

Response to Comments and Mitigation Monitoring and Reporting Program

McDonald's at Santa Clara Avenue Project SCH No. 2024010298

Prepared for

City of Santa Ana
Planning and Building Division
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February 2024

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1.0 INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA) (*California Public Resources Code* Section 21000 et. seq.) and the State CEQA Guidelines (*California Code of Regulations*, Title 14, Section 15000 et. seq.), the potential environmental effects of the McDonald’s at Santa Clara Project (Project) proposed by the City of Santa Ana (City) were analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND), dated January 2024 (SCH No. 2024010298). The City of Santa Ana is acting as the CEQA Lead Agency.

Section 15074(b) of the State CEQA Guidelines states that, prior to approving a project, the Lead Agency must consider a proposed IS/MND together with any comments received on that document during the public review process. Although CEQA does not require written responses to comments on an IS/MND, in Section 2.0, Responses to Comments, of this document the City has provided written responses to all letters and e-mails (collectively referred to as letters herein) received during and immediately after the IS/MND public review period.

Section 15074(d) of the State CEQA Guidelines states that, when adopting an IS/MND, the Lead Agency shall also adopt a program for reporting on or monitoring the changes that it has either required in the Project or made a condition of approval to avoid or reduce the project’s significant environmental effects to a less than significant level. Therefore, Section 3.0, Mitigation Monitoring and Reporting Program, describes the mitigation program to be implemented by the City for the Project.

1.1 PUBLIC REVIEW PROCESS

Upon completion of the IS/MND, the public review was conducted in accordance with Sections 15072 and 15073 of the State CEQA Guidelines. In January 2024, a *Notice of Intent to Adopt a Mitigated Negative Declaration for the McDonald’s at Santa Clara Project (NOI)* was prepared and distributed to the State Office of Planning and Research, State Clearinghouse and Planning Unit (State Clearinghouse/SCH); responsible and trustee agencies; organizations and interested parties; all parties who requested notice in accordance with CEQA; and the owners and occupants of properties within 1,000 feet of the Project site.

The NOI was distributed for a 20-day public review period from January 12, 2024, through February 1, 2024. On January 12, 2024, the NOI was filed with the Orange County Clerk-Recorder. The NOI and IS/MND (including technical appendices) were also made available for review online at the City’s website (<https://www.santa-ana.org/mcdonalds-drive-through-restaurant/>) and during regular business hours at the following two locations:

- City of Santa Ana Planning Division Counter, 20 Civic Center Plaza, Ross Annex M-20, Santa Ana, CA 92701; and
- City of Santa Ana Public Library, 26 Civic Center Plaza (M-75), Santa Ana, CA 92701

A total of five comment letters from one agency and four individuals were received during and immediately after the public review period. The City’s responses to comments on the IS/MND are provided in Section 2.0, Responses to Comments, of this document.

1.2 CONCLUSION OF THE CEQA PROCESS

The City has reviewed all comments received from one agency and four individuals to determine whether any substantial new environmental issues have been raised. Based on the evaluation in the IS/MND together with the comments received, the City has determined that no substantial new environmental issues have been raised that have not been adequately addressed in the IS/MND and/or in this Responses to Comments and Mitigation Monitoring and Reporting Program document. All potential impacts associated with the Project were found to be less than significant with incorporation of identified mitigation measures, where applicable. Therefore, the Project would not result in any significant impacts and an IS/MND is the appropriate environmental document for the Project in accordance with CEQA and the State CEQA Guidelines.

The Santa Ana Planning Commission and City Council will consider the IS/MND together with the comments received during the public review process. The Planning Commission and City Council, as the decision-making bodies of the Lead Agency, will adopt the proposed IS/MND and approve the Project only if they find, on the basis of the whole record before it, that there is no substantial evidence that the Project would have a significant effect on the environment, and that the IS/MND reflects the Lead Agency's independent judgment and analysis.

2.0 RESPONSES TO COMMENTS

Written comments on the IS/MND were received from the following parties and are listed chronologically:

Agencies

- City of Irvine, January 19, 2024

Individuals

- Maureen Bayley, February 1, 2024
- David Denny, February 1, 2024
- Debra Frederickson, February 1, 2024
- Doris Idbayeh, February 2, 2024

The City's responses to all written comments are provided beginning on the following page. Each comment letter is included first and has been divided into sequential numbered comments (e.g., Letter 1, comments 1.1, 1.2, 1.3 and so forth). Following the bracketed comment letter, the responses are presented in corresponding order to provide a matching numbered response on the pages following each comment letter.

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Letter 1

cityofirvine.org

City of Irvine, 1 Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575 949-724-6000

January 19, 2023

City of Santa Ana, Planning Division
Pedro Gomez, Senior Planner
20 Civic Center Plaza, Ross Annex M-20
Santa Ana, CA 92701

Sent via e-mail:
PGomez@santa-ana.org

Subject: Notice of Intent (NOI) to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for McDonald's at Santa Clara Project in the City of Santa Ana

Pedro Gomez:

The City of Irvine is in receipt of the NOI to Adopt an IS/MND for McDonald's at Santa Clara Project located at 2101 and 2109 East Santa Clara Avenue. The City understands that the project proposes to demolish two existing vacant residential structures and associated improvements and construct a 3,975-square foot, one-story McDonald's restaurant and associated drive-through, surface parking lot, and landscaping.

1.1

City of Irvine staff has completed its review and has no comments. If you have any questions, please contact me at amatheus@cityofirvine.org or 949-724-6397.

Sincerely,



Alyssa Matheus
Principal Planner

ec: Marika Poynter, Manager of Planning Services
Sun-Sun Murillo, Project Development Administrator

Response to Comment Letter 1

City of Irvine
January 19, 2023

Response 1.1: This comment related to the City of Irvine being in receipt of the NOI is acknowledged. The comment describes the Project and does not address the content or adequacy of the IS/MND under CEQA or the State CEQA Guidelines. As such, no changes to the IS/MND are necessary. However, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Letter 2

From: Maureen Bayley <@yahoo.com>
Sent: Thursday, February 1, 2024 4:56 PM
To: Gomez, Pedro
Cc: Dave Denny; Marisela Montoya; Doris Idbayeh; Jenn Luckham
Subject: McDonald's at Santa Clara Project

Good afternoon Mr. Gonzalez,

On behalf of the members of Woodlyn North Homeowner's Association, located directly across the street from this proposed location, we protest this project.

When we have asked the City of Santa Ana for help with permits to install security gates (2030 E Santa Clara Ave) we were met with roadblocks due to the impact it would have on traffic. Our community has 87 households. Surely McDonald's will have a far greater impact on traffic at this busy intersection than our community. This is residential area and should not be rezoned to accommodate a large corporation over residents.

2.1

Thank you for your consideration regarding this matter,

Maureen Bayley
Woodlyn North HOA
Treasurer

Response to Comment Letter 2

Maureen Bayley
February 1, 2024

Response 2.1: This comment expresses opposition to the Project and states that the Project would cause additional traffic within the area.

A Transportation Analysis was prepared for the proposed Project by Urban Crossroads, dated August 16, 2023. The findings of the said analysis were summarized in Section 4.17, Transportation, of the IS/MND, and the Transportation Analysis in its entirety is included as Appendix K to the Draft IS/MND. The Transportation Analysis included a Level of Service (LOS) analysis, which is a qualitative description of traffic flow based on several factors including speed, travel time, delay, and freedom to maneuver. As further described below, LOS is no longer a CEQA-related issue.

According to the 2018 Governor’s Office of Planning and Research (OPR)’s Technical Advisory on Evaluating Transportation Impacts in CEQA¹, increases in traffic volumes at a particular location resulting from a project typically cannot be estimated with sufficient accuracy or precision to provide useful information for an analysis of safety concerns. Moreover, an array of factors affects travel demand (e.g., strength of the local economy, price of gasoline), causing substantial additional uncertainty.

Because safety concerns result from many different factors, they are best addressed at a programmatic level (i.e., in a general plan or regional transportation plan) in cooperation with local governments, metropolitan planning organizations, and, where the state highway system is involved, the California Department of Transportation. In most cases, such an analysis would not be appropriate on a project-by-project basis.

Pursuant to Section 21099 of the California Public Resources Code, Chapter 2.7: Modernization of Transportation Analysis for Transit-Oriented Infill Project, the criteria for determining the significance of transportation impacts must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” (Id., subd. (b)(1).) To that end, OPR has proposed and approved changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project’s transportation impacts. Automobile delay, as measured by “level of service” and other similar metrics, generally will no longer constitute a significant environmental effect under CEQA. As such, all discussions of LOS are included for informational purposes only.

As stated in the Transportation Analysis, existing conditions with addition of the Project (E+P) peak hour traffic operations were evaluated for the study area intersections, including the primary intersection at the site between Santa Clara Avenue and Tustin Avenue. Ultimately, the Analysis concluded that there are no additional study area intersections anticipated to operate at an unacceptable LOS under E+P traffic conditions, and the addition

¹ Office of Planning and Research. 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Accessed on February 13, 2024 at: https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf

of Project traffic would not trigger the City of Santa Ana's significance criteria. However, under future conditions (based on the horizon year 2040), the addition of Project traffic would result in deficiencies at the intersection of Santa Clara Avenue and Tustin Avenue. As stated in the Draft IS/MND, page 4-94, "...the Project Applicant's responsibility for the Project's contributions towards deficient off-site intersections is fulfilled through payment into pre-existing fee programs (if applicable) that would be assigned to the construction of any future local/regional improvement needs. The Project Applicant would be required to pay requisite fees consistent with the City's requirements." Therefore, cumulative traffic deficiency impacts under CEQA would be less than significant with payment of the required fees to contribute to future local and regional improvements.

Further, as stated in the Draft IS/MND page 4-93, VMT impacts were determined to be less than significant based on the City's screening criteria. Therefore, under CEQA, transportation and traffic impacts would be considered less than significant.

Letter 3

From: David Denny
Sent: Thursday, February 1, 2024 1:26 PM
To: Gomez, Pedro; debbiefred@sbcglobal.net
Subject: Fwd: FW: McDonald's drive-through restaurant at Santa Clara project

Mr. Gomez

Good Afternoon,

Please see my original email below on the concerns and request to deny the building of the McDonald's at N. Tustin/E. Santa Clara Ave, Santa Ana. Please make sure that my email is included in the City's Planning upcoming Public Hearing this month.

3.1

Thank you,
Dave Denny

From: David Denny <David.Denny@cityofsanctacruz.org>
Sent: Thursday, March 16, 2023 9:10 AM
To: Pezeshkpour, Ali <APezeshkpour@santa-ana.org>
Cc: Maureen Bayley <mo_bayleys@yahoo.com>; Marisela Montoya <mariselarealestate@hotmail.com>; Doris Idbayah <idbayeh.doris@yahoo.com>
Subject: Planned McDonald's site (N. Tustin Ave/E. Santa Clara Ave), Santa Ana

Ali

Good Morning,

I am emailing you out of concern for the planned construction of a new McDonald's located close to the intersection of N. Tustin Ave/E. Santa Clara Ave, next to the CHP office. I am the President of the Woodlyn North community of homes that is directly across the planned McDonald's. My community's biggest concern is the severe traffic congestion the new McDonald's will create at our complex entrances and at the intersection of N. Tustin/E. Santa Clara Ave. The vast majority of Homeowners in our community are not in favor of the McDonald's being built at this location.

3.2

Several years ago, our community worked with the City of Santa Ana to construct 2 street side parking spaces at the front of our complex, after multiple Traffic studies were completed, the City deemed the traffic congestion creation of the 2 parking spaces would be too significant and did not allow for the build of additional parking.

3.2
cont.

My question is, has the City started a new traffic study for the intersection and street where the planned McDonald's is to be built ? I request that the planning commission review the past studies done for the Woodlyn North community to assist in expediting the denial of construction for the new McDonald's.

What is the best way to stay informed and updated of the City's planning commission findings and approval process for the new McDonald's ?

3.3

Kind Regards,

David Denny

Response to Comment Letter 3

David Denny
February 1, 2024

Response 3.1: This comment aims to ensure the previous email (dated March 16, 2023) requesting denial of the Project is included in the public record as a part of the City's Planning Commission hearing occurring in February 2024. The comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 3.2: This comment states that the Project would cause traffic within the area, primarily at the intersection of Santa Clara Avenue and Tustin Avenue. The comment references a previous project for two parking spaces that was denied due to potential traffic congestion it would create.

As stated above in Response 2.1, OPR has proposed and approved changes to the CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project's transportation impacts. Automobile delay, as measured by LOS and other similar metrics, generally will no longer constitute a significant environmental effect under CEQA. As such, all discussions of LOS are included for informational purposes only. The Transportation Analysis concluded that there are no additional study area intersections anticipated to operate at an unacceptable LOS under E+P traffic conditions, and the addition of Project traffic would not trigger the City of Santa Ana's significance criteria. Additionally, the Transportation Analysis determined cumulative traffic deficiency impacts under CEQA would be less than significant with payment of the required fees to contribute to future local and regional improvements. Further, as stated in the Draft IS/MND page 4-93, VMT impacts were determined to be less than significant based on the City's screening criteria. Therefore, under CEQA, transportation and traffic impacts would be considered less than significant, and no changes to the IS/MND are necessary. This comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Response 3.3: The commenter requests to be kept informed and updated on the City Planning Commission's findings and approval process for the Project. The comment is noted for the administrative record and will be provided to the decision-makers for review and consideration. All information regarding upcoming Planning Commission meetings, agendas, staff reports and minutes are available online at the City website: <https://www.santa-ana.org/planning-commission/>.

Letter 4

From: Debra Frederickson <>
Sent: Thursday, February 1, 2024 11:02 AM
To: Gomez, Pedro <PGomez@santa-ana.org>
Cc: Denise Hundt <dhundt@sbcglobal.net>
Subject: McDonald's drive-through restaurant at Santa Clara project

To Mr. Pedro Gomez, senior planner
City of Santa Ana, planning division
20 Civic Center Plaza,
Ross annex M – 20
Santa Ana, CA 92701

As a property owner of 2026 East Ave., D4, Santa Ana, I would like to express my **strong opposition** to adopt and approve the construction of a 24 hour drive-through restaurant, namely, McDonald's at Santa Clara and Tustin Avenue. This is a detriment to the quality of life of all residents at the Woodland North condominium complex. A fast food, 24 hour operation would bring vehicle traffic, truck deliveries, trash pick up, increased traffic, and night lighting, that would negatively impact the residence of the area. 4.1

First and foremost, many new commercial food service businesses have opened on 17th St. and Tustin Avenue along with E. Santa Clara and Tustin Avenues. Those businesses have negatively impacted the traffic on E. Santa Clara Ave. This will lead to even more congestion, traffic hazards, significant environmental issues for the local residents and pedestrians that currently use the streets and crosswalks. The traffic is horrendous!

Additionally, this type of commercial project will negatively affect the property values to the homeowners in the area! This would be absolutely unfair! Santa Ana's sanctuary city status has already brought unwanted crime, vagrants, and drug trafficking to our quiet community. A 24 hour operation would give those people along with other homeless or indigent people a location to loiter! We have children in our community! We have elderly in our community! We have NO protective gates, because the City won't approve them, to keep out the kind of people that this operation, and others like it, invite into a peaceful neighborhood. 4.2

This is our home! This is our privacy! This is our peace of mind!
Please help us protect ourselves... Think about how you would feel if this were in your backyard.

Sincerely,
Debra Frederickson,

Sent via email 2-1-24

Response to Comment Letter 4

Debra Frederickson

February 1, 2024

Response 4.1: The commenter states that the Project would bring vehicle traffic, truck deliveries and trash pickup, traffic hazards and pedestrian hazards, and increased night lighting which would negatively impact the residence of the area.

As stated above in Response 2.1, OPR has proposed and approved changes to the CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project's transportation impacts. Automobile delay, as measured by LOS and other similar metrics, generally will no longer constitute a significant environmental effect under CEQA. As such, all discussions of LOS are included for informational purposes only. The Transportation Analysis concluded that there are no additional study area intersections anticipated to operate at an unacceptable LOS under E+P traffic conditions, and the addition of Project traffic would not trigger the City of Santa Ana's significance criteria. Additionally, the Transportation Analysis determined cumulative traffic deficiency impacts under CEQA would be less than significant with payment of the required fees to contribute to future local and regional improvements. Further, as stated in the Draft IS/MND page 4-93, VMT impacts were determined to be less than significant based on the City's screening criteria. Therefore, under CEQA, transportation and traffic impacts would be considered less than significant, and no changes to the IS/MND are necessary.

While the proposed 24-hour operation of the proposed Project will result in construction and operation noise associated with vehicular traffic, truck deliveries, and trash pickup, the potential noise impacts would be less than significant. As discussed on page 4-78 in Section 4.13, Noise, of the Draft IS/MND, noise generated from truck trips during construction would be added to the ambient noise level generated by vehicle traffic. However, noise increases associated with Project truck traffic would be less than the 1.5-dBA traffic increase threshold due to the small magnitude of traffic resulting from hauling of grading materials relative to background traffic. It is anticipated that excavation of the site would result in up to four truck trips per day. The addition of four truck trips per day would not result in a substantial increase in noise levels, and would not create significant issues related to truck deliveries.

Additionally, as stated on page 4-78 in Section 4.13, Noise, of the Draft IS/MND, noise associated with trash removal activities is regulated under Section 18-314.i of the Municipal Code. Maintenance activities are limited between the hours of 7:00 a.m. and 8:00 p.m. on any day except Sunday or a federal holiday, or between the hours of 9:00 a.m. and 8:00 p.m. on Sunday or a federal holiday. As such, compliance with the noise limits within the Municipal Code would result in noise levels that are acceptable and would result in less than significant impacts related to these stationary sources of noise, and would not create significant issues related to trash pickup.

Furthermore, the Draft IS/MND (Section 4.17) on page 4-93 discusses the queuing analysis, traffic signal warrant analysis and drive-thru analysis to determine if the Project would result in significant traffic hazards. Overall, the Transportation Analysis determined the

intersection of Tustin Avenue and Santa Clara Avenue would experience acceptable queuing during peak hours; no traffic signal is warranted; and the drive thru would provide sufficient capacity to accommodate queuing during the peak hours. As such, the Draft IS/MND found that impacts related to traffic hazards would be less than significant.

Related to pedestrian hazards, as stated in the Draft IS/MND Section 4.17, Transportation page 4-92, the proposed Project would remove the existing 8-foot sidewalk and replace it with a 10-foot sidewalk per City of Santa Ana Standard Plan 1104, which would connect to and provide continuation of the existing sidewalk areas along East Santa Clara Avenue. The Project would remove the western most driveway along East Santa Clara and replace it with sidewalk, and rebuild the eastern most existing driveway located along East Santa Clara Avenue per City of Santa Ana Standard Plan 1112. Widening of the sidewalk and replacing an existing driveway with sidewalk would provide improved pedestrian facilities within the site vicinity. In addition, the Project would comply with all conditions set forth in the required Project specific Traffic Control Plan (TCP) during construction activities to ensure traffic and pedestrian safety with association of lane closures. As such, the Project would not create a significant impact related to pedestrian hazards.

Regarding lighting, as discussed on pages 4-4 and 4-5 in Section 4.1, Aesthetics, of the Draft IS/MND, all Project lighting would be subject to the City of Santa Ana Design Guidelines (Chapter 9 – Commercial Design Guidelines), which outline lighting standards for commercial projects and include direction on minimizing light and glare onto adjoining properties (City of Santa Ana 2022c). All on-site lighting would be shielded and directed so that no lighting trespasses onto the adjacent properties. Although new light sources would result with the proposed commercial use, lighting levels in the area would not be altered and would be consistent with the ambient and night-time lighting at the commercial uses surrounding the site. Due to the urban nature of the Project site and existing lighting near the Project site, impacts associated with new lighting from the proposed Project would be less than significant.

Response 4.2: The commenter states that the Project would affect property values and bring unwanted attention and crime to the area.

As stated on page 4-87 in Section 4.15, Public Services, of Draft IS/MND, the Project would provide security measures such as controlled access, security cameras, and lighting. The Project would include a security camera system both inside and outside of the restaurant, which would be used to monitor the drive thru, the queuing and the overall Project site. Additionally, existing City Services, including Homelessness Services, Code Enforcement, Maintenance and Nuisance Operations, and Calls to Service aim to address safety concerns within the City.

However, it should be noted that according to CEQA Guidelines Section 15131(a), socioeconomic effects themselves, such as property values, are not required to be discussed under CEQA, and only physical changes and impacts that would occur as a result of such effects should be analyzed. In the absence of a foreseeable and significant physical impact, discussion of socioeconomic issues including property values and quality of life would be speculative. As such, property values are not required to be discussed under CEQA.

Letter 5

From: Doris Idbayeh <@yahoo.com>
Sent: Friday, February 2, 2024 8:04 AM
To: Gomez, Pedro
Subject: McDonald's Project

Hello, I'm a homeowner at Woodlyn North. My husband and I are against this proposal for a McDonald's to be built in our neighbor hood. This would have a high impact of traffic in this area. It already has enough traffic, trying to get into our complex at peak hours can be very difficult. So I'm extremely opposing this project.

5.1

Best Regards,
Doris Idbayeh

Response to Comment Letter 5

Doris Idbayeh
February 2, 2024

Response 5.1: The commenter expresses opposition to the proposed Project and states that the Project would bring traffic to the area. As stated above in Response 2.1, OPR has proposed and approved changes to the CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project's transportation impacts. Automobile delay, as measured by LOS and other similar metrics, generally will no longer constitute a significant environmental effect under CEQA. As such, all discussions of LOS are included for informational purposes only. The Transportation Analysis concluded that there are no additional study area intersections anticipated to operate at an unacceptable LOS under E+P traffic conditions, and the addition of Project traffic would not trigger the City of Santa Ana's significance criteria. Additionally, the Transportation Analysis determined cumulative traffic deficiency impacts under CEQA would be less than significant with payment of the required fees to contribute to future local and regional improvements. Further, as stated in the Draft IS/MND page 4-93, VMT impacts were determined to be less than significant based on the City's screening criteria. Therefore, under CEQA, transportation and traffic impacts would be considered less than significant, and no changes to the IS/MND are necessary.

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3.0 MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of the California Public Resources Code and Section 15097 of the State CEQA Guidelines require a public agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) for ensuring the implementation of required mitigation measures to reduce or avoid significant environmental effects as identified in the IS/MND. The specific reporting and/or monitoring requirements that will be enforced during Project implementation shall be adopted simultaneously with Project approval by the Santa Ana City Council in its capacity as the lead agency for the IS/MND.

The MMRP for the Project, presented in Table 1, consists of Mitigation Measures (MMs) identified in the IS/MND that are required for Project implementation. The MMs for the Project are listed in the first column, the timing of each mitigation measure's implementation is in the second column, the party(ies) responsible for implementing all or a part of the mitigation is in the third column, and the party with primary responsibility for monitoring and enforcing compliance is in the fourth column (i.e., the Lead Agency).

**TABLE 1
MCDONALD’S AT SANTA CLARA AVENUE PROJECT MITIGATION MONITORING AND REPORTING
PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
Cultural Resources			
<p>MM CUL-1</p> <p>Prior to the issuance of the grading permit, the Project Applicant shall provide written evidence to the City that the Applicant has retained an Orange County-certified archaeologist to observe grading activities within previously undisturbed soils, and to salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance within previously undisturbed soils, and shall establish, in cooperation with the Applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If archaeological resources are inadvertently unearthed during excavation activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery and the archaeologist and City shall be notified immediately. If the archaeological resources are found to be significant, the archeologist, in consultation with the City, shall determine appropriate actions for exploration and salvage. After the find has been appropriately avoided or mitigated, work in the area may resume.</p>	<ul style="list-style-type: none"> • Prior to issuance of the grading permit • At pre-grade conference • During excavation activities 	Project Applicant	City of Santa Ana Planning Division
<p>RR CUL-1</p> <p>In the event that human remains are unearthed during excavation and grading activities, all activity shall cease immediately. Pursuant to State Health and Safety Code Section 7050.5, no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the NAHC.</p>	<ul style="list-style-type: none"> • During excavation and grading activities if human remains are encountered 	Project Applicant	City of Santa Ana Planning Division

**TABLE 1
MCDONALD’S AT SANTA CLARA AVENUE PROJECT MITIGATION MONITORING AND REPORTING
PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
Geology and Soils (Paleontological Resources)			
<p>MM GEO-1</p> <p>Prior to commencement of earthmoving activities, the Project Applicant shall retain a qualified Orange-County certified Paleontologist, for on-call services in the event of a discovery of paleontologically sensitive rock formations during ground disturbance activities. Should these resources be found during ground-disturbing activities for the Project, the Paleontologist shall first determine whether it is a significant paleontologically sensitive fossil locality or rock formation. If the above-mentioned resources are found during earthmoving activities, the Paleontologist shall formulate a report and a mitigation plan in consultation with the City of Santa Ana. For paleontological resources, the disposition of the resources shall be subject to approval by the City. All recovered paleontologically sensitive fossils and rock formations shall be deposited in an accredited institution or museum, such as the Natural History Museum of Los Angeles County. If resources are discovered, work may proceed in other areas of the site, subject to the direction of the Paleontologist.</p>	<ul style="list-style-type: none"> • Prior to commencement of earthmoving activities • During earthmoving activities if potential paleontological resources (fossils) are encountered 	Project Applicant	City of Santa Ana Planning Division
Hazardous Materials			
<p>MM HAZ-1</p> <p>If additional materials are discovered during demolition activities and a laboratory analysis of the samples was not performed, sample shall be collected and analyzed prior to removal or disturbance of the materials.</p>	<ul style="list-style-type: none"> • During demolition activities 	Project Applicant	City of Santa Ana Planning Division
<p>MM HAZ-2</p> <p>Prior to commencement of demolition, all asbestos containing materials (ACMs) and asbestos containing construction materials (ACCMs) shall be removed from the structures at the Project site by a licensed abatement contractor registered in the State of California and certified to perform asbestos-related activities pursuant to the recommendations provided by the Asbestos Survey Report prepared by Hazard Management Consulting and dated September 23, 2023.</p>	<ul style="list-style-type: none"> • Prior to commencement of demolition activities 	Project Applicant	City of Santa Ana Planning Division

**TABLE 1
MCDONALD’S AT SANTA CLARA AVENUE PROJECT MITIGATION MONITORING AND REPORTING
PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
Tribal Cultural Resources			
<p>MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <p>A. The Project Applicant shall retain a Native American Monitor acceptable by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (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). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, 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 TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of</p>	<ul style="list-style-type: none"> • Prior to ground disturbance • During ground disturbing activities 	<p>Project Applicant</p>	<p>City of Santa Ana Planning Division</p>

**TABLE 1
MCDONALD’S AT SANTA CLARA AVENUE PROJECT MITIGATION MONITORING AND REPORTING
PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
<p>contact for the Project Applicant/Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the Project Applicant/Lead Agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p>			
<p>MM TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)</p> <p>Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist.</p>	<ul style="list-style-type: none"> • During grading activities, if potential tribal cultural resources are encountered 	<p>Project Applicant</p>	<p>City of Santa Ana Planning Division</p>
<p>MM TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p> <p>Native American human remains are defined 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	<ul style="list-style-type: none"> • During grading activities, if human remains and/or grave goods are encountered 	<p>Project Applicant</p>	<p>City of Santa Ana Planning Division</p>

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