

IV. Environmental Impact Analysis

H. Tribal Cultural Resources

1. Introduction

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project pursuant to the requirements of the California Environmental Quality Act (CEQA), as amended by Assembly Bill (AB) 52, as well as the results of the *Archaeological Resources Assessment* included as Appendix D of this Draft EIR.¹ The Native American consultation documentation is provided in Appendix L of this Draft EIR.

2. Environmental Setting

a. Regulatory Framework

The following describes the primary regulatory requirements regarding tribal cultural resources. Applicable plans and regulatory documents/requirements include the following:

- California Assembly Bill 52
- California Public Resources Code Section 5097
- California Penal Code
- California Public Resources Code Section 5024.1

(1) State

(a) *Assembly Bill 52*

AB 52 was approved on September 25, 2014. AB 52 amended California Public Resources Code (PRC) Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of AB 52 is to involve California Native American Tribes early in the environmental review process and to establish a category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Sections 21074(a)(1) and (2) define tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 20174(b) as a cultural landscape that meets the criteria in PRC

¹ Archaeological Resources Assessment for the 3822 South Figueroa Project in the City of Los Angeles Los Angeles County, California, Kimley Horn and Associates, Inc., August 2024.

Section 20174(a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. PRC Section 20174(c) provides that a historical resource described in PRC Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a “nonunique archaeological resource” as defined in PRC Section 21083.2(h) may also be a tribal cultural resource if it conforms with the criteria in PRC Section 21074(a).

PRC Section 21080.3.1 requires that, within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern.² Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency’s formal notification and the lead agency must begin consultation within 30 days of receiving the tribe’s request for consultation.³

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project’s impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation of tribal cultural resources; and mitigation measures capable of avoiding or substantially lessening potential significant impacts to tribal cultural resources. Consultation is considered concluded when either (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.⁴

In addition to other CEQA provisions, the lead agency may certify an EIR or adopt a mitigated negative declaration for a project with a significant impact on an identified tribal cultural resource, only if a California Native American tribe has requested consultation pursuant to PRC Section 21080.3.1 and has failed to provide comments to the lead agency, or requested a consultation but failed to engage in the consultation process, or the consultation process occurred and was concluded as described above, or if the California Native American tribe did not request consultation within 30 days.⁵

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to

² Public Resources Code Sections 21080.3.1(b) and (c).

³ Public Resources Code Sections 21080.3.1(d) and 21080.3.1(e).

⁴ Public Resources Code Section 21080.3.2(b).

⁵ Public Resources Code Sections 21082.3(d)(2) and (3).

the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

Confidentiality does not apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the Applicant or the Applicant's agents, or are lawfully obtained by the Project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.⁶

PRC Section 21084.2 states that a project that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.

(b) California Public Resources Code

PRC Section 5097.98, as amended by AB 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC Section 5097.98 further requires the Native American Heritage Commission (NAHC), upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide recommendations to the landowner for the treatment of the human remains and any associated grave goods. In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the land owner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

PRC Section 5097.99 prohibits acquisition or possession of Native American artifacts or human remains taken from a Native American grave or cairn after January 1, 1984, except in accordance with an agreement reached with the NAHC.

PRC Section 5097.5 provides protection for tribal resources on public lands, where PRC Section 5097.5(a) states that:

A person shall not 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.

⁶ Public Resources Code Section 21082.3(c)(2)(B).

(c) *California Penal Code*

California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”

California Penal Code Section 623(a) provides the following: “Except as otherwise provided in Section 599c, any person who, without the prior written permission of the owner of a cave, intentionally and knowingly does any of the following acts is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment: (1) [b]reaks, breaks off, cracks, carves upon, paints, writes or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, mars, or harms any natural material found in any cave[;] (2) [d]isturbs or alters any archaeological evidence of prior occupation in any cave[;] (3) [k]ills, harms, or removes any animal or plant life found in any cave[;] (4) [b]urns any material which produces any smoke or gas which is harmful to any plant or animal found in any cave[;] (5) [r]emoves any material found in any cave[;] (6) [b]reaks, forces, tampers with, removes or otherwise disturbs any lock, gate, door, or any other structure or obstruction designed to prevent entrance to any cave, whether or not entrance is gained.

(d) *Public Resources Code Section 5024.1*

Public Resources Code Section 5024.1 establishes the California Register of Historical Resources (CRHR), as an authoritative guide to be used by state and local agencies, private groups, and citizens to identify the State’s historical resources, including tribal cultural resources, and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The California Register includes buildings, sites, structures, objects and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

b. Existing Conditions

The Project Site is located in a highly urbanized area approximately two miles southwest of Downtown Los Angeles within the City’s South Los Angeles Community Plan area. The Project Site is generally bounded by South Figueroa Street to the west, West 38th Street to the north, West 39th Street to the south, and South Flower Drive and Interstate 110 (I-110) to the east. The Project Site is located within the western central portion of Los Angeles County within the Los Angeles Basin, a broad level plain bounded by the Pacific Ocean to the west, the Santa Monica Mountains and Puente Hills to the north, and the Santa Ana Mountains and San Joaquin Hills to the south Basin.

As discussed in the *Archaeological Resources Assessment* included in Appendix D of this DEIR, the Los Angeles Basin is a structural depression that is approximately 50 miles long and 20 miles wide that developed as a result of tectonic forces and the San Andreas Fault zone. Sediments have eroded into the basin from the surrounding mountains since the middle Miocene (13 million years ago), resulting in thousands of feet of sediment accumulation within the Basin.

In the present day, the Project Site is underlain by Quaternary young alluvium (Qa) made up of clay, sand, and gravel and includes the gravel and sand of minor stream channels. As observed on the Project Site and at nearby locations, the alluvial materials were interbedded and interfingered strata that contained lenses to massive deposits of silty sands and sands. Minor interbedded gravelly sands were also present.⁷ Undocumented fill was also encountered at each of the boring locations. Therefore, deeper isolated pockets of fill or remnants of past construction (i.e., foundation elements, basements, underground utilities, etc.) may be present. Geological mapping of the area indicated near-surface native soils at the Project Site laid down by the ancestral course of the Los Angeles River which consist mainly of Holocene-age (<11,700 years old) fluvial soils forming a mantle over well indurated Pleistocene-age (11,700 years to 1.8 million years old) nonmarine alluvium at depths ranging from 25 to 30 feet below ground surface (bgs).⁸

Additionally, a geotechnical investigation was conducted for the Project, which included four hollow-stem auger borings sampled to depths of 21.5 to 51.5 feet below the ground surface (bgs). The results indicated that artificial fill is compacted under the existing paved surface to a depth of four feet. Holocene-aged young alluvial native soils were present at the Project Site from four to 25 feet bgs and were deposited by the prehistoric ancestral course of the Los Angeles River.

The area, like much of California, contains a unique and diverse climate and environment. This regional diversity provided Native Californians the ability to exploit a range of different plants, animals, and natural resources. However, the Project site is currently not developed with native vegetation.

c. Ethnographic Context

The Project Site is located within the ancestral territory of the Gabrieleño/Tongva. Although territories of southern California tribes were recorded in 1925, the ancient territorial borders remain inexact for two reasons: first, territorial boundaries were flexible and, secondly, indigenous borders and land use were not recorded until after European settlements displaced many Native American communities. Although firm and defining borders cannot be known, archaeological, ethnographic, and historic evidence exists to support the conclusion that the Project Site is located within a large geographic area inhabited by the Gabrieleño/Tongva, also known as the First Peoples of Los Angeles.

The Gabrieleño/Tongva have a rich and diverse material culture, traditionally including shell set in asphaltum, carvings, painting, baskets, an extensive steatite industry, and a wide range of stone, shell, and bone materials. At the time of European colonization, they inhabited numerous permanent villages in fertile lowlands along waterways in sheltered areas along the coast, each of which held a population in the low hundreds. Smaller villages were also located at

⁷ Revised Limited Geotechnical Exploration - 3801 to 3855 Flower Drive and 3822 to 3830 South Figueroa Street, City Of Los Angeles, California, Leighton and Associates, Inc., March 8, 2023, revised June 4, 2024; The Geotechnical Report is included as Appendix D of the Initial Study.

⁸ Revised Limited Geotechnical Exploration - 3801 to 3855 Flower Drive and 3822 to 3830 South Figueroa Street, City Of Los Angeles, California, Leighton and Associates, Inc., March 8, 2023, revised June 4, 2024; The Geotechnical Reports is included as Appendix D of the Initial Study.

varying distances from these permanent villages, all of which were highly connected via economic, religious, and social ties. Villages contained circular and domed homes made of tule mats, fern, or carrizo, as well as small, circular earth-covered sweathouses. Their hunting and gathering subsistence strategy included land and offshore efforts that resulted in the take of both small and large land animals, sea mammals, river and ocean fish, and a variety of plant resources. The population sometimes migrated between villages on a temporary basis throughout the year, returning to their permanent villages for ceremony or when resources needed to be replenished.⁹

Records show that the long history of European colonization and harmful displacement of Native Americans initially began in 1542 as a result of Juan Rodríguez Cabrillo visiting the area during exploration. Following many subsequent Spanish visits to the region, the colonization of the indigenous population continued in 1769 around the same time as the establishment of the San Gabriel Mission and the San Fernando Mission in 1771 and 1797, respectively. Due in part to the introduction of new diseases, as well as the harsh conditions of mission life, the indigenous population quickly dwindled and cultural practices were lost. Following the secularization of the missions, most surviving Gabrieleño/Tongva became wage laborers on the ranchos of Mexican California and were later nearly completely wiped out as a result of a smallpox outbreak in the 1860s.

d. Assembly Bill 52 Notification and Consultation

In compliance with the requirements of AB 52, the City provided formal notification of the Project on March 26, 2025 to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project and who have requested in writing to be informed by the lead agency of projects within their geographic area of concern.

All tribal representatives identified by the NAHC, as provided in Appendix L of this Draft EIR, were notified of the Project in compliance with AB 52. Letters were sent via certified mail to the following California Native American tribes that requested notification:

- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino-Tongva Tribe
- Gabrieleño Band of Mission Indians - Kizh Nation
- Gabrielino/Tongva Nation
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- Fernandeno Tataviam Band of Mission Indians
- San Fernando Band of Mission Indians
- Soboba Band of Luiseno Indians
- Torres Martinez Desert Cahuilla

The letters described the Project and asked for a written reply if consultation was requested. A record of the AB 52 request for consultation letters is included within Appendix L of this Draft EIR. One response was received within the 30-day response period requesting

⁹ Archaeological Resources Assessment, Kimley-Horn and Associates, August 2024.

consultation, from the Gabrieleño Band of Mission Indians - Kizh Nation (hereafter referred to as the Kizh Nation). On April 3, 2025, Andrew Salas, Hereditary Chief of the Kizh Nation, emailed a response to the City's notification letter requesting consultation via email.

e. Background Research

(1) California Historical Resources Information System Review

A California Historical Resources Information System (CHRIS) records search was conducted at the South Central Coastal Information Center (SCCIC) on June 27, 2024 to identify any previously recorded archaeological resources or previously conducted cultural resources studies within the record search area, which was defined as the Project Site plus a 0.5 mile buffer. The results of the records search noted that 26 cultural resources studies have been conducted and 44 cultural resources have been recorded within the record search area. However, no cultural studies have taken place and no cultural resources have been recorded on the Project Site. Of the 44 cultural resources located in the record search area, only one resource, P-19-004191, is associated with an archaeological site. P-19-004191 is a historic-period refuse scatter that was recorded in the northwest portion of the record search area 0.4 miles from the Project Site. No prehistoric resources have been recorded within the Project Site or within the 0.5-mile buffer.

(2) Sacred Lands File Review

A Sacred Lands File (SLF) search request was submitted to the NAHC to identify any documented sacred lands on or near the Project Site. The NAHC responded on July 9, 2024 and noted that the results were negative for the presence of any known sacred lands. The results of the SLF are included in Attachment 1 of the Archaeological Resources Assessment found in Appendix D of this Draft EIR. In the response letter, the NAHC noted that the lack of recorded sites does not indicate the absence of tribal cultural resources within the Project Site; as such, NAHC's response also included a list of 16 Native American contacts representing several tribal organizations, who may have knowledge of cultural resources in or near the Project Site study area, and recommended they be contacted to confirm whether they have information about potential resources.

As described above, all tribal representatives identified by the NAHC were notified of the Project by the City in compliance with AB 52.

(3) Archival Research (Map and Aerial Photograph Review)

A review of available geologic maps and reports was conducted for the Project Site. U.S. Geological Survey maps illustrated that the Project Site is underlain by young alluvium (Qa) of the Holocene era made up of clay, sand, and gravel and includes the gravel and sand of minor stream channels. Human occupation took place in the Holocene era. As such, young alluvial geologic units typically have a moderate potential for archaeological resources, such as the layer of young alluvium fan deposits below the surface within the Project Site. The proposed depth of excavation for the Project is a maximum of 10 feet below ground surface. The presence of alluvial

sediments associated with the historic river also increases the archaeological sensitivity of the Project Site, because proximity to water was an important consideration for prehistoric habitation.

A review of historic maps and aerial imagery was also conducted for the Project Site. Early topographic maps and images show that development occurred in the Project Site as early as the 1920s, although historic maps indicate that the immediate vicinity has been developed since at least the 1890s. Historic aerial images indicate that minimal development has occurred at the Project Site after the 1940s. As a result of this review, it is evident that the Project Site has been subjected to early development in the 1900s with few changes in recent decades.

3. Project Impacts

a. Thresholds of Significance

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

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

- i. Listed or eligible for listing the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or***
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

The City's 2006 L.A. CEQA Thresholds Guide does not specifically address tribal cultural resources. Thus, in assessing impacts related to tribal cultural resources in this section, the City uses Appendix G as the thresholds of significance.

b. Methodology

As discussed above, a CHRIS records search was conducted to determine potential impacts associated with tribal cultural resources. The records search included a review of geological and historical maps and aerial imagery (U.S. Geological Survey maps and Historic Aerial photographs). Pertinent academic and ethnographic literature was also reviewed for information pertaining to past Native American use of the Project Site as part of the Archaeological Resources Assessment. Additionally, a Sacred Lands File (SLF) search request was submitted to the Native American Heritage Commission (NAHC), to identify any documented sacred lands

on or near the Project Site. Project notification letters were sent to California Native American Tribes as required by AB 52 and tribal comments received in response to these consultation letters was considered in the analysis. The Project's potential to impact tribal cultural resources is assessed based on the record searches, archival and ethnographic research, the Project Site's sensitivity for tribal cultural resources, and the results of the tribal consultation.

c. Project Design Features

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

d. Analysis of Project Impacts

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

- i. Listed or eligible for listing the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or***
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native tribe.***

(1) Impact Analysis

As discussed above, the Archaeological Resources Assessment did not identify any archaeological resources or tribal cultural resources within the Project Site. However, the Archaeological Resources Assessment noted that the Project Site retains a low-to-moderate archaeological sensitivity and potential for deeply buried archaeological resources past the depths of previously disturbed soils/added fill due to the alluvial fan topography, underlying Holocene-age (i.e., era of human occupation) geological deposits, and prehistoric occupation in this region. Geotechnical borings sampled to depths of approximately 21.5 to 51.5 feet bgs indicated that artificial fill is compacted under the existing paved surface to a depth of four feet, and that Holocene-aged young alluvial native soils are present from four to 25 feet bgs. As the proposed depth of excavation for the Project is a maximum of 10 feet bgs, there is a high likelihood that native Holocene-aged soils will be impacted.

As Project excavation is likely to disturb native Holocene-aged soils in an area that has been identified with a low- to moderate-level of archaeological sensitivity, it is possible that tribal archaeological resources may be encountered.

However, if a potential tribal cultural resource (i.e., Native American artifacts, objects, cultural items, or a site) were identified on the Project Site during ground-disturbing activities, they would require evaluation and treatment to determine whether they met the criteria to be a tribal cultural resource, in addition to being assessed as an archaeological resource. To ensure that such tribal cultural resource discoveries are evaluated and treated appropriately, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. Should tribal cultural resources be inadvertently encountered, this condition of approval provides for temporarily halting construction activities near the encounter and notifying the City and Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the Project. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Project Applicant would then implement the tribe's recommendations if a qualified archaeologist concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resources monitoring plan and once the plan is approved by the City, ground disturbance activities would resume. In accordance with the condition of approval, all activities would be conducted in accordance with regulatory requirements. Implementation of the City's established condition of approval to address any inadvertent discovery of a tribal cultural resource would further reduce the Project's less than significant impacts to tribal cultural resources. In addition, pursuant to CUL-PDF-1 and CUL-PDF-2 outlined in Section IV.B, Cultural Resources, of this Draft EIR, the Project would already voluntarily retain a Project Archaeologist to prepare and conduct Archaeological Resources Training to all construction managers and construction personnel as well as to monitor Project activities, or supervise archaeological monitors who would monitor Project activities, provide intermittent archaeological monitoring during ground-disturbing activities, and assist with any inadvertent discovery of any tribal cultural resources.

With regards to tribal consultation pursuant to AB 52, on August 20, 2025, the Kizh Nation sent consultation documentation to Planning Staff via email. The documentation provided by the Kizh Nation included a letter clarifying the legal definition and threshold of "substantial evidence" as required by CEQA and AB 52, a letter establishing the cultural and ancestral affiliation of the Kizh Nation to the Project Site, and requested mitigation measures to ensure the protection of tribal cultural resources. No communication or request for consultation was received from any other of the notified tribes to date within the 30-day response period, which ended on April 25, 2025.

On March 4, 2026, City staff emailed the Kizh Nation a Notice of Preclosure of Consultation summarizing the consultation between the City and Kizh Nation to date. As noted in the letter, while no evidence was found to indicate the presence of any tribal cultural resources on the Project Site, the City recognizes the Kizh Nation's concerns as shared during consultation. Therefore, the City's standard Condition of Approval for the Inadvertent Discovery of Tribal Cultural Resources would be implemented. In a response email letter dated March 17, 2026 the Tribe responded objecting to the proposed Condition of Approval and insisting on the retention of

a tribal cultural monitor, although no additional information or evidence was submitted. On April 2, 2026, the City staff emailed the Tribe a Closure of Consultation letter documenting the conclusion of the tribal consultation process and concluding that to date there is no substantial evidence that the Project would have any significant impacts to tribal cultural resources that would necessitate mitigation, including the retention of a tribal cultural monitor. In addition, the Project would already voluntarily retain a qualified professional archaeologist meeting the Secretary of the Interior's professional qualifications (Project Archaeologist) to prepare and conduct Archaeological Resources Training to all construction managers and construction personnel as well as to monitor Project activities, or supervise archaeological monitors who would monitor Project activities, provide intermittent archaeological monitoring during ground-disturbing activities, and assist with any inadvertent discovery of any tribal cultural resources, as stipulated in Project Design Features CUL-PDF-1 and CUL-PDF-2.

Therefore, potential impacts to tribal cultural resource listed or eligible for listing in the California Register or in a local register as defined in PRC Section 5020.1(k) or a resource determined by the City to be significant pursuant to PRC Section 5024.1(c), would be less than significant.

(2) Mitigation Measures

Project level impacts related to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Project level impacts related to tribal cultural resources were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level would remain less than significant.

e. Cumulative Impacts

(1) Impact Analysis

As provided in Section III, Environmental Setting, of this Draft EIR, a total of seven related development projects have been identified in the vicinity of the Project Site. The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. As such, tribal cultural resources that may have existed have likely already been discovered. Notwithstanding, similar to the Project, related projects would undergo environmental review and address potential impacts to tribal cultural resources, including compliance with the consultation requirements of AB 52, to identify and mitigate any potential impacts to tribal cultural resources. Although impacts to tribal cultural resources tend to be site-specific, cumulative impacts would occur if the Project, related projects, and other future development near the Project Site area affected the same tribal cultural resources and communities. As discussed above, the Project would result in less than significant impacts to tribal cultural resources.

The potential for the Project to impact the same tribal cultural resources as any Related Project is small. However, in the event that common tribal cultural resources are uncovered, the Project and each related project would be required to comply with the applicable regulatory requirements discussed above regarding the inadvertent discovery of tribal cultural resources. In addition, related projects are required to comply with AB 52 consultation requirements to determine and mitigate any potential impacts to tribal cultural resources. **Therefore, the Project's contribution to impacts on tribal cultural resources would not be cumulatively considerable, and cumulative impacts to tribal cultural resources would be less than significant.**

(2) Mitigation Measures

Cumulative impacts related to tribal cultural resources would be less than significant. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Cumulative impacts related to tribal cultural resources were determined to be less than significant without mitigation. Therefore, no mitigation measures are required, and the impact level would remain less than significant.