

# MITIGATION MONITORING AND REPORTING PROGRAM

**MITIGATED NEGATIVE DECLARATION NO. 1868-19**

**PROJECT NAME:** Orange County Ronald McDonald House Expansion Project

**PROJECT LOCATION:** 383 South Batavia Street and 802 W. Culver Avenue

**PROJECT DESCRIPTION:** The project includes an expansion to the existing Orange County Ronald McDonald House to increase the current number of guest rooms from 21 to 44, which would expand the floor area across the project site by 17,325 sf, and to convert an existing single-family residence to an accessory office space. The addition would be consistent with the style and materials of the existing Ronald McDonald House building. A General Plan Amendment from Low Density Residential to Public Facilities and Institutions and Zone Change from Single-Family Residential to Public Institution are requested to align the institutional use of the Orange County Ronald McDonald House with City land use policy and development standards.

**LEAD AGENCY:** City of Orange

**CONTACT PERSON/ TELEPHONE NO.:** Marissa Moshier, Historic Preservation Planner, (714) 744-7243

**APPLICANT:** Orange County Ronald McDonald House

**CONTACT PERSON/ TELEPHONE NO.:** Noel Burcelis, Executive Director, (714) 639-3600

No.	Mitigation Measure	Time Frame and Responsible Party for Implementation	Time Frame and Responsible Party for Monitoring	Verification of Compliance		
				Initials	Date	Remarks
<b>Aesthetics</b>						
	None Required					
<b>Agriculture and Forestry Resources</b>						
	None Required					
<b>Air Quality</b>						
	None Required					
<b>Biological Resources</b>						
<b>BIO-1</b>	<b>Nesting Bird Avoidance.</b> Prior to the commencement of any proposed actions (e.g. site clearing, demolition, grading) during the breeding/nesting season	Three days prior to commencement of any proposed construction	Community Development Director or designee.			

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	<p>(February 1 to September 1), the project applicant shall retain a qualified biologist to conduct pre-construction surveys for nesting birds in and near the project area to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than three (3) days prior to the initiation of demolition activities during nesting season.</p> <p>If active nests are discovered on the project site, the qualified biologist will establish an appropriate buffer zone around the nest using temporary plastic fencing or other suitable materials, such as barricade tape and traffic cones. The biologist, in consultation with the California Department of Fish and Wildlife (CDFW), will determine the extent of a demolition-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project demolition. Once the nest is no longer active and upon final determination by the biologist, the proposed action may proceed within the buffer zone. Prior to the commencement of construction activities and the issuance of any permits, the City of Orange Community Development Department shall verify that all project construction plans include</p>	<p>activities during the bird breeding/nesting season and until active nests are not discovered; Applicant/ Construction Contractor and Qualified Biologist.</p>				

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	specific notes regarding the requirements of the MBTA, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans.					
<b>BIO-2</b>	<p><b>Tree Protection Zone.</b>  All on-site trees that are not identified for removal shall have a tree protection barrier placed around them during the duration of construction activities. The barrier shall be at least four (4) feet tall and made of highly visible and permanent material and shall have warning signs posted on or near it for the duration of construction activities. The size of the barrier shall be a one (1) foot radius for every one (1) inch of trunk diameter (measures at 4.5 inches above the ground). The tree protection barrier for the Sequoias, Tristanias, Loquat, and Hopbush species shall be a minimum of 6 feet in diameter. Construction activity shall be prohibited within the protection barrier unless a certified arborist determines in advance certain, limited work that will not harm the long-term preservation of the tree can occur through an on-site condition assessment and a written letter. Documentation of construction activity within the tree protection barrier shall be provided to the City of Orange Planning Division.</p>	Prior to and during construction; Applicant/ Construction Contractor.	Prior to and during construction; Community Development Director or designee.			

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<b>Cultural Resources</b>						
CUL-1	<p><b>Historic Resource Protection During Construction Activities.</b></p> <p>Prior to a contractor beginning the trenching work for the storm drain realignment on the project site, a residence protection barrier shall be placed around the perimeter of the west and south sides of the single-family residence at 802 W. Culver Avenue to designate an avoidance area during the duration of construction activities. The residence protection barrier shall be made of highly visible and permanent material and shall have warning signs posted on or near the barrier. The residence protection barrier shall be at least four (4) feet away from the residence to protect it from inadvertent damage by construction equipment.</p>	<p>Prior to and during storm drain realignment; Applicant/ Construction Contractor.</p>	<p>Prior to and during storm drain realignment; Community Development Director or designee.</p>			
CUL-2	<p><b>Unanticipated Discovered of Archaeological Resources.</b></p> <p>If archaeological resources are encountered during ground-disturbing activities, all work in the immediate vicinity shall be halted, and the City of Orange Community Development Department shall be immediately informed of the discovery. The Qualified Archaeologist required under Mitigation Measure TCR-2 shall be retained by the project applicant to determine if the find is classified as a significant cultural resource pursuant to the CEQA definition of</p>	<p>During ground disturbing construction activities; Applicant/ Construction Contractor and Monitor.</p>	<p>During ground disturbing construction activities; Community Development Director or designee.</p>			

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	historical (CEQA Guidelines 15064.5[a]) and/or unique archaeological resources (Public Resources Code 21083.2[g]). If the resource is classified as a significant cultural resource, the qualified archaeologist shall make recommendations on the treatment and disposition of the finding. The final recommendations on the treatment and disposition of the find shall be developed in accordance with all applicable provisions of the California Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4 and shall be reviewed by the City of Orange Community Development Department prior to implementation. The final recommendations shall be implemented and the City shall be provided with a final report on the treatment and disposition of the finding prior to issuance of a Certificate of Occupancy.					
<b>Energy</b>						
	None Required					
<b>Geology and Soils</b>						
<b>GEO-1</b>	<b>Unanticipated Discovery of Paleontological Resources.</b> In the event a previously unrecorded paleontological resource is encountered during construction, all activity shall cease in the immediate vicinity of the find and the City of Orange Community Development Department shall be immediately informed	During construction activities; Applicant/ Construction Contractor.	During construction activities; Community Development Director or designee.			

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	of the discovery. A qualified paleontologist shall be retained by the project applicant to assess whether the find is classified as a significant paleontological resource. If materials encountered are deemed significant paleontological resources, the paleontologist shall recommend a course of action to further investigate and/or mitigate adverse impacts to those resources that have been encountered and the recommendations shall be implemented. The final report containing site forms, site significance, and mitigation measures shall be submitted to the City of Orange Community Development Department.					
<b>Greenhouse Gas Emissions</b>						
	None Required					
<b>Hazards and Hazardous Materials</b>						
	None Required					
<b>Hydrology and Water Quality</b>						
	None Required					
<b>Land Use and Planning</b>						
	None Required					
<b>Mineral Resources</b>						
	None Required					
<b>Noise</b>						
	None Required					
<b>Population and Housing</b>						
	None Required					

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<b>Public Services</b>						
	None Required					
<b>Recreation</b>						
	None Required					
<b>Transportation</b>						
	None Required					
<b>Tribal Cultural Resources</b>						
TCR-1	<p><b>Native American Monitor.</b>  The Project Applicant shall be required to retain and compensate for the services of a Qualified Archaeologist and a Tribal Monitor who is both ancestrally affiliated with the project area and contracted from one of the tribal groups who have consulted with the City under AB 52 for the project and is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. The Tribal Monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.) and shall be associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The Tribal Monitor will only be present on-site during the construction</p>	<p>Prior to issuance of grading permits and construction; Applicant/ Construction Contractor.</p>	<p>Prior to issuance of grading permits and construction; Community Development Director or designee.</p>			

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	phases that involve ground disturbing activities. Ground disturbing activities may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor shall complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed. The on-site monitoring shall end when the project site grading and excavation activities are completed or when the Tribal Monitor and Qualified Archaeologist indicate that the site has low potential for impacting tribal cultural resources.					
<b>TCR-2</b>	<b>Professional Standards.</b> Archaeological and 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. Principal personnel must meet or exceed the Secretary of Interior's Professional Qualification Standards for archaeology (defined at 36	Prior to issuance of grading permits and construction; Applicant/ Construction Contractor.	Prior to issuance of grading permits and construction; Community Development Director or designee.			

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	CFR Part 61). The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.					
TCR-3	<p><b>Unanticipated Discovery of Tribal Cultural Resources.</b></p> <p>Upon discovery of any tribal cultural resources or archaeological resources, construction activities in the immediate vicinity of the find shall cease until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the Qualified Archaeologist and Tribal Monitor. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If the resource is determined not to be a tribal cultural resource, then measures required under Mitigation Measure CUL-2 shall occur.</p>	During construction activities; Applicant/ Construction Contractor and Monitors.	During construction activities; Community Development Director or designee.			
TCR-4	<p><b>Unanticipated Discovery of Human Remains.</b></p> <p>Native American human remains are defined</p>	During construction activities;	During construction activities; Community			

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	in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.	Applicant/ Construction Contractor and Monitors.	Development Director or designee.			
TCR-5	<b>Resource Assessment and Continuation of Work.</b> Upon discovery of human remains, the Tribal Monitor shall immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The Tribal Monitor will then notify the Tribe, the Qualified Archaeologist, and the construction manager who will call the coroner. Construction activities shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American and until treatment measures detailed under	During construction activities; Applicant/ Construction Contractor and Monitors.	During construction activities; Community Development Director or designee.			

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	Mitigation Measure TCR-5 are agreed upon. The discovery shall be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).					
<b>TCR-6</b>	<b>Kizh-Gabrieleno Procedures.</b> If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koonas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.	During construction activities; Applicant/ Construction Contractor and Monitors.	During construction activities; Community Development Director or designee.			
<b>TCR-7</b>	<b>Treatment and Disposition of Tribal Cultural Resources.</b>	During construction	During construction activities;			

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	<p>Prior to the continuation of ground disturbing activities, the treatment and curation of the human remains shall be determined and agreed upon by the MLD established by the NAHC for the project. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with a protective casing to prevent further damage or looting of the remains. If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following shall be required: The remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Gabrieleno Band of Mission Indians – Kizh Nation shall work closely with the Qualified Archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Gabrieleno Band of Mission Indians – Kizh Nation, documentation shall be taken</p>	<p>activities; Applicant/ Construction Contractor and Monitors.</p>	<p>Community Development Director or designee.</p>			

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	<p>which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Gabrieleno Band of Mission Indians – Kizh Nation for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities shall be submitted to the Tribe and the NAHC.</p> <p>Each occurrence of human remains and associated funerary objects shall be stored in accordance with methods agreed upon between the MLD and the landowner.</p>					
<b>Utilities and Service Systems</b>						
	None Required					
<b>Wildfire</b>						
	None Required					