

IV. Environmental Impact Analysis

M. Tribal Cultural Resources

1. Introduction

This section of the Draft EIR provides an analysis of the Project’s potential impacts on tribal cultural resources. This section is based in part on the *Tribal Cultural Resource Evaluation and Impact Assessment for the 1111 Sunset Boulevard Project* (Tribal Cultural Resources Report) prepared by Statistical Research Inc., dated February 2021, included as Appendix R.1 of this Draft EIR. The impact analysis also is based on a Sacred Lands File records search conducted by the California Native American Heritage Commission (NAHC) and a California Historical Resources Information System records search conducted by the South Central Coastal Information Center (SCCIC) at California State University Fullerton, both of which are included as part of the Tribal Cultural Resources Report, as well as consultation with the Gabrieleño Band of Mission Indians—Kizh Nation.¹

2. Environmental Setting

a. Regulatory Framework

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

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

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

- (a) *“Tribal cultural resources” are either of the following:*
- (1) *Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*
 - (A) *Included or determined to be eligible for inclusion in the California Register of Historical Resources.*
 - (B) *Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.²*
 - (2) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.³ In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*
- (b) *A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.*
- (c) *A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2,⁴ or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).⁵*

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

³ *Public Resources Code Section 5024.1(c) provides the National Register criteria for listing of historical resources in the California Register.*

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

⁵ *Per Public Resources Code Section 21083.2(h), a non-unique archaeological resource means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A non-unique*
(Footnote continued on next page)

For a project for which a notice of preparation for a Draft EIR was filed on or after July 1, 2015, the lead agency is required to consult with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if: (1) the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area; and (2) the tribe requests consultation within 30 days of receipt of formal notification by the lead agency. Public Resources Code Section 21080.3.1(b) defines “consultation” with a cross-reference to Government Code Section 65352.4, which applies when local governments consult with tribes on certain planning documents and states the following:

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

The new provisions in Public Resources Code (PRC) Section 21080.3.2(a) enumerate topics that may be addressed during consultation, including identification of the significance of tribal cultural resources, determination of the potential significance of project impacts on tribal cultural resources and the type of environmental document that should be prepared, and identification of possible mitigation measures and project alternatives.

PRC Section 21084.3 also states that public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. This section of the PRC also includes examples of mitigation measures that may be considered to avoid or minimize the significant adverse effects.

Consultation ends when either of the following occurs prior to the release of the environmental document:⁶

1. Both parties agree to measures to avoid or mitigate a significant effect on a tribal cultural resource; or

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

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

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

Agreed upon mitigation measures shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or substantially lessen a significant impact on an identified tribal cultural resource (PRC Section 21082.3(a)-(b)).

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

b. Existing Conditions

(1) Project Site

The Project Site comprises a 262,437-square-foot lot at 1111–1115 Sunset Boulevard and a 10,481-square-foot portion of Beaudry Avenue and Sunset Boulevard adjacent to the 1111–1115 Sunset Boulevard lot. The 262,437-square-foot portion of the Project Site is specifically comprised of the 1111 Sunset Boulevard parcel and an airspace lot at 1115 Sunset Boulevard. This portion of the Project Site is oval-shaped and currently developed with five buildings (referred to herein as Buildings 1 through 5). The four existing buildings within the 1111 Sunset Boulevard parcel (Buildings 1, 2, 3, and 5) are currently vacant. Building 4 at 1115 Sunset Boulevard is currently occupied by the Elysian apartments and will remain on-site but is not part of the Project.

The four vacant structures within the 1111 Sunset Boulevard parcel are situated generally in the center and along the western area of the Project Site and the Elysian apartment building is situated generally along the northern portion of the lot. The Project Site also includes surface parking and circulation areas generally located on the eastern half of the Project Site. The Project Site slopes down generally east to west with a grade difference of approximately 51 feet. Unmaintained landscaping, including trees, is dispersed throughout the Project Site. The 10,481-square-foot portion of Beaudry Avenue and Sunset Boulevard of the Project Site includes part of the Beaudry Avenue frontage extending generally around the south and east portions of the 1111–1115 Sunset Boulevard lot as well as a portion of the street and the Beaudry Triangle. The Beaudry Avenue frontage around the 1111–1115 Sunset Boulevard lot is currently improved with sidewalks and street trees. The triangular road separator that divides Beaudry Avenue at Sunset Boulevard is paved and landscaped with trees and shrubs that are unmaintained and in poor condition.

With regard to the underlying soil conditions and the potential for buried cultural deposits, the Geotechnical Investigation conducted for the Project Site (see Appendix G.1 of this Draft EIR) found that bedrock underlies the entire Project Site at a depth of between one and 10.5 feet below deposits of artificial fill and native colluvium. Borings drilled as part of the Geotechnical Investigation achieved depths of between 50 feet and 70 feet, and all encountered well-bedded, alternating layers of siltstone and sandstone rock consistent with the Puente Formation. Bedrock appears to be closer to the ground surface (roughly 1-foot deep) in the northern and central portions of the Project Site currently developed as surface parking. Bedrock is overlain by deeper deposits (5 feet to 10.5 feet) of fill and colluvium at the western and southern edges of the Project Site, where the natural terrain slopes downward and away from the main site grade. Given the shallow depth of the underlying bedrock on the Project Site, archaeological resources are unlikely to be found since the bedrock dates to before the time that humans inhabited the Americas. Specifically, as discussed in Section IV.B, Cultural Resources, of this Draft EIR, the results of the archaeological assessment prepared by Statistical Research Inc. (see Appendix E.2 of this Draft EIR), indicated that the Project Site area has very low sensitivity for the presence of buried prehistoric archaeological resources as a result of extensive historical-period construction and landscape modification.

(2) City of Los Angeles Ethnographic Context

According to the Tribal Cultural Resources Report, the Project Site is located within the ethnographic territory of the Gabrielino, who occupied much of the present-day Orange and Los Angeles Counties, as well as Santa Catalina, San Clemente, and San Nicolas Islands and portions of Riverside and San Bernardino Counties. Early ancestors of the Gabrielino likely arrived in coastal southern California at the end of the Millingstone period, ca. 1500 B.C., with the initial entry of the Takic-language speakers into the region.

The Gabrielino people were so named by the Spanish because many of the tribe's members were baptized and converted at Mission San Gabriel Archangel. According to Mr. Robert Dorame, chair of the Gabrielino Tongva Indians of California Tribal Council, his ancestors choose to spell their name Gabrielino, rather than the typical Spanish form Gabrieleño, as a form of resistance to Spanish control. Historical accounts suggest that the people known as the Gabrielino did not have a singular name for themselves, although many records indicate that individuals referred to themselves as coming from or being affiliated with specific villages rather than as part of a larger linguistic or cultural group. Researchers have identified the terms Tongva and Kizh as possible native terms synonymous with Gabrielino, although neither is considered a perfect fit. Today, the terms Gabrielino, Gabrieleño, Tongva, and Kizh and are used variously by descendant groups to identify themselves and their heritage.

As described in the Tribal Cultural Resources Report, the Gabrielino generally lived in permanent villages. Gabrielino villages (also sometimes called rancherías) generally maintained their own territories and were located in defensible locations adjacent to subsistence resources and water. Coastal Gabrielino villages often contained more than 200 residents, and their houses could hold as many as 50 people each. At the time of European contact, the Gabrielino occupied at least 50 to 100 villages (with an average population of 50 to 100 per village), for an estimated total population of roughly 5,000 people. Gabrielino villages were often composed of several lineages, each with its own leader. Each village had a hereditary chief who was the leader of the village's most dominant (or only) lineage. The chief acted as both religious and political leader and was responsible for conducting ceremonial affairs, determining where and when to hunt and gather, collecting goods for communal use, arbitrating disputes, and leading war parties.

Houses were typically dome-shaped, thatched structures set over shallow depressions. Houses ranged in diameter from 15 feet to 60 feet, depending on the number of people living inside. They were primarily used for sleeping and storage, because most daily activities took place outdoors, around the house or in the shade of a ramada (an unwalled roofed space). Each village also contained a sweathouse, which served as a gathering place. For public ceremonial activities, the Gabrielino used an open-air, fenced enclosure.

At the time of contact, Gabrielino subsistence was based on foraging. Acorns provided a staple of the diet for the Gabrielino. Seeds, greens, roots, bulbs, fruits, berries, flowers, and fungi supplemented the plant-food diet for all groups. Large game was hunted primarily with the bow and arrow, and small game was taken with curved, flat sticks; snares; traps; and deadfalls. Fishing employed hooks, gorges, nets, basketry traps, spears, and the bow and arrow. In places with suitable bedrock outcroppings, the Gabrielino used bedrock mortars to pound acorns. Where bedrock was not available, portable stone mortars and pestles were used.

Like most native California groups, the Gabrielino made a wide variety of utilitarian, ceremonial, and decorative basketry. Small, handheld baskets were used for gathering berries and bird eggs; large, round bottomed baskets were used for carrying bulkier items; shallow trays were used for winnowing or parching seeds; large baskets were used for storage; and globular, flat-bottomed baskets were used for keeping utensils and trinkets. The Gabrielino also made water jugs coated with asphaltum and urn-shaped ceremonial baskets for grave offerings.

The Gabrielino did not use pottery until just before the arrival of the Spanish, but they did have access to steatite (heat-treated soapstone) from Santa Catalina Island, which they used to create cooking and serving vessels. In addition to utilitarian items, the Gabrielino carved pipes, ornaments, animal figurines, and ceremonial bowls out of steatite.

The Gabrielino also made needles, awls, scrapers, and flakers from bone or shell; projectile points, scrapers, drills, and knives from stone; and saws from deer scapulae.

The Gabrielino were avid traders and exchanged food, utilitarian items, and ceremonial items among themselves and with their neighbors. Generally, obsidian, furs, hides, nuts, and seeds moved westward, and shell beads, tourmaline, steatite, asphaltum, sea otter pelts, and dried fish moved eastward. The Cocomaricopa Trail connected Southern California with the Southwest, bringing turquoise, southwestern pottery, grooved axes, and agricultural products to the region. In turn, Gabrielino shells and steatite traveled as far east as central Arizona. The Gabrielino conducted trade with their coastal neighbors by boat but otherwise did not travel into the territories of others to trade. Olivella-shell beads were used as a general medium of exchange throughout the region, but barter was also common. Clamshell disk beads replaced Olivella-shell beads as the standard currency for the Gabrielino during the historical period.

As discussed in the Tribal Cultural Resources Report, by 1800, most of the surviving Gabrielino had become missionized, although many had died from violence, imported illness (e.g., smallpox), or illness associated with the poor living conditions at the missions (e.g., tuberculosis and dysentery). Those who did not submit to the mission system fled the area to live in remote refuges or to work on secular ranches and farms. All Native American groups experienced dramatic population decline and loss of traditional territory as a result of colonization, but the effects were particularly dramatic among the Gabrielino, who were considered essentially wiped out by the turn of the last century. Although many Gabrielino descendants and tribal organizations survive today, the Gabrielino have never been officially recognized or provided tribal reservation lands by the U.S. government.

(3) Assembly Bill (AB) 52 Consultation

In compliance with the requirements of AB 52, the City of Los Angeles (City) Department of City Planning provided formal notification of the Project on April 20, 2018, providing a 30-day response period ending on May 20, 2018. Letters were sent via FedEx and certified mail to the following California Native American tribes that were 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 (Sam Dunlap, Cultural Resources Director)
- Gabrielino/Tongva Nation (Sandonne Goad, Chairperson)

- 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

Tribal Chairman Andrew Salas, on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation, was the only tribal representative who responded to the Project notification conducted by the City. No communication or request for consultation was received from any of the other notified tribes within the response period.

As noted above, the City received a request for consultation from Tribal Chairman Salas, on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation. On July 18, 2018, representatives of the City and the Tribe engaged in consultation pursuant to the requirements of AB 52 and participated in a conference call during which the Project was discussed. During this conference call, representatives of the Kizh Nation noted that the Project Site is located near trade routes that led to the villages of Yaangna and Combicrabit, and that these former routes roughly followed the courses of present-day US Route 101, US Route 110, and Sunset Boulevard. The Kizh Nation representative also noted that the Project Site was near the course of the historic Zanja Madre, which formed part of a water-conveyance system that supplied drinking and irrigation water to the Pueblo of Los Angeles from roughly 1781 to 1904 (refer to Section IV.B, Cultural Resources, of this Draft EIR, for a discussion of the Zanja Madre). At the conclusion of the meeting, the Kizh Nation representative stated that the tribe would provide additional documentation to the City, including maps and documentation concerning possible tribal cultural resources. The notes from that meeting are provided in Confidential Appendix B of the Tribal Cultural Resources Report, which also includes confidential documents provided by the Kizh Nation concerning their affiliation to the Project Site vicinity and the possible location of tribal cultural resources in or near the Project Site.

On July 23, 2018, an administrative specialist for the Kizh Nation provided additional information for public view via email to the Department of City Planning. The email included a version of the Kirkman-Harriman map (see Figure 14 of the Tribal Cultural Resources Report) overlaid on current Google Earth imagery. The Kizh Nation supplied this image to demonstrate the relationship between the Project Site and known trade routes and village locations. The email states that “trade routes were heavily used by our Tribe for transportation of goods and within 0.5 mile to 1 mile around them contained seasonal hamlets, trade depots, and also isolated burials and cremations of our ancestors related to accidents that occurred along these routes.” The email also notes that although the Project

Site has never been surveyed by the Kizh Nation for tribal cultural resources, as it has been private land for more than a century, the area is considered sensitive for tribal cultural resources, including buried resources. The administrative specialist attached tribal cultural resource mitigation requirements approved by the Kizh Nation Tribal Government for projects within their ancestral tribal territory. The non-confidential email and associated materials are provided in Appendix C of the Tribal Cultural Resources Report, including the text of those mitigation measures and a map of the Kizh Nation ancestral tribal territory.

Also, on July 23, 2018, an administrative specialist for the Kizh Nation provided confidential information via email to the Department of City Planning. The contents of that email and associated documentation are provided in Confidential Appendix B of the Tribal Cultural Resources Report along with a brief discussion of the documents and facts therein and supporting documentation collected by Statistical Research, Inc. staff.

In December 2020 and again in February the City communicated with Chairman Salas of Gabrieleño Band of Mission Indians—Kizh Nation and included refined mitigation for monitoring. The City has concluded consultation. A record of letters, mailings, correspondence, and other related documents, that do not include reference to confidential information is included in Appendix R.3 of this Draft EIR.

(4) Background Research

(a) California Historical Resources Information System Review

A records search was conducted by staff at the SCCIC at California State University Fullerton in December 2017 for the Project Site and a surrounding 0.25-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 consulted sources included 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 results of the records search are included in Confidential Appendix A of the Tribal Cultural Resources Report.

As provided in further detail in the Tribal Cultural Resources Report, 21 cultural resource investigations have been completed within a 0.25-mile radius of the Project Site. Of these 21 studies, seven were performed within the Project Site boundaries, including five cell-tower-placement investigations (LA-08742, LA-09108, LA-09109, LA-09141, and LA-09842) and two cultural and historical assessments of the existing structures within the Project Site (LA-03783, Snow and Thabet 2016). As discussed in the Historic Report

prepared for the Project (included in Appendix E.1 of this Draft EIR) and in the Tribal Cultural Resources Report, the most recent assessment of the Project Site concluded that although the existing buildings dating to the 1960s may have been significant for their association with the MWD and on the merits of their modernist architectural design by William Pereira & Associates, the buildings currently “lack sufficient integrity to convey that significance and, therefore, the subject property is not eligible for listing in the National or California registers or for local designation.”

There are five cultural resources mapped by the SCCIC within the 0.25-mile records-search radius. All of them are historical period in age. One is the Holy Hill Community Church/MWD building complex (P-19-188482) located on the Project Site. Recorded in 2009, the complex was assessed as lacking the integrity necessary to be listed in the National Register. The other four resources within 0.25 mile of the Project Site are two historical districts (the Arroyo Seco Parkway District [P-19-179645] and the 1300 Block of Carroll Avenue District [P-19-166818]); a historical-period residence (P-19-170960); and a trash deposit containing historical-period materials and some potentially prehistoric materials (P-19-120013).⁷ The Arroyo Seco Parkway District refers to State Route 110 and the Pasadena Freeway. The 1300 Block of Carroll Avenue Historic District is listed in the National Register and the California Register as the most significant collection of intact Victorian-era residences still remaining in the City of Los Angeles. Many of the individual residences along Carroll Avenue that are contributing elements to the district are also listed individually as City of Los Angeles HCMs. The historical period residence, located at 1027 Alpine Street, refers to the Joseph Moffat Rental Cottage, which is a single-family residence built in the 1880s that was moved to its current location in 1924. The trash deposit containing historical-period materials and some potentially prehistoric materials was a buried resource located during construction of the E. Manfred Evans Community Adult School.

The SCCIC also identified 112 other historical-period built-environment properties located within 0.25 mile of the Project Site. These built-environment properties were identified by the SCCIC staff in the Historic Resources Inventory and the City Historic-Cultural Monuments list.

There are 20 Historic-Cultural Monuments (HCMs) designated by the City within 0.25 mile of the Project Site. These include 16 private residences, many of which are contributing elements to the 1300 Block of Carroll Avenue Historic District in Angelino Heights; a carriage barn structure that was moved to Carroll Avenue; a commercial building; a four-plex rental residence; and a fire station. In addition to these HCMs, four

⁷ *Statistical Research, Inc., Cultural and Paleontological Resources Assessment—1111 Sunset Boulevard Project, January 2019.*

additional built-environment properties listed in the Historic Resources Inventory are identified as listed in or eligible for listing in the National Register, the California Register, and/or a local registry.

As summarized above, while numerous historical-period resources were identified during the records search, no prehistoric archaeological resources or historical-period Native American resources were identified within the Project Site or within 0.25 mile of the Project Site.

(b) Ethnographic Research and Review of Academic Literature

In preparing the Tribal Cultural Resources Report, academic and ethnographic literature and materials were reviewed for information pertaining to past Native American use of the Project Site. A review of ethnographic sources identified two named villages in the vicinity of the Project Site, Yaangna and the Maungna. Yaangna (also known as Yanga and Wenot), a large village located in present-day downtown Los Angeles, was most likely located between Union Station and City Hall, approximately 1 mile southeast of the Project Site. The village of Yaangna was an important inland Gabrielino village in the Protohistoric period. The village of Maungna (also known as Mau) was located in the former Rancho de Los Felis, in the Elysian Park area and within the current Los Angeles Police Academy grounds, approximately 1 mile north-northeast of the Project Site. Inland Gabrielino settlements in the Protohistoric and early historical periods were usually located near reliable rivers, streams, and springs. Both of these villages were located within 1 mile of the historical course of the Los Angeles River. Historical maps showing the probable locations of former Gabrielino villages are included in Figures 11–14 of the Tribal Cultural Resources Report, which show the Project Site's location in relation to the named villages.

As further noted in the Tribal Cultural Resources Report, two of the maps reviewed (see Figure 11 and Figure 14 in the Tribal Cultural Resources Report) show a travel route running northwest to southeast near the Project Site. In both maps, the route indicates the path taken by Spanish conquistador and explorer Gaspar de Portolá during his 1769–1770 expedition into California. In the vicinity of the Project Site, the Portolá expedition followed an established trade and transportation trail that ran through the Cahuenga Pass to the major village of Yaangna in downtown Los Angeles. The present-day alignment of US Route 101 (Hollywood Freeway), which skirts the Project Site vicinity to the southwest, closely follows the course of the earlier Native American route (see Figure 13 in the Tribal Cultural Resources Report).

(c) Sacred Lands File Review

As part of the process of identifying cultural resources within or near the Project Site, on November 15, 2017, 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 NAHC responded in a letter emailed on November 17, 2017, 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 six Native American tribes culturally affiliated with the Project area. Documents related to the NAHC Sacred Lands File search are included in Confidential Appendix A of the Tribal Cultural Resources Report.

On November 29, 2017, consultation letters were sent to the contacts listed in the NAHC letter. On December 5, 2017, Statistical Research Inc. received an email with a letter attachment from Mr. Andrew Salas, chair of the Gabrieleño Band of Mission Indians–Kizh Nation. In the attached letter, Chair Salas stated that “the project location is within our Ancestral territory which may have potential for discoveries of our cultural resources. Therefore, we would like to request that one of our Native Monitors be present during any and all ground disturbances.” No other written responses were received.

On January 23, 2018, Statistical Research Inc. placed a phone call to each of the contacts who had yet to respond. Two additional contacts representing Gabrielino/Tongva tribal groups were available to discuss the Project via telephone and indicated that they had ancestral ties to the Project Site vicinity and considered the area sensitive for cultural resources, as described below.

Mr. Robert Dorame, chair of the Gabrielino Tongva Indians of California Tribal Council, requested that he be notified “in the event that any human remains affiliated with the Gabrielino Indians are encountered during Project construction.” Further, he requested that the tribe be notified “if any cultural remains, deposits, or artifacts pertaining to the Gabrielino or Tongva are found.” He stressed that he and the tribe should be notified even if a Most Likely Descendant has been designated from another tribe. It should be noted that if human remains are identified, the NAHC shall name a Most Likely Descendant (MLD) who will have the power to offer recommendations on the disposition and treatment of the remains.

It should be noted that Chair Dorame also suggested that if cultural monitoring is required for the Project, the archaeological monitor should provide the construction crew with cultural resource orientation training prior to the start of construction.

Mr. Anthony Morales, chair of the Gabrieleño/Tongva San Gabriel Band of Mission Indians, noted the proximity of the major village of Yaangna and the Los Angeles River to the Project Site. In light of the cultural sensitivity of the area, Chair Morales recommended monitoring by an archaeologist and a Native American representative during grading, trenching, or other Project-related ground disturbance.

A subsequent Sacred Lands File search with the NAHC, conducted in December 2018, identified one tribal cultural resource within the Project Site.

3. Project Impacts

a. Thresholds of Significance

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

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

- i. Listed or eligible for listing in the California Register of Historical Resources, or in the 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 thresholds of significance.

b. Methodology

Statistical Research Inc. requested that the staff of the SCCIC, a regional repository of the California Historical Resources Information System (CHRIS), conduct a records search for the Project area. The purpose of the records search was to identify all previously recorded buildings and structures in, and relevant reports of, the Project Site and surrounding 0.25-mile radius. The reviewed records included all investigation reports and resource records from the following sources: The National Register, the California Register, the California Historical Landmarks list, the list of California Points of Historical

Interest, the California Office of Historic Preservation State Historic Resources Inventory, and the Los Angeles Historic-Cultural Monuments list.

Statistical Research Inc. also conducted archival research focused on identification of tribal cultural resources within and in the vicinity of the Project Site. In addition, archaeological fieldwork involved a pedestrian survey of the Project Site to identify previously unrecorded cultural resources of historical-period or prehistoric age. To determine whether previously recorded tribal cultural resources are present in the vicinity of the Project area, Statistical Research Inc. also requested two Sacred Lands File searches 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. The Gabrieleño Band of Mission Indians–Kizh Nation was the only tribe to request consultation, which was conducted as requested.

c. Project Design Features

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

d. Analysis of Project Impacts

As set forth in Section II, Project Description, of this Draft EIR, the Project proposes two development scenarios—the Mixed Use Development Scenario and the No-Hotel Development Scenario. Under the Mixed Use Development Scenario, up to 737 residential units, up to 180 hotel rooms, up to 48,000 square feet of office space, and up to 95,000 square feet of general commercial floor area are proposed. Under the No-Hotel Development Scenario, a maximum of up to 827 residential units would be constructed along with up to 48,000 square feet of office space, and up to 95,000 square feet of general commercial floor area. The additional residential units (under the No-Hotel Development Scenario) would be located in the Sunset Building and would replace the 180 hotel rooms proposed by the Mixed Use Development Scenario. Regardless of the removal of the hotel, the Project design would remain as proposed. Specifically, the total floor area, building heights, massing, and footprint would be the same under both development scenarios. In addition, construction activities including depth of excavation, overall amount of grading, and the types of equipment to be used would be the same under both development scenarios. As the differences in the land use mix under the two development scenarios do not affect the analytics related to tribal cultural resources, the analysis of potential impacts associated with tribal cultural resources provided below accounts for both development scenarios and the term “Project” is used.

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 the 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

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

As detailed above, while no tribal cultural resources, as defined by PRC Section 21074, were initially identified within the Project Site or in the immediate vicinity, a second Sacred Lands File search with the NAHC, conducted in December 2018, revealed that, “The results were positive” (Confidential Appendix A of the Tribal Cultural Resources Report). In addition, government-to-government tribal consultation, pursuant to PRC Section 21080.3.1(d), between Department of City Planning staff and one California Native American tribe, the Kizh Nation, identified what could be the same tribal cultural resource within the Project Site. Specific information concerning the nature and location of the identified tribal cultural resource is confidential and contained in Confidential Appendix B of the Tribal Cultural Resources Report, under separate cover. In addition to the Kizh Nation, two additional tribes—the Gabrielino Tongva Indians of California Tribal Council and the Gabrieleño/Tongva San Gabriel Band of Mission Indians—responded to correspondence requesting information regarding potential sacred sites in the vicinity of the Project Site. While both showed interest in the project, neither offered specific information regarding potential tribal cultural resources within the Project Site.

The Kizh Nation has also provided information for public view concerning their ancestral tribal territory, the sensitivity of the Project Site and vicinity, and recommended

tribal cultural resources mitigation measures. That non-confidential information is provided in Appendix C of the Tribal Cultural Resources Report.

As discussed in the Tribal Cultural Resources Report, the likelihood that buried, intact cultural deposits of Native American origin are preserved within the Project Site is low considering the significant landscape modification and construction that has occurred within the Project Site from the 1870s forward. Nonetheless, based on the substantial (and confidential) evidence provided by the Kizh Nation, the possibility exists that intact cultural deposits related to a tribal cultural resource may be preserved within the Project Site. **Therefore, the Project could potentially cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register or in a local register or a resource determined by the City to be significant pursuant to Public Resources Code Section 5024.1. As such, impacts to tribal cultural resources would be potentially significant without mitigation.**

As provided below in Subsection 3.e, Mitigation Measures, Mitigation Measure TCR-MM-1 is included to provide for periodic Native American monitoring. As set forth in Mitigation Measure TCR-MM-1, a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards and a qualified tribal monitor that is approved by the Gabrieleño Band of Mission Indians-Kizh Nation, would oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter tribal cultural deposits or related materials and as approved by the City. Following completion of construction, the qualified archaeologist would provide an archaeological monitoring report to the City and SCCIC with the results of the cultural monitoring program.

As discussed in detail above, the Department of City Planning has communicated with the Kizh Nation regarding the City's review of the documents provided by the tribe and notified the tribe of the mitigation measure to be imposed on the Project. Consultation with the Kizh Nation was formally closed by the City on March 4, 2021.

Based on the above, the City has fulfilled the requirements of AB 52. Documents related to the AB 52 consultation are included in Appendix R of this Draft EIR.

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

Project construction plans call for excavations up to 64 feet (19.5 meters) deep in some areas, which would likely impact any cultural or paleontological resources which may

be present within those depths. However, it is highly unlikely that there would be any cultural resources once bedrock is encountered. Based on the findings of the Project geotechnical investigation (Geotechnologies, Inc. 2017, updated 2021), no archaeological resources are expected to be present below the point where bedrock exists, at depths ranging between 1 and 16 feet across the Project.

(2) Mitigation Measures

The following mitigation measure is proposed with regard to tribal cultural resources:

Mitigation Measure TCR-MM-1: In coordination with CUL-MM-1, prior to commencing any ground disturbance activities, including demolition, excavating, digging, trenching, plowing, drilling, tunneling, grading, leveling, removing peat, clearing, augering, stripping topsoil or a similar activity (“Ground Disturbance Activities”) at the Project Site, the Applicant, or its successor, shall retain a tribal monitor that is qualified to identify subsurface tribal cultural resources to monitor Ground Disturbance Activities. Any qualified tribal monitor shall be approved by the Gabrieleño Band of Mission Indians-Kizh Nation.

The tribal monitor shall observe all Ground Disturbance Activities on the Project site from the surface of native soil down until bedrock is encountered which is anticipated to be at depths ranging from 1 to 16 feet. If Ground Disturbance Activities are occurring simultaneously at multiple locations on the Project site, the principal archaeologist shall determine if additional tribal monitors are required for other locations where such simultaneous Ground Disturbance Activities are occurring. The on-site tribal monitoring shall end when the Ground Disturbance Activities encounter bedrock, or when the archaeological and tribal monitors both indicate that the monitoring for tribal cultural resources is no longer necessary.

In coordination with CUL-MM-1, prior to commencing any Ground Disturbance Activities, the archaeological monitor, in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (“WEAP”) training to construction crews involved in Ground Disturbance Activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during Ground Disturbance Activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in Ground Disturbance Activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any Ground Disturbance Activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with the tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all Ground Disturbance Activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; and (2) OHR.
2. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future Ground Disturbance Activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations of the qualified archaeologist retained by the City and paid for by the Applicant, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the applicable tribe(s), the qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may: (1) require the recommendation be implemented as originally proposed by the archaeologist or

- tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
6. The Applicant, or its successor, may recommence Ground Disturbance Activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and tribal monitor and determined to be reasonable and appropriate.
 7. The Applicant, or its successor, may recommence Ground Disturbance Activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
 8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to OHR, the South Central Coastal Information Center (“SCCIC”) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
 9. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney’s Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City’s AB 52 Confidentiality Protocols.

(3) Level of Significance After Mitigation

Project-level impacts related to tribal cultural resources would be less than significant with the implementation of Mitigation Measure TCR-MM-1.

e. Cumulative Impacts

(1) Impact Analysis

As identified in Section III, Environmental Setting, of this Draft EIR, a total of 89 related projects are located in the vicinity of the Project Site. The Project and related projects are located within a highly 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 were to 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 condition of approval, as appropriate, and any site-specific mitigation that would be identified for that related 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, including resources that are listed or eligible for listing in the California Register of Historical Resources 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.