

EXHIBIT E

ENVIRONMENTAL DOCUMENTS

E.2 – ENV-2024-116-MND Mitigation Monitoring
Program

CPC-2024-115-GPA-ZC-HD-CU-ZAA-SPR

MITIGATION AND MONITORING PROGRAM

1.1 INTRODUCTION

This Mitigation Monitoring Program (“MMP”) has been prepared pursuant to Public Resources Code Section 21081.6(a)(1), which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6(a)(1), and Section 15097 of the State CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

A Mitigated Negative Declaration (MND) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the MND applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the MM identified for the Project.

1.2 ORGANIZATION

As shown on the following pages, the identified mitigation measure for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- Enforcement Agency: the agency with the power to enforce the MM.
- Monitoring Agency: the agency to which reports involving feasibility, compliance, implementation, and development are made.
- Monitoring Phase: the phase of the Project during which the MM shall be monitored.
- Monitoring Frequency : the frequency at which the MM shall be monitored.
- Action Indicating Compliance: the action by which the Enforcement or Monitoring Agency indicates that compliance with the required MM has been implemented.

1.3 ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing the MM and shall be obligated to provide certification, as identified

below, to the appropriate monitoring and enforcement agencies that the MM has been implemented. The Applicant shall maintain records demonstrating compliance with the MM. Such records shall be made available to the City upon request.

1.4 PROGRAM MODIFICATION

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the MM contained in this MMP. The enforcing departments or agencies may determine substantial conformance with the MM in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, the MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the MM. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer needed, not feasible, or the other basis for modifying or deleting the MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a MM shall not in and of itself require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the MM results in a substantial change to the Project or the non-environmental conditions of approval.

1.5 MITIGATION MONITORING PROGRAM

A. Tribal Cultural Resources

Mitigation Measure

MM-TRIBAL-1 Monitor Retention. Prior to commencing any Ground Disturbance Activities (as defined below) at the Project site, the Applicant, or its successor, shall retain a qualified tribal monitor from and approved by the Gabrieleno Band of Mission Indians – Kizh Nation (Tribe). Ground Disturbance Activities shall include excavating, digging, trenching, grading, or a similar activity at the Project site (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). The Applicant, or its successor, and the tribal monitor shall execute a monitoring agreement prior to the earlier of the commencement of any Ground Disturbance Activities, or the issuance of any permit necessary to commence a Ground Disturbance Activity.

WEAP. Prior to commencing any Ground Disturbance Activities, the tribal monitor shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in Ground Disturbance Activities that includes information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on 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 tribal monitor. The Applicant shall maintain on the Project site, for potential City inspection, documentation establishing the WEAP training was completed for all members of the construction crew involved in Ground Disturbance Activities.

On-Site Monitoring. The tribal monitor shall observe all Ground Disturbance Activities on the Project site at all times any Ground Disturbance Activities are taking place. If Ground Disturbance Activities are simultaneously occurring at multiple locations on the Project site, the tribal monitor shall determine if additional monitors are required for other locations where such simultaneous Ground Disturbance Activities are occurring. The tribal monitor(s) will complete daily monitoring logs that will provide descriptions and locations of the relevant Ground Disturbance Activities, the type of construction activities performed, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered “tribal cultural resources” as defined in California Public Resources Code Section 21074, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Applicant and/or the City upon request to the Tribe. If any Project scheduled activities require the tribal monitor(s) to leave the Project site for a period of time and return, confirmation shall be submitted to the Tribe by the Applicant, in writing, upon completion of each set of scheduled activities and five (5) days’ notice (if possible) shall be submitted to the Tribe by the Applicant, in writing, prior to the start of each set of scheduled activities. The on-site monitoring shall end when either 1) confirmation is received from the Applicant, in writing, that all scheduled activities pertaining to all Ground Disturbance Activities are completed; or 2) the Tribe provides a determination, in writing, that no future, planned construction activity, and/or development/construction phase at the Project site possesses the potential to impact any tribal cultural resources.

Discovery of Resources. In the event that any objects or artifacts that may be a tribal cultural resource are encountered during the course of any Ground Disturbance Activities, all such activities shall temporarily cease within the area

of discovery, the radius of which shall be at least 25 feet or otherwise determined by the tribal monitor 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 in the immediate vicinity of the find (i.e. at least 25 feet or otherwise determined by the tribal monitor) until the find can be assessed by the tribal monitor.
2. If the tribal monitor determines the resources are Native American in origin, the tribal monitor will recommend steps for treatment of all discovered tribal cultural resources such as, but not limited to, the following: statement of the preference for preservation in place (i.e., avoidance) per CEQA Guidelines Section 15126.4(b)(3); description of methods for the adequate recovery of scientifically consequential information; requirements to coordinate with the tribal monitor to ensure that consideration is given to the cultural values ascribed to a resource beyond that which is scientifically important in the event the resource is Native American in origin; and procedures for curating any archaeological materials at a public, non-profit curation facility, university or museum with a research interest in the materials.
3. The Applicant, or its successor, shall implement the Tribe's treatment recommendations if the tribal monitor concludes that the Tribe's recommendations are reasonable and feasible.
4. In addition to any treatment recommendations pursuant to the above, the tribal monitor shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. The Applicant, or its successor, may recommence Ground Disturbance Activities within the specified radius of the discovery site, so long as this radius has been reviewed by the tribal monitor and determined to be reasonable and appropriate, and so long as the Applicant has complied with all of the recommendations developed and approved pursuant to the process set forth in Paragraphs 2 through 4 above.
6. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the City of Los Angeles Department of City Planning, Central Project Planning Division,

the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

7. Notwithstanding Paragraph 6 above, any information that Los Angeles Department of City Planning, in consultation with the Los Angeles 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 (PRC), Section 7927.000, and handled in compliance with the City's AB 52 Confidentiality Protocols.
8. Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken.

Discovery of Human Remains and Funerary Items. Native American human remains are defined in Public Resources Code (PRC) Section 5097.98(d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, also called associated grave goods in PRC Section 5097.98(a), are also to be treated according to this statute. If Native American human remains and/or grave goods are discovered or recognized on the Project Site, then PRC Sections 5097.9 et seq. as well as Health and Safety Code Section 7050.5 shall be followed. Human remains and grave/burial goods shall be treated alike per PRC section 5097.98(d)(1) and (2). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

- **Enforcement Agency:** Department of City Planning
- **Monitoring Agency:** Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspection
- **Action Indicating Compliance:** Field inspection sign-off