4.11 Tribal Cultural Resources

This section evaluates the potential for impacts on Tribal Cultural Resources (TCRs) resulting from implementation of the proposed French Hotel Project (Project) and identifies known and potential TCRs on the Project Site.

A Notice of Preparation for the Project was released for public review on March 19, 2026, and an Environmental Impact Report (EIR) Scoping Meeting was held on April 6, 2026. Comments pertaining to TCRs were received during the public scoping period from the Native American Heritage Commission (NAHC), UNITE HERE Local 11, and the Juaneño Band of Mission Indians Acjachemen Nation–Belardes. The comments emphasized the need for compliance with AB 52 consultation requirements, evaluation of potential impacts to TCRs, meaningful Tribal consultation, and implementation of measures to protect TCRs that may be encountered during ground-disturbing activities. The Juaneño Band of Mission Indians Acjachemen Nation–Belardes further noted the cultural sensitivity of the Project Site and recommended Tribal monitoring, an inadvertent discovery plan, and consideration of a designated reburial location. No comments related to TCRs were raised during the public scoping meeting.

4.11.1 Environmental Setting

The following sections describe the history of the Project Site and discuss known TCRs in or around the Project's area of potential effect.

4.11.2 Regulatory Setting

The treatment of cultural resources is governed by federal and state laws and guidelines. There are specific criteria for determining whether prehistoric and historic sites or objects are significant or protected by law. Federal and state significance criteria generally focus on the resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet federal significance criteria may be considered significant under state criteria. The laws and regulations seek to mitigate impacts to significant prehistoric or historical resources. The federal and state laws and guidelines for protecting historical resources are summarized below.

4.11.2.1 Federal

American Indian Religious Freedom Act

American Indian Religious Freedom Act The American Indian Religious Freedom Act requires each executive branch agency with statutory or administrative responsibility for the management of federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and ceremonial use of Indian Sacred Sites

by Indian religious practitioners and avoid adversely affecting the physical integrity of such Sacred Sites. Where appropriate, agencies also are required to maintain the confidentiality of Sacred Sites. Each executive branch agency with statutory or administrative responsibility for the management of federal lands are required to implement procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, Sacred Sites.

National Historic Preservation Act (U.S. Code, Title 54, Section 300101 et seq.)

The National Historic Preservation Act of 1966 established the National Register of Historic Places (NRHP) as the official federal list of cultural resources that have been nominated by state offices for their historical significance at the local, state, or national level. Listing in the NRHP provides recognition that a property is significant to the nation, the state, or the community and assumes that federal agencies consider historical value in the planning for federal and federally assisted projects. Properties listed in the NRHP or determined eligible for listing must meet certain criteria for historical significance and possess integrity of form, location, and setting. Structures and features must usually be at least 50 years old to be considered for listing in the NRHP, barring exceptional circumstances. Criteria for listing in the NRHP, which are set forth in Code of Federal Regulations, Title 36, Part 60.4, are the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that:

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

Eligible properties must meet at least one of the criteria and exhibit integrity, which is measured by the degree to which the resource retains its historic properties and conveys its historic character, the degree to which the original fabric has been retained, and the reversibility of changes to the property. The fourth criterion is typically reserved for archaeological and paleontological resources. These criteria have largely been incorporated into the California Environmental Quality Act (CEQA) Guidelines.

Native American Graves Protection and Repatriation Act (U.S. Code, Title 25, Section 3001 et seq.)

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law passed in 1990. NAGPRA provides a process for museums and federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants and culturally affiliated Native American Tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on federal and Tribal lands, and penalties for noncompliance and illegal trafficking. Implementation of the Project would be conducted in compliance with NAGPRA.

Federal curation regulations are also provided in Title 36, Part 79, of the Code of Federal Regulations and apply to collections that are excavated or removed under the authority of the Antiquities Act (16 USC 431–433), the Reservoir Salvage Act (16 USC 469–469c), Section 110 of the National Historic Preservation Act (16 USC 470h-2), or the Archaeological Resources Protection Act (16 USC 470aa–mm). Such collections generally include those that are the result of a prehistoric or historical resources survey, excavation, or other study conducted in connection with a federal action, assistance, license, or permit.

Federal Antiquities Act

The Antiquities Act is the first law to establish that archaeological sites on public lands are important public resources. It obligates federal agencies that manage the public lands to preserve for present and future generations the historical, scientific, commemorative, and cultural values of the archaeological and historic sites and structures on these lands. It also authorizes the President to protect landmarks, structures, and objects of historical or scientific interest by designating them as National Monuments.

4.11.2.2 State

Assembly Bill 52: Native Americans: California Environmental Quality Act

Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California Native American Tribes as part of CEQA and equates significant impacts on TCRs with significant environmental impacts (California Public Resources Code, Section 21084.2). California Public Resources Code, Section 21074, defines TCRs as follows:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.

b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

2. 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 Section 5024.1.

Sacred places can include Native American sanctified cemeteries, places of worship, religious or ceremonial sites, and sacred shrines. In addition, both unique and non-unique archaeological resources, as defined in California Public Resources Code, Section 21083.2, can be TCRs if they meet the criteria detailed above. The lead agency relies on substantial evidence to make the determination that a resource qualifies as a TCR when it is not already listed in the California Register of Historical Resources (CRHR) or a local register.

AB 52 defines a "California Native American Tribe" as a Native American Tribe in California that is on the contact list maintained by the NAHC (California Public Resources Code, Section 21073). Under AB 52, formal consultation with Tribes is required before determining the level of environmental document if a Tribe has requested to be informed by the lead agency of proposed projects and if the Tribe, upon receiving notice of the project, accepts the opportunity to consult within 30 days of receipt of the notice. AB 52 also requires that consultation, if initiated, address project alternatives and mitigation measures for significant effects if specifically requested by the Tribe. AB 52 states that consultation is considered concluded when the parties agree to measures to mitigate or avoid a significant effect on TCRs or when either the Tribe or the lead agency concludes that mutual agreement cannot be reached after making a reasonable, good-faith effort. Under AB 52, any mitigation measures recommended by the lead agency or agreed on with the Tribe may be included in the final environmental document and in the adopted Mitigation Monitoring and Reporting Program if the mitigation measures were determined to avoid or lessen a significant impact on a TCR.

If the recommended measures are not included in the final environmental document, then the lead agency must consider the four mitigation methods described in California Public Resources Code, Section 21084.3(e). Any information submitted by a Tribe during the consultation process is considered confidential and is not subject to public review or disclosure. It will be published in a confidential appendix to the environmental document unless the Tribe consents to disclosure of all or some of the information to the public.

Assembly Bill 978: California Native American Graves Protection and Repatriation Act

The California NAGPRA, enacted in 2001, required the state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before

January 1, 2003, with certain exceptions. California NAGPRA also provides a process for the identification and repatriation of these items to the appropriate Tribes.

California Government Code, Sections 6254(r) and 6254.10

Sections 6254(r) and 6254.10 of the California Government Code were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." Section 6254.10 specifically exempts from disclosure requests for "records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency."

California Code of Regulations, Section 15064.5

The California Code of Regulations, Title 14, Chapter 3, Section 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines, Section 15064.5, as follows:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any 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 (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:

  - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - Is associated with the lives of persons important in our past;
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - Has yielded, or may be likely to yield, information important in prehistory or history.

- 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 (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

California Health and Safety Code, Section 7050.5, and California Public Resources Code, Section 5097.9

California Health and Safety Code, Section 7050.5, addresses the protection of human remains discovered in any location other than a dedicated cemetery and makes it a misdemeanor for any person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law, except as provided in California Public Resources Code, Section 5097.99. It further states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains will occur until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions concerning investigation of the circumstances, manner, and cause of any death and that the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to their authorized representative, in the manner provided in California Public Resources Code, Section 5097.98. If the county coroner determines that the remains are not subject to their authority and if the county coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, they shall contact, by telephone and within 24 hours, the NAHC. Whenever the NAHC receives notification of a discovery of Native American human remains from the county coroner, the agency shall immediately notify the most likely decadents if it believes them to be the most likely

descendants of the deceased Native American. The most likely descendants may inspect the site of the discovery and make recommendations on the removal or reburial of the remains.

California Register of Historical Resources

The CRHR is a state government program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archaeological resources and encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA.

The term "historical resource" includes but is not limited to any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (California Public Resources Code, Section 5020.1[j]). Historical resources may be designated as such through three different processes:

- Official designation or recognition by a local government pursuant to local ordinance or resolution (California Public Resources Code, Section 5020.1[k])
- A local survey conducted pursuant to California Public Resources Code, Section 5024.1(g)
- Listing in or eligibility for listing in the NRHP (California Public Resources Code, Section 5024.1[d][1])

To be eligible for listing in the CRHR, a building must satisfy at least one of the following four criteria:

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

Native American Historic Cultural Sites (California Public Resources Code, Section 5097 et seq.)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project;

and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy a Native American historical or cultural site that is listed or may be eligible for listing in the CRHR.

4.11.2.3 Local

City of San Juan Capistrano General Plan

The City of San Juan Capistrano General Plan was adopted in 1999, a General Plan Amendment was approved in 2002, and the Housing Element and Safety Element were adopted in 2022. The Cultural Resources Element addresses the historical, archaeological, and paleontological resources in the City. TCRs are not addressed in the General Plan. However, the Cultural Resources Element identifies resources that should be protected and preserved and sets forth a Cultural Resources Plan to ensure the protection and preservation of these resources. The following policies are applicable to the Project.

Cultural Resources Element

The City's General Plan Cultural Resources Element (1999) addresses the protection and sustainability of the City's historical, archaeological, and paleontological resources. Goals and policies presented in the Cultural Resources Element are intended to encourage the conservation, and protection of cultural resources. The following goal related to cultural resources is presented in the Cultural Resources Element and is applicable to the Project:

- **Goal CR-1:** Preserve and protect historical, archaeological, and paleontological resources.
  - **Policy CR-1.2.** Balance the benefits of development with the project's potential impacts to existing cultural resources.
  - **Policy C-1.2.** Identify, designate, and protect buildings and sites of historic importance.

City of San Juan Capistrano Historical and Cultural Landmarks Ordinance

The City has adopted the Historical and Cultural Landmarks Ordinance, which prohibits the damage of any resource listed in the City's Inventory of Historical and Cultural Landmarks without first obtaining approval from the City. Applications to remove such a resource are reported to the Cultural Heritage Commission, which must then make a decision within 30 days. Decisions made by the Cultural Heritage Commission can subsequently be appealed to the City Council.

City of San Juan Capistrano Historic Preservation Ordinance

The City has adopted the Historic Preservation Ordinance that establishes permitting and conditional uses of properties located in a designated historic district. This ordinance also prohibits the damaging of any designated historical resource in any way.

City of San Juan Capistrano Historical, Archaeological, and Paleontological Resource Management Guidelines

In 1997, the City revised City Council Policy 601 and renamed this policy, "Historical, Archaeological, and Paleontological Resource Management Guidelines." These guidelines aim to ensure that cultural resource evaluations for projects in the City are conducted by qualified individuals. The policy also establishes procedures for reviewing these reports and mitigation measures to address potential impacts to previously unknown cultural resources during construction activities. In the event cultural resources are discovered, these guidelines require that the locations of all significant historical resources in the City be recorded.

City of San Juan Capistrano Municipal Code

The City Municipal Code provides regulations and standards that help implement the goals and policies of the General Plan. The following sections of the Municipal Code contain relevant regulations related to TCRs.

- **Section 2-2.303, the City's Cultural Heritage Commission (CHC).** The Cultural Heritage Commission advises the City Council and Planning Commission on matters related to the identification, preservation, protection, and enhancement of San Juan Capistrano's historic, cultural, archaeological, and architectural resources. The Commission reviews proposed projects that may affect cultural heritage resources and provides recommendations regarding their preservation and treatment.
- **Section 9-2.327, Historical and Cultural Landmarks Site Plan Review.** This section establishes review procedures and development standards for projects affecting designated historic and cultural landmarks. The provisions are intended to ensure that alterations, rehabilitation, adaptive reuse, new construction, and site improvements are compatible with the historic character and significance of protected resources and their surrounding context.
- **Municipal Code Section 9-3.407, Cultural Resources/Historic Preservation District.** This section establishes regulations for development in the Cultural Resources/Historic Preservation District to protect and preserve the City's historic, archaeological, and cultural resources. The regulations are intended to ensure that new development, rehabilitation, and site improvements are compatible with the historic character, architectural integrity, and cultural significance of the district. This ordinance outlines permitted base and conditional uses at CR/HP Districts. Section 9-3.407(d) stipulates the general requirements for discretionary projects in CR/HP Districts. Pursuant to Section 9-3.407(e) any person desiring to construct site improvements on property identified on the Sensitive Area Map shall comply with City Council Policy 601.

4.11.3 Existing Conditions

4.11.3.1 Prehistory

The Project Site is located in southern Orange County, an area that has been occupied by Native American peoples for thousands of years. Archaeological evidence indicates that prehistoric occupation of the region dates back at least 10,000 years and is generally characterized by a sequence of cultural periods, including the Paleoindian, Archaic, and Late Prehistoric periods. The region was inhabited by ancestors of the Acjachemen people, who established villages and used the area's abundant natural resources, including coastal and inland habitats, streams, wetlands, and upland areas. Archaeological resources associated with prehistoric occupation in the region commonly include lithic tools, shell and stone artifacts, faunal remains, hearth features, and midden deposits.

4.11.3.2 Ethnohistory

About 1,300 years ago the Acjachemen (Juaneño), who were hunters and gatherers of the San Luis Rey Cultural Pattern, moved into southern Orange County. The Acjachemen speak a language that is part of the Takic language family. Their traditional Tribal territory was situated partly in northern San Diego County and partly in southern Orange County. The boundaries were Las Pulgas Creek (south), Aliso Creek (north), the Pacific Ocean (west) and the Santa Ana Mountains (east). Villages were mostly along San Juan Creek, Trabuco Creek and San Mateo Creek.

In prehistory, the Acjachemen had a patrilineal society and lived in groups with other relatives. These groups had established claims to places including the sites of their villages and resource areas. Marriages were usually arranged from outside villages establishing a social network of related peoples in the region. There was a well-developed political system including a hereditary chief. Religion was an important aspect of their society. Religious ceremonies included rites of passage at puberty and mourning rituals. Houses were typically conical in shape and thatched with locally available plant materials. Work areas were often shaded by rectangular brush-covered roofs (ramada). Each village had a ceremonial structure in the center enclosed by a circular fence where all religious activities were performed.

Women are known to have been the primary gatherers of plant foods but also gathered shellfish and trapped small game animals. Men hunted large game, most small game, fished, and assisted with plant food gathering, especially of acorns. Adults were actively involved in making tools including nets, arrows, bows, traps, food preparation items, pottery and ornaments. Tribal elders had important political and religious responsibilities and were involved in education of younger members.

4.11.3.3 History

The Project Site is located in the historic downtown core of San Juan Capistrano, one of the oldest continuously occupied communities in California. The City's history is closely tied to the

establishment of Mission San Juan Capistrano, which became an important religious, agricultural, and cultural center during the Spanish and Mexican periods. Following secularization of the missions in the 1830s, the area developed as a ranching and agricultural community and later expanded with the arrival of the railroad and subsequent urban development. The Project Site contains the Domingo Yorba Adobe and Casa Manuel Garcia Adobe, both of which are historically significant resources that contribute to the City's historic character and cultural heritage.

4.11.3.4 Tribal Cultural Resources

Assembly Bill 52 (AB 52) defines a TCRs as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe that is either listed in, or eligible for listing in, the California Register of Historical Resources, included in a local register of historical resources, or otherwise determined by the lead agency to be significant pursuant to Public Resources Code, Section 21074.

The Project Site is located in an area of known Native American cultural sensitivity associated with the traditional territory of the Acjachemen people. Given the long history of Native American occupation in the San Juan Capistrano area and the presence of known cultural resources within the vicinity, there is potential for previously unidentified TCRs to be present below the ground surface. In addition, the Project Site is located in the historical and cultural landscape of San Juan Capistrano, an area that continues to hold cultural significance for the Acjachemen community. Tribal consultation conducted pursuant to AB 52 and cultural resources investigations prepared for the Project provide the basis for evaluating the potential presence of TCRs and the Project's potential impacts on such resources.

4.11.4 Method of Analysis

As part of the mandatory AB 52 consultation process required by state law, the City of San Juan Capistrano sent notification of the Project to the Native American Tribes with possible traditional or cultural affiliation to the area that previously requested consultation on March 19, 2026. The City of San Juan Capistrano sent notification letters of the Project to the Torres Martinez Desert Cahuilla Indians, Juaneño Band of Mission Indians Acjachemen Nation – Belardes, and Soboba Band of Luiseño Indians. On April 14, 2026, the City received a consultation request from Juaneño Band of Mission Indians, Acjachemen Nation – Belardes. An AB 52 consultation meeting was held on June 24, 2026, with the Juaneño Band of Mission Indians, Acjachemen Nation – Belardes. A summary of the AB 52 consultation process is provided under Threshold a.

4.11.5 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the Project would have a significant impact on TCRs if it would:

- **Threshold TCR-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:
  - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  - 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.

4.11.6 Plans, Programs, and Policies

Compliance measures are uniformly applied regulations or requirements imposed by the approving agency based on the type of action proposed. Because these measures are standard requirements, they are not considered mitigation measures. No existing plans, programs, and policies apply to development allowed under the Project for TCRs.

4.11.7 Environmental Impacts

The following sections address various potential impacts relating to TCRs that could result from implementation of the Project.

4.11.7.1 Threshold TCR-a: Tribal Cultural Resources

Impact Analysis

Assembly Bill 52 (AB 52) defines a TCR as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe that is listed in, or eligible for listing in, the CRHR or a local register of historical resources, or that is otherwise determined by the lead agency to be significant pursuant to Public Resources Code, Section 21074.

The Project Site is located in the traditional territory of the Acjachemen people and in the historic core of San Juan Capistrano, an area with a long history of Native American occupation and cultural activity.

Under AB 52, a Tribe must submit a written request to the City if it wishes to be notified of future projects in its traditionally and culturally affiliated area. The City is then obligated to initiate consultation if the Tribe responds in writing within 30 days of receiving a notification of a project

(Public Resources Code, Section 21080.3.1, subdivision [b]). The City sent invitation letters to representatives of the Native American contacts provided by the NAHC on March 19, 2026, formally inviting Tribes to consult with the City on the Project. The letters identified the Project location, provided a Project description, and requested input. The intent of the consultations was to provide an opportunity for interested Native American contacts to work together with the City during the Project planning process to identify and protect TCRs. Letters were sent to the following Tribes and individuals: Torres Martinez Desert Cahuilla Indians, Juaneño Band of Mission Indians Acjachemen Nation – Belardes, and Soboba Band of Luiseño Indians. On April 14, 2026, the City received a consultation request from Juaneño Band of Mission Indians, Acjachemen Nation – Belardes. An AB 52 consultation meeting was held on June 24, 2026, with the Juaneño Band of Mission Indians, Acjachemen Nation – Belardes. The consultation process provided an opportunity for interested Tribes to identify concerns regarding TCRs that may be affected by implementation of the Project.

On April 14, 2026, the Juaneño Band of Mission Indians Acjachemen Nation – Belardes responded to the City's consultation request and requested formal consultation. An AB 52 consultation meeting was held on June 24, 2026 with the Juaneño Band of Mission Indians, Acjachemen Nation – Belardes. The Tribe indicated that the Project Site is located within a culturally sensitive area. The Tribe further expressed concern regarding the potential for buried tribal cultural resources to be encountered during ground-disturbing activities and recommended implementation of tribal monitoring, preparation of an inadvertent discovery plan, and establishment of a designated reburial location for the respectful treatment of any Native American human remains that may be encountered during.

Implementation of the Project would involve demolition, grading, trenching, utility installation, foundation construction, landscaping, and other ground-disturbing activities. Although no TCRs have been identified on the Project Site, the cultural sensitivity of the surrounding area and the concerns raised during consultation indicate that previously unidentified TCRs may be present beneath the ground surface. Consequently, construction activities could inadvertently damage, disturb, or destroy previously undiscovered TCRs if such resources are encountered during excavation.

Therefore, absent mitigation, implementation of the Project could result in a substantial adverse change in the significance of a TCRs. This impact would be potentially significant.

Implementation of Mitigation Measures TCR-1 through TCR-3 would require retention of a qualified Native American Monitor during all ground-disturbing activities, procedures for the identification and treatment of inadvertently discovered TCRs, and compliance with state requirements pertaining to the discovery of Native American human remains and associated funerary objects. These measures would ensure that TCRs, if encountered during construction, are

identified, evaluated, and treated in consultation with the culturally affiliated Tribe. With implementation of Mitigation Measures TCR-1 through TCR-3, impacts to TCRs would be reduced to a less than significant level.

Level of Significance Before Mitigation: Potentially significant without mitigation.

Mitigation Measures: MM TCR-1, MM TCR-2, and MM TCR-3.

4.11.8 Cumulative Impacts

The following sections address various potential cumulative impacts relating to TCRs that could result from implementation of the Project. This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development projects within the vicinity of the Project Site that are in the Orange County and the traditional use by the Torres Martinez Desert Cahuilla Indians, Juaneño Band of Mission Indians Acjachemen Nation – Belardes, and Soboba Band of Luiseño Indians.

4.11.8.1 Cumulative Threshold TCR-a: Tribal Cultural Resources

As noted earlier in this section, the City of San Juan Capistrano conducted Native American consultation with potentially culturally affiliated Tribes, as required by AB 52. Although other development projects in the traditional use area for the above listed culturally affiliated Tribes may impact significant TCRs, impacts are generally site-specific resulting from ground-disturbing activities. There are no cumulative projects adjacent to the Project Site that would lead to a cumulative effect. Other projects will also be required to comply with SB 18 and/or AB 52. There is no potential for the Project to contribute toward a significant cumulative impact associated with the significance of a TCRs or a collection of resources pursuant to California Code of Regulations, Section 15064.5. Therefore, the Project would not result in a cumulative significant impact related to TCRs.

4.11.9 Level of Significance Before Mitigation

Environmental impacts related to Threshold TCR-a would be potentially significant before mitigation.

4.11.10 Mitigation Measures

TCR-1: Retention of a Native American Monitor Prior to Commencement of Ground-Disturbing Activities (Same as CUL-1).

a) The Project applicant shall retain a Native American Monitor from or approved by the Juaneño Band of Mission Indians, Acjachemen Nation – Belardes. The monitor shall be retained prior to the commencement of any ground-disturbing activity for the subject Project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition or

required in connection with the Project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

b) A copy of the executed monitoring agreement shall be submitted to the (City) prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to begin ground-disturbing activity.

c) The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered Tribal Cultural Resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant upon written request to the Tribe.

d) On-site Tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Tribe or Tribal monitoring agency from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve the Project are complete; or (2) a determination and written notification by the Tribe or Tribal monitoring agency to the Director of Community Development, or designee that no future, planned construction activity or development/construction phase at the Project Site possesses the potential to impact TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any Tribal Cultural Resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Native American Monitor. The Tribe or Tribal monitoring agency will recover and retain all discovered TCRs in the form or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural or historical purposes.

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.

e) Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal

completeness. Funerary objects, called associated grave goods in Public Resources Code, Section 5097.98, are also to be treated according to this statute.

f) If Native American human remains and/or grave goods are discovered or recognized on the Project Site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.
g) Human remains and grave/burial goods shall be treated alike per California Public Resources Code, Section 5097.98(d)(1) and (2).
h) Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
i) Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

4.11.11 Level of Significance After Mitigation

Less than significant.