

# IV.G TRIBAL CULTURAL RESOURCES

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## Introduction

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project, as required by the California Environmental Quality Act (CEQA) as amended by Assembly Bill (AB) 52, as well as the results of the analysis of resources in the *Tribal Cultural Resources Assessment* (TCR Report) included as Appendix F-3 of this Draft EIR. All of the Native American consultation documentation is included in confidential Appendix D to the TCR Report (which is included as Appendix F-3 of the Draft EIR).

## 1. 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) 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 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 20174(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 20174(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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

In addition to other CEQA provisions, the lead agency may certify an EIR or adopt a MND 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 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.<sup>4</sup>

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

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<sup>1</sup> Public Resources Code, Section 21080.3.1(b) and (c).

<sup>2</sup> Public Resources Code, Sections 21080.3.1(d) and 21080.3.1(e).

<sup>3</sup> Public Resources Code, Section 21080.3.2(b).

<sup>4</sup> Public Resources Code, Section 21082.3(d)(2) and (3).

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

Confidentiality does not apply to data or information that are, or become publicly available, are already in lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the Applicant or the Applicant's agents, or are lawfully obtained by the Project Applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.<sup>5</sup>

## (2) California Public Resources Code

California 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 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 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.

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<sup>5</sup> Public Resources Code, Section 21082.3(c)(2)(B).

### (3) 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**

##### *(a) Project Site Conditions*

The Project Site is within the northwestern portion of the Los Angeles Basin. The Santa Monica Mountains are approximately one mile north of the Project Site, and the current shoreline of the Pacific Ocean is approximately three miles to the west-southwest. The Los Angeles Basin consists of a broad, level coastal plain defined by the Pacific Ocean to the west, the Santa Monica Mountains and Puente Hills to the north, and the Santa Ana Mountains and San Joaquin Hills to the south. The basin is underlain by a deep structural depression that has been filled by both marine and continental sedimentary deposits and is underlain by igneous and metamorphic basement rock. This extensive alluvial wash basin is primarily filled with Quaternary alluvial sediments. It is drained by several major watercourses, including the Los Angeles, Rio Hondo, San Gabriel, and Santa Ana Rivers. The Project Site and vicinity are within a fully urbanized setting on an open aspect plain at an elevation of 315 to 319 feet above mean sea level.

The Project Site is located on the Santa Monica Plain, an older elevated and dissected alluvial fan surface that is located along the southern edge of the Santa Monica Mountains and extends from the Pacific Ocean to the west to the Newport-Inglewood Fault Zone to the east. The plain has been dissected by drainages that include Sepulveda, Dry, Stone, and Brown Canyons that originate in the Santa Monica Mountains and were formed by large coalescing fans originating from these canyons and other subsidiary drainages. According to the Geologic Hazard Evaluation

prepared for the Project Site (included as Appendix C-1 to the Initial Study), two eight-inch-diameter hollow stem auger borings were drilled to depths of 25.5 and 30.5 feet, respectively, beneath the existing ground surface. The borings encountered artificial fill to depths of approximately two feet below the existing ground surface and consisted of silty sand that was characterized as slightly moist and moderately dense with construction debris. The construction debris consisted of brick and asphalt fragments. The artificial fill was determined to be the result of past grading and construction activities within the Project Site. It was also noted that deeper artificial fill may exist between auger borings and in other portions of the Project Site that were not directly explored. Older alluvial fan deposits (designated Qof2) were encountered beneath the artificial fill and consisted of interbedded silty sand and sandy silt. The alluvial soils were characterized as moderately dense to very dense or firm to hard.

(b) *Ethnographic Overview*

The Project Site is within the traditional territory of the Gabrieleno, and while the precise location of any given village is subject to speculation, the greater Los Angeles area once contained many Gabrieleno villages, including several concentrated along the banks of major waterways. The closest ethnographically documented village to the Project Site is Kuruvungna, also known as Kuruvungna Sacred Springs and Gabrieleno Tongva Springs. Kuruvungna Sacred Springs is a California historical landmark on the grounds of University High School, approximately 0.75 mile southeast of the Project Site. Other villages further from the Project Site include the village of Topangna (in present day Malibu) and Yaangna (in present day downtown Los Angeles).

Gabrieleno subsistence economy was centered on hunting and gathering, with acorns being the staple food, supplemented with the roots, leaves, seeds, and fruits of a variety of flora. Freshwater and saltwater fish, shellfish, birds, reptiles, insects, and large and small mammals were also consumed. The Gabrieleno used a variety of tools to gather and collect food resources. These included the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Groups residing near the ocean used oceangoing plank canoes and tule balsa canoes for fishing, travel, and trade. Gabrieleno people processed food with a variety of tools, including hammer stones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks.

Deceased Gabrieleno were either buried or cremated, with inhumation more common on the Channel Islands and the neighboring mainland coast, and cremation more common on the remainder of the coast and in the interior. Remains were buried in distinct burial areas, either associated with villages or without apparent village association. Cremation ashes have been found in archaeological contexts buried within stone bowls and in shell dishes, as well as scattered among broken ground stone implements. Archaeological data corresponds with ethnographic descriptions of an elaborate mourning ceremony that included a variety of offerings, including seeds, stone grinding tools, otter skins, baskets, wood tools, shell beads, bone and shell ornaments, and projectile points and knives.

(c) *Historical Development of the Project Site*

Development began to increase in the area of the Project Site in the first half of the twentieth century. With the completion of the Pasadena and Pacific Electric Railroad Line, developments expanded from the historic core, especially to the west towards the Project Site. Through the 1890s and into the early twentieth century, the City annexed new lands and the large lots originally used for agricultural lands were subdivided and developed into city blocks with residential buildings being erected around the vicinity of the Project Site.

As part of the preparation of the Tribal Cultural Resources Report (included in Appendix F-3 of this Draft EIR), SWCA<sup>6</sup> reviewed historical maps for the Project Site and vicinity to identify any potential natural or artificial features with relevance for use by Native Americans (such as stream courses, vegetation, historical topography, roads, or habitation markers) or use by non-Native American people. One important landmark, the La Brea Tar Pits, is located approximately 6.5 miles east-northeast of the Project Site. Asphaltum, the naturally formed substance found in seeps, was an important resource to Native American populations, who used it as a binding and waterproofing element. The asphaltum at the La Brea Tar Pits would have been accessed via footpaths from neighboring camps and village sites.

Two Sanborn Fire Insurance maps, dated 1948 and 1969, were reviewed by SWCA. Both maps depict development south of the Project Site and San Vicente Boulevard, but the area north of San Vicente Boulevard, including the Project Site, is devoid of any development. Historic aerial maps were also reviewed that further reflect the development of the Project Site and the surrounding area from the early to mid-20<sup>th</sup> century. A 1928 historic aerial shows a residence with a long walkway in the Project area, while the majority of the area north of San Vicente Boulevard is mostly agricultural lands with many of the current roads already developed. The 1938 historic aerial shows many more residences south of San Vicente Boulevard, while the agricultural lands north of San Vicente Boulevard show the early stages of development. By 1947, the residence within the Project Site area has been demolished or removed and almost all of the area surrounding the Project Site has been established with housing developments. The 1952 historic aerial is the first aerial to show the development of the Barry Building as well as the development of the entire area surrounding the Project Site.

By 1966 the entire area was heavily developed as residential neighborhoods with some commercial properties such as the Barry Building, which is Los Angeles Historic-Cultural Monument (HCM) No. LA-887, and shops in the vicinity, as well as some religious institutions. The Project Site is situated on the north side of San Vicente Boulevard, which is divided by a wide median and is currently populated with many large coral trees. This median originally contained a Pacific Electric trolley track, and the large coral trees that currently transit along the median have been named City HCM No. LA-148.

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<sup>6</sup> SWCA Environmental Consultants is the preparer of the Tribal Cultural Resources Report.

*(d) Sacred Lands File Search*

On March 20, 2020, the NAHC submitted the results of a sacred lands file search (SLF), which is included in Appendix F-1 of this Draft EIR. This response letter indicated that no sacred lands or sites are documented within the Project area, although the records maintained by the NAHC are not exhaustive, and a negative response does not preclude the existence of a tribal cultural resource.

*(e) California Historical Resources Information System Review*

On May 11, 2020, the South Central Coastal Information Center (SCCIC) provided the results of a California Historical Resources Information System (CHRIS) records search (included in Appendix F-2 of this Draft EIR) to identify previously documented archaeological resources within a 0.5-mile radius of the Project Site. A supplemental confidential search of the CHRIS was requested by SWCA on October 20, 2021.<sup>7</sup> The SCCIC maintains records of previously documented archaeological resources (including those that meet the definition of a tribal cultural resource) and technical studies; it also maintains copies of the California Office of Historic Preservation's (OHP's) portion of the Historic Resources Inventory. The CHRIS records search indicated that there are no known archaeological resources at the Project Site or in the Project area. However, this may mean that no previous archaeological studies have been conducted for the Project Site. Therefore, the results of this records search do not preclude the possibility that resources might be found during ground-disturbing activities.

*(f) AB 52 Consultation*

On July 27, 2020, the City mailed notices via certified mail to the following 10 contacts listed on the City's AB 52 Native American Heritage Commission Tribal Consultation List, providing a 30-day period in which any of the tribal contacts could request consultation with the City concerning tribal cultural resources that may be impacted by the Project:

1. Fernandeno Tataviam Band of Mission Indians
2. Gabrieleno Band of Mission Indians – Kizh Nation
3. Gabrielino Tongva Indians of California Tribal Council
4. Fernandeno Tataviam Band of Mission Indians<sup>8</sup>
5. Gabrielino/Tongva Nation

<sup>7</sup> A summary results letter from the CHRIS is included as confidential Appendix B to the Tribal Cultural Resources Report, which is Appendix F-3 of this Draft EIR.

<sup>8</sup> The Fernandeno Tataviam Band of Mission Indians has two different contact persons. Letters were sent to both.

6. Gabrielino/Tongva San Gabriel Band of Mission Indians
7. Gabrielino-Tongva Tribe
8. San Fernando Band of Mission Indians
9. Soboba Band of Luiseño Indians
10. Torres Martinez Desert Cahuilla Indians

On July 31, 2020, the City received a consultation request pursuant to AB 52 from the Gabrieleno Band of Mission Indians – Kizh Nation. None of the other nine tribal contacts that were sent notification requested consultation. The City began the consultation process via phone call on October 7, 2020. The City sent an email to the Gabrieleno Band of Mission Indians – Kizh Nation summarizing the call’s discussion points. As part of the subsequent consultation, Chairman Salas submitted six maps and general information about the Gabrieleno Tribe in Southern California. Chairman Salas also submitted suggested mitigation measures to avoid potential impacts. The measures include retaining a Native American monitor, protocols for unanticipated discovery of tribal cultural resources, human remains, and associated funerary objects, treatment measures, and professional standards. The mitigation measures also included an attachment showing the Kizh Nation tribal territory. As requested by the Gabrieleno Band of Mission Indians – Kizh Nation, the City sent additional information regarding the Project’s existing soil conditions via email on November 20, 2020, with subsequent correspondence through November 25, 2020.<sup>9</sup> The Gabrieleno Band of Mission Indians – Kizh Nation has not responded via email or phone call since this email correspondence. On July 6, 2022, the City sent a “Pre-Closure of Consultation” letter to Chairman Salas summarizing the consultation efforts that took place and also sent a link to review the Tribal Cultural Resources Report prepared for the Project (this letter is contained in confidential Appendix D to the Tribal Cultural Resources Report).<sup>10</sup> The City did not receive a response to this letter, and on July 21, 2022, sent a letter officially closing consultation (this letter is also contained in confidential Appendix D to the Tribal Cultural Resources Report). Therefore, AB 52 consultation is considered to be closed for the Gabrieleno Band of Mission Indians – Kizh Nation. As the City received no responses from the other nine tribal parties within 30 days of the notification letters, AB 52 consultation is considered to be closed for those groups as well.

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<sup>9</sup> Pursuant to California Government Code Sections 6254 and 6254.10, and Public Resources Code Section 21082.3(c), information submitted by a California Native American tribe during consultation under AB 52 shall not be included in the environmental document or otherwise disclosed to the public by the lead agency, project applicant, or the project applicant’s agent, unless written permission is given. Therefore, the confidential documents are included in confidential Appendix D to the Tribal Cultural Resources Report and are on file with the City Planning Department.

<sup>10</sup> The letter has a date of July 6, 2020. However, the “2020” in the date is a typo, and the letter was sent on July 6, 2022.



## 2. Project Impacts

### a) Thresholds of Significance

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

*Threshold (a): [C]ause 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.*

### b) Methodology

The Lead Agency complied with the provisions of AB 52 to address potential impacts associated with Native American resources. In addition, records searches were conducted with the NAHC (Sacred Lands File Search) and the California Historical Resources Information System (CHRIS).

In their preparation of the *Tribal Cultural Resources Assessment*, SWCA reviewed property-specific historical and ethnographic research to identify information relative to the Project Site. This research focused on a variety of primary and secondary materials related to the history and development of the Project Site, including historical maps, aerial and ground photographs, ethnographic reports, maps of ethnographic village locations, and other environmental data.

SWCA also assessed the Project Site for the potential to contain unidentified tribal cultural resources below the surface (i.e., sensitivity). That determination considers whether the location was favorable for Native American habitation, historical and ethnographically documented use of the Project vicinity broadly, and the physical setting specifically, including an assessment of whether the setting could contain buried sites, features, or objects (i.e., preservation potential). Lacking any data specifically gathered to assess the presence or absence of such material below the surface, the resulting sensitivity is by nature qualitative, ranging along a spectrum of increasing probability for encountering such material, designated here as low, moderate, and

high. Indicators of favorable habitability by Native Americans in the Prehistoric period include proximity to natural features (e.g., perennial water sources, plant or mineral resources, animal habitat), other known sites, flat topography, and relatively dry conditions. Ethnographic or historical accounts are also considered where they provide additional information about former communities, village sites, place names, or areas otherwise frequented or occupied by Native Americans during the Historic period. Areas with a favorable setting for habitation or temporary use, soil conditions capable of preserving buried material, and little to no disturbances are considered to have a high sensitivity. Areas lacking these traits are considered to have low sensitivity. Areas with some but not all of these traits are considered to have a moderate sensitivity.

### **c) Project Design Features**

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

### **d) Analysis of Project Impacts**

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

***i) Listed or eligible for listing 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**

The CHRIS records search did not identify any known tribal cultural resources within the Project Site or within a 0.5-mile radius, and the NAHC search of the SLF did not identify any traditional lands or sites. In addition, consultation with the Gabrieleno Band of Mission Indians – Kizh Nation did not identify any known tribal cultural resources.

As described above, the village of Kuruvungna is the closest named village documented in ethnographic accounts, estimated to have been located approximately 0.75 mile southeast of the

Project Site. Other villages (such as Topangna and Yaangna) are located further from the Project Site. Generally speaking, Native American artifacts and sites are more likely to be found near sources of water. Water features including perennial springs and small wetlands are known to have existed along the southeast-facing toeslopes of the Santa Monica Mountains and within a relatively undeveloped area just west of the Project Site between two small unnamed drainages; these resource locations would have been frequented by Native Americans. There is no other evidence available to suggest that the Project Site itself offered any consistent or seasonal sources of water or other natural resources (such as asphaltum) that would increase the likelihood of the presence of a temporary Native American camp.

The physical environment of the Project Site and its vicinity has undergone massive alterations in the last 150 years—from the initial use of the area for agriculture, to the westward expansion of the built environment from the City’s historic core, including the construction of the sewer system and other utilities, to multiple mid-twentieth century redevelopments. As a result, most or all of the sediments below the modern surfaces within the Project Site have been subject to at least some amount of ground disturbance, which, in most cases, diminishes the likelihood of encountering tribal cultural resources. A geotechnical study conducted by Geocon (included as Appendix C-1 of the Initial Study) indicates that the Project Site is underlain with artificial fill to depths of approximately two feet below the existing ground surface; the artificial fill included evidence of construction debris, including brick and asphalt fragments. According to Geocon, the artificial fill was determined to be the result of previous grading and construction activities within the Project Site, and deeper artificial fill underlying the Project Site may exist. Older alluvial fan deposits were encountered beneath the artificial fill. Because the construction of the existing building and parking lot required excavation within the entirety of the Project Site, the depth and extent of the disturbances reduce the preservation potential for unknown tribal cultural resources within the alluvium.

Archaeological remains associated with prehistoric or historical Native Americans can occur below paved surfaces within developed urban settings. While the previous CHRIS records search results did not identify any such tribal cultural resources within the Project Site or vicinity, most of the Project Site was not inspected for tribal cultural resources before being developed. Ethnographic sources described above have identified the village site of Kuruvungna as having been located approximately 0.75 mile southeast of the Project Site. SWCA considers the greater region of the Project area as having moderate sensitivity for prehistoric or historic Native American tribal cultural resources, specifically remains from a temporary open camp identified by the presence of flaked stone tools, tool-making debris, stone milling tools, shell, fire-altered rock, and sediment discoloration or carbonization. The Project Site, however, consists of a comparatively small area within the greater region and has been subject to multiple episodes of ground disturbance.

As previously discussed, the original surface of the Project area has undergone at least some degree of development and redevelopment beginning in the early and mid-twentieth century. The Project Site, specifically, was likely heavily impacted by the construction of San Vicente Boulevard

on its southern boundary. In addition, a 1928 historic aerial shows a likely residential structure with a long walkway present within the Project Site; the structure had been demolished or removed by 1947, and nearly all of the area surrounding the Project Site had been established with residential developments. Later, the construction of the Barry Building in 1951 (which still occupies the site) similarly impacted the Project Site, including at least two feet of soil removal. While it is somewhat unclear to what extent these developments disturbed the natural, alluvial sediments that had formerly defined the surface, it is very likely that any archaeological features or objects that once existed on the surface or near-surface were destroyed or removed from their original contexts by these developments. For this reason, as well as the reasons noted above, the overall potential for preservation of tribal cultural resources is reduced and SWCA finds that the Project Site has a low sensitivity for containing unknown tribal cultural resources, and this impact would be less than significant.

Furthermore, while no tribal cultural resources are anticipated to be affected by the Project, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. As required by this standard condition of approval, in the event a potential tribal cultural resource is encountered on the Project Site during ground-disturbing activities, all ground-disturbing activities would be temporarily halted and the City and Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area would be notified. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Project Applicant would be required to implement the tribe's recommendations if a qualified archaeologist reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendations would be incorporated into a tribal cultural resource monitoring plan and ground disturbance activities may resume once the plan is approved by the City.

## (2) Mitigation Measures

No significant impacts related to tribal cultural resources have been identified, and no mitigation measures are required.

## (3) Level of Significance After Mitigation

Project impacts related to tribal cultural resources would be less than significant.

### **c) Cumulative Impacts**

#### (1) Impact Analysis

Impacts related to tribal cultural resources are site-specific and are assessed on a site-by-site basis. As demonstrated above, the Project Site was determined to have a low sensitivity for

containing unknown tribal cultural resources. Therefore, Project's impacts with respect to tribal cultural resources would be less than significant as the Project would only disturb soils that have been previously disturbed by past development activities, and no specific tribal cultural resources were identified by either the SLF or CHRIS records searches, or as a result of tribal consultation. The Project would address any inadvertent discovery of tribal cultural resources by adhering to the City's standard condition of approval, as discussed above. Like the Project, the seven related projects would also be required to assess any potential impacts to tribal cultural resources and would be required to comply with the requirements of AB 52. Further, the City's standard condition of approval would address any inadvertent discovery of tribal cultural resources at the sites of the related projects. Therefore, cumulative impacts to tribal cultural resources would be less than significant and would not be cumulatively considerable.

### (2) Mitigation Measures

No significant cumulative impacts related to tribal cultural resources have been identified, and 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.