

# IV. Environmental Impact Analysis

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## B. Cultural Resources

### 1. Introduction

This section evaluates the Project's impacts to cultural resources, including historical and archaeological resources. This analysis is based on information provided in the *676 S. Mateo Street Historical Resource Technical Report* (Historical Report) prepared by GPA Consulting and the *676 Mateo Street Project Phase I Archaeological Resources Assessment Report* (Archaeological Assessment) prepared by ESA. These documents are attached to this Draft EIR as **Appendix C.1** and **Appendix C.2**, respectively.

### 2. Environmental Setting

#### a) Regulatory Setting

There are laws and regulations at the federal, state, and local levels that address cultural resources. These relevant regulations are described related to historical, archeological, and human remains resources are discussed below.

##### (1) Historic Resources

Historic resources fall within the jurisdiction of several levels of government. The framework for the identification and, in certain instances, protection of historic resources is established at the federal level, while the identification, documentation, and protection of such resources are often undertaken by state and local governments. As described below, the principal federal, state, and local laws governing and influencing the preservation of historic resources of national, state, regional, and local significance include the National Historic Preservation Act (NHPA) of 1966, as amended; the National Register of Historic Places (National Register); the California Environmental Quality Act (CEQA); the California Register of Historical Resources (California Register); and the City of Los Angeles Cultural Heritage Ordinance (Los Angeles Administrative Code, Section 22.120 *et seq.*), all of which are summarized below.

(a) *Federal*(i) *National Historic Preservation Act*

The principal federal law addressing historic properties is the NHPA, as amended,<sup>1</sup> and its implementing regulations.<sup>2</sup> The term “historic properties” refers to “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register.”<sup>3</sup>

(ii) *National Register of Historic Places*

The National Register was established by the NHPA as “an authoritative guide to be used by federal, state, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.”<sup>4</sup> Under the administration of the National Park Service (NPS), the National Register recognizes properties that are significant at the national, state, and/or local levels.

To be eligible for listing in the National Register, a property must be significant within a historic context. The significance of a historic property can be judged only when it is evaluated within its historic context. Historic contexts are “those patterns, themes, or trends in history by which a specific...property or site is understood and its meaning...is made clear.”<sup>5</sup> A property must represent an important aspect of the area’s history or prehistory and possess the requisite integrity to qualify for the National Register.

Furthermore, to be eligible for listing in the National Register, a resource must be at least 50 years of age, unless it is of exceptional importance as defined in Title 36 Code of Federal Regulations (CFR), Part 60, Section 60.4(g). In addition, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Four criteria for evaluation have been established to determine the significance of a resource:

- A. It is associated with events that have made a significant contribution to the broad patterns of our history; or
- B. It is associated with the lives of persons significant in our past; or

<sup>1</sup> 54 *United States Code of Laws, 300101] et seq.*

<sup>2</sup> 36 *Code of Federal Regulations, Part 800.*

<sup>3</sup> 36 *Code of Federal Regulations, Part 800.16(l)(1).*

<sup>4</sup> 36 *Code of Federal Regulations 60, Section 60.2.*

<sup>5</sup> *U.S. Department of Interior, National Park Service, National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation, 1995, p. 45-46.*

- C. It embodies the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. It yields, or may be likely to yield, information important in prehistory or history.<sup>6</sup>

In addition to meeting one or more of the above criteria, district sites, buildings, structures, and objects that are 50 years in age must also retain enough historic integrity to be eligible for listing. Historic integrity is defined as “the ability of a property to convey its significance” and “the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic period.”<sup>7,8</sup> NPS has identified seven aspects of integrity: feeling, association, workmanship, location, design, setting, and materials. *Feeling* is a property’s expression of the aesthetic or historic sense of a particular period of time. *Association* is the direct link between an important historic event or person and a historic property. *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. *Location* is the place where the historic property was constructed or the place where the historic event occurred. *Design* is the combination of elements that create the form, plan, space, structure, and style of a property. *Setting* is the physical environment of a historic property. *Materials* are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.<sup>9</sup> To retain historic integrity, a property will always possess most of the aspects and depending upon its significance, retention of specific aspects of integrity may be paramount for a property to convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where, and when a property is significant.

(iii) *Secretary of the Interior’s Standards for the Treatment of Historic Properties*

Projects that may affect historic resources are considered to be mitigated to a less-than-significant level if they are consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Standards). Projects with no other potential impacts qualify for a Class 31 exemption under CEQA if they meet the Standards. NPS issued the Standards with accompanying guidelines for four types of treatments for historic

<sup>6</sup> 36 Code of Federal Regulations 60, Section 60.4.

<sup>7</sup> U.S. Department of Interior, National Park Service, National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation, 1995, p. 44.

<sup>8</sup> U.S. Department of Interior, National Park Service, National Register Bulletin 16A: How to Complete the National Register Registration Form, 1995, p. 4.

<sup>9</sup> U.S. Department of Interior, National Park Service, National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation, 1995, p. 45-46.

resources: Preservation, Rehabilitation, Restoration, and Reconstruction. Although none of the four treatments as a whole applies specifically to new construction in the vicinity of historic resources, Standards #9 and #10 of the Standards for Rehabilitation provides relevant guidance for such projects. The Standards for Rehabilitation are as follows:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

It is important to note that the Standards are not intended to be prescriptive but, instead, provide general guidance. They are intended to be flexible and adaptable to specific project conditions to balance continuity and change, while retaining materials and features to the maximum extent feasible. Their interpretation requires exercising professional judgment and balancing the various opportunities and constraints of any given project. Not every Standard necessarily applies to every aspect of a project, and it is not necessary for a project to comply with every Standard to achieve compliance.

(b) *State*

(i) *California Register of Historical Resources*

The California Register is similar to the National Register program. The California Register was enacted in 1992, and its regulations became official on January 1, 1998. The California Register is administered by the California Office of Historic Preservation (OHP).

The California Register is an authoritative guide used by state and local agencies, private groups, and citizens to identify the state's historic and archaeological resources and indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.<sup>10</sup> State law provides that in order for a property to be considered eligible for listing in the California Register, it must be significant under any of the following four criteria identified by OHP, which parallel National Register criteria.<sup>11</sup> A property is eligible if it:

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
  2. Is associated with the lives of persons important to local, California, or national history;
  3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;
- or

<sup>10</sup> *California Public Resources Code, Section 5024.1(a).*

<sup>11</sup> *California State Parks, Office of Historic Preservation, California Register of Historical Resources Website, Criteria For Designation, accessed February 2019.*

4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

A historic resource eligible for listing in the California Register must meet one or more of the significance criteria described above and retain enough of its historic character or appearance to be recognizable as a historic resource and to convey the reasons for its significance. As described above, integrity is evaluated with regard to the retention of feeling, association, workmanship, location, design, setting, and materials. The resource must also be judged with reference to the particular criteria under which it is proposed for eligibility. Unlike the National Register, the California Register does not exclude resources less than 50 years of age. California Register regulations contained in Title 14, Division 3, Chapter 11.5 of the California Code of Regulations (CCR) include Section 4852(c), which provides that “it is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register.” According to Section 4852(d), a resource less than 50 years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historic importance.

The California Register also includes properties that: (1) have been formally determined eligible for listing in, or are listed in, the National Register; (2) are registered State Historical Landmark Number 770, and all consecutively numbered landmarks above Number 770; or (3) are California Points of Historical Interest, which have been reviewed by the California OHP and recommended for listing by the State Historical Resources Commission.<sup>12</sup> Resources that may be nominated for listing in the California Register include: individual historic resources; historic resources contributing to the significance of a historic district; historic resources identified as significant in historic resources surveys; historic resources and historic districts designated or listed as city or county landmarks or historic properties or districts; and local landmarks.<sup>13</sup>

The California Register may also include properties identified during historic resources surveys. However, the survey must meet all of the following criteria:<sup>14</sup>

1. The survey has been or will be included in the State Historic Resources Inventory;
2. The survey and the survey documentation were prepared in accordance with office [OHP] procedures and requirements;
3. The resource is evaluated and determined by the office [OHP] to have a significance rating of Category 1 to 5 on a DPR Form 523; and

<sup>12</sup> *California Public Resources Code, Section 5024.1(d).*

<sup>13</sup> *California Public Resources Code, Section 5024.1(e).*

<sup>14</sup> *California Public Resources Code, Section 5024.1.*

4. If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources that have become eligible or ineligible due to changed circumstances or further documentation and those that have been demolished or altered in a manner that substantially diminishes the significance of the resource.

In its Instructions for Recording Historical Resources, OHP prescribes evaluation instructions and a classification system for use in classifying potential historical resources. The general evaluation categories are as follows:

1. Listed in the National Register or the California Register.
2. Determined eligible for listing in the National Register or the California Register.
3. Appears eligible for listing in the National Register or the California Register through survey evaluation.
4. Appears eligible for listing in the National Register or the California Register through other evaluation.
5. Recognized as historically significant by local government.
6. Not eligible for listing or designation as specified.
7. Not evaluated or needs re-evaluation.

*(ii) California Environmental Quality Act*

CEQA offers protection for identified historical resources. In general, for purposes of CEQA and environmental review, a “historical resource” is that which has been determined eligible for listing in the California Register, or one that is designated at the local level. For the purposes of CEQA, Public Resources Code (PRC) Section 21084.1 defines a historical resource as:

*[A] resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria*

*set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource.*

State CEQA Guidelines Section 15064.5(a)(3) also provides additional guidance on this subject:

*[A]ny object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.*

(c) *Local*

(i) *City of Los Angeles Cultural Heritage Ordinance and Historic Preservation Overlay Zone Ordinance*

The City's Cultural Heritage Ordinance, originally adopted by the Los Angeles City Council in 1962 (under Division 22, Chapter 7 of the Los Angeles Administrative Code), created the City's Cultural Heritage Commission and established criteria for designating City of Los Angeles Historic-Cultural Monuments (HCMs). On April 2, 2007, pursuant to Ordinance 178,402, the Cultural Heritage Ordinance was moved to Division 22, Chapter 9 of the Los Angeles Administrative Code (LAAC). Specifically, Section 22.171.7 of the LAAC defines the criteria for designation as any site, building, or structure of particular historic or cultural significance to the City, such as historic structures or sites that:

1. Reflect or exemplify the broad cultural, economic, or social history of the nation, state, or community; or
2. Are identified with historic personages or with important events in national, state, or local history; or
3. Embody the distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, or method of construction; or

4. Are a notable work of a master builder, designer, or architect whose individual genius influenced his or her age.<sup>15</sup>

Designation recognizes the unique historic, cultural, or architectural value of certain structures and helps to protect their distinctive qualities. Any interested individual or group may submit nominations for HCM status. Buildings may be eligible for Historical-Cultural Monument status if they meet at least one of the criteria in the Cultural Heritage Ordinance and retain their historic design characteristics and materials. Unlike the National and California Registers, the Cultural Heritage Ordinance does not require properties to reach a minimum age requirement and does not identify concepts such as physical integrity or period of significance. However, although the City does not require that a resource be a certain age before it can be designated, the City of Los Angeles Department of City Planning's (DCP) Office of Historic Resources (OHR) does qualify that "enough time needs to have passed since the resource's completion to provide sufficient perspective that would allow an evaluation of its significant within a historical context."<sup>16</sup>

The City also recognizes historic districts as Historic Preservation Overlay Zones (HPOZ).<sup>17</sup> The Cultural Heritage Commission, City Planning Commission, and the City Council are responsible for establishing HPOZs.<sup>18</sup> Areas within these historic districts have an HPOZ overlay added to its zoning and are subject to LAMC Section 12.20.3. As such, HPOZs are considered a planning tool that adds a level of protection to an area. Each HPOZ has a five or seven-member HPOZ Board, which is an advisory body to the Department of City Planning, to evaluate proposals for alterations, demolitions, or new construction. An HPOZ is intended to include a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Contributing resources must meet at least one of the following criteria:<sup>19</sup>

1. Adds to the historic architectural qualities or historic associations for which a property is significant because it was present during the period of significance, and possesses historic integrity reflecting its character at that time; or
2. Owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or

<sup>15</sup> *Los Angeles Administrative Code, Cultural Heritage Commission, Section 22.171.7.*

<sup>16</sup> *City of Los Angeles, Department of City Planning, Office of Historic Resources Website, Historic-Cultural Monuments, Frequently Asked Questions (FAQs), accessed February 2019.*

<sup>17</sup> *Los Angeles Municipal Code, Section 12.20.3.*

<sup>18</sup> *City of Los Angeles, Department of City Planning, Historic Preservation Overlay Zones (HPOZs) Website, About the HPOZ Program, accessed February 2019.*

<sup>19</sup> *Los Angeles Municipal Code, Section 12.20.3-F,3(C).*

3. Retaining the building, structure, landscaping, or natural feature, would contribute to the preservation and protection of a historic place or area of historic interest in the City.

*(ii) City of Los Angeles Historic Resources Survey  
(SurveyLA)*

The Los Angeles Historic Resources Survey, or SurveyLA, is conducted under the DCP's OHR. SurveyLA is the City's comprehensive program to identify and document potentially significant historic resources. Surveys conducted under SurveyLA cover the period from approximately 1850 to 1980 and include individual resources, such as buildings, structures, objects, natural features, and cultural landscapes, as well as areas and districts. Archaeological resources will be included in a future survey phase. Significant resources reflect important themes in the City's growth and development in various areas including architecture, city planning, social history, ethnic heritage, politics, industry, transportation, commerce, entertainment, and others. Field surveys commenced in 2010 by Community Plan Area and were completed in 2016.<sup>20</sup> SurveyLA findings are currently being published at HistoricPlacesLA, the City's online information and management system created to inventory, map, and help protect historic resources.<sup>21,22</sup>

To implement field surveys, OHR developed a framework for a citywide Historic Context Statement (HCS), which is a narrative, technical document that provides a framework for completing historic resources surveys. As discussed in the SurveyLA Field Survey Results Master Report, the applied HCS consists of nine broad contexts from 1850 to 1980, including: Spanish Colonial and Mexican Era Settlement, Pre-Consolidation Communities of Los Angeles, Residential Development and Suburbanization, Commercial Development, Industrial Development, Public and Private Institutional Development, Architecture and Engineering, Entertainment Industry, and Cultural Landscapes. The HCS not only identifies contexts and themes within which a property may be significant, but also includes eligibility standards that provide physical and associative characteristics a property must have to convey its significance.

As described in detail in the SurveyLA Field Survey Results Master Report, the surveys identify and evaluate properties according to standardized criteria for listing in the National Register, California Register, and for local designation as HCMs and HPOZs. SurveyLA findings are subject to change over time as properties age, additional

<sup>20</sup> *City of Los Angeles, Department of City Planning, Office of Historic Resources, Field Survey Results Master Report, August 2016.*

<sup>21</sup> *City of Los Angeles, Department of City Planning, Office of Historic Resources, SurveyLA Website, SurveyLA Findings and Reports, accessed: February 2019.*

<sup>22</sup> *City of Los Angeles, Department of City Planning, Office of Historic Resources, HistoricPlacesLA Website, accessed: February 2019.*

information is uncovered, and more detailed analyses are completed. Resources identified through SurveyLA are not designated resources. Designation by the City of Los Angeles and nominations to the California or National Registers are separate processes that include property owner notification and public hearings.

(iii) *City of Los Angeles General Plan Conservation Element*

The City of Los Angeles General Plan includes a Conservation Element. Section 5 of the Conservation Element recognizes the City's responsibility for identifying and protecting its cultural and historic heritage. The Conservation Element establishes the following cultural and historic objective and policy:<sup>23</sup>

- **Objective:** Protect important cultural and historical site and resources for historical, cultural, research, and community educational purposes.
- **Policy:** Continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition, or property modification activities.

(iv) *Central City North Community Plan*

The City of Los Angeles General Plan includes 35 Community Plans that comprise the General Plan's Land Use Element. As discussed in **Section IV.G, Land Use**, of this Draft EIR, the Project Site is located within the Central City North Community Plan (Community Plan) area. The Community Plan includes the following goals, objectives, and policies related to cultural resources:<sup>24</sup>

**Goal 17:** Preservation and restoration of cultural resources, neighborhoods, and landmarks which have historical and/or cultural significance.

- **Objective 17-1:** To ensure that the Community's historically significant resources are protected, preserved, and/or enhanced.
  - **Policy 17-1.1:** Encourage the preservation, maintenance, enhancement, and reuse of existing buildings and the restoration of original facades.
- **Objective 17-2:** To encourage private owners of historic properties/resources to conserve the integrity of such resources.

<sup>23</sup> *City of Los Angeles, Department of City Planning, General Plan, Conservation Element, September 2001, p. II-9.*

<sup>24</sup> *City of Los Angeles, Department of City Planning, General Plan, Central City North Community Plan, adopted December 15, 2000.*

- **Policy 17-2.1:** Assist private owners of historic resources to maintain and/or enhance their properties in a manner that will preserve the integrity of such resources in the best possible condition.

**Goal 18:** A community which promotes cultural amenities and implements the City's Cultural Master Plan.

- **Objective 18-1:** To enhance and capitalize on the contribution of existing cultural and historical resources in the community.
  - **Policy 18-1.1:** Support the existing artists community in Central City North as a cultural resource for the community.

## (2) Archaeological Resources

Federal, state, and local governments have developed laws and regulations designed to protect significant archaeological resources that may be affected by actions that they undertake or regulate. These laws and regulations stipulate a process for compliance, define the responsibilities of the various agencies proposing the action, and prescribe the relationship among other involved agencies. As archaeological resources may also be considered historical resources, in the event that an archaeological resource is determined to also be an historical resource, regulations applicable to historic resources would also be applicable to archaeological resources. Further detail is included under the discussion of CEQA below (Section 2.a.2.b.i).

### (a) *Federal*

#### (i) *Native American Graves Protection and Repatriation Act*

The Native American Graves Protection and Repatriation Act of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

(b) *State*

(i) *California Environmental Quality Act*

State archaeological regulations affecting the Project include the statutes and guidelines contained in CEQA (PRC Section 21083.2 and Section 21084.1) and the *State CEQA Guidelines* (Title 14 California Code of Regulations [CCR] Section 15064.5). CEQA requires lead agencies to carefully consider the potential effects of a project on archaeological resources. Several agency publications, including the technical assistance bulletins produced by OHP, provide guidance regarding procedures to identify such resources, evaluate their importance, and estimate potential effects.

As previously stated, archeological resources may also be considered historical resources. Under CEQA (Section 21084.1), a project that may cause a substantial adverse change in the significance of an historical resource, including an archaeological resource, is a project that may have a significant effect on the environment. *State CEQA Guidelines* Section 15064.5 recognizes that historical resources, including archaeological resources that are determined to be historical resources, include: (1) a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (California Register); (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); and (3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by the lead agency, provided the lead agency's determination is supported by substantial evidence in light of the whole record. The fact that a resource does not meet the three criteria outlined above does not preclude the lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

If a lead agency determines that an archaeological site is an historical resource, the provisions of Section 21084.1 of CEQA and Section 15064.5 of the *State CEQA Guidelines* apply. Accordingly, a significant effect under CEQA would occur if a project results in a substantial adverse change in the significance of an historical resource, including an archaeological resource, as defined in *State CEQA Guidelines* Section 15064.5(a). Substantial adverse change is defined as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (*State CEQA Guidelines* Section 15064.5(b)(1)). According to *State CEQA Guidelines* Section 15064.5(b)(2), the significance of an historical resource is materially impaired when a

project demolishes or materially alters in an adverse manner those physical characteristics that:

- A. Convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
- B. Account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- C. Convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a Lead Agency for purposes of CEQA.

In general, a project that complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards) is considered to have mitigated its impacts to historical resources, including archaeological resources, to a less-than-significant level (*State CEQA Guidelines* Section 15064.5(b)(3)).

If an archaeological site does not meet the criteria for an historical resource contained in the *State CEQA Guidelines*, then the site may be treated in accordance with the provisions of Section 21083, which is as a unique archaeological resource. As defined in Section 21083.2 of CEQA a "unique" archaeological resource is an archaeological artifact, object, or site, about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or,
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological site meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site is to be treated in accordance with the provisions of Section 21083.2, which state that if the lead agency determines that a project would have a significant effect on unique archaeological resources, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in

place (Section 21083.1(a)). If preservation in place is not feasible, mitigation measures shall be required.

The *State CEQA Guidelines* note that if an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment (*State CEQA Guidelines* Section 15064.5(c)(4)).

(ii) *California Government Code Sections 6254(r) and 6254.10*

These sections of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency.”

(c) *Local*

(i) *Los Angeles General Plan Conservation Element*

Section 3 of the Los Angeles General Plan Conservation Element, adopted in September 2001, includes policies for the protection of archaeological resources. As stated therein, the City has a primary responsibility in protecting significant archaeological resources. Section 3 provides the following objective and policy:<sup>25</sup>

- **Objective:** Protect the city’s archaeological and paleontological resources for historical, cultural, research and/or educational purposes.
- **Policy:** Continue to identify and protect significant archaeological and paleontological sites and/or resources known to exist or that are identified during land development, demolition, or property modification activities.

<sup>25</sup> *City of Los Angeles, Department of City Planning, General Plan, Conservation Element, September 2001, p. II-5 through II-6.*

### (3) Human Remains

With regard to human remains, including those of Native American origin, state laws govern response and treatment requirements following their discovery. Specifically, *State CEQA Guidelines* Section 15064.5 addresses consultation requirements if an initial study identifies the existence of, or the probable likelihood of Native American human remains within the Project Site. This section of the *State CEQA Guidelines* as well as Health and Safety Code Section 7050.5 and PRC Section 5097.9 also address treatment of human remains in the event of accidental discovery.

#### (a) State

##### (i) *California Health and Safety Code Section 7050.5*

California Health and Safety Code Section 7050.5 requires that in the event human remains are discovered, the County Coroner be contacted to determine the nature of the remains. In the event the remains are determined to be Native American in origin, the Coroner is required to contact the NAHC within 24 hours to relinquish jurisdiction.

##### (ii) *California Public Resources Code Section 5097.98*

California PRC Section 5097.98, as amended by Assembly Bill 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities account for the possibility of multiple burials. PRC Section 5097.98 further requires the NAHC, upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide recommendations to the landowner for the treatment of the human remains and any associated grave goods. In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the land owner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

## b) Existing Conditions

### (1) Historic Resources

A detailed historic setting is provided in the Historic Report prepared by GPA (see **Appendix C.1**).

(a) *Project Site*

The Project is comprised of one parcel that was first developed with six dwellings and associated outbuildings before 1900.<sup>26</sup> By 1938, the majority of the residences on the Project Site had been demolished except for one residence that remained to the southwest portion of the Project Site. A small group of industrial buildings were constructed on the northern portion of the Project Site, and a small building was also constructed along the eastern portion of the Site adjacent to S. Imperial Street. The rest of the property was used as a surface parking lot. In 1954, Star Truck & Warehouse Company constructed a new building in the center of the parcel that extended beyond the present-day property boundaries of the Project Site. This building, as well as the remaining dwelling on the southwest portion of the Project Site were demolished by 1977. The current 676 S. Mateo Street building was subsequently constructed as a warehouse and office building in 1978 by Adeco, Inc., a division of Coca-Cola.

(i) *Evaluation*

As part of the preparation of the Historical Report, a records search was conducted by the South Central Coastal Information Center (SCCIC) to determine whether or not the Project Site contains any properties that are currently listed under national, state, or local landmark or historic district programs and whether or not any properties have been previously identified or evaluated as potential historical resources. This involved a review of the California Historical Resources Inventory System (CHRIS), which includes data on properties listed and determined eligible for listing in the National Register of Historic Places, listed and determined eligible for listing in the California Register of Historical Resources, California Registered Historical Landmarks, Points of Historical Interest, as well as properties that have been evaluated in historic resources surveys and other planning activities. The Los Angeles Historic Resource Inventory website, HistoricPlacesLA.org, was also consulted to determine if any listed historical resources were located on the Project Site. In addition, the SurveyLA findings for the Central City North Community Plan Area were consulted to determine if the Project Site building or parcel were identified as a potential historical resource.

The Project Site does not contain any buildings or parcels included on CHRIS or any listed or potential historical resources as determined by HistoricPlacesLA.org or SurveyLA.<sup>27</sup> Further, based upon field inspection and research conducted as part of the Historical Report, the Project Site does not appear to meet the eligibility standards for the Early Industrial Development Theme formulated for the *Los Angeles Citywide Historic*

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<sup>26</sup> Adapted from Partner Engineering and Science, Inc., *Phase I Environmental Site Assessment Report*, April 22, 2016, ii.

<sup>27</sup> GPA Consulting, *676 S. Mateo Street Historical Resources Technical Report*, December 2018, page 3.

*Context Statement* due to a lack of age (does not date from the period of significance, is not a rare surviving example, does not represent a very early phase of industrial development), architectural character (is not a good example of an architectural style from its period and/or a significant architect or builder, and is not associated with early industrialists or industries, and does not retain essential character-defining features from the period of significance), and/or physical integrity (the setting, such as surrounding buildings and land uses, has changed and does not retain integrity of location, design, and feeling). The Project Site is not currently listed under national, state, or local landmark or historic district programs and is not included as significant in any historic resource surveys of the area. Therefore, the Project Site was eliminated from further analysis as potential historical resource.<sup>28</sup>

(b) *Nearby Historic Resources*

In addition to evaluation of the Project Site, the Historical Report established a study area to account for impacts on historical resources identified in the vicinity of the Site. The study area is different for each project and is based on the surrounding setting and the scope of the project being evaluated. The study area should be large enough to consider the potential impact to historical resources in the vicinity; however, the potential for impact needs to be reasonably foreseeable. For the Project, the study area includes the Project Site and parcels immediately adjacent to or opposite from the Project Site. Parcels beyond this study area were not included because the Project would have no potential to directly or indirectly impact the buildings or their setting based on their distance. There are three historical resources located within the study area: the Downtown Los Angeles Industrial Historic District (Historic District), the National Biscuit Company Building, and the Toy Factory Lofts. As detailed below, the National Biscuit Company Building has been listed locally as an HCM. In addition, although the Historic District and the Toy Factory Lofts have not been formally listed on the National Registry, California Registry, or a local registry for historical resources, they have been evaluated as eligible for listing and are, therefore, considered as historical resources for the purposes of this analysis.

(i) *Downtown Los Angeles Historic District*

The Historic District is located between the Alameda Street corridor and the Los Angeles River and has an irregular boundary, but it is essentially bound by E. 1<sup>st</sup> Street to the north, Santa Fe Avenue and Mateo Street to the east, E. 7<sup>th</sup> Street to the south, and S. Alameda Street to the west. The Historic District was identified by SurveyLA as appearing eligible for listing in the National Register, California Register, and as an HPOZ at the local level of significance under Criterion A/1/1 for its association with the industrial

<sup>28</sup> GPA Consulting, 676 S. Mateo Street Historical Resources Technical Report, December 2018, page 3.

development of Los Angeles. The Historic District has Status Codes<sup>29</sup> of 3S, 3CS, and 5S3.<sup>30</sup> In accordance with the OHP’s “Instructions for Recording Historical Resources,” these status codes indicate that the Historic District appears eligible for individual listing with the National Register, California Register, and local listing or designation through survey evaluation.

(ii) *National Biscuit Company Building*

Within the Project’s study area, there are two contributing buildings that are located within the boundaries of the Historic District: the National Biscuit Company Building (1820 E. Industrial Street) and the Toy Factory Lofts (1855 E. Industrial Street), both located immediately across S. Mateo Street to the west of the Project Site. The National Biscuit Company Building has Status Codes of 3D, 3CD, 3S, 3CS, and 5S1.<sup>31</sup> In accordance with the OHP’s “Instructions for Recording Historical Resources,” these status codes indicate that the National Biscuit Company Building appears eligible for the National Register and the California Register both as an individual property and as a contributor to a National Register or California eligible district through survey evaluation. In addition to being a contributing building to the Historic District, the National Biscuit Company Building is individually listed as an HCM (as indicated by the Status Code 5S1).<sup>32</sup>

(iii) *Toy Factory Lofts*

The Toy Factory Lofts has Status Codes of 3S, 3D, 3CS, 3CD, 5S3, and 5D3.<sup>33</sup> In accordance with the OHP’s “Instructions for Recording Historical Resources,” these status codes indicate that the Toy Factory Lofts building appears eligible for listing in the National Register and California Register as well as for local designation.

<sup>29</sup> *The evaluation instructions and classification system prescribed by the Office of Historic Preservation, in its “Instructions for Recording Historical Resources,” provide a three-digit evaluation code for use in classifying potential historical resources. In 2003, the codes were revised to address the California Register. The first digit indicates the general category of evaluation. The second digit is a letter code to indicate whether the resource is separately eligible (S), eligible as part of a district (D), or both (B). The third digit is a number, which is coded to describe some of the circumstances or conditions of the evaluation.*

<sup>30</sup> *GPA Consulting, 676 S. Mateo Street, Los Angeles, California, Historical Resources Technical Report, December 2018, p. 14.*

<sup>31</sup> *GPA Consulting, 676 S. Mateo Street, Los Angeles, California, Historical Resources Technical Report, December 2018, p. 14.*

<sup>32</sup> *GPA Consulting, 676 S. Mateo Street, Los Angeles, California, Historical Resources Technical Report, December 2018, p. 14.*

<sup>33</sup> *GPA Consulting, 676 S. Mateo Street, Los Angeles, California, Historical Resources Technical Report, December 2018, p. 14.*

## (2) Archaeological Resources

A detailed prehistoric context, ethnographic setting, and historic setting are provided in the *676 Mateo Street Project Phase I Archaeological Resources Assessment Report* (Archaeological Assessment) prepared by ESA (see **Appendix C.2**).

### (a) Cultural Setting

The Project Site is located in a region traditionally occupied by the Takic-speaking Gabrielino Indians. 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. Following visits and explorations by Spanish colonizers, missions were established throughout southern California. By the early 1800s, the majority of the surviving Gabrielino population had entered the mission system. The Gabrielino inhabiting Los Angeles County were under the jurisdiction of either Mission San Gabriel or Mission San Fernando. The authority of the California missions gradually declined, culminating with their secularization in 1834.<sup>34</sup>

When Los Angeles was connected to the transcontinental railroad via San Francisco on September 5, 1876, it experienced a significant boost in population. The City would experience its greatest growth in the 1880s when two more direct rail connections to the East Coast were constructed. The Southern Pacific completed its second transcontinental railway, the Sunset Route from Los Angeles to New Orleans, in 1883. In 1885, the Santa Fe Railroad completed a competing transcontinental railway to San Diego, with connecting service to Los Angeles. The resulting fare wars led to an unprecedented real estate boom, as well as affordable cross-country fares for immigrants. Despite a subsequent collapse of the real estate market, the population of Los Angeles increased 350 percent in the decade between 1880 and 1890.<sup>35</sup>

The population boom of the 1880s drove the demand for real estate in Los Angeles. Farmland south and east of the City began to be replaced by residential and commercial development. Large tracts of agricultural land, now far more valuable for residential development, were subdivided and sold. From 1890 to 1900, the City continued to grow, and many infrastructure projects were completed during this decade. E.L. Doheny discovered oil in 1892, adding fuel to the flame. From 1900 to 1920, Los Angeles became a tourist mecca. The Los Angeles Aqueduct was constructed and a large portion of the

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<sup>34</sup> Adapted from ESA, *676 Mateo Street Project, City of Los Angeles, California, Phase I Archaeological Resources Assessment Report, February 2019, ps. 13 - 16.*

<sup>35</sup> Adapted from ESA, *676 Mateo Street Project, City of Los Angeles, California, Phase I Archaeological Resources Assessment Report, February 2019, p. 17.*

San Fernando Valley annexed to the City during the first decade of the 20th century. From 1920 to 1930, Los Angeles experienced another population explosion, along with the rise of automobile transportation and the development of the entertainment industry. All told, between 1890 and 1930, the population of Los Angeles increased from 50,000 to 1.2 million people.<sup>36</sup>

(i) *Zanja Conduit System*

For the Pueblo of Los Angeles, the *zanjas*, or publicly owned irrigation ditches, sustained the area, enabled ranching and cultivation of the Los Angeles River's fertile floodplains. The *zanjas* consisted of gravity systems, which resulted in the irrigation of lands that lay at lower elevations from the water's source. The main ditch – the *Zanja Madre* (Mother Ditch) - was constructed in 1781 and carried water from the Los Angeles River south to the agricultural lands surrounding the pueblo. As the pueblo grew and more water was diverted from the river, the supply began to dwindle. Initially, however, there was little worry about the future water needs of the City, and no regulation of the water distribution itself. Typically, farmers would dig their own ditches from the main ditches or from the river. Private water carriers hauled and sold water to households for domestic use.<sup>37</sup>

By the mid-19th century, City officials established a system of water use fees and rules to govern the *zanjas*. They created the official City position of *zanjero*, the highest paid public official in Los Angeles. The duties of the *zanjero* varied including issuance of permits for water usages, maintenance of the ditches, maintenance of the City dam, and even the early coordination of flood control work on the Los Angeles River. While the *zanjas* worked well for irrigation, the water was frequently unsuitable for domestic purposes. The City had no sewer system or other outlet for its liquid waste, and the *zanjas* were being used for laundry and bathing, as well as trash and sewage disposal. Several efforts to pipe domestic water directly to homes were tried as early as 1864. As the pueblo development and population expanded, an effort was made to develop a residential water system in Los Angeles with projects designed to distribute water by directly piping water into homes from local springs and the river. In what seemed to be a laborious process, a former county judge named William G. Dryden was eventually awarded a franchise to distribute water from a series of springs located within present day Chinatown at the intersection of College and Alameda approximately 1.75 miles north of the Project Site. Dryden created a system of distribution by forming the Los Angeles Water Works Company in 1858, and building a forty-foot water wheel in the *Zanja Madre*, as well as other components of the system. This system provided running water to the

<sup>36</sup> Adapted from ESA, 676 Mateo Street Project, City of Los Angeles, California, Phase I Archaeological Resources Assessment Report, February 2019, p. 17.

<sup>37</sup> Adapted from ESA, 676 Mateo Street Project, City of Los Angeles, California, Phase I Archaeological Resources Assessment Report, February 2019, p. 17.

homes of the City's elite residing near the plaza. Eventually the system failed due to seasonal flooding and the plaza's residents were once again reduced to relying on water carted in for their use.<sup>38</sup>

After several more attempts by the City, (who had decided to develop their own water system), John Luis Sainsevain, who had been integral in development of the system, owned a lease to the domestic supply system and he erected a water wheel at the dam that he had built on the river. In addition to the wheel he built a small reservoir with a capacity of the 700,000 gallons near the Catholic Cemetery, located at the intersection of North Broadway Street and Bishops Road, located approximately 2.2 miles north of the Project Site. To keep up with demand, the City allowed several private companies to be formed in order to provide domestic supplies of water. The City continued to oversee the irrigation system, eventually enclosing several of the *zanjas* or creating ornamental *zanjas* in several areas.<sup>39</sup>

As Southern California grew, the Los Angeles River became an inadequate supply of water for the residential and industrial development that gradually displaced agricultural uses. With the arrival of the Southern Pacific Railroad, the demand became so great that the Los Angeles City Water Company began tapping the river's water supply before it even reached the surface. Water supply reservoirs began to be used and the *zanja* system was gradually abandoned and, in some cases, dismantled.<sup>40</sup> By 1902, the Los Angeles municipal government took back jurisdiction of its own water needs and purchased the existing water system, which consisted of seven reservoirs and 337 miles of pipe. Figures 3 and 4 of the Archaeological Assessment, included as **Appendix C.2** of this Draft EIR, depict the locations of the *zanjas* in 1887 relative to the Project Site, and indicate that the *Zanja* No. 1 runs adjacent to the western portion of the Project Site.

(b) *History of the Project Site*

Most early maps from the 1850s to the 1870s do not depict the Project Site, likely due to the fact that it was undeveloped. One map depicts the Project Site and the land south of the City center, as agricultural land used for wine grapes, vegetables, fruit and nut groves, and pasture land in the 1850s.<sup>41</sup> Later maps dating from 1884 to 1887, as well as photographs of the Project Site and vicinity, indicate that it was part of the Wingerter Tract

<sup>38</sup> Adapted from ESA, 676 Mateo Street Project, City of Los Angeles, California, Phase I Archaeological Resources Assessment Report, February 2019, p. 18.

<sup>39</sup> Adapted from ESA, 676 Mateo Street Project, City of Los Angeles, California, Phase I Archaeological Resources Assessment Report, February 2019, p. 18.

<sup>40</sup> Adapted from ESA, 676 Mateo Street Project, City of Los Angeles, California, Phase I Archaeological Resources Assessment Report, February 2019, p. 18.

<sup>41</sup> Gumprecht, Blake, *Los Angeles River: Its Life, and Possible Rebirth*, Reprinted 2001, p. 59.

in 1884, and by 1887, the Rowan map, and tract maps of the Wingerter Tract indicates that the Project Site had been subdivided for development.

In large part because of this agricultural heritage, the earliest industries in this part of the City were related to processing agricultural produce. Flour mills were established in the 1870s and 1880s to process local grain. Packing houses and cold storage opened along rail alignments to prepare citrus and deciduous fruits for shipment, and during the late 19th century, several local wineries fermented Los Angeles grapes throughout the City's growing industrial area.

The Project Site was first developed with six dwellings and associated outbuildings before 1900. Between 1900 and 1938, the majority of the residences on the Project Site had been demolished with the exception of one residence that remained to the southwest. A small group of industrial buildings were constructed on the northern portion of the site, and a small building was also constructed along the eastern portion of the Project Site adjacent to South Imperial Street. The rest of the property was used as a surface parking lot. By the mid-1950s, Star Truck & Warehouse Company used the Project Site for truck maintenance, washing, and parking. In 1954, Star Truck constructed a new building in the center of the parcel that extended beyond the present-day property boundaries of the Project Site. Between 1960 and 1967, the remaining dwelling on the southwest portion of the Project Site was demolished. In 1977, the Star Truck building was demolished, and a new concrete warehouse and office building addressed as 676 S. Mateo Street was subsequently constructed on the Project Site in 1978.

(c) *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.<sup>42</sup> Available maps include the following: 1894, 1896 and 1900 Los Angeles, 15-Minute quadrangles; 1928, 1953, 1966, 1972, 1981, and 1994 Los Angeles 7.5-Minute topographic quadrangles. 1900, 1906, 1950, 1953, 1954, 1959, 1960, 1967, and 1970 Sanborn Fire Insurance Maps. Historic aerial photographs of the Project site from the years 1923, 1928, 1938, 1948, 1952, 1948, 1952, 1964, 1972, 1977, 1983, 1989, 1994, 2002, 2005, 2009, 2018, 2012 were also examined.

The 1894, 1896, and 1900 topographic maps identify the Project Site with urban development which became denser by 1953. The 1966, 1972, 1981, and 1994 topographic maps depict the Project Site and immediately surrounding area of Los

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<sup>42</sup> Partner Engineering and Science Inc., *Phase I Environmental Site Assessment, 676 Mateo Street, April 22, 2016.*

Angeles to the east of the Civic Center and west of the Los Angeles River. No individual structures are identified on the Project Site on the topographic maps within the vicinity of the Project Site.<sup>43</sup>

The 1900 and 1906 Sanborn Maps depicts the Project Site as platted for residential development and show at 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. 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.<sup>44</sup>

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 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.<sup>45</sup>

(i) *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 years 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 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*

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<sup>43</sup> Partner Engineering and Science Inc., *Phase I Environmental Site Assessment, 676 Mateo Street, April 22, 2016.*

<sup>44</sup> Partner Engineering and Science Inc., *Phase I Environmental Site Assessment, 676 Mateo Street, April 22, 2016.*

<sup>45</sup> Partner Engineering and Science Inc., *Phase I Environmental Site Assessment, 676 Mateo Street, April 22, 2016.*

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.2** 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.”<sup>46</sup> 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.<sup>47</sup> Based on this information, the *Zanja* segment near the Project Site is likely open earthen ditch.

(d) *Archaeological Resource Evaluation*

As part of the Archaeological Assessment, the SCCIC conducted a data search for archaeological resources within the vicinity of the Project Site on December 7, 2017, at the CHRIS SCCIC housed at California State University, Fullerton. The records search included a review of all recorded cultural resources and previous studies within the Project Site as well as a 0.5-mile radius. The 0.5-mile radius is appropriate in developed urban areas in order to provide a context with which to conduct sensitivity analysis of the Project Site.

The records search results indicate that 27 cultural resources studies have been conducted within a 0.5-mile radius of the Project Site. Approximately 80 percent of the 0.5-mile records search radius has been included in previous cultural resources studies. Of the 27 previous studies, one overlaps with the Project Site, which was a cultural resources inventory report for a fiber optic cable system. Additionally, a study entitled, *Extent of Zanja Madre* which includes maps that depict a segment of the *Zanja* (*Zanja* No. 1) as mapped adjacent the Project Site to the west. Although segments or sections

<sup>46</sup> 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.

<sup>47</sup> 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.*

of the larger system have been previously evaluated, the entire *Zanja* system has not been previously evaluated for listing in the National Register, California Register, or for its potential to qualify as Historic-Cultural Monuments (HCM) under the City of Los Angeles Cultural Heritage Ordinance. For the purposes of this Project, the City, as lead CEQA agency has made the discretionary determination to treat the *Zanja* System as a “historical resource” under CEQA.

The results of the records search are presented in **Table IV.B-1, Archaeological Resources Search Results**. Due to the sensitive nature of cultural resources, archaeological site locations are not released.

**Table IV.B-1  
Previously Recorded Archaeological Resources**

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 <sup>th</sup> 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.*

As a result of the SCCIC records research and archaeological resources survey conducted for the Project, no archaeological resources have been identified within the Project Site. The closest known archaeological resource is approximately 0.2-mile from the Project Site and consists of a small historic-period archaeological site consisting of scattered historic brick and glass.

*(i) Sacred Lands File Search*

The NAHC maintains a confidential Sacred Lands File (SLF) 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 SLF. The NAHC responded to the request in a letter dated December 20, 2017. The NAHC’s letter states that sites are known to be located within the Project Site, but did not provide specific information regarding these sites. The City, as lead CEQA agency, is conducting consultation with tribes who are traditionally and culturally affiliated with the geographic area associated with the Project Site pursuant to Assembly Bill 52 and its relevant implementing regulations. Refer to **Section IV.L, Tribal Cultural Resources**, of this Draft EIR for further information.

### 3. Project Impacts

#### a) Thresholds of Significance

In assessing the Project's potential impacts related to cultural resources, the City has determined to use the questions in Appendix G of the *State CEQA Guidelines* as well as the applicable *State CEQA Guidelines* that directly pertain to cultural resources as its thresholds of significance. The factors below from the L.A. CEQA Thresholds Guide were used where applicable and relevant to assist in analyzing the Appendix G questions.

In accordance with the *State CEQA Guidelines* Appendix G (Appendix G), the Project would have a significant impact related to cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or**
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or**
- c) Disturb any human remains, including those interred outside of dedicated cemeteries (see *Public Resources Code, Ch. 1.75, Section 5097.98, and Health and Safety Code Section 7050.5(b)*).**

Section 15064.5(b)(1) of the *State CEQA Guidelines* provides that a project may cause a significant environmental effect where the project could result in a substantial adverse change in the significance of a historical resource.<sup>48</sup> *State CEQA Guidelines* Section 15064.5 defines a "substantial adverse change" in the significance of a historical resource to mean physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be "materially impaired."

Section 15064.5(b)(2) of the *State CEQA Guidelines* (defines "materially impaired" for purposes of the definition of "substantial adverse change" as follows:

The significance of a historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to PRC Section 5020.1(k) or its identification in an historical

<sup>48</sup> *Public Resources Code, Section 21084.1.*

resources survey meeting the requirements of PRC Section 5024.1(g), unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

In accordance with Section 15064.5(b)(3) of the *State CEQA Guidelines*, a project that would have a potential material impact on a historic resource that follows the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* is considered to have mitigated impacts on historic resources to a less than significant level.

The L.A. CEQA Thresholds Guide identifies the following factors to evaluate cultural resources:

### (1) Historical Resources

A Project would have a significant impact if a substantial adverse change in historic significance occurs due to any of the following:

- Demolition of a significant resource;
- Relocation that does not maintain the integrity and significance of a significant resource;
- Conversion, rehabilitation, or alteration of a significant resource which does not conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards); or
- Construction that reduces the integrity or significance of important resources on the site or in the vicinity.<sup>49</sup>

### (2) Archaeological Resources

A project would normally have a significant impact upon archeological resources if it would disturb, damage, or degrade an archeological resource or its setting that is found to be important under the criteria of CEQA because it:

<sup>49</sup> *Los Angeles CEQA Thresholds Guide, Section D.3, Historical Resources, City of Los Angeles, 2006, p. D.3- 1.*

- Is associated with an event or person of recognized importance in California or American prehistory or of recognized scientific importance in prehistory;
- Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions;
- Has a special or particular quality, such as the oldest, best, largest, or last surviving example of its kind;
- Is at least 100 years old and possesses substantial stratigraphic integrity; or
- Involves important research questions that historical research has shown can be answered only with archaeological methods.

## **b) Methodology**

### **(1) Historical Resources**

This analysis relies upon the methodology utilized for the Historical Report,<sup>50</sup> which was prepared by professional individuals who meet or exceed the Secretary of the Interior's Professional Qualification Standards in history, architectural history, and historic preservation planning. Project Site inspections and property history research were conducted to document and assist in assessing the existing conditions. The Project's conceptual design plans were reviewed, and visual inspection of the Project Site was conducted.

All applicable professional standards for the identification and evaluation of historic resources were utilized in the preparation of the historic assessment, including (but not limited to):

- Secretary of the Interior's Standards for Preservation Planning
- *National Register Bulletin 24: Guidelines for Local Surveys: A Basis for Preservation Planning*
- *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*
- *Instructions for Recording Historical Resources* (State of California Office of Historic Preservation)

<sup>50</sup> GPA Consulting, 676 S. Mateo Street, Los Angeles, California, Historical Resources Technical Report, December 2018. Included as **Appendix C.1** to this Draft EIR.

The Project Site was evaluated for significance under applicable criteria, including those for the National Register and California Register and local designation programs (see Regulatory Setting, above). Evaluation was conducted in light of the historic context themes and property types identified by SurveyLA. The potential impacts of the Project were analyzed in accordance with Section 15064.5 of the *State CEQA Guidelines*. As such, the test for determining whether or not a proposed project would have a significant impact on an identified historical resource is whether or not the project would alter in an adverse manner the physical integrity of the historical resource such that it would no longer be eligible for listing in the National or California Registers or other landmark programs such as the list of HCMs. Projects that may affect historical resources are considered to have less-than-significant impacts if they are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Though none of the standards apply specifically to new construction in the vicinity of historical resources, Standards #9 and #10 of the Standards for Rehabilitation<sup>51</sup> provide relevant guidance for such projects. The Historical Report, prepared by GPA Consulting, dated May 2018, is attached to this Draft EIR as **Appendix C.1**.

## (2) Archaeological Resources

To evaluate potential impacts to archaeological resources, ESA conducted an Archaeological Resources Assessment<sup>52</sup> for the Project that included an archaeological data search by the SCCIC at California State University, Fullerton, as well as a site visit on December 17, 2017, and geoarchaeological and historic map review. The SCCIC data incorporates a review of technical records of previous studies and findings related to archaeological resources. The data provided in the Archaeological Assessment was used to inform the environmental setting at the Project Site for archaeological resources as well as the probability of potential impacts to archaeological resources from implementation of the Project. The report's findings, in addition to the thresholds of significance enumerated below, formed the basis of the impact determination. The Archaeological Assessment is attached to this Draft EIR as **Appendix C.2**.

## c) Project Design Features

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

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<sup>51</sup> U.S. Department of the Interior, National Park Service, *Standards for Rehabilitation Website*, accessed: February 2019.

<sup>52</sup> ESA, *676 Mateo Street Project, City of Los Angeles, California, Phase I Archaeological Resources Assessment Report*, February 2019. Included as **Appendix C.2** to this Draft EIR.

## 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, cultural resources impacts are typically site-specific and dependent on a project's proposed design (i.e. height and massing) and depth/amount of excavation. The Flexibility Option would be located on the same Project Site with the same distance to historical resources and the same subsurface sensitivity for buried archaeological 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 5097.98, as amended by Assembly Bill 2641. 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 historical resource pursuant to Section 15064.5 of the State CEQA Guidelines?***

Because the Flexibility Option would be located on the same Project Site and would have the same height and massing as 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

#### (a) Direct Impacts

According to the Historical Report, the Project would have no direct impacts on historical resources.<sup>53</sup> The Project Site is not located within the boundaries of the Historic District and as detailed in the Existing Setting subsection above, the existing building on the Project Site was eliminated from further analysis as a potential historical resource. Based upon field inspection and research, the building does not appear to meet the eligibility standards for the Early Industrial Development Theme formulated for the *Los Angeles*

<sup>53</sup> GPA Consulting, 676 S. Mateo Street, Los Angeles, California, *Historical Resources Technical Report*, December 2018, p. 22.

*Historic Context Statement* due to a lack of age, architectural character, and/or physical integrity.<sup>54</sup> In addition, the building is not currently listed as a landmark at the local, state, or national levels and is not included as significant in any historic resource surveys of the area, including SurveyLA. Accordingly, there are no historical resources on the Project Site and no historical resources would be demolished, destroyed relocated, or altered as a result of the Project. **Therefore, direct impacts of the Project and Flexibility Option on historical resources would be less than significant; no mitigation measures would be required.**

(b) *Indirect Impacts*

As detailed above, three historical resources are located within the vicinity of the Project Site with the potential to be indirectly impacted by the Project: the Downtown Los Angeles Industrial Historic District (Historic District), the National Biscuit Company Building, and the Toy Factory Lofts.

(i) *Downtown Los Angeles Industrial Historic District*

Indirect impacts of the Project on the Historic District could only occur if the Historic District no longer retained sufficient integrity to convey its significance as the City's primary industrial district from the late nineteenth century through World War II as a result of the Project. According to *National Register Bulletin #15*,<sup>55</sup> there are seven aspects of integrity: feeling, association, workmanship, location, design, setting, and materials. Because the Project is located outside the boundaries of the Historic District and would not alter the physical features of this historical resource, the only relevant aspect of integrity with respect to the analysis of the indirect impacts of the Project on the Historic District is setting.

Although the Project would introduce a new visual element to the vicinity of the Historic District, it would not affect the setting of the Historic District. Because the Project Site is located outside the boundaries of the Historic District, the new building would not change the relationships between the Historic District's significant components, including its contributing buildings, such as the National Biscuit Company Building and the Toy Factory Lofts, and other significant features, such as its location, interior circulation pattern, predominantly industrial use, absence of landscaping, and evidence of former rail lines. The integrity of immediate setting would remain intact throughout the Historic District. Further, the overall integrity of the surrounding setting of the historical resource has already been changed by alterations and new construction. In addition, the majority of

<sup>54</sup> GPA Consulting, 676 S. Mateo Street, Los Angeles, California, *Historical Resources Technical Report*, December 2018, p. 22.

<sup>55</sup> U.S. Department of the Interior, National Parks Service, *National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation*, 1997, p. 7-8.

the views of the Historic District from the surrounding blocks would not be obscured. The buildings within the boundaries of the Historic District would overall remain highly visible from most vantages, including S. Mateo Street, Jesse Street, and E. 7<sup>th</sup> Street, and continue to be prominent features on the block on which they are located. While the 116-foot-tall (to top of parapet) Project would partially obscure the view of the historical resource from directly east of the Project Site, there is nothing in the guidance issued by the National Park Service that suggests obscuring views of a historic district from the area immediately outside its boundaries impacts the historic district's integrity of setting. Therefore, obscuring this view of the Historic District would not materially impair the Historic District's eligibility as a historical resource because it is not pertinent to conveying its significance. Accordingly, the Project would not result in a substantial adverse change to the setting of the Historic District to the degree it would no longer be eligible for listing under national, state, or local historic district programs. **Indirect impacts of the Project and Flexibility Option on the Downtown Los Angeles Industrial Historic District would be less than significant; no mitigation measures would be required.**

(ii) *National Biscuit Company Building*

Indirect impacts of the Project on the National Biscuit Company Building could occur if the building no longer retained sufficient integrity to convey its significance as a historical resource under national, state, or local landmark designation programs. The Project would not alter the physical features of the National Biscuit Company Building. Therefore, the only relevant aspect of integrity with respect to the impact of the new building on this historical resource is setting.

Because the Project Site is located outside the parcel boundaries of the National Biscuit Company Building, which is located approximately 65 feet to the west, immediately across S. Mateo Street, it would not impact the building's integrity of immediate setting. The Project would not have any impact on the physical characteristics that convey the historical resource's historic significance and justify its inclusion in landmark designation programs. Further, although the Project would introduce a new visual element to the east of the National Biscuit Company Building, this area has already been significantly impacted by alterations or construction and the overall integrity of the surrounding setting is low as a result of substantial changes to the built environment over time. Because the new building (8 stories) and the National Biscuit Company Building (7 stories) would be similar heights, the new building would obscure the historical resource's visibility from directly east of the Project Site, however, obscuring this view would not materially impair the National Biscuit Company Building's eligibility as a historical resource because, as described above, there is nothing in the guidance issued by the National Park Service that suggests that the view of an historic district from outside its boundaries is pertinent to conveying its significance. The building would remain fully visible from S. Mateo Street

and E. Industrial Street and the Project would not have any impact on the view of the north elevation from E. Industrial Street or its east elevation from S. Mateo Street, which represent the most important views of the building. The National Biscuit Company Building would remain highly visible overall and continue to be a prominent feature of the block. Therefore, the Project would not result in a substantial adverse change to the setting of the National Biscuit Company Building to the degree it would no longer be eligible for listing under national, state, or local historic district programs.

Indirect impacts to the National Biscuit Company Building could also occur if the Project was incompatible with the Secretary of the Interior's Rehabilitation Standards #9 and #10, which address new construction. Because the Project Site is in close proximity to, and highly visible from the National Biscuit Company Building, it can be considered "related new construction."

Standard #9<sup>56</sup> states: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, or spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, massing, size, scale and proportion, and architectural features to protect the historic integrity of the property and its environment." The Project is located on a separate parcel from the National Biscuit Company Building and would, therefore, not destroy historic materials and features or spatial relationships that characterize the property. Additionally, the new building (8 stories) would be similar in height to the National Biscuit Company Building (7 stories); therefore, it would be compatible with the size and scale of the historical resource. Although the new building's materials, features, proportion, and massing cannot necessarily be characterized as compatible, compatible design is less important for related new construction when it does not alter historic physical features or change the relationships between historic buildings. Using complementary materials is more important for additions to a historic building, or where there is an established architectural style and palette of materials, such as within a historic district, neither of which is the case with the Project. The Project's design would not reduce the integrity or significance of the National Biscuit Company Building. As such, the Project would comply with the Secretary of the Interior's Rehabilitation Standard #9.

Standard #10 states: "New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired." The Project would be separated from the National Biscuit Company Building and should the Project building be removed in the future, the National Biscuit Company Building would not be materially affected. The essential form and integrity of the historical resource and its environment

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<sup>56</sup> U.S. Department of the Interior, National Park Service, *Standards for Rehabilitation Website*, accessed: February 2019.

would be unimpaired. Therefore, the Project would comply with the Secretary of the Interior's Rehabilitation Standard #10.

As detailed above, the Project would not impact the building's integrity of setting to the degree that it would no longer be eligible as an individual landmark building because the Project Site is located outside the parcel boundaries of the National Biscuit Company Building and therefore, would not alter the appearance of the National Biscuit Company Building nor would the Project alter the spatial relationships that characterize the property. Further, the Project would comply with the Secretary of the Interior's Rehabilitation Standards #9 and #10. **Therefore, the indirect impacts of the Project and Flexibility Option on the National Biscuit Company Building would be less than significant; no mitigation measures would be required.**

*(iii) Toy Factory Lofts*

The analysis for determining impacts of adjacent new construction on the Toy Factory Lofts is similar to the analysis described above for the National Biscuit Company. The central question is whether the Toy Factory Lofts' integrity of setting would be so diminished by the new construction that it would no longer qualify as a historical resource under national, state, or local landmark designation programs.

The Toy Factory Lofts is separated from the Project Site by S. Mateo Street. Because the Project Site is located outside the parcel boundaries of the historical resource, it will not impact the Toy Factory Lofts' integrity of immediate setting. The Project would not have any impact on the physical characteristics that convey the historical resource's historic significance and justify its inclusion in landmark designation programs.

The Project would introduce a new visual element to the east of the Toy Factory Lofts, but as described above in the analysis of Project impacts on the Historic District, this area has already been significantly impacted by alterations or construction outside the period of significance for the historical resource (1924). The overall integrity of the surrounding setting to the east of S. Mateo Street is low as a result of substantial changes to the built environment over time.

The most important views of the Toy Factory Lofts are of its south elevation from E. Industrial Street and its east elevation from S. Mateo Street. The Project would not have any impact on the view of the south and east elevations from these vantages. The building would remain fully visible from S. Mateo Street and E. Industrial Street (see Figures 10-12). The relatively small footprint of the new building and the narrow width of the frontage on S. Mateo Street also prevent it from overwhelming the historical resource. As a result, the Toy Factory Lofts would remain highly visible overall and continue to be a prominent feature of the block. Because the new building and the Toy Factory Lofts would be similar heights, the new building would obscure the historical resource's visibility

from directly east of the Project site. However, obscuring this view would not materially impair the Toy Factory Lofts' eligibility as a historical resource because it is not pertinent to conveying its significance.

Standard #9 is relevant to the analysis of potential impacts for individual resources. Standard #9 states: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, or spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, massing, size, scale and proportion, and architectural features to protect the historic integrity of the property and its environment." Because the proposed Project is in close proximity to, and highly visible from the Toy Factory Lofts, it can be considered "related new construction."

The new building would be located east of the adjacent historical resource. The Toy Factory Lofts is located on a parcel separate from the Project site and is not part of the Project, thus the new building would not destroy historic materials and features or spatial relationships that characterize the property. At 110 feet above grade, the new building would be similar in height to the Toy Factory Lofts; therefore, it would be compatible with the size and scale of the historical resource. It would be differentiated from the Toy Factory Lofts by its contemporary design and materials. While the building's materials, features, proportion, and massing cannot necessarily be characterized as compatible, compatible design is less important for related new construction when it does not alter historic physical features or change the relationships between historic buildings. Using complementary materials is more important for additions to a historic building, or where there is an established architectural style and palette of materials, such as within a historic district. Neither is the case in this instance. Although the new building would not strictly comply with this particular aspect of Standard #9, it would not reduce the integrity or significance of the nearby historical resource, which is the City's CEQA threshold for an adverse impact.

Standard #10 is also relevant to the analysis of potential impacts for individual resources. Standard #10 states: "New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."

The Project complies with Standard #10. The new building is separated from the historical resource to the west of the Project site. If the new building were removed in the future, the adjacent historical resource would not be materially affected. The essential form and integrity of the historical resource and its environment would be unimpaired.

In conclusion, the Project would not impact the building's integrity of setting to the degree that it would no longer be eligible for listing in the National Register and California Register

as well as for local designation. The Project complies with Standard #9 to the extent appropriate. It also complies with Standard #10. **Accordingly, the Project and the Flexibility Option would have a less than significant impact on the Toy Factory Lofts; no mitigation measures would be required.**

## (2) Mitigation Measures

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

## (3) Level of Significance after Mitigation

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

### ***Threshold b) Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the State CEQA Guidelines?***

Because the Flexibility Option would be located on the same site with the same sensitivity for buried archaeological 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 previously discussed, the results of SCCIC's archaeological records search for the Project indicate that there are no known prehistoric or historic archaeological resources on the Project Site. However, given that the Project Site is in close proximity to other previously discovered archaeological finds, and is underlain by fine-grained younger alluvium, which has a high sensitivity for buried archaeological resources, the SCCIC's findings do not preclude the potential for an archaeological resource to be identified during construction activities associated with the Project. Additionally, the buildings that are currently present within the Project Site do not contain basements, and the construction of these buildings would not have likely destroyed any potential subsurface archaeological resources. The Project would require excavation to a maximum depth of approximately 47 feet below the surface to construct the three-level subterranean parking structures, building foundations, and infrastructure and utility improvements (e.g., sewer, electrical, water, and drainage systems). Thus, the possibility exists that Project excavation into high sensitivity sediments could significantly impact archaeological resources that were not encountered during prior construction or other human activity at

the Project Site. Accordingly, mitigation measures MM CUL-1 through MM CUL-3, outlined below under Mitigation Measures, would require the retention and involvement of a Qualified Archaeologist to provide technical and compliance oversight of all work as it relates to archaeological resources and an archaeological monitor to monitor construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project or as determined necessary by the Qualified Archaeologist. The activities to be monitored would also include off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, or road improvements.

Additionally, although the *Zanja* No. 1 branch is mapped as having been located to the west side of the Project Site, some level of error could exist with the maps reviewed during the preparation of the Archaeological Assessment and there remains a possibility that the *Zanja* could be encountered during construction activities. Accordingly, mitigation measure MM CUL-4, outlined below under Mitigation Measures, would be required in the event that *Zanja* Conduit System-related infrastructure is unearthed. Mitigation measure MM CUL-4 outlines the appropriate protection of the *Zanja* and development of a formal treatment plan.

Implementation of mitigation measures MM CUL-1 through MM CUL-4 and compliance with PRC Section 21083.2 requirements would ensure the appropriate monitoring for and identification, protection, recovery, and applicable treatment of significant archaeological resources and thereby ensure that Project impacts would be reduced to less than significant levels. **Therefore, with implementation of mitigation measures MM CUL-1 through MM CUL-4, impacts on archaeological resources under the Project and the Flexibility Option would be less than significant with mitigation.**

## (2) Mitigation Measures

Under both the Project and the Flexibility Option, impacts to archaeological resources would require the following mitigation measure:

**MM CUL-1** Prior to the issuance of a demolition permit, the Applicant or its Successor shall retain a Qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. The activities to be monitored shall also include off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, or road improvements. The monitor shall have the authority to direct the pace of construction equipment in areas of high sensitivity. The frequency of

monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified Archaeologist. Prior to commencement of excavation activities, an Archaeological Sensitivity Training shall be given for construction personnel. The training session, shall be carried out by the Qualified Archaeologist, will focus on how to identify archaeological resources that may be encountered during earthmoving activities, and the procedures to be followed in such an event.

**MM CUL-2** In the event that historic (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, burials, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A 50-foot buffer shall be established by the qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by the qualified Archaeologist. If a resource is determined by the qualified Archaeologist to constitute a “historical resource” pursuant to *State CEQA Guidelines* Section 15064.5(a) or a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the qualified Archaeologist shall coordinate with the Applicant and the Department of City Planning to develop a formal treatment plan that would serve to reduce impacts to the resources. If any prehistoric archaeological sites are encountered within the project area, consultation with interested Native American parties will be conducted to apprise them of any such findings and solicit any comments they may have regarding appropriate treatment and disposition of the resources. The treatment plan established for the resources shall be in accordance with *State CEQA Guidelines* Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If in coordination with the Department of City Planning, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified Archaeologist in coordination with the Department of City Planning and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any

archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

**MM CUL-3** Prior to the release of the grading bond, the qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register and CEQA. The report and the Site Forms shall be submitted by the Project Applicant or its Successor to the Department of City Planning, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the development and required mitigation measures.

**MM CUL-4** In the event that *Zanja* Conduit System-related infrastructure is unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate exclusion area that accounts for the linear nature of the resource shall be established by a Qualified Archaeologist, meeting the Secretary of the Interior Standards in Archaeology. Construction activities shall not be allowed to continue within the exclusion area until directed by the Qualified Archaeologist in consultation with the Department of City Planning, but work shall be allowed to continue outside of the exclusion area. The Qualified Archaeologist shall coordinate with the Applicant or its Successor, the Department of City Planning, and the City's Office of Historic Resources to develop a formal treatment plan for the resource that would serve to mitigate impacts to the resource(s). The treatment measures listed in California Code of Regulations Section 15126.4(b) shall be considered when determining appropriate treatment for the *Zanja* resource. As noted in California Code of Regulations Section 15126.4(b)(A), preservation in place (i.e., avoidance) is the preferred manner of mitigating impacts to archaeological sites. If in coordination with the Department of City Planning, it is determined that preservation in place is not feasible, other treatment measures for the resource shall be developed by the Qualified Archaeologist in coordination with the Office of Historic Resources and with final approval by the Department of City Planning. Treatment would be designed to address the resource's eligibility under Criterion 1 (significant

events) and 4 (scientific data) as well as eligibility as a unique archaeological resource of the likely form of the *zanja*, to the best of our current knowledge (e.g., is it assumed to be made of wood/concrete/earthen etc., based on known archival research) and may include implementation of data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. At minimum, a commemoration program that includes the development of an interpretive exhibit/display/signage or plaque at the Project Site. In addition, other public educational and/or interpretive treatment measures will be developed as determined appropriate by the Qualified Archaeologist in consultation with the City's Office of Historic Resources. Any associated artifacts collected that are not made part of the interpretation/education collected may be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the material, it shall be offered for donation to a local school or historical society in the area for educational purposes. The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms (Site Forms) for the *Zanja* resource. The report shall outline the treatment measures implemented, include a description of the resources unearthed, results of any artifact processing, analysis, and research. The report and the Site Forms shall be submitted by the Qualified Archaeologist to the City and the South Central Coastal Information Center.

### (3) Level of Significance After Mitigation

Mitigation measures MM CUL-1 through MM CUL-3 would require the retention and involvement of a Qualified Archaeologist to provide technical and compliance oversight of all work as it relates to archaeological resources and an archaeological monitor to monitor construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project or as determined necessary by the Qualified Archaeologist. Mitigation measure MM CUL-4 outlines the appropriate protection of the *Zanja* and development of a formal treatment plan in the event that *Zanja* Conduit System-related infrastructure is unearthed. Implementation of mitigation measures MM CUL-1 through MM CUL-4 and compliance with PRC Section 21083.2 requirements would ensure the appropriate monitoring for and identification, protection, recovery, and applicable treatment of significant archaeological resources and thereby ensure that Project impacts would be reduced to less than significant levels. As such, under both the Project and the Flexibility Option, impacts to archaeological resources, would be less than significant with mitigation.

***Threshold c) Would the project disturb any human remains, including those interred outside of formal cemeteries?***

Because the Flexibility Option would be located on the same site as the Project, would not alter the footprint, depth, or amount of excavation required for the building as compared to the Project, and would be subject to the same regulatory requirements, 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**

No human remains were identified during the pedestrian survey of the Project Site and no known human remains have been recorded within the Project Site or a 0.50-mile radius. Archaeological deposits are frequently located in relatively close proximity to water sources and these deposits could contain human remains. Research indicates that Zanja No. 1, a segment of the *Zanja*, Los Angeles' original water conveyance system, is mapped near the western boundary of the Project Site. Furthermore, prior to channelization, the Los Angeles River passed through present day Downtown Los Angeles. Therefore, some potential for the presence of human remains may exist.

However, the Project Site has been previously disturbed by the original construction of the existing buildings; and if human remains were present they would have likely been detected previously. However, although unlikely, Project grading and excavation into deeper previously undisturbed subsurface areas may encounter buried human remains. If such remains were to be encountered they would be protected under applicable regulations.

California PRC Section 5097.98, as amended by Assembly Bill 2641, protects cultural resources on public lands and provides procedures in the event human remains of Native American origin are discovered during project implementation and are required to address the Project's potential impacts to human remains. PRC Section 5097.98 requires notification of the County Coroner in the event of the unanticipated discovery of human remains and a prescribed protocol for their disposition in accordance with applicable regulations, notification of the NAHC and subsequent tribal coordination if remains are determined to be of Native American descent.

**Compliance with state law would ensure that potential impacts on human remains under the Project and the Flexibility Option would be less than significant.**

**(2) Mitigation Measures**

Under both the Project and the Flexibility Option, impacts to human remains would be less than significant; no mitigation would be required.

### (3) Level of Significance After Mitigation

Under both the Project and the Flexibility Option, impacts to human remains would be less than significant without mitigation.

## 4. Cumulative Impacts

Because the Flexibility Option would have the same height and massing as the Project, would be located on the same site with the same sensitivity for buried archaeological resources as the Project, 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, 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

#### (1) Historic Resources

The study area for the historic 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 in **Figure III-2** of this Draft EIR. Although impacts to historical resources tend to be site-specific, cumulative impacts to historical resources occur when the Project and Related Projects, when taken as a whole, substantially diminish the number of historic resources within the same or similar context or property type. Because it was determined that the Project would not have the potential to directly or indirectly affect historical resources outside of the study area, the Project would not have the potential to contribute to a cumulative impact outside of the study area. There are 20 Related Projects, two of which are located within or proximate to the study area, that would have the potential to contribute to a cumulative impact to the same historical resources as the Project: Related Project No. 1, a mixed-use project located at 2051 E. 7<sup>th</sup> Street / 695 S. Santa Fe Avenue; and Related Project No. 15, a mixed-use project located at 641 Imperial Street. Cumulative impacts would occur if the Project and these two Related Projects cumulatively affect the National Biscuit Company Building or contribute to changes within the Downtown Los Angeles Industrial Historic District.

Environmental documents prepared for Related Project No. 1 concluded that the mixed-use project would have no impacts on historical resources.<sup>57</sup> Therefore, Related Project No. 1 would not have the potential to contribute to a cumulatively significant impacts on

<sup>57</sup> *City of Los Angeles, Department of City Planning, Environmental Analysis Section, Initial Study / Mitigated Negative Declaration for the 695 South Santa Fe Project, November 2014, pages B-16 through B-19.*

historical resources. No environmental documents have been prepared for Related Project No. 15 to date so it is currently unknown if they would significantly impact the Downtown Los Angeles Industrial Historic District or the National Biscuit Company Building. However, given that these projects are not located on the National Biscuit Company Building site or within the Downtown Los Angeles Industrial Historical District, and do not contain historical resources,<sup>58</sup> it is unlikely that they would have the potential to contribute to a cumulatively significant impact to these resources. Furthermore, the Project would not directly or indirectly impact these historical resources. As such, the Project would not contribute to a significant cumulative impact to these resources. **Therefore, the contribution of the Project and Flexibility Option to any cumulative direct or indirect impact to historic resources in the study area would not be cumulatively considerable and the cumulative impact would be less than significant.**

## (2) Archaeological Resources

Impacts related to archaeological resources qualifying as historical resources or unique archaeological resources under CEQA are in most cases site-specific because they occur on a project level as a result of a project's ground disturbance activities during construction and, as such, are assessed on a project-by-project basis. Many of the related projects within the cumulative study area would require excavation that could potentially expose or damage archaeological resources potentially qualifying as historical or archeological resources, including portions of the *Zanja*. However, the Related Projects are also located in highly developed urban areas with sites that have been previously disturbed that are on separate sites not adjacent to the Project Site. The potential of such projects to encounter and cause, in conjunction with the Project, a significant cumulative impact on archaeological resources is limited. Further, in association with CEQA review, and depending on the depth of excavation and sensitivity of respective sites, mitigation measures including avoidance and preservation in place or other treatment would be required for the Related Projects that have the potential to cause significant impacts to undiscovered (subsurface) archaeological resources qualifying as historical resources under CEQA. As with the Project, such measures, if implemented, would reduce project level significant impacts of the related projects to a less than significant level. The City would require that a *Zanja* System review be performed on behalf of related projects, as required under CEQA to identify historical resources, which would include specific parcel research to identify the location of the *Zanja* in relation to the related projects. If the potential for significant impacts were identified, implementation of mitigation measures would be required, including testing to determine the location if feasible, avoidance and preservation in place, or other treatment to be implemented when

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<sup>58</sup> *City of Los Angeles, Department of City Planning, Office of Historic Resources, Los Angeles Historic Resources Inventory, SurveyLA Online Map Viewer, accessed February 2019.*

encountering the *Zanja* that would reduce potentially significant impacts to a less than significant level. With such mitigation implemented where and if warranted, and given the linear extent of the *Zanja* system, cumulative impacts from the Related Projects are not expected to materially impair the significance of the resource and the Project would, with appropriate mitigation incorporated, not result in any incremental effects on the *Zanja* relative to any impacts on the *Zanja* that could be caused by one or more related projects.

The Project is required to implement mitigation measures MM CUL-1 through MM CUL-4 for archaeological resources, thereby ensuring proper identification, treatment, and preservation of any resources, and reducing Project impacts on archaeological resources to less than significant levels. **Therefore, the contribution of the Project and Flexibility Option to cumulative impacts to archaeological resources would not be cumulatively considerable, and cumulative impacts on archaeological resources would be less than significant.**

### (3) Human Remains

The study area for the human remains 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 in **Figure III-2** of this Draft EIR. In this study area, construction and ground disturbing activities associated with the Related Projects could uncover human remains. The potential for an individual project to encounter human remains is unknown. However, similar to the Project, it is anticipated that these Related Projects would comply with the existing state law regarding the discovery of human remains. The existing regulatory requirement related to discovery of human remains includes halting work at the site and immediately contacting the County Coroner. As a result of compliance with this state regulatory requirement, no cumulative impacts with respect to human remains would occur and the Project would not result in any incremental contribution to any cumulative impacts. **Therefore, the contribution of the Project and Flexibility Option to any cumulative impacts to human remains would not be cumulatively considerable and the cumulative impacts would be less than significant.**

#### b) Mitigation Measures

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

#### c) Level of Significance After Mitigation

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

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