

# IV. Environmental Impact Analysis

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## B. Cultural Resources

### 1. Introduction

This section evaluates potential impacts to cultural resources, including historical and archaeological resources, as well as the disruption of human remains, that could result from implementation of the Project. Historical Resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and programs. Archaeological resources include artifacts, structural remains, and human remains belonging to an era of history or prehistory. This section is based on information provided in **Appendices C.1 and C.2**, of this Draft EIR, which includes the *1100 E. 5<sup>th</sup> Street Historical Resource Technical Report*<sup>1</sup> (Historical Report) and the *1100 5<sup>th</sup> Street Project Phase I Archaeological Resources Assessment Report and XPI Testing Results*<sup>2</sup> (Archaeological Assessment), respectively.

### 2. Environmental Setting

#### a) Regulatory Framework

Cultural resources fall within the jurisdiction of several levels of government. The framework for the identification and, in certain instances, protection of cultural 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 cultural resources of national, state, regional, and local significance include:

- The National Historic Preservation Act of 1966, as amended;
- The Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards);
- The Native American Graves Protection and Repatriation Act;
- The Archaeological Resources Protection Act;
- The Archaeological Data Preservation Act;
- The California Environmental Quality Act (CEQA);
- The California Register of Historical Resources (California Register);

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<sup>1</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resource Technical Report, June 2019.

<sup>2</sup> ESA, 1100 5<sup>th</sup> Street Project Phase I Archaeological Resources Assessment Report and XPI Testing Results, April 2020.

- The California Health and Safety Code;
- The California Public Resources Code;
- The City of Los Angeles General Plan;
- The City of Los Angeles Cultural Heritage Ordinance (Los Angeles Administrative Code, Section 22.171);
- The City of Los Angeles Historic Preservation Overlay Zone Ordinance (Los Angeles Municipal Code [LAMC], Section 12.20.3); and
- The City of Los Angeles Historic Resources Survey (SurveyLA); and
- Redevelopment Project Area Historic Resources Surveys

## (1) Federal

### (a) *National Historic Preservation Act and National Register of Historic Places*

The National Historic Preservation Act of 1966 established the National Register of Historic Places (National Register) as “an authoritative guide to be used by federal, state, and local governments, private groups and citizens to identify the Nation’s historic resources and to indicate what properties should be considered for protection from destruction or impairment.”<sup>3</sup> The National Register recognizes a broad range of cultural resources that are significant at the national, state, and local levels and can include districts, buildings, structures, objects, prehistoric archaeological sites, historic-period archaeological sites, traditional cultural properties, and cultural landscapes. Within the National Register, approximately 2,500 (3 percent) of the more than 90,000 districts, buildings, structures, objects, and sites are recognized as National Historic Landmarks or National Historic Landmark Districts as possessing exceptional national significance in American history and culture.<sup>4</sup>

Whereas individual historic properties derive their significance from one or more of the criteria discussed in the subsequent section, a historic district derives its importance from being a unified entity, even though it is often composed of a variety of resources. With a historic district, the historic resource is the district itself. The identity of a district results from the interrelationship of its resources, which can be an arrangement of historically or functionally related properties.<sup>5</sup> A district is defined as a geographic area of land containing a significant concentration of buildings, sites, structures, or objects united by historic events, architecture, aesthetic, character, and/or

<sup>3</sup> 36 Code of Federal Regulations (CFR) 60, available at: <https://www.energy.gov/sites/prod/files/2016/02/f29/CFR-2012-title36-vol1-part60.pdf>, accessed August 23, 2022.

<sup>4</sup> United States Department of the Interior, National Park Service, National Historic Landmarks Frequently Asked Questions, available at: <https://www.nps.gov/subjects/nationalhistoriclandmarks/faqs.htm>, accessed August 23, 2022.

<sup>5</sup> United States Department of the Interior, National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation, 1997, page 5, website: [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf), accessed August 23, 2022.

physical development. A district's significance and historic integrity determine its boundaries. Other factors include:

- Visual barriers that mark a change in the historic character of the area or that break the continuity of the district, such as new construction, highways, or development of a different character;
- Visual changes in the character of the area due to different architectural styles, types, or periods, or to a decline in the concentration of contributing resources;
- Boundaries at a specific time in history, such as the original city limits or the legally recorded boundaries of a housing subdivision, estate, or ranch; and
- Clearly differentiated patterns of historical development, such as commercial versus residential or industrial.<sup>6</sup>

Within historic districts, properties are identified as contributing and non-contributing. A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archaeological values for which a district is significant because:

- It was present during the period of significance, relates to the significance of the district, and retains its physical integrity; or
- It independently meets the criterion for listing in the National Register.

A resource that is listed in or eligible for listing in the National Register is considered "historic property" under Section 106 of the National Historic Preservation Act.

*(i) Criteria*

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

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<sup>6</sup> United States Department of the Interior, National Register Bulletin #21: Defining Boundaries for National Register Properties Form, 1997, page 12, website: <https://www.nps.gov/subjects/nationalregister/upload/Boundaries-Completed.pdf>, accessed August 23, 2022.

- C. Embody 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. Have yielded, or may be likely to yield, information important in prehistory or history.<sup>7</sup>

*(ii) Context*

To be eligible for listing in the National Register, a property must be significant within a historic context. National Register Bulletin #15 states that 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>8</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.

*(iii) Integrity*

In addition to meeting one or more of the criteria of significance, a property must have integrity, which is defined as “the ability of a property to convey its significance.”<sup>9</sup> The National Register recognizes seven qualities that, in various combinations, define integrity. The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association. To retain historic integrity a property must possess several, and usually most, of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance. In general, the National Register has a higher integrity threshold than state or local registers

In the case of districts, integrity means the physical integrity of the buildings, structures, or features that make up the district as well as the historic, spatial, and visual relationships of the components. Some buildings or features may be more altered over time than others. In order to possess integrity, a district must, on balance, still communicate its historic identity in the form of its character defining features.

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<sup>7</sup> United States Department of the Interior, National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation, 1997, page 8, website: [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf), accessed August 23, 2022.

<sup>8</sup> United States Department of the Interior, National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation, 1997, pages 7 and 8, website: [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf), accessed August 23, 2022.

<sup>9</sup> United States Department of the Interior, National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation, 1997, page 44, website: [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf), accessed August 23, 2022.

*(iv) Criteria Considerations*

Certain types of properties, including religious properties, moved properties, birthplaces or graves, cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years are not considered eligible for the National Register unless they meet one of the seven categories of Criteria Considerations A through G, in addition to meeting at least one of the four significance criteria discussed above, and possess integrity as defined above.<sup>10</sup> Criteria Consideration G is intended to prevent the listing of properties for which insufficient time may have passed to allow the proper evaluation of their historical importance.<sup>11</sup> The full list of Criteria Considerations is provided below:

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance, if there is no other appropriate site or building directly associated with his or her productive life; or
- D. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- G. A property achieving significance within the past 50 years, if it is of exceptional importance.

*(b) Secretary of the Interior's Standards for the Treatment of Historic Properties*

The National Park Service issued the Secretary of the Interior's Standards with accompanying guidelines for four types of treatments for historic resources: Preservation, Rehabilitation, Restoration, and Reconstruction. The most applicable guidelines should be used when

<sup>10</sup> United States Department of the Interior, National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation, 1997, page 25, website: [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf), accessed August 23, 2022.

<sup>11</sup> United States Department of the Interior, National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation, 1997, page 41, website: [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf), accessed August 23, 2022.

evaluating a project for compliance with the Secretary of the Interior's Standards. Although none of the four treatments as a whole, apply specifically to new construction in the vicinity of historic resources, Standards #9 and #10 of the Secretary of the Interior's 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.<sup>12</sup>

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<sup>12</sup> United States Department of the Interior, National Park Service, the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 2017, website: <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>, accessed August 23, 2022.

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.

(c) *Native American Graves Protection and Repatriation Act*

The Native American Graves Protection and Repatriation Act (NAGPRA) requires federal agencies to return Native American cultural items to the appropriate Federally recognized Indian tribes or Native Hawaiian groups with which they are associated.<sup>13</sup>

(d) *Archaeological Resources Protection Act*

The Archaeological Resources Protection Act (ARPA) of 1979 governs the excavation, removal, and disposition of archaeological sites and collections on federal and Native American lands. This act was most recently amended in 1988. ARPA defines archaeological resources as any material remains of human life or activities that are at least 100 years of age, and which are of archeological interest. ARPA makes it illegal for anyone to excavate, remove, sell, purchase, exchange, or transport an archaeological resource from federal or Native American lands without a proper permit.<sup>14</sup>

(e) *Archaeological Data Preservation Act*

The Archaeological Data Preservation Act (ADPA) requires agencies to report any perceived project impacts on archaeological, historical, and scientific data and requires them to recover such data or assist the Secretary of the Interior in recovering the data.

(2) State

(a) *California Environmental Quality Act*

The California Environmental Quality Act (CEQA) is the principal statute governing environmental review of projects occurring in the state and is codified in Public Resources Code (PRC) Section 21000 et seq. CEQA requires lead agencies to determine if a proposed project would have a significant effect on the environment, including significant effects on historical or unique archaeological resources. Under CEQA Section 21084.1, a project that may cause a substantial

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<sup>13</sup> United States Department of the Interior, National Park Service, Native American Graves Protection And Repatriation Act, available at: <https://www.nps.gov/archeology/tools/laws/nagpra.htm>, accessed August 23, 2022.

<sup>14</sup> United States Department of the Interior, National Park Service, Technical Brief # 20: Archeological Damage Assessment: Legal Basis and Methods, 2007, website: <https://www.nps.gov/archeology/pubs/techbr/tchBrf20.pdf>, accessed August 23, 2022.

adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.

CEQA Guidelines Section 15064.5 recognizes that historical resources include: (1) resources listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; (2) resources 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 objects, buildings, structures, sites, areas, places, records, or manuscripts 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.

If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 apply. If an archaeological site does not meet the criteria for a historical resource contained in the CEQA Guidelines, then the site may be treated in accordance with the provisions of PRC Section 21083, if it meets the criteria of a unique archaeological resource. As defined in PRC Section 21083.2, 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 PRC Section 21083.2, then the site is to be treated in accordance with the provisions of PRC 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.<sup>15</sup> If preservation in place is not feasible, mitigation measures shall be required. The CEQA Guidelines note that if an

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<sup>15</sup> California Public Resources Code Section 21083.2(b), available at: [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=21083.2](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=21083.2), accessed August 23, 2022.



archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment.<sup>16</sup>

A significant effect under CEQA would occur if a project results in a substantial adverse change in the significance of a historical resource as defined in 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 a historical resource would be materially impaired.”<sup>17</sup> According to CEQA Guidelines Section 15064.5(b)(2), the significance of a 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 PRC Section 5020.1(k) or its identification in a historical resources survey meeting the requirements of PRC Section 5024.1(g) 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 is considered to have impacts that are less than significant.<sup>18</sup>

### (b) *California Register of Historical Resources*

The California Register of Historical Resources (California Register) is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.”<sup>19</sup> 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 criteria for eligibility

<sup>16</sup> State CEQA Statute and Guidelines, Section 15064.5(c)(4), website: [https://govt.westlaw.com/calregs/Document/IA0E0C760D48811DEBC02831C6D6C108E?transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IA0E0C760D48811DEBC02831C6D6C108E?transitionType=Default&contextData=(sc.Default)), accessed August 23, 2022.

<sup>17</sup> State CEQA Guidelines, Section 15064.5(b)(1), website: [https://govt.westlaw.com/calregs/Document/IA0E0C760D48811DEBC02831C6D6C108E?transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IA0E0C760D48811DEBC02831C6D6C108E?transitionType=Default&contextData=(sc.Default)), accessed August 23, 2022.

<sup>18</sup> State CEQA Guidelines, 15064.5(b)(3), website: [https://govt.westlaw.com/calregs/Document/IA0E0C760D48811DEBC02831C6D6C108E?transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IA0E0C760D48811DEBC02831C6D6C108E?transitionType=Default&contextData=(sc.Default)), accessed August 23, 2022.

<sup>19</sup> California Public Resources Code, Section 5024.1[a], available at: [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=5024.1](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=5024.1), accessed August 23, 2022.

for the California Register are based upon National Register criteria.<sup>20</sup> Certain resources are determined to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register. To be eligible for the California Register, a prehistoric or historic-period property must be significant at the local, state, and/or federal level under one or more of the following four criteria:

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
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 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 (integrity) to be recognizable as a historic resource and to convey the reasons for its significance. It is possible that a historic resource may not retain sufficient integrity to meet the criteria for listing in the National Register, but it may still be eligible for listing in the California Register.

Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register and those formally determined eligible for the National Register;
- California Registered Historical Landmarks from No. 770 onward; and,
- Those California Points of Historical Interest that have been evaluated by the State Office of Historic Preservation (OHP) and have been recommended to the State Historical Resources Commission for inclusion on the California Register.

Other resources that may be nominated to the California Register include:

- Historical resources with a significance rating of Category 3 through 5 (those properties identified as eligible for listing in the National Register, the California Register, and/or a local jurisdiction register);
- Individual historical resources;

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<sup>20</sup> California Public Resources Code, Section 5024.1[b], available at: [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=5024.1](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=5024.1), accessed August 23, 2022.

- Historic districts; and,
- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

(c) *California Health and Safety Code*

California Health and Safety Code Sections 7050.5, 7051, and 7054 address the illegality of interference with human burial remains (except as allowed under applicable PRC Sections), and the disposition of Native American burials in archaeological sites. These regulations protect such remains from disturbance, vandalism, or inadvertent destruction, and establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including treatment of the remains prior to, during, and after evaluation, and reburial procedures.

(d) *California Public Resources Code (PRC)*

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 accounting for the possibility of multiple burials. PRC Section 5097.98 further requires the Native American Heritage Commission (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.

(3) Local

(a) *City of Los Angeles General Plan*

(i) *Conservation Element*

The City of Los Angeles General Plan includes a Conservation Element. Section 3 of the Conservation Element, adopted in September 2001, includes policies for the protection of archaeological resources. As stated therein, it is the City's policy that archaeological resources be protected for research and/or educational purposes. Section 5 of the Conservation Element recognizes the City's responsibility for identifying and protecting its cultural and historical heritage. The Conservation Element establishes the policy to continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition, or property

modification activities, with the related objective to protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.<sup>21</sup>

In addition to the National Register and the California Register, two additional types of historic designations may apply at a local level:

1. Historic-Cultural Monument (HCM)
2. Classification by the City Council as a Historic Preservation Overlay Zone (HPOZ)

*(b) City of Los Angeles Cultural Heritage Ordinance*

The Los Angeles City Council adopted the Cultural Heritage Ordinance in 1962 and most recently amended it in 2018 (Sections 22.171 et seq. of the Administrative Code). The Ordinance created a Cultural Heritage Commission (CHC) and criteria for designating an HCM. The CHC is comprised of five citizens, appointed by the Mayor, who have exhibited knowledge of Los Angeles history, culture, and architecture. The City of Los Angeles Cultural Heritage Ordinance states that an HCM designation is reserved for those resources that have a special aesthetic, architectural, or engineering interest or value of a historic nature and meet one of the following criteria. A historical or cultural monument is any site, building, or structure of particular historical or cultural significance to the City of Los Angeles. The four criteria for HCM designation are stated below:

- The proposed HCM reflects the broad cultural, economic, or social history of the nation, state, or community is reflected or exemplified; or
- The proposed HCM is identified with historic personages or with important events in the main currents of national, state, or local history; or
- The proposed HCM embodies the characteristics of an architectural type specimen inherently valuable for a study of a period, style, or method of construction;
- The proposed HCM is the notable work of a master builder, designer, or architect whose individual genius influenced his or her age.<sup>22</sup>

A proposed resource may be eligible for designation if it meets at least one of the criteria above. When determining historic significance and evaluating a resource against the Cultural Heritage Ordinance criteria above, the CHC and Office of Historic Resources (OHR) staff often ask the following questions:

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<sup>21</sup> City of Los Angeles, Conservation Element of the General Plan, pages II-3 to II-5, available at: [https://planning.lacity.org/odocument/28af7e21-ffdd-4f26-84e6-dfa967b2a1ee/Conservation\\_Element.pdf](https://planning.lacity.org/odocument/28af7e21-ffdd-4f26-84e6-dfa967b2a1ee/Conservation_Element.pdf), accessed August 23, 2022.

<sup>22</sup> City of Los Angeles, Los Angeles Administrative Code, Section 22.171, website: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/laac/0-0-0-65383#JD\\_22.171.1](https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-65383#JD_22.171.1), accessed August 23, 2022.

- Is the site or structure an outstanding example of past architectural styles or craftsmanship?
- Was the site or structure created by a “master” architect, builder, or designer?
- Did the architect, engineer, or owner have historical associations that either influenced architecture in the City or had a role in the development or history of Los Angeles?
- Has the building retained “integrity”? Does it still convey its historic significance through the retention of its original design and materials?
- Is the site or structure associated with important historic events or historic personages that shaped the growth, development, or evolution of Los Angeles or its communities?
- Is the site or structure associated with important movements or trends that shaped the social and cultural history of Los Angeles or its communities?

Unlike the National and California Registers, the Cultural Heritage Ordinance makes no mention of concepts such as physical integrity or period of significance. However, in practice, the seven aspects of integrity from the National Register and California Register are applied similarly and the threshold of integrity for individual eligibility is similar. It is common for the CHC to consider alterations to nominated properties in making its recommendations on designations. Moreover, properties do not have to reach a minimum age requirement, such as 50 years, to be designated as HCMs. In addition, the LAMC Section 91.106.4.5 states that the Los Angeles Department of Building and Safety “shall not issue a permit to demolish, alter or remove a building or structure of historical, archaeological or architectural consequence if such building or structure has been officially designated, or has been determined by state or federal action to be eligible for designation, on the National Register of Historic Places, or has been included on the City of Los Angeles list of HCMs, without the department having first determined whether the demolition, alteration or removal may result in the loss of or serious damage to a significant historical or cultural asset. If the department determines that such loss or damage may occur, the applicant shall file an application and pay all fees for the CEQA Initial Study and Check List, as specified in Section 19.05 of the LAMC. If the Initial Study and Check List identifies the historical or cultural asset as significant, the permit shall not be issued without the department first finding that specific economic, social or other considerations make infeasible the preservation of the building or structure.”<sup>23</sup>

(c) *City of Los Angeles Historic Preservation Overlay Zone (HPOZ) Ordinance*

The Los Angeles City Council adopted the ordinance enabling the creation of HPOZs in 1979; most recently, this ordinance was amended in 2017. Angelino Heights became Los Angeles’ first HPOZ in 1983. The City currently contains 35 HPOZs. An HPOZ is a significant concentration,

<sup>23</sup> City of Los Angeles, Los Angeles Municipal Code, Section 91.106.4.5.1, website: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-172464](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-172464), accessed August 23, 2022.

linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.<sup>24</sup> Each HPOZ is established with a Historic Resources Survey, a historic context statement, and a preservation plan. The Historic Resources Survey identifies all Contributing and Non-Contributing features and lots. The context statement identifies the historic context, themes, and subthemes of the HPOZ as well as the period of significance. The preservation plan contains guidelines that inform appropriate methods of maintenance, rehabilitation, restoration, and new construction. Contributing Elements are defined as any building, structure, Landscaping, or Natural Feature identified in the Historic Resources Survey as contributing to the Historic significance of the HPOZ, including a building or structure which has been altered, where the nature and extent of the Alterations are determined reversible by the Historic Resources Survey.<sup>25</sup> For CEQA purposes, Contributing Elements are treated as contributing features to a historic district, which is the historical resource. Non-Contributing Elements are any building, structure, Landscaping, Natural Feature identified in the Historic Resources Survey as being built outside of the identified period of significance or not containing a sufficient level of integrity. For CEQA purposes, Non-Contributing Elements are not treated as contributing features to a historical resource.

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

SurveyLA is a Citywide survey that identifies and documents potentially significant historical resources representing important themes in the City's history. The survey and resource evaluations were completed by consultant teams under contract to the City and under the supervision of the Department of City Planning's OHR. The program was managed by OHR, which maintains a website for SurveyLA. The field surveys cumulatively covered broad periods of significance, from approximately 1850 to 1980 depending on the location, and included individual resources such as buildings, structures, objects, natural features, and cultural landscapes as well as areas and districts (archaeological resources are planned to be included in future survey phases). The survey identified a wide variety of potentially significant resources that 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, conducted from 2010-2017, were completed in three phases by Community Plan area. However, SurveyLA did not survey areas already designated as HPOZs or areas already surveyed by Community Redevelopment Agencies. All tools, methods, and criteria developed for SurveyLA were created to meet state and federal professional standards for survey work.

Los Angeles' Citywide Historic Context Statement (HCS) was designed for use by SurveyLA field surveyors and by all agencies, organizations, and professionals completing historical resources surveys in the City of Los Angeles. The context statement was organized using the Multiple

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<sup>24</sup> City of Los Angeles, Los Angeles Municipal Code, Section 12.20.3, website: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-112632](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-112632), accessed August 23, 2022.

<sup>25</sup> City of Los Angeles, Los Angeles Municipal Code, Section 12.20.3, website: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-112632](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-112632), accessed August 23, 2022.

Property Documentation (MPD) format developed by the National Park Service for use in nominating properties to the National Register. This format provided a consistent framework for evaluating historical resources. It was adapted for local use to evaluate the eligibility of properties for city, state, and federal designation programs. The HCS used Eligibility Standards to identify the character defining, associative features and integrity aspects a property must retain to be a significant example of a type within a defined theme. Eligibility Standards also indicated the general geographic location, area of significance, applicable criteria, and period of significance associated with that type. These Eligibility Standards are guidelines based on knowledge of known significant examples of property types; properties do not need to meet all of the Eligibility Standards in order to be eligible. Moreover, there are many variables to consider in assessing integrity depending on why a resource is significant under the National Register, California Register or City of Los Angeles HCM eligibility criteria. SurveyLA findings are subject to change over time as properties age, additional 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.

(e) *Redevelopment Project Area Historic Resources Survey Area*

The Community Redevelopment Agency of the City of Los Angeles (CRA/LA) was established in 1948 to revitalize economically underserved areas within the City of Los Angeles by increasing the supply of low income housing, providing infrastructure for commercial and industrial development, and creating employment opportunities. To carry out these goals, CRA/LA adopts comprehensive plans for each Redevelopment Project Area. Some areas also include a historical resources survey that documents all of the historical resources – individual and districts – within the Redevelopment Project Area. These CRA/LA surveys were done independent of the City’s SurveyLA effort, though some of the more recent surveys may have used the same methodology and technology that was used in SurveyLA. SurveyLA did not survey areas already surveyed by CRA/LA. Currently, there are 32 Redevelopment Project Areas throughout Los Angeles. The Project Site is located within the Central Industrial Redevelopment Project Area.

On September 30, 2019, the Los Angeles City Council voted to adopt Ordinance No. 186325 to effectuate the transfer of land use related plans and functions of the CRA/LA to the City of Los Angeles. As a result, the Department of City Planning has jurisdiction over review of properties located within Redevelopment Project Areas as of November 11, 2019.

## 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 Site is comprised of seven contiguous lots on two parcels that was first developed with three dwellings, associated outbuildings, and a stable sometime before 1906.<sup>26</sup> The stable was part of a complex of buildings owned and occupied by the Merchants Ice and Cold Storage Co. By 1920, the Project Site had been developed exclusively for commercial use. From 1920 to 1928, the Project Site was redeveloped several times with different commercial and industrial buildings. In 1927, the warehouse currently located in the center of the Project Site was built and occupied by the Merchants Ice & Cold Storage Co. In 1930, the warehouse currently located in the northwestern portion of the Project Site was built and occupied by the Weber Trailer & Manufacturing Co. By 1959, small warehouses and storage areas previously located in the southern portion of the Project Site were demolished and the southern portion of the Project Site was used as parking for the Yellow Cab Co. In 1960, the current awning and loading dock structures were built and in 1989, the warehouse currently located in the southern portion of the Project Site was built and the property was occupied by the Canton Food Co.<sup>27</sup>

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, as determined by HistoricPlacesLA.org and SurveyLA.<sup>28</sup> In addition, based upon field inspection and research conducted as part of the Historical Report, the three existing buildings on the Project Site (1100 E. 5<sup>th</sup> Street, 516 S. Seaton Street, and 528 S. Seaton Street) do not meet the eligibility standards for the Early Industrial Development Theme formulated for the *Los Angeles Citywide Historic Context Statement* due to a lack of age (are not rare surviving examples, do not represent a very early phase of industrial development, and, in the case of 528 S. Seaton Street, does not date from the period of significance), architectural character (are not good examples of an architectural style from their period and/or a significant architect or builder, are not associated with early industrialists or industries, and do 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). Furthermore, SurveyLA identifies the Project Site as located outside of the boundaries of the potential Downtown Los Angeles Industrial Historic District (see further discussion below). Therefore, the Project Site was eliminated from further analysis as potential historical resource.<sup>29</sup>

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<sup>26</sup> Professional Service Industries, Inc., Phase I Environmental Site Assessment Report, November 24, 2014, page 1.

<sup>27</sup> Professional Service Industries, Inc., Phase I Environmental Site Assessment Report, November 24, 2014, page 1.

<sup>28</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resources Technical Report, June 2019, page 3.

<sup>29</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resources Technical Report, June 2019, page 3.



(b) *Nearby Historical Resources*

The Historical Report included a review of surrounding properties generally one block north, east, south, and west of the Project Site (study area) to identify listed and potential historical resources. There are two historical resources located within the study area: the potential Downtown Los Angeles Industrial Historic District (Potential Historic District) and an individual resource located at 542 S. Alameda Street, a contributing building to the Potential Historic District. Although the Potential Historic District and 542 S. Alameda Street 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. These two historical resources are detailed below.

(i) *Potential Historic District*

The Potential 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 1<sup>st</sup> Street to the north, Santa Fe Avenue and Mateo Street to the east, 7<sup>th</sup> Street to the south, and Alameda Street to the west. The Potential 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 development of Los Angeles. The Potential Historic District has Status Codes<sup>30</sup> of 3S, 3CS, and 5S3.<sup>31</sup> In accordance with the OHP's "Instructions for Recording Historical Resources," these status codes indicate that the Potential Historic District appears eligible for individual listing with the National Register, California Register, and local listing or designation through survey evaluation.

One building contributing to the Potential Historic District is located within the boundaries of the Project's study area: 542 S. Alameda Street (detailed separately below). Additionally, there are two non-contributing buildings to the Potential Historic District that are located within the study area: 547 S. Seaton Street, located approximately 225 feet southwest from the Project Site northwest of the intersection of S. Seaton Street and Palmetto Street; and 459 S. Colyton Street, located to the north of the Project Site immediately across 5<sup>th</sup> Street. Both 547 S. Seaton Street and 459 S. Colyton Street have Status Code 6Z.<sup>32</sup> In accordance with the OHP's "Instructions for Recording Historical Resources," these status codes indicate that the 547 S. Seaton Street and 459 S. Colyton Street buildings were found ineligible for National Register, California Register, or local designation through survey evaluation.

<sup>30</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>31</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resources Technical Report, June 2019, page 15.

<sup>32</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resources Technical Report, June 2019, pages 16 and 17.

*(ii) 542 S. Alameda Street*

As discussed above, 542 S. Alameda Street is a contributing building to the Potential Historic District. 542 S. Alameda Street, located approximately 300 feet southwest from the Project Site, northeast of the intersection of Palmetto Street and Alameda Street, has Status Codes 3D, 3CD, and 5D3.<sup>33</sup> In accordance with the OHP's "Instructions for Recording Historical Resources," these status codes indicate that the 542 S. Alameda Street building appears eligible for National Register and the California Register as a contributor to an eligible district through survey evaluation and appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation.

**(2) Archaeological Resources**

A detailed prehistoric context, ethnographic setting, and historic setting are provided in the Archeological Assessment prepared by ESA (see **Appendix C.2**).

*(a) Records Search Results*

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 relevant context with which to conduct archaeological sensitivity analysis of the Project Site.

The records search results indicate that 47 cultural resources studies have been conducted within a 0.5-mile radius of the Project Site. Approximately 45 percent of the 0.5-mile records search radius has been included in previous cultural resources studies. The results of the records search are presented in **Table IV.B-1, Previously Recorded Archaeological Resources**. Due to the sensitive nature of cultural resources, archaeological site locations are not released.

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

<b>Primary Number</b>	<b>Trinomial</b>	<b>Description</b>	<b>Date Recorded</b>
P-19-2610	CA-LAN-2610H	Historic-period road "Old Santa Fe Avenue;" stone pavement and street car line.	1997
P-19-3338	CA-LAN-3338H	Historic-period archaeological site refuse deposits dating to the late 19 <sup>th</sup> and early 20 <sup>th</sup> centuries.	2000
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
<i>Source: ESA, 1100 5<sup>th</sup> Street Project Phase I Archaeological Assessment Report and XPI Testing Results, April 28, 2020.</i>			

<sup>33</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resources Technical Report, June 2019, page 16.

As a result of the SCCIC records research and archaeological resources survey conducted for the Project, no archaeological resources have been previously recorded within the Project Site. The closest known recorded archaeological resource is approximately 200 feet east from the Project Site and consists of an historic-period archaeological site containing 25 refuse deposits and two structural foundations.

(b) *Zanja System*

Although no archaeological resources have been recorded within the Project Site, of the 47 previous cultural resources studies conducted within 0.5-mile, one study, entitled *Extent of Zanja Madre*, includes maps that depict a segment of a Spanish and Mexican era water conveyance system known as the *Zanja* as bisecting the eastern portion of the Project Site. The *Zanja* system and subsequent additional *Zanja* segments were Los Angeles' original irrigation system, which is thought to have run throughout the City in various branches, predominantly along major roads.<sup>34</sup> Material remains associated with *zanjas* have been previously identified in several downtown Los Angeles locations. Specifically, archeological sites have been documented in the CHRIS for *Zanja* No. 6-1 and the *Zanja Madre*. *Zanja* No. 3 was recorded on an Historic American Engineering Record (HAER) and is on-file with the Library of Congress under HAER No. CA-50; *Zanja* No. 3 has not been given a designation in the CHRIS. The segment that has been mapped as bisecting the eastern portion of the Project Site is *Zanja* No. 2. Figures 3 and 4 of the Archeological Assessment, included as **Appendix C.2** of this Draft EIR, depict the locations of the *zanjas* relative to the Project Site in 1884 and 1887, respectively. Figure 3 depicts the *Zanja* No. 2 crossing the western portion of the Project Site while Figure 4 does not depict the *Zanja* No. 2 north of Alameda Street.

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. Therefore, the level of accuracy of these maps is currently unknown and exhaustive additional research conducted to find parcel specific historic information depicting the *Zanja* within the Project Site was not successful.<sup>35</sup> Near the Project Site, *Zanja* No. 2 is believed to have commenced at "Short Fourth Street and then flowed west to mid-block between Colyton and Seaton Streets, then south to Palmetto, west to Alameda and south to the city limits in a flume box 3 feet wide and a foot deep."<sup>36</sup> Based on this information, the *Zanja* segment near the Project Site is likely a flume box.

An Extended Phase I (XPI) testing program was developed to test for the presence of the *Zanja* No. 2 within the Project Site. Based on the mapped location of the *Zanja* No. 2, two 25-foot long trenches were excavated to a depth ranging from one to five feet below the surface at the suspected location of the *Zanja* No. 2 branch in the western portion of the Project Site, and soils

<sup>34</sup> The term "Zanja," translating as "ditch" in English, refers to the open earth features that were used during early Euro-American habitation of this area to transport water.

<sup>35</sup> ESA, 1100 5<sup>th</sup> Street Project Phase I Archaeological Assessment Report and XPI Testing Results, April 28, 2020, p. 25.

<sup>36</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*. ESA, 1100 5<sup>th</sup> Street Project Phase I Archaeological Assessment Report and XPI Testing Results, April 28, 2020, p. 25.

were inspected for artifacts. The XPI testing provided inconclusive results regarding the location and depth of the *Zanja* No. 2 branch; however, a number of archaeological artifacts and features dating to the early 19<sup>th</sup> and 20<sup>th</sup> centuries were identified, including miscellaneous wood, ceramic, metal, and faunal fragments, as well as structural foundation material.<sup>37</sup> Based on historic aerial photograph and records review, the structural foundation material could be related to mid-20<sup>th</sup> century freezing tanks associated with the Merchants Ice and Cold Storage facility or to early-20<sup>th</sup> century stable or other previous development.<sup>38</sup>

Although segments or sections of the larger system have been previously evaluated and recorded, neither the entire *Zanja* system nor the portion of *Zanja* No. 2 which has been identified as potentially bisecting the Project Site has been previously located and recorded or 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 an “historical resource” under CEQA.

### (c) *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:

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<sup>37</sup> ESA, 1100 5<sup>th</sup> Street Project Phase I Archaeological Assessment Report and XPI Testing Results, April 28, 2020, pages 35 through 39.

<sup>38</sup> ESA, 1100 5<sup>th</sup> Street Project Phase I Archaeological Assessment Report and XPI Testing Results, April 28, 2020, page 39.

**Threshold (a): Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or**

**Threshold (b): Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or**

**Threshold (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>39</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 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 historical 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 historical resources to a less than significant level.

<sup>39</sup> Public Resources Code, Section 21084.1, website: <https://codes.findlaw.com/ca/public-resources-code/prc-sect-21084-1.html>, accessed August 23, 2022.

The *L.A. CEQA Thresholds Guide* identifies the following criteria 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.

### (2) Archeological 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:

- 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>40</sup> which was prepared by professional individuals who meet or exceed the Secretary of the Interior's Professional

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<sup>40</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resources Technical Report, June 2019. Included as **Appendix C.1** to this Draft EIR.

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)

As part of the preparation of the Historical Report, a records search was conducted of 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 also consulted to determine if the Project Site buildings or parcels were identified as potential historical resources.

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 provide relevant guidance for such projects. The Historical Report, prepared by GPA Consulting, dated June 2019, 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 and XPI Testing<sup>41</sup> for the Project Site that included an archaeological data search by the SCCIC at California State University, Fullerton, as well as a site visit on December 12, 2017, exploratory trenching, 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

Construction and operation of the Project would be implemented in accordance with applicable regulatory and code requirements related to cultural resources. No specific Project Design Features are proposed with regard to cultural resources.

### d) Analysis of Project Impacts

As compared to the Project, the Flexibility Option would change a portion of 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 17,765 square feet to 64,313 square feet and, in turn, there would be a reduction in the number of live/work units from 220 to 200 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.

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<sup>41</sup> ESA, 1100 5<sup>th</sup> Street Project Phase I Archaeological Assessment Report and XPI Testing Results, April 28, 2020.



**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 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>42</sup> The Project Site is not located within the boundaries of the Potential Historic District or contain any of its contributing and non-contributing buildings, and as detailed above in the Existing Setting subsection, the three existing buildings on the Project Site were eliminated from further analysis as a potential historical resource. Based upon field inspection and research, the buildings do not appear to meet the eligibility standards for the Early Industrial Development Theme formulated for the *Los Angeles Historic Context Statement* due to a lack of age (are not rare surviving examples, do not represent a very early phase of industrial development, and, in the case of 528 S. Seaton Street, does not date from the period of significance), architectural character (are not good examples of an architectural style from their period and/or a significant architect or builder, and are not associated with early industrialists or industries, and do 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).<sup>43</sup> In addition, the buildings are not currently listed as a landmark at the local, state, or national levels and is not included as significant in any historical resources 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 the Flexibility Option on historical resources would be less than significant.**

(b) *Indirect Impacts*

As detailed above, two historical resources are located within the study area of the Project Site with the potential to be indirectly impacted by the Project: the Potential Historic District and one of its contributing buildings, 542 S. Alameda Street.

Indirect impacts of the Project on the Potential Historic District could only occur if, as the result of the Project, the Potential 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. In addition, indirect impacts of the Project on 542 S. Alameda Street could occur if the building no longer retained sufficient integrity to convey its significance as a historical

<sup>42</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resources Technical Report, June 2019, page 21.

<sup>43</sup> GPA Consulting, 1100 E. 5<sup>th</sup> Street Historical Resources Technical Report, June 2019, page 13.

resource under national, state, or local landmark designation programs. According to *National Register Bulletin #15*, there are seven aspects of integrity: feeling, association, workmanship, location, design, setting, and materials. Because the Project is located outside the boundaries of the Potential Historic District and would not alter the physical features of either the Potential Historic District or 542 S. Alameda Street, the only relevant aspect of integrity with respect to the analysis of the indirect impacts of the Project on these historical resources is setting.

Although the Project would introduce a new visual element to the vicinity of the Potential Historic District and 542 S. Alameda Street, it would not affect their setting. Because the Project Site is located outside the boundaries of the Potential Historic District, the Project would not have the potential to affect the number of buildings in the Potential Historic District, the ratio of contributing buildings to non-contributing buildings, or the relationships between the Potential Historic District's significant components, including its contributing buildings, such as 542 S. Alameda Street, and other significant features, such as its relationship to the Los Angeles River and Alameda Corridor, interior circulation pattern, predominantly industrial use, and the absence of sidewalks, street lighting, and street trees. The integrity of immediate setting would remain intact for 542 S. Alameda Street as well as throughout the Potential Historic District. Furthermore, the overall integrity of the surrounding setting has already been changed by alterations and new construction. In addition, the majority of the views of the Potential Historic District, including 542 S. Alameda Street, from the surrounding blocks would not be obscured by the Project. The buildings within the boundaries of the Potential Historic District, including 542 S. Alameda Street, would overall remain highly visible from most vantages, including 5<sup>th</sup> Street, Palmetto Street, Alameda Street, and Colyton Street, and continue to be prominent features on the block on which they are located. While the Project would partially obscure views of the Potential Historic District from vantages along Seaton Street, there is nothing in the guidance issued by the National Park Service that suggests obscuring views of an historic district from the area immediately outside its boundaries impacts the historic district's integrity of setting. Therefore, obscuring views of the Potential Historic District would not materially impair the Potential Historic District's eligibility as an 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 Potential Historic District or 542 S. Alameda to the degree they would no longer be eligible for listing under national, state, or local historic district programs.

Indirect impacts to the Potential Historic District 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 Potential Historic District, it can be considered "related new construction." Visual and physical qualities of related new construction can have the potential to affect the setting of an historic resource in some situations.

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." The Project would be located on a parcel separate

from the Potential Historic District and would, therefore, not destroy the historic materials and features or spatial relationships that characterize the Potential Historic District. Additionally, although the 8-story Project would be much taller than the two-story 524 S. Alameda Street building, it would be compatible with the size and scale of some of the contributing buildings that characterize the Potential Historic District, which includes buildings that vary in height from one- to seven-stories and includes modest industrial buildings to large warehouses spanning full city blocks. Furthermore, as previously discussed, 542 S. Alameda Street, would overall remain highly visible from most vantages, including 5<sup>th</sup> Street, Palmetto Street, Alameda Street, and Colyton Street. 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 an historic building, or where there is an established architectural style and palette of materials, such as within an historic district, neither of which is the case with the Project. Therefore, the Project's design would not reduce the integrity or significance of the Potential Historic District or 542 S. Alameda Street. 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 Potential Historic District, including 542 S. Alameda Street, and, should the Project building be removed in the future, the Potential Historic District, including 542 S. Alameda Street would not be materially affected. The essential form and integrity of the Potential Historic District and 542 S. Alameda Street and their environment 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 integrity of setting of the Potential Historic District, including 542 S. Alameda Street, to the degree that these resources would no longer be eligible for listing under national, state, or local historic district programs. Because the Project Site is located outside the parcel boundaries of the Potential Historic District and 542 S. Alameda Street, it would, therefore, not alter the appearance of the Potential Historic District or 542 S. Alameda Street, nor alter the spatial relationships that characterize the Potential Historic District. Further, the Project would comply with the Secretary of the Interior's Rehabilitation Standards #9 and #10 as new construction associated with the Project would not affect the integrity or significance of the Potential Historic District or 542 S. Alameda Street.

**Based on the above, the Project and the Flexibility Option would not result in a substantial adverse change to the immediate surroundings of nearby historical resources, to the degree that they would no longer be eligible for listing under national, state, or local landmark or historic district programs. As such, impacts would be less than significant.**

## (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 recorded 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. The current bed of the Los Angeles River is located 0.9-mile east of the Project Site and, prior to channelization, the River channel moved due to flood episodes. Such flood episodes would have created flood deposits that would be generally favorable in this location for burial and preservation of archaeological sites located on the floodplain, and which could potentially date to the earliest time of human presence in southern California. Subsurface deposits throughout the entire Project area consist of surficial younger alluvium on top of older Quaternary Alluvium. According to the Archaeological Assessment, fine-grained younger alluvium is considered to have a high sensitivity for buried archaeological sites.<sup>44</sup>

Given the low degree of subsurface disturbance associated with construction of the buildings that are currently present within the Project Site, previous construction activities likely would not have 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

<sup>44</sup> ESA, 1100 5<sup>th</sup> Street Project Phase I Archaeological Assessment Report and XPI Testing Results, April 28, 2020, page 28.

resources that were not encountered during prior construction or other human activity. Additionally, exploratory trenching conducted at the Project Site encountered historic period artifacts and the edge of an historic foundation (Feature 1), which would be encountered during excavation. The Archeological Assessment concluded that Feature 1 would require documentation and evaluation under CEQA. 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, including the exposure, evaluation, and treatment of Feature 1, 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 XPI testing for the *Zanja* No. 2 was inconclusive, since testing did not cover the entirety of the Project Site nor the off-site improvement locations, the *Zanja* could still be encountered during construction excavation. 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 in accordance with California Code of Regulations Section 15126.4(b).

Implementation of mitigation measures MM CUL-1 through MM CUL-4 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, the Project's and the Flexibility Option's impacts on archaeological resources 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 measures:

**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 any ground disturbance activities, the archaeological monitor shall provide Worker Environmental Awareness Program (WEAP) training to construction workers involved in ground disturbance activities that provides information on regulatory requirements for the protection of cultural resources. As part of the WEAP training, construction workers shall be informed about proper procedures to follow should a worker discover a cultural resource during ground disturbance activities. In addition, construction workers shall be shown examples of the types of resources that would require notification of the archaeological monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing that the training was completed for all construction workers involved in ground disturbance activities.

In the location of Trench 1 and Feature 1, during the demolition and grading, the Qualified Archaeologist shall direct construction crews to fully expose the feature and make recommendation for documentation and evaluation of the Feature under CEQA. Once the Feature and any associated features or materials are documented and evaluated, this information shall be included in the final report and DPR 523 forms. Additional recommendations regarding the handling and treatment of these resources shall be at the discretion of the Qualified Archeologist.

**MM CUL-2** Prior to the commencement of demolition and excavation, an Archeological Resources Monitoring and Mitigation Plan (ARMMP) shall be prepared. The ARMMP shall include, but not be limited to, a construction worker training program (described in MM CUL-1), monitoring protocol for demolition and excavation activities, discovery and processing protocol for inadvertent discoveries of archeological resources, and identification of a curation facility should artifacts be collected. The ARMMP shall identify areas that require monitoring, provide a framework for assessing the geoarchaeological setting to determine whether sediments capable of preserving archaeological remains are present, and include a protocol for identifying the conditions under which additional or reduced levels of monitoring (e.g., spot-checking) may be appropriate. The duration and timing of the monitoring shall be determined based on the rate of excavation, geoarchaeological assessment, and, if present, the quantity, type, and spatial distribution of archaeological resources identified.

The ARMMP shall minimally include a historical context statement, research design, and methodology by which any newly identified archaeological sites shall be evaluated for California Register eligibility and as unique archaeological resources. The ARMMP shall specify the specific types of archaeological sites likely to be encountered and the means by which significance shall be assessed. If any archaeological resources are identified and are found not to be significant or

do not retain integrity, then they shall be recorded to a level sufficient to document the contents and condition. The ARMMP shall include a proactive identification and documentation protocol that would facilitate preservation or mitigation of impacts to *Zanja* No. 2 and any other archaeological sites identified in a cost-effective manner. The ARMMP shall include potential treatment plans to be implemented in the event a newly discovered archaeological resource is determined by the Qualified Archaeologist to constitute an “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to PRC 21083.2(g). The ARMMP shall require that if the treatment plans outlined therein are found to be infeasible or other alternatives are proposed, the Qualified Archaeologist shall coordinate with the Applicant and the Department of City Planning to amend the ARMMP with a formal treatment plan that would reduce impacts to the resource(s).

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 25-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 plans stated in the ARMMP or prepared after the discovery of a historical resource 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 but not be limited to any of the following depending on the type of resource and the significance evaluation:

- **Prehistoric archaeological sites.** Data recovery shall be conducted (i.e., excavation, laboratory processing and analysis) to remove the resource(s) and reduce potential impacts to less than significant where significance is determined under California Register Criterion 4 and integrity is retained.
- **Historical archaeological sites.** If a historic-period site, including but not limited to a refuse scatter or building foundation(s), is present and found to retain integrity, data recovery shall be conducted (i.e., excavation, laboratory processing and analysis) to remove the resource(s) and reduce potential impacts to less than significant. In addition to data recovery, specific treatments shall be developed and implemented based on potential California Register or eligibility criteria or as a unique archaeological resource as follows:
  - **Treatment Under Criteria 1 and 2, or as a unique archaeological resource:** Treatment shall include interpretation for the public. Interpretive materials may include, but not be limited to, signage at the project site, relocating preserved materials in a publicly accessible display, or visual representations of recovered materials. The interpretive materials shall be prepared, at the expense of the project applicant, by professionals meeting the Secretary of the Interior standards in history or historical archaeology. The details of the interpretive materials, including the form, content, and timing of their preparation, shall be completed to the satisfaction and subject to the approval of the Department of City Planning. The results of the historical and archaeological studies conducted for the Project shall be made available to the public through repositories such as the local main library branch or identified non-profit historic groups interested in the subject matter.
  - **Treatment Under Criterion 3:** Architectural documentation of exposed *zanja* segments shall be conducted by producing narrative records, measured drawings, and photographs in conformance with Historic American Engineering Record (HAER) standards prior to any alteration or demolition activity.
  - **Treatment Under Criterion 4:** No additional work; data recovery is sufficient.
- **Zanja No. 2.** If segments of *Zanja* No. 2 are present and found to retain integrity, architectural documentation of exposed *zanja* segments shall be conducted by producing narrative records, measured drawings, and photographs in conformance with HAER standards prior to any alteration or demolition activity. In addition to HAER documentation, specific treatments shall be developed and implemented based on potential



California Register or eligibility criteria or as a unique archaeological resource as follows:

- **Treatment Under Criterion 1:** Treatment shall include interpretation of *Zanja* No. 2 for the public. The interpretive materials may include, but not be limited to, interpretive displays of photographs and drawings produced during the HAER documentation, signage at the *Zanja* No. 2 alignment, relocating preserved segments in a publicly accessible display, or other visual representations of *zanja* alignments through appropriate means such as a dedicated internet website other online-based material. At a minimum, the interpretive materials shall include photographs and drawings produced during the HAER documentation, and signage. These interpretive materials shall be employed as part of Project public outreach efforts that may include various forms of public exhibition and historic image reproduction. Additionally, the results of the historical and archaeological studies conducted for the Project shall be made available to the public through repositories such as the local main library branch or with identified non-profit historic groups interested in the subject matter. The interpretive materials shall be prepared at the expense of the Project applicant, by professionals meeting the Secretary of the Interior standards in history or historical archaeology. The development of the interpretive materials shall consider any such materials already available to the public so that the development of new materials would add to the existing body of work on the historical Los Angeles water system, and to this end, shall be coordinated, to the extent feasible and to the satisfaction of the Department of City Planning, with the content, format and location of any public interpretive materials that may be developed as part of any potential discoveries of *zanjas* resulting from additional development. The interpretive materials shall include a consideration of the *Zanja* No.2 segment located on the Project Site in relation to the entire *Zanja* No. 2 and the entire *Zanja* system as a whole. The details of the interpretive materials, including the content and format, and the timing of their preparation, shall be completed to the satisfaction and subject to the approval of the Department of City Planning.
- **Treatment Under Criterion 2:** No additional work; archival research about important persons directly associated with the construction and use of *Zanja* No. 2 would be addressed as part of HAER documentation.

- **Treatment Under Criterion 3:** No additional work; HAER documentation is sufficient.
- **Treatment Under Criterion 4:** No additional work; archaeological data recovery and HAER documentation are sufficient.
- **Treatment as a unique archaeological resource:** Same as Criterion 1 treatment.
- The ARMMP shall summarize the requirements for tribal coordination in the event of an inadvertent discovery of Native American archaeological resources, including the applicable regulatory compliance measures or conditions of approval for the inadvertent discovery of tribal cultural resources to be carried out in concert. The ARMMP shall be prepared in compliance with Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 15064.5 of the CEQA Guidelines, and PRC Sections 21083.2 and 21084.1.

**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. 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. As detailed in MM CUL-2, 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. 2, a segment of the *Zanja*, Los Angeles' original water conveyance system, is mapped crossing the western portion 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; no mitigation measures would be required.**

### (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) Historical Resources

The study area for the historical 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 17 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 contributing buildings within the Potential Historic District as the Project: Related Project No. 5, a mixed-use project approved for 1101-1129 E. 5<sup>th</sup> Street / 445 S. Colyton Street; and Related Project No. 2, a mixed-use project proposed for 527 S. Colyton Street / 1147 E. Palmetto Street. Cumulative impacts would occur if the Project and these two Related Projects cumulatively affect the 542 S. Alameda Street building or contribute to changes within the Potential Historic District.

Environmental documents prepared for Related Project No. 5 concluded that the mixed-use project, at both the Project and cumulative level, would have less than significant impacts on historical resources, including the Potential Historic District and contributing buildings.<sup>45</sup> Therefore, Related Project No. 5 would not have the potential to contribute to a cumulatively significant impact on historical resources. Environmental documents have not been completed for Related Project No. 2 to date so it is currently unknown if it would significantly impact historic resources but the potential for significant impacts exists given that Related Project 2 is located within the Potential Historic District and in the vicinity of the 542 S. Alameda Street building. However, given that Related Project 2 is not located on the 542 S. Alameda Street building site and does not contain historic resources or buildings that contribute to the Potential Historic

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<sup>45</sup> City of Los Angeles, Department of City Planning, Environmental Analysis Section, Draft Environmental Impact Report for the Arts District Center Project, prepared by CAJA, Environmental Services, LLC, February 2019, pages IV.D-90 through IV.D-94 and IV.D-113, website: <https://planning.lacity.org/eir/ArtsDistrictCenter/Deir/DEIR%20Sections/IV.D%20Cultural%20Resources.pdf>, accessed August 23, 2022.

District,<sup>46</sup> it is unlikely that it 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 Project's and the Flexibility Option's contribution 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 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 Project.

The Project would be 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 Project's and the Flexibility Option's contribution to**

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<sup>46</sup> City of Los Angeles, Department of City Planning, Office of Historic Resources, Los Angeles Historic Resources Inventory, SurveyLA Online Map Viewer, website: <http://www.historicplacesla.org/map>, accessed: August 23, 2022.

**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 Project's and the Flexibility Option's contribution 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 to cultural resources would be less than significant; no additional mitigation measures 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 with implementation of Project-level mitigation measures MM CUL-1 through MM CUL-4.