

IV. Environmental Impact Analysis

J. Tribal Cultural Resources

1. Introduction

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

2. Environmental Setting

a. Regulatory Framework

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

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

(1) State

(a) Assembly Bill 52

Assembly Bill (AB) 52 was approved on September 25, 2014. The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The

¹ *Tribal Cultural Resources Report for the Artisan Hollywood Project, Dudek, August 2022. See Appendix J of this Draft EIR.*

primary intent of AB 52 is to involve California Native American Tribes early in the environmental review process and to establish a category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that 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

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).*

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

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

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

(b) California Public Resources Code

California 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

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

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

recommendations to the landowner for the treatment of the human remains and any associated grave goods. In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the land owner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

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

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

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

(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 located in a highly urbanized area in the Hollywood community in the City of Los Angeles. The Project Site is currently occupied by a surface parking area containing approximately 84 parking spaces located within the northeast portion of the Project Site (Development Area), which would be redeveloped with the Project. The remainder of the Project Site is occupied by six one- and two-story structures that contain approximately 33,828 square feet of commercial floor area, including approximately 4,000 square feet of commercial floor area that is currently vacant. The Project Site is generally flat, sloping gently in a southerly direction, with minimal ornamental landscaping and hardscape features. The area surrounding the Project Site is developed primarily with a mix of mid- to high-rise commercial, office, and multi-family residential buildings.

The Project Site is located less than one mile south of the Santa Monica Mountains, approximately 6.6 miles north of Baldwin Hills, and approximately 12.25 miles east of the Pacific Ocean. The soils underlying the Project Site are classified by the U.S. Department of Agriculture (USDA) as Urban Land—Grommet—Ballona complex, associated with discontinuous human-transported material over young alluvium derived from sedimentary rock.⁷ As discussed in the TCR Report included in Appendix J of this Draft EIR, due to the size and nature of past development associated with the Project Site and in the general vicinity, all native subsurface soils with potential to support the presence of cultural deposits have been substantially disturbed. Historical maps indicate the nearest drainage is approximately 2.24 miles east of the Project Site, and the Los Angeles River, prior to channelization, is mapped approximately 6 miles to the east of the Project Site. Post channelization, the Los Angeles River is approximately 5 miles east of the Project Site.

Artificial fill may be present at the Project Site as the result of prior grading and construction. Past exploratory borings were drilled at nearby locations that encountered artificial fill ranging from a depth of 4.5 to 15 feet below ground surface (bgs) at the southeast corner of Selma Avenue and Ivar Avenue, and ranging from a depth of approximately 3 feet to 14 feet bgs at the northeast corner of Ivar Avenue and Sunset Boulevard.⁸ As described in Chapter II, Project Description, of this Draft EIR, the estimated maximum depth of excavation for the subterranean parking and building foundations would

⁷ *United States Department of Agriculture, Natural Resources Conservation Service: Web Soil Survey. Electronic Resource, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, accessed January 25, 2021.*

⁸ *Wood Environment & Infrastructure Solutions, Inc., Report of Geotechnical Evaluation for Entitlement Documents Proposed High-Rise Development Project 1520 North Cahuenga Boulevard, Hollywood District, Los Angeles, California, June 19, 2019 (Revised June 11, 2020).*

be approximately 50 feet below grade. It is estimated that approximately 69,333 cubic yards of export would be hauled from the Project Site during construction activities.

(2) City of Los Angeles Ethnographic Context

The following discussion is based on the TCR Report, included in Appendix J of this Draft EIR, which provides extensive supporting information and maps regarding the ethnographic context of the City.

The history of the Native American communities in the Los Angeles region prior to the mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the region come predominantly from European merchants, missionaries, military personnel, and explorers. These brief, and generally peripheral, accounts were prepared with the intent of furthering respective colonial and economic aims and were combined with observations of the landscape. They were not intended to be unbiased accounts regarding the cultural structures and community practices of the newly encountered cultural groups. The establishment of the missions in the region brought more extensive documentation of Native American communities, though these groups did not become the focus of formal and in-depth ethnographic study until the early 20th century. Additionally, it is important to note that while many of those providing information for these early ethnographies were able to provide information based on personal experience, a significantly large proportion of these informants were born after 1850, by which time Native Americans would have had considerable contact with Europeans. This is important to note when examining these ethnographies, since considerable culture change had undoubtedly occurred by 1850 among the Native American survivors of California. This is also a particularly important consideration for studies focused on tribal cultural resources, where concepts of “cultural resource” and the importance of traditional cultural places are intended to be interpreted based on the values expressed by present-day Native American representatives and may vary from archaeological values.

Based on ethnographic information, it is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish colonization. Tribes in the Los Angeles region have traditionally spoken Takic languages that may be assigned to the large Uto-Aztecan family. These groups include the Gabrieleño, Cahuilla, and Serrano.

The archaeological record indicates that the Gabrieleño arrived in the Los Angeles Basin around 500 B.C. Surrounding native groups included the Chumash and Tataviam to the northwest, the Serrano and Cahuilla to the northeast, and the Juaneño and Luiseño to the southeast. The names by which Native Americans identified themselves have, for the most part, been lost and replaced by those derived by the Spanish people

administering the local Missions. The name “Gabrielino” or “Gabrieleño” was first established by the Spanish from the San Gabriel Mission, which included people from the Gabrieleño area proper as well as other social groups. Therefore, in the post-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, for the most part, been lost. Many modern Native Americans commonly referred to as Gabrieleño identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and refer to themselves as the Tongva, within which there are a number of regional bands. This term (Tongva) is used in the remainder of this section to refer to the pre-colonization inhabitants of the Los Angeles Basin and their descendants.

Tongva lands stretched from the foothills of the San Gabriel Mountains to the Pacific Ocean and encompassed the greater Los Angeles Basin and three Channel Islands: San Clemente, San Nicolas, and Santa Catalina. The Tongva established large, permanent villages along rivers and streams, and lived in sheltered areas along the coast. 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 in the vicinity of the Project Site was that of Yanga (also known as Yaangna, Janga, or Yabit), which was in the vicinity of downtown Los Angeles. This village was reportedly first colonized by the expedition led by Captain Gaspar de Portola in 1769. In 1771, Mission San Gabriel was established, and Mission records indicate that 179 Gabrieleño inhabitants of Yanga were enslaved at the San Gabriel Mission. Based on this information, Yanga may have been the most populated village in the Western Gabrieleño territory. Second in size, and less thoroughly documented, the village of Cahuenga was located slightly closer to the Project Site, just north of the Cahuenga Pass. 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 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 between the mainland and the Channel Islands Groups was conducted using plank canoes as well as tule balsa canoes. These canoes were also used for general fishing and travel. Tongva people processed food with a variety of tools, including hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Catalina Island steatite was used to make ollas and cooking vessels.

At the time of Spanish colonization, the basis of Tongva religious life was the Chinigchinich religion, which was centered on the last of a series of heroic mythological figures. The Chinigchinich religion 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 was spreading 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 systems and practices.

Deceased Tongva were either buried or cremated, with burial more common on the Channel Islands and cremation on the neighboring mainland coast. 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 that varied with gender and status of the deceased. At the behest of the Spanish missionaries, cremation essentially ceased during the post-colonization period.

(3) Assembly Bill 52 Consultation

In compliance with the requirements of AB 52, the City provided formal notification of the Project on September 29, 2020. All tribal representatives identified by the NAHC, as provided in Appendix C of the TCR Report, were notified of the Project, in compliance with AB 52. Letters were sent via FedEx and certified mail to the following California Native American tribes that requested notification:⁹

- Fernandeano Tataviam Band of Mission Indians
- Gabrieleño Band of Mission Indians—Kizh Nation
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino-Tongva Tribe
- San Fernando Band of Mission Indians

⁹ *This list contains all of the tribes that were identified by the NAHC and notified pursuant to AB 52. In some cases, the notice was sent to more than one individual in a tribe. Refer to Appendix C of the TCR Report for an exhaustive list.*

- Soboba Band of Luiseño Indians
- Torres Martinez Desert Cahuilla Indians

The 30-day response period ended on November 5, 2020. During that time, a response was received by the City on October 21, 2020, from Mr. Jairo F. Avila, M.A., R.P.A., Tribal Historic and Cultural Preservation Officer from the Tribal Historic and Cultural Preservation of the Fernandeano Tataviam Band of Mission Indians, with follow up correspondence received on November 4, 2020.

In the initial response, the Fernandeano Tataviam Band of Mission Indians made a formal request for Tribal consultation, citing that the Project area is located within the traditional Fernandeano Tataviam Band of Mission Indians ancestral territory and encompasses the lineage-villages from which members of the Tribe descend. Prior to providing additional comments or scheduling a consultation meeting, the City provided the Tribal Historic and Cultural Preservation Department of the Fernandeano Tataviam Band of Mission Indians with the Project's conceptual grading plan, per their request. In the follow up correspondence, it was noted that the Project Site is situated outside of the Fernandeano Tataviam Band of Mission Indian's ancestral Tribal boundary, and the Tribe deferred consultation to members of the Gabrielino Indian Tribe. No communication or request for consultation was received from any of the other notified Tribes within the response period.

A record of AB 52 consultation is included in Appendix C of the TCR Report.

(4) Background Research

(a) Sacred Lands File Search

A Sacred Lands File (SLF) search was requested on September 15, 2020, and completed by the NAHC on September 28, 2020 (included in Appendix B of the TCR Report). The results of the SLF search indicated negative results. However, 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. Therefore, the NAHC provided a list of tribal representatives who may have direct knowledge of cultural resources in or near the Project Site to contact for additional information. As noted above, all tribal representatives identified by the NAHC, as provided in Appendix B of the TCR Report, were notified of the Project in compliance with AB 52.

(b) South Central Coastal Information Center Records Search

As outlined in the TCR Report, California Historical Resources Information System (CHRIS) records searches that were previously completed by Dudek and the c) on July 25, 2017; April 2, 2020; and July 27, 2020, for other projects in the vicinity of the Project Site

(i.e., within 0.2 mile) were referenced.¹⁰ The previous records searches all included a 0.5-mile records search radius and as such, the results referenced for this Project include results that are 0.25 mile east, 0.4 mile northeast, and 0.4 mile south of the Project Site, including any records identified within the Project Site. The results of these records searches include the SCCIC's digitized (2020 searches)¹¹ and non-digitized collections of mapped prehistoric, historic, and built environment resources, Department of Parks and Recreation site records, technical reports, and ethnographic references. Additional consulted sources included historical maps of the Project Site, the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), the California Historic Property Data File, the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility.

Results of the records search indicated that 37 previous cultural resource studies have been conducted within the records search area between 1983 and 2013. Of these, five studies overlap the Project Site (LA-07562, LA-07565, LA-07566, LA-08020, and LA-11797). Six of the studies have unknown study boundary locations that could not be verified under the current COVID-19 protocols and, therefore, were not reviewed as part of the TCR Report. However, the studies that are available are sufficient to characterize the available cultural resources information pertaining to the Project Site.

Based on the review of the available cultural resource studies, a total of 198 previously recorded cultural resources fall within the Project's record search area, described above. Of these, 196 are historic built environmental resources and the remaining two are historic-period archaeological sites. None of the previously recorded cultural resources are within the Project Site. Furthermore, no prehistoric sites or resources documented to be of specific Native American origin have been previously recorded within the records search area. Refer to the TCR Report included in Appendix J of this Draft EIR for more details.

(c) Review of Historical Topographic Maps and Aerial Photographs

The first United States Geological Survey (USGS) topographic map showing the Project Site dates to 1894 and shows Sunset Avenue and Cahuenga Boulevard, with few

¹⁰ *These previously completed reports were used in order to meet due diligence requirements while also accounting for extended delays due to COVID-19.*

¹¹ *For records searches completed in 2020, the SCCIC implemented COVID-19 protocols and, accordingly, only provided data for Los Angeles County that are digital. Therefore, the records search results completed in 2020 include the SCCIC's digitized collection. The absence of the digitally unavailable reports does not materially impact the analysis or conclusion contained herein or in the TCR Report included in Appendix J of this Draft EIR.*

structures in the surrounding areas. The topographic maps from the following years show no change to the Project Site until 1921. The 1921 topographic map shows Selma Avenue as well as two or three undefined structures along Selma Avenue and a few undefined structures along Cahuenga Boulevard. The topographic map from 1924 shows an increase in structures surrounding the Project Site. No notable change is shown in the topographic maps until 1955, when Ivar Avenue is shown. The 1955 map no longer shows the previous structures, and in the subsequent maps, only distinguished structures (e.g., libraries, television studios, and playgrounds) and streets/roads are depicted and labeled. The remaining topographic maps show no significant change to the Project Site.

The first historic aerial photograph showing the Project Site dates to 1948 and shows the Project Site as developed with what appears to be eight larger structures in the southern portion of the Project Site and seven smaller structures in the northern portion of the Project Site. Due to the quality of the aerial photo, an exact number of structures is difficult to discern. The 1952 historic aerial photograph no longer shows the previously mentioned structures in the northern portion of the Project Site. The historic aerial photograph from 1954 shows seven large structures within the southern portion of the Project Site and depicts the northern portion of the Project site as a parking lot. The remaining historic aerial photographs show no significant change to the Project Site.

(d) Ethnographic Research and Review of Academic Literature

As part of the preparation of the TCR Report for the Project, academic and ethnographic literature and materials were reviewed for information pertaining to past Native American use of the Project Site. This review included consideration of sources commonly identified through consultation, notably the 1938 Kirkman–Harriman historical map (Figure 3 of the TCR Report), as well as other sources outlined in Section 7 (Bibliography) of the TCR Report. Based on this map, the Project Site is approximately 0.3 mile west of El Camino Real (an official Spanish Road); south and southeast of two Native American Villages (the nearest mapped approximately 0.5 mile to the north of the Project Site); approximately 1.3 miles northeast of the nearest of the tar pits associated with the La Brea Tar Pit area; and approximately 1.5 miles northeast of an “Indian Fight” site (mapped as point of interest no. 12 in the 1938 Kirkman-Harriman historical map) representing a battle site that took place August 27, 1770, though specific information regarding this battle is not provided in the map. 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 and includes no primary references, although 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 location and uses of the represented individual features would require review of archaeological or other primary documentation on a

case-by-case basis. No information related to the two village sites mapped nearest to the Project Site was provided within the technical reports reviewed as part of the records search for the TCR Report, which are outlined in Section 7, Bibliography, of the TCR Report, although it appears likely that these villages are mentioned in the diary excerpts written by Father Crespi, a member of Portola's expedition of the 18th Century.

At the time of Portola's expedition, and through the subsequent mission period, the area surrounding the Project Site would have been occupied by Western Gabrieleño/Tongva inhabitants. Use of Gabrieleño 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 the number of Native Americans documented in mission records.¹² Working under the assumption that missionization affected the region's population relatively evenly, this process allowed for the identification of clusters of tribal villages (settlements) with greater relative frequencies of related or married individuals than surrounding areas. Traditional cultural use area boundaries, as informed by other ethnographic and archaeological evidence, were then drawn around these clusters of villages. The nearest village site to the Project Site was Cabuepet (or Cahuenga) located approximately 3 miles from the Project Site near the northern opening of the Cahuenga Pass. This village was located near what is now Universal Studios. Mission records indicate that 123 Native Americans came from this village, second only to the number 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. In addition, the La Brea Tar Pits area was a known area of Native American use for hunting and the gathering of tar. The largest village in the vicinity was likely Yanga (or Yabit), located approximately 3.8 miles to the southeast of the Project Site. Mission records indicate that 179 Gabrieleño inhabitants of Yanga were present at the San Gabriel Mission, indicating that it may have been the most populated village in the Western Gabrieleño territory. In general, the mapped positions of both Yanga and Cahuenga have been substantiated through archaeological evidence, although the archaeological record has been substantially compromised by rapid and early urbanization throughout much of the region. No archaeological evidence of the two nearest villages on the 1938 Kirkman-Harriman map was provided in the SCCIC records search results or found during the review of other archaeological information.

Based on review of pertinent academic and ethnographic information included in the TCR Report, the Project Site falls within the boundaries of the Gabrieleño/Tongva

¹² *Northwest Economic Associates (NEA) and Chester King, Ethnographic Overview of the Angeles National Forest: Tataviam and San Gabriel Mountain Serrano Ethnohistory, 2014.*

traditional territory. However, no Native American tribal cultural resources have been previously documented in areas that may be impacted by the Project.

3. Project Impacts

a. Thresholds of Significance

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

Threshold (a): Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

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

b. Methodology

The results of previously completed CHRIS records searches were utilized to determine potential impacts associated with tribal cultural resources. The records search included a review of mapped prehistoric, historic, and built environment resources; Department of Parks and Recreation Site Records; technical reports; ethnographic references; historical maps; the California Historic Property Data File; the National Register, California Register, California State Historical Landmarks, and California Points of Historical Interest listings; and the Archaeological Determinations of Eligibility. Pertinent

academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the Project Site as part of the TCR Report. Consultation with California Native American Tribes was conducted as required by AB 52. In addition, an SLF search was conducted by the NAHC.

c. Project Design Features

No specific project design features are proposed with regard to tribal cultural resources.

d. Analysis of Project Impacts

Threshold (a): Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

(1) Impact Analysis

In compliance with the requirements of AB 52, the City provided formal notification of the Project on September 29, 2020, to the tribes listed in Subsection IV.I.2.b.(3) on page IV.J-8. Pursuant to AB 52, the response period for the consultation request concluded 30 days after the receipt of the notification, which, based on the last notice to be delivered (per delivery confirmations, on file), was November 5, 2020. As noted above, Fernandeno Tataviam Band of Mission Indians made a formal request for Tribal consultation, but later retracted that request, as they noted that the Project Site is situated outside of the Fernandeno Tataviam Band of Mission Indian's ancestral Tribal boundary. The Tribe deferred consultation to members of the Gabrielino Indian Tribe, who received notice pursuant to AB 52. No communication or request for consultation was received from this or any of the other notified Tribes. As such, with the close of tribal consultation, the

City has fulfilled the requirements of AB 52. Documents related to AB 52 Consultation are included in Appendix C of the TCR Report.

As discussed above, no prehistoric sites or resources documented to be of specific Native American origin were identified within the Project Site or surrounding records search area. A total of 37 previous cultural resource studies were identified within the records search area, five of which overlap the Project Site. The results of this literature review did not identify any Native American resources within the records search area. In addition, the SLF search did not identify any recorded tribal cultural resources on the Project Site. Furthermore, as previously discussed, AB 52 consultation initiated by the City has not resulted in the identification of a tribal cultural resource within the Project Site. In addition, based on Dudek's independent analysis of materials relative to potential tribal cultural resources on the Project Site, there is no record or evidence of known tribal cultural resources on the Project Site or in its immediate vicinity. Given the nature of existing and historical development, which would have required excavation of soils throughout the Project Site in excess of those with potential to support cultural resources and tribal cultural resources (generally less than 10 feet below the surface in this area), subsurface contexts within the Project are of low suitability to support the presence of tribal cultural resources and/or cultural resources. Thus, based on the above, no resources of known Native American origin or documented association have been identified within the Project Site or surrounding area.

While no tribal cultural resources are anticipated to be affected by the Project, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. Should tribal cultural resources be inadvertently encountered, this condition of approval provides for temporarily halting construction activities near the encounter and notifying the City and Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Project Applicant would then implement the tribe's recommendations if a qualified archaeologist reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resources monitoring plan and once the plan is approved by the City, ground disturbance activities could resume. In accordance with the condition of approval, all activities would be conducted in accordance with regulatory requirements.

Therefore, based on the above, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public

Resources Code section 21074. Impacts to tribal cultural resources would be less than significant, and no mitigation measures are required.

(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 would remain less than significant.

e. Cumulative Impacts

(1) Impact Analysis

As indicated in Chapter III, Environmental Setting, of this Draft EIR, there are 46 related projects in the vicinity of the Project Site. While many of the related projects are located a substantial distance from the Project Site, as shown in Figure III-1 in Chapter III, Environmental Setting, of this Draft EIR, several related projects are located in proximity to the Project Site, including one project (Related Project No. 2) that is located within the same block as the Project Site to the south. Collectively, the related projects near the Project Site involve a mix of hotel, residential, and commercial/retail uses consistent with existing uses in the vicinity of the Project Site.

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. Although impacts to tribal cultural resources tend to be site-specific, cumulative impacts would occur if the Project, related projects, and other future developments within the Hollywood Community Plan area affected the same tribal cultural resources and communities. All Project development would occur within the boundaries of the Project Site, and, as discussed above, there are no tribal cultural resources located on the Project Site. However, in the event that tribal cultural resources are uncovered, the Project and each related project would be required to comply with the applicable regulatory requirements discussed above, and the City's standard condition of approval regarding inadvertent discovery of tribal cultural resources would apply. 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 related to tribal cultural resources would be less than significant and would not be cumulatively considerable.**

(2) Mitigation Measures

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