

IV. Environmental Impact Analysis

L. Tribal Cultural Resources

1. Introduction

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project, as required by the California Environmental Quality Act (CEQA) as amended by Assembly Bill (AB) 52, as well as the results of the analysis of resources in the *Tribal Cultural Resources Assessment Report* included as **Appendix K** of this Draft EIR.¹ The Native American consultation documentation is provided in **Appendix K** of this Draft EIR.

2. Environmental Setting

a) Regulatory Framework

The following describes the primary regulatory requirements regarding tribal cultural resources. Applicable plans and regulatory documents/requirements include the following:

- Assembly Bill 52
- California Public Resources Code Section 5097
- California Penal Code

(1) State

(a) Assembly Bill 52

Assembly Bill (AB) 52 was approved on September 25, 2014. The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 is to involve California Native American Tribes early in the environmental review process and to establish a category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that

¹ Dudek, *Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020. See Appendix K of this Draft EIR.*

is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 21074(b) as a cultural landscape that meets the criteria of subdivision (a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. PRC Section 21074(c) provides that a historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 21080.3.1 requires that, within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern.² Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation.³

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.⁴

In addition to other CEQA provisions, the lead agency may certify an EIR or adopt a MND for a project with a significant impact on an identified tribal cultural resource, only if a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or requested a consultation but failed to engage in the consultation process, or the consultation process occurred and was concluded as described above, or if the California Native American tribe did not request consultation within 30 days.⁵

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to

² *Public Resources Code, Section 21080.3.1(b) and (c).*

³ *Public Resources Code, Sections 21080.3.1(d) and 21080.3.1(e).*

⁴ *Public Resources Code, Section 21080.3.2(b).*

⁵ *Public Resources Code, Section 21082.3(d)(2) and (3).*

the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

Confidentiality does not apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the Applicant or the Applicant's agents, or are lawfully obtained by the Project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.⁶

(b) *California Public Resources Code*

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

PRC Section 5097.99 prohibits acquisition or possession of Native American artifacts or human remains taken from a Native American grave or cairn after January 1, 1984, except in accordance with an agreement reached with the NAHC.

PRC Section 5097.5 provides protection for tribal resources on public lands, where Section 5097.5(a) states, in part, that:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

⁶ *Public Resources Code, Section 21082.3(c)(2)(B).*

(c) *California Penal Code*

California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”

California Penal Code Section 623 provides the following: “Except as otherwise provided in Section 599c, any person who, without the prior written permission of the owner of a cave, intentionally and knowingly does any of the following acts is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment: (1) breaks, breaks off, cracks, carves upon, paints, writes or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, mars, or harms any natural material found in any cave. (2) disturbs or alters any archaeological evidence of prior occupation in any cave. (3) kills, harms, or removes any animal or plant life found in any cave. (4) burns any material which produces any smoke or gas which is harmful to any plant or animal found in any cave. (5) removes any material found in any cave. (6) breaks, forces, tampers with, removes or otherwise disturbs any lock, gate, door, or any other structure or obstruction designed to prevent entrance to any cave, whether or not entrance is gained.

b) Existing Conditions

(1) **Ethnographic Context**

The Project Site is located at 1220 – 1246 Hope Street and 427 – 435 Pico Boulevard in the South Park area of Downtown Los Angeles. The Project Site is bounded by 12th Street to the north, Grand Avenue to the east, Pico Boulevard to the south, and Hope Street to the west. The Project Site parcels have been previously developed with urban uses. The Project Site is underlain with artificial fill to depths at least 10 feet below the surface across the entire Site placed there during grading to develop the existing development. The Project Site is located in a region traditionally occupied by the Takic-speaking Gabrielino Indians. The name “Gabrielino” was first established by the Spanish from the San Gabriel Mission and included people from the established Gabrielino area as well as other social groups. The Gabrielino are reported to have been second only to the Chumash in terms of population size and regional influence. Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. Tribal population has been estimated to be at least 5,000, but recent ethnohistoric work suggests a much larger population, approaching 10,000.⁷

The Gabrielino were hunter-gatherers and established large, permanent villages along rivers and streams, and lived-in sheltered areas along the coast. Acorns, the staple food source, were

⁷ *Dudek, Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020, adapted from pages 20-22. See Appendix K of this Draft EIR.*

supplemented by the roots, leaves, seeds, and fruits of islay, cactus, yucca, sages, and agave. They also consumed fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals. Prior to European colonization, Tongva lands included the greater Los Angeles Basin and three Channel Islands, San Clemente, San Nicolas, and Santa Catalina, and stretched from the foothills of the San Gabriel Mountains to the Pacific Ocean. The largest and best documented ethnographic Tongva village in the vicinity was that of Yanga, which was approximately two miles northeast of the Project Site, near the location of present-day Union Station. However, the location would have shifted according to the route of the meandering Los Angeles River over thousands of years, prior to the settlement of the area in the eighteenth century. This village was reportedly first encountered by the Portola expedition in 1769. Mission San Gabriel was established in 1771 and the Yanga provided a large number of the recruitments to the mission.⁸

Tongva either buried or cremated their deceased, 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. Ethnographic descriptions of an elaborate mourning ceremony that included a wide variety of offerings, such as seeds, stone grinding tools, otter skins, baskets, wood tools, shell beads, bone and shell ornaments, and projectile points and knives can be found in the archaeological record. The Tongva ceased cremating their deceased during the post-Contact period at the behest of the Spanish missionaries.⁹

(2) Research and Consultation

(a) AB 52 Consultation

In compliance with the requirements of AB 52, on October 8, 2018, the City sent formal notification letters to 10 California Native American individuals and organizations on the City's AB 52 Notification List. In response to the formal notification letters, the City received a letter via email on October 12, 2018 from Andrew Salas, Chairperson of the Gabrieleño Band of Mission Indians - Kizh Nation (Tribe) requesting formal consultation. A phone consultation between the City and Mr. Salas occurred December 12, 2018. Following the phone consultation, Mr. Salas provided the City via email:

- An historical map from 1857 with a Google Earth overlay showing the Project Site and locations of *zanjas*;

⁸ Dudek, *Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020, adapted from pages 20-22; 36. See Appendix K of this Draft EIR.*

⁹ Dudek, *Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020, adapted from pages 20-22; 36. See Appendix K of this Draft EIR.*

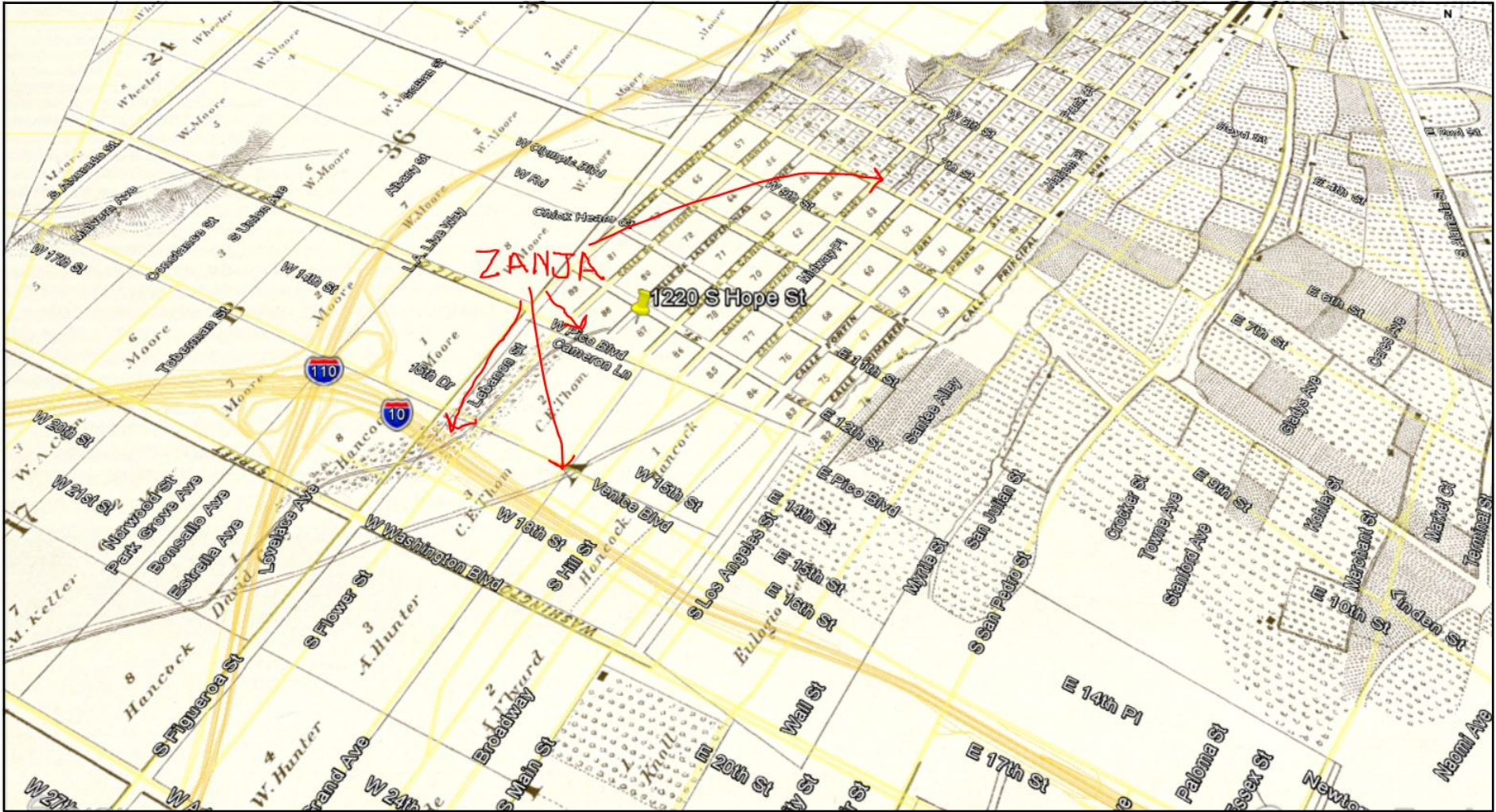
- An historical map from 1938 with a Google Earth overlay showing the Project Site and overland trade routes; and
- Kizh Nation Mitigation Measures.

The 1857 historical map and 1938 historical map are shown below in **Figures IV.L-1** and **IV.L-2**, respectively. The Kizh Nation Mitigation Measures are included in **Appendix K** of this Draft EIR. To date, no responses have been received from other tribal contacts regarding tribal cultural resources or other concerns about the Project. Consultation was closed on Thursday, March 10, 2022.

(b) Archaeological Resource Evaluation

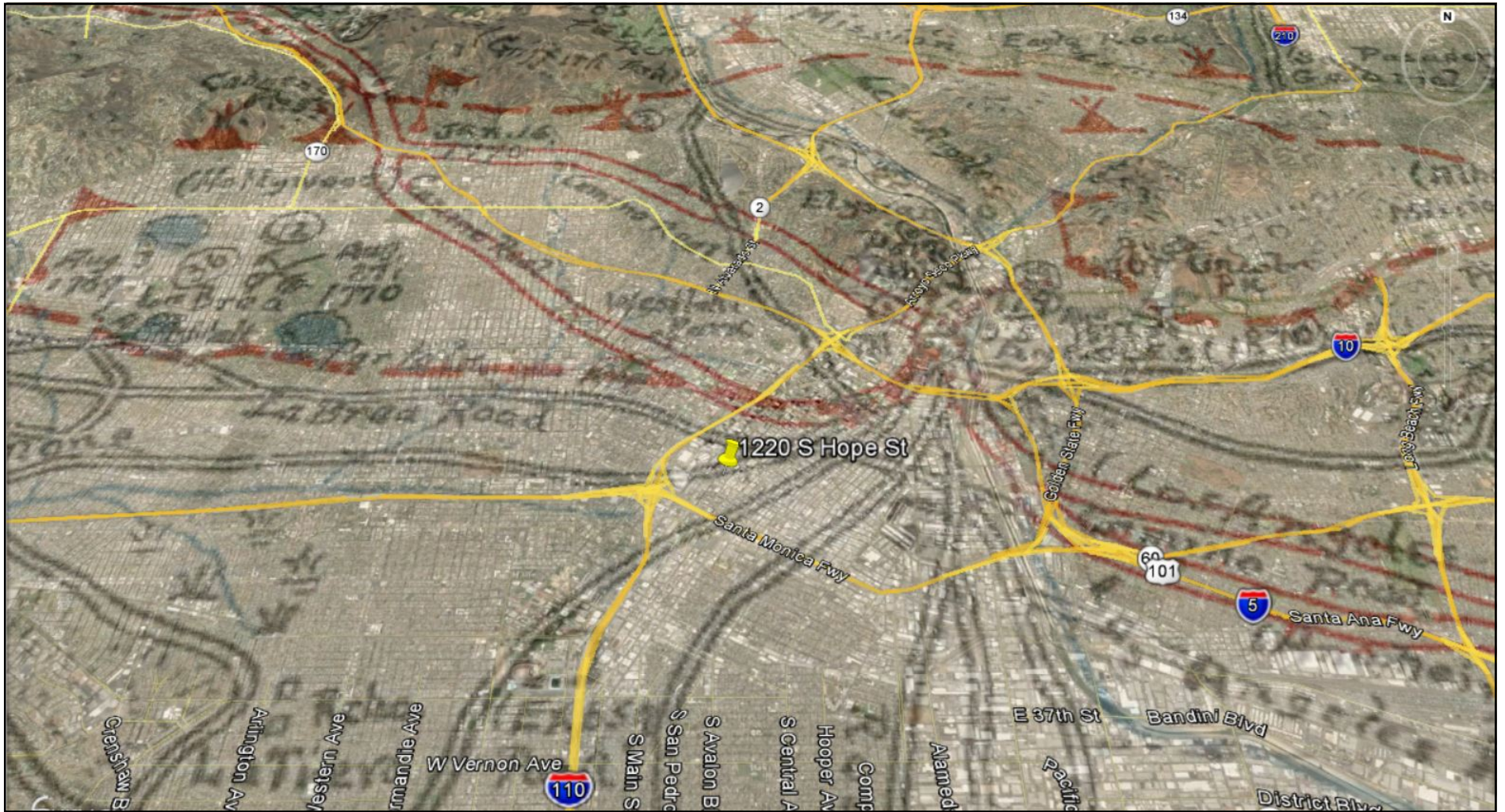
As previously discussed, a cultural archaeological resources records search was conducted at the CHRIS SCCIC at California State University, Fullerton. The CHRIS records search included a review of all recorded archeological and built-environment resources, as well as a review of cultural resource reports on file. As previously detailed in **Section IV.B, Cultural Resources**, of this Draft EIR, the records search results indicate that a total of 23 previously recorded cultural resources have been documented within a 0.5-mile search area of the Project Site. All of the 23 resources identified during the records search are historic-era buildings and no cultural resources of Native American origin are documented within the Project Site or surrounding 0.5-mile search area in files held at the SCCIC.

Remainder of Page Intentionally Blank



Source: Gabrieleno Band of Missions Indians - Kizh Nation, December 2018.

Figure IV.L-1
Project Site and Zanjias



Source: Gabrieleno Band of Missions Indians - Kizh Nation, December 2018.



Figure IV.L-2
Project Site and Historic Trade Routes

(c) *Sacred Lands File Search*

The NAHC maintains a confidential Sacred Lands File which contains sites of traditional, cultural, or religious value to the Native American community. The NAHC was contacted on January 2, 2019 to request a search of the SLF and responded to the request in an email dated January 8, 2019. The NAHC's email stated that the SLF search was completed with negative results. As the SLF search does not include an exhaustive list of Native American cultural resources, the NAHC suggested contacting Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the Project area.

(d) *Geotechnical Context*

According to the Archaeological and Paleontological Resources Assessment for the Project (included as **Appendix E** of this Draft EIR), the buildings on the Project Site are likely underlain by fill at depths of up to 10 feet below the surface. Soils underlying the existing parking area are less disturbed and geotechnical borings on areas of the site not occupied by buildings indicate those areas are underlain by up to one foot of concrete or asphalt and up to two feet of artificial fill. Below the artificial fill is Quaternary alluvium.

3. Project Impacts

a) Thresholds of Significance

In accordance with the State *CEQA Guidelines* Appendix G (Appendix G), 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

The Thresholds Guide does not include any criteria for the evaluation of tribal cultural resources impacts.

b) Methodology

A resource records search for the Project was conducted by Dudek at the SCCIC and of the NAHC's Sacred Land File and California Native American tribes who had previously contacted the City for inclusion to the notification process were contacted. The records search at the SCCIC consisted of a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. The NAHC is a Statewide Trustee Agency for the protection and preservation of Native American cultural resources pursuant to PRC Section 21070. The Sacred Lands File search is a search of recorded Native American sacred sites and burial sites as defined by the NAHC and PRC Sections 55097.94(a) and 5097.96. Pertinent academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the Project area. Pursuant to AB 52, formal notification of California Native American tribes was initiated by the City on October 8, 2018. Specifically, the City submitted notification letters to 10 California Native American individuals and organizations on the City's AB 52 Notification List. It should be noted that the City may in its discretion permit an 86 percent parking reduction in connection with the Zone Variance to reduce parking at the Project Site from 233 vehicular parking spaces to 52 vehicular parking spaces, which would require one subterranean parking level instead of three levels as proposed by the Project.¹⁰ The analysis in this section assumes the construction of the proposed 3-level subterranean parking structure, which would therefore result in a more conservative analysis if the 86 percent parking reduction is permitted by the City for the Project because less grading would be required and the depth of the subterranean parking lot would be reduced from approximately 36 feet to approximately 12 feet.

c) Project Design Features

No specific project design features are proposed with regards 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)?*

¹⁰ *The parking reduction would support the anticipated parking requirements in DTLA 2040, the City's joint update of the Central City Community Plan and Central City North Community Plan. In the current draft of DTLA 2040, the Project Site is proposed to have no parking minimums as part of the Transit Core.*

- (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?**

(1) Impact Analysis

In accordance with PCR Section 21074, a tribal cultural resource is considered a site, feature, place, cultural landscape, sacred place, or object which is of cultural value to a California Native American tribe meeting one of the following two criteria: (1) on or eligible for the California Register or a local historic register; or (2) a resource determined to be a significant tribal cultural resource by the City based on substantial evidence. As previously discussed, the CHRIS SCCIC records search results indicate that a total of 23 previously recorded cultural resources have been documented within a 0.5-mile of the Project Site. However, all of the 23 resources are historic-era buildings and would not be considered tribal cultural resources as defined in Public Resources Code section 21074. Therefore, no tribal cultural resources meeting criterion 1 were identified.

In order to identify tribal cultural resources within or adjacent to the Project Site that would meet criterion 2, a search of the SLF containing sites of traditional, cultural, or religious value to the Native American community was conducted by the NAHC. In addition, pursuant to the requirements of AB 52, and as detailed in the existing conditions above, the City commenced tribal notification for the Project on October 8, 2018, via letter to the 10 California Native American individuals and organizations who have requested to be on the City's AB 52 Notification List. As previously discussed, the search of the SLF by the NAHC did not find any known tribal cultural resources within the Project Site or 0.5-mile search radius. However, during AB 52 consultation, one California Native American representative (Andrew Salas, Chairperson of the Gabrieleño Band of Mission Indians – Kizh Nation) stated that the Project Site is sensitive for the potential presence of tribal cultural resources due to its location within the sacred village "Yangna" (*Yaanga*), its location along the Tribe's trade routes, and its proximity to the *Zanja*. The tribe indicates that the *Zanja* is considered a tribal cultural resource.¹¹ The Tribe provided the City with two historical maps showing these mapped features and locations, as well as suggested mitigation language from the Kizh Nation.

The first historical map provided by the Tribe is a portion of an 1857 map showing *Zanja* No. 8 as located to the southwest of the Project Site (see **Figure IV.L-1** in the existing setting above). However, the scale of the maps and level of detail contained therein are not sufficient to determine whether the depicted *Zanja* system intersects with the Project Site. Reviews of historical maps conducted as part of the TCR Report determined that the *Zanja* No. 8 was mapped as running to the east of the Project area in 1884; however, it is not shown within or adjacent to the Project area. In addition, regardless of where it falls, the map was provided to establish sensitivity, but does not provide substantial evidence that any known sacred lands or tribal cultural resources

¹¹ *Dudek, Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020, adapted from page 39. See Appendix K of this Draft EIR.*

exist within or proximate to the Project Site, as no such resources, as defined in PRC Sections 5020.1(k), 5024.1, or 21074, are recorded on the map.

While Native Americans were long associated with the system, as they were frequently used as laborers to dig and maintain the system, archaeological or tribal cultural material of specific Native American origin have not been isolated or otherwise documented as part of the historical-era refuse deposits recorded within zanja workers trenches identified to date. As such, as documented in the Tribal Cultural Resources Report,¹² the City has made the discretionary determination that no substantial evidence exists showing that the *Zanja* qualifies as a tribal cultural resource. Furthermore, the *Zanja* has not been previously evaluated for listing in the National Register, California Register, or for its potential to qualify as HCM under the City of Los Angeles Cultural Heritage Ordinance. Nonetheless, for the purposes of this Project, the City as lead CEQA agency, has conservatively made the discretionary determination to treat the *Zanja* No. 8 as a “historical resource” under *State CEQA Guidelines* Section 15064.5(a)(3), and it will be offered the protections of a historical resource under *State CEQA Guidelines* Section 15064.5(a)(3). Accordingly, potential impacts to the *Zanja* No. 8 are evaluated in Section **IV.B, Cultural Resources**, of this Draft EIR. Mitigation for its treatment and avoidance are provided there.

The second historical map provided by the Tribe is a portion of a 1938 Kirkman-Harriman Historical Map often referenced by the Gabrieleño Band of Mission Indians-Kizh Nation (see **Figure IV.L-2** in the existing setting above). Review of the full 1938 Kirkman-Harriman Historical Map (see Figure 3 of the TCR Report included as **Appendix K** of this Draft EIR) conducted as part of the TCR Report shows the Project Site located between two trails, including an unlabeled road to the north and a trail labeled “Old Salt Road.” However, due to the scale and accuracy of the map, it is not possible to know if the Project Site falls within the route. In addition, the 1938 Kirkman-Harriman map was prepared based on review of historic documents and notes more than 100 years following secularization of the missions and, accordingly, is highly generalized and may be inaccurate with regard to distance and location of mapped features.¹³ The current Project Site is completely developed and has been since the late nineteenth century. Although roads and rails likely follow the original trails used by tribes, there is no evidence that this landscape remains in the current urban environment. No trails or waterways overlap with the Project Site.

Furthermore, although there are several Native American villages mapped throughout the Los Angeles basin on this map; none of the villages are mapped near the Project area. The majority of these villages are mapped along the foothills of the San Gabriel Mountains to the north and northwest, as well as around the Ballona area. Furthermore, the village of *Yaanga* is not shown on this map. However, though not depicted on the provided map, *Yaanga* is referenced in several

¹² Dudek, *Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020, adapted from page 36. See Appendix K of this Draft EIR.*

¹³ Dudek, *Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020. See Appendix K of this Draft EIR.*

archaeological and ethnographic works reviewed during preparation of the TCR Report. Archaeological evidence has suggested *Yaanga* may have been located near the location of present-day Union Station, approximately 2 miles northeast of the Project Site. In general, this position of *Yaanga* has been substantiated through archaeological evidence.¹⁴ Ethnographic research indicates that after the founding of Los Angeles, the Native American settlement of *Yaanga* was forcibly moved, and regrouped to the south. This new village, known as *Rancheria de los Poblanos*, was located near the northwest corner of Los Angeles and First Street, approximately 1.5 miles northwest of the Project Site.¹⁵ Regardless of where it falls, as with the 1857 map, the 1938 map was provided to establish sensitivity but it does not provide substantial evidence that any known sacred lands or tribal cultural resources, including those associated with trade routes, cultural use areas, or the *Yaanga*, exist within or proximate to the Project Site, as no such resources as no such resources, as defined in PRC Sections 5020.1(k), 5024.1, or 21074, are recorded on the map.

(2) Summary

Based on the above, the Project Site falls within the boundaries of the Gabrieleño/Tongva traditional territory. The Project Site is located relatively close to the original location of *Yaanga* as well as the reported location of *Rancheria de los Poblanos*, an early-nineteenth century Native American settlement. However, based on review of pertinent academic and ethnographic and archaeological information, no archaeological evidence for Native American communities was found in the CHRIS SCCIC records search results and no Native American tribal cultural resources have been previously documented in areas that may be impacted by the Project. Furthermore, no additional resources within or near the Project area that the City, as lead agency, determined to be significant pursuant to PRC Section 5024.2 were identified during consultation pursuant to AB 52.¹⁶

However, review of the documentation does support the conclusion reached in Section **IV.B, Cultural Resources**, of this Draft EIR, that the Project could potentially encounter intact archaeological deposits in deeper layers of alluvium from the approximately 36 feet of excavation required for the Project and the three-level subterranean parking structure. If the City permits the 86 percent parking reduction option, excavation would be reduced to approximately 12 feet to construct one subterranean parking level instead of three levels, which would reduce the probability of inadvertent discovery of an intact archaeological deposit. Once encountered, these

¹⁴ Dudek, *Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020, adapted from pages 38-39. See Appendix K of this Draft EIR.*

¹⁵ Dudek, *Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020, adapted from page 39. See Appendix K of this Draft EIR.*

¹⁶ Dudek, *Tribal Cultural Resources Report for the Morrison Project, for APNs 5139-022-003, 5139-022-004, 5139-022-020, 5139-022-006, and 5139-022-02, 1220-1246 South Hope Street and 427-435 Pico Boulevard, Los Angeles, California, 90015, July 2020, adapted from pages 37 and 49. See Appendix K of this Draft EIR.*

archaeological resources could be considered tribal cultural resources if they were to conform with the criteria of PRC 21074(a). However, the City has established a standard condition of approval to address inadvertent discovery of unknown tribal cultural resources, which would be incorporated as part of the Project. Should unknown tribal cultural resources be inadvertently encountered during Project construction, this condition of approval requires the temporary halting of construction activities near the encounter and notification of the City and any California Native American tribes traditionally and culturally affiliated with the geographic area of the 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 be required to implement the tribe's recommendations if a qualified archaeologist concludes that the tribe's recommendations are reasonable and feasible. The recommendations would be incorporated into a tribal cultural resource monitoring plan, and once the plan is approved by the City, ground disturbance activities would be permitted to resume. In accordance with this condition of approval, all related activities would be conducted in accordance with regulatory requirements. Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074. **For these reasons, the Project would not result in a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074. Impacts on tribal cultural resources would be less than significant.**

(3) Mitigation Measures

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

(4) Level of Significance After Mitigation

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

4. Cumulative Impacts

a) Impact Analysis

The study area for the tribal cultural resources cumulative impacts analysis is the greater City of Los Angeles area, specifically, the extent of the Related Project sites, as listed in **Section III, Environmental Setting**, and shown **Figure III-5**. Although impacts to tribal cultural resources tend to be site-specific, a cumulative impact of a project is an impact to which that project contributes and to which other projects contribute as well. The project must make some contribution to the impact; otherwise, the impact cannot be characterized as a cumulative impact of that project.

As demonstrated above, the Project would not result in a significant impact to a tribal cultural resource. Specifically, there are no resources listed or determined eligible for listing, on the national, state, or local register of historical resources and the Lead Agency determined that resources identified during AB 52 tribal consultation are not eligible for listing under the criteria in Subsection (c) of the PRC Section 5024.1. Therefore, the Project itself does not contribute to a cumulative impact on tribal cultural resources. Accordingly, the impact to tribal cultural resources cannot be characterized as a cumulative impact of the Project.

The degree to which tribal cultural resources exist or could potentially exist at the sites of the Related Projects is unknown. However, any Related Project affecting a listed historical resource that could be considered a tribal cultural resource would require a resource evaluation to ensure that the Related Project would not impact the historic resource in the area. Furthermore, as described above, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources, which would be imposed on any Related Project should tribal cultural resources be inadvertently encountered during Project construction. Additionally, as with the Project, all Related Projects would be required to comply with AB 52 and contact appropriate tribal parties to offer consultation and conduct the consultation if requested by the tribal parties. Additionally, Related Projects would be required to comply with State law regarding the discovery of human remains (Health and Safety Code Section 7050.5).

Implementation of the required consultation process and the Related Projects' adherence to the City's statutory protections of these resources would reduce potential impacts to previously unknown tribal cultural resources to a less-than-significant level. **Thus, cumulative impacts to tribal cultural resources would not be cumulatively considerable, and cumulative impacts would be less than significant.**

b) Mitigation Measures

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

c) Level of Significance After Mitigation

Cumulative impacts related to tribal cultural resources were determined to be less than significant without mitigation. Therefore, no mitigation was required or included, and the level of impact remains less than significant.