

IV. Environmental Impact Analysis

J. Tribal Cultural Resources

1. Introduction

This section of the Draft EIR provides an analysis of the Project’s potential impacts on tribal cultural resources. This section is based in part on the Tribal Cultural Resources Report for The Bellwood Avenue Project (TCR Report) prepared by Dudek (June 2021), included as Appendix I of this Draft EIR. The impact analysis is also based on a California Historical Resources Information System (CHRIS) records search conducted by the South Central Coastal Information Center (SCCIC) at California State University Fullerton, a Sacred Lands File (SLF) records search conducted by the California Native American Heritage Commission (NAHC), and consultation with the Gabrieleño Band of Mission Indians—Kizh Nation.¹

2. Environmental Setting

a. Regulatory Framework

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

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

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

- (a) *“Tribal cultural resources” are either of the following:*
- (1) *Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*
 - (A) *Included or determined to be eligible for inclusion in the California Register of Historical Resources.*
 - (B) *Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.²*
 - (2) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.³ In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*
- (b) *A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.*
- (c) *A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2,⁴ or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2⁵ may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).*

² Per subdivision (k) of PRC Section 5020.1, “local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

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

⁴ Per subdivision (g) of PRC Section 21083.2, a unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or (2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

⁵ Per subdivision (h) of PRC Section 21083.2, a nonunique archaeological resource means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique
(Footnote continued on next page)

For a project for which a notice of preparation for a draft EIR was filed on or after July 1, 2015, the lead agency is required to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if: (1) the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area; and (2) the tribe requests consultation, prior to the release of a negative declaration, mitigated negative declaration or environmental impact report for a project. PRC Section 21080.3.1(b) defines “consultation” with a cross-reference to Government Code Section 65352.4, which applies when local governments consult with tribes on certain planning documents and states the following:

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

The 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:⁶

1. Both parties agree to measures to avoid or mitigate a significant effect on a tribal cultural resource. Agreed upon mitigation measures shall be recommended for inclusion in the environmental document (PRC Section 21082.3(a)); or

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

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

2. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Sections 21080.3.2(b)(1)-(2) and 21080.3.1(b)(1)).

With regard to human remains, CEQA Guidelines Section 15064.5 addresses consultation requirements if an initial study identifies the existence of, or the probable likelihood of Native American human remains within the project site. This section of the CEQA Guidelines, as well as Health and Safety Code Section 7050.5 and PRC Section 5097.9, also address treatment of human remains in the event of accidental discovery.

b. Existing Conditions

(1) Existing Project Site Conditions

The Project is located in the urbanized West Los Angeles area of the City. The Project Site is located approximately 6 miles east of the Pacific Ocean and approximately 10.5 miles west of the Los Angeles River.

The Project Site is currently developed with several multi-family residential buildings and associated structures and parking, and includes the portion of Bellwood Avenue that bisects the Project Site. Specifically, the Project Site includes three multi-family residential developments that include 112 units totaling 43,939 square feet. Existing landscaping within the Project Site is ornamental in nature and includes shrubs and trees. The Project Site is underlain by artificial fill and unconsolidated to semi-consolidated Pleistocene age alluvial and marine terrace deposits. Specifically, the soils underlying the Project Site consist of sand and sandy silt with occasional lenses of well graded sand and gravel.⁷ The soils underlying the existing development are classified by the U.S. Department of Agriculture (USDA) as Urban land-Sepulveda-Pierview⁸ complex and Urban land-Anthraltic Xerothents, loamy substratum-Grommet complex.^{9,10} Due to the size and nature of past

⁷ *Geotechnologies, Inc., Geotechnical Investigation, Proposed Senior Assisted Living Facility, 10328–10384 W. Bellwood Avenue, Los Angeles, California, May 31, 2018, included in Appendix A of this Draft EIR.*

⁸ *Sepulveda soils are human-transported material found on alluvial remnants derived from sedimentary rock and Pierview soils are discontinuous human-transported material over alluvium derived from slate, sandstone or shale.*

⁹ *Anthraltic Xerothents soils are human-transported material found on young alluvium remnants derived from sedimentary rock and Grommet soils are discontinuous human-transported material over young alluvium derived from sedimentary rock.*

¹⁰ *U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, Survey Area Data, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, 2019, accessed November 6, 2019.*

development associated with the Project Site, the shallower deposits with potential to support the presence of cultural deposits have likely been disturbed.

(2) City of Los Angeles Ethnographic Context

According to the TCR Report, the history of the Native American communities in the Los Angeles region prior to the mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the region were brief, generally peripheral, and were combined with observations of the landscape. These accounts were prepared predominantly by European merchants, missionaries, military personnel, and explorers with the intent of furthering respective colonial and economic aims. As such, they were not intended to be unbiased accounts regarding the cultural structures and community practices of 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 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 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 Gabrielino (alternately Gabrieleño), Cahuilla, and Serrano.

The archaeological record indicates that the Project area and vicinity were occupied by the Gabrieleño, who 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” denotes those people who were administered by the Spanish from the San Gabriel Mission. While this population primarily included Indigenous 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. Many modern Gabrieleño refer 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 Band of Mission Indians—Kizh Nation.

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 documented 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, is located just north of the Cahuenga Pass.

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

At the time of Spanish contact, the basis of Tongva religious life was the Chinigchinich religion, centered on the last of a series of heroic mythological figures. Chinigchinich was known to give instruction on laws and institutions, as well as dance, which was the primary religious act for the Tongva society. While the Chinigchinich religion

seems to have been relatively new when the Spanish arrived, it spread south into the Southern Takic groups even as Christian missions were being built. As such, the Chinigchinich religion may represent a mixture of indigenous and Christian belief and practices.

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

(3) Assembly Bill 52 Consultation

In compliance with the requirements of AB 52, Department of City Planning staff provided formal notification of the Project on May 30, 2019 (see Appendix I of this Draft EIR). Letters were sent via FedEx and certified mail to the following California Native American tribes that requested notification:

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

Two response letters were received by the City. On June 12, 2019, the City received a response letter from Mr. Michael Mirelez, Cultural Resource Coordinator of the Torres-

Martinez Desert Cahuilla Indians deferring all future project notifications to Tribes closer to the Project Site.

On June 4, 2019, the City received a response letter from Mr. Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians—Kizh Nation. The letter states the following and requested consultation with the City:

The above proposed project location is within our Ancestral Tribal Territory; therefore, our Tribal Government requests to schedule a consultation with you as the lead agency, to discuss the project and surrounding location in further detail.

On July 31, 2019, consultation occurred between Department of City Planning staff and representatives from the Gabrieleño Band of Mission Indians—Kizh Nation. During the consultation, the tribal representatives observed that :

- Santa Monica Boulevard was a known trade route, which is a cultural resource;
- The Project Site is located near a location of medicinal natural springs, which are a cultural resource.

No specific location of the identified springs was provided. The tribal representatives provided supporting documentation including excerpts from unspecified literary sources and historical maps. An explanation of how the information relates to the Project was not provided. The Gabrieleño Band of Mission Indians—Kizh Nation also provided the City with mitigation language recommended for the management of TCRs. Review of provided documentation suggests that the nearest historically mapped “ancient” road was approximately 0.16 mile north of the Project Site. With regard to the presence of medicinal natural springs, the nearest springs are mapped on Kirkman-Harriman’s 1938 map as slightly over 2.5 miles west of the Project Site. These springs were also noted in Father Crespi’s diary entry dated August 4, 1769. In general, documentation provided by the Tribe does not appear to include specific information that suggests the Project could potentially impact a TCR.

Following the consultation, the Kizh Nation provided the City, via email on August 5, 2019, with screen shots of ten historical map images, a screen shot of a pictorial depicting Rancho San Jose de Bueno Ayres (ca. 1840), and screen shots of two pages of text from unknown literary sources. Table IV.J-1 on page IV.J-9 provides the Kizh Nation’s summary for each respective map.

**Table IV.J-1
Summary of Historic Maps Provided by the Gabrieleño Band of Mission Indians—Kizh Nation (Tribe)**

Map Year	Map Source	Description of Resources in Maps
1881	10328–10384 Bellwood Ave__1881: Ranchos: Unknown Map superimposed on Google Earth	<p>The Tribe states that this map indicates that the Project area is within the Village of Yangna. The Tribe states that all of their mainland villages overlapped each other to facilitate movement of tribal cultural resources (TCRs) throughout the landscape and to their sister tribes outside of their ancestral territory. The Tribe further states that the village use areas were usually shared between two or more adjoining villages depending on the type, quantity, quality, and availability of the natural resources. The Tribe states that for these reasons, human activities can be pronounced within the shared areas and that TCRs may be present in the soil layers from those years of human activity within that landscape.</p> <p>The Tribe also states that this map indicates that the Project area is within Rancho Rincon de Los Bueyes. The Tribe states that all Ranchos were placed on ancient village locations because of the available resources in that area for human sustenance. According to the Tribe, these resources include waterways, waterbodies, springs, elevated ground, and food resources. The Tribe references the verbal explanation provided during the consultation meeting and the documents and images of maps provided to the City pertaining to how Rancho Rincon de Los Bueyes was located within their ancient village of Yangna.</p>
1898	10328–10384 Bellwood Ave__1898: Unknown Map superimposed on Google Earth	<p>This map is a map showing railroads, subdivisions and Ranchos with a place marker for the Project Site.</p> <p>The Tribe states that this map indicates the Project Site's close proximity to a railroad that existed in this location. The Tribe states that all railroads were placed on top of its traditional trade routes because the first railroad planners that came out west found the topography too varied and, thus, selected paths of the Tribe's traditional trade routes, which had already been flattened by human travel over thousands of years of use.</p> <p>The Tribe states that: (1) there are many trade routes around the Project area; (2) these routes were also used for visiting family, going to ceremonies, accessing recreation areas, as well as foraging areas; (3) along these routes were seasonal or permanent ramadas, trade depots, and habitation areas; and (4) often along these trade routes were isolated burials and cremations of those who died along the trail. The Tribe further states that these trade routes are considered "cultural landscapes," which house objects and are therefore a TCR.</p>
1901	Unknown Map superimposed on Google Earth	<p>This map is a map showing railroads and Ranchos with a place marker for the Project Site.</p> <p>The Tribe states that this map indicates the Project Site's close proximity to a railroad that existed in this location. The Tribe states that all railroads were placed on top of its traditional trade routes because the first railroad planners that came out west found the topography too varied and, thus, selected paths of the Tribe's traditional trade routes, which had already been flattened</p>

Table IV.J-1 (Continued)
Summary of Historic Maps Provided by the Gabrieleño Band of Mission Indians—Kizh Nation (Tribe)

Map Year	Map Source	Description of Resources in Maps
		<p>by human travel over thousands of years of use.</p> <p>The Tribe states that: (1) there are many trade routes around the Project area; (2) these routes were also used for visiting family, going to ceremonies, accessing recreation areas, as well as foraging areas; (3) along these routes were seasonal or permanent ramadas, trade depots, and habitation areas; and (4) often along these trade routes were isolated burials and cremations of those who died along the trail. The Tribe further states that these trade routes are considered “cultural landscapes,” which house objects and are therefore a TCR.</p>
[1915]	<p>Image 1 (3): Indian Villages Near Courses of the Los Angeles River.</p> <p>Modified map taken from Gumprecht 2001 [1999] Figure 4.2: 135), superimposed on Google Earth^a</p>	No explanatory text provided by the Tribe.
1920	<p>10328–10384 Bellwood Ave__1920:</p> <p>Unknown Map superimposed on Google Earth</p>	<p>This map is provided to show the hydrography or waterways that existed around the Project Site. The Tribe states that seasonal or permanent hamlets, permanent trade depots, ceremonial and religious sites, and burials and cremations took place along these watercourses. Additionally, the Tribe states that these waterways are considered “cultural landscapes.” Furthermore, there is higher than average potential to encounter TCRs and human remains during ground-disturbing activities near larger bodies of water.</p>
1938	<p>10328–10384 Bellwood Ave__1938:</p> <p>Kirkman-Harriman Map superimposed on Google Earth</p>	<p>The Tribe states that this map indicates that the Project area is within the Village of Yangna. The Tribe states that all of their mainland villages overlapped each other to facilitate movement of TCRs throughout the landscape and to their sister tribes outside of their ancestral territory. The Tribe further states that the village use areas were usually shared between two or more adjoining villages depending on the type, quantity, quality, and availability of the natural resources. The Tribe states that for these reasons, human activities can be pronounced within the shared areas and that TCRs may be present in the soil layers from those years of human activity within that landscape.</p> <p>The Tribe states that: (1) there are many trade routes around the Project area; (2) these routes were also used for visiting family, going to ceremonies, accessing recreation areas, as well as foraging areas; (3) along these routes were seasonal or permanent ramadas, trade depots, and habitation areas; and (4) often along these trade routes were isolated burials and cremations of those who died along the trail. The Tribe further states that these trade routes are considered “cultural landscapes,” which house objects and are, therefore, a TCR.</p>

Table IV.J-1 (Continued)
Summary of Historic Maps Provided by the Gabrieleño Band of Mission Indians—Kizh Nation (Tribe)

Map Year	Map Source	Description of Resources in Maps
		This map is provided to also show the hydrography or waterways that existed around the Project Site. The Tribe states that seasonal or permanent hamlets, permanent trade depots, ceremonial and religious sites, and burials and cremations took place along these watercourses. Additionally, the Tribe states that these waterways are considered “cultural landscapes.” Furthermore, there is higher than average potential to encounter TCRs and human remains during ground-disturbing activities near larger bodies of water.
1938	Image 3: Kirkman-Harriman Map	Previously summarized above in map “10328–10384 Bellwood Ave__1938: Kirkman-Harriman Map” that is superimposed on Google Earth.
No date provided	Image 1 (2): General Project Location Map	No explanatory text provided by the Tribe.
No date provided	Image 2: Unknown Map with Ranchos	No explanatory text provided by the Tribe.
[1996]	Image 3 (1): Map from McCawley (1996) that depicts Gabrieleño Communities ^a	No explanatory text provided by the Tribe.
<p><i>Note: Years within brackets were identified by Dudek.</i></p> <p>^a <i>For maps provided, sources were identified by Dudek.</i></p> <p><i>Source: Dudek, 2021.</i></p>		

The maps provided appear to be topographic maps, including maps of rancho boundaries and/or subdivisions, as well as the Kirkman-Harriman map (Figure 3 of Appendix I of this Draft EIR), a map depicting Gabrieleño communities (McCawley 1996), a map taken from Gumprecht (2001 [1999] Figure 4.2: 135) originally showing areas subject to inundation that was modified to include locations of “Indian Villages Near Courses of the Los Angeles River,” and a general Project location map. Of these ten maps, six maps are overlaid on Google Earth with place markers for the Project Site. The unknown literary sources provided by the Kizh Nation appear to be in reference to typical habitations and clothing, as well as information about villages near water sources.

In addition to the maps, unknown literary sources, and the pictorial of the Rancho San Jose de Buenos Ayres (Rancho), the Kizh Nation also provided a brief background history summarizing the Gabrieleño territory, the complexity of their subsistence technology, trade network, and ritual. The summary included a history of the village of the Yangna, including the location, its relationship with the pueblo, and the relocation of the

village that may have been politically motivated, leading to the closure of the new settlement, “Pueblito.” According to the summary, the displaced Yangna members were compensated and their employers were required to provide them shelter as a result. Further, the Kizh Nation provided a brief summary on the history of the Rancho and the change of ownership including land use over time. In addition, according to the Kizh Nation, the [Project] area was located within the boundaries of the Rancho.

On October 8, 2020, the City sent a follow-up email to the Gabrieleño Band of Mission Indians—Kizh Nation requesting further documentation. To date, no other responses have been received from the tribal contacts regarding TCRs or other concerns about the Project. Consultation with the Kizh Nation was formally closed by the City on July 1, 2021. Government to government consultation initiated by the City, acting in good faith and after a reasonable effort, has not resulted in the identification of a TCR within or near the proposed Project Site. A record of the letters, mailings, and correspondence, excluding that deemed confidential, is included as Appendix I of this Draft EIR.

(4) Background Research

(a) Sacred Lands File Review

An SLF search request was sent to NAHC for the Project on August 19, 2019. On September 16, 2019, the NAHC responded via e-mail and indicated that the SLF search had been completed with negative results.

(b) California Historical Resources Information System Review

As part of the TCR Report, on August 16, 2019, a California Historical Resources Information System (CHRIS) records search was completed at the South Central Coastal Information Center (SCCIC) for the Project Site and a search radius of 0.5 mile (see Appendix I of this Draft EIR). The records search included mapped prehistoric, historical, and built-environment resources, California Department of Parks and Recreation (DPR) site records, technical reports, archival resources, and ethnographic references.

(i) Previously Conducted Cultural Resource Studies

Results of the records search indicated that 12 previous cultural resource studies had been conducted within a 0.5-mile radius of the Project Site between 1997 and 2014. None of these studies overlap with or are adjacent to the Project Site.

(ii) Previously Recorded Cultural Resources

The CHRIS records indicate that a total of 15 previously recorded cultural resources are located within 0.5 mile of the Project Site. The previously recorded cultural resources

consist of 13 historic-age buildings, one District consisting of multiple historic-age buildings, and one historic-age archaeological site (P-19-002479). The historic-age archaeological site is approximately 0.25 mile from the Project Site and consists of a sub-surface low-density deposit of historic-age trash and construction debris with temporally diagnostic material dating from the 1920s and 1930s. 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

Historic topographic maps, aerial photographs, and Sanborn Fire Insurance Maps were consulted to understand the development of the Project Site and surrounding properties. Topographic maps were available beginning from 1894 to 2015, and aerial images are available from 1952 to 2016. Sanborn maps were available from 1926.

The 1894 United States Geological Survey (USGS) topographic map from 1894 shows the Project Site and surrounding area as undeveloped with the exception of the Pasadena and Pacific Railroad to the north and a sparse webbing of roads. The Project Site is along one of these roads, although no structures are in the vicinity of the Project Site. The 1921 topographic map no longer shows the road adjacent the Project Site. To the east is an oil field with associated roads, otherwise, the Project Site and surrounding area remain undeveloped. The 1925 topographic map highlights the undeveloped terrain of the Project Site and surrounding area and shows the Project Site on a western slope northeast of the confluence of two seasonal drainages. Though the 1925 topographic map depicts the area as entirely undeveloped, the 1926 Sanborn map displays an established grid infilled with single-family dwellings. In addition, Bellwood Avenue had been constructed, while Olympic Boulevard had not. The 1926 Sanborn map also shows that the Project Site has been subdivided into lots, however, the lots are vacant. The first available aerial photograph dates from 1952 and shows the Project Site as fully developed with the existing multi-family apartment buildings. in their current configuration, and Olympic Boulevard in its current alignment.

(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. This review included consideration of sources commonly identified through consultation, notably the 1938 Kirkman-Harriman Historical Map often referenced by the Gabrieleño Band of Mission Indians—Kizh Nation (See Figure 3 of the TCR Report, included in Appendix I of this Draft EIR). A copy of the 1938 Kirkman-Harriman map was also provided by representatives from the Gabrieleño Band of Mission Indians—Kizh Nation in connection with the AB 52 consultation described above.

According to the 1938 Kirkman-Harriman map, the Project Site is approximately 1.5 miles south of the path of Portola's first expedition in California and is within close proximity to a mapped Native American village, located west of the Project Site. The mapped Native American village and Project Site are both approximately 0.16 mile south of an unnamed, roughly east-west oriented "ancient" road. Additionally, a small southeast traveling river or tributary, approximately 0.82 mile west of the Project Site, but mapped as immediately adjacent to the previously noted Native American village site, is depicted. Also depicted on the map, over 2.5 miles west and outside of the Project Site, are two locations labeled as "spg" that likely represent natural springs. Father Juan Crespi, representative of the Franciscan Church with the Portola party, provided documentation of passage just northwest of the Project Site on August 4, 1769, and notes the presence of these springs. The nearest springs are mapped on Kirkman-Harriman's 1938 map as slightly over 2.5 miles west of the Project Site.

While demonstrating these consistencies with historical documentation such as that from the Portola expedition, it should be noted that this map is highly generalized due to scale and age, and may be somewhat inaccurate with regard to distance and location of mapped features. Additionally, this map was prepared based on review of historic documents and notes more than 100 years following secularization of the missions (in 1833). Although the map contains no specific primary references, it matches with the details documented by the Portola expedition (circa 1769–1770). While the map is a valuable representation of post-mission history, substantiation of the specific location and uses of the represented individual features would require review of archaeological or other primary documentation on a case-by-case basis. No information relating to the village site mapped nearest to the Project Site was provided within the reports identified during the CHRIS record search.

At the time of the Portola expedition in 1769 and through the subsequent mission period, the area surrounding the Project Site would have been occupied by Western Gabrieleño/Tongva inhabitants (see 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 included 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 (see Figure 6 of the TCR Report). The village site mapped closest to the Project Site was Cabuepet (or Cahuenga), located near the northern opening of the Cahuenga Pass approximately 6 to 7 miles to the northwest. This village was located near what is now Universal Studios. Mission records indicate that 123 Native American members came from this village, second only to the number of members from Yanga in the Western Gabrieleño territory. Campo de Cahuenga was also in this vicinity, which is the site where the 1847 treaty between General

Andres Pico and Lieutenant-Colonel John C. Fremont marked the surrender of Mexican California to the United States. The La Brea Tar Pits area (CA-LAN-159) was a known area of Native American use for hunting and the gathering of tar. The largest substantiated village in the vicinity was likely Yabit (or Yanga), located approximately 8 to 9 miles to the northeast. Mission records indicate that 179 Gabrieleño inhabitants of Yanga became members of San Gabriel Mission, indicating that it may have been the most populated village in the Western Gabrieleño territory. In general, the mapped position 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 nearest village on the 1938 Kirkman-Harriman map was provided in the SCCIC records search results or review of other archaeological information.

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. In addition, as discussed above, according to the Kirkman-Harriman map, the Project Site is located relatively close to a Native American village and in the vicinity of historically mapped water sources and road; however, they are well outside of the Project Site. This observed, while there are some characteristics that would have been of value for prehistoric use of this area, there are similar resources available throughout the region. No recorded cultural resources of Native American origin have been identified in the Project Site or within a 0.5-mile records search buffer. In addition, consultation with traditionally affiliated Native American tribes to date has not identified any known TCRs that would be impacted by the proposed Project.

3. Project Impacts

a. Significance Thresholds

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

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.

b. Methodology

A CHRIS records search for the Project Site and a 0.5-mile radius was completed on August 16, 2019. The records search included SCCIC's collections of mapped prehistoric, historical, and built-environment resources, DPR site records, technical reports, archival resources, and ethnographic references. Additional consulted sources included historic topographic maps, aerial photographs, and Sanborn Fire Insurance Maps. 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, consultation with California Native American Tribes was conducted to address potential impacts associated with Native American resources. In addition, a Sacred Lands Files search was conducted by the NAHC, on September 16, 2019, 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 subterranean parking and building foundations associated with the Project would be approximately 30 feet below grade. It is estimated that approximately 74,800 cubic yards of soil would be exported and hauled from the Project Site during the excavation phase.

In compliance with the requirements of AB 52, the City provided formal notification of the Project on May 30, 2019 (see Appendix I of this Draft EIR) to the tribes listed above in Subsection 2.b. The 30-day response period for consultation requests concluded on June 29, 2019.

As noted above, two response letters were received by the City. On June 12, 2019, the City received a response letter from Mr. Michael Mirelez, Cultural Resource Coordinator of the Torres-Martinez Desert Cahuilla Indians deferring all future project notifications to Tribes closer to the Project Site. On June 4, 2019, the City received a response letter from Mr. Andrew Salas, Chairman of the Gabrieleño Band of Mission Indians—Kizh Nation, which noted the Project Site is located within their ancestral tribal territory. Mr. Salas stated the Project is located within a sensitive area with the potential to adversely affect tribal cultural resources and requested consultation with the City.

Consultation took place on July 31, 2019, with Department of City Planning staff and representatives from the Gabrieleño Band of Mission Indians—Kizh Nation, including Mr. Salas, Matt Teutimez, and John Torres. During the consultation, Mr. Salas stated that Santa Monica Boulevard was a known trade route. In addition to the Santa Monica Boulevard trade route, Mr. Salas noted the Project Site is located near a location of medicinal natural springs. As discussed in detail above, review of provided documentation suggests that the nearest historically mapped “ancient” road was approximately 0.16 mile north of the Project Site. With regard to the presence of medicinal natural springs, the nearest springs are mapped on Kirkman-Harriman’s 1938 map as slightly over 2.5 miles west of the Project Site. These springs were also noted in Father Crespi’s diary entry dated August 4, 1769. In general, documentation provided by the Gabrieleño Band of Mission Indians—Kizh Nation does not appear to include specific information that suggests the Project could potentially impact a TCR.

In a follow-up email on August 5, 2019, the Kizh Nation provided the City with screen shots of ten historical map images, a screen shot of a pictorial depicting Rancho San Jose de Bueno Ayres (ca. 1840), and screen shots of two pages of text from unknown literary sources. In addition to the maps, unknown literary sources, and the pictorial of the Rancho San Jose de Buenos Ayres (Rancho), the Kizh Nation also provided a brief background history summarizing the Gabrieleño territory, the complexity of their subsistence technology, trade network, and ritual. The summary included a history of the village of the Yangna, including the location, its relationship with the pueblo, and the relocation of the village that may have been politically motivated, leading to the closure of the new settlement, "Pueblito." According to the summary, the displaced Yangna members were compensated and their employers were required to provide them shelter as a result. Further, the Kizh Nation provided a brief summary on the history of the Rancho and the change of ownership including land use over time. In addition, according to the Kizh Nation, the [Project] area was located within the boundaries of the Rancho. The Tribe also provided mitigation language to the City for consideration to address the potential impacts they have identified for the Project.

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 on or within 0.5 mile of the Project Site. The NAHC Sacred Lands File also did not indicate the presence of Native American resources. As described by the TCR Report, the Project Site and surrounding neighborhoods have been extensively developed throughout the twentieth century and thus, the subsurface soils are unlikely to support intact TCRs. Additionally, no tribal cultural resources have been identified within the Project Site through tribal consultation that would be impacted.

A review of the documents and the comments, documents, and maps provided by the Kizh Nation during AB 52 consultation to the City was conducted, to determine whether the proposed Project would cause a substantial adverse impact to TCRs. The following is provided to address the Tribe's concerns as summarized in Table IV.J-1 on page IV.J-9.

The Tribe provided an 1881 map and stated that the Project Site is within Rancho Rincon de Los Bueyes and that this Rancho is located within their ancient village site of Yangna. A review of the map shows that the Project Site is on the boundary line between Rancho San Jose de Buenos Ayres, a land grant made by the Mexican government to Maximo Alanis in 1843, and Rancho Rincon de Los Bueyes, a land grant made by the Spanish Governor of Alta California to Bernardo Higuera and Cornelio Lopez in 1821. However, the map does not include any reference to the village site of Yangna. Moreover, the 1938 map provided by the Tribe, which was prepared by Kirkman-Harriman and also

included as Figure 3 of Appendix I of this DEIR, indicates that the Project Site is located relatively close to a Native American village, however, this village site is outside of the boundaries of the Project Site.

The 1898 map was provided by the Tribe to show the Project Site's proximity to a railroad and within Rancho San Jose de Buenos Ayres. According to the Tribe, railroads were placed on top of traditional trade routes. According to the historical topographic map and aerial images review in Appendix I of this DEIR, the Pasadena and Pacific Railroad are shown to the north and outside of the Project Site. Review of provided documentation suggests that the nearest historically mapped "ancient" road was approximately 0.16 mile north of the Project Site, and, therefore, the proposed Project would not impact the former location of the railroad and would remain within the confines of a previously developed parcel.

The 1901 map was provided by the Tribe to show that the Project Site is in close proximity to railroads and, therefore, traditional trade routes. As previously addressed, the Pasadena and Pacific Railroad are shown to the north and outside of the Project Site and would not be impacted as part of the Project.

A 1920 map was provided by the Tribe to show the hydrography or waterways that existed around the Project Site. However, a review of the historical maps indicate that the nearest mapped tributary is approximately 0.82 mile west of the Project Site.

According to the Tribe, the 1938 Kirkman-Harriman map, which was provided twice by the Tribe (also provided as Figure 3 of Appendix I of this DEIR) shows that the Project Site is located within the village of Yangna and near trade routes. The Tribe also stated that the map shows the hydrography and waterways that existed around the Project Site, which provided for seasonal or permanent seasonal or permanent hamlets, trade depots, and ceremonial and religious sites. Further, the Tribe stated that these waterways are considered "cultural landscapes" and have the potential to encounter human remains during ground-disturbing activities.

However, as is discussed in Appendix I of this DEIR, which addresses the 1938 Kirkman-Harriman map, the Project Site is within proximity to a mapped Native American village, located west of the Project Site, but is outside of the boundaries of the Project Site, approximately 8 to 9 miles to the northeast. Moreover, the village site mapped nearest to the Project Site and substantiated through the archaeological record was Cabuepet (or Cahuenga), which is located near the northern opening of the Cahuenga Pass approximately 6 to 7 miles to the northwest of the Project Site. Furthermore, no information relating to the village site mapped nearest to the Project Site was provided within the reports identified during the CHRIS record search. The Tribe also stated that there were many trade routes by the Project Site where railroads were placed. As

previously mentioned above, the Pasadena and Pacific Railroad are shown to the north and outside of the Project Site and the nearest historically “ancient” road was approximately 0.16 mile north of the Project Site. In addition, a small southeast traveling river or tributary depicted on the 1938 map is approximately 0.82 mile west of the Project Site.

In addition to the maps discussed above, the Kizh Nation also provided four maps without any explanatory text. Therefore, no response with regards to those maps are provided outside of the summary provided above.

Based on this information, the City, in its discretion and supported by substantial evidence, finds that the Project Site does not contain any resources determined by the City to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Accordingly, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe. As such, Project impacts related to tribal cultural resources would be less than significant.

Nonetheless, the City generally applies a standard TCR condition of approval to projects that disturb soil to address any unanticipated discovery of TCR during grading activities. Should a potential TCR be inadvertently identified, this standard 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 TCR (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 TCRs. The Applicant would then implement the tribe’s recommendations if a qualified archaeologist reasonably concludes that the tribe’s recommendations are reasonable and feasible. The recommendations would then be incorporated into a TCR monitoring plan and once the plan is approved by the City, ground disturbance activities could resume. In accordance with the condition of approval, all activities would be conducted in accordance with regulatory requirements. As a result, potential impacts to TCRs would continue to be less than significant.

(2) Mitigation Measures

Project-level impacts related 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

Cumulative impacts would occur if the Project, related projects, and other future development affected the same tribal cultural resources. As shown in Figure III-1 in Section III, Environmental Setting, of this Draft EIR, a total of 6 related development projects have been identified in the vicinity of the Project Site through 2023 (the Project buildout year). These related projects consist of a variety of land uses, including retail/commercial, residential, restaurant, office, hotel, and mixed uses. However, as described above, the Project and the related projects are located within an urbanized area that has been disturbed and developed over time. In addition, as discussed above, there are no known tribal cultural resources located on the Project Site or within the Project vicinity and potential impacts to tribal cultural resources were determined to be less than significant. Similar to the Project, related projects would also undergo an environmental review process where consultation with Native American tribes would occur. Should it be determined that potential impacts would result from the related projects, such impacts would be addressed through mitigation and compliance with regulatory requirements.

Therefore, the Project and related projects would not result in significant cumulative impacts to tribal cultural resources. As such, the Project's contribution would not be cumulatively considerable, and cumulative impacts would be less than significant.

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

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