

IV. Environmental Impact Analysis

N. Tribal Cultural Resources

1. Introduction

This section identifies and evaluates potential Project impacts on tribal cultural resources. The analysis in this section is based on the results of consultation with California Native American Tribes conducted by the City of Los Angeles (City) for the Project pursuant to the requirements of the California Environmental Quality Act (CEQA), as amended by Assembly Bill (AB) 52, as well as the results of the analysis of resources in the *Tribal Cultural Resources Assessment for the Radford Studio Center Project* (TCR Report) included as Appendix P of this Draft EIR.¹ The Native American consultation documentation is provided in Confidential Appendices E through H of the TCR Report, which is on file at the Department of City Planning.

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

AB 52 was approved on September 25, 2014. AB 52 amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. The primary intent of

¹ Statistical Research, Inc., *Tribal Cultural Resources Assessment for the Radford Studio Center Project*, January 2025. Refer to Appendix P of this Draft EIR.

AB 52 is to involve California Native American Tribes early in the environmental review process and to establish a category of resources related to Native Americans, known as tribal cultural resources, that require consideration under CEQA. PRC Sections 21074(a)(1) and (2) 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 of Historical Resources (California Register) or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. A tribal cultural resource is further defined by PRC Section 20174(b) as a cultural landscape that meets the criteria in PRC Section 20174(a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. PRC Section 20174(c) provides that a historical resource described in Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a “nonunique archaeological resource” as defined in PRC Section 21083.2(h) may also be a tribal cultural resource if it conforms with the criteria of PRC Section 21074(a).

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

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

² PRC Sections 21080.3.1(b) and (c).

³ PRC Sections 21080.3.1(d) and 21080.3.1(e).

⁴ PRC Section 21080.3.2(b).

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

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

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

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

(b) California Public Resources Code

PRC Section 5097.98, as amended by AB 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC Section 5097.98 further requires the Native American

⁵ PRC Sections 21082.3(d)(2) and (3).

⁶ PRC Section 21082.3(c)(2)(B).

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 landowner 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 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

The Project Site is located within the boundary of the Sherman Oaks–Studio City–Toluca Lake–Cahuenga Pass Community Plan, and is generally bounded by the Los Angeles River and Tujunga Wash⁷ to the north and east, Colfax Avenue to the east, an alley of varying width to the south, and Radford Avenue to the west. The North Lot and the South Lot are bisected by the Los Angeles River (see Figure 2 of the TCR Report and Figure II-2 of Section II, Project Description, of this Draft EIR) The Project Site is currently improved with 1,179,110 square feet of studio-related uses, including 359,730 square feet of sound stages; 255,510 square feet of production support; 450,060 square feet of production office; and 113,810 square feet of general office.

As detailed in the TCR Report included as Appendix P of this Draft EIR, the Project Site is located in the San Fernando Valley, where the Cahuenga Pass opens into the valley and meets the confluence of the now-channelized Los Angeles River and one of its main tributaries, the Tujunga Wash north of the Project Site. Moderate to steep slopes are dispersed throughout most of the surrounding area south of the Project Site.

With regard to underlying soil conditions, as detailed in the Geotechnical Investigation included in Appendix J of this Draft EIR, the South Lot was observed to be underlain by fill materials, native alluvial soils, and bedrock. The fill observed throughout the South Lot is relatively thin within the flat portion of the South Lot, and gets deeper toward and around the Los Angeles River. Within the flat areas of the South Lot, the fill depths generally range between three and eight feet below grade. However, in the vicinity of the Los Angeles River, the fill was observed to depths ranging between 10 and 25.5 feet below grade. Native alluvial soils, consisting of interlayered mixtures of sand, clay and silt, which are moist to wet, generally brown to grayish brown in color, medium dense to very dense, or stiff to very stiff, and fine to coarse grained, with occasional layers containing gravel and cobbles, were observed underlying the fill in all exploratory borings. Bedrock consisting of siltstone of the Miocene Monterey formation, which is light gray to dark gray in color, moist, and moderately hard to hard, was encountered in six of the borings excavated within the southern portion of the South Lot, at depths ranging between 45 and 75 feet below grade.

⁷ *The Tujunga Wash is a tributary of the Los Angeles River and runs along the east of the North Lot.*

During previous explorations, the North Lot was observed to be underlain by fill materials and native alluvial soils, with fill ranging between 12.5 and 34 feet in depth below grade in the vicinity of the Los Angeles River and a portion of the Tujunga Wash. Throughout the rest of the North Lot, which is relatively level, the fill depth ranged between 1 foot and 8.5 feet below grade. Native alluvial soils, consisting of interlayered mixtures of sand, clay and silt, which are moist to wet, generally brown to grayish brown in color, medium dense to very dense, or stiff to very stiff, and fine to coarse grained, with occasional layers containing gravel and cobbles, were observed underlying the fill in all exploratory borings.

The TCR Report included in Appendix P of this Draft EIR includes a geoarchaeological study of the Project Site that involved background research and excavation of eight backhoe trenches. The results of that study show that prior to development, the alluvial fan of the Project Site was built up by sediments from Berry Canyon south of the Project Site. The distal portion of the fan was also subject to sedimentation from periodic flooding of the Los Angeles River. This sedimentation from both sources occurred in pulses, with extended periods of time where the surface of the fan was stable and would have allowed for prolonged human use. Trenches in the floodplain zone on the North Lot and on the alluvial fan in the South Lot documented a series of buried and stable soil surfaces separated by lenses of silts and sands that likely date to the mid-late Holocene. The TCR Report concluded that the geographic, archaeological, and geoarchaeological data indicate that the Project Site is highly sensitive for buried prehistoric resources, some of which may be tribal cultural resources.

(2) Ethnohistoric Archival Research

The following discussion is a summary of the detailed ethnohistoric archival research provided in the TCR Report included in Appendix P of this Draft EIR.

(a) Early Period (10,000–8000 years ago)

The Early period marks the transition from the Pleistocene to the Holocene, the current geologic period. By 8000 years ago, both the coastal and inland regions of southern California were settled. The relationship between the coastal people and those of the interior deserts is indicated by artifacts found in coastal areas, especially projectile points, that are believed to have originated in the Great Basin or the Southwest. The presence of marine-shell beads at inland sites and obsidian artifacts from desert sources at coastal sites indicates either that the earliest inhabitants were extremely mobile, moving from the coast to the interior deserts, or that interregional exchange networks had already developed at this early time.

(b) Millingstone Horizon (8000–4000 years ago)

The Millingstone horizon is distinguished by the abundance of metates and manos (primary constituents of milling stone technology), scraper planes, choppers, core tools, the presence of cairn burials, and a scarcity of projectile points and faunal remains, the latter implying the priority of seed gathering over hunting. Thus, the Millingstone horizon is seen as reflecting a fundamental shift from a reliance on marine resources or hunting to one of dependence on gathered seeds, although shellfish remained important.

The Millingstone is widespread throughout southern California, represented by different traditions in various areas. In the vicinity of the Project Site, the early Millingstone is known as the Topanga complex. The discovery in 1946 of the Tank site (CA-LAN-1) in Topanga Canyon was an important step in the study of the early occupation of the Santa Monica Mountains and San Fernando Valley. Subsequent excavations at CA-LAN-1 and its neighbor, CA-LAN-2, represented the first intensive excavations to be published on the Topanga Complex. Subsequent excavations resulted in the identification of two phases of the Topanga complex. Topanga I was the lower of two components at the Tank site, which proved to be a stratified site with exceptionally dense artifact deposits. Cross-dating of artifacts suggested Topanga I is older than 5000 years ago. Topanga II is dated to 5000–3000 years ago and assigned to the Intermediate period, discussed further below. The flaked stone in Topanga I was dominated by percussion-flaked scraper planes, along with scrapers, choppers, core hammer stones, and a few large projectile points. Several thousand milling stones and manos were also identified. In contrast, bone was rare, but small amounts of shell recovered from the site indicated that the inhabitants used marine resources despite their inland location. Secondary burial is considered, often in association with rock cairns and “killed” metates (tools that had been purposefully broken or perforated), the preferred method for the disposal of the dead in this period.

Although there has been considerable debate regarding occupation of inland areas during the Millingstone horizon, sites have been identified and assigned to the Millingstone horizon in the San Fernando Valley. One such site, CA-LAN-111, contained a number of milling stones and bowls and an absence of pressure-flaked tools, mortars, and pestles. Human skeletal remains were found scattered over the excavated area of the site, but, in contrast to most sites of this period, no stone-cairn features were found. The site, however, was largely surficial in nature and had been subjected to erosion for a long time. Another site, CA-LAN-407 near Porter Ranch a short distance from the Mission San Fernando, may be another site representing this early valley occupation. Piles of boulders and artifacts, including large quantities of metates, many of which had been destroyed were discovered. Red pigment on some artifacts and a few tiny fragments of human bone suggested the possibility of a cemetery or location of a mourning ceremony. Together these sites suggest a long-term connection between the coast and desert areas. The ensuing period coincided with the Altithermal climatic phase, which was characterized by warmer and drier conditions

that led to the desiccation of inland lakes, a reduction in resource availability in the Mojave Desert, and depopulation of the desert. This reduction in desert occupation coincided with an expansion of occupation along the southern California coast and inland valleys and the inception of the Millingstone horizon. Scholars suggest that some Millingstone sites represent a coastward movement of desert people who found the arid interior increasingly unfavorable for human occupation.

After about 5000 b.p., the arid conditions of the Altithermal waned, and an associated increase in evidence of human occupation—represented by the Pinto Basin complex—appears in the archaeological record in the Mojave Desert. The Millingstone horizon and Pinto Basin complex may have become intertwined in areas such as the San Fernando Valley.

In addition to the presence of cemeteries, hearths, and features composed of huge concentrations of rocks and tools, the vast quantities of artifacts at many interior Millingstone horizon sites attest to the presence of major settlements occupied for extended periods of time.

(c) Intermediate Period (4000–1500 years ago)

The Intermediate period witnessed the development of regional diversification evidenced by the emergence of two contemporary settlement and subsistence systems: a coastal system from what is now Point Mugu to Malibu and an inland system.

The early part of the Intermediate period in the inland region, represented by Topanga II, was found in the upper component at CA-LAN-2. This find was distinguished by moderate-sized projectile points, incised and cogged stones, and smaller numbers of the crude core tools that typified early Millingstone assemblages. Small numbers of pestles and mortars also appeared at Topanga II. Secondary burials continued, although the dominant practice appears to have been primary extended burial with the head oriented to the south. Further work at CA-LAN-2 suggested a later Topanga III phase, distinguished by mortars, pestles, and pressure-flaked projectile points along with the abundant milling stones and core tools typical of the period. Large, circular, rock-lined ovens and flexed burials (sometimes under stone cairns) also distinguish Topanga III.

One inland site of note from this period is CA-LAN-167, which is believed to be the village of Tujunga, located at the junction of Big Tujunga and Little Tujunga Creeks in the eastern San Fernando Valley. The first excavations of this site occurred in 1945 and uncovered hundreds of fragments of fire-affected stone bowls, mortars, pestles, and manos grouped into cairns, along with boulders and cobbles. Other artifacts found in this area included “ceremonial” stone knives; steatite pipes, fishing weights, and beads; awls and gaming pieces of deer bone; large dart points and smaller arrowheads; shell beads and

abalone shells; various pigments; and bone harpoon barbs. Among the more unusual artifacts were what were later identified as 40 sherds of a Sacaton Red-on-buff ceramic vessel, imported from the Phoenix Basin in Arizona. Skeletal remains, including cremated and noncremated bone, were found dispersed throughout the site. Twenty six “ceremonially killed” stone bowls containing calcined bones, later determined to be fossilized mammoth or mastodon remains, were also identified. The site was interpreted to be a place where remains were placed in a secondary de-posit after the mourning ceremony had taken place elsewhere. The site was horizontally stratified; the older northern portion was associated with noncremated remains and larger projectile points, and the younger southern portion of the site contained cremated remains in stone bowls, associated with smaller arrow points. Though the exact dates of occupation are a matter of dispute, evidence indicates, the villagers practiced a hunting-and-gathering economy based on the procurement of small game and seeds. A small quantity of marine shell from a variety of coastal habitats also was recovered indicating contact with the California coast. The inhabitants also seemed to have established long-distance trade with the inhabitants of the Phoenix Basin and Colorado Plateau in Arizona.

Another site of note from this period is the Cairn site, located at the foot of Santa Susana Pass on the Fried Ranch in Chatsworth. Here, two distinctive groups of cairns without associated occupational debris were identified. Group A consisted of one large cairn surrounded by a number of smaller cairns. The large cairn was made up almost exclusively of artifacts (i.e., metates, manos, stone bowls, pestles, and stone discs known as discoidals) broken into small pieces, whereas the surrounding cairns were made up of both broken artifacts and large unmodified stones. By contrast, Group B lacked this structure and contained more rock and fewer artifacts broken into large pieces, a pattern more similar to the Porter Ranch site. The Cairn site was considered to be another manifestation of the widespread mourning ceremony.

Scholars attribute Intermediate period developments to a second wave of migration from the desert. In this case, it involved an early Shoshonean (Gabrielino/Tongva) intrusion into the southern California coastal province. Traditionally, archaeologists have argued that Takic (Shoshonean) speakers moved out of the Great Basin and Mojave Desert toward the coast around the year A.D. 500. These groups settled in the Los Angeles Basin and surrounding regions, thereby driving a wedge between indigenous Hokan speakers (i.e., the Chumash to the north and the Diegueño to the south). The Takic-speaking groups brought with them a distinct cultural package, highlighted by the bow and arrow and small projectile points, cremation, and pottery. This migration may have occurred as early as 3000 years ago.

With regard to subsistence, the Intermediate period marked the beginning of a rapid increase in the acquisition of animal protein and acorns. Hunting and fishing increased in comparison to the previous period, for which evidence of these activities is entirely

lacking. The most significant change at inland sites was an increased exploitation of marine shellfish. The hunting of land mammals also appears to have increased over time, as did the establishment of temporary collecting camps. Trade came to play a more important role as well.

(d) Late Period (1500–300 years ago)

In most areas of Southern California, especially along the coast, two distinct Late period groups can be defined: (1) the Chumash in the western Santa Monica Mountains and the Santa Barbara coastal area and (2) the Gabrielino/Tongva in the eastern Santa Monica Mountains, the San Fernando Valley, and the Los Angeles Basin. One of the major developments at the beginning of the Late period was the arrival of Takic groups, probably originating in the southwestern Mojave Desert. Takic groups occupied much of Southern California and brought with them small arrow points, ceramics, and the practice of cremation burial, a cultural pattern quite different from the preceding periods.

During the Late period, population density increased along with the size of individual population aggregates. Many of the primary food-processing activities that were originally in the domain of the villages became localized at small, temporary campsites. Rockshelters were occupied for the first time at about A.D. 1000. Some of these temporary sites reflect specialized activities, whereas others involved more generalized hunting-and-gathering activities.

Increased settlement diversity and complexity were also reflected in technological changes. The incidence of milling stones, mortars, and pestles decreased along with the importance of vegetal resources. Small-flaked stone tools, such as projectile points, drills, and flake scrapers, became the most common tools. Cemeteries from this period are large and well defined, containing increased amounts of items, such as shell beads, and items made of exotic materials. Exchange between inland and coastal sites also became increasingly important during the Late period.

The Late period greatly amplified all the changes that occurred in the preceding periods and was characterized by a quickening pace of development. Population density, site diversity, and the size of the interaction sphere increased markedly. Differences between villages increased as their locations became more restricted. Coastal village sites declined in number, but those that remained along the larger drainage channels increased in size. The size of inland villages remained the same although they were now restricted to the areas that were better supplied with water. By A.D. 1500, coastal and inland villages had probably reached the size of the settlements later observed by the first Spanish explorers in the region. Large coastal villages contained 200 to 400 individuals, whereas their inland counterparts had populations ranging between 40 and 60 individuals. As the number of villages decreased and their locations became more restricted, a greater diversity of

temporary settlements emerged, and the resources of the entire region were used in a more intensive and systematic manner. In addition, a greater proportion of time and energy was devoted to the acquisition of seasonal, highly variable, but potentially high-yielding, food resources. The primary processing activities that formerly took place in villages were now confined to temporary sites. Such sites could be found in almost any inland area and were highly variable in the range of activities they represented.

(e) Protohistoric Period (ca. 300–150 years ago)

By 300 B.P., the archaeological cultures of the Late period had developed into the people described by the Spanish and later ethnographers, including the Gabrielino/Tongva (a Takic-language group), the native peoples living in the Los Angeles area. The name Gabrielino was derived from the name given by the Spanish to the local people, who were indentured at the Mission San Gabriel. Ethnographic and ethnohistoric sources agree that the San Fernando Valley lies within the ethnohistoric territory of the Gabrielino/Tongva, close to its boundary with the Chumash people. According to mission records, the Chumash people were the primary occupants of the western Santa Monica Mountains during the late 1700s. In contrast, the San Fernando Valley was considered the territory of the Gabrielino/Tongva people, or Fernandeano, in reference to the local Mission San Fernando. The territory of the Tataviam (Alliklik), an inland group related to the Gabrielino/Tongva, was located to the north of the Santa Clara River and San Fernando Valley.

Gabrielino/Tongva territory extended west from what is now the City of San Bernardino to the coast and from Aliso Creek in the south to San Fernando Valley in the north. It also included the islands of Santa Catalina, San Nicolas, and San Clemente. The people living in the San Fernando Valley were more correctly known as Fernandeano, who spoke a slightly different dialect from the Gabrielino/Tongva. The Simi Hills divide the Gabrielino/Tongva and Chumash territories, with Chumash settlements in the Simi Valley and Gabrielino/Tongva settlements on the San Fernando Valley. The Santa Monica Mountain coast is divided roughly in half between the Chumash and Gabrielino/Tongva; an undefined point between Malibu and Topanga Canyons is generally considered to be the boundary. Additionally, mission records suggest that the Chumash extended deep into what has traditionally been considered Gabrielino/Tongva territory.

The Gabrielino/Tongva were a distinctive group presumed to have descended from the desert Shoshonean groups that arrived in the coastal region from the Great Basin 500 to 3,000 years ago. Similar to the Chumash, the Gabrielino/Tongva engaged in extensive trade and inhabited offshore islands, but it remains unclear whether their mainland settlements were as large, their economy as maritime-oriented, or their society as stratified as the Chumash.

Very little is known about the traditional culture and lifestyle of the Gabrielino/Tongva; their daily patterns and activities were disrupted before systematic ethnographic studies were initiated. Much of what passes as Gabrielino/Tongva ethnography is derived from the ethnography of the Chumash culture, which is based on information mostly gleaned from the diaries and journals of early Spanish colonizers.

Similar to many ethnographically recorded villages in Southern California, Gabrielino/Tongva villages had their own territories and were often located in defensible canyons or coves near reliable water supplies. Before European settlement, the Los Angeles River supported a broad diversity of animal and plant life and was extensively used by the Gabrielino/Tongva. Some Gabrielino/Tongva groups relocated seasonally—some moved to the coast in the winter after their acorn stores had been depleted, while others moved to the coast during the summer months. At the time of colonization, more than 100 Gabrielino/Tongva villages might have existed with 60 to 200 residents each.

At the time of colonization, subsistence among the Gabrielino/Tongva was based on foraging all manner of terrestrial and marine resources. The environment was highly productive and supplied a variety of foods, making the practice of agriculture unnecessary despite the dense population. The most important foods were acorns, pine nuts, wild cherry, soap-plant bulbs, deer, rabbits, waterfowl, sea mammals, fish, and shellfish. Although they did not practice agriculture, the Gabrielino/Tongva manipulated their environment to encourage the production of certain highly prized natural plant resources, such as nuts and seeds. Hunting technology included the bow and arrow, throwing club, snares, deadfall traps, harpoons, fishing lines and hooks, nets, fire, and animal decoys. Gathering technology included digging sticks, burden baskets, beaters, and tongs for gathering cactus fruit. The mano and metate were used for preparing food, as were the mortar and pestle and leaching baskets.

Steatite, fish, shell beads (used as money), and otter pelts were traded from the islands to coastal groups, who likely then traded with inland groups for items such as seeds and deer skin. Other important goods that moved from the inland areas toward the coast included obsidian, chert and jasper, and ceramics. Economic relations were strong with the Serrano and the Cahuilla. Other exchanges took place with the Juaneño, Luiseño, and Chumash. Evidence of exchange between the Chumash and Gabrielino/Tongva is also suggested in mission records.

The size and permanence of Gabrielino/Tongva settlements, particularly those in inland areas, have been unclear since the earliest accounts of the region. Based on the diaries of the chroniclers of the Portolá and the Anza expeditions, inland villages appear to have been periodically abandoned because of droughts, as well as community mobility and intervillage hostility. However, other historians have considered that the historical-period inland settlements were permanently occupied.

Locally, among the native villages in the San Fernando Valley was Kawenga (also spelled Kawengna, Kaweenga, Kawengnavit, Kawepet, Cabuenga, Cabuepet, Caguenga, or the Hispanicized version Cahuenga), which was listed in 1852 as one of the principal “lodges” or “rancherías” of the valley.

Kawenga may have been in a geographically strategic location along the south bank of the Los Angeles River in the transition zone between the valley bottom and foothills. The Central Branch of the Tujunga Wash once joined the Los Angeles River at this transition zone, making it one of the areas that were better supplied with water in the valley. Cahuenga Pass was also an important route between the San Fernando Valley and the Los Angeles Basin as it linked the Gabrielino/Tongva community of Yangna, along the eastern bank of the Los Angeles River across from the Pueblo of Los Angeles, to the many Native American communities of the valley. However, based on the academic record, any locational attribution of a specific village was viewed as tentative.

If ethnohistoric and archaeological assessments of Gabrielino/Tongva settlements are accurate, Kawenga was not a single settlement but, rather, a cluster of rancherías located in this general area. Over 100 Gabrielino/Tongva from Kawenga were forced into servitude by Mission San Fernando Rey and Mission San Gabriel between 1778 and 1815. Mission registers of San Fernando and San Gabriel indicate that the people of Kawenga had kinship ties to numerous other villages in the surrounding region, including Tujunga, El Escorpión, Passenga, Jajamonga, and Siutcabit, as well as more-distant villages such as Acosiubit (probably the Serrano village of Asucsabit), Guijanay, Jautnga, Maobit, Mauga, San Vicente, and Vijavit (La Tuna Canyon).

Despite several previous surveys, as well as the excavations at Campo de Cahuenga, no physical evidence of Kawenga has been found. Evidence of this settlement may have been destroyed before the first archaeological investigations in the area were undertaken.

(f) Mission Period Through Present Day

The Mission San Fernando was established in 1796 under the military jurisdiction of the presidio in San Diego. Mission San Fernando controlled the land in which the Project Site is located and utilized the land throughout the San Fernando Valley for ranching and farming. In 1834, the entire mission system was dismantled at the decree of the Congress of Mexico, secularizing the missions. All mission holdings were taken from the Catholic Church to be developed into secular ejidos (communal land-holding pueblos) under the control of the Native American novices affiliated with each mission although in actual practice, the mission lands were subdivided and deeded to private citizens, regardless of previous mission affiliation or Native American heritage. Early urban development began around 1909, and, by 1928, the Project Site was developed with studio uses.

(3) Assembly Bill 52 Consultation

The Project is subject to compliance with AB 52 (PRC Section 21074), which requires consideration of impacts to tribal cultural resources as part of the CEQA process and requires the lead agency to notify any California groups, who have requested notification of the Project and who are traditionally or culturally affiliated with the geographic area of the Project. Pursuant to AB 52, the City Department of City Planning provided formal notification of the Project on June 21, 2023. Letters were sent via FedEx and certified mail to the California Native American tribes that are listed on the City's AB 52 contact list, as shown in Table IV.N.1 on page IV.N-15.

Copies of the notification letters, verification of mailing, and the correspondence received from the tribes are included in the Confidential Appendices of the TCR Report, which is on file at the Department of City Planning. Consultation was requested by the Fernandeano Tataviam Band of Mission Indians and the Gabrieleño Band of Mission Indians–Kizh Nation (Kizh Nation). A summary of this process is also provided below.

(a) Fernandeano Tataviam Band of Mission Indians

On June 26, 2023, a representative of the Fernandeano Tataviam Band of Mission Indians contacted the City requesting formal consultation regarding the Project and provided instructions for completing the tribe's project intake form. On September 7, 2023, the Fernandeano Tataviam Band of Mission Indians acknowledged receipt of the project intake form and stated that it would be best to defer confirming the sensitivity of the Project Site until after the geotechnical report and cultural resources assessment reports are made available to the tribe for review. Following the review of the requested materials, the Fernandeano Tataviam Band of Mission Indians responded with concerns about figures in the TCR Report, a request that information reflecting the location of known cultural sites be removed from the TCR Report, three mitigation measures focusing on monitoring, and recommended procedures in the event of inadvertent discovery of tribal resources or human remains. Consultation with the tribe was closed on January 17, 2025.

(b) Kizh Nation Consultation

On June 23, 2023, a representative of the Kizh Nation contacted the City requesting formal consultation regarding the Project and indicated that the Project Site is located within the Kizh Nation ancestral territory. In the letter, the Kizh Nation requested to schedule consultation with the City to discuss the Project and surrounding location. On July 17, 2023, the Kizh Nation sent an e-mail to the City providing their concerns in written form in lieu of the meeting. The email indicated that the Project has a high potential to impact tribal cultural resources because it is located within and around the perennial Gabrieleño community of Cahuenga, is adjacent to sacred water courses, and is adjacent to major traditional trade routes. The tribe provided a series of historical maps, book excerpts discussing the village

**Table IV.N.1
California Native American Tribes Who Received Project Notifications Pursuant to PRC Section
21080.3.1**

Representative	Affiliation
Rudy Ortega, Tribal President	Fernadeño Tataviam Band of Mission Indians
Jairo Avila, Tribal Historic and Cultural Preservation	Fernadeño Tataviam Band of Mission Indians
Andrew Salas, Chairperson	Gabrieleño Band of Mission Indians—Kizh Nation
Anthony Morales, Chairperson	Gabrielino/Tongva San Gabriel Band of Mission Indians
Sandonne Goad, Chairperson	Gabrielino/Tongva Nation
Robert F. Dorame, Chairperson	Gabrielino/Tongva Indians of California Tribal Council
Charles Alvarez	Gabrielino-Tongva Tribe
Donna Yocum, Chairperson	San Fernando Band of Mission Indians
Isaiah Vivanco, Chairperson	Soboba Band of Luiseño Indians
Thomas Torte, Chairperson	Torres Martinez Desert Cahuilla Indians
<hr/> <p><i>Source: City of Los Angeles, 2023.</i></p>	

of Cahuenga, and other relevant documents. In addition, the Kizh Nation provided three proposed mitigation measures that would require a Native American monitor to be present during ground disturbing activities and specific steps to be followed as treatment for the discovery of tribal cultural resource objects, human remains, or associated funerary objects affiliated with Native Americans. Analysis of the materials provided by the Kizh Nation is included as Confidential Appendix H of the TCR Report and is summarized below. Consultation with the tribe was concluded on January 15, 2025.

(4) Background Research

(a) California Historical Resources Information System Review

A California Historical Resources Information System (CHRIS) records search was conducted by staff at the South Central Coastal Information Center (SCCIC) at California State University Fullerton on April 3, 2023 for the Project Site and a surrounding 2-mile radius. This search included the SCCIC's collections of mapped prehistoric cultural resources within a two-mile radius, historic and built environment resources within a 0.25-mile radius, California Department of Parks and Recreation Site Records, technical reports, and ethnographic references. Additional sources that were consulted include the National Register of Historic Places (National Register), the California Register, the California Historical Landmarks list, the California Points of Historical Interest list, the California Office of Historic Preservation State Historic Resources Inventory, and the Los Angeles Historic-Cultural Monuments list. The results of the records search are included

in Appendix A of the TCR Report. Generalized descriptions of these resources are included below.

(i) Previously Conducted Cultural Resource Studies

Results of the records search indicate that no previous archaeological studies have involved the Project Site, although there have been 120 previous cultural resource investigations conducted within the records search area (see Figures 23 through 25 included as Appendix A of the TCR Report). Most are reports of cultural resource assessments in association with the development of cellular facilities, transportation projects, and urban redevelopment plans. Of these projects, two projects (LA-07427 and LA-07430) occurred partially within the Project Site, with LA-07427 located along the southeastern boundary of the Project Site and LA-07430 located near the northern corner of the Project Site. Both of these projects are bridge inventory updates for the California Department of Transportation. Under these projects, two bridges, the Moorpark Street over West Branch of Tujunga Wash Bridge and the Colfax Avenue Bridge, were evaluated for their eligibility for listing in the National Register and were determined to be ineligible.

(ii) Previously Recorded Cultural Resources

No archaeological resources have been previously recorded within the Project Site. However, the records search did identify 18 previously recorded resources within the records search area (see Table 2 provided on page 53 of the TCR Report), consisting of 11 archaeological sites (nine historical period and two prehistoric), two built-environment resources and five isolated prehistoric resources. The nine historical-period sites primarily consisted mainly of refuse scatters or dumps, and one historical-period site consisted of the Feliz Adobe (CA-LAN-1945H). The two prehistoric sites (CA-LAN-1110 and CA-LAN-4894) consisted of scattered or intact human burials associated with prehistoric artifacts and are discussed further below. The two built-environment resources consisted of the Moorpark Street over West Branch of Tujunga Wash Bridge and the Colfax Avenue Bridge, which were determined to be ineligible for listing on the National Register. The isolated prehistoric resources consisted of ground stone tools, a possibly worked fragment of obsidian, and a possible human burial. In addition to isolated resources reported in the records search results, background research identified a report of one isolated artifact discovered during sewer excavations at a home approximately 1.5 miles west-northwest of the Project Site in 1954.

CA-LAN-1110 (P-19-001110)

CA-LAN-1110 is located east of the Project Site and consists of over 1,000 fragments of human bone along with numerous ground stone and flaked stone artifacts and fragments of shell, including abalone fragments, that were found between 1980 and 1981 during the excavation for a cellar. Approximately 25 percent of the human bone was burned. Cultural

resources were found up to 14 feet below ground surface (no surficial evidence of the site was observed) in the remains of a sand bar located in a former floodplain or river terrace. A majority of the site appeared to have been buried beneath houses and yards surrounding the property. The ground stone artifacts that were found included a globular mortar, a pestle fragment, steatite vessels and pipes, and slate palette fragments. Flaked stone artifacts included bifaces and approximately 200 flakes. Crystals made up of an unknown material and some nonhuman bones were also encountered.

CA-LAN-4894 (P-19-004894)

CA-LAN-4894 is located east of the Project Site and consists of midden material and associated human burial materials that were discovered in 2019 by a landscaping crew while trenching for an irrigation pipe. The site has a depth of at least 2 feet. Artifacts found in the midden consist of projectile points, stone tools, debitage, bone tools and bone-tool-production waste, abalone shell fragments, and fire-affected rock. The site record did not specify or define the functions of the “stone tools” or “bone tools.”

(b) Sacred Lands File Review

As part of the process of identifying tribal cultural resources within or near the Project Site, on March 31, 2023, a letter describing the Project was sent to the NAHC requesting a search of the Sacred Lands File (SLF) and a list of Native American contacts appropriate for the Project. The SLF maintained by the NAHC represents a curation of “ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California” provided by tribal entities and Native American representatives.

The NAHC responded in a letter emailed on April 10, 2023, which stated that their search of the SLF revealed no known Native American cultural resources within the Project Site or its vicinity. The letter also noted that the lack of specific site information in the SLF does not indicate the absence of cultural resources within the Project Site. Contact information was provided for ten Native American tribes culturally affiliated with the Project area. The Sacred Lands File results are included in Appendix C of the TCR Report, included as Appendix P of this Draft EIR.

(5) Summary

As detailed above in Subsection 2.b.(4), the SLF records search results were negative for tribal cultural resources, and the SCCIC records search did not identify any known tribal cultural resources within the Project Site. Additionally, the geoarchaeological investigation conducted as part of the TCR Report indicates that, while no artifacts were found, the Project Site may contain historical-period archaeological deposits and prehistoric archaeological

deposits. For these reasons, the entire Project Site is considered highly sensitive for tribal cultural resources.

3. Project Impacts

a. Thresholds of Significance

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

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

- i. Listed or eligible for listing 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 include any criteria to evaluate tribal cultural resources impacts. Thus, the potential for the Project to result in impacts to tribal cultural resources is based on the Appendix G thresholds provided above.

b. Methodology

The analysis in this section is based on the results of the AB 52 consultation process with applicable Native American Tribes and the TCR Report included as Appendix P of this Draft EIR. The presence and significance of a potential tribal cultural resource is determined through consultation between the lead agencies and local Native American Tribal representatives. Impacts to tribal cultural resources are highly dependent on the nature of the resource but, in general, could occur if there is a destruction or alteration of the resource and its surroundings, restricted access to the resource, or other disturbances.

Pursuant to AB 52, the NAHC-listed California Native American Tribal representatives that requested consultation were notified and provided an opportunity to request consultation to address potential impacts associated with Native American resources (e.g., tribal cultural resources). As discussed previously, responses were received from the Fernandeano Tataviam Band of Mission Indians and the Kizh Nation, and the information provided by the tribes about potential tribal cultural resources in the vicinity of the Project Site was considered in determining the potential impacts of the Project on tribal cultural resources. The TCR Report and this section summarize the results of (1) an examination of the geomorphology of the Project Site; (2) an NAHC SLF records search; (3) a CHRIS SCCIC records search; (4) the AB 52 consultation process; (5) a review of previously conducted cultural resource studies in and around the Project Site; and (6) archival and background research. Based on this information, the potential for the Project to impact tribal cultural resources as described above is assessed.

c. Project Design Features

No specific Project Design Features are proposed with regard to tribal cultural resources.

d. Analysis of Project Impacts

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

- i. Listed or eligible for listing 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

Excavation depths proposed for the Project are expected to extend approximately 50 feet below the existing ground surface. As discussed in Section II, Project Description, of this

Draft EIR, it is estimated that approximately 880,000 net cubic yards of soil would be exported and hauled from the Project Site. As detailed above in Subsection 2.b.(5), the entire Project Site is considered highly sensitive for tribal cultural resources.

As noted above in Subsection 2.b.(3)(b), in their email correspondence, the Kizh Nation indicated that the Project has a high potential to impact tribal cultural resources because the Project is located within and around the perennial Gabrieleño community of Cahuenga, adjacent to sacred water courses, and adjacent to major traditional trade routes. After reviewing the information shared by the Kizh Nation with the City during consultation, including all documentation provided by the Kizh Nation to determine whether the Project would cause a substantial adverse impact on tribal cultural resources and found that the evidence provided by the Kizh Nation does not constitute substantial evidence indicating that a tribal cultural resource is present on the Project Site. However, they indicated that the evidence provided by the Kizh Nation is consistent with the findings of the archeological resources assessment prepared for the Project that concludes the Project Site is highly sensitive for the presence of prehistoric archaeological resources.

As noted above in Subsection 2.b.(3)(a), in their email correspondence following the review of the requested materials, the Fernandeño Tataviam Band of Mission Indians responded with concerns about figures in the TCR Report, a request that information reflecting the location of known cultural sites be removed from the TCR Report, a recommendation for monitoring, and recommended procedures in the event of inadvertent discovery of tribal resources or human remains. The City provided a response with respect to the map and the requested changes were made to the TCR Report regarding the location of known cultural sites. Because of the high sensitivity for tribal cultural resources within the Project Site, it is possible that excavation activities associated with the Project would involve intact native sediment that may contain archaeological deposits, including tribal cultural resources. **Therefore, the Project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register or in a local register or a resource determined by the City to be significant pursuant to PRC Section 5024.1. As such, impacts to tribal cultural resources would be potentially significant.**

(2) Mitigation Measures

The following mitigation measure is provided to reduce potential construction-related impacts to tribal cultural resources:

Mitigation Measure TCR-MM-1: Prior to commencing any clearing, grubbing, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity (Ground Disturbance

Activities) at the Project Site, the Applicant, or its successor, shall retain a tribal monitor(s) that is qualified to identify subsurface tribal cultural resources. Any qualified tribal monitor(s) shall be approved by the tribe they represent. Any qualified archaeological monitor(s), pursuant to Mitigation Measure CUL-MM-21, shall be approved by the Department of City Planning, Office of Historic Resources (OHR).

The qualified tribal monitor(s) shall observe all Ground Disturbance Activities on the Project Site at all times the Ground Disturbance Activities are taking place. If Ground Disturbance Activities are simultaneously occurring at multiple locations on the Project Site that cannot be reasonably monitored by one archaeological monitor and one tribal monitor, additional monitors shall be assigned as needed to ensure adequate coverage as determined by a qualified archaeologist, in consultation with the qualified tribal monitor(s).

On-site monitoring shall continue until written notice is received by the monitoring tribe(s) from the Applicant that all Ground Disturbance Activities that require tribal monitoring are complete. If Ground Disturbance Activities that require tribal monitoring are temporarily suspended, written notice of suspension shall be submitted to the tribe by the Applicant within one day of stopping work. The Applicant shall provide five days' written notice (if feasible) to the tribe prior to resuming any Ground Disturbance Activities that require monitoring. The on-site monitoring shall end when the Ground Disturbance Activities are completed, or when the archaeological and tribal monitor(s) both indicate that the specific area within the Project Site has a low potential for containing tribal cultural resources.

Prior to commencing any Ground Disturbance Activities, the archaeological monitor, in consultation with the tribal monitor(s), shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in Ground Disturbance Activities. As part of the WEAP training, construction crews shall be briefed on regulatory requirements for the protection of tribal cultural resources, and proper procedures to follow should a crew member discover tribal cultural resources during Ground Disturbance Activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor(s). The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in Ground Disturbance Activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any Ground Disturbance Activities, all such activities shall temporarily cease within a 25-foot radius (50-foot diameter) of the area of discovery ("Discovery Area"). If a 25-foot radius is not possible due to Project Site constraints, a suitable and safe radius shall be determined by a qualified

archaeologist, in consultation with the qualified tribal monitor(s), to ensure the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all Ground Disturbance Activities within the Discovery Area and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed Project; and (2) OHR.
2. If OHR determines, in their reasonable discretion and supported by substantial evidence pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future Ground Disturbance Activities, as well as the treatment and disposition of any discovered tribal cultural resources. The City and/or Applicant shall, in good faith, consult with the monitoring tribe(s) on the disposition and treatment of any tribal cultural resource encountered during all Ground Disturbance Activities. If human remains or funerary objects are encountered during any Ground Disturbance Activities associated with the Project, such activities within a 50-foot radius (100-foot diameter) shall temporarily cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5, and that code shall be enforced for the duration of the Ground Disturbance Activities. If a 50-foot radius is not possible due to Project Site constraints, a suitable and safe radius shall be determined by a qualified archaeologist, in consultation with the qualified tribal monitor(s). The subsequent disposition of those discoveries shall be decided by the Most Likely Descendant (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor(s), reasonably conclude that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the applicable tribe(s), a qualified archaeologist shall develop a list of reasonable actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the NAHC and in compliance with any applicable federal, state or local law, rule or regulation.

5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable by the qualified archaeologist and qualified tribal monitor(s), the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may: (1) require that the recommendation be implemented as originally proposed by the archaeologist and tribal monitor(s); (2) require that the recommendation, as modified by the City, be implemented, provided that the modified recommendation is at least equally as effective to mitigate a potentially significant impact to a tribal cultural resource; (3) require that a substitute recommendation be implemented, provided that the substitute recommendation is at least equally as effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require that the recommendation be implemented because it is not necessary to mitigate a potentially significant impact to a tribal cultural resource. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
6. The Applicant, or its successor, may recommence Ground Disturbance Activities outside of the Discovery Area, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor(s) and determined to be reasonable and appropriate.
7. The Applicant, or its successor, may recommence Ground Disturbance Activities inside of the Discovery Area only after it has complied with paragraphs 2 through 5 above.
8. Copies of any tribal cultural resources study or report, detailing the nature of tribal cultural resources, remedial actions taken, and disposition of tribal cultural resources resulting from MM-TCR-1 shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the NAHC for inclusion in its Sacred Lands File.
9. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, Section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

(3) Level of Significance After Mitigation

Project-level impacts related to tribal cultural resources would be less than significant with the implementation of Mitigation Measure TCR-MM-1.

e. Project Impacts with Long-Term Buildout

While Project buildout is anticipated in 2028, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2045. The Development Agreement would confer a vested right to develop the Project in accordance with the Radford Studio Center Specific Plan (Specific Plan) and a Mitigation Monitoring Program (MMP) throughout the term of the Development Agreement. The Specific Plan and MMP would continue to regulate development of the Project Site and provide for the implementation of all applicable Project Design Features and mitigation measures associated with any development activities during and beyond the term of the Development Agreement. Additionally, given that tribal cultural resources do not typically vary over the course of a 20-year timeframe, a later buildout date would not affect the impacts or significance conclusions presented above. Likewise, in the event of an extended buildout, any development on the Project Site would be subject to Mitigation Measure TCR-MM-1.

f. Cumulative Impacts

(1) Impact Analysis

As identified in Section III, Environmental Setting, of this Draft EIR, there are 13 related development projects that have been identified in the general vicinity of the Project Site through 2028, the Project's anticipated buildout year.⁸ The Project and related projects are located within an urbanized area that has been extensively disturbed and developed over time. Although impacts to tribal cultural resources tend to be site-specific, cumulative impacts would occur if the Project, related projects, and other future development within the general area would affect the same tribal cultural resources and communities. In the event that any tribal cultural resources are uncovered, each related project would be required to comply with the applicable regulatory requirements, as well as the City's standard Conditions of Approval or site-specific mitigation that would be identified for that related project as appropriate. In addition, related projects would be required to comply with the consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. **Therefore, the Project and related projects would result in less-than-significant cumulative impacts to tribal cultural resources.**

⁸ While Project buildout is anticipated in 2028, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2045. A later buildout date would not affect the cumulative impact analysis related to tribal cultural resources.

(2) Mitigation Measures

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

(3) Level of Significance After Mitigation

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