

3.4 CULTURAL RESOURCES (ARCHAEOLOGICAL, PALEONTOLOGICAL AND HUMAN REMAINS RESOURCES)

This section analyzes potential impacts to cultural resources (paleontological and archaeological resources) that would result from implementation of the Proposed Project. A records search of the South Central Coastal Information Center (SCCIC) was prepared for the project area in March 2013. A paleontological records search of the Natural History Museum of Los Angeles County was also undertaken in March 2013. There are no buildings on the Development Site and no buildings on the Harvard-Westlake Campus would be impacted by the Proposed Project, therefore historic resources were focused out of the EIR in the Initial Study and are not discussed in detail below.

This EIR section summarizes the findings of the following report contained in **Appendix H** of this EIR:

- Historical/Paleontological Records Search Results for the Harvard Westlake Parking Structure Project, WH Bonner Associates, March 2013

EXISTING CONDITIONS

Archaeological Resources

The Proposed Project would be located upon property that was previously developed with two single-family homes, which were demolished in 2011.

Archaeological Records Search

Prehistoric and historic archaeological sites exist throughout the City of Los Angeles. Hunter-gatherers inhabited the region long before the arrival of Europeans. Remnants of their cultures continue to be found and documented. The project area lies within Gabrielino and Fernandeano ethnographic territories. The terms Gabrielino and Fernandeano refer to Native American groups historically associated with the San Gabriel and San Fernando Missions. These territories are generally believed to incorporate the watersheds of the Los Angeles, San Gabriel, and Santa Ana Rivers. They include the entire Los Angeles Basin, the coast between Aliso Creek and Topanga Creek and the islands of San Clemente, San Nicholas, and Santa Catalina.

A records search was conducted at the SCCIC in March 2013. The SCCIC records search included a review of all recorded archaeological sites within a ½ mile of the Development Site as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest (PHI), the California Historical Landmarks (CHL), the California Register of Historical Places (CR), the National Register of Historic Places (NRHP), the California State Historic Resources Inventory (HRI) the City of Los Angeles Historic Cultural Monuments (LAHCM), and the Canoga Park 7.5 U.S. Geological Survey (USGS) quadrangle map were reviewed. According to the records search:

- 1) No prehistoric archaeological sites have been recorded at or within a half-mile radius of the Development Site.
- 2) Four area-specific survey/excavation reports are on file with the SCCIC for the vicinity, none of which address the Development Site or vicinity.
- 3) No NRHP, HRI, CHL or CPHI properties are listed at or within a half-mile of the Development Site. The Harvard-Westlake Upper School campus (across Coldwater Canyon Avenue from the Development Site) includes City of Los Angeles Historic-Cultural Monument No. 32, Saint Saviour's Chapel, listed in 1965. The chapel was built in 1914 at the original campus of the

Harvard School at Western Avenue and Venice Boulevard. When the campus moved to its present Studio City location in 1937, the chapel was divided into 16 pieces and moved to the new campus.

- 4) Review of the 1926 Van Nuys, CA 6' USGS topographic quadrangle indicates the indirect Area of Potential Effect (APE) was minimally developed at that time with two roads and five scattered structures. The Development Site does not appear to have been developed in 1926.

The Development Site is rated low sensitivity with respect to archeological resources because of the absence of recorded archeological resources in the area.

Native American Heritage Commission

In response to the Notice of Preparation the Native American Heritage Commission (NAHC) provided a list of Native American groups and individuals in the project vicinity.¹ The NAHC was contacted regarding a sacred lands search and they indicated that there are no sites in the vicinity.²

Paleontological Resources

Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insects, or animals parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are best preserved in fine sedimentary rocks such as limestone and siltstone, but are also found in metamorphosed sedimentary rock such as shale, and other geologic units. Paleontological resources are valued for the information they yield about the history of the earth and its past ecological settings. In addition, fossils provide important chronological information that is used to interpret geological processes and regional history.

A paleontological records search was performed for the Development Site in March 2013 at the Natural History Museum of Los Angeles County. The results of the paleontological records search indicate that no paleontological sites/specimens have been recorded at or within one-half mile of the Development Site. The Development Site is underlain by Upper Miocene marine sedimentary sediments (MU), which are described as siltstones, siliceous shales, diatomaceous shales, sandstones, and conglomerates. Invertebrate marine fossils can occur in these deposits, but rarely are vertebrate fossil remains recovered. The Development Site is rated low sensitivity with respect to paleontological resources because of the absence of recorded vertebrate paleontological resources in the area or in underlying sediments.

Significant paleontological resources are defined as fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or important to define a particular time frame or geologic strata, or that add to an existing body of knowledge in specific areas, in local formations or regionally. Paleontological remains are accepted as non-renewable resources significant to our culture and, as such, are protected under provisions of the Antiquities Act of 1906 and subsequent related legislation, policies, and enacting responsibilities.

In the State of California, fossil remains are considered to be limited, nonrenewable, and sensitive scientific resources.

¹ Native American Heritage Commission Letter, April 24, 2013.

² David Singleton, Native American Heritage Commission, Communication August 13, 2013

REGULATORY FRAMEWORK

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) established the National Register of Historic Places (NRHP), which is maintained by the National Park Service (NPS) under the Department of the Interior, the Advisory Council on Historic Preservation, State Historic Preservation Offices, and grants-in-aid programs. Criteria for listing on the National Register include association with events, persons, history, or prehistory or embodiment of distinctive characteristics. These criteria are based on context (theme, place, and time), integrity (location, design, setting, materials, workmanship, feeling, and association), and, if a recent resource, exceptional importance.

The Secretary of the Interior's Standards for the Treatment of Historic Properties provides standards for rehabilitation, renovation, restoration, and reconstruction of historic properties, particularly for properties listed on the National Register of Historic Properties or historic properties that are potentially eligible for the National Register. In general, when a property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, preservation may be considered as a treatment. Rehabilitation is considered an option when repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate.

Other options included in the Secretary of the Interior's Standards include restoration, which generally applies when the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods. Reconstruction applies when a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction.

Section 106 of the NHPA requires all federal agencies to consult the Advisory Council on Historic Preservation before undertaking any activity affecting a property listed on, or eligible for listing on the NRHP. The Advisory Council has developed guidelines for compliance with Section 106 to encourage coordination between lead agencies and cultural resource agencies.

State

California Environmental Quality Act

- 13 Public Resources Code, 21000 et seq. Requires public agencies and private interests to identify the potential adverse impacts and/or environmental consequences of their proposed project(s) to any object or site important to the scientific annals of California (Division 1, Public Resources Code: 5020.1[b]).

Guidelines for the Implementation of CEQA

- *State CEQA Guidelines* Sec. 15064.5(a)(3). Provides protection for historical (or paleontological) resources by requiring that they be identified and mitigated as historical resources under CEQA. The State CEQA Guidelines define historical resources broadly to include any object, site, area, or place that a lead agency determines to be historically significant.

State Office of Historic Preservation

The Office of Historic Preservation (OHP), through its State Historic Preservation Officer (SHPO) and the State Historical Resources Commission, implements state preservation law, and is responsible for maintaining the California Register of Historic Places (California Register) and for administering federally- and state-mandated historic preservation programs.³ These programs include the California Historic Resources Inventory System (CHRIS), which uses the National Criteria for listing resources significant at the national, state, and local level. CHRIS consists of twelve information centers under contract to OHP to maintain a database of potential archaeological and historic resources, provide information on resources and surveys to the public, and to maintain and provide a list of consultants qualified to do historic preservation fieldwork in their area. In addition, OHP oversees the California Historic Landmarks and California Points of Historical Interest programs, and provides technical assistance to California's city and county governments.

California Register of Historic Resources

A resource may be listed in or eligible for listing on the California Register (CR) if it meets any one of the following criteria:

- It 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 (Criterion 1).
- It is associated with the lives of persons important to local, California or national history (Criterion 2).
- It 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 (Criterion 3).
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation (Criterion 4).

Even without a formal determination of significance and nomination for listing on the CR, the lead agency can determine that a resource is potentially eligible for listing. According to OHP, integrity is one of the basic underlying criteria that all listings on the CR must meet. OHP states:

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

Although resources may not maintain enough integrity to be listed on the National Register of Historic Places, a resource may maintain enough integrity to be listed on the CR.

³ OHP is part of the California Department of Parks and Recreation (also known as State Parks).

Native American Heritage Commission

Section 50907.9 of the Public Resource Code and Section 7050 of the Health and Safety Code empower the Native American Heritage Commission (NAHC) to regulate Native American concerns toward the excavation and disposition of Native American cultural resources. Among its duties, NAHC is authorized to resolve disputes relating to the treatment and disposition of Native American human remains and items associated with burials. Upon notification of the discovery of human remains by a county coroner, NAHC notifies the Native American group or individual most likely descended from the deceased.

Local

Cultural Heritage Ordinance

In 1962, the City of Los Angeles created a comprehensive ordinance to address potential cultural resources in the City. As a part of the ordinance, the five-member Cultural Heritage Commission was created as the mayoral-appointed body that oversees the designation and protection of local landmarks. The City's Office of Historic Resources provides staff support to the Commission. The Heritage Commission has responsibility for designating as Historic-Cultural Monuments (HCMs) any building, structure, or site important to the development and preservation of the history of Los Angeles, the state, and the nation.

THRESHOLDS OF SIGNIFICANCE

In accordance with CEQA guidelines, the Proposed Project would have a significant cultural resources impact if:

- The project would cause a substantial adverse change in the significance of an archaeological resource. The analysis shall consider if any identified resources:
 1. Is associated with an event or person of recognized importance in California or American prehistory or of recognized scientific importance in prehistory;
 2. Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions;
 3. Has a special or particular quality, such as the oldest, best, largest, or last surviving example of its kind;
 4. Is at least 100-years-old and possesses substantial stratigraphic integrity; or
 5. Involves important research questions that historical research has shown can be answered only with archaeological methods.
- The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The analysis shall consider 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.
- The project would disturb any human remains, including those interred outside of formal cemeteries.

IMPACT ASSESSMENT

Archaeological Resources

Implementation of the Proposed Project is not anticipated to result in a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5 of the CEQA Guidelines; nonetheless mitigation measures are identified to ensure that in the event that unanticipated resources are encountered during excavation, impacts would remain less than significant.

No known archeological resources exist within the proposed Development Site. Based on the literature review, the Development Site is considered to have a low rating with respect to the potential to encounter archeological resources. In addition, a substantial portion of the Development Site proposed to be disturbed has already been subject to at least surficial disruption from previous activities on the Development Site (two single-family homes and construction laydown area). As such, any archeological resources that may have existed have likely been disturbed.

While not expected, the potential exists that construction activities associated with the implementation of the Proposed Project could unearth undocumented resources. This could result in a potentially significant impact.

Paleontological Resources

Implementation of the Proposed Project is not anticipated to directly or indirectly destroy a unique paleontological resource or site; nonetheless mitigation measures are identified to ensure that in the event that unanticipated resources are encountered during excavation, impacts would remain less than significant.

According to the Paleontological records search conducted for the Proposed Project, the Development Site is underlain by Upper Miocene marine sedimentary sediments (MU), which are described as siltstones, siliceous shales, diatomaceous shales, sandstones, and conglomerates. Invertebrate marine fossils can occur in these deposits, but rarely are vertebrate fossil remains recovered. Therefore the Development Site is considered to have a low sensitivity rating with respect to the potential to find paleontological resources. While it is not expected, the remote potential remains for paleontological resources to exist. If these resources are disturbed, impacts would be potentially significant.

Project construction activities are not anticipated to result in the disturbance of human remains (including those interred outside of formal cemeteries). However, should remains be unexpectedly encountered, compliance with the identified mitigation measures would ensure that this impact remains less than significant.

No formal cemeteries are known to have occupied the project area, so any human remains encountered would likely come from archeological or historical contexts. Human burials, in addition to being potential archeological resources, have specific provisions for treatment in Section 5097 of the California Health and Safety Code (HSC). Because no known archeological sites are present in the project area and a large portion of the Development Site to be impacted has already been disturbed, the presence of human remains is a remote possibility. However, if remains are encountered, disturbing these remains could violate PRC and HSC provisions, as well as destroy the resource.

CUMULATIVE IMPACTS

In the unlikely event that construction activities associated with the Proposed Project encounter unanticipated resources, the Project could contribute to the progressive loss of cultural resources and result in adverse cumulative impacts. If the project resulted in disturbance or destruction of unanticipated cultural resources, then it would result in a potentially significant adverse impact. However, mitigation measures have been identified that would avoid or reduce potential project-related impacts. These measures include evaluation by an archeologist and/or paleontologist as appropriate and compliance with their recommendations. Similar measures would be expected of other projects in the surrounding area. Consequently, the incremental effects of the Proposed Project, after mitigation, would not contribute to an adverse cumulative impact to paleontological resources.

MITIGATION MEASURES

MM-CUL 1: If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:

- The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.

MM-CUL 2: Project development activities may resume once copies of the archaeological survey, study or report are submitted to:

SCCIC Department of Anthropology
 McCarthy Hall 477
 CSU Fullerton
 800 North State College Boulevard
 Fullerton, CA 92834

MM-CUL3: Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

MM-CUL 4: If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:

- The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.

- The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.

MM-CUL 5: Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

MM-CUL 6: In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- Stop immediately and contact the County Coroner:
1104 N. Mission Road
Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
- The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
- If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.
- *Discuss and confer* means the meaningful and timely discussion careful consideration of the views of each party.

SIGNIFICANCE AFTER MITIGATION

Impacts are anticipated to be less than significant with incorporation of mitigation measures included above.