehistoric and historic origin. The materials provided by the tribe do indicate a high sensitivity for the site as well. The current development within the Project Site includes buildings and parking areas built historically and thus have a low footprint of disturbance within the Project Site. The buildings, which are not known to have basements, and parking areas could have capped subsurface resources associated with early uses on the Project Site or prehistoric archaeological resources. This includes off-site areas within the public right-of-way that may require utilities work or other off-site activities related to the Project, that could retain the potential to preserve prehistoric and historic archaeological resources which could be considered tribal cultural resources if they were to conform with the criteria of PRC 21074 (a).

The Chairperson of the tribe states that trade routes and cultural landscapes are protected under AB 52 as a tribal cultural resource. The current Project Site is completely developed and has been since the turn of the century. Although roads and rails likely follow the original trails used by tribes, there is no evidence of this landscape remaining in the current urban environment. No trails or waterways overlap with the Project Site itself. At this time no cultural landscapes or cultural objects are known to be at the Project Site itself.

The *Zanja* alignment does not overlap with the Project Site and therefore, it would not be impacted by Project activities, however the maps reviewed during archival research could have some level of error and there remains a possibility that the *Zanja* will be encountered. This resource therefore may be preserved under the road or sidewalk pavement in a location where it could be encountered during off-site improvements in the vicinity of the Project Site such as utility and sidewalk improvements. The tribe indicates that the *Zanja* is considered to be a tribal cultural resource. Native Americans were long associated with the system, as they were frequently used as laborers to dig and maintain the system. They also accessed the *Zanja*, as did all of the dwellers of the City for water for household use, drinking, cooking, bathing, and washing of clothes. However, the City has made the discretionary determination that the *Zanja* does not qualify as a tribal cultural resource. The *Zanja* has not been previously evaluated for listing in the National

Register, California Register, or for its potential to qualify as HCM under the City of Los Angeles Cultural Heritage Ordinance. Nonetheless, for the purposes of this Project, the City as lead CEQA agency, has made the discretionary determination to treat the *Zanja* No. 1 as a “historical resource” under *State CEQA Guidelines* Section 15064.5(a)(3), and it will be offered the protections of a historical resource under *State CEQA Guidelines* Section 15064.5(a)(3). Accordingly, potential impacts to the *Zanja* No. 1 are evaluated in Section **IV.B, Cultural Resources**, of this Draft EIR. Mitigation for its treatment and avoidance are provided there.

No additional resources that the City, as lead agency, determined to be significant pursuant to PRC Section 5024.2 were identified. Furthermore, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources, which would be imposed on the Project. Should tribal cultural resources be inadvertently encountered during Project construction, this condition of approval requires the temporarily halting of construction activities near the encounter and notification of the City and any Native American tribes traditionally and culturally affiliated with the geographic area of the Project. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Project Applicant would then be required to implement the tribe’s recommendations if a qualified archaeologist concludes that the tribe’s recommendations are reasonable and feasible. The recommendations would be incorporated into a tribal cultural resource monitoring plan, and once the plan is approved by the City, ground disturbance activities would be permitted to resume. In accordance with this condition of approval, all related activities would be conducted in accordance with regulatory requirements. The condition of approval is intended to ensure that significant impacts to tribal cultural resources do not occur and as discussed, would be imposed on the Project.

Thus, the Project and the Flexibility Option would not adversely affect known tribal cultural resources. Therefore, the Project and the Flexibility Option would not result in significant impacts related to a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074.

(2) Mitigation Measures

Under both the Project and the Flexibility Option, impacts to tribal cultural resources would be less than significant; no mitigation measures would be required.

(3) Level of Significance After Mitigation

Under both the Project and the Flexibility Option, impacts to tribal cultural resources would be less than significant without mitigation.

4. Cumulative Impacts

Because the Flexibility Option would be located on the same Project Site with the same potential to encounter buried tribal cultural resources as the Project and would not alter the proposed construction footprint or increase or decrease the amount or depth of excavation compared to the Project, the conclusions regarding the cumulative impact analysis and impact significance determination presented below for the Project would be the same under the Flexibility Option.

a) Impact Analysis

The study area for the tribal cultural resources cumulative impacts analysis is the greater City of Los Angeles area, specifically, the extent of the Related Project sites, as listed in **Section III, Environmental Setting**, and shown **Figure III-2**. Although impacts to Tribal cultural resources tend to be site-specific, cumulative impacts would occur if the Project combined with the Related Projects within this study area affected the same tribal cultural resources and communities.

Record searches and AB 52 consultation did not reveal any sacred lands or tribal cultural resources eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) and no additional resources that the City, as lead agency, determined to be significant pursuant to PRC Section 5024.2 were identified at the Project Site. The degree to which tribal cultural resources exist or could potential exist at the sites of the Related Projects is unknown. However, any Related Project affecting an historical resource that could be considered a tribal cultural resource would require a resource evaluation to ensure that the project would not impact the historic resource in the area. Additionally, as with the Project, all Related Projects would be required to comply with AB 52 and contact appropriate tribal parties to offer consultation and conduct the consultation if requested by the tribal parties. If consultation for those Related Projects identifies tribal cultural resources, then those Related Projects would be required to implement appropriate mitigation, as recommended/required by the tribal parties and/or City. Additionally, Related Projects would be required to comply with state law regarding the discovery of human remains (Health and Safety Code Section 7050.5).

Implementation of the required consultation process and development of mitigation, as necessary, would reduce potential impacts to known tribal cultural resources to a less-

than-significant level. Additionally, the Related Projects' adherence to the City's statutory protections of these resources would reduce potential impacts to previously unknown tribal cultural resources to a less-than-significant level. **Therefore, cumulative impacts to tribal cultural resources would be less than significant and the Project's and the Flexibility Option's contribution to cumulative impacts to tribal cultural resources would not be cumulatively considerable.**

b) Mitigation Measures

Under both the Project and the Flexibility Option, cumulative impacts to tribal cultural resources would be less than significant; no mitigation measures would be required.

c) Level of Significance After Mitigation

Under both the Project and the Flexibility Option, cumulative impacts to tribal cultural resources would be less than significant without mitigation.