

## **IV. Environmental Impact Analysis**

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### **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. Potential impacts to tribal cultural resources are based on coordination and consultation with California Native American tribes that are traditionally and culturally affiliated with the Project Site, as well as a Sacred Lands File (SLF) records search conducted by the California Native American Heritage Commission (NAHC). This section is also based on the *Tribal Cultural Resources Report for the Hollywood and Wilcox Project* (TCR Report) prepared by Dudek (February 2018) included as Appendix P 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 Edmund G. "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:

*(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.<sup>1</sup>*

*(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.<sup>2</sup> 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,<sup>3</sup> or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2<sup>4</sup> 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. Section 21080.3.1(b) of the PRC defines “consultation” with a

<sup>1</sup> 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.

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

<sup>3</sup> 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.

<sup>4</sup> 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:<sup>5</sup>

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

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<sup>5</sup> 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) Existing Project Site Conditions**

The Project Site is located in a highly urbanized area in the Hollywood community in the City of Los Angeles. The Project Site is currently occupied by four low-rise commercial buildings, one of which is a contributing structure to the Hollywood Boulevard Commercial and Entertainment Historic District. The Project Site also includes surface parking and limited ornamental landscaping.

With regard to the underlying geological and soil conditions, the Project Site is approximately 0.8 mile south of the Santa Monica Mountains, 6.5 miles north of Baldwin Hills, and 12 miles east of the Pacific Ocean. The soils underlying the existing development in the vicinity of the Project Site are classified by the U.S. Department of Agriculture (USDA) as the Urban Land—Tujunga/Palmview complex and Urban Land—Grommet–Ballona complex, which are human-transported material over young alluvium derived from granite and sedimentary rock and.<sup>6</sup> As discussed in the TCR Report included as Appendix P of this Draft EIR, due to 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. Historical maps indicate the presence of small drainage ditches within approximately 2 miles east of the Project Site, and the now channelized Los Angeles River is located 4.5 miles to the east.

Specifically, the Project Site is underlain by soil on top of older Quaternary Alluvium, derived as alluvial fan deposits from the Hollywood Hills immediately to the north.<sup>7</sup> Artificial soils are present within the Project Site to depths of approximately 5 feet below existing grade.<sup>8</sup> As described in Section II, Project Description, of this Draft EIR, the Project proposes excavations up to 40 feet below grade for the construction of the subterranean

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<sup>6</sup> *United States Department of Agriculture, Natural Resources Conservation Service, Custom Soil Resource Report for Los Angeles County, California, Southeastern Part, January 7, 2020.*

<sup>7</sup> *Written correspondence from Samuel A. McLeod, Ph.D., Vertebrate Paleontology, Los Angeles County Natural History Museum, April 19, 2017. Refer to Appendix G of this Draft EIR.*

<sup>8</sup> *Earth Systems Southern California, Preliminary Geotechnical Engineering Report, Proposed Mixed-Use Development 6430–6440 Hollywood Boulevard and 1624–1648 Wilcox Avenue, Hollywood, California, LA-01670-01, October 7, 2016. Refer to Appendix IS-2 of the Project's Initial Study included as Appendix A of this Draft EIR.*

parking levels. It is estimated that approximately 58,000 cubic yards of export would be hauled from the Project Site during construction activities.

## (2) City of Los Angeles Ethnographic Context

The following discussion is based on the TCR Report, included as Appendix P of this Draft EIR, which provides extensive supporting information and maps.

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. Additionally, 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. 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 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 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 “Gabrieliño” or “Gabrieleño” denotes those people who were administered by the Spanish from the San Gabriel Mission, which included people from the Gabrieleño area proper as well as other social groups. Therefore, in the post-Contact

period, the name 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 Gabrieleño 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 pre-Contact inhabitants of the Los Angeles Basin and their descendants.

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, or Yabit), which was in the vicinity of the Pueblo of 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. Second in size, and less thoroughly documented, the village of Cahuenga was located slightly closer, just north of the Cahuenga Pass.

The Tongva subsistence economy was centered on gathering and hunting. The surrounding environment was rich and varied, and the tribe exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. 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. Groups residing near the ocean used oceangoing plank canoes and tule balsa canoes for fishing, travel, and trade between the mainland and the Channel Islands.

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. Food was consumed from a variety of vessels. Catalina Island steatite was used to make ollas and cooking vessels.

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. He later withdrew into heaven, where he rewarded the faithful and punished those who disobeyed his laws. 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. At the behest of the Spanish missionaries, cremation essentially ceased during the post-Contact period.

### (3) Assembly Bill 52 Consultation

In compliance with the requirements of AB 52, the City provided formal notification of the Project on February 7, 2017. All tribal representatives identified by the NAHC, as provided in Appendix B of the TCR Report, of this Draft EIR, were notified of the Project in compliance with AB 52. 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 San Gabriel Band of Mission Indians
- San Fernando Band of Mission Indians
- Soboba Band of Luiseño Indians

- Torres Martinez Desert Cahuilla Indians
- Fernandefio Tataviam Band of Mission Indians

Andrew Salas, on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation, was the only tribal representative who responded to the Project notification conducted by the City of Los Angeles Department of City Planning. No communication or request for consultation was received from any other of the notified tribes to date and within the 30-day response period, which ended on March 9, 2017.

A record of the letters, mailings, and correspondence received is included as Appendix B of the TCR Report. The response to the letter is also included therein and is summarized in the impact analysis below.

#### (4) Background Research

##### *(a) Sacred Lands File Review*

The Project Site falls within the 0.5-mile search radius of a previously completed, confidential NAHC Sacred Lands File review. An SLF search was requested by Dudek and conducted by the NAHC on July 28, 2017 (Appendix B of the TCR Report). The results of the SLF search indicated negative results. However, the records maintained by the NAHC and the California Historical Resources Information System (CHRIS) are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural resource. 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 noted above, all tribal representatives identified by the NAHC, as provided in Appendix B of the TCR Report, of this Draft EIR, were notified of the Project in compliance with AB 52.

##### *(b) California Historical Resources Information System Review*

The Project Site falls within the 0.5-mile search radius of a CHRIS records search conducted at the South Coast Central Information Center (SCCIC) on July 26, 2017, for a nearby project site (Appendix A of the TCR Report). Although older investigations may no longer constitute an adequate archaeological representation of a given area, the guidelines of the California Office of Historic Preservation indicate a 5-year threshold of the adequacy of cultural investigations. The search from July 26, 2017, encompassed an area extending 1,200 feet beyond the Project Site and has been summarized here as including the Project Site and a surrounding 1,200-foot buffer. This search also extended a full 4,000 feet to the southwest. No Native American resources were identified within 1,200 feet of the Project Site, or the within the initial larger records search area of 0.5 mile.

The records search included SCCIC's collections of mapped prehistoric, historic, and built environment resources, Department of Parks and Recreation site records, technical reports, and ethnographic references. Additional consulted sources included historical maps of the Project Site vicinity, the California Points of Historical Interest, the California Historical Landmarks, the California Register of Historical Resources (California Register), the National Register of Historic Places (National Register), the California State Historic Properties Directory, the City of Los Angeles Historic-Cultural Monuments, and the Archaeological Determinations of Eligibility.

*(i) Previously Conducted Cultural Resource Studies*

Results of the records search indicated that 24 previous cultural resource studies have been conducted within the records search area between 1983 and 2012. One study has been mapped as overlapping the Project Site. The study, LA-11797 The Hollywood Redevelopment Project, prepared historic context statements and intensive level assessment surveys for the Hollywood Redevelopment Project Area. The study did not address archaeological resources within the area, but provided insight into the historic development of the Project Site and vicinity. Refer to the TCR Report included as Appendix P of this Draft EIR for more details.

*(ii) Previously Recorded Cultural Resources*

A large number of previously recorded cultural resources are located within the vicinity of the Project Site. All but one of these resources are historic-age built environment resources. This single archaeological resource consists of historic-age features indicative of pre-World War II occupants in the area. The Project Site is located within the recorded Hollywood Boulevard and Entertainment Historic District (P-19-174178), which extends along Hollywood Boulevard 1,600 feet to the east and 4,050 feet to the west. No prehistoric sites have been previously recorded within the records search area.

*(c) Ethnographic Research and Review of Academic Literature*

As part of the preparation of the TCR Report that is being utilized by the Project, 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 identified by the Gabrieleño Band of Mission Indians—Kizh Nation during present and past consultations with the City, notably the 1938 Kirkman–Harriman historical map (Figure 3 of the TCR Report). Based on this map, the Project Site area is immediately west of El Camino Real, south of two Native American Villages (the nearest mapped approximately 0.2 miles away), and approximately 3 miles northeast of the nearest tar pits associated with the La Brea Tar Pit area. It should be noted that this map is highly generalized due to scale and age, and may be inaccurate with regard to distance and location of mapped features. Additionally, this map was prepared more than 100 years

following secularization of the missions in 1833 and includes no primary references. While the map is a valuable representation of post-mission history, substantiation of the location and uses of the represented individual features would require review of archaeological or other primary documentation on a case-by-case basis. No information related to the two village sites mapped nearest to the Project was provided within the technical reports reviewed as part of the records search for the TCR Report, although it appears likely that these villages are mentioned in the diary excerpts written by Father Crespi, a member of Portola's expedition of the 18th Century.

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. Use of Gabrielino as a language has not been documented since the 1930s. One study made an effort to map the traditional Gabrieleño/Tongva cultural use area through documented family kinships and Native American recruitment numbers documented in mission records.<sup>9</sup> Working under the assumption that missionization affected the region's population relatively evenly, this process allowed the researchers to identify the relative size of tribal villages (settlements) based on the number of individuals reported in these records. Traditional cultural use area boundaries, as informed by other ethnographic and archaeological evidence, were then drawn around these clusters of villages. The nearest village site to the Project Site was Cabuepet (or Cahuenga) located approximately 3 miles from the Project Site near the northern opening of the Cahuenga Pass. This village was located near what is now Universal Studios. Mission records indicate that 123 Native American neophytes came from this village, second only to the number of recruits from Yanga in the Western Gabrieleño territory. In this vicinity was also Campo de Cahuenga, where the 1847 treaty between General Andres Pico and Lieutenant-Colonel John C. Fremont marked the surrender of Mexican California to the United States. In addition, the La Brea Tar Pits area was a known area of Native American use for hunting and the gathering of tar. The largest village in the vicinity was likely Yanga, located approximately 5.5 miles to the southeast. Mission records indicate that 179 Gabrieleño inhabitants of Yanga were recruited to San Gabriel Mission, indicating that it may have been the most populated village in the Western Gabrieleño territory. 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 or review of other archaeological information; however, these fell outside of the archaeological records search area.

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<sup>9</sup> *Northwest Economic Associates (NEA) and Chester King, Ethnographic Overview of the Angeles National Forest: Tataviam and San Gabriel Mountain Serrano Ethnohistory, 2014.*

Based on review of pertinent academic and ethnographic information included in the TCR Report, the Project Site falls within the boundaries of the Gabrieleño/Tongva traditional territory. However, no Native American tribal cultural resources have been previously documented in areas that may be impacted by the Project.

### 3. Project Impacts

#### a. Thresholds of Significance

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

In assessing impacts related to tribal cultural resources in this section, the City will use Appendix G as the thresholds of significance, as set forth above. The *L.A. CEQA Thresholds Guide* does not specifically address tribal cultural resources and thus, does not provide additional guidance in addressing the Appendix G thresholds of significance.

#### b. Methodology

The Project Site falls within the 0.5-mile search radius of a CHRIS records search conducted by Dudek, the Project's tribal cultural resources consultant, 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 Parks and Recreation Site Records; technical reports: ethnographic references; historical

maps; the California Historic Property Data File; the National Register, California Register, 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 Site as part of the TCR Report. Consultation with California Native American Tribes was conducted as required by AB 52. In addition, an SLF search was conducted by the NAHC for a previously completed, confidential review 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**

In compliance with the requirements of AB 52, the City provided formal notification of the Project on February 7, 2017, to the tribes listed in Subsection IV.J.2.b.(3) on page IV.J-7. The response period for the consultation requests concluded after 30 days on March 9, 2017. A record of this notification is included in Appendix B of the TCR Report.

As noted above, the City received a response from Andrew Salas, on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation, who stated the following:

*Your project lies in an area where the Ancestral territories of the Kizh (Kitc) Gabrieleño's prominent villages adjoined and overlapped with each other, at least during the Late Prehistoric and Protohistoric Periods.... Our tribe is connected ancestrally to your project location area.*

In addition, the Gabrieleño Band of Mission Indians—Kizh Nation requested that a monitor be present during all ground disturbing activities due to the Project Site's location within an area where "prominent villages adjoined and overlapped with each other, at least during the Late Prehistoric and Protohistoric Periods."

On March 8, 2017, the City replied to the Gabrieleño Band of Mission Indians—Kizh Nation, observing that it was unclear from their response how the Project would cause a substantial adverse impact on known tribal cultural resources. The City requested that the Gabrieleño Band of Mission Indians—Kizh Nation contact the City as soon as possible if formal consultation pursuant to AB 52 was desired.

To date, no response has been received from the Gabrieleño Band of Mission Indians—Kizh Nation or from any of the other tribal contacts regarding tribal cultural resources or other concerns about the Project. Based on the lack of response and substantial evidence, 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 tribal cultural resource within or near the Project Site. As such, with the close of tribal consultation, the City has fulfilled the requirements of AB 52. Documents related to AB 52 Consultation are included in the TCR Report.

The TCR Report includes a records search and literature review of 24 previous cultural resource studies that were conducted within the records search area, as discussed above. The results of this literature review did not identify any Native American resources within the records search area. In addition, as described above, the Project Site falls within the 0.5-mile radius of a previously completed, confidential SLF search. This search did not identify any recorded tribal cultural resources on the Project Site.

An appropriate approach to potential impacts to tribal cultural resources is developed in response to the identified presence of a tribal cultural resource by California Native American tribes through the process of consultation. 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 tribal cultural resource within or near the project area. No geographically defined tribal cultural resource was identified that might be impacted by the Project. CEQA only requires mitigation measures if substantial evidence exists of potentially significant impacts. CEQA Guidelines Section 15126.4(a)(4)(A) states that there must be an essential nexus between the mitigation measure and a legitimate government interest (i.e., potential significant impacts). **Therefore, based on these negative results,**

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**impacts to tribal cultural resources would be less than significant, and no mitigation measures are required.**

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 resource. 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 Project 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 resources 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.

**Although the Project would result in less-than-significant impacts to tribal cultural resources, with implementation of the City's established condition of approval to address any inadvertent discovery of a tribal cultural resource, the less-than-significant impacts to tribal cultural resources would be further reduced.**

## (2) Mitigation Measures

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

## (3) Level of Significance After Mitigation

Project level impacts related to tribal cultural resources would be less than significant.

## e. Cumulative Impacts

### (1) Impact Analysis

As indicated in Section III, Environmental Setting, of this Draft EIR, there are 107 related projects in the vicinity of the Project Site, as well as the Hollywood Community Plan Update. While the majority of the related projects are located a substantial distance from the Project Site, as shown in Figure III-1 in Section III, Environmental Setting, of this Draft EIR, several related projects are located in proximity to the Project Site. Collectively, the related projects near the Project Site involve a mix of residential, commercial/retail, and office uses, consistent with existing uses 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 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, in the event that tribal cultural resources are uncovered, each related project would be required to comply with the applicable regulatory requirements discussed in detail above in Subsection IV.J.2.a on page IV.J-1. In addition, 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. **Therefore, cumulative impacts to tribal cultural resources would be less than significant and would not be cumulatively considerable.**

### (2) Mitigation Measures

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

### (3) Level of Significance After Mitigation

Cumulative impacts related to tribal cultural resources would be less than significant.