

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 TVC 2050 Project (Tribal Cultural Resources Report) included as Appendix C of this Draft EIR.¹ In addition, the City of Los Angeles (City) notified California Native American Tribes of the opportunity to consult on the Project, as required by the California Environmental Quality Act (CEQA) and as amended by Assembly Bill (AB) 52, in an effort to incorporate the results of any consultation into this analysis. This correspondence is provided in Appendix C.3 of this Draft EIR. As discussed further below, no consultation has been requested as of the publication 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

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

¹ Dudek, Tribal Cultural Resources Report for the TVC 2050 Project, March 2022.

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 shall be considered concluded when: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.⁴ In accordance with City practices, if no tribes have requested consultation on a project as of the time of publication of the project’s Draft EIR, the consultation may be considered closed for the purposes of the project’s Draft EIR.

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

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 recommendations to the

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

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

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) Project Site

The Project Site is located near the northern edge of the Los Angeles Basin, less than 2 miles south and southeast of the Santa Monica Mountains. The surrounding area is characterized as relatively flat land sloping southeast away from the Santa Monica Mountains. Elevations at the Project Site range from approximately 185 to 201 feet above mean sea level (AMSL), sloping downward from the northeast to the southwest. The Project Site is underlain by older, elevated Quaternary alluvial deposits that are late Pleistocene in age (approximately 129,000 to 11,700 years old). At deeper levels (approximately 200 feet below ground surface), the Project Site is underlain by oil-bearing formations collectively known as the Salt Lake Oil Field. The Salt Lake Oil Field feeds the pits visible at the La Brea Tar Pits, which are located approximately 0.6 mile south of the Project Site. Historically, the Salt Lake Oil Field has been used for the commercial production of crude-oil since the early 1900s. Soils within the Project Site are dominated by the Urban land–Biscailuz–Pico complex followed by Urban land–Azuvina–Montebello complex in the southeastern corner of the Project Site.

The Project Site is located in the City's Wilshire Community Plan area and includes General Plan land use designations of Community Commercial, Neighborhood Commercial, and Limited Commercial. An approximately 0.63-acre portion of the Project Site that is located outside the boundary of the City in unincorporated Los Angeles County is designated Major Commercial per the Los Angeles County 2035 General Plan and proposed to be annexed into the City of Los Angeles. The Project Site is located in a highly urbanized area that is developed with a diverse mix of land uses. In general, the major arterials in the Project vicinity, including Beverly Boulevard, 3rd Street, and Fairfax Avenue, are lined with commercial, institutional, and multi-family residential uses, with mixed residential neighborhoods interspersed between the major arterials.

The approximately 25-acre Project Site is currently developed with approximately 743,680 square feet of studio-related uses, including approximately 95,540 square feet of stage uses; 325,450 square feet of support uses, such as storage and mills; 163,090 square feet of production office space; and 159,600 square feet of general office space. The Project Site is comprised of four main buildings plus approximately 30 one-story ancillary buildings and structures, including storage buildings, modular/portable bungalows and trailers, shelters and pads for utilities and transmission equipment, carports with solar panels, guard houses, and a helipad. Please refer to Section II, Project Description, of this Draft EIR for further discussion of existing conditions and studio operations within the Project Site.

Television City was originally developed in 1952 in accordance with a master plan conceptualized as 2.5 million square feet of total development designed by the local architectural team of William Pereira and Charles Luckman (Pereira & Luckman). The original Primary Studio Complex, located generally in the center of the Project Site, is made up of two attached buildings designed in the International Style—the Service Building on the east and the Studio Building on the west. The Primary Studio Complex is designated as Historic-Cultural Monument (HCM) No. 1167. Beyond the Primary Studio Complex, numerous modifications and additions have been made to the Project Site over time to accommodate the evolving nature of studio operations. Please refer to Section IV.B, Cultural Resources, of this Draft EIR for further discussion of historic resources located on and around the Project Site.

(2) City of Los Angeles Ethnographic Overview

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

Based on ethnographic information, it is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish colonization. The tribes of this area have traditionally spoken Tatic languages that may be assigned to the larger Uto–Aztecan family. These groups include the Gabrielino, Cahuilla, and Serrano. Some researchers have interpreted the amount of internal diversity within these language-speaking communities to reflect a time depth of

approximately 2,000 years. Others have contended that Takic may have diverged from Uto–Aztecan circa 2,600 BC to AD 1, which was later followed by the diversification within the Takic speaking tribes, occurring approximately 1,500 BC to AD 1,000.

The archaeological record indicates that the Project area and surrounding vicinity were occupied by the Gabrieleño, who arrived in the Los Angeles Basin around 500 BC. 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. These names were not necessarily representative of a specific ethnic or tribal group, and traditional tribal names are unknown in the post-colonization period. 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. While this population primarily included Native American individuals local to the immediate region, individuals from surrounding areas and other tribes are also shown to have become members of the San Gabriel Mission. As such, post-mission Gabrielino communities may have complex historical and cultural understandings, with associations to multiple ethnic groups. Therefore, in the post-colonization period, the name does not necessarily identify a specific ethnic or tribal group. 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. Though the names “Tongva,” “Gabrielino,” or “Gabrieleño” are the most common names used by modern Native American groups and are recognized by the Native American Heritage Commission, there are groups within the region that self-identify differently, such as the Gabrieleño Band of Mission Indians—Kizh Nation. In order to be inclusive of the majority of tribal entities within the region, the name “Tongva,” “Gabrielino,” or “Gabrieleño” are used interchangeably within the remainder of this section.

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, San Clemente, San Nicolas, and Santa Catalina and stretched from the foothills of the San Gabriel Mountains to the Pacific Ocean. The 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 region was that of Yanga (also known as Yaangna, Janga, and Yabit), which was in the vicinity of downtown Los Angeles. This village was reportedly first encountered by the Portola expedition in 1769. In 1771, Mission San Gabriel was established. Yanga provided a large number of the members to this mission; however, following the founding of the Pueblo of Los Angeles in 1781, opportunities for local paid work became increasingly common, which had the result of reducing the number of Native American neophytes from the immediately surrounding area. Mission records indicate that 179 Gabrieleño inhabitants of Yanga were members of the San Gabriel Mission. Based on this information, Yanga may have been the most populated village in the Western Gabrieleño territory. Second in size and less thoroughly documented, the village of Cahuenga was located slightly closer, just north of the Cahuenga Pass. The La Brea Tar Pits area (CA-LAN-159) was a known area of Native American use for hunting and the gathering of tar.

The environment surrounding the Tongva included mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like most native Californians, acorns were the staple food source. Acorns were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, and agave). Fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.

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.

The Chinigchinich religion, centered on the last of a series of heroic mythological figures, was the basis of religious life at the time of Spanish colonization. The Chinigchinich religion not only provided laws and institutions, but it also taught people how to dance, which was the primary religious act for this society. The Chinigchinich religion seems to have been relatively new when the Spanish arrived. It was spreading south into the Southern Tadic groups even as Christian missions were being built. This religion may be the result of a mixture of native and Christian belief systems and practices.

As discussed in the Tribal Cultural Resources Report, 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. Offerings varied with the sex and status of the deceased. At the behest of the Spanish missionaries, cremation essentially ceased. Please refer to the Tribal Cultural Resources Report as well as Section IV.B, Cultural Resources, of this Draft EIR for an overview of the historic era.

(3) Assembly Bill (AB) 52 Consultation

In compliance with the requirements of AB 52, the City Department of City Planning provided formal notification of the Project on July 6, 2021, providing a 30-day response period ending on August 5, 2021. Letters were sent via FedEx and certified mail to the following California Native American tribes that are listed on the City's AB 52 contact list:

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

The letters contained a Project description, outline of AB 52-prescribed timelines, invitation to consult, and contact information for the appropriate lead agency representative. The City received no response requesting consultation from the contacted tribal representatives, and consultation, for the purposes of this Draft EIR, is assumed to be closed.

(4) Background Research

(a) California Historical Resources Information System Review

A California Historical Resources Information System (CHRIS) records search was conducted by staff at the South Central Coastal Information Center (SCCIC) at California

State University Fullerton on July 15, 2021, 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, California Department of Parks and Recreation Site Records, technical reports, and ethnographic references. Additional sources that were consulted include historical maps of the Project Site vicinity, the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), the California Historical Landmarks list, the California Points of Historical Interest list, the California Office of Historic Preservation State Historic Resources Inventory, and the Los Angeles Historic-Cultural Monuments list. The records search results are considered confidential and are provided in Confidential Appendix B of the Tribal Cultural Resources Report, on file at the City for review by qualified individuals.

(b) Previously Conducted Cultural Resource Studies

As discussed in the Tribal Cultural Resources Report, the results of the CHRIS records search indicate that 37 cultural resource investigations have been completed within a 0.5-mile radius of the Project Site between 1976 and 2012. Of these 37 studies, six have included portions of the Project Site or the immediate Project Site vicinity (specifically, LA-00128, LA-01939, LA-04558, LA-06442, LA-10507, and LA-11473). Due to SCCIC COVID-19 operation protocols, copies of four studies within the vicinity (LA-01939, LA-06442, LA-04558, and LA-11473) were not provided by the SCCIC and, therefore, are not summarized in the Tribal Cultural Resources Report included as Appendix C of this Draft EIR. Brief summaries of the two studies that were available (LA-00128 and LA-10507) are provided below.

- **LA-00128:** *Evaluation of the Archaeological Resources and Potential Impact of Proposed Pan Pacific Park (Kaufman 1976)* documented the results of a Phase I archaeological investigation conducted on behalf of the Los Angeles Department of Parks and Recreation. The study consisted of an archival records search and a pedestrian survey. The area of study focused on the Pan Pacific Park, which is located east of the Project Site. No previously recorded cultural resources were identified within the study area, and the survey did not uncover any cultural material.
- **LA-10507:** *Technical Report—Historical/Architectural Resources—Los Angeles Rail Rapid Transit Project "Metro Rail" Draft Environmental Impact Statement and Environmental Impact Report (Westec Services, Inc. 1983)* documented the results of a cultural resource inventory conducted on behalf of the Southern California Rapid Transit District. The study consisted of an archival research, literature review, and a pedestrian survey. A total of 295 properties were surveyed, including a portion of the Project Site (listed as 7800 Beverly Boulevard in the survey) and nine properties within close proximity to the Project Site. The 7800 Beverly Boulevard property was listed in the study as the "CBS

Television City Parking Lot” and was found to appear ineligible for listing in the National Register.

(c) Previously Recorded Cultural Resources

As discussed in the Tribal Cultural Resources Report, the results of the CHRIS records search indicate that there are eight cultural resources mapped by the SCCIC within the 0.5-mile records-search radius. Of these, six are historic built environment resources, and two are historic-period archaeological sites. One historic-period archaeological resource, P-19-003045/CA-LAN-003045H, is located to the south of the Project Site and consists of historic-era features and material dating back to the Rancho La Brea Adobe (generally referred to as the Gilmore Adobe), established in 1852. CA-LAN-003045H is a historic site measuring 2,200 feet (670 meters) east to west by 1,200 feet (365 meters) north to south, at an elevation of approximately 190 feet AMSL. CA-LAN-003045H is documented as a historic site consisting of the Gilmore Adobe, built in 1852, and The Original Farmers Market, established in 1934. The site consists of four features and various trash deposits consisting of a total of 1,244 artifacts. The features are described as two manholes, a wooden feature, and two large metal pipes laid under eight smaller pipes. The collection of artifacts encountered included: glass bottles, ceramics, livery items including horse and mule shoes, various gardening tools, building materials, miscellaneous metal, and faunal bone (cow, pig, and goat). The site was originally formally recorded in 2002 by Dietler who interpreted the artifacts within the site to be representative of a wide date range from the early 19th century to the 1970s and likely associated with use of the Gilmore Adobe, The Original Farmers Market, oil drilling, and dairy farming. The Gilmore Adobe was in use until 1880. The property was subsequently used as a dairy farm until 1904, when oil drilling and refining procedures began. Since 1934, the site has primarily been used as a farmer’s market.

Please refer to Section IV.B, Cultural Resources, of this Draft EIR for further discussion of archaeological resources.

(d) Ethnographic Research and Review of Academic Literature

In preparing the Tribal Cultural Resources Report, pertinent academic and ethnographic literature were reviewed for information pertaining to past Native American use of the Project Site and vicinity. This review included consideration of sources commonly identified through consultation, notably the 1938 Kirkman-Harriman Historical Map (refer to Figure 3 of the Tribal Cultural Resources Report). According to the map, the Project Site is not situated within close proximity to any mapped village sites. The map shows the Project Site approximately 0.5 mile to the north and 0.4 mile to the southeast of the nearest of the mapped tar pits associated with the La Brea Tar Pit area. A small unnamed northwest-southeast traveling tributary, approximately 0.5 mile southwest of the Project Site, is shown running towards the Ballona Wetlands.

The Kirkman-Harriman Historical Map is generalized due to the scale, age, and nature of the source material and may be somewhat inaccurate with regard to distance and location of mapped features. The map was prepared based on review and interpretation of historic documents and notes more than 100 years following the secularization of the missions in 1833. While the map is a valuable representation of post-mission history, substantiation of the specific location and uses of the represented individual features would require review of archaeological or other primary documentation on a case-by-case basis. No information relating to the village sites mapped nearest to the Project Site, including two approximately 2 and 2.5 miles to the northeast, one approximately 3 miles to the northwest, and one over 3 miles to the southwest, was provided within the reports or within the other resources identified during the CHRIS record search and review of academic sources.

During the mission period, the area in the vicinity of the Project Site was occupied by Western Gabrieleño/Tongva inhabitants (refer to Figures 4 and 5 in the Tribal Cultural Resources Report). Use of Gabrielino as a language has not been documented since the 1930s. One study attempted to map the traditional Gabrieleño/Tongva cultural use area through documented family kinships included in mission records. This process allowed for the identification of clusters of tribal villages (settlements) with greater relative frequencies of related or married individuals than surrounding areas (refer to Figure 6 in the Tribal Cultural Resources Report). Traditional cultural use area boundaries, as informed by other ethnographic and archaeological evidence, were then drawn around these clusters. No villages are recorded by these sources in the vicinity of the Project Site.

Although the Project Site is not located within the documented boundaries of any mapped villages, the natural resources located near the Project Site, specifically the La Brea Tar Pits, were utilized by prehistoric and protohistoric peoples. Based on review of pertinent academic and ethnographic information, the Project Site falls within the boundaries of the Gabrieleño/Tongva traditional use area, but no Native American tribal cultural resources have been previously documented within the Project Site.

(e) Sacred Lands File Review

As part of the process of identifying cultural resources within or near the Project Site, on June 11, 2021, a letter describing the Project was sent to the Native American Heritage Commission requesting a search of the Sacred Lands File and a list of Native American contacts appropriate for the Project. The Sacred Lands File maintained by the NAHC represents a curation of “ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California” provided by tribal entities and Native American representatives.

The NAHC responded in a letter emailed on July 6, 2021, which stated that their search of the Sacred Lands File revealed no known Native American cultural resources

within the Project Site or its vicinity. Contact information was provided for nine Native American tribes culturally affiliated with the Project area. These NAHC-listed contacts include: Chairperson Andrew Salas, Gabrieleño Band of Mission Indians—Kizh Nation; Chairperson Anthony Morales, Gabrielino/Tongva San Gabriel Band of Mission Indians; Chairperson Sandonne Goad, Gabrielino/Tongva Nation; Chairperson Robert F. Dorame, Gabrielino Tongva Indians of California Tribal Council; Christina Conley, Tribal Consultant and Administrator, Gabrielino Tongva Indians of California Tribal Council; Lovina Redner, Tribal Chair, Santa Rosa Band of Cahuilla Indians; Chairperson Isaiah Vivanco, Soboba Band of Luiseno Indians; and Joseph Ontiveros, Soboba Band of Luiseno Indians. Documents related to the NAHC Sacred Lands File search are included in Confidential Appendix C of the Tribal Cultural Resources Report.

As previously discussed, in compliance with AB 52, the City has contacted all NAHC-listed traditionally geographically affiliated tribal representatives that have requested Project notification. No tribes have requested consultation to date.

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 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.***

The City's L.A. CEQA Thresholds Guide does not specifically address tribal cultural resources. In assessing impacts related to tribal cultural resources in this section, the City will use Appendix G as the threshold of significance.

b. Methodology

Dudek requested that the staff of the SCCIC, a regional repository of the California Historical Resources Information System, conduct a records search for the Project area. The purpose of the records search was to identify all previously recorded cultural resources in, and relevant reports of, the Project Site and surrounding 0.5-mile radius. The records reviewed included all investigation reports and resource records from the following sources: SCCIC's digitized collections of mapped prehistoric and historic archaeological resources and historic built-environment resources; Department of Parks and Recreation site records; technical reports; archival resources; and ethnographic references. Additional sources that were consulted include historical maps and aerial photographs of the Project Site, the geotechnical report prepared for the Project by Geotechnologies, Inc. in April 2021, the National Register, the California Register, the California Historic Property Data File, and the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. The records search results are provided in Confidential Appendix B of the Tribal Cultural Resources Report, on file at the City for review by qualified individuals.

Dudek also conducted archival research to identify tribal cultural resources within the Project Site and the surrounding vicinity. To determine whether previously recorded tribal cultural resources are present in the Project vicinity, Dudek requested a Sacred Lands File search for the Project Site from the Native American Heritage Commission. Additionally, in accordance with AB 52, notification letters were sent to all of the California Native American tribes that are traditionally and culturally affiliated with the Project Site.

c. Project Design Features

No specific Project design features are proposed with regard to tribal cultural resources. However, the Project would be subject to the City's standard Condition of Approval for the inadvertent discovery of tribal cultural resources during construction, as detailed later in this section.

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

As discussed in Section II, Project Description, of this Draft EIR, the estimated depth of excavation for subterranean parking and building foundations associated with the Project would be approximately 45 feet below grade. It is further estimated that approximately 772,000 cubic yards of soil would be exported and hauled from the Project Site during the excavation phase.

In compliance with the requirements of AB 52, the City provided formal notification of the Project on July 6, 2021, to the tribes listed above in Subsection 2.b. The 30-day response period for consultation requests concluded on August 5, 2021. The City received no response requesting consultation from the contacted tribal representatives, and consultation is assumed to be closed for the purposes of this Draft EIR. As such, the City has fulfilled the requirements of AB 52.

As set forth in the Tribal Cultural Resources Report, 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. AB 52 requires a tribal cultural resource to have tangible, geographically defined properties that can be impacted by an undertaking. No Native American resources have been identified within the Project Site or 0.5 mile of the Project Site in the records search conducted at the SCCIC. The NAHC Sacred Lands File search likewise did not indicate the presence of Native American resources on or in close proximity to the Project Site. This history of past disturbance within and in the vicinity of the Project Site, as reflected by the records searches, review of historical topographic maps and aerial photographs, and the subsurface exploratory boring investigations, suggest that subsurface soils are unlikely to support intact tribal cultural resources. In addition, as previously discussed, Native American tribes that were contacted pursuant to AB 52 have not responded with a request for consultation as of the

publication of this Draft EIR. As such, no known tribal cultural resources have been identified that would be impacted by the Project.

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

Nonetheless, given that the Project would include excavations to a maximum depth of approximately 45 feet, there may be a potential to encounter unknown tribal cultural resources that could be present at the Project Site. The City generally applies a standard Condition of Approval to projects that disturb soil to address any unanticipated discovery of tribal cultural resource during grading activities. Should a potential tribal cultural resource be inadvertently identified, this standard Condition of Approval provides for temporarily halting construction activities near the encounter and notifying the City and Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the 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, generally two weeks or less or as otherwise agreed upon, to conduct a Project 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 Applicant would then implement the tribe's recommendations if a qualified archaeologist concludes that the tribe's recommendations are reasonable and feasible. The recommendations would be incorporated into a tribal cultural resource monitoring plan, and once the plan is approved by the City, ground disturbance activities may resume. In accordance with the Condition of Approval, all activities would be conducted in accordance with regulatory requirements. As a result, potential impacts to tribal cultural resources would remain less than significant.

For a discussion of potential impacts related to historic resources and archaeological resources, including resources that are listed or eligible for listing in the California Register or in a local register of historical resources, refer to Section IV.B, Cultural Resources, of this Draft EIR.

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

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

e. Project Impacts with Long-Term Buildout

While Project buildout is anticipated in 2026, the Project Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2043. The Development Agreement would confer a vested right to develop the Project in accordance with the Specific Plan and a Mitigation Monitoring and Reporting Program (MMRP) throughout the term of the Development Agreement. The Specific Plan and MMRP would continue to regulate development of the Project site and provide for the implementation of all applicable Project design features and mitigation measures associated with any development activities during and beyond the term of the Development Agreement. Additionally, given that tribal cultural resources are site-specific and do not typically vary over the course of a 20-year timeframe, a later buildout date would not affect the impacts or significance conclusions presented above. Likewise, in the event of an extended buildout, any development on the Project Site would be subject to the City's standard Condition of Approval for the inadvertent discovery of tribal cultural resources.

f. Cumulative Impacts

(1) Impact Analysis

As identified in Section III, Environmental Setting, of this Draft EIR, a total of 68 related projects have been identified in the general vicinity of the Project Site. The related projects comprise a variety of uses, including apartments, condominiums, restaurants, office space, institutional uses, and retail uses, as well as mixed-use developments incorporating some or all of these elements. The Project and related projects are located within an urbanized area that has been extensively 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 development within the general area would affect the same tribal cultural resources and communities. In the event any tribal cultural resources are uncovered, each related project

would be required to comply with the applicable regulatory requirements, as well as the City's standard Condition of Approval, as appropriate, and any site-specific mitigation that would be identified for that project. 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 and related projects would not result in significant cumulative impacts to tribal cultural resources. As such, the Project's contribution would not be cumulatively considerable, and cumulative impacts would be less than significant.**

For a discussion of potential cumulative impacts related to historic resources and archaeological resources, including resources that are listed or eligible for listing in the California Register or in a local register of historical resources, refer to Section IV.B, Cultural Resources, of this Draft EIR.

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

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