

IV. Environmental Impact Analysis

L. 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 the records search conducted for the Project at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) housed at California State University at Fullerton, the record search conducted with the Native American Heritage Commission of the Sacred Lands File (SLF), and consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project, as required by the California Environmental Quality Act (CEQA) as amended by Assembly Bill (AB) 52. The Native American consultation documentation, along with a detailed discussion of the studies and findings related to tribal cultural resources, is provided in the *Tribal Cultural Resources Report*, prepared by ESA, dated April 2023, 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:

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

(1) State

(a) *Assembly Bill 52*

Assembly Bill (AB) 52 was approved on September 25, 2014. The act 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 CEQA 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 Section 21074(a)(1) and (2) defines 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 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 210174(b) as a cultural landscape that meets the criteria of subdivision (a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. PRC Section 210174(c) provides that a historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (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.¹ 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.²

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; and mitigation measures. 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.³

In addition to other CEQA provisions, the lead agency may certify an environmental impact report 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.⁴

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

¹ PRC Sections 21080.3.1(b) and (c).

² PRC Sections 21080.3.1(d) and 21080.3.1(e)

³ PRC Section 21080.3.2(b)

⁴ PRC Sections 21082.3(d)(2) and (3)

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 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.⁵

(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, in part, that:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized

⁵ PRC Section 21082.3(c)(2)(B).

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.

(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 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) breaks, 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) disturbs or alters any archaeological evidence of prior occupation in any cave. (3) kills, harms, or removes any animal or plant life found in any cave. (4) burns any material which produces any smoke or gas which is harmful to any plant or animal found in any cave. (5) removes any material found in any cave. (6) breaks, 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.”

b) Existing Conditions

(1) Project Site Conditions

The Project Site is located west of the intersection of Universal Hollywood Drive and Hotel Drive and is located in the Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan Area of the City. The Project Site is situated on a promontory (a point of high land) that descends moderately to the west, south, and east at a grade of approximately 50 percent (2:1 horizontal-to-vertical gradient). The Project Site is developed with the Existing Hotel Building and associated improvements. The Existing Hotel Building, which was designed by master architect William L. Pereira, was constructed in 1984. The primary on-site improvements (described from north to south) consist of (a) a motorcourt and porte cochere entryway to the Existing Ancillary Hotel Building and landscaping (collectively, the North Plaza); (b) the low-rise Existing Ancillary Hotel Building; (c) a motorcourt with Americans with Disabilities Act (ADA)-accessible parking spaces, landscaped median, and a porte cochere entryway to the Existing Hotel Building’s lobby area (collectively, the South Plaza); (d) the Existing Hotel Building; and (e) the Existing Outdoor Pool Area. No known tribal resources exist on the Project Site.

(2) Ethnographic Setting

The Project Site is located within the territories that have been traditionally assigned to the Gabrielino and the Fernandeano Tataviam. Each of these groups is described in detail below.

(a) *Gabrielino*

According to Bean and Smith (1978:538), the Gabrielino, with the exception of the Chumash to the north, “were the wealthiest, most populous, and most powerful ethnic nationality in aboriginal Southern California.” Prior to European colonization, the Gabrielino occupied a diverse area that included: the watersheds of the Los Angeles, San Gabriel, and Santa Ana rivers; the Los Angeles basin; and the islands of San Clemente, San Nicolas, and Santa Catalina (Kroeber, 1925). The Gabrielino language was part of the Takic branch of the Uto-Aztecan language family (Kroeber, 1925). The Gabrielino subsisted on a variety of resources in several ecological zones. Acorns, sage, and yucca were gathered throughout the inland areas whereas shellfish, fish, as well as a variety of plants and animals were exploited within the marshes and along the coast. Deer and various kinds of small mammals were hunted on an opportunistic basis. Their material culture reflected the subsistence technology. Lithic tools such as arrow points and modified flakes were used to hunt and process animals. A variety of ground stone grinding implements, such as the mortar, pestle, mano, and metate, were used to process both plant and animal remains for food (Bean and Smith, 1978).

The settlement patterns of the Gabrielino, and other nearby groups, such as the Juaneño and Luiseño, were similar and they often interacted through marriage, trade and warfare. The seasonal availability of water and floral and faunal resources dictated seasonal migration rounds with more permanent villages and base camps being occupied primarily during winter and spring months. In the summer months, the village populations divided into smaller units that occupied seasonal food procurement areas. The more permanent settlements tended to be near major waterways and food sources and various secular and sacred activities, such as food production and storage and tool manufacturing, were conducted at these areas (Bean and Smith, 1978). The closest Gabrielino village to the Project Site is the village of *Kaweenga*, which has been reported as located in Rancho Cahuenga or the present day Universal City (McCawley, 1996).

(b) *Fernandeano Tataviam*

The Project Site is also located within the territory traditionally occupied by the Fernandeano Tataviam Band of Mission Indians (FTBMI). FTBMI territory was concentrated along the upper reaches of the Santa Clara River drainage between the San Fernando Valley on the south and Pastoria Creek in the Tehachapi Mountains to the north. Their territory also included east Piru Creek and the southern slopes of Sawmill and Liebre Mountains, and also extended into the southern end of the Antelope Valley (King and Blackburn, 1978). Fernandeano Tataviam territory was bounded by the Gabrielino to the south, the Serrano to the east, the Kitanemuk to the northeast, the Emigdiano Chumash to the north, and the Ventureño Chumash to the west.

There are few historical sources regarding the Fernandeano Tataviam. The word “Tataviam” most likely came from a Kitanemuk word that may be roughly translated as “people of the south-facing slope,” due to their settlement on south-facing mountain slopes (King and Blackburn, 1978). The Chumash referred to them as “Alliklik” (Kroeber, 1925). What the Fernandeano Tataviam called themselves is not known. The Fernandeano Tataviam spoke a language that was part of the Takic branch of the Uto-Aztecan language family (King and Blackburn, 1978). The language was related to that spoken by the Gabrielino and Kitanemuk.

Fernandeano Tataviam villages varied in size from larger centers with as many as 200 people, to smaller villages with only a few families (King and Blackburn, 1978). At the time of Spanish contact, the Fernandeano Tataviam population is estimated to have been less than 1,000. Primary vegetable food sources included acorns, juniper berries, seeds, and yucca buds. Small game such as antelope and deer supplemented these foods. Trade networks between inland groups such as the Fernandeano Tataviam, the coastal regions, and desert regions enabled the trade of exotic materials such as shell, asphaltum, and steatite. The first European visit to Fernandeano Tataviam territory occurred in A.D. 1769 with the expedition of Gaspar de Portolá, and again in 1776 with the expedition of Friar Francisco Garcés.

(3) Archival Research Summary

(a) *SCCIC Record Search*

Records searches for the Project were conducted on March 14, 2018, and October 10, 2022, at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) housed at California State University at Fullerton. The search included a 0.5-mile radius for historic architectural and archaeological resources. The 0.5-mile radius is appropriate in developed urban areas in order to provide a context with which to conduct sensitivity analysis.

The records search results indicate that 37 cultural resources studies have been conducted and are presently on-file with the SCCIC and eight cultural resources have been previously recorded within a 0.5-mile radius of the Project Site. Of the eight cultural resources, one is a multicomponent resource (CA-LAN-1945H); five are historic-period archaeological sites (CA-LAN-2394H, P-19-002804, -003303, -003304, and -003305); and two are historic architectural resources (P-19-187794 and -190825). The two historic architectural resources are located close to the Project Site and include Universal City & Studios, approximately 250 feet north of the Project Site, and a potential Universal Studios Historic District situated approximately 500 feet north of the Project Site. No archaeological resources have been previously recorded within the Project Site itself. The National Register-listed (72001602) site of Campo de Cahuenga Adobe (CA-LAN-1945H) is located approximately 0.25-mile northwest of the Project Site. The Campo de Cahuenga site is composed of a historic-period archaeological site (including the adobe’s stone foundations, tile floors, and Chinese porcelain) and a prehistoric

archaeological site (comprised of Native American pottery, stone pestles, kaolin pipe bowls, and a pipe stem).

(4) Identification of Tribal Cultural Resources

(a) *Sacred Lands File Search*

The NAHC maintains a confidential Sacred Lands File (SLF) which contains sites of traditional, cultural, or religious value to the Native American community, which may also be considered historic and/or archaeological resources under CEQA. The NAHC was contacted on March 23, 2018, to request a search of the SLF. The NAHC responded to the request in a letter dated March 26, 2018, indicating that the SLF search conducted for the Project Site yielded negative results, that is, the search did not identify any tribal cultural resources associated with the Project Site. On September 15, 2022, an updated SLF request was submitted to the NAHC. On November 1, 2022, the NAHC indicated that the SLF results were positive, that is, the updated search identified the potential for the Project Site to contain tribal cultural resources. The letter did not provide details on potential resources identified within or near the Project Site, or why the SLF results were positive, but suggested contacting the FTBMI for additional information regarding the potential to encounter tribal cultural resources on the Project Site. The City conducted consultation with appropriate tribes per CEQA requirements and pursuant to AB 52. The results of the tribal consultations are provided in Appendix L of this Draft EIR and summarized below.

(b) *Assembly Bill 52 Tribal Consultation*

In compliance with the requirements of AB 52, the City's Department of City Planning provided formal notification of the Project via certified mail to Native American groups that are listed on the City's AB 52 contact list, on September 1, 2020. A summary is provided below in **Table IV.L-1, Summary of AB 52 Consultation**. The notification letters included a description of the Project, the Project location, and a notification of the type of consultation being initiated. The City received a response from the FTBMI and Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation) (Andrew Salas, Tribal Chairman). No communication or request for consultation was received from any of the other notified tribes within the response period.

In an email dated September 8, 2020, Jairo Avila, Tribal Historic and Cultural Preservation Office for the FTBMI, responded to the City's notification requesting formal AB 52 consultation. As part of the email, Mr. Avila requested Project design and excavation plans, as well as any geotechnical reports and cultural resources reports prepared for the Project. On October 2, 2020, FTBMI provided a list of known nearby cultural resources and requested a thorough literature review be conducted to capture the Native American use of the area through the mission period, Native American settlements and Spanish land grants, and mortuary sites in the area. On February 16, 2021, Mr. Avila sent an email to the City inquiring on the status of the Project, which the City responded to stating the NOP/Initial Study had just been released. On July 12, 2021, FTBMI requested a follow up

consultation meeting. A follow-up call was held on July 22, 2021, to discuss Project status, which was on hold by the Applicant at the time.

**TABLE IV.L-1
SUMMARY OF AB 52 CONSULTATION**

Contact	Tribe/Organization	Date AB 52 Notice Sent	Response Received	Consultation Results
Rudy Ortega, Tribal President	Fernandeño Tataviam Band of Mission Indians	9/01/2020	No response	-
Jairo Avila, Tribal Historic and Cultural Preservation Officer	Fernandeño Tataviam Band of Mission Indians	9/01/2020	9/8/2020 - Request for Consultation	Consultation meetings held on 9/24/2020 and 7/22/21. Consultation On-going.
Robert F. Dorame, Chairperson	Gabrielino Tongva Indians of California Tribal Council	9/01/2020	No response	-
Charles Alvarez	Gabrielino-Tongva Tribe	9/01/2020	No response	-
Andrew Salas, Chairperson	Gabrieleño Band of Mission Indians – Kizh Nation	9/01/2020	9/25/2020 - Request for Consultation	Consultation meeting held on 11/5/2020
Donna Yocum, Chairperson	San Fernando Band of Mission Indians	9/01/2020	No response	-
Anthony Morales, Chairperson	Gabrielino/Tongva San Gabriel Band of Mission Indians	9/01/2020	No response	-
Scott Cozart, Chairperson	Soboba Band of Luiseño Indians	9/01/2020	No response	-
Sandonne Goad, Chairperson	Gabrielino/Tongva Nation	9/01/2020	No response	-
Thomas Tortez, Chairperson	Torres Martinez Desert Cahuilla Indians	9/01/2020	No response	-

SOURCE: ESA, 2022.

On November 21, 2022, the City provided updated Project materials to Ms. Brunzell, Manager of the Cultural Resources Management Division for the FTBMI, which included the draft tribal cultural resources report, and the geotechnical report. In an email dated December 19, 2022, Ms. Brunzell stated that the provided materials were reviewed and concluded the Project has the potential to impact tribal cultural resources due to the Project Site's proximity to the ancestral village of Cahuenga, located within 0.25-mile of the Project Site, and to a body of water, located within 0.5-mile of the Project Site. Ms. Brunzell stated the Project Site's proximity to these two features indicated habitation of the Tribe within the area and therefore, indicated the potential to encounter tribal cultural resources. Ms. Brunzell provided proposed mitigation measures that outline procedures

to be enacted should tribal cultural resources be encountered during construction, significance assessment of the find, retention of a FTBMI monitor should the find be significant, and consultation with the FTBMI regarding the final disposition of any finds.

In a letter dated September 9, 2020, Andrew Salas, Chairman of the Gabrieleno Band of Mission Indians - Kizh Nation, responded to the City's notification requesting formal AB 52 consultation. On November 5, 2020, the City and Chairman Salas held a consultation meeting via phone to discuss the Project. Following the meeting, the City provided Project information regarding soil conditions on November 24, 2020. The City sent a follow up email to the Kizh Nation on June 15, 2023 requesting that the tribe provide their proposed mitigation measures to be included in this Draft EIR and to close consultation. The Kizh Nation responded with their requested mitigation measures in an email on June 15, 2023. An email closing consultation was submitted to the Kizh Nation on June 16, 2023.

As a result of the City's AB 52 consultation efforts, no tribal cultural resources were identified within the Project Site. However, based on the materials provided by Ms. Brunzell of the FTBMI, and Chairman Salas, of the Kizh Nation, both groups consider the Project Site sensitive either for potentially containing cultural resources, or due to the location along potential trails and routes, and the proximity of the Project Site to other tribal cultural sites and villages.

3. Project Impacts

a) Thresholds of Significance

In accordance with the Appendix G of the CEQA Guidelines, a project would have a significant impact related to tribal cultural resources if it would:

- 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

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

b) Methodology

Under CEQA, the evaluation of impacts to tribal cultural resources consists of two-parts: (1) identification of tribal cultural resources within the project site or immediate vicinity through AB 52 consultation, as well as a review of pertinent academic and ethnographic literature for information pertaining to past Native American use of the project area, SLF search, and SCCIC records review; and (2) a determination of whether the project may result in a "substantial adverse change" in the significance of the identified resources.

c) Project Design Features

There are no project design features that relate to tribal cultural resources.

d) Project Impacts

Threshold a) Would the project would 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.***

(1) Impact Analysis

In accordance with AB 52, the City submitted request to consult letters to 10 Native American individuals and organizations on the City's AB 52 Notification List on September 1, 2020. The City received two response letters, one from the FTBMI and one from the Kizh Nation requesting formal consultation.

In addition, separate from the City's AB 52 consultation process, results of the records searches through the NAHC Sacred Lands Files search were positive and suggested reaching out the FTBMI.

As a result of the City's AB 52 consultation efforts and the records searches conducted through SCCIC and the NAHC, one tribal cultural resource – Campo de Cahuenga Adobe – was identified as being located within 0.25-mile of the Project Site. In addition, based on consultation with the Kizh Nation and FTBMI, the Project Site was identified as being located in close proximity to ancestral villages and water bodies, indicative of habitation and potentially the presence of tribal cultural resources. While there are no known resources within the Project Site, construction activities associated with the Project may impact unknown buried tribal cultural resources. In consideration of the previously disturbed on-site soil with the Project Site, the distance from the Project Site to historic and prehistoric villages and water bodies, as well as a review of the additional maps and documentation provided by the Kizh Nation and FTBMI, exercising its discretion, the City has concluded that there is not substantial evidence of the presence of a specific tribal cultural resource within the Project Site or in its immediate vicinity. As such, based upon the record, the City has determined that no substantial evidence exists to support a conclusion that the Project may cause a significant impact on tribal cultural resources. Therefore, the City has no basis under CEQA to impose any related mitigation measures. However, as discussed further below, as an additional protection, the City will implement conditions of approval under its police powers to protect the inadvertent discovery of tribal cultural resources. The conditions of approval incorporate elements of the requested measures proposed by the Kizh Nation and FTBMI, including specific notification requirements in the event of inadvertent discovery. In addition, the conditions of approval would not provide less protection of any finds in the event of inadvertent discovery of a prospective resource.

In the event that buried tribal cultural resources are encountered during construction, the Project Applicant will be required to comply with the City's conditions of approval for the treatment of inadvertent tribal cultural resource discoveries. These City conditions require the immediate halt of construction activities in the vicinity of the discovery, the coordination with appropriate Native American tribes and the City, and the development and implementation of appropriate measures for treating the discovery. The Project Applicant would also follow the tribe's recommendations if a qualified archaeologist reasonably 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 can resume. In accordance with this condition of approval, all activities would be conducted in accordance with regulatory requirements. ***As a result, with adherence to the City's conditions of approval for the inadvertent discovery of tribal cultural resources, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined by PRC Section 21074, and impacts to tribal cultural resources would be less than significant.***

(2) Mitigation Measures

Project-level impacts related to tribal cultural resources would be less than significant with adherence to the City's conditions of approval for the treatment of inadvertent tribal cultural resource discoveries. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

Project-level impacts related to tribal cultural resources would 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

As stated above, while no known tribal cultural resources have been identified within the Project Site, there is one tribal cultural resource within 0.25-mile of the Project Site. However, with adherence to the City's conditions of approval for the inadvertent discovery of tribal cultural resources, the Project would result in less than significant impacts to tribal cultural resources. In addition, as with the Project, each related project within the City would also be required to adhere to the City's conditions of approval for the inadvertent discovery of tribal cultural resources. Furthermore, as with the Project, in association with CEQA review, each related project would be required to engage in AB 52 consultation with Native American tribes in order to identify tribal cultural resources that could potentially be impacted by the related project, and to mitigate any identified potential impact. Because no known tribal cultural resources are located within the Project Site and adherence to the City's conditions of approval would ensure potential impacts to unknown resources would be less than significant, **the Project's contribution to cumulative impacts would not be cumulatively considerable, and therefore, cumulative impacts would be less than significant.**

(2) Mitigation Measures

Cumulative impacts regarding tribal cultural resources were determined to be less than significant without mitigation. Therefore, no mitigation measures are required.

(3) Level of Significance After Mitigation

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