

IV. Environmental Impact Analysis

C. Cultural Resources

1. Introduction

This section of the Draft EIR provides an analysis of the Project's potential impacts on cultural resources, including historic, archaeological, and paleontological resources. The analysis of potential impacts to historic resources is based on the *222 W. 2nd Street Project Historical Resource Report* (Historic Report) prepared by GPA Consulting in June 2018 and included in Appendix C.1 of this Draft EIR. The analysis of potential impacts to archaeological resources is based on the *Archaeological Resources Recommendations for the 222 West Second Street Project* (Archaeological Memo) prepared by Dudek in July 2018, which is included as Appendix C.2 of this Draft EIR, as well as data provided in a confidential cultural resources records search conducted through the South Central Coastal Information Center (SCCIC), which is included as Sub-Appendix A of the *Tribal Cultural Resources Report* provided in Appendix M of this Draft EIR. The analysis of potential impacts to paleontological resources is based on data provided by the Natural History Museum of Los Angeles County, included in Appendix C.3 of this Draft EIR.

2. Environmental Setting

a. Regulatory Framework

(1) Historic Resources

Historic resources fall within the jurisdiction of several levels of government. The framework for the identification and, in certain instances, protection of historic resources is established at the federal level, while the identification, documentation, and protection of such resources are often undertaken by state and local governments. As described below, the principal federal, state, and local laws governing and influencing the preservation of historic resources of national, state, regional, and local significance include the National Historic Preservation Act (NHPA) of 1966, as amended; the National Register of Historic Places (National Register); the California Environmental Quality Act (CEQA); the California Register of Historical Resources (California Register); and the City of Los Angeles Cultural Heritage Ordinance (Los Angeles Administrative Code, Section 22.120 *et seq.*), all of which are summarized below.

(a) *National Register of Historic Places*

The National Register was established by the NHPA as “an authoritative guide to be used by federal, state, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.”¹ Under the administration of the National Park Service (NPS), the National Register recognizes properties that are significant at the national, state, and/or local levels.

To be eligible for listing in the National Register, a property must be significant within a historic context. The significance of a historic property can be judged only when it is evaluated within its historic context. Historic contexts are “those patterns, themes, or trends in history by which a specific... property or site is understood and its meaning... is made clear.”² A property must represent an important aspect of the area’s history or prehistory and possess the requisite integrity to qualify for the National Register.

Furthermore, to be eligible for listing in the National Register, a resource must be at least 50 years of age, unless it is of exceptional importance as defined in Title 36 Code of Federal Regulations (CFR), Part 60, Section 60.4(g). In addition, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Four criteria for evaluation have been established to determine the significance of a resource:

- A. It is associated with events that have made a significant contribution to the broad patterns of our history; or
- B. It is associated with the lives of persons significant in our past; or
- C. It embodies 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. It yields, or may be likely to yield, information important in prehistory or history.³

In addition to meeting one or more of the above criteria, district sites, buildings, structures, and objects that are 50 years in age must also retain enough historic integrity to

¹ 36 Code of Federal Regulations 60, Section 60.2.

² U.S. Department of Interior, National Park Service, *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, pp. 45–46, 1995.

³ 36 Code of Federal Regulations 60, Section 60.4.

be eligible for listing. Historic integrity is defined as “the ability of a property to convey its significance” and “the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic period.”^{4,5} NPS has identified seven aspects of integrity: *feeling*, *association*, *workmanship*, *location*, *design*, *setting*, and *materials*. *Feeling* is a property’s expression of the aesthetic or historic sense of a particular period of time. *Association* is the direct link between an important historic event or person and a historic property. *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. *Location* is the place where the historic property was constructed or the place where the historic event occurred. *Design* is the combination of elements that create the form, plan, space, structure, and style of a property. *Setting* is the physical environment of a historic property. *Materials* are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.⁶ To retain historic integrity, a property will always possess most of the aspects and depending upon its significance, retention of specific aspects of integrity may be paramount for a property to convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where, and when a property is significant.

(b) *Secretary of the Interior’s Standards*

Projects that may affect historic resources are considered to be mitigated to a less-than-significant level if they are consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Standards). Projects with no other potential impacts qualify for a Class 31 exemption under CEQA if they meet the Standards. NPS issued the Standards with accompanying guidelines for four types of treatments for historic resources: Preservation, Rehabilitation, Restoration, and Reconstruction. Although none of the four treatments as a whole applies specifically to new construction in the vicinity of historic resources, Standards #9 and #10 of the Standards for Rehabilitation provides relevant guidance for such projects. The Standards for Rehabilitation are as follows:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

⁴ U.S. Department of the Interior, National Park Service, *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, 1995, p. 44.

⁵ U.S. Department of the Interior, National Park Service, *National Register Bulletin 16A: How to Complete the National Register Registration Form*, 1995, p. 4.

⁶ U.S. Department of Interior, National Park Service, *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, pp.45-46, 1995.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

It is important to note that the Standards are not intended to be prescriptive but, instead, provide general guidance. They are intended to be flexible and adaptable to specific project conditions to balance continuity and change, while retaining materials and features to the maximum extent feasible. Their interpretation requires exercising professional judgment and balancing the various opportunities and constraints of any given

project. Not every Standard necessarily applies to every aspect of a project, and it is not necessary for a project to comply with every Standard to achieve compliance.

(c) California Register of Historical Resources

The California Register is similar to the National Register program. The California Register was enacted in 1992, and its regulations became official on January 1, 1998. The California Register is administered by the California Office of Historic Preservation (OHP).

The California Register is an authoritative guide used by state and local agencies, private groups, and citizens to identify the state's historic and archaeological resources and indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.⁷ State law provides that in order for a property to be considered eligible for listing in the California Register, it must be significant under any of the following four criteria identified by OHP, which parallel National Register criteria.⁸ A property is eligible if it:

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Is associated with the lives of persons important to local, California, or national history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

A historic resource eligible for listing in the California Register must meet one or more of the significance criteria described above and retain enough of its historic character or appearance to be recognizable as a historic resource and to convey the reasons for its significance. As described above, integrity is evaluated with regard to the retention of feeling, association, workmanship, location, design, setting, and materials. The resource must also be judged with reference to the particular criteria under which it is proposed for

⁷ California Public Resources Code, Section 5024.1(a).

⁸ California State Parks, Office of Historic Preservation, California Register of Historical Resources, http://ohp.parks.ca.gov/?page_id=21238, accessed May 10, 2018.

eligibility. Unlike the National Register, the California Register does not exclude resources less than 50 years of age. California Register regulations contained in Title 14, Division 3, Chapter 11.5 of the California Code of Regulations (CCR) include Section 4852(c), which provides that “it is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register.” According to Section 4852(d), a resource less than 50 years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historic importance.

The California Register also includes properties that: (1) have been formally determined eligible for listing in, or are listed in, the National Register; (2) are registered State Historical Landmark Number 770, and all consecutively numbered landmarks above Number 770; or (3) are California Points of Historical Interest, which have been reviewed by the California OHP and recommended for listing by the State Historical Resources Commission.⁹ Resources that may be nominated for listing in the California Register include: individual historic resources; historic resources contributing to the significance of a historic district; historic resources identified as significant in historic resources surveys; historic resources and historic districts designated or listed as city or county landmarks or historic properties or districts; and local landmarks.¹⁰

The California Register may also include properties identified during historic resources surveys. However, the survey must meet all of the following criteria:¹¹

1. The survey has been or will be included in the State Historic Resources Inventory;
2. The survey and the survey documentation were prepared in accordance with office [OHP] procedures and requirements;
3. The resource is evaluated and determined by the office [OHP] to have a significance rating of Category 1 to 5 on a DPR Form 523; and
4. If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources that have become eligible or ineligible due to changed circumstances or further

⁹ California Public Resources Code, Section 5024.1(d).

¹⁰ California Public Resources Code, Section 5024.1(e).

¹¹ California Public Resources Code, Section 5024.1.

documentation and those that have been demolished or altered in a manner that substantially diminishes the significance of the resource.

The evaluation instructions and classification system prescribed by OHP in its Instructions for Recording Historical Resources provide a three-digit evaluation code for use in classifying potential historical resources. In 2003, the codes were revised to address the California Register. The first digit indicates the general category of evaluation. The second digit is a letter code to indicate whether the resource is separately eligible (S), eligible as part of a district (D), or both (B). The third digit is a number, which is coded to describe some of the circumstances or conditions of the evaluation. The general evaluation categories are as follows:

1. Listed in the National Register or the California Register.
2. Determined eligible for listing in the National Register or the California Register.
3. Appears eligible for listing in the National Register or the California Register through survey evaluation.
4. Appears eligible for listing in the National Register or the California Register through other evaluation.
5. Recognized as historically significant by local government.
6. Not eligible for listing or designation as specified.
7. Not evaluated or needs re-evaluation.

The specific codes referred to in this report are as follows:

- 1D Contributor to a district or multiple resource property listed in the National Register by the Keeper. Listed in the California Register.
- 2S2 Individual property determined eligible for the National Register by a consensus through Section 106 process. Listed in the California Register.
- 3CS Appears eligible for the California Register as an individual property through survey evaluation.
- 5S1 Individual property that is listed or designated locally.
- 5S3 Appears to be individually eligible for local listing or designation through survey evaluation.

(d) *California Environmental Quality Act*

For purposes of CEQA, Public Resources Code (PRC) Section 21084.1 defines a historic resource as:

[A] resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource.

CEQA Guidelines Section 15064.5(a)(3) also provides additional guidance on this subject:

[A]ny object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(e) *City of Los Angeles Cultural Heritage Ordinance*

The City's Cultural Heritage Ordinance, originally adopted by the Los Angeles City Council in 1962 (under Division 22, Chapter 7 of the Los Angeles Administrative Code), created the City's Cultural Heritage Commission and established criteria for designating City of Los Angeles Historic-Cultural Monuments (HCMs). On April 2, 2007, pursuant to Ordinance 178,402, the Cultural Heritage Ordinance was moved to Division 22, Chapter 9 of the Los Angeles Administrative Code. Specifically, Section 22.171.7 of the Los Angeles Administrative Code defines the criteria for designation as any site, building, or structure of particular historic or cultural significance to the City of Los Angeles, such as historic structures or sites that:

1. Reflect or exemplify the broad cultural, economic, or social history of the nation, state, or community; or
2. Are identified with historic personages or with important events in national, state, or local history; or
3. Embody the distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, or method of construction; or
4. Are a notable work of a master builder, designer, or architect whose individual genius influenced his or her age.¹²

Designation recognizes the unique historic, cultural, or architectural value of certain structures and helps to protect their distinctive qualities. Any interested individual or group may submit nominations for HCM status. Buildings may be eligible for Historical-Cultural Monument status if they meet at least one of the criteria in the Cultural Heritage Ordinance and retain their historic design characteristics and materials. Unlike the National and California Registers, the Cultural Heritage Ordinance does not require properties to reach a minimum age requirement and does not identify concepts such as physical integrity or period of significance. However, although the City does not require that a resource be a certain age before it can be designated, the City of Los Angeles Department of City Planning's (DCP) Office of Historic Resources (OHR) does qualify that "enough time needs to have passed since the resource's completion to provide sufficient perspective that would allow an evaluation of its significant within a historical context."¹³

The City of Los Angeles also recognizes historic districts as Historic Preservation Overlay Zones (HPOZ).¹⁴ The DCP and City Council are responsible for establishing and administering HPOZs.¹⁵ Areas within these historic districts have an HPOZ overlay added to its zoning and are subject to LAMC Section 12.20.3. As such, HPOZs are considered a planning tool that adds a level of protection to an area. Each HPOZ has a five-member HPOZ Board, which is an advisory body to the Department of City Planning, to evaluate proposals for alterations, demolitions, or new construction. An HPOZ is intended to include

¹² *Los Angeles Administrative Code, Cultural Heritage Commission, Section 22.171.7.*

¹³ *City of Los Angeles, Department of City Planning, Office of Historic Resources, Historic-Cultural Monuments, Frequently Asked Questions (FAQs), <http://preservation.lacity.org/commission/frequently-asked-questions-faqs>, accessed May 10, 2018.*

¹⁴ *Los Angeles Municipal Code, Section 12.20.3*

¹⁵ *City of Los Angeles, Department of City Planning, Historic Preservation Overlay Zones (HPOZs), About the HPOZ Program, <https://preservation.lacity.org/hpoz/homepage/about-hpoz-program>, accessed May 10, 2018.*

a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Contributing resources must meet at least one of the following criteria:¹⁶

1. Adds to the historic architectural qualities or historic associations for which a property is significant because it was present during the period of significance, and possesses historic integrity reflecting its character at that time; or
2. Owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or
3. Retaining the building, structure, landscaping, or natural feature, would contribute to the preservation and protection of a historic place or area of historic interest in the City.

(f) *City of Los Angeles Historic Resources Survey (SurveyLA)*

The Los Angeles Historic Resources Survey, or SurveyLA, is conducted under the DCP's OHR. SurveyLA is the City's comprehensive program to identify and document potentially significant historic resources. Surveys conducted under SurveyLA cover the period from approximately 1850 to 1980 and include individual resources, such as buildings, structures, objects, natural features, and cultural landscapes, as well as areas and districts. Archaeological resources will be included in a future survey phase. Significant resources reflect important themes in the city's growth and development in various areas including architecture, city planning, social history, ethnic heritage, politics, industry, transportation, commerce, entertainment, and others. Field surveys commenced in 2010 by Community Plan Area and were completed in 2016.¹⁷ SurveyLA findings are currently being published at *HistoricPlacesLA*, the City's online information and management system created to inventory, map, and help protect historic resources.^{18,19}

To implement field surveys, OHR developed a framework for a citywide Historic Context Statement (HCS), which is a narrative, technical document that provides a

¹⁶ *Los Angeles Municipal Code, Section 12.20.3-F,3(C).*

¹⁷ *City of Los Angeles, Department of City Planning, Office of Historic Resources, Field Survey Results Master Report, August 2016.*

¹⁸ *City of Los Angeles, Department of City Planning, Office of Historic Resources, SurveyLA, SurveyLA Findings and Reports, <https://preservation.lacity.org/surveyla-findings-and-reports#Survey List>, accessed May 10, 2018.*

¹⁹ *City of Los Angeles, Department of City Planning, Office of Historic Resources, HistoricPlacesLA, www.historicplacesla.org/index.htm, accessed May 10, 2018.*

framework for completing historic resources surveys. As discussed in the SurveyLA Field Survey Results Master Report, the applied HCS consists of nine broad contexts from 1850 to 1980, including: Spanish Colonial and Mexican Era Settlement, Pre-Consolidation Communities of Los Angeles, Residential Development and Suburbanization, Commercial Development, Industrial Development, Public and Private Institutional Development, Architecture and Engineering, Entertainment Industry, and Cultural Landscapes. The HCS not only identifies contexts and themes within which a property may be significant, but also includes eligibility standards that provide physical and associative characteristics a property must have to convey its significance.

As described in detail in the SurveyLA Field Survey Results Master Report, the surveys identify and evaluate properties according to standardized criteria for listing in the National Register, California Register, and for local designation as HCMs and HPOZs. SurveyLA findings are subject to change over time as properties age, additional information is uncovered, and more detailed analyses are completed. Resources identified through SurveyLA are not designated resources. Designation by the City of Los Angeles and nominations to the California or National Registers are separate processes that include property owner notification and public hearings.

(g) City of Los Angeles General Plan Conservation Element

The City of Los Angeles General Plan includes a Conservation Element. Section 5 of the Conservation Element recognizes the City's responsibility for identifying and protecting its cultural and historic heritage. The Conservation Element establishes the following cultural and historic objective and policy:²⁰

- Objective: Protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.
- Policy: Continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition, or property modification activities.

(h) City of Los Angeles General Plan

The City of Los Angeles General Plan includes 35 Community Plans that comprise the General Plan's Land Use Element. As discussed in Section IV.F, Land Use, of this Draft EIR, the Project Site is located within the Central City Community Plan (Community

²⁰ *City of Los Angeles General Plan, Conservation Element, September 2001, p. II-9.*

Plan) area. The Community Plan, which was last updated in January 2003, includes the following objectives and policies related to cultural resources:

- Objective 1-4: To facilitate the conversion of historic buildings in the Historic Core to housing, office, art, and cultural uses in order to attract new residents.
- Policy 1-4.1: Encourage the rehabilitation and adaptive reuse of historic buildings for housing, artist lofts and live-work units.
- Objective 4-4: To encourage traditional and non-traditional sources of open space by recognizing and capitalizing on linkages with transit, parking, historic resources, cultural facilities, and social services programs.
- Objective 10-1: To ensure that the arts, culture, and architecturally significant buildings remain central to the further development of downtown and that it remains clearly discernible and accessible to all citizens in and visitors to Los Angeles.
- Policy 10-1.2: Promote the development of a “Cultural Corridor” along Grand Avenue and the First Street/Broadway “Arts T” as well as other complimentary visitor serving uses.
- Policy 10-1.3: Promote the development of the night-time entertainment uses in the historic Broadway theater district.
- Policy 10-1.4: Ensure that the Downtown circulation system serves the existing arts and cultural facilities with ease of accessibility and connections.
- Objective 10-2: To maintain and reuse of the largest and most distinguished sets of under used historic buildings in the United States.
- Policy 10-2.1: Clearly designate those historic buildings which should be preserved and prioritized for available funding. Encourage both their rehabilitation and/or adapted reuse and the development of adjacent available sites.
- Policy 10-2.2: Adopt building, safety and zoning ordinances to respond to existing building conditions and to ensure predictability in the code's applications.
- Policy 10-2.3: Establish district-specific preservation policies and programs consistent with the goals of each area. Encourage a mix of uses in developing adaptive reuse projects.
- Policy 10-2.4: Facilitate the construction of parking garages to support new and existing buildings in the Center City, encouraging shared parking between new development and historic buildings.

- Policy 10-2.5: Encourage the transformation of Broadway Downtown to include the adaptive reuse of historic buildings for arts, cultural, entertainment, restaurant and retail uses as well as infrastructure improvements such as sidewalk rebuilding and streetscape and landscape improvements in conjunction with major public transit expenditures.
- Policy 10-2.6: Encourage the reuse of historic buildings as live/work offices, housing, retail, and educational facilities.
- Policy 10-2.7: Utilize historic buildings to accommodate office space within the Civic Center boundaries.
- Policy 10-2.8: Encourage the location of new government uses in historic buildings within the Civic Center boundaries.
- Policy 10-2.9: Encourage an historic building advocacy office whose goal is to revitalize Downtown's historic districts and other historic structures at and above street level.
- Policy 10-2.10: Provide one-stop technical assistance to property owners tenants, developers and designers to expedite approvals and negotiate code compliance.

(2) Archaeological and Paleontological Resources

Federal, state, and local governments have developed laws and regulations designed to protect significant cultural resources that may be affected by actions that they undertake or regulate. The National Environmental Policy Act (NEPA), National Historic Preservation Act, and CEQA are the basic federal and state laws governing the preservation of historic and archaeological resources of national, regional, state, and local significance. As archaeological resources are also considered historic resources, regulations applicable to historic resources are also applicable to archaeological resources. Whereas federal agencies must follow federal archaeological regulations, most projects by private developers and landowners do not require this level of compliance. Thus, as the Project would not require a federal permit and would not use federal money, federal archaeological regulations are not applicable to the Project.

(a) *California Environmental Quality Act*

State archaeological regulations affecting the Project include the statutes and guidelines contained in CEQA (PRC Section 21083.2 and Section 21084.1) and the CEQA Guidelines (CCR Title 14, Section 15064.5). CEQA requires lead agencies to carefully consider the potential effects of a project on archaeological resources. Several agency publications, including the technical assistance bulletins produced by OHP, provide

guidance regarding procedures to identify such resources, evaluate their importance, and estimate potential effects.

CEQA recognizes that archaeological resources are part of the environment, and a project that “may cause a substantial adverse change in the significance of a historic resource [including archaeological resources] is a project that may have a significant effect on the environment.”²¹ For purposes of CEQA, a historic resource is any object, building, structure, site, area, place, record, or manuscript listed in or eligible for listing in the California Register.²² Refer to the previous discussion in this section regarding the California Register for a list of the criteria used to determine whether a resource is eligible for listing in the California Register and is, therefore, considered a historic resource under CEQA.

Archaeologists assess sites based on all four criteria but usually focus on the fourth criterion previously provided, which is whether the resource “[h]as yielded, or may be likely to yield, information important in prehistory or history.” The CCR also provides that cultural resources of local significance are eligible for listing in the California Register.²³

In addition to archaeological resources that qualify as historic resources, CEQA requires consideration of project impacts to unique archaeological resources, defined as 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 that 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; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.²⁴

With regard to human remains, CEQA Guidelines Section 15064.5 addresses consultation requirements if an initial study identifies the existence of, or the probable

²¹ PRC Section 21084.1.

²² PRC Section 21084.1.

²³ CCR, Title 14, Section 4852.

²⁴ California Public Resources Code, Section 21083.2(g).

likelihood of Native American human remains within the project site. This section of the CEQA Guidelines, as well as Health and Safety Code Section 7050.5 and PRC Section 5097.9, also address treatment of human remains in the event of accidental discovery. (Refer to Section IV.K, Tribal Cultural Resources, of this Draft EIR for further discussion of such resources.)

Paleontological resources, which are the fossilized remains, impressions, and traces of plants and animals, are also afforded protection under CEQA as historic resources. Appendix G of the CEQA Guidelines provides guidance relative to significant impacts on paleontological resources, which states that a project could have a potentially significant impact on the environment if it could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

PRC Section 5097.5 states that violation of the following section would be a misdemeanor:

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.²⁵

(b) City of Los Angeles General Plan Conservation Element

Section 3 of the Los Angeles General Plan Conservation Element includes policies for the protection of archaeological and paleontological resources. As stated therein, the City has a primary responsibility in protecting significant archaeological and paleontological resources. Section 3 provides the following objective and policy:²⁶

- Objective: Protect the city's archaeological and paleontological resources for historical, cultural, research and/or educational purposes.

²⁵ California Public Resources Code Section 5097.5 specifies that "public lands" means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof.

²⁶ City of Los Angeles General Plan, Conservation Element, September 2001, pp. II-5 through II-6.

- Policy: Continue to identify and protect significant archaeological and paleontological sites and/or resources known to exist or that are identified during land development, demolition or property modification activities.

As described above in Subsection 2.a.(1)(g), Section 5 of the Conservation Element recognizes the City's responsibility for identifying and protecting its cultural and historic heritage. The Conservation Element establishes the following cultural and historic objective and policy:²⁷

- Objective: Protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.
- Policy: Continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition, or property modification activities.

b. Existing Conditions

(1) Project Site Development

The Project Site is located in a highly urbanized area in the Central City Community Plan area of the City, on the south side of West 2nd Street between South Broadway and South Spring Street in a neighborhood known as Civic Center South/Historic Core. The Project Site is surrounded by a mix of commercial office, government and civic office, retail, and residential uses. According to the Historic Report, the Project Site is located between the Civic Center and Times-Mirror Square to the north, as well as the Broadway Theater and Commercial District (Historic District) to the south.²⁸ Times-Mirror Square and the northern tip of the Historic District are within the study area (i.e., the area bounded by West 1st Street on the north, West 3rd Street on the south, South Main Street on the east, and Hill Street on the west) for the historic assessment for the Project. The Project Site is not located within the boundary of the Historic District. The northern portion of the Project Site is developed with a former surface parking lot, which is currently in use as staging and excavation area for construction of the Los Angeles County Metropolitan Transportation

²⁷ *City of Los Angeles General Plan, Conservation Element, September 2001, p. II-9.*

²⁸ *The Broadway Theater and Commercial District is listed as a historic district in the National Register. The historic district and its boundaries differ from the Broadway Theater and Entertainment Community Design Overlay District, which is one of the many Community Design Overlay (CDO) districts adopted by the City of Los Angeles. CDO districts are intended, in part, to assure that development complies with the design guidelines and standards of the district, to promote the distinctive character, stability, and visual quality of the district, and to protect areas of cultural interest. For further discussion on compliance with the CDO, refer to Section IV.F, Land Use, of this Draft EIR.*

Authority (Metro) Regional Connector 2nd Street/Broadway rail station and portal. The southern portion of the Project Site contains a five-story, approximately 67-foot-tall parking structure that includes rooftop parking and two subterranean levels. This parking structure was constructed in 1988 and is not a historic resource.

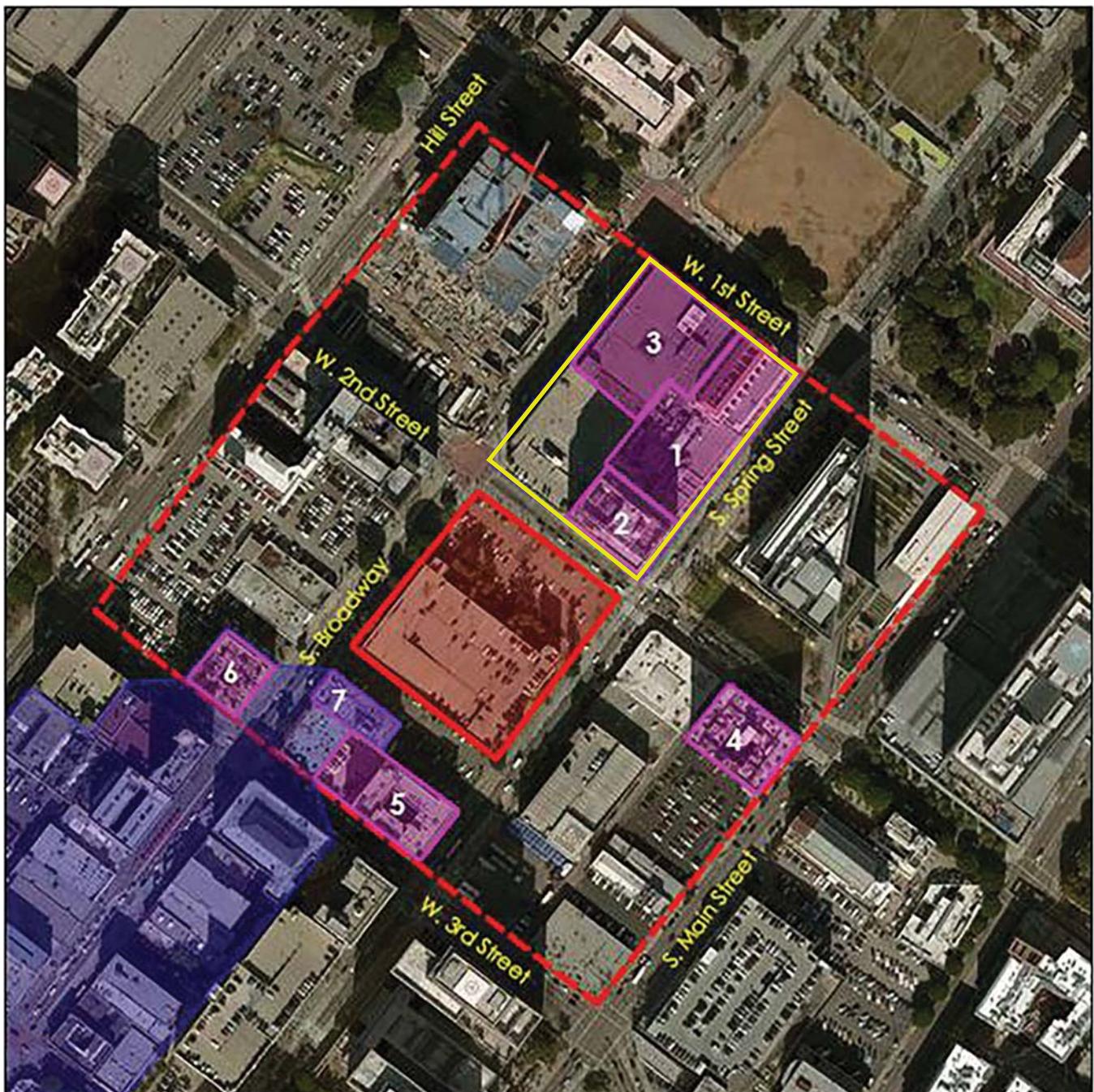
(2) Historic Resources in the Project Study Area

The surrounding parcels primarily consist of mid-rise commercial and residential buildings and several surface parking lots. The development of these buildings varies in construction date between the late 1800s and 2000s. There are also a few more recently developed high- and low-rise buildings in the vicinity, notably the 11-story Los Angeles Police Department Headquarters at 100 West 1st Street, which is located east of and across Spring Street from the Times-Plant Complex, and the new ten-story Federal Courthouse at 350 West 1st Street, which is located west of and across Broadway from the Executive Building. Both of these buildings are within the study area.

As described in the Historic Report, there are no historic resources on the Project Site. However, as shown in Figure IV.C-1 on page IV.C-18, and for purposes of assessing the Project's potential impacts on historic resources, the Historic Report determined there are seven historic resources within the study area: the Times-Plant Complex, the Mirror Building, the Executive Building, the Higgins Building, the Douglas Building, the Irvine-Byrne Building, and the Victor Clothing Company.

The proposed building would be within the same block as the Douglas Building and the Victor Clothing Company, which would be separated by an existing five-story parking structure to remain on the Project Site and surface parking lots; directly across 2nd Street from the Mirror Building; across South Broadway from the Irvine-Byrne Building, and adjacent to blocks containing the outward-facing Times-Plant Complex, the Executive Building, and the Higgins Building. All seven historic buildings are described below based on the information contained in the Historic Report.

1. **Times-Plant Complex**—also known as and consists of the Los Angeles Times Building and Plant Building located at 202 West 1st Street and 121 South Spring Street (Status Code 2S2). The Times-Plant Complex is located within the northeastern corner of Times-Mirror Square, which comprises the block bounded by West 1st Street, West 2nd Street, South Spring Street, and South Broadway, immediately north of the Project Site. The Times-Plant Complex is “L” shaped in plan with its northern façade oriented toward West 1st Street. The Times Building was constructed in 1935 as the new headquarters of the Times Mirror Company, owner of the Los Angeles Times (originally the Los Angeles Daily Times and the Los Angeles Weekly Mirror). The new headquarters replaced one



Project Site Study Area Individual Historical Resources
Broadway Theater and Commercial District Times-Mirror Square



True North



Project North

Figure IV.C-1
Historic Resources within the Study Area

of the paper's prior buildings, which was bombed by labor union sympathizers in 1910. The Plant Building was constructed between 1935 and 1948 in conjunction with the Times Building. Both buildings were designed by the same architect, Gordon B. Kaufmann, in the Public Works Administration (PWA)²⁹ Moderne style. The exterior of the Times Building has a reinforced steel and concrete structure clad with marble on the base and limestone on the upper floors. It is organized vertically by symmetrical bays, consisting of fixed metal-sash windows divided by bronze spandrels and stepped-down massing from approximately eight stories at its tallest, central tower to six stories, and then four stories at its east and west extents. The eastern façade of the Plant Building has a reinforced steel and concrete structure clad with marble on the base and limestone on the upper floors. The Plant Building is organized horizontally by four stories with storefronts identical to the Times Building on the first story, a decorative band of sunbursts matching the one on the Times Building along the second story, and continuous bands of fixed metal windows with prismatic glass block transoms on the third and fourth stories. In 1978, a portion of Times-Mirror Square was evaluated through the Section 106 process³⁰ and determined eligible for the National Register.³¹ For the purposes of this historic assessment, the Times and Plant buildings are considered an eligible joint historic resource, known as the Times-Plant Complex.

2. **Mirror Building**—located at 145 South Spring Street (Status Code 2S2). The Mirror Building is located within the southeastern corner of the Times-Mirror Square at the northwestern corner of South Spring Street and West 2nd Street. The Project Site is located south of this historic resource, across West 2nd Street. The building is rectangular in plan with its eastern facade oriented toward South Spring Street. The ten-story building was constructed in 1948 as the offices for a new afternoon paper, called the Los Angeles Mirror. The building also housed a mail room, press room, television offices, rental offices, and equipment storage rooms for the paper.³² The building was designed by

²⁹ *Public Works Administration (PWA) Moderne style may be interchangeable with Works Progress Administration (WPA) Moderne style, both of which refer to the architectural style of many buildings in the U.S. completed between 1933 and 1944 during and shortly after the Great Depression as part of relief projects sponsored by the PWA and WPA. Fullerton Heritage, PWA/WPA Moderne, www.fullertonheritage.org/Resources/archstyles/pwawpa.htm, page last updated September 14, 2008.*

³⁰ *This refers to Section 106 of the National Historic Preservation Act, which requires federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation (AHP) a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by AHP. Revised regulations, "Protection of Historic Properties" (36 CFR Part 800), became effective August 5, 2004.*

³¹ *Roger Hatheway and John Chase, "L.A. Times Complex," Historic Resources Inventory Form (June 1978).*

³² *No Author, "New Building for Los Angeles Times Ready in Fall," Architectural Record, June 1948, 32-1.*

Rowland H. Crawford, a former employee of Gordon B. Kaufmann, in the Late Moderne style with influences of PWA Moderne. The steel frame structure is clad with Indiana limestone and granite. The central portion of the facade is organized vertically by seven bays that extend to a parapet higher than the side portions, which carry horizontal bands of ribbon windows around the side elevations. This property was determined eligible for listing in the National Register in 2009 through the Section 106 process and was automatically listed in the California Register.

3. **Executive Building**—located at 100 South Broadway (Status Codes 3CS, 5S3). The Executive Building is located within the northwestern corner of the Times-Mirror Square on the southeastern corner of West 1st Street and South Broadway, on the block immediately north of the Project Site. The building is rectangular in plan with its northern facade oriented toward West 1st Street. The six-story building was constructed between 1970 and 1973, immediately west of the Times Building to house executive offices for the Los Angeles Times. The building was designed by William L. Pereira & Associates in the International style. The steel frame structure is clad with a combination of Norwegian granite and metal coated with a bronze silicon copolymer finish. The building's massing consists of large horizontal boxes that consist of bands of fixed windows and are supported by granite-clad vertical boxes. The arrangement of boxes creates a deep recess at street level, which features landscaping. In 2016, SurveyLA identified this property as appearing eligible for listing in the California Register, as well as for local listing or designation for its association with the growth and evolution of the Los Angeles Times and with the career of Otis Chandler, publisher of the Los Angeles Times but noted that the building was not of exceptional importance.³³
4. **Higgins Building**—located at 108 West 2nd Street (Status Code 5S1). The Higgins Building is located on the southwestern corner of West 2nd Street and South Main Street, on the northeastern corner of the block immediately east of

³³ As noted above, SurveyLA included a series of field surveys to identify and document potentially significant historic resources throughout the City of Los Angeles. Although the surveys identified and evaluated resources that may be eligible for designation, the surveys did not result in any actual designations. However, in September 2018 the City's Cultural Heritage Commission recommended designation of Times Mirror Square, including the Executive Building, as a Historic-Cultural Monument. On December 5, 2018, the City Council approved the Cultural Heritage Commission's action with respect to the Times-Plant Complex and the Mirror Building, but reversed it with respect to the Executive Building, meaning that the Executive Building is not designated as a Historic-Cultural Monument. Although the Historic Report was prepared prior to December 5, 2018, in order to be conservative, the Historic Report considered this property to be a historic resource for purposes of assessing the Project's potential indirect impacts on historic resources.

the Project Site. The building is rectangular in plan with its northern facade oriented toward West 2nd Street. The ten-story building was constructed in 1910 as “one of the city’s first electric power generating systems and housed such groups as the Women’s Progressive League, Association of Liquor Dealers, and the law office of Clarence Darrow.”³⁴ In 1977, the final commercial tenant vacated the building, and the property remained vacant until 2003, when its use was converted to commercial businesses on the ground floor with multi-family residential units on the upper floors.³⁵ The building was designed by A.L. Haley in the Beaux Arts style with influences of Greek Revival. The reinforced concrete structure is organized horizontally with the lower floors clad with stucco and terra cotta Greek Revival-inspired ornament, the middle floors clad with stucco, and the upper floors differentiated by Greek Revival-inspired ornament and topped by a metal cornice. This property was designated in 1988 as HCM #403.

5. **Douglas Building**—located at 257 South Spring Street (Status Code 5S1). The Douglas Building is located on the northwestern corner of South Spring Street and West 3rd Street, within the same block as the Project Site, and is accompanied by a surface parking lot on the western portion of the property. The building is rectangular in plan with a central courtyard and its eastern building entry facade oriented toward South Spring Street. The five-story building was constructed in 1899 through a commission by the estate of T.D. Stimson, “a lumber baron whose real estate investments contributed to the development of downtown Los Angeles” in the late nineteenth and early twentieth centuries.³⁶ The building was designed by the Reid Brothers in the Neoclassical style. The reinforced concrete structure is organized horizontally with the first floor clad with terra cotta and the upper floors clad with brick. The second and fifth floors have terra cotta ornament, and the building is topped by an ornate terra cotta cornice. This property was designated in 2009 as HCM #966.
6. **Irvine-Byrne Building**—located at 301 West 3rd Street and 248-259 South Broadway (Status Codes 1D, 5S1). The Irvine-Byrne Building is located within the Broadway Theater and Commercial District on the northwestern corner of

³⁴ Los Angeles Historic Resources Inventory, HistoricPlacesLA, “Higgins Building,” www.historicplacesla.org/reports/010fbdb5b-d1f2-41d3-8628-6bbb627390e4, accessed February 23, 2017.

³⁵ Los Angeles Historic Resources Inventory, HistoricPlacesLA, “Higgins Building,” www.historicplacesla.org/reports/010fbdb5b-d1f2-41d3-8628-6bbb627390e4, accessed February 23, 2017, accessed February 23, 2017.

³⁶ Los Angeles Historic Resources Inventory, HistoricPlacesLA, “Douglas Building,” www.historicplacesla.org/reports/5eff5174-be3a-4171-a689-2127d6a5a171, accessed February 23, 2017.

West 3rd Street and South Broadway. The Project Site is located northeast of this historic resource, across South Broadway. The building is rectangular in plan with a central courtyard and its eastern building entry facade oriented toward South Broadway. The five-story building was constructed in 1894 as the Irvine Block.³⁷ When James W. Byrne purchased the building in 1905, it became the Byrne Building.³⁸ The building was designed by Sumner Hunt in the Beaux Arts style with influences of Italian Renaissance Revival. Willis Polk, a noted San Francisco architect, was hired to perform repairs on the building in 1911. The reinforced concrete structure is organized horizontally with the first floor clad with stucco, the middle floors clad with brick and decorated by fluted Corinthian pilasters separating bays and scrolls above arched windows, and the upper floor clad with brick and topped by a cornice differentiated with ornate terra cotta detailing. This property was designated in 1991 as HCM #544 and is listed in the National and California Registers as a contributor to the Broadway Theater and Commercial District.

7. **Victor Clothing Company**—located at 242 South Broadway (Status Code 1D). The Victor Clothing Building is located within the Broadway Theater and Commercial District on the east side of South Broadway between West 2nd Street and West 3rd Street, within the same block as the Project Site. The building is rectangular in plan with its western facade oriented toward South Broadway. The five-story building was constructed in 1914 for Mr. and Mrs. J.F. Hosfield of Monrovia.³⁹ Typical of other commercial buildings in the Historic District, it has retail spaces on the first floor, corresponding mezzanines above for storage, and loft spaces on the upper floors. The building was designed by (Robert F.) Train & (Robert E.) Williams with elements of the Beaux Arts and Eclectic styles. The reinforced concrete structure is organized horizontally with the first floor clad with terra cotta tiles, the upper floors clad with brick, and the cornice differentiated with ornate terra cotta detailing. This property is listed in the National and California Registers as a contributor to the Broadway Theater and Commercial District.

³⁷ Teresa Grimes, “Broadway Theater & Commercial District (Boundary Increase),” National Register of Historic Places Continuation Sheet, 2002, 8-1.

³⁸ Teresa Grimes, “Broadway Theater & Commercial District (Boundary Increase),” National Register of Historic Places Continuation Sheet, 2002, 8-1.

³⁹ Teresa Grimes, “Broadway Theater & Commercial District (Boundary Increase),” National Register of Historic Places Continuation Sheet, 2002, 8-1.

(3) Archaeological Resources

Archaeology is the recovery and study of material evidence of human life and culture of past ages. The area surrounding the Project Site is highly urbanized and has been subject to disturbance and development throughout the years. Past development has occurred on-site, including excavation for several underground storage tanks. Geotechnical borings conducted for the Project and for the Metro Regional Connector Project directly adjacent to the Project Site confirmed at least 15 feet of artificial fill overlay alluvial sediments.

As discussed in the Archaeological Memo prepared by Dudek, on November 20, 2017, a cultural resources records search was conducted through the SCCIC located at California State University, Fullerton (see Appendix C.2 of this Draft EIR). The SCCIC records indicate a total of 18 previously recorded cultural resources fall within 0.5 mile of the Project Site, none of which are located within the Project Site itself. These 18 sites include 10 historic era buildings or structures, one historic era site (P-19-001575), two historic era cemeteries (P-19-003566 and P-19-004218), four historic refuse deposits (P-19-003097, P-19-003129, P-19-003337, and P-19-004171), and one resource containing a segment of a Spanish and Mexican era water conveyance system known as the Zanja Madre (P-19-004112).

The Zanja Madre network and subsequent additional zanja segments were Los Angeles' original irrigation system, which is thought to have run throughout the City in various branches, predominantly along major roads.⁴⁰ The location of many of the segments are unconfirmed; however, the believed route has been mapped by Blake Gumprecht, who incorporated information from multiple historical works, particularly a report on irrigation by State Engineer William Hamilton Hall. Using Gumprecht's 2001 work, Cogstone Environmental prepared a series of maps for the Downtown Los Angeles area, which show an unconfirmed section of a historical era water conveyance system running in a southerly route just east of the Project Site along Main Street (see Attachment B of the Archaeological Memo included as Appendix C.2 of this Draft EIR).

The water conveyance system, consisting of interconnected ditches, was established in 1781 at the same time that El Pueblo de la Reyna de Los Angeles (The Town of Los Angeles) was founded. The first segment of the system was known as the Zanja Madre and is thought to have run from a point on the Los Angeles River located north of the City, along or near present-day Main Street and terminating near the Plaza at

⁴⁰ The term "zanja," translating as "ditch" in English, refers to the open earth features that were used during early Euro-American habitation of this area to transport water.

present-day Union Station. Although researchers and the public often use the term “Zanja Madre” to refer to the larger water conveyance network, this term more accurately describes the initial component established during the Spanish Period. The segments added on later were numbered and grouped based on what part of the City they reached and where on the Los Angeles River they drew water. The size of Los Angeles did not necessitate an expansive system for the first half of the 19th century, and by 1849 there were only three additional segments. Subsequently, as the City grew rapidly, water became a growing concern as much of the land was agricultural land requiring irrigation. As a result, several new zanja segments were constructed post-1855.

By 1870, being the most important canal in the system, the Zanja Madre was maintained at a width of 10 feet along its entire length, and eight other zanja segments had been built. By the late 19th century, there were 19 zanja segments lined with concrete or cement piping, which were more efficient and safer than the open ditches. However, the zanja system largely faded from use by the early 20th century as it faced criticism for its inefficiency and imprecision.

The zanja segment recorded as part of site P-19-04112, which was included in the SCCIC records search results for the Project, was associated with “Zanja 6-1,” located immediately east of the intersection of Temple Street and Justin Court, approximately one mile east of the Project Site.

As previously indicated, the Project Site is currently in use as a staging and excavation area for construction of the Metro Regional Connector 2nd Street/Broadway rail station and portal. As part of that Project, the northwestern portion of the Project Site has been excavated. On December 20, 2017, Dudek archaeologist Adam Giacinto spoke with the Metro project’s Environmental Specialist, Andrina Dominguez, and archaeologist, Gino Ruzi. Mr. Ruzi reported that archaeological monitors were present during Metro’s subsurface excavation and did not identify any artifacts or features of Native American origin within this area. He further indicated that the surrounding area was very unlikely to contain prehistoric material, as underground tanks associated with past uses at this location were placed as far as 20 to 30 feet below the surface. When asked if any evidence of the Zanja Madre was observed, Mr. Ruzi responded that it was not present and would have been destroyed by subsequent historic urbanization regardless.

In addition, Dudek consulted historic aerials (available from 1948 to present), Sanborn maps (available for 1888, 1894, 1906, 1950, and 1955), and one Baist map (available for 1921) in order to understand the historic development of the Project Site and determine if any zanja segments were previously mapped within the Project Site or its immediate vicinity. As detailed in the Archaeological Memo, none of these historic maps indicate the zanja running within or near the Project Site.

Furthermore, Dudek reviewed information detailing the zanja system, including William Hall's 1888 study of irrigation in Southern California and Blake Gumprecht's work on the history of the Los Angeles River. Through this review, it was determined that the zanja segment running directly east of the Project Site was "Zanja No. 8," which was an offshoot of the Zanja Madre. This segment has not been independently confirmed outside of the literature review; as noted above from the SCCIC records search, the nearest confirmed segment is Zanja No. 6-1, which is located more than a mile from the Project Site. As described in Hall's work from 1888, Zanja No. 8 was the western branch of the low-service system, which was named as such because this group of canals distributed water that was taken from a lower elevation of the Los Angeles River, while the high system distributed water taken from a higher elevation on the River.

The low-service system contained the Zanja Madre and the majority of the zanja segments that irrigated the central Downtown area. Zanja No. 8 ran from the end of the Zanja Madre, at the intersection of Main Street and 1st Street. Zanja No. 8 ran south down Main Street until 8th Street where it turned roughly west until reaching Olive, where it turned and ran generally south until eventually meeting another zanja segment, Zanja 8-R, at the intersection of 18th and Figueroa Streets. Zanja No. 8 was dug by hand in 1857 by Orzo W. Childs, who was paid for his work with 200 acres of land and later became a wealthy investor and philanthropist.

The Project Site is located relatively close to the Zanja No. 8 segment; however, no portion of this zanja segment is shown to cross any segment of the Project Site. Hall indicated that Zanja No. 8 had been converted to a 16-inch cement pipe by the time he published his review in 1888. Improvements of this kind were common during the late 19th century, as open ditches were unsanitary and cement was more durable than masonry. A review of Hall's work indicates that by 1888 the only zanja still exhibiting any brick conduits was the Zanja Madre, likely because this was the oldest segment of the system.

Based on this information and archaeological monitoring conducted during excavation for the Metro Regional Connector Project, the subsurface conditions within the Project Site have little potential to support the presence of buried prehistoric cultural resources.

(4) Paleontological Resources

Paleontology is the study of fossils, which are the remains of ancient life forms. On February 16, 2017, a project-specific paleontological records search was conducted through the Natural History Museum of Los Angeles County. The results of the paleontological records search, which are included in Appendix C.3 of this Draft EIR, indicate there are no previously encountered vertebrate fossil localities located within the

Project Site. However, there are localities that have been identified nearby from the same sedimentary deposits that occur subsurface in the Project area.

The entire Project Site has surficial deposits of younger Quaternary Alluvium, derived as fluvial deposits from the flood plain of the Los Angeles River that currently flows in a concrete channel just to the east. These younger Quaternary deposits usually do not contain significant fossil vertebrates, at least in the uppermost layers, but the underlying older Quaternary deposits found at varying depths may well contain significant vertebrate fossils.

The closest vertebrate fossil locality from the older Quaternary deposits is LACM 1755, located southwest of the Project area near the intersection of Hill Street and 12th Street, which produced a fossil specimen of horse, *Equus*, at a depth of 43 feet below the street. The next closest vertebrate fossil locality from older Quaternary deposits beneath the younger Quaternary Alluvium is LACM 2032, located east-northeast of the Project area near the intersection of Mission Road and Daly Street around the Golden State Freeway (I-5), that produced fossil specimens of pond turtle, *Clemmys mamorata*, ground sloth, *Paramylodon harlani*, mastodon, *Mammut americanum*, mammoth, *Mammuthus imperator*, horse, *Equus*, and camel, *Camelops*, at a depth of 20 feet to 35 feet below the surface. At locality LACM 1023, just north of locality LACM 2032 near the intersection of Workman Street and Alhambra Avenue, excavations for a storm drain recovered fossil specimens of turkey, *Meleagris californicus*, sabre-toothed cat, *Smilodon fatalis*, horse, *Equus*, and deer, *Odocoileus*, at unstated depth.

Immediately to the south of the Project area, north of 5th Street, there are exposures of the marine Pliocene Fernando Formation and the marine late Miocene Yorba Member of the Puente Formation (also referred to as an Unnamed Shale in this area), that also may occur at depth in the Project area.

There are a series of vertebrate fossil localities from the Fernando Formation nearby including LACM 7730, immediately to the east of the Project Site near the intersection of Main Street and 2nd Street; LACM 4726, just southwest of the Project Site near the corner of 4th Street and Hill Street; LACM 6971, further to the west of locality LACM 4726 west of Pershing Square near the corner of 6th Street and Flower Street; and LACM 3868, southwest of the Project Site to the north of 6th Street between Lucas Avenue and South Bixel Street. These nearby Fernando Formation localities have produced a composite fauna, including fossil specimens of stingray, *Dasyatis*, eagle ray, *Myliobatis*, skate, *Raja*, chimaerid, Chimaeriformes, bull shark, *Carcharhinus leucas*, dusky shark, *Carcharhinus obscurus*, hammerhead shark, *Sphyrna*, sixgill shark, Hexanchiformes, bonito shark, *Isurus oxyrinchus*, salmon shark, *Lamna ditropis*, white sharks, *Carcharodon sulcidens* and *Carcharodon carcharias*, herring, Clupeidae, hake, *Merluccius*, sheepshead,

Semicossyphus, mackerel, *Scomber*, bird, Aves, rorqual baleen whale, Balaenopteridae, and toothed whale, Odontoceti.

The Puente Formation locality LACM 5961 occurs just north of the Project Site, north of the intersection of Hill Street and 1st Street. Locality LACM 5961, discovered during excavation for the Metro rail station at unknown depth, produced a specimen of the fossil bristlemouth fish, *Cyclothona*. The next closest vertebrate fossil locality from the Puente Formation is LACM 7990, northeast of the Project Site, north of Temple Street between Broadway and Spring Street, that produced fossil fish, including slickheads, Alepocephalidae, argentinias, Argentinidae, deep sea smelts, Bathylagidae, viperfish, *Chauliodus*, herring, Clupeidae, cod, Gadiformes, bristlemouths, Gonostomidae, mackerel, Scombridae, and dragonfish, Stomiataidae.

3. Project Impacts

a. Methodology

The analysis of impacts related to historic resources is based on the Historic Report prepared by GPA. To identify potential historic resources and assess potential impacts of the Project, the following tasks were performed:

1. Field inspection of the Project Site and vicinity (i.e., study area) to determine what areas might be impacted by the Project and to identify any known or potential historical resources.
2. Review of records from the SCCIC to determine whether or not the Project Site contains any properties that are currently listed as landmarks under national, state, or local programs and whether or not any properties have been previously identified or evaluated as historical resources.
3. Review of the Los Angeles Historic Resources Inventory website, HistoricPlacesLA.org, to determine if any historical resources were located within the study area. The seven buildings listed below were included in the search results for the study area.
 - Times-Plant Complex, 202 West 1st Street and 121 South Spring Street
 - Mirror Building, 145 South Spring Street
 - Executive Building, 100 South Broadway
 - Higgins Building, 108 West 2nd Street

- Douglas Building, 257 South Spring Street
- Irvine-Byrne Building, 301 West 3rd Street and 249–259 South Broadway
- Victor Clothing Company, 242 South Broadway

The other buildings in the study area were excluded from further consideration as potential historic resources due to a lack of age, architectural character, and/or physical integrity, as well as the fact that none are currently listed as landmarks at the local, state, or national levels and are not included as significant in any historic resource surveys of Downtown Los Angeles, including SurveyLA, the citywide historical resources survey of Los Angeles.⁴¹

4. Review of plans and related documents to determine if the Project would have an indirect impact on the identified historical resources as defined by CEQA.

Under CEQA, the evaluation of impacts to historic resources consists of a two-part inquiry: (1) a determination of whether the Project Site contains or is adjacent to a historically significant resource or resources and, if so, (2) a determination of whether the proposed project will result in a “substantial adverse change” in the significance of the resource or resources. A “substantial adverse change” in the significance of a historical resource is an alteration that materially impairs the physical characteristics that convey its historical significance and justify its eligibility for listing.

To address potential impacts associated with archaeological and paleontological resources, formal records searches were conducted to assess the archaeological and paleontological sensitivity of the Project Site and vicinity. In addition, an evaluation of existing conditions and previous disturbances within the Project Site, the geology of the Project Site, and the anticipated depth of grading were evaluated to determine the potential for uncovering archaeological and paleontological resources.

b. Thresholds of Significance

(1) State CEQA Guidelines Appendix G

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

⁴¹ Managed by the Department of City Planning’s Office of Historic Resources, SurveyLA included a series of field surveys, conducted from 2010–2017, to identify and document potentially significant historic resources throughout the City of Los Angeles. Although the surveys identified and evaluated resources that may be eligible for designation, the surveys did not result in any actual designations.

Threshold (a): Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;

Threshold (b): Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;

Threshold (c): Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or

Threshold (d): Disturb any human remains, including those interred outside of dedicated cemeteries (see Public Resources Code, Ch. 1.75, Section 5097.98, and Health and Safety Code Section 7050.5(b)).

(2) 2006 L.A. CEQA Thresholds Guide

The L.A. CEQA *Thresholds Guide* (Thresholds Guide) states that the determination of significance shall be made on a case-by-case basis, considering the following criteria to evaluate cultural resources impacts:

(a) Historic Resources

- If the project would result in a substantial adverse change in the significance of an historical resource, including demolition of a significant resource, relocation that does not maintain the integrity and significance of a significant resource, conversion, rehabilitation, or alteration of a significant resource which does not conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and/or construction that reduces the integrity or significance of important resources on the site or in the vicinity.

(b) Archaeological Resources

- If the project would disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because it is associated with an event or person of recognized importance in California or American prehistory or of recognized scientific importance in prehistory;
- If the project would disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because it can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions;
- If the project would disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because it has

a special or particular quality, such as the oldest, best, largest, or last surviving example of its kind; and

- If the project would disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because it is at least 100-years-old and possesses substantial stratigraphic integrity.⁴²

(c) Paleontological Resources

- Whether, or the degree to which, the project might result in the permanent loss of, or loss of access to, a paleontological resource; and
- Whether the paleontological resource is of regional or statewide significance.

In assessing impacts related to cultural resources in this section, the City will use Appendix G as the thresholds of significance. The criteria identified above from the L.A. CEQA Thresholds Guide will be used where applicable and relevant to assist in analyzing the Appendix G threshold questions.

c. Analysis of Project Impacts

(1) Project Design Features

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

(2) Relevant Project Characteristics

As described in detail in Section II, Project Description, of this Draft EIR, the Project involves the development of a 30-story mixed-use building consisting of 107 residential units (comprising an estimated 137,347 square feet), plus 7,200 square feet of ground level commercial retail uses, and 534,044 square feet of office uses. The existing five-level parking structure (plus two subterranean parking levels) located on the southern portion of the Project Site would remain in place.

Construction activities would require involve limited demolition of paved areas and landscaping as well as approximately 7,000 cubic yards of graded soil materials, all of which would be exported off-site. Project grading is expected to include excavations on the

⁴² Although the CEQA criteria state that "important archaeological resources" are those which are at least 100 years old, the California Register provides that any site found eligible for nomination to the National Register will automatically be included within the California Register and subject to all protections thereof. The National Register requires that a site or structure be at least 50 years old.

order of 20 to 25 feet in depth for construction of the proposed subterranean level and foundation elements.

(3) Project Impacts

Threshold (a): Would the Project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

(a) Direct Impacts

As previously discussed, the Project Site is currently developed with a surface parking lot, and a five-story, approximately 67-foot-tall parking structure that includes rooftop parking and two subterranean levels. There are no historic resources on the Project Site, and no historical resources would be demolished, destroyed, relocated, or altered as a result of the Project.

Thus, the Project would not cause any change in the significance of a historical resource as defined in Section 15064.5 and, as such, would have no direct impacts on historic resources.

(b) Indirect Impacts

Indirect impacts were also analyzed to determine if the Project would result in a substantial material change to the integrity and significance of historic resources or their contributing setting within the Project Site vicinity. As identified above, there are seven known historic resources in the study area, which encompass a one-block radius of the Project Site. The seven historic resources include the Times-Plant Complex, the Mirror Building, the Executive Building, the Higgins Building, the Douglas Building, the Irvine-Byrne Building, and the Victor Clothing Building. As described above, the Irvine-Byrne Building and the Victor Clothing Building are located within the boundaries of the Broadway Theater and Commercial District and are listed in the National and California Registers as contributors to this Historic District.

In the dense urban setting of Downtown Los Angeles, the construction of new buildings across the street from historic buildings is not uncommon, and new development has already occurred in proximity to these historical resources. The Irvine-Byrne Building, the Times-Plant Complex, the Executive Building, and the Higgins Building would not be affected by the proposed building due to the significant physical and visual separation between these historic resources and the Project Site. The Mirror Building, the Douglas Building, and the Victor Clothing Company are located closest to the Project Site. However, the proposed building would not affect the physical integrity or historic significance of these three historic resources.

In determining impacts of adjacent new construction on individual resources, such as the Mirror Building, the Douglas Building, and the Victor Clothing Company, the central question is whether the proposed building would affect the physical integrity of the historic buildings to the degree that they would no longer qualify as historic resources. Such an effect would only occur if the Mirror Building, the Douglas Building, or the Victor Clothing Company no longer retained sufficient integrity to convey its significance. According to *National Register Bulletin #15*, there are seven aspects of integrity: feeling, association, workmanship, location, design, setting, and materials. The only relevant aspect with respect to the impact of a new building on a historic building is setting. Setting refers to the character of the place in which the property played its historical role.

To consider the importance of setting for the Mirror Building, the Douglas Building, and the Victor Clothing Company, *National Register Bulletin #15*, the *Los Angeles Citywide Historic Context Statement*, and the National Register Nomination for the Broadway Theater and Commercial District were referenced, respectively. Part VIII of *National Register Bulletin #15* addresses the assessment of integrity in properties in addition to naming the seven aspects of integrity. In determining the relevant aspects of integrity to a specific property, the bulletin recommends testing “whether a historical contemporary would recognize the property as it exists today” if a property is associated with an important event, historical pattern, or person(s). It recommends retention of design, workmanship, and materials if a property embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master architect, with less emphasis on location, setting, feeling, and association. In addition, if a property yields or may yield information important in history or prehistory, Bulletin #15 states that “setting and feeling may not have direct bearing on the property’s ability to yield important information,” and that evaluation “should focus primarily on the location, design materials, and perhaps workmanship.” The *Los Angeles Citywide Historic Context Statement* prepared by OHR is organized into nine broad contexts and establishes eligibility standards for associated property types. The Douglas Building is eligible in the Architecture and Engineering Context under the Late 19th and Early 20th Century Architecture Theme. For buildings to be eligible under this context and theme, they should retain integrity of design, workmanship, feeling, setting, and materials. The significance of the Broadway Theater and Commercial District (Historic District) is based on the “variety and quality of architecture on Broadway” that evinces “its important place in the regional economy in the first decades of the twentieth century” and that represents “some of the most prominent architects working in Los Angeles.”⁴³ The Historic District contains several important examples of “movie palaces and retail and commercial architecture within the dense urban

⁴³ Grimes, “Broadway Theater & Commercial District (Boundary Increase),” 8-1.

area.”⁴⁴ This reference from the Historic District’s nomination imparts the importance of setting when determining whether or not a building is a contributor.

Nonetheless, the Mirror Building did not retain integrity of setting when it was determined eligible for listing in the National Register in 2009 through the Section 106 process and was automatically listed in the California Register. In 1973, the low- and mid-rise commercial buildings on the western half of the block were demolished and replaced with the Executive Building and a parking structure.

As such, the indirect impact of the Project on the Mirror Building as a historic resource would be less than significant.

Similarly, the Douglas Building did not retain integrity of setting when it was designated as a HCM in 2009, or the Victor Clothing Company when it was listed in the National and California Registers as a contributor to the Broadway Theater and Commercial District in 2002. These historic resources were constructed at a time when the area was densely developed with a mixture of low- and mid-rise residential, commercial, and institutional buildings. By 1950, Downtown Los Angeles was accommodating the automobile, and approximately half of the block, in which the Project Site is located, had been dedicated to parking. By the time, the two historic resources were designated and listed, respectively, the low- to mid-rise buildings that remained on the northern portion of the block had been demolished and redeveloped as surface parking lots. Furthermore, the existing five-story parking structure located on the southwestern portion of the Project Site would remain. Accordingly, this would retain the setting immediately northeast of the two historic resources.

Thus, the indirect impact of the Project on the Douglas Building and the Victor Clothing Company as historic resources would be less than significant.

Projects that comply with the Standards are considered mitigated to a less-than-significant level. As the Project does not involve the preservation, rehabilitation, restoration, or reconstruction of a historic building, the Standards are not directly applicable. To that end, Rehabilitation Standards #9 and #10 are relevant but not determinative in analyzing the potential impact of a new construction on a historic building. Rehabilitation Standards #9 and #10 primarily address additions to historic buildings or new construction within the boundaries of a historic property or district, which is not the case

⁴⁴ Grimes, “Broadway Theater & Commercial District (Boundary Increase),” 8-1.

with the Project. Nevertheless, to be conservative, the Project's compliance with Standards #9 and #10 is discussed below.

(i) Compliance with Standard #9

Standard #9 states that "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."

The proposed building would be located directly across West 2nd Street from the Mirror Building and north of the Douglas Building and the Victor Clothing Company within the same block, separated by the existing parking garage to remain within the Project Site, and a small surface parking lot. The Mirror Building, the Douglas Building, and the Victor Clothing Company are not a part of the Project, and, as such, the proposed building would not destroy historic materials, features, and spatial relationships that characterize the property. Thus, the spatial relationship between the Mirror Building, the Douglas Building, and the Victor Clothing Company and its immediate environment would remain intact. In addition, the relationship between the Victor Clothing Company and other contributing buildings in the Historic District would remain unchanged. In terms of the broad surroundings, the integrity of setting for the Douglas Building and the Victor Clothing Company has already been lost prior to their designation and listing, respectively.

While the Mirror Building is 10 stories in height, and the Douglas Building and the Victor Clothing Company are each 5 stories in height, the proposed building would be 30 stories in height. While the proposed building's size and scale would be different than that of the historic buildings, these historic resources do not abut the Project Site, making the difference in height less noticeable. In addition, the proposed building would be compatible with the size and scale of the other high-rise buildings that began to characterize Downtown Los Angeles beginning in the 1980s. At present, the Historic Core has a higher concentration of 12-story buildings; however, as the Central City Community Plan states, although "neighborhoods and districts were originally defined with specific boundaries as defined in the Downtown Strategic Plan, ... over time the boundaries have blurred as land uses changed and overlapped with adjoining uses."⁴⁵ West of Hill Street, two blocks away from the Project Site, buildings begin rising to 20 stories.

⁴⁵ *Central City Community Plan, City of Los Angeles Department of City Planning, 2009.*

The proposed building would be differentiated from the historic buildings by its contemporary design and materials. The proposed building has been designed as a series of stacked volumes of varying sizes, with shifting footprints and alternating types of curtain walls, capped by a bronze-colored (or other metallic) façade. The height and massing of the building would be gradually oriented away from South Broadway and toward South Spring Street, reflecting, to a degree, the height and massing of the Mirror Building directly north of the Project Site across West 2nd Street. Furthermore, the volumes that make up the Project do not exceed eight stories in height and are as short as four stories, each shifting in set back—almost as if it were an asymmetrical, vertical composition of mid-rise buildings. Thus, the design of the proposed building is responsive to the height and massing of the buildings that surround it. Primary façade materials for the proposed building would include glass and various types of metal panels such as anodized aluminum, stainless steel, or bronze-colored metal, bringing lightness to its height and massing. While the proposed building's materials and features cannot necessarily be characterized as compatible with the historic buildings, this is less important for related new construction, especially when they are not adjoining. Using complementary materials is more important for additions to a historic building or where there is an established architectural style and palette of materials, such as within a historic district. Neither is the case in this instance. Although the proposed building would not strictly comply with this particular aspect of Standard #9, it would not reduce the integrity or significance of the nearby historic resources, which is the City's CEQA threshold for an adverse impact.

Accordingly, the Project would comply with Standard #9 to the extent appropriate for this area of Downtown Los Angeles.

(ii) Compliance with Standard #10

Standard #10 states that “New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”

The proposed building would be sufficiently separated from the Mirror Building by West 2nd Street and from the Douglas Building and the Victory Clothing Company by two parcels spanning the width of the block that serve as surface parking lots. If the proposed building were removed in the future, the adjacent historic resources would not be materially affected. The essential form and integrity of the historic resources and their environment would be unimpaired.

Accordingly, the Project would comply with Standard #10.

(iii) Conclusion

The Project would have no direct impacts on historic resources. There are no historic resources on the Project Site, and no historic resources would be demolished, destroyed, altered, or relocated as a result of the Project. Indirect impacts on historic resources were also analyzed. The Project would have a less-than-significant impact on the historic resources near the Project Site. Although the Project would introduce a new visual element to the area, the proposed building would be physically separated from the Douglas Building and the Victor Clothing Company by a parking garage and surface parking lots and from the Times-Plant Complex, the Mirror Building, the Executive Building, the Higgins Building, and the Irvine-Byrne Building by West 2nd Street, South Spring Street, and South Broadway. Although the proposed building would be located directly across the street from the Mirror Building and north of the Douglas Building and Victor Clothing Company, the Project would not result in a substantial adverse change to the immediate surroundings of these historic resources to the degree their integrity or significance as resources would be materially impaired. As the Irvine-Byrne Building and Victory Clothing Company are the two northernmost contributors in Historic District, the Project would have a less-than-significant impact on the Historic District for the same reason that it has a less-than-significant impact on the two contributors. The historic buildings that are individually significant, as well as the Historic District, would continue to be eligible for listing as historic resources defined by CEQA.

Therefore, the Project would not cause any change in the significance of a historical resource as defined in Section 15064.5 and, as such, would not result in indirect impacts to historic resources in the vicinity of the Project Site, and mitigation measures would not be required.

Threshold (b): Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

As previously discussed, the results of the archaeological records search indicate that there are no identified archaeological sites within the Project Site, and 18 archaeological sites are located within a 0.5-mile radius of the Project Site.

Project excavation would predominantly occur within the northeastern portion of the Project Site, outside of the areas already excavated by Metro. The depth of excavation for Project development would range between approximately 20 to 25 feet below the existing ground surface. Accordingly, Project excavation activities would be largely limited to the disturbance of artificial fill and would be unlikely to encounter sensitive subsurface materials (i.e., native, undisturbed soils with a potential to contain resources). Monitoring

conducted during Metro's excavation activities within the Project Site have failed to identify prehistoric resources or any remnants of the zanja. The unconfirmed zanja closest to the Project Site has been identified as Zanja No. 8, which was built by Orzo W. Childs in 1857 and thus is unlikely to be associated with any Native American groups during prehistoric or protohistoric times. Furthermore, a review of historical maps does not show the zanja mapped anywhere within the Project Site. Based on the reviewed information, Dudek concluded the Project would have no impact to the zanja system or other archaeological resources.

However, if an archaeological resource were inadvertently discovered during construction of the Project, work in the area would cease, and deposits would be treated in accordance with the regulatory requirements summarized above, including those set forth in PRC Section 21083.2 and Section 15064.5(c) of the CEQA Guidelines with respect to any unique archaeological resource. In addition, if human remains were discovered during construction of the Project, work in the immediate vicinity would be halted, the County Coroner, construction manager, and other entities would be notified per California Health and Safety Code Section 7050.5, and disposition of the human remains and any associated grave goods would occur in accordance with PRC Section 5097.91 and 5097.98, as amended. Compliance with all required regulatory measures would ensure that the Project would not disturb, damage, or degrade an archaeological resource or its setting that is found to be important under the criteria of CEQA because: (1) it is associated with an event or person of recognized importance in California or American prehistory or of recognized scientific importance in prehistory; (2) it can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions; (3) it has a special or particular quality, such as the oldest, best, largest, or last surviving example of its kind; and (4) it is at least 100-years-old and possesses substantial stratigraphic integrity.

Therefore, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5, and, as such, any potential impacts related to archaeological resources would be less than significant.

Threshold (c): Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The Project Site has been previously graded and is developed with a former surface parking lot (currently in use as a staging and excavation area for Metro's Regional Connector rail station and portal) and a parking structure. There are no unique geologic features located on-site.

As previously discussed, a records search conducted for the Project Site indicates there are no previously encountered fossil vertebrate localities located within the Project Site. The closest vertebrate fossil locality from the older Quaternary deposits is LACM 1755, located southwest of the Project area near the intersection of Hill Street and 12th Street, which produced a fossil specimen of horse, *Equus*, at a depth of 43 feet below the street. The paleontological records search indicates that grading or very shallow excavations in the uppermost layers of soil and Quaternary deposits in the Project Site are unlikely to discover significant vertebrate fossils. However, deeper excavations have the potential to encounter significant remains of fossil vertebrates. As discussed above, excavation to a depth of between approximately 20 to 25 feet would occur within the Project Site. Accordingly, excavation activities would be largely limited to the disturbance of artificial fill and would be unlikely to encounter sensitive subsurface materials. Thus, the possibility that paleontological artifacts that were not recovered during prior construction or other human activity may be present would be low; the Project is not anticipated to result in the permanent loss of, or loss of access to, a paleontological resource, including those of regional or statewide significance. Nonetheless, if a paleontological resource were to be inadvertently discovered during construction of the Project, as set forth in Mitigation Measure CUL-MM-1, a qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site.⁴⁶ In the event paleontological materials are encountered, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage.

Therefore, implementation of Mitigation Measure CUL-MM-1 would ensure that the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and, as such, any potential impacts related to paleontological resources would be less than significant.

Threshold (d): Would the Project disturb any human remains, including those interred outside of dedicated cemeteries (see Public Resources Code, Ch. 1.75, Section 5097.98, and Health and Safety Code Section 7050.5(b))?

⁴⁶ According to the Society of Vertebrate Paleontology, a qualified paleontologist generally shall have the following qualifications or equivalent: a graduate degree in paleontology or geology and/or a publication record in peer reviewed journals; demonstrated competence in the field and regional experience; at least two full years professional experience; proficiency in recognizing fossils in the field and determining their significance; expertise in local geology, stratigraphy, and biostratigraphy; experience collecting vertebrate fossils in the field. Source: Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee, Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, 2010, http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx, accessed April 3, 2018.

As discussed in Section VI.6, Effects Not Found to be Significant, and in the Initial Study (Appendix A of this Draft EIR), the Project would not disturb any human remains, including those interred outside of dedicated cemeteries.

Thus, the Project would have a less than significant impact with respect to the Threshold (d). No impacts to human remains would occur, and no further analysis is required.

Refer to Section IV.K, Tribal Cultural Resources, of this Draft EIR for further discussion and analysis of such resources.

4. Cumulative Impacts

As indicated in Section III, Environmental Setting, of this Draft EIR, there are a total of 173 related projects in the vicinity of the Project Site. Much of this growth is anticipated by the City and will be incorporated into the Central City Community Plan update, known as the DTLA 2040 Plan, which the Department of City Planning is in the process of preparing (refer to Section IV.F, Land Use, of this Draft EIR for further discussion). According to the DTLA 2040 projections, an additional approximately 125,000 people, 70,000 housing units, and 55,000 jobs will be added to the Downtown area by the year 2040.⁴⁷

While the majority of the related projects are located a substantial distance from the Project Site, as shown in Figure III-1 in Section III, Environmental Setting, of this Draft EIR, several related projects are located in proximity to the Project Site. Collectively, the related projects near the Project Site involve retail/commercial, residential, restaurant, office, and hotel uses, consistent with existing uses in the Project Site area.

Although impacts to historic resources tend to be site-specific, a cumulative impact analysis of historic resources determines whether the impacts of a project and the related projects in the surrounding area, when taken as a whole, would substantially diminish the number of historic resources within the same or similar context or property type. Specifically, cumulative impacts would occur if the Project and related projects affect local resources with the same level or type of designation or evaluation, affect other structures located within the same historic district, or involve resources that are significant within the same context. As discussed above, the Project is developed with a surface parking lot

⁴⁷ Growth projections current as of December 2018. Source: City of Los Angeles, DTLA 2040, About This Project, www.dtl2040.org/, accessed December 6, 2018.

(currently used for construction staging for the Metro rail station and portal), and a five-story, approximately 67-foot-tall parking structure that includes rooftop parking and two subterranean levels. There are no historic resources on the Project Site. However, there are historic resources in the surrounding vicinity. The Project would not result in a substantial adverse change to the immediate surroundings of these historic resources to the degree their eligibility as resources would be materially impaired. They would continue to be eligible for listing as historical resources defined by CEQA. **As such, Project impacts to historic resources would not be cumulatively considerable, and cumulative impacts would be less than significant.**

With regard to potential cumulative impacts related to archaeological and paleontological resources, the Project vicinity is located within an urbanized area that has been substantially disturbed and developed over time. In the event that archaeological and paleontological resources are uncovered, each related project would be required to comply with applicable regulatory requirements, such as CEQA Guidelines Section 15064.5, PRC Section 21083.2, Health and Safety Code Section 7050.5, and PRC Section 5097.9. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established as necessary to address the potential for uncovering of paleontological resources. **Therefore, Project impacts to archaeological and paleontological resources would not be cumulatively considerable, and cumulative impacts would be less than significant.**

5. Mitigation Measures

a. Paleontological Resources

CUL-MM-1: The Project Applicant or its successor shall retain a qualified paleontologist to perform periodic inspections of excavation and grading activities at the Project Site.⁴⁸ The frequency of inspections shall be based on consultation with the qualified paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of

⁴⁸ According to the Society of Vertebrate Paleontology, a qualified paleontologist generally shall have the following qualifications or equivalent: a graduate degree in paleontology or geology and/or a publication record in peer reviewed journals; demonstrated competence in the field and regional experience; at least two full years professional experience; proficiency in recognizing fossils in the field and determining their significance; expertise in local geology, stratigraphy, and biostratigraphy; experience collecting vertebrate fossils in the field. Source: Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee, Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, 2010, http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx, accessed April 3, 2018.

fossils encountered. If paleontological materials are encountered, the qualified paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The qualified paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant or its successor shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the qualified paleontologist's recommendations have been implemented to the satisfaction of the qualified paleontologist.

6. Level of Significance After Mitigation

Project-level and cumulative impacts to historic resources would be less than significant. Compliance with regulatory requirements would ensure that impacts to archaeological resources would also be less than significant. Mitigation Measure CUL-MM-1 would reduce potential Project-level impacts associated with paleontological resources to a less-than-significant level. Therefore, Project-level and cumulative impacts to historic, archaeological, and paleontological resources would be less than significant.