

IV. Environmental Impact Analysis

N. Tribal Cultural Resources

1. Introduction

This section describes the existing tribal cultural resources (TCRs) setting of the Project Site and vicinity, identifies associated regulatory requirements, and evaluates the potential impacts related to implementation of the proposed Project. This analysis is based, in part, on a review of existing cultural resources; technical data; and applicable laws, regulations, and guidelines, tribal consultation efforts documentation, as well as the Cultural Resources Report for the Kaiser Permanente Los Angeles Medical Center Project, prepared by Dudek in October 2018 (Appendix D).

Under the California Environmental Quality Act (CEQA), “tribal cultural resources” are defined as (A) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either (1) included or determined to be eligible for inclusion in the California Register of Historical Resources (CRHR) or (2) included in a local register of historical resources; or (B) resources determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in California Public Resources Code (PRC) Section 5024.1.¹ A cultural landscape that meets these criteria is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.² Historical resources, unique archaeological resources, or non-unique archaeological resources may also be TCRs if they meet these criteria.

¹ California Public Resources Code (PRC), Section 21074 (2).

² California PRC, Section 21074 (b).

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:

- CEQA
- California Assembly Bill 52

(1) State

(a) CEQA

As described further, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of TCRs:

- California PRC Section 21074(a) defines “tribal cultural resources.” (This definition is summarized in the above Introduction.)
- California PRC Section 5097.98 and CEQA Guidelines Section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.

(b) California State Assembly Bill 52

On September 25, 2014, Governor Jerry Brown signed into law Assembly Bill (AB) 52, which amended California PRC Section 5097.94 and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that TCRs must be considered under CEQA and provided additional Native American consultation requirements that the lead agency must follow.

AB 52 applies to any project for which a Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) is prepared.³ It is further limited to projects for which a Notice of Preparation of an EIR or a notice of an ND or MND was filed on or after July 1, 2015.

AB 52 formalizes the tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups, including tribes that may not be federally recognized, early in the environmental review process.

³ California PRC Section 21080.3.1(b).

The bill amended CEQA to mandate early tribal consultation prior to and during CEQA review. There are two central requirements:

- The lead agency cannot release an environmental document (EIR, MND, or ND) until consultation, if requested, has been initiated.⁴
- The lead agency cannot certify an environmental document (EIR, MND, or ND) until consultation, if initiated, has concluded.⁵

Tribal consultation begins by the lead agency contacting tribes that have requested notification of projects within 14 days of an application being deemed complete or the lead agency's decision to undertake a project under their jurisdiction.⁶ It is the responsibility of the tribes who are interested in consultation to respond in writing within 30 days from receipt of the lead agency's formal notification. Additionally, the lead agency must begin consultation within 30 days of receiving a tribe's request for consultation.⁷

If consultation is requested, potential discussion topics include the type of prescribed environmental review, the potential significance of TCRs, the potential significance of a project's impacts on TCRs, project design alternatives or appropriate preservation measures, and necessary mitigation measures.⁸ Consultation is considered complete when either (1) the parties agree on measures to mitigate or avoid a significant effect (if a significant effect exists) on a TCR or (2) the lead agency, acting in good faith and after reasonable effort, determines that mutual agreement cannot be reached.⁹

California PRC Section 21082.3(c)(1) outlines how confidentiality is addressed with respect to the consultation process and how it is memorialized in environmental documentation. It states that any information, including, but not limited to, the location, description, and use of TCRs, submitted by a California Native American tribe during the environmental review process shall not be included in an 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. Such information may only be published in a confidential appendix attached to the environmental document. These confidentiality requirements do not apply if the tribe providing the information consents, in writing, to the disclosure of some or all of the information to the public. Additionally, confidentiality does not apply to data/information that (1) is or becomes publicly available; (2) is already in lawful possession of the project applicant before the California Native American tribe provided the same; (3) is independently acquired by the project applicant

⁴ California PRC Section 21080.3.1(b.)

⁵ California PRC Section 21082.3(d).

⁶ California PRC Section 21080.3.1(d).

⁷ California PRC Sections 21080.3.1(d)-(e).

⁸ California PRC Section 21080.3.2(a).

⁹ California PRC Section 21080.3.2(b).

or the project applicant's agents; or (4) is 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.¹⁰

b) Existing Conditions

The 15.34-acre Kaiser Permanente Los Angeles Medical Center Campus (Medical Center) is located along Sunset Boulevard between North Alexandria Avenue and North Vermont Avenue in the Hollywood Community Plan area of the City of Los Angeles, California, 90027. The Project involves redevelopment of a portion of the Medical Center campus (Project Site) as shown on **Figure II-4**, Proposed Site Plan, in Chapter II of this Draft EIR. The Project Site is generally located northeast of the Hollywood Freeway (US-101) and southwest of Interstate 5. The Medical Center provides medical and health care services to local and regional customers. It includes an emergency trauma center, inpatient care, outpatient treatment, and other medical facilities. The existing Medical Center consists of a 460-bed hospital, approximately 635,200 square feet of medical office space, and parking garages.

(1) Ethnographic Background

Based on evidence presented through past archaeological investigations, the Gabrielino appear to have arrived in the Los Angeles Basin around 500 BC. Surrounding native groups included the Chumash and Tataviam to the northwest, the Serrano and Cahuilla to the northeast, and the Juaneño and Luiseño to the southeast.

The names by which Native Americans identified themselves have, for the most part, been lost and replaced by those derived by the Spanish people administering the local missions. These names were not necessarily representative of a specific ethnic or tribal group, and traditional tribal names are unknown in the post-Contact period. The name "Gabrielino" was first established by the Spanish from the San Gabriel Mission and included people from the established Gabrielino area as well as other social groups.¹¹ Many modern Native Americans commonly referred to as Gabrielino identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and refer to themselves as the Tongva.¹² This term is used here in reference to the pre-Contact inhabitants of the Los Angeles Basin and their descendants.

The Tongva established large, permanent villages along rivers and streams, and lived in sheltered areas along the coast. Tongva lands included the greater Los Angeles Basin

¹⁰ California PRC Section 21082.3(c)(2)(B).

¹¹ L.J. Bean and C.R. Smith, "Gabrielino," in California, 1978, pp. 538–549; A.J. Kroeber, Handbook of the Indians of California, 1925.

¹² C.D. King, Native American Placenames in the Santa Monica Mountains National Recreation Area, Agoura Hills, 1994.

and three Channel Islands, San Clemente, San Nicolas, and Santa Catalina and stretched from the foothills of the San Gabriel Mountains to the Pacific Ocean. Tribal population has been estimated to be at least 5,000 people,¹³ but recent ethnohistoric work suggests a much larger population, approaching 10,000.¹⁴ Archaeological sites composed of villages with various sized structures have been identified through the Los Angeles Basin. Within the permanent village sites, the Tongva constructed large, circular, domed houses made of willow poles thatched with tule, each of which could hold upwards of 50 people.¹⁵ Other structures constructed throughout the villages probably served as sweathouses, menstrual huts, ceremonial enclosures, and communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Tongva villages.¹⁶

The largest, and best documented, ethnographic Tongva village in the vicinity was that of Yanga (also known as Yaangna, Janga, and Yabit), which was in the vicinity of downtown Los Angeles.¹⁷ This village was reportedly first encountered by the Portola expedition in 1769. In 1771, Mission San Gabriel was established. Yanga provided a large number of the recruitments to this mission; however, following the founding of the Pueblo of Los Angeles in 1781, opportunities for local paid work became increasingly common, which had the result of reducing the number of Native American neophytes from the immediately surrounding area.¹⁸ Mission records indicate that 179 Gabrieleno inhabitants of Yanga were recruited to San Gabriel Mission.¹⁹ Based on this information, Yanga may have been the most populated village in the Western Gabrieleno territory. Second in size, and less thoroughly documented, the village of Cahuenga was located slightly closer, just north of the Cahuenga Pass.

Father Juan Crespi passed through the area near this village on August 2-3, 1769. The pertinent sections from his translated diary are provided here:

Sage for refreshment is very plentiful at all three rivers and very good here at the Porciúncula [the Los Angeles River]. At once on our reaching here, eight heathens came over from a good sized village encamped at this pleasing spot among some trees. They came bringing two or three large bowls or baskets half-full of very good sage with other sorts of grass seeds

¹³ Bean and Smith, 1978.

¹⁴ S. O'Neil, *The Acjachemen in the Franciscan Mission System: Demographic Collapse and Social Change*, 2002.

¹⁵ Bean and Smith, 1978.

¹⁶ W. McCawley, *The First Angelinos: The Gabrieleno Indians of Los Angeles*, 1996.

¹⁷ McCawley 1996: 56–57; NEA (Northwest Economic Associates) and C. King, *Ethnographic Overview of the Angeles National Forest: Tataviam and San Gabriel Mountain Serrano Ethnohistory*, 2004.

¹⁸ NEA and King, 2004.

¹⁹ C.D. King, *Native American Indian Cultural Sites in the Santa Monica Mountains*, 2000; NEA and King 2004:104

that they consume; all brought their bows and arrows but with the strings removed from the bows. In his hands the chief bore strings of shell beads of the sort that they use, and on reaching the camp they threw the handfuls of these beads at each of us. Some of the heathens came up smoking on pipes made of baked clay, and they blew three mouthfuls of smoke into the air toward each one of us. The Captain and myself gave them tobacco, and he gave them our own kind of beads, and accepted the sage from them and gave us a share of it for refreshment; and very delicious sage it is for that purpose.

We set out at a half past six in the morning from this pleasing, lush river and valley of Our Lady of Angeles of La Porciúncula. We crossed the river here where it is carrying a good deal of water almost at ground level, and on crossing it, came into a great vineyard of grapevines and countless rose bushes having a great many open blossoms, all of it very dark friable soil. Keeping upon a westerly course over very grass-grown, entirely level soils with grand grasses, on going about half a league we came upon the village belonging to this place, where they came out to meet and see us, and men, women, and children in good numbers, on approaching they commenced howling at us though they had been wolves, just as before back at the spot called San Francisco Solano. We greeted them and they wished to give us seeds. As we had nothing at hand to carry them in, we refused.²⁰

The environment surrounding the Tongva included mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like most native Californians, acorns (the processing of which was established by the early Intermediate Period) were the staple food source. Acorns were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, and agave). Fresh water and saltwater fish, shellfish, birds, reptiles, and insects, as well as large and small mammals, were also consumed.²¹

Tools and implements used by the Tongva to gather and collect food resources included the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Trade between the mainland and the Channel Islands Groups was conducted using plank canoes as well as tule balsa canoes. These canoes were also used for general fishing and travel.²²

²⁰ A.K. Brown, *A Description of Distant Roads: Original Journals of the First Expedition into California, 1669–1770* by Juan Crespi, 339–341, 343, 2001.

²¹ Bean and Smith, 1978: 546; Kroeber, 1925; McCawley, 1996.

²² McCawley, 1996.

The collected food resources were processed food with hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Catalina Island steatite was used to make ollas and cooking vessels.²³

The Chinigchinich cult, centered on the last of a series of heroic mythological figures, was the basis of religious life at the time of Spanish contact. The Chinigchinich cult not only provided laws and institutions, but it also taught people how to dance, which was the primary religious act for this society. The Chinigchinich religion seems to have been relatively new when the Spanish arrived. It was spreading south into the Southern Tatic groups even as Christian missions were being built. This cult may be the result of a mixture of native and Christian belief systems and practices.²⁴

The in-ground full body burial of deceased Tongva was the more common method of final disposition on the Channel Islands, while neighboring mainland coast people performed cremation.²⁵ Cremation ashes have been found buried within stone bowls and in shell dishes,²⁶ as well as scattered among broken ground stone implements.²⁷ Supporting this finding in the archaeological record, ethnographic descriptions have provided an elaborate mourning ceremony. Offerings varied with the sex and status of the deceased.²⁸ At the behest of the Spanish missionaries, cremation essentially ceased during the post-Contact period.²⁹

Crespi later returned north of the Project Site, moving southeast through the Cahuenga Pass on January 16, 1770. He identifies the two villages located on the 1938 Kirkman-Harriman historical Los Angeles map. Here he noted:

The mountains make an opening on the southwest of the plain, and in a depression at the foot of it we saw a stream, or ponded up water, at which there were two villages belonging to the very good heathens of this place, who came unarmed as soon as they saw us in order to greet us, and were very happy to see us again. They brought us some gruel, and the chief of one village guided us through the aforesaid opening in the southwestern range; and we came into a small hollow, in which upon two sides we came across a good deal of water, with a good deal of small watering places of

²³ T. Blackburn, *Ethnohistoric Descriptions of Gabrielino Material Culture*, 1963; Kroeber, 1925; McCawley, 1996.

²⁴ McCawley, 1996.

²⁵ J.P. Harrington, *Culture Element Distributions: XIX, Central California Coast*, 1942; McCawley, 1996.

²⁶ G.E. Ashby and J.W. Winterbourne, *A Study of Primitive Man in Orange County and Some of its Coastal Areas*, 3–52, 1966.

²⁷ J.H. Cleland, A.L. York, and L.M. Willey, *Piecing Together the Prehistory of Landing Hill: A Place Remembered*, 2007.

²⁸ B.E. Johnston, *California's Gabrielino Indians*, 1962; McCawley 1996; H. Reid, *The Indians of Los Angeles County*, 1926.

²⁹ McCawley, 1996.

the small hollow of Los Santos Martires San Cleto y San Marcelino, the Holy Martyrs Saint Cletus and Saint Marcellinus.³⁰

Appendix D-1 documents the results of a California Historical Resources Information System (CHRIS) records search conducted at the South Central Coastal Information Center (SCCIC). Appendix D-2 documents tribal consultation efforts pursuant to California AB 52 and includes results of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search, tribal coordination efforts, and tribal consultation completed by the lead agency, the Los Angeles Department of City Planning (City).

(2) CHRIS Records Search

The following describes archaeological resources identified during the CHRIS record search. Dudek requested a CHRIS records search from the SCCIC, which houses cultural resources records for Los Angeles County. Dudek received the record search results on August 2, 2018, the full details of which are summarized in Section IV.D, Cultural Resources, of this Draft EIR. No archaeological resources were identified on the Project Site or within the 0.25-mile records search radius.

(a) *Native American Coordination*

(i) *SLF Search and Tribal Outreach*

Dudek contacted the NAHC on August 2, 2018, to request a search of its SLF for the proposed Project Site and surrounding area. The NAHC responded via email on August 6, 2018, indicating that the search did not identify any Native American sacred sites on or near the Project Site. The NAHC also provided a list of 16 Native American groups and individuals who may have knowledge of Native American resources on the Project Site. On August 30, 2018, Dudek mailed letters to all 16 groups and individuals listed on the NAHC consultation list. One additional individual, Linda Candelaria, did not have a current address on file with the NAHC and was, therefore, not notified (**Table IV.N-1**). This outreach was conducted for informational purposes only and did not constitute formal tribal consultation as specified by AB 52, which process was followed by the lead agency as detailed in the following section.

³⁰ Brown, 2001: 663.

TABLE IV.N-1
NATIVE AMERICAN HERITAGE COMMISSION-LISTED NATIVE AMERICAN CONTACTS

| Native American Tribal Representatives | Method of Notification/Date | Response Received |
|---|--|-------------------|
| Charles Alvarez, Council Member Gabrielino Tongva Tribe | Certified Mail; August 30, 2018 | None to date |
| Eleanor Arrellanes Barbareno/Ventureno Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Raudel Jo Banuelos, Jr. Barbareno/Ventureno Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Lee Clauss, Director of Cultural Resources San Manuel Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Delia Dominguez, Chairperson Kitanemuk & Yowlumne Tejon Indians | Certified Mail; August 30, 2018 | None to date |
| Ms. Sandonne Goad, Chairperson Gabrielino-Tongva Nation | Certified Mail; August 30, 2018 | None to date |
| Kenneth Kahn, Chairperson Santa Ynez Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Anthony Morales, Chairperson Gabrielino/Tongva San Gabriel Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Joseph Ontiveros, Cultural Resource Department Soboba Band of Luiseno Indians | Certified Mail; August 30, 2018 | None to date |
| Rudy Ortega, Jr., President Fernandeno Tataviam Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Andrew Salas, Chairperson Gabrielino Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Julie Lynn Tumamait-Stenslie, Chair Barbareno/Ventureno Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Patrick Tumamait Barbareno/Ventureno Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Lynn Valbuena, Chairwoman San Manuel Band of Mission Indians | Certified Mail; August 30, 2018 | None to date |
| Linda Candelaria, Chairperson Gabrielino-Tongva Tribe | No Current Address on File with NAHC | N/A |
| Robert Robinson, Chairperson Kern Valley Indian Council | Certified Mail; August 30, 2018 | None to date |

(ii) *AB 52 Consultation*

On August 17, 2017, and in compliance with the requirements of AB 52, the City sent notification, via certified USPS mail, of the proposed Project to all California Native American tribal representatives that have requested project notifications from the City pursuant to AB 52 and that are on file with the NAHC. These notification letters included a Project map and description and asked if the Tribe would like to consult regarding the potential for proposed Project ground disturbances to impact TCRs. AB 52 allows tribes 30 days after receiving notification to request consultation. If a response is not received within the allotted 30 days, it is assumed that consultation is declined. To date, no California Native American tribes have requested consultation with the City. Having received no further information, the City issued a letter closing consultation coinciding with publication of the Draft EIR. Therefore, government-to-government consultation initiated by the City has not resulted in the identification of a TCR within or near the Project Site. **Table IV.N-2** summarizes the results of the AB 52 process for the proposed Project.

TABLE IV.N-2
ASSEMBLY BILL 52 NATIVE AMERICAN TRIBAL OUTREACH RESULTS

| Native American Tribal Representatives | Method of Notification/Date of Delivery | Response to City Notification Letters |
|--|---|---------------------------------------|
| Kimia Fatehi, Director Public Relations Fernandeno Tataviam Band of Mission Indians | Certified Mail; August 17, 2017 | None to date |
| John Valenzuela, Chairperson San Fernandeno Band of Mission Indians | Certified Mail; August 17, 2017 | None to date |
| Andrew Salas, Chairperson Gabrieleno Band of Mission Indians – Kihz Nation | Certified Mail; August 17, 2017 | None to date |
| Joseph Ontiveros, Cultural Resources Director Soboba Band of Luiseno Indians | Certified Mail; August 17, 2017 | None to date |
| Michael Mirelez, Cultural Resources Coordinator Torres Martinez Desert Cahuilla Indians | Certified Mail; August 17, 2017 | None to date |
| Sadonne Goad, Chairperson Gabrielino/Tonva Nation | Certified Mail; August 17, 2017 | None to date |
| Anthony Morales, Chairperson Gabrieleno/Tongva San Gabriel Band of Mission Indians | Certified Mail; August 17, 2017 | None to date |
| Robert F. Dorame, Tribal Chair Gabrielino Tongva Indians of California | Certified Mail; August 17, 2017 | None to date |
| Charles Alvarez, Co-Chairperson Gabrielino-Tongva Tribe | Certified Mail; August 17, 2017 | None to date |
| Sam Dunlap, Cultural Resources Director Gabrielino/Tongva Nation | Certified Mail; August 17, 2017; Mail Returned to City Unopened October 4, 2017 | None to date |

3. Project Impacts

a) Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the proposed Project would have a significant impact related to TCRs if the proposed Project 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 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***
- 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 2006 L.A. CEQA Thresholds Guide does not specifically address TCRs. This analysis relies on the State CEQA Appendix G Thresholds to assess impacts related to TCRs.

b) Methodology

Dudek requested (1) a CHRIS records search from the SCCIC, which houses cultural resources records for Los Angeles County, and (2) an SLF records search for the Project Site from the NAHC, to determine whether any Native American TCRs previously recorded in the SCCIC or NAHC databases were located on the Project Site or within a 0.5-mile radius. CHRIS and SLF records searches are tools that a lead agency can use to determine whether TRCs may existing within the vicinity of the Project. Dudek also consulted additional sources to determine whether Native American TCRs were located on or near the Project Site, including historical maps of the Project area; the National Register of Historic Places; the CRHR; the California Historic Property Data File; and the lists of California State Historical Landmarks, California Points of Historical Interest, and

the Archaeological Determinations of Eligibility. Pursuant to AB 52, California Native American Tribes were notified and provided an opportunity to request consultation in order to address potential impacts associated with Native American resources.

c) Project Design Features

No specific project design features are proposed with regards to TCRs.

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 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)?***
- 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.)***

(1) Impact Analysis

Based on the CHRIS and NAHC SLF records searches, including background research as summarized above, no previously recorded archaeological resources of Native American origin or TCRs listed in the CRHR or a local register or in any other of the records reviewed were identified within the Project Site. Further, no TCRs have been identified by California Native American tribes as part of the City's AB 52 notification process and no California Native American tribes requested consultation with the City.

Although impacts to identified TCRs are considered less than significant as a result of Tribal consultation efforts, it is important to understand that the potential to impact certain archaeological resources can also apply to TCRs. A careful review of all available building development for each property within the Project Site has revealed which Project areas may still retain soil matrixes capable of supporting unknown, intact archaeological deposits (see Section IV.D, Cultural Resources for full analysis) As such, implementation

of Mitigation Measure **MM-CUL-1** has been established to address the potential for inadvertent discovery of archaeological resources and by association is sufficient to respond to any TCRs inadvertently discovered during ground-disturbing activities.

Based on the results of the CHRIS record search and SLF search, no previously recorded archaeological resources of Native American origin or Native American sacred sites were identified within the Project Site. Additionally, the AB 52 government-to-government process initiated by the City has not resulted in the identification of a geographically defined TCR within or near the Project Site. As such, the City determined no TCRs, pursuant to the criteria set forth in PRC Section 5024.1, are within the Project Site. **Therefore, the Project would not cause a substantial adverse change in the significance of a TCR, as defined in Public Resources Code Section 21074, and impacts would be less than significant.**

Nonetheless, the City has established as a standard condition of approval to address inadvertent discovery of TCRs. Should TCRs be inadvertently discovered during the construction phase of the proposed Project, this condition of approval provides for temporary halting of 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, pursuant to California PRC Section 21074 (a)(2), that the object or artifact appears to be a TCR, the City shall provide any affected tribe a reasonable period of time, but not less than 14 days, to conduct a site visit and make recommendations to Kaiser Permanente and the City regarding the monitoring of future ground-disturbing activities, as well as the treatment and disposition of any discovered TCRs. Kaiser Permanente would then implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by Kaiser Permanente, reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendation would then be incorporated into a TCR monitoring plan to the City that includes all recommendations from the City and any affected tribes and that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. Kaiser Permanente shall not be allowed to recommence ground-disturbing activities until this plan is approved by the City. In accordance with the condition of approval, all activities would be conducted in accordance with regulatory requirements. As a result, potential impacts to TCRs would continue to be less than significant.

(2) Mitigation Measures

Impacts to TCRs would be less than significant. Therefore, no Mitigation Measures are required.

(3) Level of Significance after Mitigation

Impacts related to TCRs were determined to be less than significant without mitigation. Therefore, no Mitigation Measures were required or included, and the impact level remains less than significant.

e) Cumulative Impacts

(1) Impact Analysis

The cumulative impacts analysis of TCRs considers whether impacts of the proposed Project together with the 85 related projects identified within the vicinity of the Project Site, when taken as a whole, substantially diminish the number of TCRs within the same or similar context. Cumulative projects are listed in Chapter II, Environmental Setting, of this Draft EIR. As addressed above, the Project would have a less-than-significant impact on TCRs. There are no known TCRs on the Project Site, and the Project Site is not part of an existing or known grouping of TCRs that would add to any potential cumulative impact that might be caused by other projects. It is anticipated that unidentified or unknown TCRs that are potentially affected by related projects would be subject to the same requirements of CEQA as the proposed Project, and any impacts would comply with applicable regulatory requirements, as well as the City's standard condition of approval regarding inadvertent discovery of TRCs. **Therefore, the proposed Project's contribution to cumulative impacts would not be cumulatively considerable, and cumulative impacts on TCRs would be less than significant.**

(2) Mitigation Measures

Cumulative impacts regarding TCRs would be less than significant. Therefore, no mitigation is required.

(3) Level of Significance after Mitigation

Cumulative impacts were determined to be less than significant. Therefore, no mitigation is required or included, and the impact level remains less than significant.