Public Version

Fourth & Central Project, City of Los Angeles, California

Tirbal Cultural Resources Report

Prepared for
CP LA Cold Storage Land, LLC.
1881 16th Street
Denver, CO 80202

September 2023

ESA

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Prepared for:
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1881 16th Street
Denver, CO 80202

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Project Location:
Los Angeles (CA) USGS 7.5-minute Topographic Quad
Township 1 South, Range 13 West, Unsectioned

Acreage:
North Site: 1.35 acres; South Site: 5.98 acres; West Site: 0.32 acres

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EXECUTIVE SUMMARY

Fourth & Central Project – Tribal Cultural Resources Report

Environmental Science Associates (ESA) has prepared this tribal cultural resources assessment for the proposed Fourth & Central Project (Project) Project to identify and evaluate the potential impacts to tribal cultural resources associated with the proposed Project for the purpose of complying with the California Environmental Quality Act (CEQA). The scope of work for this assessment included a cultural resources records search through the California Historical Resources Information System-South Central Coastal Information Center (CHRIS-SCCIC), a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC), tribal consultations, and the recommendation of mitigation measures to reduce potential impacts from the Project to tribal cultural resources to a less than significant level.

The Project is comprised of three sites; the North Site, South Site and West Site, that collectively encompass a land area of approximately 7.6 acres (Project Site). The Project would demolish the existing surface parking and cold storage facility uses on the West and South Sites, respectively, and, if feasible, adaptively reuse a portion of the six-story cold storage building on the North Site, while demolishing the remaining warehouse uses. It is also possible that the six-story cold storage building would be demolished should its adaptive reuse prove infeasible. The Project would include a mix of residential, office, restaurant/retail, and hotel uses within 10 distinct buildings over the three Sites. The Project would provide surface and podium parking as well as subterranean parking (up to four levels).

Results of the records search through the CHRIS-SCCIC indicated that no prehistoric archaeological resources have been previously recorded within the Project Site itself or within a 0.25-mile radius of the Project Site. The SLF search conducted by the NAHC indicated that the results were positive, although no information about the nature and location of the resource(s) were provided. During AB 52 tribal consultations, the Gabrieleño Band of Mission Indians - Kizh Nation (Tribe) indicated their position that the Project Site is sensitive for the presence of potential tribal cultural resources. However, no known tribal cultural resources, as defined in PRC Sections 21074(a)(1), or resources determined by the City in its discretion and supported by substantial evidence to be significant pursuant to PRC Section 5024.1 have been identified within the Project Site as a result of AB 52 consultation.

Nevertheless, the documentation provided by the Tribe indicates that the village of Yangna, old/ancient roads and the Los Angeles River are in close proximity to the Project Site. Therefore, based on these findings and in consultation with the Tribe, the Project Site appears to have a have a high potential for encountering tribal cultural resources during construction. As a result, the

Project could cause a substantial adverse change in the significance of a tribal cultural resource as described in PRC Section 21084.2. Accordingly, impacts on tribal cultural resources are considered potentially significant, and recommended mitigation measures are provided in the *Summary of Findings and Recommended Mitigation Measures* section of this report. With implementation of these measures, potential impacts to tribal cultural resources would be less than significant under CEQA.

FOURTH & CENTRAL PROJECT

Tribal Cultural Resources Report

Introduction

Environmental Science Associates (ESA) has prepared this tribal cultural resources assessment for the proposed Fourth & Central Project (Project) Project to identify and evaluate the potential impacts to tribal cultural resources associated with the proposed Project for the purpose of complying with the California Environmental Quality Act (CEQA). The scope of work for this assessment included a cultural resources records search through the California Historical Resources Information System-South Central Coastal Information Center (CHRIS-SCCIC), a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC), tribal consultations, and the recommendation of mitigation measures to reduce potential impacts from the Project to tribal cultural resources to a less than significant level.

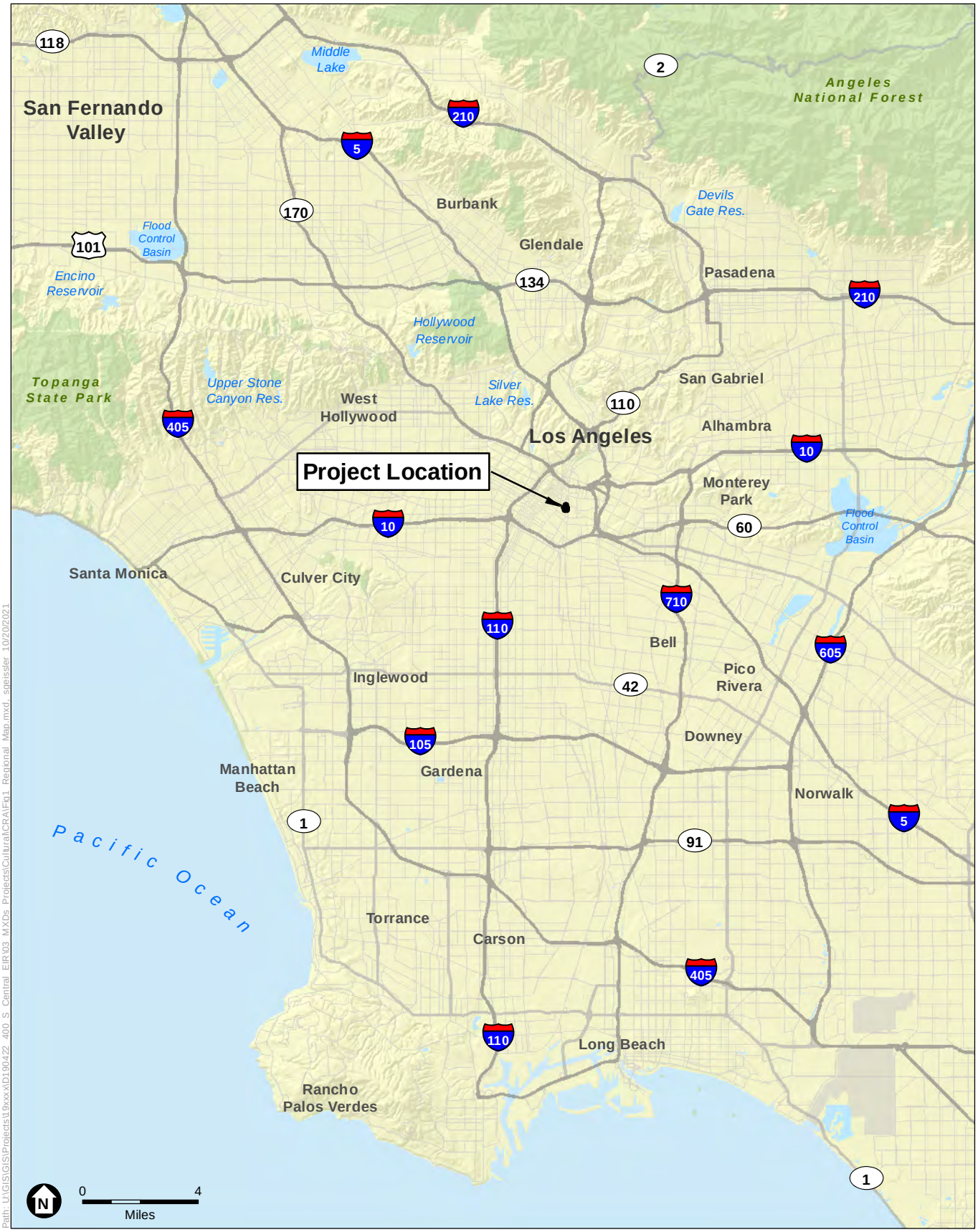
ESA personnel involved in the preparation of this report are as follows: Monica Strauss, M.A., RPA., Project Director; Kyle Garcia, M.A., RPA, Principal Investigator, Project Manager, and report author; Sonali Gupta, Ph.D., report contributor; and Stephan Geissler, GIS specialist. Resumes of key personnel are included in **Appendix A** of this report.

Project Location

The Project Site is made up of six (6) parcels, with a total land area of approximately 7.6 acres within the City of Los Angeles, California (**Figure 1**). The parcels that make up the Project Site are clustered across three City blocks and include the following three areas; the North Site, South Site and West Site. The North Site (1.35 acres within APN 5147-001-007) is located at the northeast corner of E. 4th Street and S. Central Avenue; the South Site (5.98 acres within APN 5147-013-016) is located south of E. 4th Street between S. Central Avenue and S. Alameda Street; and the West Site (0.32 acres within APNs 5147-012-015, 5147-011-015, -016, and -017) is situated at the northwestern intersection of Gladys Avenue and S. Central Avenue (**Figure 2**). The Project Site is located in an un-sectioned portion of Township 1 South, Range 13 West on Los Angeles, CA U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (**Figure 3**).

Project Description

The North Site is currently developed with a six-story cold storage warehouse building and attached single-story warehouse. The six-story warehouse also includes a one-level basement, which is not counted as part of the six, above ground stories. Approximately 20 loading docks for the North Site are located along 4th Street and Central Avenue. The South Site is developed with a two-story cold storage building and a conjoining single-story office building. The South Site also includes 47 loading docks and paved surface parking with approximately 33 spaces that



SOURCE: ESRI

Fourth & Central Project

Figure 1
Regional Map

ESA

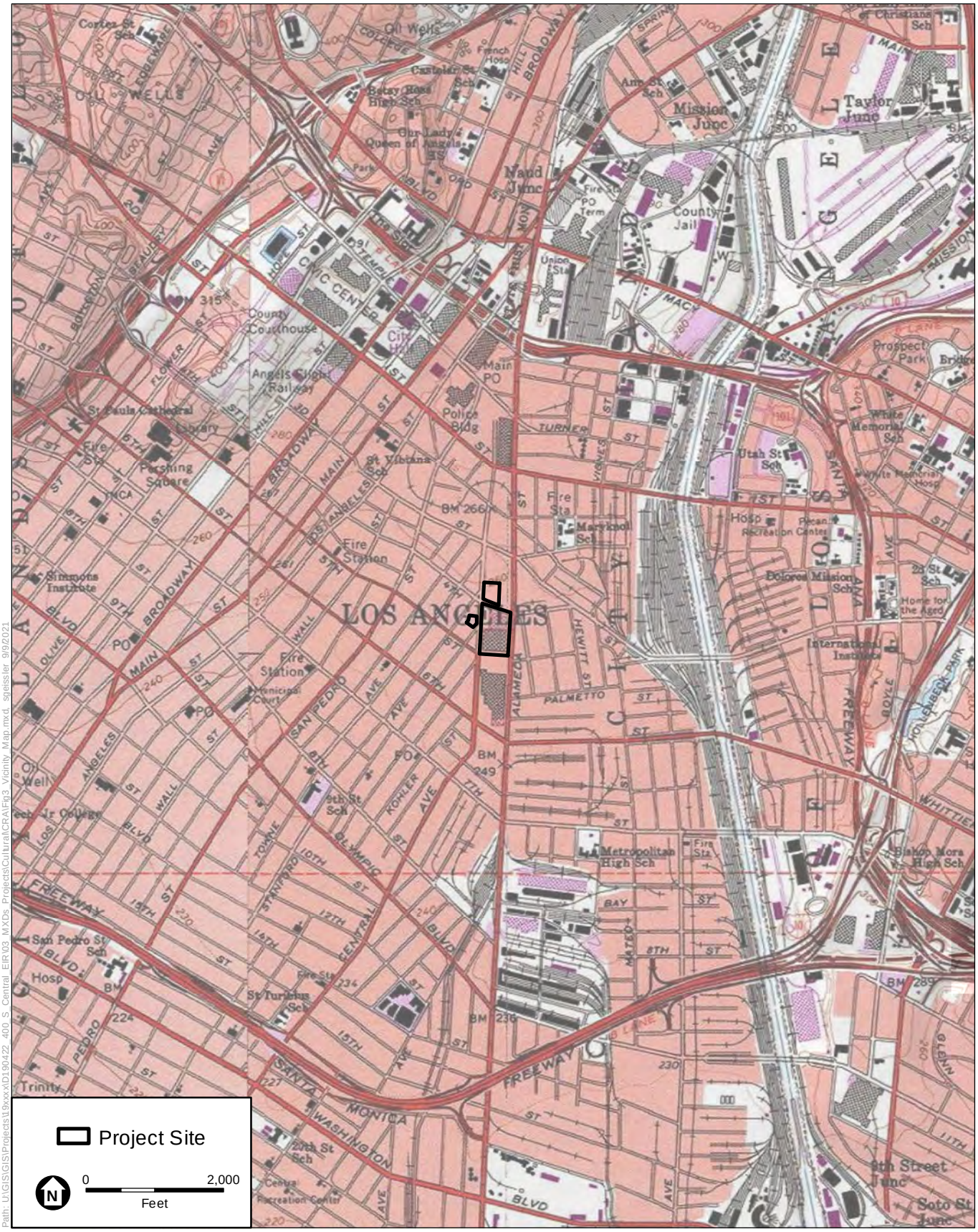
Path: U:\GIS\GIS\Projects\19xxxx\D190422_400_S_Central_EIR\03_MXDs_Projects\Cultural\CRA\Fig2_Project_Location.mxd, sgeissler 9/9/2021

SOURCE: ESRI Imagery.

Fourth & Central Project

Figure 2
Project Location

ESA



SOURCE: Los Angeles Topoquad

Fourth & Central Project

Figure 3
Vicinity Map

ESA

serve the warehouse building. The West Site provides 39 parking spaces in a fenced, paved lot and is not improved with any buildings.

The Project would demolish the existing surface parking and cold storage facility uses on the West and South Sites, respectively, and, if feasible, adaptively reuse a portion of a six-story cold storage building on the North Site, while demolishing the remaining warehouse uses. It is also possible that the six-story cold storage building would be demolished should its adaptive reuse prove infeasible. The Project would include a mix of residential, office, restaurant/retail, and hotel uses within 10 distinct buildings over the three Sites totaling approximately 2,318,534 square feet. The Project would include publicly accessible open space, including paseos passing between S. Central Avenue and S. Alameda Street, plazas, and pocket parks within the North and South Sites. The Project would provide approximately 2,473 vehicle parking spaces within subterranean parking (up to four levels), surface and podium parking.

Overall, construction would include up to approximately 651,000 cubic yards (CY) of grading (cut), including 105,000 CY within the North Site, 534,000 CY in the South Site and 12,000 CY in the West Site, all of which would be exported from the Project Site. On the North Site, excavations would extend to approximately 57 feet bgs for the lowest foundations and approximately 64 feet bgs in isolated areas for elevator pits. On the South Site, excavations would extend to approximately 53 feet bgs for the lowest foundations and approximately 60 feet bgs in isolated areas for elevator pits. On the West Site, excavations would extend to approximately 22 feet bgs for the lowest foundations and approximately 29 feet bgs in isolated areas for elevator pits.

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

State

Assembly Bill 52

Assembly Bill (AB) 52 was approved on September 25, 2014. The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 is to involve California Native American Tribes early in the environmental review process and to establish a category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe" that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a

resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 20174(b) as a cultural landscape that meets the criteria of subdivision (a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. PRC Section 20174(c) provides that a historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 21080.3.1 requires that, within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern.[1] 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.[2]

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project's impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.[3]

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.[4]

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

1 Public Resources Code, Section 21080.3.1(b) and (c).
2 Public Resources Code, Sections 21080.3.1(d) and 21080.3.1(e)
3 Public Resources Code, Section 21080.3.2(b)
4 Public Resources Code, Section 21082.3(d)(2) and (3)

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.[5]

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 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 landowner 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.

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

[5] Public Resources Code, Section 21082.3(c)(2)(B).

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.

Natural and Cultural Setting

Existing Project Site Conditions

The Project Site is comprised of three distinct sites fronting Central Avenue. These include the North Site, located at the northeast corner of 4th Street and Central Avenue; the South Site, located south of 4th Street between Central Avenue and Alameda Street; and the West Site, located at the northwestern intersection of Gladys Avenue and Central Avenue. Currently, the Project Site is occupied by cold storage facilities that include warehouse and wholesale commercial buildings and associated office space, truck loading docks, and surface parking. No known tribal resources exist on the Project Site.

Ethnographic Setting

The Project Site is located in a region traditionally occupied by the Gabrielino. The term "Gabrielino" is a general term that refers to those Native Americans who were administered by the Spanish at the Mission San Gabriel Arcángel. Prior to European colonization, the Gabrielino occupied a diverse area that included: the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina (Kroeber, 1925). Their neighbors included the Chumash and Tataviam to the north, the Juañeno to the south, and the Serrano and Cahuilla to the east. The Gabrielino language was part of the Takic branch of the Uto-Aztecan language family.

The Gabrielino Indians were hunter-gatherers and lived in permanent communities located near the presence of a stable food supply. Subsistence consisted of hunting, fishing, and gathering. Small terrestrial game was hunted with deadfalls, rabbit drives, and by burning undergrowth, while larger game such as deer were hunted using bows and arrows. Fish were taken by hook and line, nets, traps, spears, and poison (Bean and Smith, 1978). The primary plant resources were the acorn, gathered in the fall and processed in mortars and pestles, and various seeds that were

harvested in late spring and summer and ground with manos and metates. The seeds included chia and other sages, various grasses, and islay or holly-leafed cherry. Community populations generally ranged from 50 to 100 inhabitants, although larger settlements may have existed. The Gabrielino are estimated to have had a population numbering around 5,000 in the pre-contact period (Kroeber, 1925).

The Late Prehistoric period, spanning from approximately 1,500 years B.P. to the mission era, is the period associated with the florescence of the Gabrielino (Wallace, 1955). Coming ashore near Malibu Lagoon or Mugu Lagoon in October of 1542, Juan Rodriguez Cabrillo was the first European to make contact with the Gabrielino Indians. The Gabrielino are reported to have been second only to their Chumash neighbors in terms of population size, regional influence, and degree of sedentism (Bean and Smith, 1978).

Maps produced by early explorers indicate that at least 26 Gabrielino villages were within proximity to known Los Angeles River courses, while an additional 18 villages were reasonably close to the river (Gumprecht, 2001). The closest villages to the Project Site were the villages of *Geveronga* and *Yaanga*, located along Los Angeles River and approximately 0.50 miles east of the Project Site (McCawley, 1996). The Kirkman-Harriman Pictorial and Historical Map of Los Angeles County (Los Angeles Public Library, 1938) depicts the Project Site as located near the convergence of ancient roads and roads established before 1890.

Archival Research

SCCIC Records Search

A records search for the Project Site was conducted on August 13, 2021 by staff at the CHRIS-SCCIC housed at California State University, Fullerton. The records search included a review of all recorded cultural resources and previous studies within the Project Site and a 0.25-mile radius.

The records search results indicate that 25 cultural resources studies have been conducted within a 0.25-mile radius of the Project Site. Approximately 30 percent of the 0.25-mile records search radius has been included in previous cultural resources assessments. Of the 25 previous studies, one (LA-2950) overlaps the South Site and one (LA-13239) overlaps the North and West Sites. Study LA-2950 consists of a cultural resources assessment for the *Pacific Pipeline Project* which proposed the construction of 171.7 miles of crude oil pipeline. Archival research and a pedestrian survey were conducted as part of this project, but no resources were recorded within the South Site.

Study LA-13239 corresponds to the shapefile supplied by Cogstone and represents their research into the entire linear boundary of the Zanja Madre. However, “only portions of the Zanja [listed as P-19-172542 and with a National Register status code of 7W] have been physically surveyed, excavated, and recorded (Cogstone, 2017). Study LA-13239 also depicts the footprint of the Zanja Madre (Zanja No. 3) on a topographic map, as crossing portions of the North and West Sites. However, based on review of the 1884 and 1894 Sanborn maps, it appears that the map from study LA-13239 does not depict an accurate alignment for Zanja No. 3. Instead, Zanja No. 3 only crosses through a portion of the West Site and not the North Site, as depicted in the

Sanborn maps. Refer to the Archaeological Resources Assessment Report provided in Appendix C-2 of the Draft EIR for additional detailed discussion of the Zanja No. 3 within the West Site.

The records search results indicate that 20 cultural resources have been previously recorded within a 0.25-mile radius of the Project Site. Of the 20 cultural resources, one is a historic-period archaeological site (P-19-004460) while 19 are historic architectural resources. None of these resources have been recorded within the Project Site. No prehistoric resources have been recorded within the Project Site or within the 0.25-mile radius. Additionally, although the *zanja* has not been formally recorded on a California Department of Parks of Recreation Site Form, historic maps depict it as crossing through the West Site as described above.

Sacred Lands File Search

The NAHC maintains a confidential SLF database which contains resources of traditional, cultural, or religious value to the Native American community. The NAHC was contacted on July 22, 2021 to request a search of the SLF. The NAHC responded to the request in a letter dated August 20, 2021 indicating that the results were positive. The response letter did not provide details on resources within the Project Site, but suggested contacting the Gabrieleño Band of Mission Indians – Kizh Nation (NAHC, 2021). The NAHC response letter is provided in **Appendix B** of this report.

Assembly Bill 52 Tribal Consultation

In compliance with the requirements of AB 52, the City of Los Angeles Department of City Planning provided formal notification of the Project via certified mail to Native American groups that are listed on the City's AB 52 contact list, on May 27, 2022. A summary is provided below in **Table 1**, *Summary of AB 52 Consultation*. The letters included a description of the proposed Project, the Project location, and a notification of the type of consultation being initiated. The City received a response from the Gabrieleño Band of Mission Indians - Kizh Nation (Andrew Salas, Tribal Chairman). The other Native American groups contacted by the City have not responded.

In a letter dated May 31, 2022, Andrew Salas, chairperson of the Gabrieleño Band of Mission Indians - Kizh Nation (Tribe), initiated AB 52 consultation in response to the City's notification. On August 26, 2022, the City engaged in AB 52 consultation. The Tribe indicated its position that the Project Site is sensitive for the presence of tribal cultural resources, due to the Project Site being located within and around the Community of Yangna, and located adjacent to water sources and major traditional routes.

On August 26, 2022, the Tribe provided a summary email that included confidential information, materials, and electronic resources (e.g. maps and other documents) as referenced during consultation. The Tribe also requested for the City to provide information on the subsurface soils within the Project Site and indicated that if the original soils had been removed, then their concerns for ground disturbance would be reduced. However, in the absence of soil documentation, the Tribe stated that protective measures would need to be implemented. Any aforementioned confidential information, materials, electronic resources,

and correspondence submitted by the Tribe are provided in a confidential appendix that the City will retain as part of the administrative record for the Project.

TABLE 1
SUMMARY OF AB 52 CONSULTATION

Contact	Tribe/Organization	Date AB 52 Notice Sent	Response Received	Date of Consultation Request	Consultation Results
Rudy Ortega, Tribal President	Fernandeño Tataviam Band of Mission Indians	5/27/2022	No response	-	-
Jairo Avila, Tribal Historic & Cultural Preservation Officer	Fernandeño Tataviam Band of Mission Indians	5/27/2022	No response	-	-
Andrew Salas, Chairperson	Gabrieleño Band of Mission Indians – Kizh Nation	5/27/2022	Request consultation	05/31/2022	Consultation Closed on 10/05/2023
Robert F. Dorame, Chairperson	Gabrielino Tongva Indians of California Tribal Council	5/27/2022	No response	-	-
Sandonne Goad, Chairperson	Gabrielino/Tongva Nation	5/27/2022	No response	-	-
Anthony Morales, Chairperson	Gabrielino/Tongva San Gabriel Band of Mission Indians	5/27/2022	No response	-	-
Charles Alvarez, Tribal Chairman	Gabrielino-Tongva Tribe	5/27/2022	No response	-	-
Donna Yocum, Chairperson	San Fernando Band of Mission Indians	5/27/2022	No response	-	-
Isaiah Vivanco, Chairperson	Soboba Band of Luiseño Indians	5/27/2022	No response	-	-
Thomas Tortez, Chairperson	Torres Martinez Desert Cahuilla Indians	5/27/2022	No response	-	-

SOURCE: City of Los Angeles and ESA, 2023.

The Tribe also requested for the City to provide information on the subsurface soils within the Project Site and indicated that if the original soils had been removed, then their concerns for ground disturbance would be reduced. However, in the absence of soil documentation, the Tribe stated that protective measures would need to be implemented.

On February 14, 2023, the Tribe provided the City with proposed mitigation measures for Native American monitoring during construction of the Project. On September 14, 2023, the City issued a letter formal Notice of Pre-Closure of Consultation to notify the Tribe of the City's intent to close consultation, in a separate notice, concurrent with the public of this Draft EIR. On September 22, 2023, the Tribe responded to the Notice of Pre-Closure of Consultation and agreed to the City's proposed mitigation measures. A non-confidential record of letters, mailing, and correspondence is included as **Appendix C** of this report. On October 5, 2023, the City issued a letter closing consultation ahead of the release of this Draft EIR

All aforementioned confidential digital materials submitted by the Tribe and correspondence between the City and Tribe are provided in a separate confidential tribal cultural resources report. The City will retain the confidential report as part of the administrative record for the project and

it will not be available for public review. This public version of the report contains non-confidential information and will be available for public review. In addition, the initial AB 52 project notification letter prepared by the City is included in **Appendix C** of this report.

Summary of Findings and Recommended Mitigation Measures

No prehistoric archaeological resources have been previously recorded within the Project Site itself or within a 0.25-mile radius of the Project Site. The SLF search conducted by the NAHC indicated that the results were positive, although no information about the nature and location of the resource(s) were provided. During AB 52 consultation, the Tribe indicated their position that the Project Site is sensitive for the presence of potential tribal cultural resources. However, no known tribal cultural resources, as defined in PRC Sections 21074(a)(1), or resources determined by the City in its discretion and supported by substantial evidence to be significant pursuant to PRC Section 5024.1 have been identified within the Project Site as a result of AB 52 consultation. Nevertheless, the documentation provided by the Tribe indicates that the village of Yangna, old/ancient roads and the Los Angeles River are in close proximity to the Project Site. Therefore, based on these findings and in consultation with the Tribe, the Project Site appears to have a have a high potential for encountering tribal cultural resources during construction. As a result, the Project could cause a substantial adverse change in the significance of a tribal cultural resource as described in PRC Section 21084.2. Accordingly, impacts on tribal cultural resources are considered potentially significant, and mitigation measures are provided below.

Recommended Mitigation Measures

Mitigation Measure TCR-1: Prior to the issuance of a demolition permit, the Applicant shall retain a Native American Monitor from the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation or Tribe) who shall be present during construction activities deemed by the Native American Monitor to have the potential for encountering tribal cultural resources, such as demolition, pavement removal, clearing/grubbing, drilling/augering, potholing, grading, trenching, excavation, tree removal or other ground disturbing activity associated with the Project. The activities to be monitored may also include off-site improvements in the vicinity of the Project Site, such as utilities, sidewalks, or road improvements. A monitoring agreement between the Applicant and Kizh Nation shall be prepared that outlines the roles and responsibilities of the Native American Monitor and shall be submitted to the City prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. A qualified Archaeologist, along with a Native American Monitor (if available), shall also provide Sensitivity Training to construction personnel as required by Mitigation Measure CUL-MM-10.

The Native American Monitor, in coordination with the qualified Archaeologist and archaeological monitor as identified in Mitigation Measure CUL-MM-9, shall have the authority to direct the pace of construction equipment activity in areas of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of tribal cultural resources. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Native American Monitor in the event there appears to be

little to no potential for impacting tribal cultural resources. Native American monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the Applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project Site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh Nation to the Project Applicant/Lead Agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact tribal cultural resources.

Mitigation Measure TCR-2: The Native American Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Gabrieleño Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/Lead Agency upon written request to the Gabrieleño Tribe. The Applicant shall not be deemed to be out of compliance with this measure if the Native American Monitor fails to complete or submit any such monitoring logs.

Mitigation Measure TCR-3: In the event that prehistoric/Native American (e.g., hearths, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the Native American Monitor and archaeological monitor in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making and evaluation and potential recovery of the discovery. This buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

Within three (3) business days of such discovery, a meeting shall take place between the Applicant, the qualified Archaeologist, the Gabrieleño Tribe, and the City to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Tribe, the Applicant, and the Qualified Archaeologist, the City of Los Angeles determines, based on substantial evidence, that the resource is in fact a tribal cultural resource, a treatment plan shall be developed by the Gabrieleño Tribe, with input from the qualified Archaeologist as necessary, and with the concurrence of the City's Planning Director. The treatment measures in the treatment plan shall be implemented prior to construction work continuing in the buffer around the find. The preferred treatment is avoidance, but if not feasible may include, but would not be limited to, capping in place, excavation and removal of the resource and follow-up laboratory processing and analysis, interpretive displays, sensitive area signage, or other mutually agreed upon measures. The treatment plan shall also include measures regarding the curation of the recovered resources. The recovered prehistoric or Native American resources may be placed in the custody of the Gabrieleño Tribe who may choose to use them for their educational purposes or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Gabrieleño Tribe nor

References

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Appendix A
Personnel Qualifications

Monica Strauss, RPA

Director, Southern California Cultural Resources Group

EDUCATION

M.A., Archaeology, California State University, Northridge

B.A., Anthropology, California State University, Northridge

AA, Humanities, Los Angeles Pierce College

19 YEARS EXPERIENCE

SPECIALIZED EXPERIENCE

Treatment of Historic and Prehistoric Human Remains

Archaeological Monitoring

Complex Shell Midden Sites

Groundstone Analysis

PROFESSIONAL AFFILIATIONS

Register of Professional Archaeologists (RPA), #12805

Society for California Archaeology (SCA)

Society for American Archaeology (SAA)

QUALIFICATIONS

Exceeds Secretary of Interior Standards

CA State BLM Permitted

Monica has successfully completed dozens of cultural resources projects throughout California and the greater southwest, where she assists clients in navigating cultural resources compliance issues in the context of CEQA, NEPA, and Section 106. Monica has extensive experience with archaeological resources, historic buildings and infrastructure, landscapes, and Tribal resources, including Traditional Cultural Properties. Monica manages a staff of cultural resources specialists throughout the region who conduct Phase 1 archaeological/ paleontological and historic architectural surveys, construction monitoring, Native American consultation, archaeological testing and treatment, historic resource significance evaluations, and large-scale data recovery programs. She maintains excellent relationships with agency staff and Tribal representatives. Additionally, Monica manages a general compliance monitoring team who support clients and agencies in ensuring the daily in-field compliance of overall project mitigation measures.

Relevant Experience

County of Los Angeles, Department of Public Works, Rancho Los Amigos South Campus EIR, Downey. CA. *Project Manager*. The County of Los Angeles (County) proposes redevelopment of a portion of the Rancho Los Amigos (RLA) South Campus which is located in the City of Downey. The 74-acre RLA South Campus was the home of the "Los Angeles County Poor Farm" that was established in 1880s to provide room and board to indigent citizens in exchange for agricultural labor, then served as an infirmary and later evolved into a hospital facility in 1932. The RLA South Campus functioned as a major hospital complex from 1956 to the 1990s, when it was abandoned. The RLA South Campus is currently unoccupied and has been designated as the RLA Historic District in the National Register of Historic Places. The County is proposing redevelopment of a 21-acre portion of the RLA South Campus with County uses, including a Sheriff's Station Crime Laboratory, Internal Services Department Headquarters, and Probation Department Headquarters. The project will include supporting parking and installation of utilities and other features on a site that has been abandoned for nearly 30 years. Building demolition and/or repurposing or relocation of existing buildings will be required. ESA is leading the CEQA process on behalf of the County, including preparation of all technical studies in support of a full-scope EIR for the RLA South Campus Project. This includes a Historic District Evaluation, archaeological surveys, traffic, water supply, arborist services, and all other CEQA-required topics. ESA is also serving in an Executive Consultant role to the County, to advise on other potential future projects at the RLA Campus.

County of Los Angeles, Department of Public Works, Arroyo Seco Bike Path Phase I Cultural Resources Evaluation, Los Angeles, CA. *Project Director.* Working for the County of Los Angeles, Department of Public Works in connection with a project to make improvements to the Arroyo Seco Channel, Monica

managed all aspects of Section 106 review in accordance with Caltrans Cultural Resources Environmental guidelines. Monica and her team evaluated the Arroyo Seco Channel, identified character-defining features, informed the design of channel improvements to retain such features, and addressed the channels' potential for eligibility as part of a larger Los Angeles Country water management district. She developed the research strategy, directed the field teams, and prepared cultural resources assessment documentation for approval by Caltrans and FHWA, as well as the cultural resources section for a Mitigated Negative Declaration.

Los Angeles Department of Water and Power La Kretz Innovation Campus, Los Angeles County, CA. *Project Director.* The project involved the rehabilitation of the 61,000-square-foot building located at 518-524 Colyton Street, demolition of the building located at 537-551 Hewitt Street, and construction of an open space public plaza and surface parking lot, and involved compliance with Section 106 of the National Historic Preservation Act and consultation with the California State Historic Preservation Officer. ESA is providing archaeological monitoring and data recovery services and is assisting LADWP with meeting their requirements for Section 106 of the National Historic Preservation Act. Monica is providing oversight to archaeological monitors and crew conducting resource data recovery and laboratory analysis, and is providing guidance to LADWP on meeting Section 106 requirements.

Los Angeles Unified School District (LAUSD) Florence Nightingale Middle School Historic Architectural Review, Los Angeles County, CA. *Cultural Resources Project Director.* Monica managed the historical analysis of the LAUSD Florence Nightingale Middle School. The analysis included a cultural resources survey that photo-documented buildings that would be affected by the project. The project includes HVAC replacement to a 1967 Classroom Buildings, kitchen upgrades within the 1937 Domestic Science/Cafeteria Building, and improvements to the 1965 chiller yard. Florence Nightingale Middle School was previously recommended eligible for listing in the California Register.

Viewpoint School, Tennis Courts and Park, Calabasas, CA. *Cultural Resources Project Director.* ESA is working with the City of Calabasas to prepare an IS/MND to support the development of the proposed Viewpoint School Tennis Courts and Parking Lots project, which includes the development of three sites (Peters, Brown, and Castle Oak) that would become part of the school campus property. Improvements entail installation of six tennis courts (including an accessory building), additional campus parking in three areas, and the renovation of two existing residential structures, one to accommodate offices for school administration and the second to provide a primary residence to the school principal. The project would remove the Peter's property building and appurtenant structures, redevelop the interior of the Castle Oaks property to accommodate the administrative offices, and update the Brown residence to accommodate the principal's primary residence. ESA is preparing three technical studies to support the IS/MND, including air quality, cultural resources, greenhouse gas emissions, and noise. ESA peer reviewed the biological resource reports and traffic study that were prepared to support the document. Monica provided technical and compliance oversight to the cultural resources staff.

Kyle Garcia, M.A., RPA

Principal Archaeologist

EDUCATION

M.A., Anthropology (Archaeology Option), California State University Los Angeles,

B.A., Anthropology, (Physical/ Biological Emphasis), University of California, Santa Barbara

18 YEARS EXPERIENCE

CERTIFICATIONS/ REGISTRATION

Register of Professional Archaeologists

Riverside County Registered Archaeologist and Paleontologist

Orange County-Certified Archaeologist and Paleontologist

40-Hour HAZWOPER Training – Update, 2019

PROFESSIONAL AFFILIATIONS

Society for American Archaeology

Society for California Archaeology

Pacific Coast Archaeological Society

Kyle Garcia has 18 years of experience in the archaeology and prehistory of southern California, with a specialization in faunal analysis. During his career, he has authored or contributed to more than 800 projects subject to the requirements of the California Environmental Quality Act, the National Environmental Policy Act (NEPA), and regulations implementing Section 106 of the National Historic Preservation Act (Section 106 of the NHPA). He is well-versed in the archaeological resources of California's coastal, interior, and island settings. He is skilled in evaluation historic and prehistoric archaeological resources; agency and Native American consultation; pedestrian surveys, testing and evaluation excavations as well as archaeological and paleontological construction monitoring, and laboratory processing. During his tenure, he has authored or contributed to more than 500 technical reports and sections to support all levels of CEQA and NEPA documents. Kyle's portfolio of projects includes energy, water, and transportation infrastructure as well as residential, commercial, mixed-use, institutional, and urban redevelopment serving public and private sector clients. Kyle has conducted archaeological work throughout California and is a certified archaeologist and paleontologist in Riverside and Orange counties.

Representative Experience

Archaeological/Paleontological Monitoring. Kyle has managed more than 120 archaeological and/or paleontological construction monitoring projects in Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. His recent monitoring experience in Culver City for mixed-use development projects include Ivy Station, Culver Studios (9336 Washington Blvd), 8888 Washington Blvd, and 8777 Washington Bvld projects. His recent monitoring experience in the City of Los Angeles for mixed-use development projects include the Park Fifth Apartments (437 Hill St), Essex Hollywood (6250 Sunset Blvd), 6th and Virgil Project, 1500 Figueroa, 1340 Figueroa, and 10000 Santa Monica Blvd.

Paleontology. In addition to his archaeological work, Kyle has been cross-trained in paleontological mitigation monitoring and assisted in the excavations of a Miocene whale fossil near Irvine and a new species of extinct tuna in Laguna Niguel, California. Kyle has also managed or conducted more than 200 paleontological assessments and 40 paleontological monitoring projects throughout southern California. He has assisted ESA's paleontologists with the preparation of paleontological reports in compliance with CEQA and local paleontological guidelines, including guidelines for the Society for Vertebrate Paleontology.

Large-Scale Development Projects. Kyle directed the 1,400-acre field survey and the successful site recordation of over 150 prehistoric and historic archaeological resources per the Section 106 Process for a confidential project in

Riverside County; served as the Deputy Project Manager for the 240-acre Archaeological Treatment & Restoration Plan for The Cove project that was subject to Section 106, responsible for the field survey, Native American consultation, final report, and supervised the thorough recordation and documentation of over 350 significant artifacts. In Arizona, he led crews on a pedestrian survey and site recordation of more than 200 historic and prehistoric archaeological resources during a Class III Inventory on an 11,000-acre portion of the La Osa Ranch Project site in Pinal County.

Water Infrastructure. Kyle has performed the archaeological and paleontological resources surveys and assessments for a number of regional water infrastructure projects including the Reservoir No. 1 Reconstruction Project MND for Burbank; the Pasadena Groundwater Storage Program; and recycled water facilities projects for San Clemente, Pasadena, the Town of Rosamond, and Palmdale.

Transportation Infrastructure. Kyle is often sought after to conduct Peer Review services of controversial projects across southern California including the Needles Highway Safety Realignment Project for the County of San Bernardino, various infrastructure projects for Caltrans/San Bernardino Associated Governments, and the I-710 Corridor Project Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) for the City of Commerce.

In addition to road projects, Kyle has provided archaeological and paleontological services—cultural resources assessments and monitoring—on and around the Los Angeles International Airport (LAX). Among these include the cultural resources assessment of the proposed concrete pad/apron area and staging area within the southwest portion of LAX, known as the Southwest Remain Overnight Apron Project/West Aircraft Maintenance Area Project. He was also the ESA PCR cultural resources task manager for the EIR and Archaeological/Paleontological Monitoring for the LAX Central Utility Plant Replacement Project. Finally, Kyle was the PCR project manager for the archaeological and paleontological monitoring services during earthmoving operations associated with the development of the Crossfield Taxiway project. Monitoring was in compliance with the mitigation measures outlined in the Master Plan EIS/EIR pursuant to CEQA, NEPA, and Section 106.

Energy Projects. Kyle is well-versed in the potential effects of energy production projects on Southern California Archaeology through his service as an on-call consultant to Southern California Edison (SCE), where he has served as the Project Director and Manager for over 100 SCE projects and managed SCE purchase order contracts in excess of $1.5 million. These projects were subject to requirements of CEQA, Section 106 of the NHPA, and other local ordinances. These projects included deteriorated pole replacements, conduit and vault installations, and distribution circuit installations (aboveground and underground) located throughout SCE's service area in Central and Southern California. Kyle not only managed the budgets and supervised the work for these projects but also conducted most of the record searches, surveys, report writing, site recordation, and client/agency coordination for these projects. In addition to his SCE work, Kyle was the project manager for a 150-acre ground-mounted solar

power project in San Bernardino County and assisted with a 245-acre confidential petroleum exploration project on California's Central Coast.

Education Facilities. Kyle's academic experience includes conducting cultural and paleontological records searches in support of an Initial Study/MND for the proposed John Thomas Dye School Improvement project in the Bel Air Community of the city of Los Angeles; the Long Beach Unified School District's District-Wide Cultural Resources Assessment; and the University High School Beautification project. In addition, Kyle has supervised ESA PCR staff paleontologists during paleontological monitoring services for the Stephen S. Wise Middle School Relocation project in the city of Los Angeles; he also supervised the subsequent fossil identification/analysis and final report preparation services for this project. These services have been conducted pursuant to a Mitigation Monitoring and Reporting Program that was established to implement the mitigation measures identified in the EIR for the project.

Cultural Resources Sensitivity Training. He is well-versed in conducting Cultural Resources Sensitivity Training Sessions to government staff, applicants, contractors, engineers, and construction personnel with regard to the procedures to implement in the event that archaeological or paleontological resources are encountered during construction.

Geographic Information Systems. Kyle has also gained valuable experience with recording historic and prehistoric archaeological sites with Garmin, Magellan, and sub-meter Trimble GeoXT Global Positioning System (GPS) units. He has worked with GIS software such as ArcPad, ArcGIS, and ArcView and developed methods for using these products to accurately and efficiently record archaeological sites.

Presentations. Kyle presented a paper at the 72nd Annual Meeting for the Society of American Archaeology Conference in Austin, Texas in 2007. The paper focused on prehistoric 'yoni' features encountered on a project site proposed to be developed in western Riverside County, California. The project was subject to requirements of CEQA and Section 106 of the NHPA. Kyle has also presented a poster at the Society of California Archaeology Conference in Fish Camp, California in 2016 titled *Urban Archaeology Strikes Again! - 250 Years of Los Angeles History and Archaeology Uncovered in One Downtown City Block*. Kyle also presented a paper on historic archaeology and CEQA at a 2015 workshop for the California Preservation Foundation in Los Angeles.

Appendix B

NAHC Sacred Lands File Search

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
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Luiseño

PARLIAMENTARIAN
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COMMISSIONER
William Mungary
Paiute/White Mountain Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[**Vacant**]

COMMISSIONER
[**Vacant**]

COMMISSIONER
[**Vacant**]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

August 20, 2021

Fatima Clark
ESA

Via Email to: fclark@esassoc.com

Re: Fourth and Central Project, Los Angeles County

Dear Ms. Clark:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information submitted for the above referenced project. The results were positive. Please contact the Gabrieleno Band of Mission Indians – Kizh Nation on the attached list for information. Please note that tribes do not always record their sacred sites in the SLF, nor are they required to do so. A SLF search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with a project's geographic area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites, such as the appropriate regional California Historical Research Information System (CHRIS) archaeological Information Center for the presence of recorded archaeological sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. Please contact all of those listed; if they cannot supply information, they may recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

Attachment

Native American Heritage Commission
Native American Contact List
Los Angeles County
8/20/2021

Fernandeno Tataviam Band of Mission Indians
Jairo Avila, Tribal Historic and Cultural Preservation Officer
1019 Second Street, Suite 1 — Tataviam
San Fernando, CA, 91340
Phone: (818) 837 - 0794
Fax: (818) 837-0796
jairo.avila@tataviam-nsn.us

Gabrieleno Band of Mission Indians - Kizh Nation
Andrew Salas, Chairperson
P.O. Box 393 — Gabrieleno
Covina, CA, 91723
Phone: (626) 926 - 4131
admin@gabrielenoindians.org

Gabrieleno/Tongva San Gabriel Band of Mission Indians
Anthony Morales, Chairperson
P.O. Box 693 — Gabrieleno
San Gabriel, CA, 91778
Phone: (626) 483 - 3564
Fax: (626) 286-1262
GTTribalcouncil@aol.com

Gabrielino /Tongva Nation
Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St., #231 — Gabrielino
Los Angeles, CA, 90012
Phone: (951) 807 - 0479
sgoad@gabrielino-tongva.com

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Chairperson
P.O. Box 490 — Gabrielino
Bellflower, CA, 90707
Phone: (562) 761 - 6417
Fax: (562) 761-6417
gtongva@gmail.com

Gabrielino Tongva Indians of California Tribal Council
Christina Conley, Tribal Consultant and Administrator
P.O. Box 941078 — Gabrielino
Simi Valley, CA, 93094
Phone: (626) 407 - 8761
christina.marsden@alumni.usc.edu

Gabrielino-Tongva Tribe
Charles Alvarez,
23454 Vanowen Street — Gabrielino
West Hills, CA, 91307
Phone: (310) 403 - 6048
roadkingcharles@aol.com

Santa Rosa Band of Cahuilla Indians
Lovina Redner, Tribal Chair
P.O. Box 391820 — Cahuilla
Anza, CA, 92539
Phone: (951) 659 - 2700
Fax: (951) 659-2228
lsaul@santarosa-nsn.gov

Soboba Band of Luiseno Indians
Joseph Ontiveros, Cultural Resource Department
P.O. BOX 487 — Cahuilla, Luiseno
San Jacinto, CA, 92581
Phone: (951) 663 - 5279
Fax: (951) 654-4198
jontiveros@soboba-nsn.gov

Soboba Band of Luiseno Indians
Isaiah Vivanco, Chairperson
P. O. Box 487 — Cahuilla, Luiseno
San Jacinto, CA, 92581
Phone: (951) 654 - 5544
Fax: (951) 654-4198
ivivanco@soboba-nsn.gov

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Fourth and Central Project, Los Angeles County.

Appendix C

Non-Confidential Assembly Bill 52 Consultation Documentation

DEPARTMENT OF CITY PLANNING

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
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HELEN LEUNG
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RENEE DAKE WILSON

CITY OF LOS ANGELES
CALIFORNIA

ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

May 27, 2022

CASE No.: ENV-2021-4071-EIR
Project Address: 400 South Central Avenue, Los Angeles, CA 90013
Community Plan: Central City

Dear Tribal Representative:

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

The Project would demolish most of the on-site existing buildings (except a portion of a six-story cold storage building). The Project would include development of a mix of residential, office, restaurant/retail, and hotel uses within ten distinct buildings over three sites totaling approximately 2,318,534 square feet of floor area on the 7.6-acre site. The Project would include: 1,521 residential units; 411,113 square feet of office uses; 101,088 square feet of restaurant/retail uses; and, 68 hotel rooms. The Project would provide 2,473 vehicle parking spaces within up to four levels of subterranean parking and up to four levels of podium parking. Excavation would occur to a depth of approximately 57 feet below grade.

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

Los Angeles Department of City Planning
Attn: Alan Como, AICP
221 N. Figueroa Street, Room 1350
Los Angeles, CA 90012
Email: alan.como@lacity.org

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

Alan Como, AICP
Major Projects
Attachments: Vicinity Map, Site Plan

Path: U:\GIS\GIS\Projects\19xxxx\D190422.00_400 S. Central\03_MXDs_Projects\Archive\Fig3-1_ProjectSite.mxd, sgeissler 6/1/2021

SOURCE: ESRI Imagery.

Fourth & Central Project

Figure 1
Regional and Local Vicinity Map

D190422.00 - 400 S. Central EIR\05 Graphics-GIS-Modeling

SOURCE: Studio One Eleven, 2021

Fourth & Central Project

Figure 4
Conceptual Site Plan

Alan Como <alan.como@lacity.org>

AB52 Consultation- 400 South Central Avenue in the City of Los Angeles

Gabrieleno Administration <admin@gabrielenoindians.org> Tue, Feb 14, 2023 at 12:32 PM
To: Alan Como <alan.como@lacity.org>

Hello Alan

Please see the attached mitigation Measures down below.

Thank you

Brandy Salas

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

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

[Quoted text hidden]

400 South Central Avenue _ Response.pdf
206K

GABRIELENO BAND OF MISSION INDIANS – KIZH NATION - PROPOSED TCR MITIGATION MEASURES

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.
E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects

A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or

cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.

B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)
E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

TCR-3: Procedures for Burials and Funerary Remains:

A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.
B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.
D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by

heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.

E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.
F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.
G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

PLEASE NOTE THE FOLLOWING:

Any/all revisions to the Kizh's proposed TCR mitigations set forth above must be requested in writing, and not more than ten (10) calendar days from the date that we consulted on the subject Project. Requested revisions shall be delivered to the Kizh via email at admin@gabrielenoindians.org, and in a Word document, redline format. Please include as the email subject: "REQUEST FOR MITIGATION REVISIONS," and identify the project name and location/address. If revisions are not requested within 10 calendar days of consultation, the Kizh's proposed mitigations are presumed accepted as proposed (i.e., as set forth above). The laws preserving the confidentiality of Native

The laws preserving the confidentiality of Native American documents and records prohibits the inclusion of any information about the location of Native American artifacts, sites, sacred lands, or any other information that is exempt from public disclosure pursuant to the Public Records Act. (Cal. Code Regs. § 15120(d) Rocklin (2011) 197 Cal.App.4th 200, at p. 220. Please be advised that these protective mitigation measures are property of the KIZH Nation Tribal government and no other entity or Tribal government nor should they be utilized for any other Tribal government or entity and are protected under the AB52 confidentiality act

Thank you for your anticipated cooperation.

Tamar Gharibian <tamar.gharibian@lacity.org>

AB 52 Consultation - 400 S. Central Avenue in the City of Los Angeles

2 messages

Tamar Gharibian <tamar.gharibian@lacity.org> Thu, Sep 14, 2023 at 4:01 PM
To: Gabrieleno Administration <admin@gabrielenoindians.org>
Bcc: Paul Caporaso <paul.caporaso@lacity.org>

Hello Chairman Salas,

I hope this email finds you well. Please find attached the AB 52 Notification of Pre-Closure of Consultation Letter, regarding the Fourth & Central Project (ENV-2021-4071-EIR), located at 400 S.Central Avenue.

Please do not hesitate to contact me if you wish to share any additional information, comments, or concerns prior to the closure of consultation.

Respectfully,
Tamar Gharibian
--

LOS ANGELES CITY PLANNING

Tamar Gharibian
Pronouns: she/her
Planning Assistant
Los Angeles City Planning
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
T: (213) 978-1797 | Planning4LA.org
E-NEWS

Notification of Pre-Closure of Consultation.pdf
219K

Gabrieleno Administration <admin@gabrielenoindians.org> Fri, Sep 22, 2023 at 10:49 AM
To: Tamar Gharibian <tamar.gharibian@lacity.org>

Hello Tamar

Thank you for your email. We are good with the mitigation measures. Thank you again for your time and respect. We look forward to working with you.

Thank you

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

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

[Quoted text hidden]

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September 14, 2023

Andrew Salas
Tribal Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723

RE: AB 52 Notification of Pre-Closure of Consultation
Fourth & Central Project (Project) at 400 South Central Avenue, Los Angeles, CA 90013
(Case No. ENV-2021-4071-EIR)

Dear Chairman Salas:

Thank you for taking the time to consult with us regarding the Fourth & Central Project. We recognize that the AB 52 consultation process requires on-going collaboration between the City and sovereign Tribal governments, including the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe) and very much appreciate the Tribe's dedication to continued conversations and collaboration with the Department of City Planning (City) regarding this Project. The purpose of this correspondence is to briefly summarize our combined efforts to engage in a meaningful and good faith consultation regarding the Project's potential impacts to tribal cultural resources and to document the tribal consultation process, pursuant to Public Resources Code, section 21080.3.2.

The following provides a brief summary of the history of tribal consultation regarding this project:

On May 27, 2022, the City mailed a project notification letter to the Tribe. On May 31, 2022, the City received the Tribe's request for tribal consultation.

On August 26, 2022, the City engaged in AB 52 consultation via email. The Tribe submitted electronic resources including Historical maps from 1881, 1898, 1928, and 2016 with background information related to resources in the vicinity of the Project Site, Other background information provided by the Tribe included but was not limited to excerpts from text related to the Tribe's history, a SCCIC letter regarding archaeological sensitivity of a project area, a letter from Environmental Research Archaeologists providing their professional opinion regarding site surveys, excerpts from texts regarding the village of Yangna, a Google Earth screen shot showing the Kizh Nation Ancestral Tribal Territory boundaries, information on where villages were located, and one page of information on the Portola Expedition. These maps and documents were then incorporated into the Tribal Cultural Resources Report as part of the Draft Environmental Impact Report (DEIR).

In the email consultation from August 26, 2022, the Tribe also indicated its position that the Project Site is sensitive for the presence of tribal cultural resources, due to the Project Site being located within and around the Community of Yangna and located adjacent to water sources and major traditional routes. Additionally, the Tribe requested for the City to provide information on the subsurface soils within the Project Site, and due to the absence of soil documentation. The Tribe provided the City with a correspondence from Gary Stickel, Ph.D, a Principal Consulting Archaeologist from Environmental Research Archaeologists (ERA), stating that "in order for a project to be in full compliance with the legal mandate (both State and Federal) a proper monitoring program is always necessary. "

On February 14, 2023, the City received an email correspondence from the Tribe providing a set of proposed mitigation measures. To date, no further correspondence, beyond what is described above, has been received by the City from the Kizh Nation.

Prior to finalizing the closure of consultation for the Project, the City would like to request any additional information, comments, and materials to be submitted by the Tribe in advance of DEIR publication.

A review of the information provided by the Tribe and reviewed as part of the Tribal Cultural Resources Report found that the Project Site appears to have a high potential for encountering tribal cultural resources during consultation. Accordingly, impacts on tribal cultural resources are considered potentially significant and mitigation measures will be included in the DEIR to avoid potential adverse impacts.

This Notification of Pre-Closure of Consultation serves to inform the Tribe of the City's intent to conclude consultation at the publication of the DEIR, in a subsequent notice to the Tribe. The City will then release the DEIR for the Project, thereby commencing a 45-day public comment period during which interested parties, members of the public, governmental agencies, and tribal governments, may submit written comments on the adequacy of the DEIR. Comments received during this period and any associated materials would be incorporated into the Final EIR.

The conclusion of consultation does not foreclose the ability of the City or Tribe to continue discussions about the Project. We welcome continued communication with your Tribe and look forward to meeting with you to further discuss the attached Mitigation Measures for the Inadvertent Discovery of Tribal Cultural Resources. Please do not hesitate to contact me if you wish to share any additional information, comments, or concerns prior to the closure of consultation.

Respectfully,

Tamar Gharibian
Planning Assistant
Department of City Planning – Major Projects

Mitigation Measures – Inadvertent Discovery of Tribal Cultural Resources

TCR-MM-1: Prior to the issuance of a demolition permit, the Applicant shall retain a Native American Monitor from the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation or Tribe) who shall be present during construction activities deemed by the Native American Monitor to have the potential for encountering tribal cultural resources, such as demolition, pavement removal, clearing/grubbing, drilling/augering, potholing, grading, trenching, excavation, tree removal or other ground disturbing activity associated with the Project. The activities to be monitored may also include off-site improvements in the vicinity of the Project Site, such as utilities, sidewalks, or road improvements. A monitoring agreement between the Applicant and Kizh Nation shall be prepared that outlines the roles and responsibilities of the Native American Monitor and shall be submitted to the City prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. A qualified Archaeologist, along with a Native American Monitor (if available), shall also provide Sensitivity Training to construction personnel as required by Mitigation Measure CUL-MM-10.

The Native American Monitor, in coordination with the qualified Archaeologist and archaeological monitor as identified in Mitigation Measure CUL-MM-9, shall have the authority to direct the pace of construction equipment activity in areas of higher sensitivity and to temporarily divert, redirect or halt ground disturbance activities to allow identification, evaluation, and potential recovery of tribal cultural resources. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined appropriate by the Native American Monitor in the event there appears to be little to no potential for impacting tribal cultural resources. Native American monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the Applicant or Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project Site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh Nation to the Project Applicant/Lead Agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact tribal cultural resources.

TCR-MM-2: The Native American Monitor shall complete daily monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Gabrieleño Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/Lead Agency upon written request to the Gabrieleño Tribe. The Applicant shall not be deemed to be out of compliance with this measure if the Native American Monitor fails to complete or submit any such monitoring logs.

TCR-MM-3: In the event that prehistoric/Native American (e.g., hearths, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the Native American Monitor and archaeological monitor in accordance with industry standards, reasonable assumptions regarding the potential for additional discoveries in the vicinity, and safety considerations for those making and evaluation and potential recovery of the discovery. This buffer area shall be established around the find

where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area.

Within three (3) business days of such discovery, a meeting shall take place between the Applicant, the qualified Archaeologist, the Gabrieleño Tribe, and the City to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a). If, as a result of the meeting and after consultation with the Tribe, the Applicant, and the Qualified Archaeologist, the City of Los Angeles determines, based on substantial evidence, that the resource is in fact a tribal cultural resource, a treatment plan shall be developed by the Gabrieleño Tribe, with input from the qualified Archaeologist as necessary, and with the concurrence of the City's Planning Director. The treatment measures in the treatment plan shall be implemented prior to construction work continuing in the buffer around the find. The preferred treatment is avoidance, but if not feasible may include, but would not be limited to, capping in place, excavation and removal of the resource and follow-up laboratory processing and analysis, interpretive displays, sensitive area signage, or other mutually agreed upon measures. The treatment plan shall also include measures regarding the curation of the recovered resources. The recovered prehistoric or Native American resources may be placed in the custody of the Gabrieleño Tribe who may choose to use them for their educational purposes or they may be curated at a public, non-profit institution with a research interest in the materials. If neither the Gabrieleño Tribe nor institution accepts the resources, they may be donated to a local school or historical society in the area for educational purposes.

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October 5, 2023

Andrew Salas
Tribal Chairman
Gabrieleño Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723

RE: AB 52 Notification of Closure of Consultation
Fourth & Central Project at 400 South Central Avenue, Los Angeles, CA 90013
(Case No. ENV-2021-4071-EIR)

Dear Chairman Salas:

Thank you for engaging with the City of Los Angeles in the AB 52 consultation process for the Fourth & Central Project. The City recognizes that the AB 52 consultation process requires on-going collaboration between the City and sovereign Tribal governments, including the Gabrieleño Band of Mission Indians – Kizh Nation (Tribe), and appreciates the Tribe's dialogue and collaboration with the City regarding this Project. The purpose of this correspondence is to inform the Tribe of the City's closure of AB 52 consultation for the Fourth & Central Project (Project) today, October 5, 2023.

The Tribal Cultural Resources Appendix of the Draft EIR includes analysis of non-confidential information and resources the Tribe has provided to the City, as well as but not limited to a full ethnographic context statement, a Sacred Lands File Search, and a review of previously performed Cultural Resource Studies. Furthermore, the Tribal Cultural Resources Section of the Draft EIR states that the City has found that the Project has the potential to cause a substantial adverse impact to the significance of any tribal cultural resources, as described in PRC Section 21084.2. As such, the City determined that mitigation measures are required in order to feasibly mitigate any potential adverse impacts to tribal cultural resources to less than significant.

In our Pre-Closure of Consultation Letter dated September 14, 2023, we summarized our combined efforts to engage in a meaningful consultation regarding the Project's potential impacts to tribal cultural resources and to document the tribal consultation process, pursuant to Public Resources Code (PRC) Section 21080.3.2, and shared the proposed mitigation measures. On September 22, 2023, the Tribe responded to the Pre-Closure of Consultation Letter in agreement to the City's proposed mitigation measures attached therein. Therefore, the City, after acting in

good faith and after reasonable effort, concludes that mutual agreement has been reached for purposes of AB 52.

The closure of consultation does not foreclose the ability of the City or Tribe to continue discussions about the Project and the attached mitigation measures. With the release of the Draft EIR on October 12, 2023, a minimum 45-day comment period will commence, during which the Tribe may submit written comments on the adequacy of the Draft EIR, to be made public and incorporated in the Final EIR.

Thank you again for engaging with the City on the 4th and Central Project.

Respectfully,

Tamar Gharibian
Planning Assistant
Department of City Planning – Major Projects

Mitigation Measures – Inadvertent Discovery of Tribal Cultural Resources

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