

---

**IV. ENVIRONMENTAL IMPACT ANALYSIS**  
**B. CULTURAL RESOURCES**  
**2. ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES**

---

**1. INTRODUCTION**

The purpose of this section is to evaluate potential impacts on paleontological, archaeological, and Native American cultural resources that could occur with implementation of the proposed Project. This section discusses the environmental setting, including the regulatory framework and sensitivity of the site for encountering resources, identifies potential impacts, and provides mitigation measures to address significant impacts. The analyses in this section are based on records searches conducted through paleontological, archaeological, and Native American record holding institutions, literature reviews, and historic map analysis. Specifically, a paleontological records search was commissioned through the Natural History Museum of Los Angeles County (LACM) and an archaeological records search was conducted by PCR staff archaeologists at the California Historical Resources Information System South Central Coastal Information Center (CHRIS-SCCIC) at California State University, Fullerton. The results of these record searches are included in Appendix C-2 of this EIR.

As further described in Section II, Project Description, of this EIR, the proposed Project includes demolition of existing on-site structures and surface parking areas in order to develop a four-story, 113,200 gross square foot office building with 255 parking spaces provided within a two-level subterranean parking garage.

Paleontology is a branch of geology that studies the life forms of the past, especially prehistoric life forms, through the study of plant and animal fossils. Paleontological resources represent a limited, non-renewable, and impact-sensitive scientific and educational resource. As defined in this section, paleontological resources are the fossilized remains or traces of multi-cellular invertebrate and vertebrate animals and multi-cellular plants, including their imprints from a previous geologic period. Fossil remains such as bones, teeth, shells, and leaves are found in the geologic deposits (rock formations) where they were originally buried. Paleontological resources include not only the actual fossil remains, but also the collecting localities, and the geologic formations containing those localities.

Archaeology is the recovery and study of material evidence of human life and culture of past ages. Over time, this material evidence becomes buried, fragmented or scattered or otherwise hidden from view. It is not always evident from a field survey if archaeological resources exist within a project site. Thus, the possible presence of archaeological materials must often be determined based upon secondary indicators, including the presence of geographic,

vegetative, and rock features which are known or thought to be associated with early human life and culture, as well as knowledge of events or material evidence in the surrounding area. In urban areas such as the project site and environs, archaeological resources may include both prehistoric remains and remains dating to the historical period, defined for the purposes of CEQA as remains 45 years old or older.

## **2. ENVIRONMENTAL SETTING**

### **a. Regulatory Framework**

Numerous laws and regulations require federal, State, and local agencies to consider the effects of a proposed project on cultural resources. These laws and regulations stipulate a process for compliance, define the responsibilities of the various agencies proposing the action, and prescribe the relationship among other involved agencies (e.g., State Historic Preservation Office and the Advisory Council on Historic Preservation). The National Historic Preservation Act (NHPA) of 1966, as amended; the California Environmental Quality Act (CEQA); and the California Register of Historical Resources, Public Resources Code (PRC) 5024, are the primary federal and State laws governing and affecting preservation of historic resources of national, State, regional, and local significance. Other relevant regulations at the local level include the Conservation Element of the City's General Plan. A description of the applicable laws and regulations is provided in the following paragraphs.

#### **(1) Federal Level**

##### **(a) Paleontological Resources**

Federal protection for significant paleontological resources would apply to the project if construction or other related impacts occurred on federal owned or managed lands. Federal legislative protection for paleontological resources stems from the Antiquities Act of 1906 (PL 59-209; 16 United States Code 431 et seq.; 34 Stat. 225), which calls for protection of historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on federal lands. Because the project site is on privately owned land, this federal statute is not applicable.

**(b) Archaeological Resources****(i) National Register of Historic Places**

First authorized by the Historic Sites Act of 1935, the National Register of Historic Places (National Register) was established by the NHPA of 1966, as “an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the Nation’s historic resources and to indicate what properties should be considered for protection from destruction or impairment.”<sup>58</sup> The National Register recognizes properties that are significant at the national, State and local levels.

To be eligible for listing in the National Register, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must meet one or more of the following four established criteria:<sup>59</sup>

- a. Are associated with events that have made a significant contribution to the broad patterns of our history;
- b. Are associated with the lives of persons significant in our past;
- c. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. Have yielded, or may be likely to yield, information important in prehistory or history.

Unless the property possesses exceptional significance, it must be at least 50 years old to be eligible for National Register listing.<sup>60</sup>

In addition to meeting the criteria of significance, a property must have integrity. Integrity is understood as “the ability of a property to convey its significance.”<sup>61</sup> The National

---

<sup>58</sup> *Code of Federal Regulations (CFR), 36 Section 60.2.*

<sup>59</sup> *U.S. Department of the Interior, National Park Service, National Register Bulletin: How to Apply the National Register Criteria for Evaluation (Washington, DC: National Park Service, 1995).*

<sup>60</sup> *Exceptional Significance as defined by National Register Criteria Consideration G: Properties That Have Achieved Significance Within the Past Fifty Years. National Register Bulletin: How to Apply the National Register Criteria for Evaluation (Washington, DC: National Park Service, 1995).*

Register recognizes seven qualities that, in various combinations, define integrity. To retain historic integrity a property must possess several, and usually most, of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance.<sup>62</sup> The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association.

## **(2) State Level**

### **(a) Paleontological Resources**

Paleontological resources are afforded protection by environmental legislation set forth under CEQA. Appendix G (part V) of the CEQA Guidelines provides guidance relative to significant impacts on paleontological resources, stating that “a project will normally result in a significant impact on the environment if it will ...disrupt or adversely affect a paleontologic resource or site or unique geologic feature, except as part of a scientific study.” Section 5097.5 of the PRC specifies that any unauthorized removal of paleontological remains is a misdemeanor. Further, the California Penal Code Section 622.5 sets penalties for damage or removal of paleontological resources.

### **(b) Archaeological Resources**

The State implements the NHPA through its statewide comprehensive cultural resources survey and preservation programs. The California Office of Historic Preservation (OHP), as an office of the California Department of Parks and Recreation, implements the policies of the NHPA on a statewide level. The OHP also maintains the California Historic Resources Inventory. The State Historic Preservation Officer is an appointed official who implements historic preservation programs within the State’s jurisdictions.

### **(c) Sacred Lands File Search and Native American Consultation**

The State NAHC is responsible for conducting Sacred Lands File (SLF) searches to assist in the identification of Native American or prehistoric resources that may be adversely effected by proposed projects. The SLF refers to the inventory of Native American or prehistoric resources that the NAHC maintains. The primary source of information for the SLF is California Native American individuals and groups. They provide valuable locational information to the NAHC regarding resources that may not otherwise be shared with the CHRIS-SCCIC, other

---

<sup>61</sup> *National Register Bulletin 15, p. 44.*

<sup>62</sup> *Ibid.*

regional information centers, or other archives that maintain records on Native American or prehistoric resources. As a result, it has been established as an industry-wide standard to conduct SLF searches for all projects subject to CEQA to ensure that an exhaustive effort has taken place to identify Native American or prehistoric resources. Moreover, the NAHC recommends follow-up contact with Native American groups and/or individuals identified by the NAHC as having affiliation with the study area vicinity. NAHC recommended procedures for follow-up contact includes distribution of a project description, location map, and request for information about Native American resources that may be affected by the proposed Project. Results of the follow-up contact provide information regarding the presence of any locations in the vicinity of the study area that are culturally sensitive to Native Americans that may not be included in the SLF. Native American burials in California are protected by several statutes from *California Public Resources Code Chapter 1.75 Section 5097.9 – 5097.991 and Section 7050 of the Health and Safety Code*.

#### **(d) California Register of Historical Resources**

Created by Assembly Bill 2881 which was signed into law on September 27, 1992, the California Register of Historical Resources (California Register) is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.”<sup>63</sup> The criteria for eligibility for the California Register are based upon National Register criteria.<sup>64</sup> Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register of Historic Places.<sup>65</sup>

To be eligible for the California Register of Historical Resources, a pre-historic or historic property must be significant at the local, state, and/or federal level under one or more of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated with the lives of persons important in our past;

---

<sup>63</sup> *California Public Resources Code Section 5024.1(a)*.

<sup>64</sup> *California Public Resources Code § 5024.1(b)*.

<sup>65</sup> *California Public Resources Code § 5024.1(d)*.

- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the California Register must meet one of the criteria of significance described above and retain enough of its historic character or appearance (integrity) to be recognizable as a historical resource and to convey the reason for its significance. It is possible that a historic resource may not retain sufficient integrity to meet the criteria for listing in the National Register, but it may still be eligible for listing in the California Register.

Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register of Historic Places and those formally Determined Eligible for the National Register of Historic Places.
- California Registered Historical Landmarks from No. 770 onward.
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the California Register.

Other resources that may be nominated to the California Register include:

- Historical resources with a significance rating of Category 3 through 5.<sup>66</sup>
- Individual historical resources.
- Historical resources contributing to historic districts.
- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

---

<sup>66</sup> *Those properties identified as eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, and/or a local jurisdiction register.*

**(e) California Environmental Quality Act**

CEQA is the principal statute governing environmental review of projects occurring in the State. CEQA requires lead agencies to determine if a proposed project would have a significant effect on archaeological resources (Public Resources Code Sections 21000 et seq.). As defined in Section 21083.2 of the PRC a “unique” archaeological resource is 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:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In addition, CEQA Guidelines Section 15064.5 broadens the approach to CEQA by using the term “historical resource” instead of “unique archaeological resource.” If a lead agency determines that an archaeological site is a historical resource, the provisions of §21084.1 of the PRC and §15064.5 of the Guidelines apply. If an archaeological site does not meet the criteria for a historical resource contained in the Guidelines, then the site is to be treated in accordance with the provisions of PRC §21083.2, which refer to a unique archaeological resource. The Guidelines note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. (Guidelines §15064.5(c)(4)).

**(3) Local Level—City of Pasadena****(a) Paleontological Resources**

As indicated in the EIR prepared to address the Land Use and Mobility Elements of the General Plan, it is the City’s policy is to identify and protect significant paleontological sites and/or resources known to exist or identified during land development, demolition or property modification activities. If land development occurs within a potentially significant paleontological area, the developer “shall conduct a pre-excavation field assessment and literature search to determine the potential for disturbance of paleontological and/or archaeological resources. If warranted, grading and other earthmoving shall be monitored by a qualified professional who, if necessary, shall undertake salvage and curation.” If significant

resources are discovered, authorities must be notified and the designated paleontologist may cease construction activity in that portion of the project site. This cessation allows time for the assessment, removal or protection of the paleontological resources. Prior discoveries of paleontological resources have been limited to projects within the two sensitive geologic formations, Topanga Formation and Late Miocene Marine Monterey Formation. However, like archaeological resources, the potential discovery of new resources has not been ruled out by the City.<sup>67</sup>

### **(b) Archaeological Resources**

Based on analysis provided in the EIR for the City's General Plan Land Use and Mobility Elements, infill development in already developed areas is not anticipated to result in the uncovering of archaeological resources. However, deeper excavations (i.e. parking facilities) could unearth archaeological resources. Also, limited development activity in the hillside areas could disturb resources as well, given the former presence of indigenous people in the region. If such excavation or grading during development uncovers archaeological resources, developers will be required to comply with CEQA Section 21083.2 and CEQA Guidelines Section 15064.5 regarding the discovery sensitive archaeological resources. Excavation/grading activity will have to be temporarily suspended to allow for an assessment of the resource and appropriate mitigation. The EIR indicates that compliance with these existing regulations, including CEQA requirements for individual development projects, will result in less than significant impacts on a citywide basis.<sup>68</sup>

## **b. Existing Conditions**

### **(1) Historical Background**

Prehistoric archaeological resources identified in the greater urban Los Angeles area include remains with very old dates, such as the Los Angeles Man remains recovered in 1936 by Work Progress Administration (WPA) workers digging a storm drain along the Los Angeles River. Radiocarbon dates have indicated an age greater than 20,000 years old, although small amount of collagen tested from the remains makes the date suspect. The remains were found in association with mammoth bones, however, so the remains can be considered Pleistocene or earliest Holocene in age.<sup>69</sup> One of the oldest sets of securely dated human remains discovered in North America, with an age between 11,000 and 10,000 years ago, were identified at Arlington

---

<sup>67</sup> *Draft Environmental Impact Report, Section 3.7- Cultural Resources, City of Pasadena*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Moratto, Michael (1984) California Archaeology. Academic Press, New York.*

Springs on Santa Rosa Island, which is located approximately 100 miles directly west of the project site.<sup>70</sup> In the project vicinity, prehistoric remains are most likely to represent past occupation by the Gabrielino.

The Gabrielino were one of the most populous ethnic nationalities of aboriginal southern California. Gabrielino territory included the Los Angeles Basin, the coast of Aliso Creek in Orange County to the south to Topanga Canyon in the north, the four southern Channel Islands, and watersheds of the Los Angeles, San Gabriel, and Santa Ana Rivers. Their name is derived from their association with Mission San Gabriel Archangel.

The Gabrielino were not the first inhabitants of the Los Angeles Basin, but arrived around 500 B.C. The language of the Gabrielino people has been identified as a Cupan language within the Takic family, which is part of the larger Uto-Aztecan language family. Uto-Aztecan speakers arrived in southern California in what is known as the Shoshonean migration, which current archaeological and linguistic evidence suggests originated in of the Great Basin and displaced the already established Hokan speakers. The Gabrielino were advanced in their culture, social organization, religious beliefs, and art and material production. Class differentiation, inherited chieftainship, and intervillage alliances were all components of Gabrielino society. At the time of European contact, the Gabrielino were actively involved in trade using shell and beads as currency. The Gabrielino were known for excellent artisanship in the form of pipes, ornaments, cooking implements, inlay work, and basketry. The Gabrielinos evolved an effective economic system which managed food reserves (storage and processing), exchanged goods, and disturbed resources. Otherwise, few specifics are known of Gabrielino lifeways. Data collected and presented by A. L. Kroeber in 1925 indicate that homes were made of tule mats on a framework of poles, but size and shape have not been recorded. Basketry and steatite vessels were used rather than ceramics; ceramics became common only toward the end of the mission period in the nineteenth century. The Gabrielino held some practices in common with other groups in southern California, such as the use of jimsonweed in ceremonies as did the Luiseño and Juaneño, but details of the practices and the nature of cultural interaction between the Gabrielino and other groups in southern California are unknown.

Population estimates are based solely on estimates gleaned from historical reports. There were possibly more than 100 mainland villages, Spanish reports suggested village populations ranged from 50 to 200 people.<sup>71</sup> Prior to actual Spanish contact the Gabrielino population had

---

<sup>70</sup> Rick, Torben C., Jon M. Erlandson, René L. Vellanoweth, and Todd J. Braje (2005) *From Pleistocene Mariners to Complex Hunter-Gatherers: The Archaeology of the California Channel Islands*. *Journal of World Prehistory* 19:169-228.

<sup>71</sup> Bean, L. J. and C. R. Smith (1978) *Gabrielino*. *Handbook of North American Indians, Vol. 8, California*, edited by R. F. Heizer, pp. 538-549. Smithsonian Institution, Washington, D.C.

been decimated by diseases.<sup>72</sup> The diseases were probably European diseases spread via coastal stopovers by early Spanish maritime explorers.

Due to the relatively long history of urban development in the project vicinity, the full extent and density of Gabrielino occupation of the immediate site vicinity is unknown.

The historic use of the vicinity is discussed in Section IV.B.1, Historic Resources, of this EIR. In brief review, European presence in the project vicinity began in 1769 with the Portola expedition. Mission San Gabriel, located approximately three and one-half miles southeast of the project site, was established in 1771, and El Pueblo de La Reina de Los Angeles was established in 1781 approximately seven miles southwest of the project site. Residential development of the immediate project area was underway by the late nineteenth century, with a transition to predominantly commercial uses by the 1950s.

## **(2) Potential for Previously Identified Resources within the Project Site**

### **(a) Paleontological Resources**

#### **(i) Methods**

In order to determine the potential presence of paleontological resources on-site, a paleontological resources records search was commissioned through the Vertebrate Paleontology Section of the Natural History Museum of Los Angeles County (LACM) on October 27, 2008. The objective of the record search was to determine the geological formations underlying the project site, whether any paleontological localities have previously been identified within the project site or in the same or similar formations near the site, and the potential for excavations associated with the site to encounter paleontological resources.

#### **(ii) Results**

Results of the record search indicate that the project site is underlain by surficial deposits of the younger Quaternary Alluvium, derived either as fan deposits from the mountains to the northwest and north or as fluvial deposits from the Arroyo Seco drainage immediately to the west.<sup>73</sup> These deposits typically do not contain significant vertebrate fossils, at least in the

---

<sup>72</sup> Tac, Pablo (1930) *Conversion de los San Luisenos de Alta California. Proceedings of the 23<sup>rd</sup> International Congress of Americanists, New York.*

<sup>73</sup> *Paleontological Records Search for the Proposed Cal Fair Oaks Project, in the City of Pasadena, Los Angeles County. Prepared by Samuel A. McLeod, Ph.D., Vertebrate Paleontology Section, Natural History Museum of Los Angeles County, October 29, 2008, for PCR Services Corporation, Santa Monica, CA.*

uppermost layers. However, at unknown, but possibly relatively shallow depths, there are older Quaternary Alluvium deposits which are very likely to contain significant vertebrate fossils. The closest vertebrate fossil locality in these older Quaternary deposits is LACM (CIT) 342, located 3.5 miles west of the project site, near the intersection of Eagle Rock Boulevard and York Boulevard. This locality produced fossil specimens of turkey (*Parapavo californicus*), and mammoth (*Mammuthus*), at depths of 14 feet below the surface. The fossil turkey specimen from locality LACM (CIT) 342 was published in the scientific literature by L.H. Miller in 1942 (A New Fossil Bird Locality. *Condor*, 44(6):283-284) and the mammoth specimen was a rare, nearly complete skeleton and was published in the scientific literature by V.L. Roth in 1984 (How Elephants Grow: Heterochrony and the Calibration of Developmental Stages in Some Living and Fossil Species. *Journal of Vertebrate Paleontology*, 4(1):126-145). As a result of these findings, the LACM concludes that the older Quaternary Alluvium deposits located within the project site are likely to contain significant vertebrate fossils. Therefore, the potential to encounter buried paleontological resources within these deposits on the project site is considered high.

## **(b) Archaeological Resources**

### **(i) Methods**

In order to determine the potential presence of prehistoric and historical-period archaeological resources on-site, a cultural resource records search was conducted through the California Historical Resources Information System South Central Coastal Information Center (CHRIS-SCCIC) at California State University, Fullerton, historical-period maps of the Project site and vicinity were analyzed, and Project-specific geotechnical information was reviewed.

The CHRIS-SCCIC record search was conducted by a PCR staff archaeologist on November 13, 2008. The objectives of this search were to review previous cultural resource investigations and any previously recorded archaeological resources within the project site or within a half-mile radius of the site. The record search also included review of the National Register of Historic Places (NR), California Register of Historical Resources (CR), California Points of Historical Interest (CPHI), California Historical Landmarks (CHL), and the California State Historic Resources Inventory (HRI).

Review of historic maps included analysis of Sanborn Fire Insurance maps for the Project site and vicinity. Years for which Sanborn maps for the project site were produced include 1903,

1931, and 1951. In addition, the geotechnical study for the site, prepared by GeoDesign, Inc. was reviewed.<sup>74</sup>

## (ii) Results

Results of the cultural resource records search indicate that the project site has not been previously surveyed for cultural resources. As a result, no known resources have been identified on the site. Eleven cultural resource studies have been conducted within a half-mile radius of the project site. The studies were conducted from 1981 to 2007 and collectively encompass approximately 30 percent of the one-half mile search radius. These investigations vary widely in terms of size and scale; none included subsurface investigations. Four of the investigations were linear surveys of transit corridors that range in length from less than one mile up to 15 miles. Four of the reports are telecommunications cell tower locations that are commonly less than one-quarter acre in size, and in the urban environment are usually attached to existing structures. None of these previous investigations identified archaeological resources on or within a half-mile radius of the project site. While 13 historic properties listed in the National Register have been identified within a half-mile radius of the site, none of these properties are of archaeological nature.

The geotechnical analysis of the project site included seven structural geology borings to depths ranging between 20 and 76 feet below the modern ground surface. All sample borings took place in parking lots and the asphalt surfaces were in variable condition. Five of the borings exhibited mechanically re-deposited fill to a maximum depth of 2.5 feet. The native soils beneath the fill layers consist of alternating layers of loose to medium dense, fine to medium sand with some gravel and stiff to very stiff silt intermixed with fine sand.

Results of the Sanborn Map analysis indicate that there is potential for the project site to preserve historical-period archaeological resources, such as building foundations and associated trash deposits. A review of map data by year is as follows:

The 1903 Sanborn map shows a total of four residential dwellings within the project site and associated structures or outbuildings. They are located along the northern portion of the project site south of California Boulevard. The map from 1931 depicts five new structures including a bakery, a laundry facility, and a residential dwelling. The buildings are located in the northern half of the project site and seem to have replaced the previous dwellings that were

---

<sup>74</sup> *Report of Geotechnical Engineering Services: Proposed California and Fair Oaks Office Building, Southeast Corner of California Boulevard and Fair Oaks Avenue, Pasadena, California. Prepared by GeoDesign, Inc. July 28, 2008 for Council Rock Partners.*

depicted on the 1903 map. According to the 1951 Sanborn map, one additional building is depicted along Edmondson Alley.

Review of the present-day distribution of buildings and development on the site indicates that only one building along South Fair Oaks Avenue remains from the Sanborn maps. The remaining areas of the site are devoted to surface parking. The existing structures located on the project site have been evaluated with respect to historic resource criteria in Section IV.B.1, Historic Resources. Although there is potential that intact resources may exist as a result of the historic land use of the project site, the potential to encounter these resources during implementation of the project is low to moderate. This is a result of the heavy grading and other ground-disturbing activities that have occurred in the past that likely would have displaced any intact resources that existed prior to disturbance.

### **(3) Sacred Lands File Search and Native American Consultation**

The NAHC of California was established to provide protection to Native American burials from vandalism and inadvertent destruction, provide a procedure for the notification of most likely descendants regarding the discovery of Native American human remains and associated grave goods, bring legal action to prevent severe and irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and place of worship on public property, and maintain an inventory of sacred places.

On October 27, 2008, a Sacred Lands File (SLF) records search was commissioned for the site through the NAHC. The letter included information such as study area location and a brief description of the proposed Project. On November 11, 2008 NAHC responded, “The SLF failed to indicate the presence of Native American cultural resources in the immediate project area.” The letter included a list of five Native American groups affiliated with the project vicinity. The NAHC letter can be found in Appendix C-2 of this EIR. On November 12, 2008 letters of inquiry were sent via certified mail to the listed contacts. The letters included a project description and location map and requested information the contacts may have about the potential for the proposed Project to affect Native American or prehistoric resources. On February 19, PCR received one response from Sam Dunlap, Tribal Secretary of the Gabrielino Tongva Nation. Per Mr. Dunlap, the project site is in close proximity (1 mile east) of Arroyo Seco River which was exploited prehistorically for its food and water resources. This suggests that the project site has an “increased potential” to contain buried prehistoric or Native American resources. Mr. Dunlap also mentioned that a Native American burial was encountered several feet below the ground surface approximately 1.5 miles southwest of the project site along Arroyo Seco River. Mr. Dunlap’s response letter and PCR’s follow-up phone call log can be found in Appendix C-2 of this EIR. PCR did not receive any other response from any of the other Native American individuals or organizations.

### **3. ENVIRONMENTAL IMPACTS**

#### **a. Methodology**

##### **(1) Paleontological Resources**

To develop a baseline paleontological resources inventory of the project site and surrounding area and to assess the potential paleontological productivity of each stratigraphic unit present, the published and available unpublished geological and paleontological literature was reviewed, as described above; and stratigraphic and paleontologic inventories were compiled, synthesized, and evaluated by the staff of the LACM. These methods are consistent with the Society of Vertebrate Paleontology (SVP) guidelines for assessing the importance of paleontological resources in areas of potential environmental effect. Due to the developed nature of the project site and lack of visible native ground surface, no paleontological field survey was undertaken.

##### **(2) Archaeological Resources**

As described in Section IV.B.1, Historic Resources, PCR historians confirmed the absence of exposed native ground surface on the project site, therefore, no archaeological field survey was undertaken. The primary basis for the analysis was the record search described above which was conducted to assess the potential for the project site to contain buried archaeological and Native American resources.

#### **b. Thresholds of Significance**

Appendix G of the CEQA Guidelines provides a checklist of questions to assist in determining whether a project would have a significant impact related to various environmental issues including paleontological and archaeological resources.

##### **(1) Paleontological Resources**

According to the CEQA Guidelines, impacts to paleontological resources may have a significant and adverse impact on paleontological resources if the proposed Project would:

- *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

## **(2) Archaeological Resources**

According to the CEQA Guidelines, impacts to archaeological resources may have a significant adverse impact on archaeological resources if the proposed Project would:

- *Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5*
- *Disturb any human remains, including those interred outside of formal cemeteries*

### **c. Project Design Features**

Implementation of the project would require demolition of the existing buildings and clearing of the entire site in and preparation for the construction of a four-story, 45-foot high office building with 255 parking spaces located within a two level subterranean parking garage. It is anticipated that approximately 36,560 cubic yards of soil would be hauled away during excavation of the site. Average depth of excavation would be approximately 20 feet below grade. Nearly the entire site would be graded during excavation.

### **d. Analysis of Project Impacts**

#### **(1) Paleontological Resources**

The project site is located on fill material ranging in depth from four inches to 2.5 feet below the modern surface in most areas. This fill most likely extends deeper below the ground surface underneath the existing buildings, which were not included in the geotechnical investigations. Although the site has been previously disturbed through grading and/or development, there is potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature. The paleontological records search indicates that excavations into the older Quaternary Alluvium deposits within the project site are likely to contain significant vertebrate fossils. The identification of fossil specimens of turkey (*Parapavo californicus*) and mammoth (*Mammuthus*) at depths of 14 feet below the surface in these deposits nearby demonstrates that significant fossils have been unearthed in a heavily urbanized nearby area. Thus, construction of the project, primarily excavation associated with the parking structure at depths averaging 20 feet, has the potential to result in significant impacts associated with the permanent loss of, or loss of access to, a paleontological resource. Thus, impacts to paleontological resources are considered potentially significant and mitigation measures are provided below.

## **(2) Archaeological Resources**

Results of the records search at the CHRIS-SCCIC indicate that no prehistoric archaeological sites were identified on or within a one-half mile radius of the project site. The Sanborn maps of the project area suggest that the leveling fill for the project site may have been laid down by 1903 or slightly earlier. Therefore, there is a possibility that buried prehistoric remains have been sealed since this time. In addition, given the historic land use of the project site, the potential to encounter historic period resources also exists. However, the project site has been intensely urbanized and developed for over 100 years and, as a result, it is likely that surficial and buried archaeological resources (both prehistoric and historic period resources) that may have existed prior to the disturbances are likely to have been displaced. Thus, impacts to archaeological resources are considered less than significant. Nonetheless, in the event archaeological resources are accidentally encountered during project implementation, mitigation measures are recommended below.

## **(3) Sacred Lands File Search and Native American Consultation**

Results of the Sacred Lands File search and the records search at the CHRIS-SCCIC failed to indicate Native American resources in or adjacent to the project site. On November 12, 2008, letters of inquiry were sent via certified mail to the listed contacts. The letters included a project description and location map and requested information the contacts may have about the potential for the proposed Project to affect Native American or prehistoric resources. On February 19, PCR received one response from Sam Dunlap, Tribal Secretary of the Gabrielino Tongva Nation. Mr. Dunlap recommended that “an archaeological and Native American monitoring component be a necessary mitigation measure during the construction phase of the proposed project.” Mr. Dunlap recommended this measure since the project site is in close proximity (1 mile east) of Arroyo Seco River which was exploited prehistorically for its food and water resources. This suggests that the project site has an “increased potential” to contain buried prehistoric or Native American resources. Mr. Dunlap also mentioned that a Native American burial was encountered several feet below the ground surface approximately 1.5 miles southwest of the project site along Arroyo Seco River. PCR followed-up with a phone call to Mr. Dunlap on February 26 and explained that his recommendation would be incorporated into the EIR. Mr. Dunlap’s response letter and PCR’s follow-up phone call log can be found in Appendix C-2 of this EIR. Thus, if Native American resources are accidentally encountered during project implementation, the mitigation measures recommended below would reduce potentially significant impacts to less than significant levels.

#### 4. MITIGATION MEASURES

##### a. Paleontological Resources

The following mitigation measures are required to reduce potentially significant impacts on paleontological resources:

**Mitigation Measure B-3:** A qualified paleontologist shall attend a pre-grade meeting and develop a paleontological monitoring program to cover excavations in the event they occur into the older Quaternary Alluvium. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. If excavation into Quaternary Alluvium occurs, monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. If it is determined that excavation will not encounter Quaternary Alluvium, no further measures need be taken. The frequency of monitoring inspections shall be based on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered.

**Mitigation Measure B-4:** If a fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage.

**Mitigation Measure B-5:** At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.

**Mitigation Measure B-6:** Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository.

**Mitigation Measure B-7:** Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.

**Mitigation Measure B-8:** If fossils are found following completion of the above tasks the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Project Applicant to the lead agency, the Natural

History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

**b. Archaeological and Native American Resources**

Although impacts on archaeological and Native American resources are considered less than significant, the following mitigation measures are recommended in the event such resources are encountered during project implementation:

**Mitigation Measure B-9:** If archaeological resources are encountered during project implementation, an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards (the “Archaeologist”) shall be immediately notified and retained by the Project Applicant and approved by the City to oversee and carryout the mitigation measures stipulated in this EIR.

**Mitigation Measure B-10:** The qualified archaeologist should coordinate with the Project Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The archaeologist shall be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find and determine appropriate treatment. Treatment will include the goals of preservation where practicable and public interpretation of historic and archaeological resources. All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the CHRIS-SCCIC. The archaeologist shall prepare a final report about the find to be filed with Project Applicant, the City, and the CHRIS-SCCIC, as required by the California Office of Historic Preservation. The report shall include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National and California Register of Historic Places and CEQA. The report shall also include all specialists’ reports as appendices. The Lead Agency shall designate repositories in the event that significant resources are recovered. The archaeologist shall also determine the need for archaeological and Native American monitoring for any ground-disturbing activities thereafter. If a need is warranted, the archaeologist will develop a monitoring program in coordination with a Native American representative (if there is potential to encounter prehistoric or Native American resources), the Project Applicant, and the City. The monitoring program will also include a treatment plan for any additional resources encountered and a final report on findings.

**Mitigation Measure B-11:** If human remains are encountered unexpectedly during construction excavation and grading activities, State Health and Safety Code

Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC. The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains. Preservation of the remains in place or Project design alternatives shall be considered as possible courses of action by the Project Applicant, the City, and the Most Likely Descendent.

## **5. LEVEL OF SIGNIFICANCE AFTER MITIGATION**

### **a. Paleontological Resources**

With implementation of the mitigation measures above, potentially significant impacts to paleontological resources would be reduced to a less than significant level.

### **b. Archaeological Resources**

Potential impacts on archaeological resources were determined to be less than significant. Nonetheless, if such resources are encountered unexpectedly, implementation of the mitigation measures recommended above would reduce impacts on archaeological and Native American resources to a less than significant level.

## **6. CUMULATIVE IMPACTS**

Cumulative impacts associated with archaeological resources for related projects are considered less than significant since the majority of related projects would be required to comply with the Public Resources Code Section 21083.2 or Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5. Furthermore impacts on archaeological resources associated with the proposed Project are considered less than significant and would not be cumulatively considerable. Therefore, cumulative impacts on archaeological resources associated with the project would be less than significant.

In addition, with regard to paleontological resources, it is likely that the majority of related projects in the area would be subject to environmental review and if the potential for significant impacts on paleontological resources is identified, mitigation measures similar to those proposed for the project would be implemented. With implementation of mitigation measures by related projects and the proposed Project, the impacts of the project on paleontological resources would not be considerable and cumulative impacts would be less than significant.