

IV. Environmental Impact Analysis

K. 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 section is based in part on the *Tribal Cultural Resources Report for the 1360 North Vine Street Project* (TCR Report) prepared by Dudek (May 2022), included as Appendix T of this Draft EIR. The impact analysis is also based on a Sacred Lands File (SLF) records search conducted by the California Native American Heritage Commission (NAHC) and a California Historical Resources Information System (CHRIS) records search conducted by the South Central Coastal Information Center (SCCIC) at California State University Fullerton, both of which are appended to the TCR Report, as well as consultation with the Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation).¹

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 Jerry 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.” PRC Section 21074 sets forth the following:

¹ As discussed further below, AB 52 notification letters were sent to all of the California Native American tribes that are traditionally and culturally affiliated with the general Project area. The Gabrieleño Band of Mission Indians—Kizh Nation was the only tribe to respond and request consultation.

- (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 5020.1.²*
 - (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 5024.1.³ 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 21083.2,⁴ or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2⁵ may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).*

² 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.

³ Subdivision (c) of PRC Section 5024.1 provides the National Register criteria for listing of historical resources in the California Register.

⁴ 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.

⁵ 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
(Footnote continued on next page)

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 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) list 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:⁶

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

archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

⁶ Governor’s Office of Planning and Research, *Tribal Consultation Guidelines, Supplement to General Plan Guidelines, November 14, 2005.*

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 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) Existing Project Site Conditions

The Project Site is relatively flat and currently developed for commercial and residential purposes. The Project Site is currently occupied by a mix of uses that consist of a 17,100-square-foot post-production facility, an 8,044-square-foot commercial building, six bungalows that comprise approximately 8,988 square feet of floor area, and an eight-unit multi-family residential building comprised of approximately 7,700 square feet of floor area. The six historic bungalows on the eastern portion of the site are contributing structures within the Afton Square District, a designated California Register historic district. There are also ancillary buildings such as sheds and garages adjacent to the bungalows that are non-contributing features to the historic district. A surface parking lot is also located behind the commercial building. All portions of the approximately 81,050-square-foot site have been previously developed. There are several trees throughout the Project area that are associated with the residential properties.

The Project Site is 1.25 miles south of the Santa Monica Mountains, 5.75 miles north of Baldwin Hills, and 11.4 miles northeast of the Pacific Ocean. The soil underlying the existing development is classified by the U.S. Department of Agriculture (USDA) as Urban land-Grommet-Ballona complex, associated with discontinuous human-transported material over young alluvium derived from sedimentary rock.^{7,8} 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 been substantially disturbed. Specifically, the Project Site has surface deposits that consist of soil on top of older

⁷ U.S. Department of Agriculture, Natural Resources Conservation Service Soils Soil Survey Geographic Database.

⁸ The term "human-transported material" refers to soil parent material (organic or mineral) that has been moved horizontally onto a unit of land surface from a source area outside of that land surface by purposeful human activity. The term "discontinuous" refers to changes in particle-size distribution or mineralogy.

Quaternary Alluvium, derived as alluvial fan deposits from the Hollywood Hills immediately to the north.⁹ Artificial fill is present to a maximum depth of 13 feet below existing ground surface of the Project Site with slightly to moderately consolidated Pleistocene age deposits below consisting of silt, sand, clay, and gravel.¹⁰ Historical maps, topographic maps, and aerial photographs indicate the presence of small drainages approximately two miles east of the Project Site, and the now channelized Los Angeles River is located 3.67 miles to the northeast.

As described in Section II, Project Description, of this Draft EIR, the Project proposes two development options. The Residential Option proposes excavations up to 45 feet below grade for the construction of the subterranean parking levels and building foundations. It is estimated that approximately 142,000 cubic yards of export would be hauled from the Project Site during its excavation phase. The Office Option proposes excavations up to 83 feet below grade for the construction of the subterranean parking levels and building foundations. It is estimated that approximately 321,060 cubic yards of export would be hauled from the Project Site during its excavation phase.

(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 were brief, generally peripheral, and were combined with observations of the landscape. These accounts were prepared predominantly by European merchants, missionaries, military personnel, and explorers with the intent of furthering respective colonial and economic aims. As such, they were not unbiased accounts of the cultural structures and community practices of these cultural groups. The establishment of the missions in the region brought more extensive documentation of Native American communities. While many of the Native Americans 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. This is also a particularly important consideration for studies focused on tribal cultural resources, where concepts of “cultural resource” and the importance of traditional cultural places are

⁹ *Written correspondence from Samuel A. McLeod, Ph.D., Vertebrate Paleontology, Los Angeles County Natural History Museum, April 19, 2017.*

¹⁰ *GEOCON West, Inc., Geotechnical Investigation, Proposed High Rise Redevelopment 6254–6274 W. De Longpre Avenue, 1334 & 1348–1360 N. Vine Street, 6241–6265 W. Afton Place, Los Angeles, California, revised September 2016. See Appendix G of this Draft EIR.*

intended to be interpreted based on the values expressed by present-day Native American representatives and may vary from archaeological values.

Based on ethnographic information, 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 colonization. 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 Gabrielino (alternately Gabrieleño), Cahuilla, and Serrano.

The archaeological record indicates that the Gabrielino 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. Most modern Native Americans commonly referred to as 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. This term (Tongva) is used in the remainder of this section to refer to the inhabitants of the Los Angeles Basin prior to colonization by Europeans, and their descendants.

The Tongva established large, permanent villages in the fertile lowlands along rivers and streams, and in sheltered areas along the coast. Tongva lands included the greater Los Angeles Basin and three Channel Islands: San Clemente; San Nicolas; and Santa Catalina. These lands stretched 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 largest, and best documented, 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 documented by the expedition led by Captain Gaspar de Portola in 1769. Mission San Gabriel was established in 1771, and Mission records indicate that 179 Gabrielino inhabitants of Yanga were members of the San Gabriel Mission. Based on this information, Yanga may have been the most populated village in the Western Gabrielino territory. Another large habitation area, though less documented in the ethnographic record compared to Yanga, was the village of Cahuenga. This village was located just slightly closer to the Project Site, approximately 3 miles to the north near the mouth of the Cahuenga Pass. The environment surrounding the Tongva included mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal ecotones. Like that of most native Californians, acorns were the staple food and part of an established industry by the time of the early Intermediate Period. Acorns 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. Trade between the mainland and the Channel Islands Groups was conducted using plank canoes and tule balsa canoes, which were also used for general fishing and travel.

Tongva people 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.

At the time of Spanish colonization, the basis of Tongva religious life was the Chinigchinich religion. The Chinigchinich religion was known to provide 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. Offerings varied with the sex and status of the deceased. At the behest of the Spanish missionaries, cremation essentially ceased in the period subsequent to the initial interactions with Euroamericans.

(3) Assembly Bill 52 Consultation

In compliance with the requirements of AB 52, the City provided formal notification of the Project on June 22, 2017 (refer to Appendix T of this Draft EIR). Letters were sent via FedEx and certified mail 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 Tribe
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- San Fernando Band of Mission Indians
- Soboba Band of Luiseño Indians
- Torres Martinez Desert Cahuilla Indians
- Fernandeano Tataviam Band of Mission Indians

On June 28, 2017, the City initiated consultation with the representatives of the Kizh Nation to discuss the 1360 N. Vine Street Project. On June 29, 2017, the Kizh Nation provided the City with documents that identified the general vicinity of the Project area as having been used by Native Americans in prehistoric and protohistoric time. These resources included an article describing the evolution of Indian trails to modern thoroughfares, a copy of the 1938 Kirkman-Harriman Historical Map discussed above, and an article detailing the historic presence of springs and rivers throughout the Los Angeles Basin that would have served as important resources for Native Americans.

Representatives of the Kizh Nation stated that although they were not aware of any tribal cultural resources within the Project area, such resources may exist within the Project Site and could have been impacted by previous development. In addition, representatives of the Kizh Nation stated that construction workers are often unaware of how to identify tribal cultural resources. The City acknowledged these concerns and agreed to provide the Kizh Nation with the following background reports for the Project:

- SLF File Search
- CHRIS Report
- Natural History Museum Report
- Tribal Cultural Resources Report
- Geotechnical Report

Additional consultation was conducted between the City and representatives from the Kizh Nation via phone on September 24, 2020, and email. On October 9, 2020, the Kizh Nation provided the City with documentation, including screenshots of five historical map images and screenshots of six pages of text from literary sources. Table 2 of the TCR

Report provides the Kizh Nation's summary for the five historical maps provided. The Kizh Nation did not provide explanatory text for any of the six literary sources, but the sources appear to be in reference to how the location of villages are determined by the supply of water, rancherias/ranchos, and Gabrielino communities, though specificity on how this information relates to the Project was not provided.

In addition, on October 9, 2020, Kizh Nation's Chairman Salas provided the City with a letter from Dr. E. Gary Stickel to Chairman Salas dated August 22, 2018 regarding proper Cultural Resource Management (CRM) monitoring. In this letter, Dr. Stickel discusses the inadequacy of an archaeological pedestrian survey for the identification of subsurface cultural material, the use of ground penetrating radar (GPR) to detect unknown burials prior to project construction, and the reliability of the use of a GPR, and a statement of the use of a monitoring program for project compliance. Additionally, Dr. Stickel states that the only exception of a monitoring program would be when a subject property has been extensively disturbed and all soil deposits to contain cultural material has been removed and/or destroyed. Chairman Salas also included a screenshot of an email from NAHC analyst, Frank Lienert, which stated that negative SLF searches do not preclude the existence of sites within the search area, which is explicitly stated on all negative SLF search results. The NAHC email also states that they recommend that the SLF search requestor contact all tribes on the consultation lists. Additionally, Chairman Salas provided a letter from the SCCIC noting that the absence of archaeological resources within a specific area does not mean that no such resources exists and that there is always a chance that there are unrecorded archaeological resources on the surface or buried within an area.

Based on the summary of the five historical map screenshots as well as the screenshots of letters from Dr. E. Gary Stickel, the NAHC, and the SCCIC, the Kizh Nation believes that there is a higher than average potential to impact tribal cultural resources within the Project Site. As such, Chairman Salas provided the City with proposed mitigation measures for the Project, which includes the requirement for a Native American Monitor to be present during all ground disturbing activities and the implementation of various protocols and procedures in the event that tribal cultural resources, archaeological resources, and/or human remains are identified within the Project Site. The City sent the Kizh Nation a Pre-Closure Consultation letter, dated March 8, 2022. The letter briefly summarized the City's efforts to engage in a meaningful and good faith consultation regarding the Project's potential impacts to tribal cultural resources and to further document the tribal consultation process, pursuant to PRC Section 21080.3.1. The letter included a brief summary of the tribal consultation that has occurred thus far between the City and the Kizh Nation regarding the Project. In addition, the provided a copy of the draft TCR Report for the Tribe's review. The City requested that the Tribe complete its review of the TCR Report and provide any comments by March 23, 2022. No comments were received by the Tribe and thus the City closed consultation on April 6, 2022. After the closure consultation, the city received additional correspondence from the Kizh Nation disagreeing with the

proposed mitigation measures for the project, however the letter was received after the close of the AB 52 process and does not change the conclusions as to the presence of TCRs for the Project.

To date, no other responses or requests for further consultation have been received from the tribal contacts regarding tribal cultural reports or other concerns about the Project. A record of the letters, mailings, and correspondence, excluding that deemed confidential, is included as Appendix T of this Draft EIR.

(4) Background Research

(a) Sacred Lands File Review

An SLF search request was conducted by the NAHC for the Project on April 3, 2018 (included in Appendix T). The results of the SLF search indicated 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 area in order to avoid unforeseen discoveries once the Project has started and provided a list of tribal representatives to contact for additional information. All tribal representatives identified by the NAHC, as provided in Appendix T, of this Draft EIR, were notified of the Project.

(b) California Historical Resources Information System Review

A CHRIS records search of the Project Site and a 0.5-mile record search area at SCCIC was conducted as part of the preparation of the TCR Report for the Project (refer to Appendix T of this Draft EIR). The records search included SCCIC's collections of mapped prehistoric, historic, and built environment resources, Department of Parks and Recreation site records, technical reports, archival resources, and ethnographic references. Additional consulted sources included historical maps of the Project Site, the National Register of Historic Places, the California Register of Historical Resources, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility.

(i) Previously Conducted Cultural Resource Studies

Results of the records search indicated that 31 previous cultural resource studies have been conducted within 0.5 mile of the Project Site between 1979 and 2013. None of these have directly included the Project Site.

(ii) Previously Recorded Cultural Resources

A large number of previously recorded cultural resources are located within the 0.5-mile record search area, one of which is within the Project Site. This overlapping cultural resource is a built environment district known as the Afton Square District (P-19-168117) which contains 49 contributing properties and 13 non-contributing properties. The Afton Square District is listed on the California Register of Historical Resources.

All but one of the resources within the records search area are historic-age built environment resources (128 total), a large portion of which are buildings associated with the Afton Square District. The single archaeological resource recorded within 0.5 mile of the Project Site consists of historic-age foundations, structural remains, and refuse scatter associated with the pre-World War II occupants in the area. No prehistoric archaeological resources have been previously recorded within 0.5 mile of the Project Site. Additionally, no 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) Review of Historic Aerials and Topographic Maps

Dudek consulted historic maps and aerial photographs to understand development of the Project Site and surrounding properties. Topographic maps are available from 1894 to the present and aerial images are available from 1948 to the present. The first USGS topographic map showing the Project Site dates to 1894 and shows that at this time the area was undeveloped; however, the streets had been laid out and development had occurred in the vicinity. The historical topographic maps do not show extensive changes within the Project Site and vicinity until 1924. The 1924 topographic maps show that the Project Site had been completely developed into residential housing. The first historic aerial of the Project Site is from 1948 and shows that the Project Site had been completely redeveloped with three structures and a parking lot, indicating that the Project had undergone a large amount of construction-related disturbance during this time. By 2004, an additional structure had been added over a section of the parking lot. Present aerials show that there have not been any substantial changes to the Project Site since this time. It should be further noted that a geotechnical investigation completed for the Project also demonstrated that the Project Site has been heavily modified through previous construction, indicating fill to be present to a depth of 13 feet below the surface.^{11,12} Based

¹¹ GEOCON West, Inc., *Geotechnical Investigation, Proposed High Rise Redevelopment 6254–6274 W. De Longpre Avenue, 1334 & 1348–1360 N. Vine Street, 6241–6265 W. Afton Place, Los Angeles, California, Project No. A9382-06-01, revised September 2016. See Appendix G of this Draft EIR.*

¹² GEOCON West, Inc., *Geotechnical Investigation, Proposed High Rise Redevelopment 6254–6274 W. De Longpre Avenue, 1334 & 1348–1360 N. Vine Street, 6241–6265 W. Afton Place, Los Angeles, California, Project No. A9382-06-02, revised August 17, 2020. See Appendix G of this Draft EIR.*

on this information, the Project Site has been substantially disturbed as a result of past development. This indicates that soils likely to contain tribal cultural resources have likely been disturbed.

(d) 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 area. This review included consideration of sources identified through consultation with the Kizh Nation, notably the 1938 Kirkman-Harriman Historical Map (See Figure 3 of the TCR Report, included in Appendix T of this Draft EIR). It should be noted that this 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 1938 map was prepared 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 shown on this map provided as Figure 3 in the TCR Report, the Project Site is identified to be west of El Camino Real (an official Spanish road), south of two Native American villages (the nearest mapped approximately 0.4-mile away), and approximately 2.9 miles northeast of the nearest of the tar pits associated with the La Brea Tar Pit area. No information relating to the two village sites mapped on the 1938 Kirkman-Harriman Historical Map (See Figure 3 of the TCR Report) nearest to the Project was provided within the technical reports reviewed as part of the records search for this study, although it appears likely that these villages are those mentioned in the diary excerpts written by Father Juan Crespi, a member of the Portola expedition, which identified two villages near the southern opening of the Cahuenga Pass. Because these villages are not documented in ethnographic sources subsequent to this initial documentation, nor have the villages been confirmed archaeologically, the mapped locations of these villages should not be considered known cultural resources unless substantiated through future archaeological work.

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 Gabrielino/Tongva inhabitants. Use of Gabrielino as a language has not been documented since the 1930s.¹³ One study made an effort to map the traditional Gabrielino/Tongva cultural use area through documented family kinships and Native American recruitment numbers

¹³ Golla, Victor, *California Indian Languages*, Los Angeles: University of California Press, 2011.

included in mission records.¹⁴ This process allowed for the identification of clusters of tribal villages (settlements) with greater relative frequencies of related or married individuals than surrounding areas (See Figure 6 of the TCR Report). Traditional cultural use area boundaries, as informed by other ethnographic and archaeological evidence, were then drawn around these clusters. The relative sizes of these villages were also inferred from their relative number of mission-period members. The nearest substantiated village site to the Project Site was Cahuenga, described above, which was located approximately three miles away near the northern opening of the Cahuenga Pass and near what is now Universal Studios. Mission records indicate that 123 Native American neophytes came from this village, second only to the number of members from Yanga in the Western Gabrielino territory, which as noted above, was in the vicinity of the downtown Los Angeles. As previously discussed, the largest substantiated village in the vicinity was likely Yanga, located approximately six miles to the southeast. In general, the mapped positions of both Yanga and Cahuenga have been substantiated through archaeological evidence, although the archaeological record has been substantially compromised by rapid and early urbanization throughout much of the region. No archaeological evidence of the two nearest villages on the 1938 Kirkman-Harriman map was provided in the SCCIC records search results (refer to Appendix T) or review of other archaeological information. These villages are outside of the archaeological records search area.

As described in the TCR Report, a review of pertinent academic and ethnographic information indicates that the Project falls within the boundaries of the Gabrielino/Tongva traditional territory. In addition, the Project Site is located relatively close to Native American villages, including the Cahuenga, which is located approximately three miles north of the Project, and the Yanga, which is approximately six miles to the southeast of the Project Site. Based on a review of historical maps, the Project Site is also located near water sources and roads that may have been utilized by Native Americans in both the prehistoric and protohistoric time period. However, no Native American tribal cultural resources have been previously documented in areas that may be impacted by the Project.

3. Project Impacts

a. Significance Thresholds

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:

¹⁴ *Northwest Economic Associates (NEA) and Chester King, Ethnographic Overview of the Angeles National Forest: Tataviam and San Gabriel Mountain Serrano Ethnohistory, 2014.*

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.***

In assessing impacts related to tribal cultural resources in this section, the City will use Appendix G as the thresholds of significance. 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 Appendix G thresholds provided above.

b. Methodology

A CHRIS records search was conducted for the Project Site and the surrounding 0.5-mile area to determine potential impacts associated with tribal cultural resources. The records search included a review of mapped prehistoric, historic, and built environment resources; Department of Recreation and Parks Site Records; technical reports; ethnographic references; historical maps; the California Historic Property Data File; the National Register of Historic Places, California Register of Historical Resources, California State Historical Landmarks, and California Points of Historical Interest listings; and the Archaeological Determinations of Eligibility. Pertinent academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the Project area. Consultation with California Native American Tribes was conducted to address potential impacts associated with Native American resources as required by AB 52. In addition, a 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 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

In compliance with the requirements of AB 52, the City provided formal notification of the Project on June 22, 2017, to the tribes listed above in Subsection 2.b.(3). The response period for the consultation requests concluded after 30 days on July 22, 2017. As mentioned above, on June 28, 2017, the City initiated consultation with the Kizh Nation. The Kizh Nation provided the City with documents that identified the general vicinity of the Project area as having been used by Native Americans in prehistoric and protohistoric time. Additional consultation was conducted between the City and representatives from the Kizh Nation by phone and on October 9, 2020, by email. To date, no other responses have been received from the tribal contacts regarding tribal cultural resources or other concerns about the Project, and the City has not been contacted for further consultation.

Dudek reviewed the comments provided by the Kizh Nation during AB 52 consultation to determine whether the Project would cause a substantial adverse impact to tribal cultural resources. As discussed above in Subsection 2.b.(3), the Kizh Nation provided screenshots of the 1898, 1900, 1901, and 1938 maps and stated that there are many trade routes around the Project Site that often included isolated burials and cremations. However, according to the CHRIS records search results, no isolated burials or cremations were identified within or in the immediate vicinity of the Project Site. In addition, no trade routes are depicted as within the Project Site in these maps provided by the Kizh Nation, and the 1938 map (see Figure 3 of the TCR Report), specifically, appears to be highly generalized. Therefore, the distance of El Camino Real in relation to the

Project Site may vary significantly. As such, these maps do not provide material evidence that the Project could potentially impact a tribal cultural resource.

The Kizh Nation also provided a screenshot of the 1898 map to show the Project's close proximity to a railroad. The Kizh Nation stated that railroads were placed on top of the tribe's traditional trade routes, and therefore, the railroad corridors represent a geographically defined location of a trade route. Based on the TCR Report, although an east-west traveling railroad track is present on reviewed historical topographic maps, it is mapped to the north and outside of the Project Site. Therefore, the 1898 map provided by the Kizh Nation does not provide material evidence that the Project could potentially impact a tribal cultural resource.

In addition, the Kizh Nation provided the 1901 and 1938 maps to show the hydrography and waterways that existed around the Project area, which provided for seasonal or permanent hamlets, trade depots, and ceremonial and religious sites. Furthermore, the Tribe stated that these waterways are considered "cultural landscapes" and have the potential to encounter human remains during ground-disturbing activities. Based on Dudek's review, the 1901 and 1938 maps do not depict any water sources as overlapping or in close proximity to the Project Site. Moreover, the CHRIS records search results did not identify isolated burials or cremations within or in the immediate vicinity of the Project Site. As such, these maps do not provide material evidence that the Project could potentially impact a tribal cultural resource.

According to the Kizh Nation, the 1938 Kirkman-Harriman map shows that the Project Site is located within the Village of Maawnga/Cahuenga. However, as previously discussed in Subsection 2.b.(4)(d), Ethnographic Research and Review of Academic Literature, the 1938 Kirkman-Harriman map shows two Native American villages that are mapped north of the Project Site, with the nearest mapped approximately 0.4 mile away. Moreover, according to the archaeological record, the village of Cahuenga is approximately 3 miles to the northwest of the Project Site.

The Kizh Nation provided screenshots of a statement from the NAHC and a letter from the SCCIC regarding the potential to encounter subsurface archaeological resources regardless of the negative SLF and CHRIS records search results. As discussed above, no Native American resources have been identified within the Project Site or the surrounding 0.5-mile search radius through the records search at the SCCIC (completed April 3, 2018) or through a search of the NAHC SLF (completed April 3, 2018). Additionally, the Kizh Nation provided a letter from Dr. Stickel regarding the reliability of an archaeological pedestrian survey, the use of a GPR to identify burials, and the implementation of a monitoring program for project compliance. Dr. Stickel stated in his letter that the exception to the necessity of a monitoring program would be when a subject property has had all soil deposits that would contain cultural materials removed and/or

destroyed. As previously discussed, the geotechnical investigation completed for the Project demonstrated that this area has been heavily modified through previous construction, indicating fill to be present to a depth of 13 feet below the surface. Thus, any tribal cultural resources that may have existed subsurface have likely been impacted or destroyed.

Based on the analysis above, the comments, maps, text, and letters/statements submitted by the Kizh Nation do not constitute substantial evidence that the Project could potentially cause a substantial adverse change in the significance of any tribal cultural resources. The character and severity of past disturbance within and in the vicinity of the Project Site suggest that subsurface soils are unlikely to support intact tribal cultural resources. In addition, no tribal cultural resources have been identified within the Project Site through tribal consultation that would be impacted. Therefore, the Project's impact on tribal cultural resources would be less than significant.

While no tribal cultural resources are anticipated to be affected by the Project, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. For purposes of this analysis, it is assumed the City would impose this condition on the Project as part of its land use approvals. 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 potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Applicant would then be required to 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. As a result, potential impacts to tribal cultural resources would continue to be less than significant.

Based on the results of the government-to-government consultation between the City and the Kizh Nation, the City, acting in good faith and after a reasonable effort, is unable to identify any specific tribal cultural resources within or near the Project Site.

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

Project impacts related to tribal cultural resources determined to be less than significant without mitigation. Therefore, no mitigation measures were required, and the impact level remains less than significant.

e. Cumulative Impacts

(1) Impact Analysis

As provided in Section III, Environmental Setting, of this Draft EIR, a total of 102 related development projects have been identified in the vicinity of the Project Site through 2027 (the Project buildout year). These related projects consist of a variety of land uses, including office, residential, commercial, and mixed use.

As discussed in Section III, Environmental Setting, of this Draft EIR, the projected growth reflected by Related Project Nos. 1 through 102 is a conservative assumption, as some of the related projects may not be built out by 2027 (i.e., the Project buildout year), may never be built, or may be approved and built at reduced densities. To provide a conservative forecast, the future baseline forecast assumes that Related Project Nos. 1 through 102 are fully built out by 2027, unless otherwise noted. In addition, Related Project No. 103, the Hollywood Community Plan Update, once adopted, will be a long-range plan designed to accommodate growth in Hollywood until 2040. Only the initial period of any such projected growth would overlap with the Project's future baseline forecast, as the Project is to be completed in 2027, well before the Community Plan Update's horizon year. Moreover, 2027 is a similar projected buildout year as many of the 102 related projects that have been identified. Accordingly, it can be assumed that the projected growth reflected by the list of related projects, which itself is a conservative assumption as discussed above, would account for any overlapping growth that may be assumed by the Community Plan Update upon its adoption.

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. Similar to the Project, related projects would also undergo the environmental review process where tribal cultural resources would be addressed. Furthermore, impacts to tribal cultural resources tend to be site-specific. As shown in Figure III-1 in Section III, Environmental Setting, of this Draft EIR, a number of related projects are within close proximity to the Project Site. Cumulative impacts would

occur if the Project, related projects, and other future development within the Community Plan area affected the same tribal cultural resources and communities. As discussed above, there are no tribal cultural resources located on the Project Site and all Project development would remain on-site. However, the Project would be required to implement the City's condition of approval to address inadvertent discovery of tribal cultural resources. Similar to the Project, related projects would be required to comply with the consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. Related project would also be required to implement the City's condition of approval for inadvertent discovery. **Therefore, Project impacts to tribal cultural resources would not be cumulatively considerable and 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 were determined to be less than significant without mitigation. Therefore, no mitigation measures were required, and the impact level remains less than significant.