

Appendix N
**Tribal Cultural Resources
Report**

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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September 16, 2020

Case No.: ENV-2020-1512-EIR

Project Address: 4047, 4141, and 4155 N. Whittett Avenue; and 12506, 12600, 12630 W. Valley Spring Lane, Los Angeles, CA 91604

Community Plan: Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass

RE: AB 52 TRIBAL CONSULTATION NOTICE – HARVARD-WESTLAKE PROJECT

Dear Tribal Representative,

This letter is to inform you that the Los Angeles Department of City Planning is reviewing the following proposed project:

The Harvard-Westlake River Park Project (Project) involves the redevelopment of the approximately 16.1-acre (701,316 square foot) Weddington Golf & Tennis site, and an adjacent approximately 1.1-acre (47,916 square foot) property leased from Los Angeles County, collectively comprising an approximately 17.2-acre (749,232 square foot) project site (Project Site), for use as an athletic and recreational facility for the Harvard-Westlake School and for shared public uses. The Project would require removal of the existing golf course and tennis facility in order to develop two athletic fields with bleacher seating, an 80,249-square-foot, two-story multi-purpose gymnasium with a maximum height of 30 feet, a 52-meter swimming pool with seating, eight tennis courts with seating, one level of below-grade parking and a surface parking lot. The Project would include ancillary field buildings, a pool house, and small security kiosk. The existing on-site putting green and clubhouse with café would be retained with an upgraded interior. The Project would require the installation of 33 exterior light poles, including the relocation of five existing “golf ball” ornamental light fixtures, ranging in height from 26 to 80 feet. The Project would implement an extensive tree and landscaping program that would remove 240 of the existing 421 trees and plant 350 new trees, resulting in a net increase of 110 trees. The Project includes a 1 million-gallon stormwater capture and reuse system for water conservation and treatment purposes. The Project would also provide approximately 5.4 acres (235,224 square feet) of publicly-accessible open space and landscaped trails connecting to the adjacent Zev Yaroslavsky Greenway (Zev Greenway) and on-site landscaped areas, water features, and recreational facilities. In addition to Project Site improvements, the Project involves off-site improvements to the existing segment of Valleyheart Drive south of Los Angeles Fire Department Station No. 78, portions of the Zev Greenway adjacent to the Project Site, and provision of an ADA compliant ramp to provide a pedestrian connection between the Zev Greenway and Coldwater Canyon Avenue northwest of the Project Site. Project development would require excavation and grading of the Project Site to a maximum

depth of approximately 21 feet below grade and a net cut/fill volume of approximately 250,000 cubic yards.

Per AB 52, you have the right to consult on a proposed project prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. You have 30 calendar days from receipt of this letter to notify us in writing that you wish to consult on this project. Please provide your contact information and mail your request to:

City of Los Angeles Department of City Planning
Attn: Kimberly Henry, City Planner
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012
Email: kimberly.henry@lacity.org
Phone: (213) 847-3688

Please note that in conformity with Governor Newsom's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, consultations with the Department of City Planning will be conducted telephonically.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Kimberly Henry
City Planner
Major Projects Section

Attachments: Project Location/Vicinity Map
Conceptual Site Plan – Ground Level



SOURCE: ESA, 2020.

Harvard-Westlake Initial Study
Project Location/Vicinity Map



SOURCE: Gensler, 2020

Harvard-Westlake School

Conceptual Site Plan - Ground Level



Kimberly Henry <kimberly.henry@lacity.org>

FTBMI AB52 Harvard Westlake Project ENV-2020-1512-EIR

Jairo Avila <jairo.avila@tataviam-nsn.us>
To: Kimberly Henry <kimberly.henry@lacity.org>

Tue, Sep 22, 2020 at 10:01 AM

Case No: ENV-2020-1512-EIR**Project Address: 4047. 4142. 4155 N. Whitsett Avenue - Harvard Westlake Project**

Dear Kimberly Henry,

On behalf of the Tribal Historic and Cultural Preservation (THCP) Department of the Fernand \acute{e} o Tataviam Band of Mission Indians (FTBMI), thank you for the formal notification regarding the Project referenced above. The Project area is located within the traditional FTBMI ancestral territory which encompasses the lineage-villages from which members of the Tribe descend. This message constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (as amended, 2015) and CA Public Resources Code section 21080.3.1.

Before providing further comments or scheduling a consultation meeting, the THCP Department is interested in knowing more about the Project, including Project design, impacts on native/undisturbed soil and recent cultural resource investigations. The THCP Department requests to review the following information and documents:

- Project Design / Excavation Plans
- Geotechnical Report
- Cultural Resource Report

Should you have any questions, please let me know. I appreciate your time and look forward to reviewing the information requested for this Project.

Respectfully,

Note: the Fernand \acute{e} o Tataviam Band of Mission Indians' Tribal Administration Office is closed to non-employees until further notice. Please contact me via phone or e-mail. Thank you

Jairo F. Avila, M.A., RPA.*Tribal Historic and Cultural Preservation Officer***Fernand \acute{e} o Tataviam Band of Mission Indians**

1019 Second Street, Suite 1

San Fernando, California 91340

Office: (818) 837-0794

Website: <http://www.tataviam-nsn.us>



Kimberly Henry <kimberly.henry@lacity.org>

FTBMI AB52 Harvard Westlake Project ENV-2020-1512-EIR

Jairo Avila <jairo.avila@tataviam-nsn.us>
To: Kimberly Henry <kimberly.henry@lacity.org>

Mon, Oct 18, 2021 at 3:05 PM

Hello Kimberly,

The Cultural Resource Management (CRM) Division of the Fernandefio Tataviam Band of Mission Indians (FTBMI) thanks you and the City of Los Angeles for the opportunity to consult on the proposed Harvard Westlake Project (Case No. ENV-2020-1512-EIR).

The CRM Division has reviewed the Project notification letter, Project details, and supplemental environmental reports, which includes the draft 2021 Phase I Archaeological Resource Assessment Report and the 2019 Geotechnical Report, and find the Project as having the potential to impact significant Tribal Cultural Resources during ground disturbing activities on native soils. We recognize that no cultural resource items have been identified within the boundaries of the Project. However, as mentioned during our meetings, this Project is located within the boundaries of the Los Angeles River and El Camino Real which are significant Tribal Cultural Resources to the FTBMI. These landmarks are recognized as trail routes used by local and non-local native people for various social, political, and economic reasons before the arrival of the Spanish and after, and during the establishment of the California Missions. Along these trails are various seasonal settlement sites and areas with isolate resources.

The CRM Division takes no issue with the proposed Project. However, due to the historic and ethnographic use of the area by Native people, the proposed depth of excavation which will impact native and undisturbed soils during excavation for the subterranean parking levels, and the fact that no archaeological assessment was conducted prior to the current development which impacted native surface soils, the CRM Division wants to assure that any inadvertent discovery is properly documented and further impacts mitigated in consultation with the FTBMI. The CRM Division requests that the following measures be included in the Project's Mitigated Negative Declaration/ Environmental Impact Report under Tribal Cultural Resources.

- **FTBMI-TCR1:** In the event that Tribal Cultural Resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. The Lead Agency or applicant shall contact the Fernandefio Tataviam Band of Mission Indians (FTBMI) to consult if any such find occurs.
- **FTBMI-TCR2:** Should the find be deemed significant, as defined by CEQA (as amended, 2015), the Project applicant shall retain a professional Native American monitor procured by the FTBMI to observe all remaining ground-disturbing activities including, but not limited to, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, clearing, driving posts, auguring, blasting, stripping topsoil or a similar activity, and archaeological work.
- **FTBMI-TCR3:** The Lead Agency and/or applicant shall, in good faith, consult with the FTBMI on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities.
- **FTBMI-TCR4:** Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, and monitoring reports) shall be provided to the Fernandefio Tataviam Band of Mission Indians and interested Tribes consulting under AB52

The CRM Division looks forward to reviewing the Project's draft Mitigated Negative Declaration/ Environmental Impact Report. Should there be any issues with this request, we would be glad to schedule a consultation meeting to discuss the Project and find other alternatives. I appreciate your time and look forward to further updates on this Project.

Respectfully,

[Quoted text hidden]



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

September 25, 2020

Project Name: Harvard-Westlake Project 4047, 4141, and 4155 N. Whitsett Ave and 12506, 12600, 12630, W. Valley Spring Lane, Los Angeles CA 91604 Sherman Oaks -Studio City-Toluca Lake -Cahuenga Pass

Dear Kimberly Henry,

Thank you for your letter dated September 16, 2020 regarding AB52 consultation. 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 the surrounding location in further detail.

Please contact us at your earliest convenience. ***Please Note: AB 52, "consultation" shall have the same meaning as provided in SB 18 (Govt. Code Section 65352.4).***

Thank you for your time,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders



Kimberly Henry <kimberly.henry@lacity.org>

Harvard-Westlake Project 4047, 4141, and 4155 N. Whitsett Ave and 12506, 12600, 12630, W. Valley Spring Lane, Los Angeles CA 91604 Sherman Oaks -Studio City-Toluca Lake -Cahuenga Pass

Gabrieleno Administration <admin@gabrielenoindians.org>
To: kimberly.henry@lacity.org

Fri, Sep 25, 2020 at 11:10 AM

Hello Kimberly Henry

Thank you for your letter dated September 16,2020. Please see the attachment below.

Thank you

Sincerely,

Brandy Salas
Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived."



Harvard-Westlake Project 4047, 4141, and 4155 N. Whitsett Ave and 12506, 12600, 12630, W. Valley Spring Lane, Los Angeles CA 91604 Sherman Oaks -Studio City-Toluca Lake -Cahuenga Pass .pdf
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Kimberly Henry <kimberly.henry@lacity.org>

AB52- Harvard-Westlake River Park Project at 4155, 4047, & 4141 N. Whitesett Ave& 12630, 12600, & 12506 W. Valley Spring Lane in the City of Los Angeles

Gabrieleno Administration <admin@gabrielenoindians.org>

Fri, Dec 4, 2020 at 3:42 PM

To: Kimberly Henry <kimberly.henry@lacity.org>

Cc: Matthew Teutimez <Matthew.Teutimez@gabrielenoindians.org>, Andy Salas <chairman@gabrielenoindians.org>

Dear Kimberly,

Thank you for your time during the AB52 consultation for the Harvard-Westlake River Park Project at 4155, 4047, & 4141 N. Whitesett Ave & 12630, 12600, & [12506 W. Valley Spring Lane](#) in the City of Los Angeles.

The information provided herein is to be kept confidential as part of AB52 which requires that any information – not just documents – submitted by a California Native American tribe during the environmental review process to not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public consistent with Gov. Code Sections 6254, subd.(r) and 6254.10. (Pub. Resources Code § 21082.3, subd. (c)(1)). We ask that the information be included and kept in a confidential appendix to be mentioned in the public document but not included. This confidential appendix shall be available for use to those associated to the project but no entity outside of the project.

As stated in the Public Resource Code section 21080.3.1. (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources and an area that has cultural value. We are a California Native American tribe with an ancestral connection (higher degree of connection than traditionally and culturally affiliated) to the project area as we are lineal descendants to the village(s) within and around the project area.

Since subsurface activities are planned to occur for this project that have potential to impact TCRs, we are providing tribal archive information to your agency to identify the high cultural sensitivity of the project location and to explain our concerns with specific subsurface ground disturbance activities that have impacted and destroyed our tribal cultural resources in the past. Attached are documents from historic books, screenshots of historic maps and some explanatory text that was also verbally explained in the phone consultation for your project location to explain the cultural significance of the area and the high amount of pre-historic human activity that occurred there.

This Harvard-Westlake River_1938 map indicates the project location within the Village of Cahuenga. All of our mainland villages (sans our island villages) overlapped each other to help facilitate the movement of tribal cultural resources throughout the landscape and also to our sister tribes outside of our traditional ancestral territory. Village use areas were usually shared between village areas and were commonly used by two or more adjoining villages depending on the type, quantity, quality, and availability of natural resources in the area. Therefore, human activity can be pronounced within the shared use areas due to the combined use by multiple villages and TCR's may be present in the soil layers from the thousands of years of human activity within that landscape.

The Harvard-Westlake River_1871, Harvard-Westlake River_1881, Harvard-Westlake River_1898, and the Harvard-Westlake River_1938 maps show the many trade routes around the project area. Trade routes were heavily used by our Tribe for movement of trade items, visiting of family, going to ceremony, accessing recreation areas, and accessing foraging areas. Within and around these routes contained seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and often still contain isolated burials and cremations from folks who died along the trail. These isolated burials are not associated with a village community burial site or ceremonial burial site, rather the location is simply where the person died and was buried where they died. Therefore, isolated burials are more concentrated and likely to occur in proximity to our trade routes, especially the major trade routes. Trade routes are considered a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

The Harvard-Westlake River_1920 and the Harvard-Westlake River_1938 maps indicate the hydrography or waterways that existed around the project area. All water sources were used by our Tribe for life sustenance. Along these watercourses and water bodies occurred seasonal or permanent hamlets, seasonal or permanent trade depots, ceremonial and religious prayer sites, and burials and cremation sites of our ancestors. These activities occurred around water, both inland and coastal, because these water areas create unique habitats and riparian corridors that provide an abundance of food and medicine resources along with aesthetically peaceful areas with running water, shade trees, and shelter. Larger water bodies were high attractants for human activity and the banks and shores of these water bodies have a higher than average potential for encountering Tribal Cultural Resources of artifacts and

human remains during ground disturbing activities. Waterways are a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

Due to the project site being located within and around a sacred village (Cahuenga), adjacent to sacred water courses and major traditional trade routes, there is a high potential to impact Tribal Cultural Resources still present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. Therefore, to avoid impacting or destroying Tribal Cultural Resources that may be inadvertently unearthed during the project's ground disturbing activities and pursuant to our consultation, we have provided to the Lead Agency substantial evidence that the proposed project may have a significant impact on our TCRs. . . "tribal cultural resources" are defined as (1) "sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state or local register of historical resources or that are determined to be eligible for inclusion in the state register; and (2) resources determined by the lead agency, in its discretion, to be significant on the basis of criteria for listing in the state register of historical resources. Pub Res C §21074(a). A lead agency's determination whether a resource meets the criteria for listing in the state register must be supported by substantial evidence and must consider the significance of the resource to the tribe. Pub Res C §21074(a)(2). A "cultural landscape" may qualify as a tribal cultural resource to the extent it is "geographically defined in terms of the size and scope of the landscape." Pub Res C §21074(b) Moreover, Public Resources Code ("PRC") Section 21084.2 states that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." A project that may have a significant effect on the environment requires appropriate mitigation. (PRC § 21082.3(b).) Through the consultation process, AB 52 authorized California Native American tribes to assist lead agencies in identifying, interpreting, and determining the significance of TCRs. (See AB 52, Legislative Digest.) Unless the environmental document includes protective measures agreed on during the consultation process, "if substantial evidence demonstrates" the project "will cause" a significant effect to a TCR, the agency must "consider" feasible mitigation measures "pursuant to" Pub Res C §21084.3(b).

As well, Consultation is not deemed concluded for purposes of CEQA until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource, or when a party concludes, after a reasonable effort, that mutual agreement cannot be reached. (PRC §21080.3.2(b).) Any mitigation measures agreed on during the consultation process must be recommended by lead agency staff for inclusion in the environmental document and the mitigation monitoring and reporting program for the project pursuant to section 21082.3(a) of the PRC. Moreover, now that consultation has begun, as the lead agency, you may certify an EIR or adopt a mitigated negative declaration for the subject project (which may have a significant impact on a tribal cultural resource) only after consultation has concluded. (PRC §21082.3(d).)

As part of the consultation, we have requested any and all information that the lead agency may possess or has access to attain regarding the history of the subsurface soils that will be impacted as part this project's ground disturbance activities. The key information we are requesting is information about whether the "original" soils of the project location have been "removed" and "replaced" by new soils (e.g. engineered, cleaned, imported) or have the original soils just been excavated, placed onsite and then "backfilled" into the same location. If documents exists about the original soils having been removed from the project's footprint and all new construction will be within soils that do not contain the original soils, our concerns for ground disturbance activities are reduced. In the absence of documentation or if it is known the original soils are still present within the project footprint, protective measures shall be created and implemented.

Please find attached the proposed mitigation measures for the subject project. Once you have reviewed them, please provide written notification to the Tribe stating whether and to what extent you will include and require the proposed mitigations for TCR for the subject project so that we may conclude our consultation, and if you do not agree with the mitigations as proposed, so that we may continue our consultation discussions in an effort to reach an agreement.

Admin Specialist

Gabrieleno Band of Mission Indians - Kizh Nation

PO Box 393

Covina, CA 91723

Office: 844-390-0787

website: www.gabrielenoindians.org



The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. "The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area ". "That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived."

16 attachments



Cahuenga_California's Gabrielino Indians_1962.jpg 446K



Cahuenga_California's Gabrielino Indians_1962_2.jpg 435K



Cahuenga_California's Gabrielino Indians_1962_3.jpg 447K



Harvard-Westlake River_1871.jpg 773K

Harvard-Westlake River_1881.jpg 580K



Harvard-Westlake River_1898.jpg
907K



Harvard-Westlake River_1920.jpg
1020K



Harvard-Westlake River_1938.jpg
506K



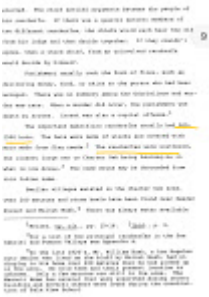
Kaweenga_The First Angelinos_1996.jpg
346K



Kaweenga_Rancho Cahuenga_The First Angelinos_1996.jpg
468K



Kaweenga_The First Angelinos_1996_2.jpg
334K



Rancherias 1500 houses.jpg
706K

 **Location of Village.jpg**
2281K

 **Kizh Nation Mitigation Measures-July 2020.pdf**
453K

 **CHRIS_OHP_ Archaological Sensitivity Letter.pdf**
42K

 **ERA CRM Monitoring letter.pdf**
173K