

IV. Environmental Impact Analysis

H. Tribal Cultural Resources

1. Introduction

This section of the Draft EIR identifies and evaluates the Project's potential impacts on tribal cultural resources. The analysis in this section is based on 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 potential resources in the *Tribal Cultural Resources Report for the 8th, Grand and Hope Project* (TCR Report) included as Appendix H of this Draft EIR.¹ The Native American consultation documentation that has been completed to date is provided in Appendix H 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 52 (AB 52) was approved on September 25, 2014. The act 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. The primary intent of AB 52 is to involve California Native American Tribes early in the environmental review

¹ Dudek, *Tribal Cultural Resources Report for the 8th, Grand and Hope Project*, September 2021.

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 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 20174(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 20174(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 mitigated negative impact (MND) for a project with a significant impact on an identified

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).*

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 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 Project applicant or the Project 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 Section 5097

PRC Section 5097.98, as amended by Assembly Bill 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities 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

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

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

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 Native American Heritage Commission.

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.

(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) Existing Project Site Conditions

The Project Site is situated in Downtown Los Angeles, approximately 14 miles east of the Pacific Ocean. The Project Site is specifically bounded by two parking structures to the north, 8th Street to the south, Grand Avenue to the east, and Hope Street to the west. The Project Site is currently developed with a low-rise four-level parking structure and a surface parking lot that is entirely paved and devoid of landscaping.

The Project Site is comprised of 3 feet to 6 feet of existing fill underlain by natural alluvium.⁷ Specifically, the Project Site has surface deposits that consist of younger Quaternary Alluvium, derived as fluvial deposits from the flood plain of the Los Angeles River, which currently flows to the east and south, and as alluvial fan deposits from the hills just to the north.⁸ The soil underlying the existing development is classified by the U.S. Department of Agriculture (USDA) as Urban Land, Commercial Complex soil.⁹ This classification in soil is considered human transported material over mixed alluvium which consist mainly of sandy and clay loam.

(2) City of Los Angeles Ethnographic Context

According to the TCR Report included as Appendix H of this Draft EIR, which contains supporting documentation, 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 intended to be unbiased accounts regarding the cultural structures and community practices of the newly colonized cultural groups. The establishment of the missions in the region brought more extensive documentation of Native American communities, although these groups did not become the focus of formal and in-depth ethnographic study until the early 20th century. Additionally, it

⁷ *Geotechnologies, Inc., Preliminary Geotechnical Engineering Investigation, Proposed Mixed-Use Development, 754 S. Hope Street and 609–625 W. 8th Street, Los Angeles, California, November 18, 2018. See Appendix IS-4 in the Project's Initial Study included as Appendix A of this Draft EIR.*

⁸ *Written correspondence from Samuel A. McLeod, Ph.D., Vertebrate Paleontology, Los Angeles County Natural History Museum, April 11, 2017.*

⁹ *U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, Survey Area Data, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, 2018, accessed October 13, 2019.*

is important to note that while many of the Native Americans that provided information for these early ethnographies, 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 occurred by 1850 among the Native Americans in 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 colonization. Tribes in the Los Angeles region have traditionally spoken Tatic 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 cultural 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” or “Gabrieleño” 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. While this population primarily included Native American individuals local to the immediate region, individuals from surrounding areas and other tribes are also shown from records to have become members of San Gabriel Mission. As such, post-mission Gabrieleño communities may have complex historical and cultural understandings, with associations to multiple ethnic groups. Therefore, in the post-colonization 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, in some cases, been lost. Many modern Gabrieleño identify to themselves as the Tongva, within which there are a number of regional bands, to identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin. Though the names “Tongva” or “Gabrieleño” are the most common names used by modern Native American groups, and are recognized by the Native American Heritage Commission, there are groups within the region that self-identify differently, such as the Gabrieleño and of Mission Indians—Kizh Nation. In order to be inclusive of the majority of tribal entities within the region, the name “Tongva” or “Gabrieleño” are used within the remainder of this section.

The Tongva established large, permanent villages 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 encountered by the expedition led by Captain Gaspar de Portola in 1769. As the Mission San Gabriel was established in 1771, 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. The village of Cahuenga, second in size and less thoroughly documented, was located just north of the Cahuenga Pass.

The Tongva subsistence economy was centered on gathering and hunting, as the surrounding environment included 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. Trade occurred between the mainland and Channel Islands by plank canoes and tule balsa canoes, which were also used for general fishing and travel. Tongva people also processed food with a variety of tools, including hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Catalina Island steatite was used to make ollas and cooking vessels.

At the time of Spanish colonization, the basis of religious life was Chinigchinich. 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 more common 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 following colonization.

(3) Assembly Bill 52 Consultation

In compliance with the requirements of AB 52, the City provided formal notification of the Project on May 13, 2019 (refer to Appendix H). 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
- Fernandeño Tataviam Band of Mission Indians

The City received a response from Michael Mirelez on behalf of the Torres Martinez Desert Cahuilla Indians. In his response letter dated June 6, 2019, Mr. Mirelez stated that the Torres Martinez Desert Cahuilla Indians Tribe defers all future Project notifications to tribes in closer proximity to the Project Site. The City also received a response from Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians—Kizh Nation requesting consultation. Consultation with Gabrieleño Band of Mission Indians—Kizh Nation is ongoing. 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 H of this Draft EIR.

(4) Background Research

(a) Sacred Lands File Review

An SLF search request was sent to the NAHC for the Project on August 7, 2019. On August 27, 2019, the NAHC responded via e-mail and indicated that the SLF search had been completed with negative results. However, as the records maintained by the NAHC are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural resource. The NAHC recommended contacting Native American individuals and/or tribal organizations who may have direct knowledge of resources within or near the Project Site. The NAHC also provided a list of tribal representatives to contact for additional information. The tribal representatives identified by the NAHC as provided in Appendix B of the TCR Report (see Appendix H of this Draft EIR), and were notified of the Project in compliance with AB 52, as discussed above.

(b) California Historical Resources Information System Review

As part of the TCR Report, Dudek received the results of a California Historical Resources Information System (CHRIS) records search that was completed by the South Central Coastal Information Center (SCCIC) on December 9, 2020, for the Project Site and a search radius of 0.5 mile from the Project Site (see Appendix H). The records search included SCCIC's collections of mapped prehistoric, historic, and built environment resources, State Department of Parks and Recreation site records, technical reports, and ethnographic references. A summary of the search results is presented below.

(i) Previously Conducted Cultural Resource Studies

Results of the records search indicated that 59 previous cultural resource studies have been conducted within 0.5 mile of the Project Site between 1978 and 2016. None of these studies have directly included the Project Site.

(ii) Previously Recorded Cultural Resources

A total of 105 previously recorded cultural resources are located within the 0.5-mile records search area of the Project Site, none of which are within the Project Site. The previously recorded resources consist entirely of historic-era buildings. Historic built environment resources or non-archeological resources fall outside of the scope of the TCR Report. No prehistoric sites or resources documented to be of specific Native American origin have been previously recorded within the records search area of the Project Site.

(c) Review of Historic Aerials and Topographic Maps

The TCR Report also included a review of historic maps, aerial photographs, Sanborn Fire Insurance Maps (Sanborn maps) to understand development of the Project Site and surrounding properties. Topographic maps were available beginning from 1894 to 2015, and aerial images were available from 1948 to 2016. Sanborn maps depicting the Project Site and surrounding properties were available for the years 1888, 1894, and 1906, including 1906–May 1950 and 1906 (republished 1953).

The Project Site is first depicted on an 1888 Sanborn Map. A review of this map shows that the Project Site includes dwellings on the western half-portion and the Eight Street Public School grounds on the eastern half-portion of the site. The first United States Geological Survey (USGS) topographic map showing the Project Site dates to 1894 and illustrates the Project Site and surrounding area were fully subdivided and developed. The block containing the Project Site and the immediate vicinity were lined on all sides of the interior with tightly spaced structures, suggesting a highly developed and heavily populated area. The 1894 Sanborn map validated this assumption as the entire block containing the Project Site was fully developed with nearly 20 lots of mixed-use development. The majority of the lots contained single-family and multiple-family residences, although a religious building, a public school, recreational building, and the Los Angeles Electric Rail-Way Company Cable Division Power House also shared the block. At the time, the Project Site was comprised of a one-story single-family residence and a two-story duplex, as well as the southern portion of the Eighth Street Public School and its associated outbuildings (i.e., a water-closet and shed). The 1906 Sanborn map depicts dwellings, stables, and stores within the Project Site with lodgings that replaced the location of the public school that once occupied the eastern half-portion of the site as depicted in the 1888 and 1894 Sanborn maps.

The City of Los Angeles saw major development by 1921 as evidenced by the substantial increase in subdivision to the north and west. The Project Site was surrounded by development at this time. The 1948 aerial photograph depicted the Project Site as fully developed, although the photo quality is too poor to decipher individual properties within the block. The 1906-May 1950 Sanborn map depicts a row of stores along W. 8th St. with vacant lots immediately to the north of the stores and a vacant lot separating the stores present on the two large parcels. However, the 1952 aerial photograph clearly showed the Project Site as it is today, with the exception of a multi-story building in the west corner. There are no significant changes represented in the 1906-May 1950 Sanborn map that was republished in 1953. By 1972, the multi-story building had given way to the existing on-site parking structure, and the Project Site in the photograph appears to match its present configuration. Since the early 1970s, there have been no noticeable changes to the Project Site.

(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 Site and vicinity. This review included consideration of sources commonly identified through tribal consultation, notably the 1938 Kirkman-Harriman Historical Map (see Figure 3 of the TCR Report, included in Appendix H of this Draft EIR).

It should be noted that the 1938 Kirkman-Harriman Historical 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 1938 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 1938 map, the Project Site is estimated to be located between three trails, including "La Brea Road" to the north, "Old Salt Road" to the south, and an unlabeled road in between. The Project Site is less than 1.5 miles southwest of an intersection of multiple roads and trails, including El Camino Real, which is likely the historic location of El Pueblo de Los Angeles. There are unnamed tributaries to the southwest, west/northwest, and east of the Project Site, more than 1 to 2 miles outside of the Project Site.

There are several Native American villages mapped throughout the Los Angeles basin on this 1938 map; however, none of the villages are mapped near the Project Site. 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. However, one village that is not mapped on this map but is documented through other ethnographic sources is the village of Yanga. This would have been the nearest known village to the Project Site and was located approximately 2 miles northeast of the Project Site, near the location of present day Union Station.

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, as shown in Figures 4 and 5 of the TCR Report. 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. 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 also

drawn around these clusters of villages. This study indicates that nearest village site to the Project Site was Yanga, as shown in Figure 6 of the TCR Report as Yabit. Mission records suggest that Yanga may have been the most populated village in the Western Gabrieleño territory. In general, the mapped position of this village has been substantiated through archaeological evidence, although the archaeological record has been substantially compromised by rapid and early urbanization throughout much of the region.

Based on archaeological evidence, the village of Yanga was most likely located somewhere in the area between the Union Station (constructed circa 1939) and the Bella Union Hotel (constructed circa 1870). Technical studies completed for the Los Angeles Rapid Transit project are perhaps the most informative with regard to the distribution of archaeological finds in this area. Cultural material indicative of habitation activities that would be characteristic of a village such as Yanga have been encountered throughout a relatively large area; however, records indicate this material is primarily concentrated within approximately 1,000 feet surrounding Union Station. While this may be partially the result of a greater relative amount of archaeological documentation, evidence suggests that there has been both intensive prehistoric and historic-era (notably Spanish/Mexican period) use of this area. The broader area would have been used by Native American inhabitants for thousands of years, and the location of the village of Yanga shifted to multiple locations in the vicinity based on its suitability relative to the route of the meandering Los Angeles River. Given the extended period of Native American use compared to that of the later Euro-American inhabitants, the prehistoric archaeological deposits associated with Yanga are likely to be more widely distributed and difficult to delineate than historic-era archaeological deposits associated with Spanish/Mexican use. Nonetheless, regardless of specific prehistoric Native American use patterns associated with the village of Yanga, ethnographic, historical, and archaeological evidence suggests that the boundaries of this habitation area were approximately 2 miles from the Project site.

Based on the TCR Report's review of pertinent academic and ethnographic information, the Project Site falls within the boundaries of the Gabrieleño/Tongva traditional use area. 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 Appendix G of the State CEQA Guidelines, the Project would have a significant impact related to Tribal Cultural Resources if the project would:

Threshold (a): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as

either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

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

Dudek referenced a CHRIS records search that was completed at the SCCIC on December 9, 2020, and includes the Project Site and a search area within 0.5 mile of the Project Site. The records search included SCCIC's collections of mapped prehistoric, historic, and built environment resources, State Department of Parks and Recreation site records, technical reports, 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. Pertinent academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the Project area. As required by AB 52, California Native American Tribes had the opportunity to initiate consultation to address potential impacts associated with Native American resources. In addition, a Sacred Lands Files 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) Analysis of Project Impacts

The estimated depth of excavation for the three levels of subterranean parking and building foundations would be approximately 63 feet below grade. It is estimated that approximately 89,750 cubic yards of soil would be exported and hauled from the Project Site during the excavation phase.

As discussed above in Subsection 2.b.(4)(b)(ii), no prehistoric sites or resources documented to be of specific Native American origin have been previously recorded within the records search area of the Project Site. Therefore, there are no tribal cultural resources that are listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources within a 0.5 mile radius of the Project Site. As such, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe and that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources.

As presented above in Subsection 2.b.(4), the results of the records searches (i.e., SCCIC and NAHC) conducted for the Project Site and the independent analysis of correspondence and materials relative to potential tribal cultural resources on the Project Site (included in the TCR Report) demonstrate that there is no record or evidence of tribal cultural resources on the Project Site or in its immediate vicinity. Furthermore, a review of historical maps and aerial photographs indicate that the Project Site has been subjected to

considerable development from the late nineteenth to early twentieth century. To determine the subsurface conditions within the Project Site, the geotechnical report, *Preliminary Geotechnical Engineering Investigation, Proposed Mixed-Use Development, 754 S. Hope Street and 609-625 W. 8th Street, Los Angeles, California* prepared by Geotechnologies, Inc. on November 8, 2018 for the Project Site was reviewed.¹⁰ According to the geotechnical report, the subsurface exploratory borings encountered fill soils or disturbed soils underlying the Project Site from surface to between three and six feet below the existing ground surface at all five boring locations. Fill soils encountered are described as silty sands and sandy silts, which are dark brown in color, slightly moist to moist, medium dense to dense, and medium firm to stiff, fine grained, and locally with abundant brick and concrete fragments and is underlain by native alluvial soils that were deposited by river and stream activities. Based on the subsurface conditions, the Project Site has been subjected to consistent and considerable ground disturbance and therefore, subsurface contexts within the Project Site are of low suitability to support the presence of intact tribal cultural resources (generally less than 10 feet below the surface in this area). As discussed above, consultation with the Gabrieleño Band of Mission Indians—Kizh Nations is still ongoing. This consultation will be further documented as part of the Final EIR. Based on the TCR Report and the whole of the record there is no substantial evidence that the Project would result in significant impacts to tribal cultural resources. **As such, the City, in its discretion and supported by substantial evidence, finds that the Project Site does not contain any resources determined to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Accordingly, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource. As such, Project impacts related to tribal cultural resources would be less than significant.**

Nonetheless, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease on the Project Site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.

¹⁰ *Geotechnologies, Inc., Preliminary Geotechnical Engineering Investigation, Proposed Mixed-Use Development, 754 S. Hope Street and 609-625 W. 8th Street, Los Angeles, California, November 18, 2018. See Appendix IS-4 in the Project's Initial Study included as Appendix A of this Draft EIR.*

- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

(2) Mitigation Measures

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

(3) 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 measures were required or included, 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 74 related development projects have been identified in the vicinity of the Project Site through 2025 (the Project buildout year). These related projects consist of a variety of land uses, including retail/commercial, residential, restaurant, office, hotel, educational, and mixed uses.

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 known to be 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 requirement and/or mitigation as deemed appropriate. 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.

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

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