

IV. Environmental Impact Analysis

J. Tribal Cultural Resources

1. Introduction

This section of the Draft EIR provides an analysis of the Project’s potential impacts on tribal cultural resources. The evaluation of potential impacts to tribal cultural resources is based on coordination and consultation with California Native American tribes that are traditionally and culturally affiliated with the Project Site, as well as a review of the Sacred Land Files records search conducted by the Native American Heritage Commission (NAHC). This section is also based on the *Tribal Cultural Resources Report for the 2143 Violet Street Project* (TCR Report) prepared by Dudek (June 2020) included as Appendix O of this Draft EIR.

2. Environmental Setting

a. Regulatory Framework

California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

On September 25, 2014, Governor Brown signed into law Assembly Bill (AB) 52, which amended Public Resources Code (PRC) Section 5097.94 and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to establish that an analysis of a project’s impact on cultural resources include whether the project would impact “tribal cultural resources.” As set forth in PRC Section 21074:

(a) “Tribal cultural resources” are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.¹

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.² In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2,³ or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2⁴ may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

For a project for which a notice of preparation for a Draft EIR was filed on or after July 1, 2015, the lead agency is required to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if: (1) the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area; and (2) the tribe requests consultation, prior to the release of a negative declaration, mitigated negative declaration or environmental impact report for a project. PRC Section 21080.3.1(b) defines “consultation” with a

¹ Per subdivision (k) of PRC Section 5020.1, “local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

² Subdivision (c) of PRC Section 5024.1 provides the National Register criteria for listing of historical resources in the California Register.

³ Per subdivision (g) of PRC Section 21083.2, a unique archaeological resource means 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: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or (2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

⁴ Per subdivision (h) of PRC Section 21083.2, a nonunique archaeological resource means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

cross-reference to Government Code Section 65352.4, which applies when local governments consult with tribes on certain planning documents and states the following:

“Consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

The new provisions in PRC Section 21080.3.2(a) enumerate topics that may be addressed during consultation, including identification of the significance of tribal cultural resources, determination of the potential significance of Project impacts on tribal cultural resources and the type of environmental document that should be prepared, and identification of possible mitigation measures and Project alternatives.

PRC Section 21084.3 also states that public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. This section of the PRC also includes examples of mitigation measures that may be considered to avoid or minimize the significant adverse effects.

Consultation ends when either of the following occurs prior to the release of the environmental document:⁵

1. Both parties agree to measures to avoid or mitigate a significant effect on a tribal cultural resource. Agreed upon mitigation measures shall be recommended for inclusion in the environmental document (PRC Section 21082.3(a)); or
2. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Sections 21080.3.2(b)(1)-(2) and 21080.3.1(b)(1)).

With regard to human remains, CEQA Guidelines Section 15064.5 addresses consultation requirements if an initial study identifies the existence of, or the probable likelihood of Native American human remains within the project site. This section of the

⁵ Governor’s Office of Planning and Research, *Tribal Consultation Guidelines, Supplement to General Plan Guidelines*, November 14, 2005.

CEQA Guidelines, as well as Health and Safety Code Section 7050.5 and PRC Section 5097.9, also address treatment of human remains in the event of accidental discovery.

b. Existing Conditions

(1) Current Project Site Conditions

The northern portion of the Project Site is currently developed with seven buildings that comprise approximately 63,530 square feet of floor area and range in height from one to three stories and used for 6,983 square feet of office, 25,739 square feet of retail, 2,109 square of warehouse, and 10 live-work units comprised of 28,699 square feet. The Project Site also includes two sheds and surface parking areas generally located on the southern half of the Project Site. The Project Site is situated in Downtown Los Angeles, approximately 14 miles northeast of the Pacific Ocean and directly west of the Los Angeles River. The existing development is underlain by Quaternary alluvium and marine deposits, generally dating between the Pliocene and the Holocene. Soils are predominantly classified by the U.S. Department of Agriculture as Urban land, commercial, complex, which are associated with low-slope alluvial conditions.⁶ Specifically, the Project Site is underlain by artificial fill and Holocene age alluvium consisting of varying amounts of sand, silt, gravel, cobbles and boulders.⁷ The artificial fill generally consists of yellowish brown sandy silt to silty sand with trace gravel, and is characterized as slight moist and firm or medium dense.⁸ Holocene age younger alluvial fan deposits encountered beneath the artificial fill consists primarily of poorly graded sand, sand with silt, silty sand, silt and clayey silt with varying amounts of fine to coarse gravel, and is primarily light brown, light yellowish brown or gray, slightly moist to wet, and soft to hard or medium dense to very dense and becomes denser with increasing depth.⁹

Due the size and nature of past development associated with the Project Site and vicinity, all native subsurface soils with potential to support the presence of cultural deposits have likely been disturbed. However, subsurface tribal cultural resources have been encountered in areas within and surrounding Union Station, which is located approximately 1.5 miles northwest of the Project Site.

⁶ U.S. Department of Agriculture, Natural Resources Conservation Service Soils Soil Survey Geographic Database, SoilWeb Online Viewer.

⁷ Geocon West, Inc., *Geotechnical Investigation—Proposed Mixed-Use Development, 2143 Violet Street, Los Angeles, California, February 23, 2017.*

⁸ Geocon West, Inc., *Geotechnical Investigation—Proposed Mixed-Use Development, 2143 Violet Street, Los Angeles, California, February 23, 2017.*

⁹ Geocon West, Inc., *Geotechnical Investigation—Proposed Mixed-Use Development, 2143 Violet Street, Los Angeles, California, February 23, 2017.*

(2) City of Los Angeles Ethnographic Context

According to the TCR Report, the history of the Native American communities in the Los Angeles region prior to the mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the region come predominantly from European merchants, missionaries, military personnel, and explorers. These brief, and generally peripheral, accounts were prepared with the intent of furthering respective colonial and economic aims and were combined with observations of the landscape. They were not intended to be unbiased accounts regarding the cultural structures and community practices of the newly encountered cultural groups. The establishment of the missions in the region brought more extensive documentation of Native American communities, though these groups did not become the focus of formal and in-depth ethnographic study until the early 20th century. In addition, it is important to note that while many of those providing information for these early ethnographies were able to provide information based on personal experience, a significantly large proportion of these informants were born after 1850, by which time Native Americans would have had considerable contact with Europeans. This is important to note when examining these ethnographies since considerable culture change had undoubtedly occurred by 1850 among the Native American survivors of California.

It is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact. Tribes in the Los Angeles region have traditionally spoken Takic languages that may be assigned to the large Uto-Aztecan family. These groups include the Gabrieleño, Cahuilla, and Serrano. The archaeological record indicates that the Gabrieleño arrived in the Los Angeles Basin around 500 B.C. Surrounding native groups included the Chumash and Tataviam to the northwest, the Serrano and Cahuilla to the northeast, and the Juaneño and Luiseño to the southeast. The name “Gabrielino” denotes those people who were administered by the Spanish from the San Gabriel Mission, which included people from the Gabrielino area proper, as well as other social groups, and does not necessarily identify a specific ethnic or tribal group. The names by which Native Americans in southern California identified themselves have, for the most part, been lost. Many modern Gabrielino identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and refer to themselves as the Tongva, within which there are a number of regional bands. The term, Tongva, is used in the remainder of this section to refer to the inhabitants of the Los Angeles Basin and their descendants prior to contact with the Europeans.

Tongva lands encompassed the greater Los Angeles Basin and three Channel Islands: San Clemente, San Nicolas, and Santa Catalina. The Tongva established large, permanent villages in the fertile lowlands along rivers and streams, and in sheltered areas along the coast, stretching from the foothills of the San Gabriel Mountains to the Pacific

Ocean. A total tribal population has been estimated of at least 5,000 persons, but recent ethnohistoric work suggests a number approaching 10,000 persons.

The nearest large ethnographic Tongva village was that of Yanga (also known as Yaangna, Janga, and Yabit), which was in the vicinity of downtown Los Angeles. This village was reportedly first encountered by the expedition led by Captain Gaspar de Portola in 1769. In 1771, Mission San Gabriel was established, and Mission records indicate that 179 Gabrieleño inhabitants of Yanga were recruited to San Gabriel Mission. Based on this information, Yanga may have been the most populated village in the Western Gabrieleño territory. The Cahuenga village, second in size but less thoroughly documented, was located slightly closer to the mission, just north of the Cahuenga Pass.

The Tongva exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches for food. Acorns were the staple food and were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, and agave). Fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed. A wide variety of tools and implements were used by the Tongva to gather and collect food resources. These included the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. The Tongva also processed food with a variety of tools, including hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Catalina Island steatite was used to make ollas and cooking vessels. Plank canoes and tule balsa canoes were used for fishing, travel, and trade between the mainland and the Channel Islands.

At the time of Spanish contact, the basis of Tongva religious life was the cult of Chinigchinich, who was considered an important heroic mythological figure. Chinigchinich was known to give instruction on laws and institutions, as well as dance, which was the primary religious act for the Tongva society. While the Chinigchinich religion seems to have been relatively new when the Spanish arrived, it spread south into the Southern Takic groups even as Christian missions were being built. As such, the Chinigchinich religion may represent a mixture of native and Christian belief and practices.

Deceased Tongva were either buried or cremated, with burial more common on the Channel Islands and the neighboring mainland coast and cremation predominating on the remainder of the coast and the interior. Cremation ashes have been found buried within stone bowls and in shell dishes, as well as scattered among broken ground stone implements. These archaeological finds correspond with ethnographic descriptions of an elaborate mourning ceremony that included a wide variety of offerings, including seeds, stone grinding tools, otter skins, baskets, wood tools, shell beads, bone and shell ornaments, and projectile points and knives. Offerings varied with the sex and status of the

deceased. However, at the behest of the Spanish missionaries, cremation essentially ceased.

(3) Assembly Bill 52 Notification and Consultation

In compliance with the requirements of AB 52, the City provided formal notification of the Project on April 13, 2018. Letters were sent to the following California Native American tribes that requested notification:

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

One response letter was received by the City on April 18, 2018 from Mr. Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians—Kizh Nation. The letter states the following and requested consultation with the City:

Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources.

On June 14, 2018, consultation occurred between Department of City Planning staff and the representatives from the Gabrieleño Band of Mission Indians—Kizh Nation. During the consultation, the tribal representatives provided the following information:

- The project site is located in a sensitive area that is considered an Area of Potential Affect (APE);

- Santa Fe Avenue was a historic trading route. The Santa Fe railroad later followed along the path of this original trading route;
- The area around the banks of the Los Angeles River was utilized for tribal settlements;
- Human remains were encountered near the intersection of Santa Fe Avenue and Commercial Street during excavation for a Metro project;
- Human remains were also encountered near Union Station during excavation in the mid-1990s;
- There were further historic burials around the site of the Aliso Sycamore Tree, in the vicinity of Vignes Street and US-101;

Based on the above, the tribe requested the presence of a Native American monitor during all ground disturbance associated with Project development.

On June 19, 2018, the City sent a follow-up email to Mr. Salas summarizing the consultation call and requesting further documentation from the tribe on the 1938 LA County map referenced during the call; past trading routes; previous finds near Commercial Street, Santa Fe Avenue, and Union Station; and any proposed mitigation language. Following this correspondence, the tribe responded on April 30, 2020 via email and provided the City with screen shots of four historic map images along with a review of each map and screen shots of four pages of text from unknown literary sources.

No communication or request for consultation was received from any other tribes within the 30-day response period, which ended on May 14, 2018. Copies of notification letters, verification of mailing, correspondence received from the Gabrieleño Band of Mission Indians—Kizh Nation, and a summary of the consultation are included as Appendix O of this Draft EIR.

(4) Background Research

(a) Sacred Lands File Review

A Sacred Lands File Search request was submitted to the NAHC for the Project on May 1, 2018. The NAHC replied via email on May 3, 2018 stating that the Sacred Lands File search was completed with negative results. However, the records maintained by the NAHC and the California Resources Information System are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. The NAHC recommended contacting tribes associated with the Project Site in order to avoid unforeseen discoveries once the Project has started and provided a list of tribal

representatives to contact for additional information. As stated above, all California Native American tribes that requested notification were contacted.

(b) California Historical Resources Information System Review

A California Historical Resources Information System (CHRIS) records search at the South Central Coastal Information Center (SCCIC) was conducted for a 0.5-mile radius from the Project Site as part of the preparation of the TCR Report for the Project on April 30, 2018. The records search included SCCIC's collections of mapped prehistoric, historical, and built environment resources; Department of Parks and Recreation site records; technical reports; archival resources; and ethnographic references.

(i) Previously Conducted Cultural Resource Studies

Results of the cultural resources records search indicated that 38 previous cultural resource studies have been conducted within 0.5 mile of the Project Site between 1986 and 2017. None of the studies identified any tribal cultural resources on the Project Site.

(ii) Previously Recorded Cultural Resources

A total of 84 previously recorded cultural resources are within the 0.5-mile record search area, none of which are within the Project Site. Of these, 80 resources are historic-era buildings or structures. The remaining four resources are historic-era archaeological sites consisting of refuse scatters dating to between 1850 and 1945. No prehistoric sites or resources documented to be of specific Native American origin have been previously recorded on the Project Site or within the 0.5-mile record search area.

(c) Ethnographic Research and Review of Academic Literature

As part of the preparation of the Project's TCR Report, academic and ethnographic literature and materials were reviewed for information pertaining to past Native American use of the Project Site. This review included consideration of sources commonly identified through consultation, notably the 1938 Kirkman-Harriman Historical Map often referenced by the Gabrieleño Band of Mission Indians—Kizh Nation (see Figure 3 of the TCR Report, included in Appendix O of this Draft EIR). Based on this map, the Project Site is located near the intersection of two segments of the "Road of 1810" and approximately 0.7 mile west of El Camino Real and 5 miles northwest of the nearest mapped Native American settlement, which is depicted with a red structure on the Kirkman-Harriman map. Maps dating to 1898, 1900, and 1901 were additionally provided by the tribe in consultation with the intent of showing the project site relative to historic-era train tracks located in the immediate vicinity. The presence of roads, or other travel routes, as represented on the historic maps provided through consultation, does help demonstrate that there have historically been multiple routes of travel in the area. It is possible that some of these

routes could have been used during prehistoric periods for traditional trade given that prior to formal City planning requirements routes of travel would have followed the optimal routes between locations based on topographic setting, environmental factors, and the locations of specific re-determined destinations. As noted by the Gabrieleño Band of Mission Indians—Kizh Nation in consultation using a historic map from 1901, the Project is located near several natural resources that may have been utilized by prehistoric and protohistoric peoples, particularly the Los Angeles River. The channelized Los Angeles River is within 500 feet to the east of the Project Site, although the natural flow of the river may have varied historically. Prehistoric routes and habitation areas would have favored proximity to important food resources and water. Just as routes change historically based on changing environmental conditions and other constraints, so would prehistoric use of the region. There is no archaeological evidence demonstrating increased patterning of prehistoric material along historical routes or now channelized drainages represented in the provided maps. Although not mapped, the village of Yanga is noted in various archaeological and ethnographic records to be located approximately 1.2 miles northeast of the Project Site and is discussed further below. It should also be noted that the Kirkman-Harriman map is highly generalized due to scale and age and may be somewhat inaccurate with regard to distance and location of mapped features. Additionally, this map was prepared based on review of historic documents and notes more than 100 years following secularization of the missions in 1833. Although the map contains no specific primary references, it matches with the details documented by the Portola expedition (circa 1769-1770). While the map is a valuable representation of post-mission history, substantiation of the specific location and uses of the represented individual features would require review of archaeological or other primary documentation on a case-by-case basis. As noted in the TCR Report, a review of archival records did not identify a prehistoric resource or resources documented to be of specific Native American origin within the Project Site.

At the time of Portola's expedition, and through the subsequent mission period, the area surrounding the Project Site would have been occupied by Western Gabrieleño/Tongva inhabitants. The village site nearest to the Project Site was Yanga (or Yabit), located approximately 1.2 miles northeast of the Project Site in roughly the area of the Los Angeles Plaza Church. In general, the mapped position of Yanga has been substantiated through archaeological evidence, although the archaeological record has been substantially compromised by rapid and early urbanization throughout much of the region. After the founding of Los Angeles, Yanga was forcibly moved, and the Native Americans in the area formed a new village near the northwest corner of Los Angeles Street and 1st Street, approximately 1.5 miles northwest of the Project Site. This second Native American village site, known by the Spanish name *Rancheria de los Poblanos*, was only occupied until about 1836. The Native American communities in Los Angeles were relocated again, this time east of the Los Angeles River. After 1836, Native Americans were forcibly relocated another three times, in 1845, 1846, and 1847. A review of archival

records did not identify any of these relocations within the Project Site or 0.5-mile records search buffer.

Based on review of relevant academic and ethnographic information, the Project falls within the boundaries of the Gabrieleño/Tongva traditional use area; however no resources of Native American origin have been documented in areas that may be impacted by the Project.¹⁰

3. Project Impacts

a. Thresholds of Significance

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

Threshold (a): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or***
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

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

¹⁰ Construction would be primarily confined to the Project Site with minor off-site work to connect to existing utility systems.

b. Methodology

A CHRIS records search was conducted at the SCCIC on April 30, 2018 in order to determine potential impacts associated with tribal cultural resources. This search encompassed a 0.5-mile radius beyond the Project Site. The records search included a review of mapped prehistoric, historic, and built environment resources; Department of Parks and Recreation Site Records; technical reports; archival resources; and ethnographic references. Pertinent academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the Project Site. Pursuant to AB 52, California Native American Tribes were notified and provided an opportunity to request consultation in order to address potential impacts associated with Native American resources. As discussed above, one response letter was received by the City from the Gabrieleño Band of Mission Indians—Kizh Nation. Information provided by the tribe was evaluated in the TCR Report. In addition, an SLF search was conducted by the NAHC to determine the presence of any recorded tribal cultural resources on the Project Site.

c. Project Design Features

No specific project design features are proposed with regard to tribal cultural resources.

d. Analysis of Project Impacts

Threshold (a): Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

(1) Impact Analysis

A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (PRC Section 21084.2.). AB 52 requires a tribal cultural resource to have tangible, geographically defined properties that can be impacted by an undertaking. As discussed above in Subsection 2.b.(4)(b)(ii) on page IV.J-9, no prehistoric sites or resources documented to be of specific Native American origin have been previously recorded on the Project Site or within 0.5 mile of the Project Site. However, as noted above, on April 30, 2020, the Gabrieleño Band of Mission Indians—Kizh Nation provided the City with screen shots of four historic map images along with a review of each map and screen shots of four pages of text from unknown literary sources. In addition, the tribe provided a record of communication with the NAHC, the SCCIC, and Dr. Garey E. Stickel, an archaeologist from Environmental Research Archaeologists: a Scientific Consortium (ERA).

The materials provided by the Gabrieleño Band of Mission Indians—Kizh Nation are evaluated in detail in Table 3 of the TCR Report. The materials show the Project Site's location in relation to historic railroads, which the tribe contends were often placed on top of its traditional trade routes, as well as the hydrology and waterways around the Project Site. Other documents provided by the Tribe during consultation include a section of a SCCIC letter indicating that not all cultural resources are documented within the SCCIC records provided. This is a general note that is included in all records search results performed by the SCCIC, and is not a specific reference to the sensitivity of the present Project Site. A letter drafted to Chairman Salas from Dr. Garey E. Stickel was also provided. In this letter Dr. Stickel expresses the opinion that all projects be subject to cultural monitoring. No specific project is referenced in this letter. This approach is not consistent with standard archaeological practice, which requires management strategies to be developed on a project-by-project basis based in evidence of potential to encounter resources that may be impacted. Here, as stated below, the finding is that there are no significant tribal cultural resources on site so no mitigation is required.

As presented above in Subsection 2.b.(4), the results of the records searches (i.e., SCCIC and NAHC) conducted for the Project Site and the independent analysis of correspondence and materials relative to potential tribal cultural resources on the Project Site (included in the TCR Report) demonstrate that there is no record or evidence of tribal cultural resources on the Project Site or in its vicinity. In addition, while the information and materials received from the Gabrieleño Band of Mission Indians—Kizh Nation provide evidence of the village of Yanga approximately 1.2 miles northeast of the Project Site, no known geographically-defined resources were identified within, or in the 0.5-mile search radius. Government-to-government consultation initiated by the City, acting in good faith and after a reasonable effort, has not resulted in the identification of a TCR within or near

the Project Site. Therefore, the TCR Report concluded there are no tribal cultural resources that are listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources on or within 0.5 mile of the Project Site. **Based on this information, the City, in its discretion and supported by substantial evidence, finds that the Project Site does not contain any resources determined by the City to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Accordingly, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe. As such, impacts related to tribal cultural resources would be less than significant.**

Nonetheless, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. Should tribal cultural resources be inadvertently encountered, this condition of approval provides for temporarily halting construction activities near the encounter and notifying the City and Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project. If the City determines that the object or artifact appears to be a tribal cultural resource, the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Applicant would then implement the tribe's recommendations if a qualified archaeologist reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resource monitoring plan and once the plan is approved by the City, ground disturbance activities could resume. In accordance with the condition of approval, all activities would be conducted in accordance with regulatory requirements.

(2) Mitigation Measures

Project impacts related to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Project impacts related to tribal cultural resources would be less than significant without mitigation.

e. Cumulative Impacts

(1) Impact Analysis

As provided in Section III, Environmental Setting, of this Draft EIR, a total of 74 related projects have been identified in the vicinity of the Project Site.

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. Although impacts to tribal cultural resources tend to be site-specific, cumulative impacts would occur if the Project, related projects, and other future development affected the same tribal cultural resources and communities. The closest related projects to the Project Site are Related Project Nos. 18, 25, 26, and 74.

Related Project No. 18 located at 2130 E. Violet Street, includes the development of 94,000 square feet of office uses and 7,450 square feet of retail uses. The Mitigated Negative Declaration for Related Project No. 18 concluded that impacts to tribal cultural resources would be less than significant.¹¹

Related Project No. 25, located at 1000 S. Santa Fe Avenue, includes the development of 59,000 square feet of private club uses and 48 guest rooms. This Project involves the adaptive reuse and renovation of an existing 5-story building.¹² No demolition or excavation is proposed. Therefore, this Project would not have the potential to impact tribal cultural resources.

Related Project No. 26, located at 2110 Bay Street, includes the development of 110 residential units, 113,000 square feet of office uses, and 43,700 square feet of retail uses. The EIR for Related Project No. 26 concluded that impacts to tribal cultural resources would be less than significant.¹³

Related Project No. 74, located at 2124-2132 E. 7th Place, includes the conversion of 5,055 square feet of retail/warehouse uses to restaurant uses. While separate from the Project, Related Project No. 74 is located on the Project Site.¹⁴ Accordingly, impacts

¹¹ *City of Los Angeles, 2130 Violet Street Project, Initial Study/Mitigated Negative Declaration, September 26, 2016.*

¹² *City of Los Angeles, 1000 S. Santa Fe Street [sic], Master Land Use Permit Application, April 6, 2015.*

¹³ *City of Los Angeles, 2110 Bay Street Mixed Use Project, Draft Environmental Impact Report, November 2018.*

¹⁴ *This project is located on the Project Site but is not considered part of the Project because both the building permit and certificate of occupancy were granted but the project was not occupied at the time of issuance of the NOP.*

associated with Related Project No. 74 would be the same as the Project. As discussed above, there are no tribal cultural resources located on the Project Site.

Other related projects including Related Project Nos. 59, 63, and 69 are closer to the Yanga village site. However, given the distance between the Project and these related projects, their development along with the Project would not result in a cumulative impact.

Overall, as determined by the analysis included in this section for the Project, as well as analyses prepared for surrounding related projects, the Project Site and surrounding areas are highly urbanized and have been disturbed and developed over time. As such, the analyses of the Project and nearest related projects determined that significant impacts to tribal cultural resources would not occur and would be adequately addressed through compliance with regulatory standards. In particular, similar to the Project, related projects, including those that may be closer to the Yanga village site such as Related Project Nos. 59, 63, and 69, would be required to comply with AB 52 to determine if there would be potential impacts to tribal cultural resources. As part of this process, appropriate mitigation would be identified, if applicable, to ensure that impacts to tribal cultural resources would not occur. Therefore, cumulative impacts to tribal cultural resources would be less than significant.

(2) Mitigation Measures

Cumulative impacts related to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Cumulative impacts related to tribal cultural resources would be less than significant without mitigation.