

# **IV. Environmental Impact Analysis**

---

## **L. Tribal Cultural Resources**

### **1. Introduction**

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the *Tribal Cultural Resources Report for the New Beatrice West Project* (Tribal Cultural Resources Report) prepared by Dudek (March 2023) included as Appendix L of this Draft EIR.

In accordance with Assembly Bill (AB) 52, the City of Los Angeles (City) as Lead Agency, provided notification of the Project to California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project and who have requested in writing to be informed by the City of projects within their geographic area of concern. To date, no communication or request for consultation have been received. The Native American notification documentation is provided in Appendix L of this Draft EIR.

### **2. Environmental Setting**

#### **a. Regulatory Framework**

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

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

##### **(1) State**

###### *(a) Assembly Bill 52*

Assembly Bill (AB) 52 was approved on September 25, 2014. The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 is to involve California Native American Tribes early in the

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

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.<sup>3</sup>

---

<sup>1</sup> *Public Resources Code, Section 21080.3.1(b) and (c).*

<sup>2</sup> *Public Resources Code, Sections 21080.3.1(d) and 21080.3.1(e).*

<sup>3</sup> *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.<sup>4</sup>

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.<sup>5</sup>

*(b) California Public Resources Code*

California Public Resources Code (PRC) Section 5097.98, as amended by AB 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC Section 5097.98 further requires the Native American Heritage Commission (NAHC), upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide

---

<sup>4</sup> *Public Resources Code, Section 21082.3(d)(2) and (3).*

<sup>5</sup> *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

The analysis provided below is summarized from the Tribal Cultural Resources Report attached as Appendix L.1 of this Draft EIR. For additional detail, refer to the Tribal Cultural Resources Report.

### (1) Project Site

As described in Section II, Project Description, of this Draft EIR, the Project is proposed on a 196,463-square-foot (4.51-acre) site located at 12531–12575 West Beatrice Street and 5410, 5416, 5454 South Jandy Place (collectively, Project site). The Project site is currently occupied with a 23,072-square-foot office building and two accessory buildings of 5,044 square feet and 2,144 square feet at 12575 W. Beatrice Street, and an 87,881-square-foot office building at 12541 W. Beatrice Street. As part of the Project, the existing structures at 12575 W. Beatrice Street would be removed while the existing office building at 12541 W. Beatrice Street would be retained.

Based on the Tribal Cultural Resources Report, historical maps indicate the presence of the extensive Ballona Lagoon (currently in the location of Marina Del Rey) to the west of the Project site. The Project site area also falls in the ancient floodplain of the Los Angeles River in a low-lying area between the Ballona Bluffs to the south and the Santa Monica plain to the north. Existing development is underlain by Quaternary alluvium and marine deposits, generally dating between the Pliocene and the Holocene geologic age. As discussed in the Tribal Cultural Resources Report, soils within the Project site are dominated by the Urban Land commercial complex with minor components, all of which are associated with low slope alluvial conditions. Such low-slope locations are characteristically depositional soils dating to the late Holocene (< 11,700 years ago).<sup>6</sup>

As provided in the Tribal Cultural Resources Report, due to the nature of past development on the Project site and surroundings, as well as existing paved area within the Project site vicinity, native subsurface soils with potential to support the presence of cultural deposits have likely been disturbed. However, there is a possibility that subsurface Native American resources could be present, as have been encountered in areas surrounding the Project site and as documented within the California Historical Resources Information System (CHRIS) records search.

---

<sup>6</sup> *United States Department of Agriculture Natural Resources Conservation Service. Web Soil Survey. <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>, 2020, accessed August 2020.*

## (2) City of Los Angeles Ethnographic Context

Based on the Tribal Cultural Resources Report, the history of the Native American communities 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 these 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 twentieth century. The principal intent of these researchers was to record the culturally specific practices, ideologies, and languages that had survived the destabilizing effects of missionization and colonialism. This research, often understood as “salvage ethnography,” was driven by the understanding that traditional knowledge was being lost due to the impacts of modernization and cultural assimilation.

According to the Tribal Cultural Resources Report, based on ethnographic information, it is believed that at least 88 different Native American languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact. The distribution of recorded Native American languages has been dispersed as a geographic mosaic across California through six primary language families. The tribes of the Los Angeles County area have traditionally spoken Takic languages that may be assigned to the larger Uto–Aztecan family. These groups include the Gabrielino, Cahuilla, and Serrano. The amount of internal diversity within these language-speaking communities reflects a time depth of approximately 2,000 years. Other researchers have contended that Takic may have diverged from Uto–Aztecan ca. 2600 BC–AD 1, which was later followed by the diversification within the Takic speaking tribes, occurring approximately 1500 BC–AD 1000.

### (a) *Gabrielino (Gabrieleño)/Tongva*

The archaeological record indicates that the Gabrielino 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 name “Gabrielino” was first established by the Spanish from the San Gabriel Mission and included people from the established Gabrielino area as well as other social groups. Many modern Native Americans commonly referred to as Gabrielino identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and refer to themselves as the Tongva. This term is used here in reference to the pre-Contact inhabitants of the Los Angeles Basin and their descendants.

The Tongva established large, permanent villages along rivers and streams, and lived-in sheltered areas along the coast. Tongva lands included the greater Los Angeles Basin and three Channel Islands, which are San Clemente, San Nicolas, and Santa Catalina, and stretched from the foothills of the San Gabriel Mountains to the Pacific Ocean. Tribal population has been estimated to be at least 5,000, but recent ethnohistoric work suggests a much larger population, approaching 10,000. Archaeological sites composed of villages with various sized structures have been identified through the Los Angeles Basin. Within the permanent village sites, the Tongva constructed large, circular, domed houses made of willow poles thatched with tule, each of which could hold upwards of 50 people. Other structures constructed throughout the villages probably served as sweathouses, menstrual huts, ceremonial enclosures, and communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Tongva villages.

The largest, and best documented, ethnographic Tongva village in the Gabrieleño territory was likely that of Yanga (also known as *Yaangna*, *Janga*, and *Yabit*), which was in the vicinity of the downtown Los Angeles. This village was reportedly first documented by the Portola expedition in 1769. Second in size, and less thoroughly documented, the village of Cahuenga was located just north of the Cahuenga Pass.

Father Juan Crespi passed through the area near this village on August 2–3, 1769. The Portola party passed westward through the La Brea Tar Pits area (CA-LAN-159) the following day. This was a known area of Native American use for hunting and the gathering of tar and other area-specific resources. Upon leaving the La Brea Tar Pits, the Portola expedition continued westward, camping on August 4, 1769 near what is now the route Interstate 405 before heading northward into the mountains. Based on an account of their expedition on August 4, 1769, the Portola expedition encountered a village, which was not identified by name and would have been approximately 3 miles from the named village near Santa Monica (*Kuruvunga*) and 5 miles from *Sa'anga* near the mouth of Ballona Creek. *Sa'anga*, likely within 1.6 miles of the present Project site, has also been commonly referred to as *Guaspet* or *Guashna*, *Saan*, or *Saa'anga* or *Waachnga*.

The Tongva subsistence economy was centered on gathering and hunting. The surrounding environment was rich and varied, and the tribe exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like that of most native Californians, acorns were the staple food (an established industry by the time of the early Intermediate Period). Acorns were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora. Fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.

Tools and implements used by the Tongva to gather and collect food resources 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. The collected food resources were processed food with 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.

Inhumation of deceased Tongva was the more common method of burial on the Channel Islands while neighboring mainland coast people performed cremation. Cremation ashes have been found buried within stone bowls and in shell dishes, as well as scattered among broken ground stone implements. Supporting this finding in the archaeological record, ethnographic descriptions have provided an elaborate mourning ceremony.

### (3) Assembly Bill (AB) 52 Consultation

The Project is subject to compliance with AB 52 (PRC Section 21074), which requires consideration of impacts to tribal cultural resources as part of the CEQA process and requires the lead agency to notify of the Project any California groups (who have requested notification) who are traditionally or culturally affiliated with the geographic area of the Project. Pursuant to AB 52, the City of Los Angeles Department of City Planning sent AB 52 Tribal Consultation Notice letters for the Project on December 7, 2020, to the following California Native American tribes that requested notification:

- Gabrielino Tongva Indians of California Tribal Council
- Gabrieleño Band of Mission Indians—Kizh Nation
- Gabrielino/Tongva Nation
- Gabrielino/Tongva 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
- Fernandeño Tataviam Band of Mission Indians

In compliance with Assembly Bill 52, tribes traditionally and culturally affiliated with the geographic area of the Project site were notified as part of the original Project



approvals in 2016. In response to the 2016 notice, the Soboba Band of Luiseno Indians requested that a Native American monitor be present during excavation activities in order to protect and identify tribal resources. As part of the Project's original approvals, the Project has been conditioned to require a Native American monitor as requested by the Soboba Band of Luiseno Indians in response to the 2016 notice.<sup>7</sup> A new notification process was provided under Assembly Bill 52 in 2020 as part of the preparation of this Draft EIR. No communication or request for consultation was received from any of the notified tribes to date and within the 30-day response period, which ended on January 6, 2021. A record of AB 52 consultation is included in Appendix C of the Tribal Cultural Resources Report.

#### (4) Background Research

##### *(a) Sacred Lands File Review*

A Sacred Lands File (SLF) search request was submitted to the NAHC for the Project on August 6, 2020. The NAHC replied via email on August 13, 2020, stating that the SLF search was completed with negative results for the Project site and the 0.5-mile search area. Because the SLF search does not include an exhaustive list of Native American cultural resources, the NAHC suggested contacting Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the Project. The NAHC provided the contact information of the eight persons and entities with whom to contact along with the SLF search results. In compliance with AB 52, the City has contacted all NAHC-listed traditionally geographically affiliated tribal representatives that have requested Project notification as stated previously. Documents related to the NAHC search are included in Appendix B of the Tribal Cultural Resources Report.

##### *(b) California Historical Resources Information System Review*

A records search was conducted by staff at the SCCIC at California State University Fullerton on September 3, 2020 for the Project site and a surrounding 0.5-mile radius. This search included the SCCIC's 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 Historical Property Data File, and the lists of California State Historical Landmarks, California Points

---

<sup>7</sup> As discussed in Section II, Project Description, of this Draft EIR, the original Project approval remains valid and the conditions of that approval will be implemented with the Project.

of Historical Interest, and the Archaeological Determinations of Eligibility (ADOE). The results of the records search are included in Appendix A of the Tribal Cultural Resources Report.

*(i) Previously Conducted Cultural Resource Studies*

The SCCIC records search results indicate that 23 previous cultural resource studies have been conducted within 0.5-mile radius of the Project site between 1969 and 2015. None of these previous studies intersect or overlap the current Project site. However, report LAN-09481, which is identified within the record search area, relates to a previously recorded cultural resource, specifically resource P-19-000193/CA-LAN-193/H. Furthermore, four studies (LA-00253, LA-02558, LA-02673, and LA-03495) not mapped within the Project's records search area, are summarized below as they directly address the prehistoric village site, *Sa'anga* (P-19-000047/CA-LAN-000047), recorded approximately 1.6 miles outside the Project site.

- **LA-00253** (outside of Project site): LA-00253 describes an archaeological investigation for the proposed Admiralty Place Development. The investigation included a surface collection of site P-19-000047, which produced shells, debitage, cores, handstones, choppers, and bowl fragments. In addition, subsurface testing revealed midden soils as shallow as 30 centimeters below the disturbed overburden surface. It was reported that intact portions of the site remain.
- **LA-02558** (outside of Project site): LA-02558 was completed by Statistical Research in 1989 for the Channel Gateway Project within the boundaries of site P-19-000047. Trenching excavations revealed intact midden soils on the site. Four fragments of human remains were positively identified. The report concluded with the observation that intact portions of the site appeared to remain and recommended additional testing to be conducted.
- **LA-02673** (outside of Project site): LA-02673 was completed by Statistical Research in 1992 as the continuation of LA-02558. The report documents a more rigorous investigation of site P-19-000047 at the request of the Southern California Gabrielino Indian Band. A combination of hand excavation and monitored machine excavation yielded similar artifacts to previous investigations as well as revealed the midden layer. This study succeeded in establishing clear boundaries to P-19-000047.
- **LA-03495** (outside of Project site): LA-03495 provides a brief article by Harvey S. Levine written in 1969. Levine reported two burials found that year, both of which were excavated by the University of California, Los Angeles (UCLA). The article also summarized artifacts that were been found in the vicinity in the past, which include additional burials, large stone bowls, mortars, pestles, projectile points, fish bones, and shells.

- **LA-09481** (outside of Project site): Statistical Research Technical Series No. 29, Pt. 1. documents the results of a phased study designed for a mixed-use developmental project consisting of a records search, background research, and pedestrian survey. The study area encompassed 1,087-acres of land within the metropolitan area of Los Angeles. The portion of the study that is nearest to the Project site is 240 meters (800 feet) south. This portion contains P-19-000193/CA-LAN-193/H (discussed further below). Altschul et al. explain that there is a discrepancy between the information provided by the Archaeological Information Center at UCLA and the information uncovered in this 1991 study. The site files provided by the Information Center are more conducive of a different site within the vicinity. P-19-000193/CA-LAN-193/H was originally recorded in 1952 by Hal Eberhart who describes it as a village site. However, according to Van Horn (1984) the area was covered in asphalt in the early 1950s, and therefore, could not have been identified by Eberhart in 1952. Consequently, artifacts allegedly discovered in an excavation of the area conducted in 1939 by R.L. Beals are on display at the UCLA Museum. There is no documentation of this excavation except for the museum artifacts. Altschul et al. note that the site was also identified in a letter by R.C. Nelson (no date) when the area had railroads, but no other developed roads. The letter is based off of a discussion with a local hunter. Although P-19-000193/CA-LAN-193/H is believed to be of significant cultural value, at the time of this study, no further documentation was present to verify this.

(ii) *Previously Recorded Cultural Resources*

As provided in the Tribal Cultural Resources Report, the SCCIC records indicate that 21 previously recorded cultural resources have been documented within a 0.5-mile radius of the Project site. Of these, 16 are historic-era buildings or structures. As noted in the Tribal Cultural Resources Report, historic built environment resources or non-archaeological resources fall outside of the scope of the Tribal Cultural Resources Report and are not addressed therein. The remaining five resources are considered archaeological resources, and consist of three prehistoric archaeological sites and two multi-component archeological sites with both prehistoric and historic-era components. None of these archeological sites intersect or overlap the Project site. However, these sites have a complex archival record that will be discussed to address the archaeological sensitivity of the Project site and vicinity. Further, although not identified within the Project site's records search area, a summary of resource P-19-000047/CA-LAN-000047 is also provided as it discusses the prehistoric site *Sa'anga*, previously mentioned above.

- **P-19-000047/CA-LAN-000047**: P-19-000047 was recorded as a large shell midden in 1961, within approximately 1.6 miles of the Project site. The site reportedly yielded numerous artifacts associated with food preparation and tool manufacture including stone bowls, projectile points, debitage, bone tools, beads, antler harpoons, choppers, hammerstones, scrapers, and pestles. Two burials were reported at the site within site forms on file with the SCCIC. The

Southern California Gabrieleño People identified the site as sacred village site *Sa'anga*. Portions of the site have undoubtedly been destroyed due to development. However, the possibility of intact portions of the site exists. P-19-000047 is a listed Historic-Cultural Monument (HCM-490), which is a database maintained by the City of Los Angeles Office of Historic Resources. The resource meets the criteria for HCM designation, having yielded, or may be likely to yield, information important in prehistory or history. The inventory notes that the site has yielded "upwards of a dozen human burials and unique harpoon heads".

- **P-19-000193/CA-LAN-193/H:** P-19-000193/CA-LAN-193/H is described as a multi-component site measuring 312 by 65 feet at an elevation of 5 feet above mean sea level and is within approximately 2,485 feet of the Project site. The site was first informally documented in 1912 by R.C. Nelson in the form of a letter. In this letter, Nelson documents the findings as relayed to him by a hunter living in the vicinity, as a refuse heap containing artifacts and skeletal material. In 1952, the site was formally documented by Hal Eberhart in an archaeological survey record. The site is noted to consist of prehistoric bone, marine shell, asphaltum, groundstone, metates, projectile points, fire-affected rock, beads, fishhooks, human remains, pestles, lithics, and food remains. Eberhart describes the resources to be part of a village site and notes that the site was excavated in 1939 by R.L. Beals. From 2000 through to 2001, an archaeological data recovery excavation was conducted by Scott Kremkau from Statistical Research, Inc., to document the site and collect important artifacts prior to construction activities within the site. According to the record prepared by Kremkau, the resources were encountered between approximately 3 to 15 feet below the ground surface and included 55 features, most of them being habitation refuse consisting of hearth deposits, lithic concentrations, or in one case possible posthole supports. Hearth deposits were found to include fire-affected rock and various non-thermal artifacts. There are four burial features documented, each containing a single set of human remains, a metate, abalone shell, and a scatter of lithic flakes, groundstone fragments, and faunal bone. The few historic-era archaeological features are historic trash dumps thought to be associated with the nearby Hughes Aircraft facility; details about the contents of the trash dumps are not provided. The prehistoric and historic-era components within the site is believed to be unrelated due to the imbalance in quantities of historic-era and prehistoric artifacts found. It is noted that most of the site was disturbed or destroyed due to modern developments. No depths of the discovery are provided within the record.
- **P-19-000356/CA-LAN-356:** P-19-000356/CA-LAN-356 is a prehistoric site within approximately 2,500 feet of the Project site. The site is documented as consisting of marine shell midden and a possible burial. It was formally recorded in 1960 by Tom King, who describes the site as heavily disturbed marine shell midden and a burial plotted by junior high students. King notes that the burial is possibly non-human, but no further detail is provided in the record. No depth of the discovery is provided within the record.

- **P-19-001932/CA-LAN-1932:** P-19-001932/CA-LAN-1932 is a multi-component site measuring 1,575 by 100 feet at an elevation of 7 feet above mean sea level and within approximately 1,765 feet of the Project site. The site was discovered during archaeological monitoring of construction activities. Subsequent to the initial discovery, testing was conducted. The site is documented as consisting of prehistoric habitation debris and historic-era glass bottle and china fragments and was originally formally recorded in 1990 by N. Spain. The historical resources within the site is described by Spain as a surface refuse scatter most likely associated with Hughes Airstrip and a date range between the 1930s and 1950s. A Phase I archaeological study was conducted in 1999 by Benjamin Vargas to determine the presence or absence of cultural materials within this study area. Vargas documented prehistoric habitation debris uncovered at a depth of 6 inches capped underneath 19 inches of fill that was deposited in the early 1940s. The record does not specify what the habitation debris consisted of. Due to the separation of the historical and prehistoric components within the fill, the researchers noted that these resources are unrelated. The site was evaluated in August 1991 and was determined to be ineligible for the National Register by consensus through the Section 106 process; however, the site has not been evaluated for the California Register or local listing.
- **P-19-002379/CA-LAN-2379:** P-19-002379/CA-LAN-2379 is a prehistoric site measuring 165 by 740 feet at an elevation of 150 feet above mean sea level and is located within approximately 2,630 feet of the Project site. The site is documented as consisting of manos, metate fragments, hammerstone fragments, debitage, flaked stone tools, and marine shell midden. The site was formally recorded in 1995 by Chester King, referred to as the “Dunbarton Site,” described the site as “a probable Early Period settlement.” Subsequent to King’s investigation, a letter from a representative of the California Tribe of Shoshone Gabrielino Indian Nation, submitted a letter to the State Historical Preservation Officer (SHPO) stating their concerns about the construction work to be conducted within the private property. An archaeological investigation conducted by Archaeological Associates, retained by the property owner, submitted a letter contesting the findings by King. The archaeological investigation conducted by Robert and Laurie White from Archaeological Associates in 1995 in response to King’s summary of discoveries, concluded that the area in which King was referring to did not contain a prehistoric site. They stated that a pedestrian survey recovered no cultural artifacts and identified two shell scatters that they claimed were part of fill deposited from a different location. Since the shell scatters were not in their original depositional location, White concluded that they could not be representative of prehistoric archaeological material. No depth of the discovery is provided within the records. Given the convoluted history of the site’s discovery, it is unclear whether the findings documented by King and/or Archaeological Associates are entirely reliable.
- **P-19-002769/CA-LAN-2769:** P-19-002769/CA-LAN-2769 is a prehistoric site measuring 250 by 16 feet at an elevation of 10 to 15 feet above mean sea level and within approximately 2,580 feet of the Project site. The resources were

encountered approximately 39 inches below the ground surface and observed from an eroding bank during a pedestrian survey. The site is documented as an intact midden deposit consisting of marine shell, animal bone, lithics, fire-affected rock, ground stone, and a single human tooth. The site was formally recorded in 1999 by Jeffery H. Altschul, who described the site as habitation debris. Altschul notes that the site will be tested to determine an age estimation for the midden; however, no further documentation with regard to the testing is noted in the record.

*(c) Review of Historical Topographic Maps and Aerial Photographs*

As part of the Tribal Cultural Resources Report, Dudek consulted historic topographic maps and aerial photographs to understand development of the Project site and surrounding properties. Historical topographic maps are available for the years 1896, 1899, 1905, 1910, 1916, 1922, 1923, 1924, 1926, 1927, 1934, 1942, 1952, 1957, 1965, 1975, 1982, 2012, 2015, and 2018. Historic aerials are available for the years 1953, 1963, 1972, 1980, 1985, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2003, 2004, 2005, 2009, 2010, 2012, 2014, 2016, and 2018.

The first topographic map shows the Project site as undeveloped in 1896. Ballona Creek and the Santa Monica Branch of the Southern Pacific Railroad are shown in the area surrounding the Project site. The topographic maps for the subsequent years until 1923 show no significant change to the Project site or surrounding areas. The 1923 map shows two structures appearing to be adjacent to the Project site. The topographic maps for the subsequent years until 1952 are consistent with the 1923 map. The 1952 topographic map shows no significant change to the Project site; however, there is an increase in development in the vicinity. The 1975 topographic map shows the Marina Freeway (SR 90), Beatrice Street, and Jandy Place, serving as the Project site's southern and western boundaries, respectively. A building at 12541 West Beatrice Street and a rectangular structure within the southwestern portion of the Project site also appear on the 1975 topographic map. The remainder of the topographic maps show no significant change to the Project site and surrounding areas.

The first aerial photograph shows the Project site as an open plot of land with minimal vegetation in 1953; however, development is evident in the vicinity, including structures on the property immediately east of 12541 West Beatrice Street and a housing development east of Grosvenor Boulevard. The aerial photograph from 1963 depicts the addition of SR 90 in the vicinity of the Project site. The 1972 aerial photograph shows an increase in development within the Project site and the surrounding areas. Both Beatrice Street and Jandy Place are visible, as is the building at 12541 West Beatrice Street. There is a rectangular structure depicted in the southwestern portion of the Project site, which is consistent with the location of the current 12575 West Beatrice Street building. The remainder of the Project site consists of paved parking lots. The aerial photograph from

1980 shows two smaller structures directly north of the rectangular structure and an additional structure within the northern portion of the parking lot between the buildings at 12575 and 12541 West Beatrice Street. The 1991 aerial photograph shows a singular larger structure in place of the two northern structures, appearing to be an extension of the original 12575 West Beatrice Street building. North of the addition in the northwestern corner is an additional small rectangular structure. The remainder of the aerial photographs show no significant change to the Project site or direct surrounding areas; however, the landscaping in the area becomes more established with some large trees surrounding the buildings and lining Jandy Place and Beatrice Street becoming increasingly evident over time.

(d) *Ethnographic Research and Review of Academic Literature*

As part of the Tribal Cultural Resources Report, pertinent academic and ethnographic literature was 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. Based on this map, the Project site is approximately 0.41 mile east of the confluence of two old roads, with the northern northeast-southeast traveling road along the general route of today's Culver Boulevard and the southern northwest-southeast traveling road along today's Lincoln Boulevard (Highway 1). Heading northeast along the side of Ballona Creek, through houses associated with Rancho Ballona (now in Culver City), the route would have intersected the historic location of El Pueblo de Los Angeles approximately 11.6 miles to the northeast. The mouth of the Ballona Creek was historically a marshy environment, and is labeled on the 1938 Kirkman-Harriman Historical map as *Guacha*. This may be in reference to the Gabrieleño name for this place, *Waachnga*. Additionally, two tributaries, one approximately 0.65 mile to the northwest and one approximately 0.11 mile to the southeast, and water courses are depicted traveling southwest towards present-day Marina Del Rey. The northern waterway likely represents Ballona Creek. Also depicted on the map is an "Indian Village," approximately 1 mile to the southwest of the Project site.

At the time of Portolá's and Crespi's travels, and through the subsequent mission period, the area surrounding the Project site would have been occupied by the Western Gabrieleño/Tongva. Use of Gabrielino as a language has not been documented since the 1930s. One study made an effort to map the traditional Gabrieleño/Tongva cultural use area through documented family kinships and Native American member numbers included in mission records which 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. According to the Tribal Cultural Resources Report, the nearest large village site to the Project site was *Guaspet*, located within a portion of today's Culver City that fell within

what was once the eastern portion of Rancho Ballona. However, this village may actually be the village of *Saa'anga* (P-19-000047). Furthermore, *Waachnga* is another village in the vicinity of what is now Marina Del Rey, and is located approximately 2.5 miles from the Project site. As provided in the Tribal Cultural Resources Report, regardless of the discrepancies regarding the various potential villages, it is likely that there were at least two named Gabrieleño communities between present day Culver City and the mouth of Ballona Creek during the Spanish and Mexican eras. It should be further noted that a village site has also been represented on the 1938 Kirkman-Harriman map discussed above, which was prepared independently of other academic studies identifying these villages. The most common name for the village in the Marina Del Rey area is *Sa'anga*. The 1938 map represents this village to the south of the mouth of Ballona Creek. This village location is consistent with information presented in a Los Angeles Times article reporting the identification of significant cultural deposits indicative of habitation activities and high numbers of Native American burials that were encountered approximately 1.5 miles from the present Project site during construction of the Playa Vista housing community.

As further noted in the Tribal Cultural Resources Report, regardless of the exact location of *Sa'anga*, which would likely have been subject to change over many hundreds of years in response to variable environmental conditions, it is clear from the archaeological record that the area around the Project site was subject to past Native American use. This is indicated by the presence of the previously recorded prehistoric habitation sites: P-19-000047/CA-LAN-000047, P-19-000193/CA-LAN-000193/H, P-19-000356/CA-LAN-000356, P-19-001932/CA-LAN-001932/H, P-19-002379/CA-LAN-002379, and P-19-002769/CA-LAN-002769, identified within approximately 1,765 to 2,580 feet of the current Project site. Of these six prehistoric habitation sites, three sites (P-19-000047/CA-LAN-000047, P-19-000193/CA-LAN-000193/H and P-19-002769/CA-LAN-002769) include human remains/burials.

Based on a review of pertinent academic and ethnographic information, the Project site falls within the boundaries of the Gabrieleño/Tongva traditional use area. While sensitive cultural resources have been previously recorded in the surrounding vicinity, none have been identified with the Project site. As such, no Native American tribal cultural resources have been previously documented in areas that may be impacted by the Project. Furthermore, consultation with traditionally affiliated Native American tribes to date has not identified any known tribal cultural resources that would be impacted by the Project.

### 3. Project Impacts

#### a. Thresholds of Significance

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



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

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

The *L.A. CEQA Thresholds Guide* does not include any criteria to evaluate tribal cultural resources impacts. Thus, the potential for the Project to result in impacts related to tribal cultural resources is based on the State CEQA Guidelines Appendix G thresholds provided above.

## **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 Tribal Cultural Resources 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 December 7, 2020, to the tribes listed in Subsection IV.I.2.b.(3). 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 January 6, 2021. As noted above, the City did not receive a response from any of the tribal contacts regarding tribal cultural resources or other concerns about the Project. 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 Tribal Cultural Resources Report.

As discussed above and based on the Tribal Cultural Resources Report, no prehistoric sites or resources documented to be of specific Native American origin were identified within the Project site or surrounding 0.5-mile records search area. In addition, no previously recorded Native American resources have been identified within the Project site based on records held at the SCCIC. However, SCCIC records did identify five prehistoric habitation sites (P-19-000193/CA-LAN-000193/H, P-19-000356/CA-LAN-000356, P-19-001932/CA-LAN-001932/H, P-19-002379/CA-LAN-002379, and P-19-002769/CA-LAN-002769), as described in detail above. These sites consist of three prehistoric archaeological sites and two multi-component archeological sites with both prehistoric and historic-era components. None of these archeological sites intersect or overlap the Project site. In addition, while outside of the Project site records search area,

P-19-000047/CA-LAN-000047 was also identified. These six habitation sites have been previously recorded approximately 1,765 to 8,444 feet outside the Project site. Of these six prehistoric habitation sites, three sites (P-19-000047/CA-LAN-000047, P-19-000193/CA-LAN-000193/H and P-19-002769/CA-LAN-002769) document the presence of human remains/burials.

Project design, as proposed with the subterranean parking levels, would exceed the maximum depth to which soils likely to support the presence of archaeological resources or related tribal cultural resources, which are considered to most likely to be present within 10 feet of the ground surface. 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 (PRC Section 21084.2). In addition, AB 52 requires a tribal cultural resource to have tangible, geographically defined properties that can be impacted by an undertaking. **As determined in the Tribal Cultural Resources Report, given that no tribal cultural resource has been identified within the Project site, potential impacts to tribal cultural resources would be less than significant.** However, as described above, the Soboba Band of Luiseno Indians requested that a Native American monitor be present during excavation activities in response to the 2016 notice pursuant to Assembly Bill 52. Accordingly, the Project was originally conditioned to require a Native American monitor as requested. As discussed in Section II, Project Description, of this Draft EIR, the original Project approval remains valid and the conditions of the original Project approval will continue to be implemented with the Project.

**In summary, 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, and impacts to tribal cultural resources would 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. However, at the request of the Soboba Band of Luiseno Indians and as required by the original Project approvals, a Native American monitor will be present during excavation activities.

## (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, and the impact level would remain less than significant. However, continued implementation of Mitigation Measure MM-CR-1 requiring tribal monitoring included as part of the original Project approval would further reduce the Project's less-than-significant impacts.

## e. Cumulative Impacts

### (1) Impact Analysis

As indicated in Section III, Environmental Setting, of this Draft EIR, there is one related project in the vicinity of the Project site.

The Project and the related project 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 project, and other future development within the Palms–Mar Vista–Del Rey 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 related project would be required to comply with the applicable regulatory requirements discussed above, and the City’s standard condition of approval and/or mitigation measure 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, the Project’s contribution to impacts on tribal cultural resources would not be cumulatively considerable, and, thus, cumulative impacts related to tribal cultural resources 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 would remain less than significant.