ATTACHMENT A
BACKGROUND, PROJECT DESCRIPTION, AND JUSTIFICATION FOR CEQA EXEMPTIONS

1.0 PROJECT LOCATION AND EXISTING CONDITIONS

1.1 Project Location

The Hart Park Pickleball and Fitness Circuit Project (proposed project) is approximately two acres located at the western edge of Hart Park. The project site is located at 701 South Glassell Street in the City of Orange within Orange County. More specifically, it is located southeast of the Glassell Street and Hart Park intersection. For reference, see **Figure 1** through **Figure 3**, which display the project site on both regional and local scales, and **Figure 4**, which includes photographs of the project site.

1.2 Existing Conditions Onsite

The project site is an undeveloped portion of existing Hart Park that consists of a citrus grove, landscaping, a concrete path, and area lighting.

1.3 Surrounding Uses

The project site is surrounded by other portions of Hart Park to the north, east and west, and the State Route-22 freeway to the south.

1.4 General Plan Land Use and Zoning

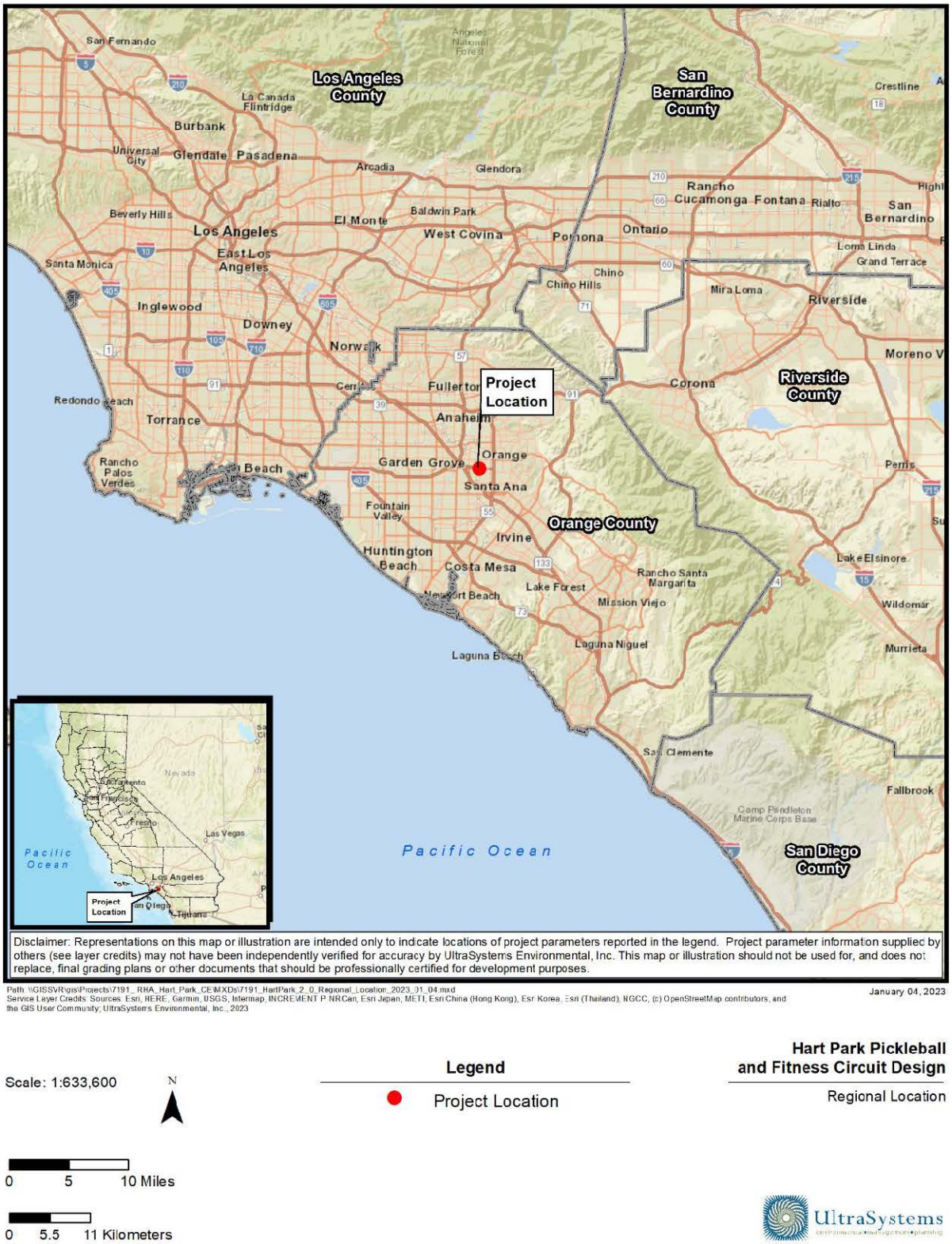
The project site has a General Plan land use designation of Open Space, and a zoning designation of Recreation Open Space (RO) (City of Orange, 2023a). Refer to **Table 1.4-1**, which details the land use designations in the General Plan, the zoning districts, and existing development of the project site and surrounding areas.

Table 1.4-1
EXISTING LAND USES ON THE PROJECT SITE AND SURROUNDING AREA

Location	Land Use	Zoning District	Existing Development
Project Site	Open Space (OS)	Recreation Open Space (RO)	Landscaping (trees & and grasses)
North	Open Space (OS)	Recreation Open Space (RO)	Hart Park: swimming pool, tennis court, playground, picnic area, and parking lot.
South	Right-of-Way (ROW)	Right-of-Way (ROW)	State Route 22 freeway
East	Open Space (OS)	Recreation Open Space (RO)	Hart Park: softball/baseball diamonds
West	Open Space (OS)	Recreation Open Space (RO)	Hart Park: Orange Grove

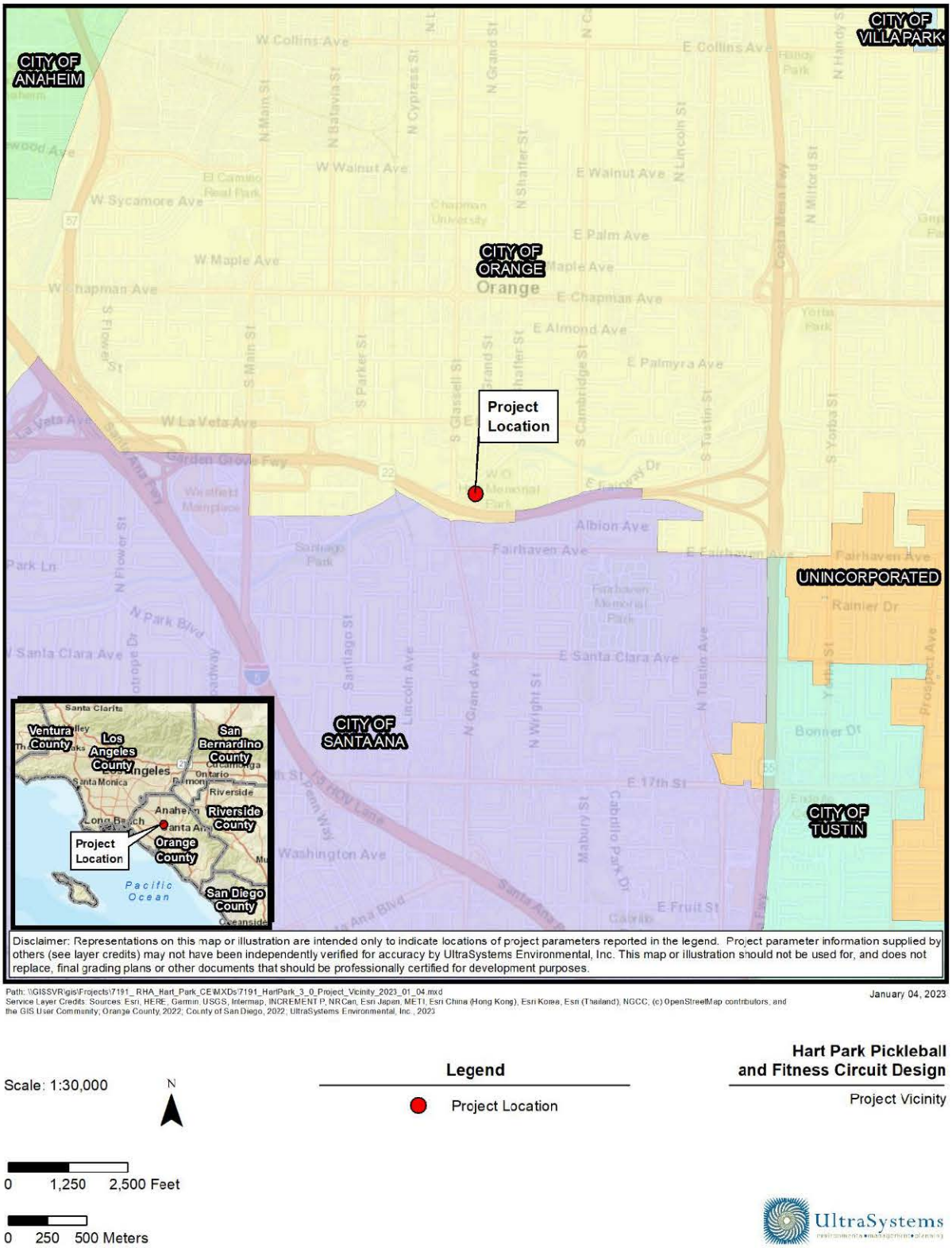
Sources: City of Orange, 2023a; Google Earth Pro, 2023.

Figure 1
REGIONAL LOCATION MAP



Source: UltraSystems Environmental Inc., 2023

Figure 2
PROJECT VICINITY MAP



Source: UltraSystems Environmental Inc., 2023

Figure 3
PROJECT LOCATION MAP

Source: UltraSystems Environmental Inc., 2023

Figure 4
PROJECT SITE PHOTOGRAPHS

Photo 1: View looking north west from the eastern border of the project area.

Photo 2: View looking southwest from the eastern border of the project area.

Photo 3: View looking east from the western border of the project area.

Photo 2: View looking northwest from the southwest corner of the project area.

Source: UltraSystems Environmental Inc., 2023

2.0 DESCRIPTION

The proposed project would develop an underutilized part of Hart Park to provide City residents with additional recreational opportunities. The proposed project would promote health, fitness, and community connections. The project components are listed below and depicted in **Figure 5**.

- 10 pickleball courts with fencing and wind screens.
- Two shade sails. One of the sails would be 25 feet x 120 feet and the other sail would be so feet x 40 feet.
- 10 benches.
- Bottle-filling drinking fountain with dog watering station.
- Outdoor exercise equipment area composed of a back extension pro machine, a two-person leg press machine, a two-person lateral pull and a vertical press machine, and a two-person static combo machine.
- Bike rack.
- new signage.
- Four trash and recycling receptacles.
- Paved pathways with associated pathway light posts.
- Replace existing fencing with decorative tubular steel where it abuts park improvements.
- Fencing
- Landscaping
- Irrigation valves
- IT improvements - electrical conduit runs to future security camera locations.

2.1.1 Existing Trees During Construction

The project requires the removal of five existing trees as shown in **Figure 6**. A Tree Removal Permit would be required as specified in the project design feature (**PDF**)**-2** in Section 3.0 c) of this report. The project proposed the addition of 10 large canopy shade trees shown in **Figure 7**, replacing the five to be removed. During excavation, protective fencing would be installed as needed to prevent further harm or destruction of other trees, orchards, and the surrounding environment. The City Arborist will be present to ensure that no damage is done to the canopies or root systems of the trees. The finish grade at the base of these trees must remain the same as the original grade before and after completion of the project.

2.2 Park Operations

The City of Orange Community Services Department manages recreation programs and special events within Hart Park, including maintenance of the park and related facilities, along with its planning and development. As a general rule, the City of Orange parks are open to the general public between the hours of 5:00 am and 11:00 pm. Special events or gatherings may bring more visitors to the park at various times throughout the year.

2.3 Project Construction

Construction activities for the project will last approximately nine months and would begin in April 2024 and end in December 2024. The construction would have six subphases:

- Demolition
- Site Preparation
- Grading
- Building Construction
- Paving
- Architectural coating

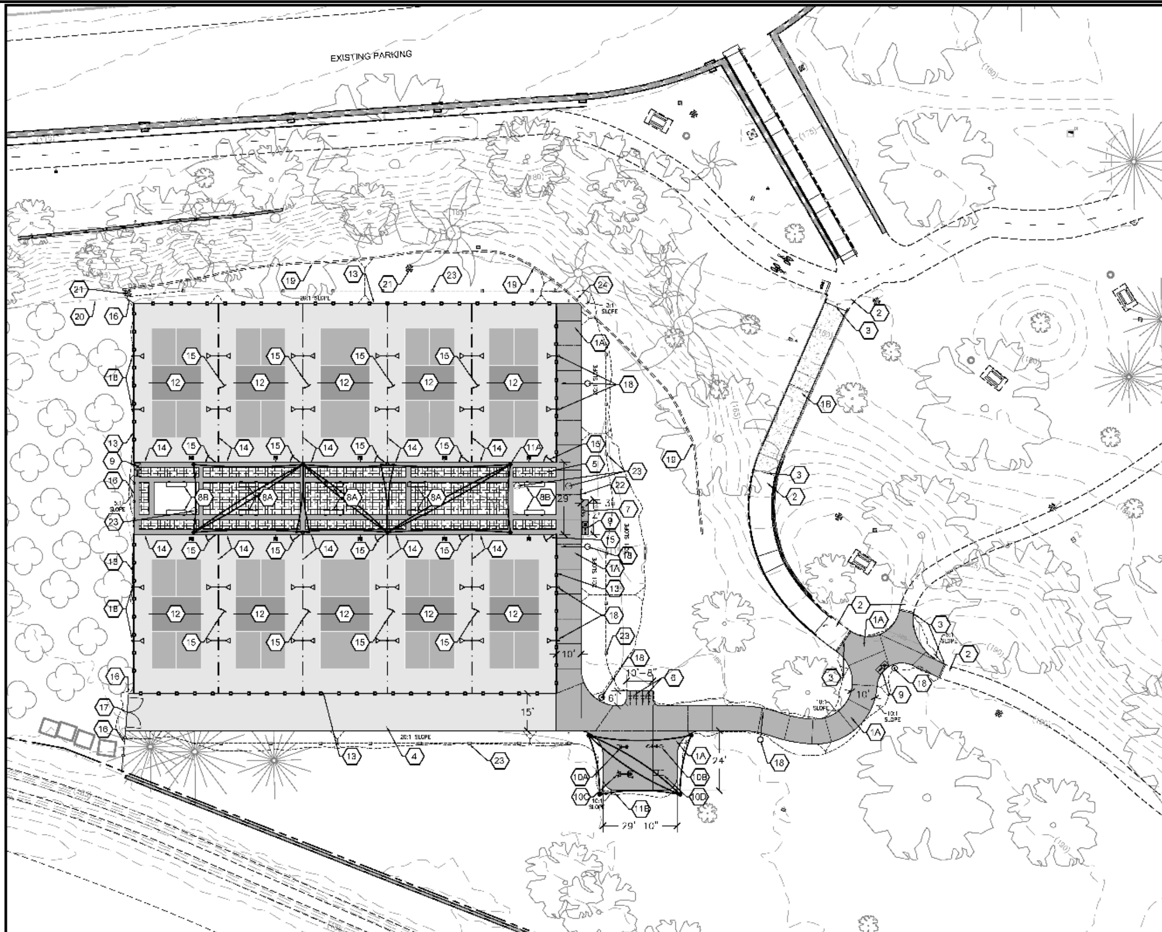
Table 2.3-1 shows the project schedule used for the air quality, GHG emissions, and noise analyses.

Table 2.3-1
CONSTRUCTION SCHEDULE

Construction Phase	Start	End
Demolition	April 1, 2024	April 19, 2024
Site Preparation	April 20, 2024	May 10, 2024
Grading	May 11, 2024	June 7, 2024
Building Construction	June 7, 2024	October 4, 2024
Paving	October 5, 2024	December 13,2024
Architectural coating	December 14, 2026	December 31, 2024

Source: Air Quality Memorandum (UltraSystems, 2023b)

Figure 5
PROJECT SITE PLAN



CONSTRUCTION LEGEND

BID STATUS	SYM.	QTY.	DESCRIPTION	REMARKS/DETAIL
BASE BID	1A	4,469 SF	CONSTRUCT 6" THICK NATURAL GRAY COLOR CONCRETE PAVING, MEDIUM BROOM FINISH, JOINTS PER PROJECT SPECIFICATIONS. JOIN FLUSH WITH EXISTING CONCRETE PAVING.	PER CIVIL ENGINEER'S PLANS DETAIL 'A', SHEET CD-1
BASE BID	1B	734 SF	CONSTRUCT 6" THICK NATURAL GRAY COLOR MEDIUM BROOM FINISH CONCRETE RAMP WITH CURB AND HANDRAILS TO MATCH EXISTING. JOINTS PER PROJECT SPECIFICATIONS. JOIN FLUSH WITH EXISTING CONCRETE PAVING.	PER CIVIL ENGINEER'S PLANS DETAILS 'A, B & H', SHEET CD-1
BASE BID	2	- -	EXISTING HARDSCAPE TO PROTECT IN PLACE	
BASE BID	3	LS	INSTALLED PAVING TO JOIN FLUSH TO EXISTING CONCRETE PAVING	DETAIL 'B', SHEET CD-1
BASE BID	4	2,590 SF	CONSTRUCT 5" THICK AC PAVEMENT OVER 6" OF AGGREGATE BASE PER CIVIL ENGINEER'S PLANS.	PER CIVIL ENGINEER'S PLANS DETAIL 'C', SHEET CD-1
BID ADD ALT #1			BID ADD ALT #1: CONSTRUCT 6" THICK NATURAL GRAY COLOR CONCRETE PAVING, MEDIUM BROOM FINISH, JOINTS PER PROJECT SPECIFICATIONS.	BID ADD ALT #1 DETAIL 'A', SHEET CD-1
BASE BID	5	2,673 SF PAVERS 1,596 SF BANDS	INSTALL 60MM MANOR BLEND COLORED VILLA CONCRETE PAVERS IN 8"X8" AND 4"X8" SIZES AVAILABLE THROUGH ORCO BLOCK IN A RANDOM PATTERN. PAVER FIELDS SEPARATED BY 12" THICK X 24" WIDE SMOOTH TROWELED NATURAL COLOR CONCRETE BANDS. REFER TO PLAN FOR BAND LAYOUT	DETAIL 'D', SHEET CD-1
BASE BID	6	2 EA	CITY TO FURNISH- CONTRACTOR TO INSTALL CUSTOM BIKE RACK QUOTE # QTE-00131565-1 COLOR ORANGE - IN-GROUND MOUNT AVAILABLE THROUGH DERO 1-888-337-6729. ALLOW 4 WEEKS LEAD TIME.	DETAIL 'E', SHEET CD-1 PER MANUFACTURER
BASE BID	7	1 EA	CITY TO FURNISH - CONTRACTOR TO INSTALL CHILLED ADA BOTTLE FILLER DRINKING FOUNTAIN MODEL #10145-18SM WITH ATTACHED PET FOUNTAIN BASIN, AND RECESSED HOSE BIBB WITH LOCKING DOOR. COLOR TO BE GREEN. AVAILABLE THROUGH MOST DEPENDABLE FOUNTAINS (901)867-0039 CONTRACTOR SHALL INSTALL AND COORDINATE HOOK-UP OF FOUNTAIN TO POTABLE WATER LINE AND SUMP LOCATIONS. REFER TO IRRIGATION PLANS FOR POTABLE WATER LINE CONNECTION AND ELECTRICAL PLANS FOR ELECTRICAL CONNECTION.	DETAILS 'F & G', SHEET CD-1 INSTALL PER MANUFACTURER'S RECOMMENDATIONS REFER TO IRRIGATION PLANS IP-1 FOR WATER LINE CONNECTION.
BASE BID	8A	6 EA	FURNISH & INSTALL 8' DOUBLE PEDESTAL BENCH WITH BACK EXPANDED METAL AND CENTER ARM DETERRENT, SURFACE MOUNT AND ADVANTAGE COATING COLOR: BLACK MODEL: BRT08-A-52-002. AVAILABLE THROUGH MIRACLE RECREATION 800-284-7225. ESTIMATE # 711. ALLOW 3 MONTH LEAD TIME. CITY TO PROVIDE. CONTRACTOR TO OFFLOAD, TRANSPORT, AND INSTALL.	DETAIL 'I', SHEET CD-1 PER MANUFACTURER
BASE BID	8B	4 EA	FURNISH & INSTALL 8' PEDESTAL BENCH WITH BACK EXPANDED METAL AND CENTER ARM DETERRENT, INGROUND MOUNTAND ADVANTAGE COATING COLOR: BLACK MODEL: BRT08-A-51-000. AVAILABLE THROUGH MIRACLE RECREATION 800-284-7225. ESTIMATE # 711. ALLOW 3 MONTH LEAD TIME. CITY TO PROVIDE. CONTRACTOR TO OFFLOAD, TRANSPORT, AND INSTALL.	DETAIL 'I', SHEET CD-1 PER MANUFACTURER
BASE BID	9	TRASH REC 3 EA RECYCLE 3 EA	FURNISH & INSTALL CONCRETE TRASH AND RECYCLE RECEPTACLES COLOR: TAN; FINISH: SMOOTH WITH ANTIGRAFFITI COATING. QUOTE # Q6352 CITY TO PROVIDE. CONTRACTOR TO OFFLOAD,TRANSPORT, AND INSTALL. AVAILABLE THROUGH OUTDOOR CREATIONS (530) 365-3106 - TIM HUDSON. ALLOW FOR 5 MONTH LEAD TIME	DETAILS 'A' & 'B', SHEET CD-4 PER MANUFACTURER
BASE BID	10a	1 EA	INSTALL BACK EXTENSION PRO - MODEL#UBX221-01	ALL SURFACE MOUNT INSTALL PER MANUFACTURER'S SPECIFICATIONS. CITY TO PROVIDE. CONTRACTOR TO OFFLOAD,TRANSPORT, AND INSTALL. DETAIL 'G', SHEET CD-2
	10b	1 EA	INSTALL 2 PERSON LEG PRESS - MODEL#SHP505-03	
	10c	1 EA	INSTALL 2 PERSON COMBO LAT PULL & VERTICAL PRESS - MODEL#SCR048C-03	
	10d	1 EA	INSTALL 2 PERSON STATIC COMBO - MODEL#SHP507-03 BY GREENFIELDS OUTDOOR FITNESS 888-315-9037 ESTIMATE #GF2230	
BASE BID	11A	1 EA	INSTALL CUSTOM SHADE SAIL STRUCTURE. ESTIMATE #MPS688 BY MIRACLE RECREATION 800-264-7225. ALLOW 3 MONTHS LEAD TIME. CITY TO PROVIDE. CONTRACTOR TO OFFLOAD,TRANSPORT, AND INSTALL.	DETAIL 'A', SHEET CD-3 INSTALL PER MANUFACTURER SPECIFICATIONS
BASE BID	11B	1 EA	INSTALL CUSTOM SHADE SAIL STRUCTURE. ESTIMATE #MPS688 BY MIRACLE RECREATION 800-264-7225. ALLOW 3 MONTHS LEAD TIME. CITY TO PROVIDE. CONTRACTOR TO OFFLOAD,TRANSPORT, AND INSTALL.	DETAIL 'B', SHEET CD-3 INSTALL PER MANUFACTURER SPECIFICATIONS
BASE BID	12	10 EA	FURNISH & INSTALL PICKLEBALL COURT PAVING, SURFACING, STRIPING AND NETTING.	DETAILS 'B, C & E', SHEET CD-2
BASE BID	13	590 LF	FURNISH & INSTALL 6' TALL GALVANIZED CHAIN LINK FENCE WITH BLACK VINYL COATING AND WINDSCREEN ON ALL FENCE MATERIAL AROUND PERIMETER OF PICKLEBALL COURTS. REFER TO PLAN FOR LOCATIONS.	DETAILS 'A & D', SHEET CD-2
BASE BID	14	790 LF	FURNISH & INSTALL 4' TALL GALVANIZED CHAIN LINK FENCE WITH BLACK VINYL COATING ON ALL FENCE MATERIAL DIVIDING THE PICKLEBALL COURTS. REFER TO PLAN FOR LOCATIONS.	DETAILS 'A & D', SHEET CD-2
BASE BID	15	16 EA	FURNISH & INSTALL 4' TALL X 4' WIDE GALVANIZED CHAIN LINK PEDESTRIAN SWING GATE WITH BLACK VINYL COATING ON ALL FENCE MATERIAL	DETAIL 'D', SHEET CD-2
BASE BID	16	56 LF	FURNISH & INSTALL 6' TALL GALVANIZED CHAIN LINK FENCE WITH BLACK VINYL COATING ON ALL FENCE MATERIAL DIVIDING PARK SPACE FROM CITRUS ORCHARD SPACE. REFER TO PLAN FOR LOCATIONS.	DETAILS 'A & F', SHEET CD-2
BASE BID	17	1 EA	FURNISH & INSTALL 6' TALL X 12' WIDE GALVANIZED CHAIN LINK DOUBLE SWING GATE WITH BLACK VINYL COATING ON ALL GATE MATERIAL.	DETAILS 'A & F', SHEET CD-2
BASE BID	18	LS	SITE LIGHTING. REFER TO ELECTRICAL ENGINEER'S PLANS.	REFER TO ELECTRICAL ENGINEER'S PLANS
BASE BID	19	- -	EXISTING CONCRETE MOWCURB TO PROTECT IN PLACE	- -
BASE BID	20		EXISTING FENCE TO PROTECT IN PLACE	- -
BASE BID	21	- -	EXISTING LIGHT TO PROTECT IN PLACE	- -
BASE BID	22	1 EA	CITY TO FURNISH DISPLAY CASE BY BSNSPORTS, MODEL: 1162606 CONTRACTOR TO INSTALL DISPLAY CASE AND CONSTRUCT FRAME WITH CONCRETE FOOTING. 800-527-7510	DETAIL 'A', SHEET CD-4
BASE BID	23	LS	STORM DRAIN EQUIPMENT. REFER TO CIVIL ENGINEER'S GRADING PLANS.	REFER TO CIVIL ENGINEER'S PLANS
BASE BID	24	17 LF	CONSTRUCT CONCRETE MOWCURB. ALIGN AND MATCH EXISTING.	DETAIL 'B', SHEET CD-1

ALL SITE FURNISHING SHALL BE SEALED WITH TWO (2) COATS OF ANTI-GRAFFITI SEALANT IN COMPLIANCE WITH THE DEPARTMENT OF COMMUNITY SERVICE STANDARDS.

CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED BY CONSTRUCTION TO EXISTING AMENITIES DESIGNATED AS 'PROTECT IN PLACE' AT NO ADDITIONAL COST TO THE CITY.

FIELD WELDING TO BE DONE BY WELDERS MUST BE APPROVED BY THE CITY OF ORANGE.

DIG ALERT — DIAL BEFORE YOU DIG — TWO WORKING DAYS BEFORE YOU DIG — TOLL FREE 1-800-227-2600 — A PUBLIC SERVICE BY UNDERGROUND SERVICE ALERT

CONSTRUCTION NOTES

1. QUANTITIES ARE GIVEN FOR ESTIMATING PURPOSES ONLY. CONTRACTOR WILL BE RESPONSIBLE FOR INSTALLING MATERIAL IN ALL AREAS AS DESIGNATED ON PLAN
2. ALL PRODUCTS SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATION.
3. AUTOCAD FILES WILL BE PROVIDED TO CONTRACTOR PRIOR TO CONSTRUCTION FOR USE IN SURVEYING OF DEMOLITION AND IMPROVEMENTS
4. ALL AREAS DAMAGED OUTSIDE OF THE LIMIT OF WORK DURING CONSTRUCTION WILL BE REPAIRED BY THE LANDSCAPE CONTRACTOR, AT NO ADDITIONAL COST TO THE CITY.

QUANTITIES ARE GIVEN FOR ESTIMATING PURPOSES ONLY. CONTRACTOR WILL BE RESPONSIBLE FOR INSTALLING MATERIAL IN ALL AREAS AS DESIGNATED ON PLAN AT NO ADDITIONAL COST TO THE CITY.

AUTOCAD FILES WILL BE PROVIDED TO CONTRACTOR PRIOR TO CONSTRUCTION FOR USE IN SURVEYING OF DEMOLITION AND IMPROVEMENTS

PA = PLANTING AREA

SCORELINES

EXPANSION JOINTS

PRODUCT SUBSTITUTIONS:

ITEMS SHALL BE BID PER MANUFACTURER LISTED OR A CITY APPROVED EQUAL. CONTRACTOR MUST OBTAIN CITY APPROVAL FOR ANY SUBSTITUTION PRIOR TO BID OPENING. THIS IS TYPICAL FOR ALL PRODUCTS.

PLAN CROSS REFERENCE:

FOR CORRESPONDING DEMOLITION PLANS, REFER TO SHEET DP-1
FOR CORRESPONDING IRRIGATION PLANS, REFER TO SHEET IP-1
FOR CORRESPONDING PLANTING PLANS, REFER TO SHEET PP-1

0 20' 40' 60'

DESIGNED	DG
DRAWN	JS
CHECKED	DG
DATE	09/12/23
SCALE	1"=20'-0"
JOB NO.	22162

STAMP — LICENSED LANDSCAPE ARCHITECT — STATE OF CALIFORNIA

RHA LANDSCAPE ARCHITECTS PLANNERS, INC.
6800 Indiana Ave. Suite 245
Riverside, CA 92506
(951) 781-1930 ph
Lic 2799
www.rhala.com

CITY OF ORANGE
OFFICE OF THE CITY ENGINEER

HART PARK PICKLEBALL AND FITNESS CIRCUIT SITE
701 S Glassell St, Orange, CA 92866

CONSTRUCTION PLAN
CP-1

SHEET 3 OF 24

Figure 6
PROJECT DEMOLITION PLAN

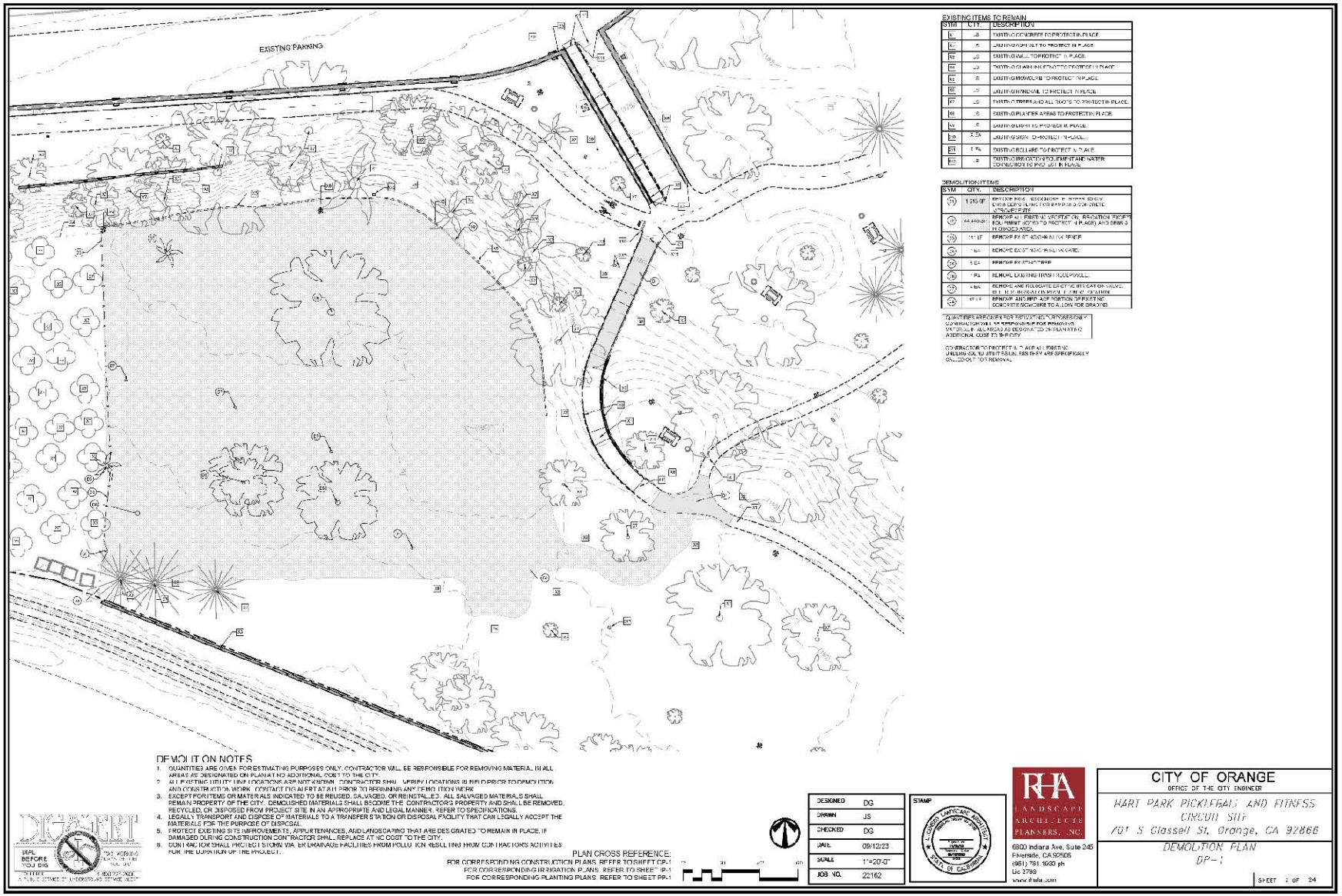
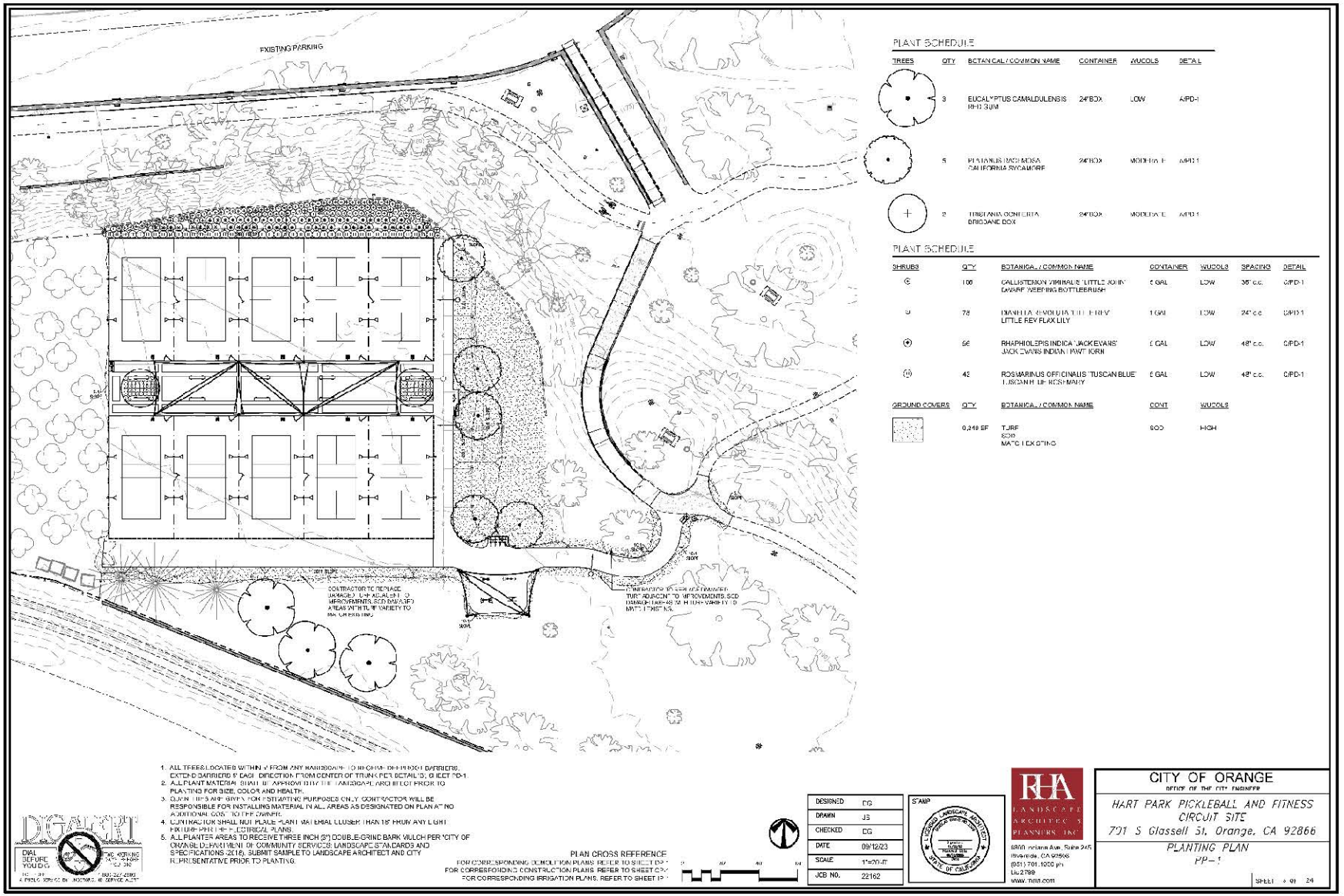


Figure 7
PROJECT LANDSCAPING PLAN



3.0 REASONS WHY THE PROJECT IS EXEMPT

3.1 Conditions Set Forth in CEQA Guidelines Sections 15301 and 15332

CEQA Guidelines § 15301 sets forth the following conditions projects must meet to qualify for a Class 1 (Existing Facilities) categorical exemption:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use.

The proposed project would conduct minor alterations to Hart Park, which would develop pickleball courts and a fitness circuit on an underutilized portion of Hart Park. The project would create additional recreational opportunities for the project area, which would be consistent with the existing Hart Park setting. The project site exists within Hart Park and does not require any expansion into right-of-ways (ROWs) or adjacent property. Therefore, the project meets all the conditions of Class 1.

CEQA Guidelines § 15332 sets forth five conditions projects must meet to qualify for a Class 32 (In-Fill Development Projects) categorical exemption:

a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations.

b) The proposed development occurs within city limits on a project site of no more than five acres surrounded by urban uses.

c) The project site has no value as a habitat for endangered, rare, or threatened species.

d) Approval of the project would not have significant effects on traffic, noise, air quality, or water quality.

e) The site can be adequately served by all required public services and utilities.

The following analysis addresses the eligibility of the project for each of the five conditions.

a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

The project site has a General Plan land use designation of Open Space (OS) and a zoning designation of Recreation Open Space (RO). The City Municipal Code § 17.22.020 defines the purpose of RO zoning as areas designated by the City for active and passive recreational uses (City of Orange Municipal Code, 2023a). The General Plan Land Use Element defines the OS land use designation as steep hillsides, creeks, or environmentally sensitive areas that should not be developed. Although designated permanent open spaces, most areas will not be developed as public parks except river and creek side areas that promote connectivity to the city's trail system (City of Orange, 2010a, p. LU-15).

Hart Park is currently developed as a community park with recreational facilities and connectivity to the City's trails system through the Santiago Creek Trail and Bicycle Path making the park compliant with the General Plan. The project proposes a pickleball facility with fitness amenities, along with connectivity to the City's trail system. Therefore, the project complies with the General Plan and zoning designation, and meets this condition.

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is located entirely within the city limits and is approximately two acres in size. Therefore, the project meets this condition.

c) The project site has no value as a habitat for endangered, rare, or threatened species.

A Habitat Value Assessment Memorandum was created for the proposed project by UltraSystems in November 2023 (UltraSystems,2023a). The Habitat Value Assessment presents the results of data reviews, field survey, tree survey, and direct observations in the field by UltraSystems biologists Michelle Tollett and Zach Neider (biologists). The purpose of the efforts was to ascertain if the proposed project site contains sensitive biological resources, and an analysis of the potential impacts on those resources from project construction and development. The memo can be found in **Appendix A**.

Results of the field survey and literature review concluded that the project site does not provide habitat value for endangered, rare, or threatened species. However, the project site supports large trees and other physical features that could provide foraging, nesting, and cover habitat to support a diverse assortment of bird species. Many species of birds that could potentially breed within the biological survey area (BSA) are protected by the Migratory Bird Treaty Act (MBTA) and by Fish and Game Code § 3503, § 3503.5, and § 3513. Although there are no endangered, rare, or threatened species on the project site, the trees provide suitable nesting habitat for special-status bird species protected under the California Endangered Species Act (CESA). Therefore, a pre-construction nesting bird survey would be conducted as a **PDF BIO-1** to ensure that the project would not impact any unforeseen bird species that were not observed in the survey. Impacts on MBTA-protected birds would be reduced to a less than significant degree with implementation of **PDF BIO-1**.

Tree Removal

The project requires the removal of five existing trees to develop the proposed project. Chapter 12.32 *Tree Preservation* of the City of Orange Municipal Code (City of Orange, 2023; Tree Preservation Ordinance) provides the definition for "*tree*" in Section 12.32.020 *Definition* as "*any live plant which has a single trunk measuring 10.5 inches in circumference, measured at a point 24 inches above the ground level*."

Section 12.32.020 *Removal of Trees Prohibited Without a Permit* states the following:

"A. It is unlawful for any person, firm, partnership, corporation or other legal entity whatever, to destroy or remove any tree as defined in Section 12.32.020 from undeveloped or public interest property as defined in Sections 12.32.040 and 12.32.050 without a permit as provided herein."

B. To "destroy" a tree means to cut or mutilate a tree in such a manner as to destroy its character as live vegetation."

All five trees for removal meet the definition of trees as defined in Section 12.32.020 *Definition*, as they all have a circumference measuring greater than 10.5 inches (City of Orange, 2023). Acquisition of a Tree Removal Permit for the five trees designated for removal (**PDF BIO-2**) is required. The project has also proposed the addition of 10 large trees, replacing the five to be removed. After implementation of **PDF BIO-2**, there would be no conflicts with City Municipal Code.

PDF BIO-1 Pre-Construction Breeding Bird Survey

If construction is anticipated to commence during the nesting season (January 1 through August 31 of any given year, or as determined by a local CDFW office), a qualified avian biologist shall conduct a pre-construction nesting bird survey between three to seven days prior to construction.

In accordance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC) §§ 3503, 3503.5, and 3513, if an active bird nest of a protected species is located during the pre-construction survey and would potentially be affected, a no-activity buffer zone shall be delineated on maps and marked in the field by fencing, stakes, flagging, or other means up to 500 feet for raptors, or 100 feet for non-raptors. Materials used to demarcate the nests will be removed as soon as work is complete or the fledglings have left the nest. The qualified avian biologist will determine the appropriate size of the buffer zone based on the type of activities planned near the nest and bird species.

The survey will be conducted between three to seven days prior to the onset of scheduled activities, including building demolition and vegetation trimming or removal and will include all potential nest sites, such as open ground, trees, shrubs, grasses, burrows, and structures during the breeding season.

If construction activities (including but not limited to staging and stockpiling, structure removal, clear and grub, grading, and fill) begin prior to the breeding bird season, the project will remove of all physical features that could potentially serve as avian nest sites (e.g., staging and stockpiling, structure removal, clear and grub, grading, fill, etc.).

If project activities begin after the commencement of breeding bird season, the project applicant will have a qualified biologist conduct a pre-construction breeding bird survey of the project site, including all physical features that could potentially serve as avian nest sites, to avoid impacts on nesting birds.

If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted by demolition or construction activities, the breeding/nesting site will be mapped and location provided to the construction foreman, City, and project applicant. The qualified biologist will establish a buffer zone around the active nest, which will be delimited (fencing, stakes, flagging, orange snow fencing, etc.) at a minimum of 100 feet, or as the qualified biologist determines is appropriate based on the planned activities and tolerances, for the observed species. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities.

Periodic monitoring by the qualified avian biologist will be performed to determine when nesting is complete. After the nesting cycle is complete, project activities may begin within the buffer zone.

If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further action would be required.

PDF BIO-2 Tree Removal Permit

The circumferences of the five trees to be removed tree exceed 10.5 inches; these trees meet the criteria provided in Section 12.32.020 *Definition* for trees that would require the acquisition of a Tree Removal Permit. Tree Removal Permits are issued by the City of Orange Director of Community Services. Prior to approval of grading plans, the project will obtain a Tree Removal Permit and will comply with the Tree Preservation Ordinance.

During excavation, protective fencing would be installed as needed to prevent further harm or destruction of other trees, orchards, and the surrounding environment. The City Arborist will be present to ensure that no damage is done to the canopies or root systems of the trees. The finish grade at the base of these trees must remain the same as the original grade before and after completion of the project.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic

A Class 32 Memo was developed for the proposed project by the City of Orange (**Appendix E**). As part of the memo, a Vehicle Miles Traveled (VMT) analysis was conducted in the City's modeling system for the project and concluded that with project development, the VMT would be better than the General Plan's buildout projection. Furthermore, project traffic increase is not anticipated to be significant because the project site is already used as a park and the added pickleball courts and other amenities are anticipated to be utilized by existing park users and those already visiting the park for other recreational purposes. Therefore, the proposed project would not result in significant impacts to traffic.

Air Quality

The South Coast Air Quality Management District (SCAQMD) has established significance thresholds for daily emissions of "criteria pollutants," including reactive organic gases (ROG), carbon monoxide (CO), nitrogen oxides (NO_x), respirable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$) (SCAQMD, 2023). An Air Quality Memorandum (UltraSystems, 2023b) was prepared for the project by UltraSystems Environmental, Inc. to determine the project's construction and operational air quality impacts. The memo can be found in **Appendix B**, which includes air emissions calculations using CalEEMod Version 2022.1.20.

Tables 3.1 and **Table 3.2**, show the results of the CalEEMod calculations of regional construction and operational emissions, respectively.

Table 3.1
MAXIMUM DAILY CRITERIA POLLUTANT EMISSIONS DURING CONSTRUCTION

Construction Activity	Maximum Emissions (pounds/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Emissions, 2024	1.71	18.7	18.1	3.64	2.05
SCAQMD Significance Thresholds	75	100	550	150	55
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems using CalEEMod Version 2022.1.1.20 (UltraSystems, 2023b)

Table 3.2
MAXIMUM DAILY PROJECT OPERATIONAL EMISSIONS

Emission Source	Pollutant(pounds/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Area Source Emissions	0.05	0	0.04	0	< 0.005
Energy Sources Emissions	0	0	0	0	0
Mobile Sources Emissions	0.01	0.01	0.07	0.02	< 0.005
Total Operational Emissions	**0.06**	**0.01**	**0.11**	**0.02**	**< 0.005**
SCAQMD Significance Thresholds	55	55	550	150	55
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems using CalEEMod Version 2022.1.1.20 (UltraSystems, 2023b)

As shown in **Tables 3.1** and **3.2**, the project would have less than significant regional construction and operational emissions. As discussed in the Air Quality Memorandum, localized air quality impacts will also be less than significant. Therefore, the project meets the requirement under CEQA guidelines §15332(d) that it would not have a significant effect on air quality.

Noise

City of Orange General Plan Noise Element

According to the City's General Plan Environmental Impact Report (EIR), noise-sensitive land uses, such as residential, are compatible with exterior noise levels at or below 65 dBA (City of Orange, 2010b).

Municipal Code

The City of Orange Municipal Code § Ord. No. 1-14, § I, 8-12-14, establishes noise limits that apply to all zones within the city. **Table 3.3** provides information on the base exterior noise standards.

Table 3.3
CITY OF ORANGE NOISE STANDARDS

Measurement	Time Period	Base Exterior Noise Level Standards (dBA)
Hourly Average (L_{eq})	Daytime 07:00 a.m. to 10:00 p.m.	55
	Nighttime: 10:00 p.m. to 7:00 a.m.	50
Maximum Level	Daytime 07:00 a.m. to 10:00 p.m.	70
	Nighttime: 10:00 p.m. to 7:00 a.m.	65

[a] It is unlawful for any person at any location within the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other residential property to exceed the noise standards identified in Table 8.24.040. For multi-family residential or mixed use developments located within the City's Urban Mixed Use, Neighborhood Mixed Use, Old Towne Mixed Use or Medium Density Residential General Plan land use districts, exterior noise standards shall apply to common recreation areas only and shall not apply to private exterior space (such as a private yard, patio, or balcony).

[b] In the event the ambient noise level exceeds the noise standards identified in Table 8.24.040 of this section, the "adjusted ambient noise level" shall be applied as the noise standard. In cases where the noise standard is adjusted due to a high ambient noise level, the noise standard shall not exceed the "adjusted ambient noise level," or 70 dB(A), whichever is less. In cases where the ambient noise level is already greater than 70 dB(A), the ambient noise level shall be applied as the noise standard.

[c] Each of the noise limits specified in Table 8.24.040 shall be reduced by five dB(A) for impact or simple tone noises, recurring impulsive noises, or for noises consisting of speech or music. (Ord. 1-14, 2014)

Sources: (City of Orange, Ord. No. 1-14, § I, 8-12-14).

Noise Impact Analysis

A Noise Memorandum was created for the proposed project by UltraSystems in November 2023 to determine existing noise levels and compare noise impacts during project construction and operational with applicable noise regulations (UltraSystems, 2023c) (**Appendix C**).

UltraSystems conducted ambient noise sampling around the project area. Five sampling locations, were chosen to represent noise-sensitive land uses such as residential, religious, and civic uses. The 15-minute L_{eq} values[1] ranged from 55.6 dBA to 68.1 dBA. It should be noted that the existing ambient noise is already higher than the city's desired 65dBA. In cases where ambient noise exceeds ambient noise thresholds, it should be determined if construction or operation would significantly increase existing ambient noise. As detailed in the City's General Plan EIR, a change in sound level of 1 dB is generally not perceivable by humans, excluding controlled conditions and pure tones. Outside of controlled laboratory conditions, the average human ear barely perceives a change of 3 dB. A change of 5 dB generally fosters a noticeable change in human response, and an increase of 10 dB is subjectively heard as a doubling of loudness (City of Orange, 2010b, p. 5.10-6).

Construction Noise

Noise impacts from construction activities are a function of the noise generated by the operation of construction equipment and on road delivery and worker commuter vehicles, the location of equipment, and the timing and duration of the noise-generating activities. The types and numbers of

[1] L_{eq}, the equivalent noise level, is an average of sound level over a defined time period (such as 1 minute, 15 minutes, 1 hour or 24 hours).

pieces of equipment anticipated in each phase of construction and development were estimated by running the California Emissions Estimator Model (CalEEMod), Version 2022.1.1.20, and having the model generate land use-based default values. For all sensitive receivers, the greatest exposures would occur during demolition. As shown in **Table 3.4**, The highest total short-term noise exposure (ambient plus construction-related) would be **68.2 dBA** L_{eq}, at Bridge Community Church. Therefore, during short-term construction activities, nearby sensitive receivers may be exposed to noise levels that exceed 65 dBA. However, as mentioned above, the project site already had ambient noise above the 65 dBA threshold and should be compared to a 5 dBA increase for noticeable noise change in human response. Increases in ambient noise vary from 0.1 to 4.1 dBA, which would be barely perceptible to the human ear. Additionally, construction would be temporary and sporadic, occurring mostly during times when people are not typically at home. Construction activities will be restricted to the city's permitted construction hours of 7 a.m. to 7 p.m. and will not take place on weekends when the highest number of nearby sensitive receivers would be present. Noise levels during construction will be comparable to those in an urban area. Therefore, the project would adhere to this noise requirement.

Table 3.4
SENSITIVE RECEIVER NOISE EXPOSURE

Receiver	Noisiest Construction Phase	Ambient Noise dBA L_{eq}	Construction Noise dBA L_{eq}	Total Exposure[a] dBA L_{eq}	Change dBA L_{eq}
1	1-Demolition	66.3	52.6	66.5	**0.2**
2	1-Demolition	55.6	57.6	59.7	**4.1**
3	1-Demolition	68.1	49.2	68.2	**0.1**
4	1-Demolition	58.9	55.4	60.5	**1.6**
5	1-Demolition	60.3	55.4	61.5	**1.2**

Operational Noise

Noise Control at the Source

Onsite noise sources from the proposed park project would include operation of mechanical equipment such as lawnmowers, leaf blowers, building maintenance equipment, landscape construction equipment, and motor vehicles accessing, driving on, and exiting the parking lot.

Of particular concern would be the introduction of a new type of sports activity to the park: pickleball courts. Pickleball court play tends to be noisier than tennis because a group of 16 pickleballers talking and cheering can occupy the same amount of court space as one tennis court with two to four players, and pickleball paddles and balls are made of plastic, which make more noise on contact than tennis rackets and tennis balls. This has led to complaints from residents near pickleball courts. For example, the board of directors of a homeowner's association in Bend, Oregon recently passed a resolution to discontinue pickleball play at a community facility because of noise complaints from nearby homeowners.

A comprehensive study of pickleball noise was prepared by Woo[2]. Ambient noise measurements were made near an existing pickleball facility under the following conditions:

- No pickleball activity.
- Play with typical equipment in use at that time, and no noise barriers.
- Play with typical equipment and a 10-foot-high acoustical barrier.
- Play with "lower noise" equipment and no noise barriers.
- Play with "lower noise" equipment and a 10-foot-high acoustical barrier.

Measurements were made ten feet from the edge of the pickleball courts while 32 people were playing. Under maximum noise conditions (conventional paddles, no barriers), the exposure was 66.9 dBA L_{eq} at 10 feet. The barrier reduced this noise by 15.8 dBA to 58.1 dBA. The results of the tests of eight conventional paddles and eight "lower noise" paddles showed that the latter had an average noise emission that was 11.5 dBA L_{eq} lower than the former. Using quieter paddles reduced the noise by about 93 percent.

The proposed project will have 10 pickleball courts. Assuming a maximum of four players per court, as many as 40 players would be active at any given time. The study by Woo (2012) included 32 players. The noise emissions would be 70.87 dBA Leq at 10 feet. Using the same methodology as was used for the construction noise, but assuming a utilization factor of 1 and a hard ground surface results in an estimated exposure of about 33.5 dBA L_{eq} at the nearest sensitive receiver. This noise is far below ambient levels and would not be noticed. Therefore, operational noise impacts from pickleball playing would be less than significant, and no mitigation is necessary.

The project meets the requirements under CEQA guidelines and would not have a significant effect on noise.

Water Quality

Construction

The project is greater than one acre and therefore must comply with the General Permit issued by the State Water Resources Control Board (SWRCB) and obtain coverage by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMP). Implementation of a SWPPP would ensure that the impacts on water quality during project construction would be less than significant.

Operation

Post-construction BMP requirements are detailed in the Water Quality Management Plan (WQMP), as required by the MS4 Permits of the Santa Ana Region (County of Orange, 2012, p. 7). Implementation of a WQMP would ensure that the impacts on water quality during project construction would be less than significant.

[2] Woo, R. 2012. Noise Study for the Cimarron Pickleball Courts in Surprise, AZ. Prepared by Acoustics Group, Inc. for Sun City Grand Community Association Management, Sun City, Arizona. September 9. Accessed at https://scwpickleballclub.files.wordpress.com/2012/10/scg-sound-study.pdf on December 29, 2022.

e) The site can be adequately served by all required utilities and public services.

The proposed project would construct and operate within an existing park with drought-tolerant landscaping that would require little water use and would require nominal electricity for lighting. All utilities and public services are available on site. Therefore, the project meets this condition.

3.2 Exclusions to Categorical Exemptions Set Forth in CEQA Guidelines Section 15300.2.

The following analysis addresses six exceptions to categorical exemptions outlined in CEQA Guidelines Section 15300.2.

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within an urban portion of the city with urban development surrounding the project site in all directions. The project site currently consists of undeveloped open space and ornamental vegetation and landscaping. As mentioned above, the biological survey found no endangered, rare, or sensitive animals, plants, or habitats (UltraSystems, 2023a). Furthermore, the project site is not in the Cortese List database for a hazardous site (CalEPA, 2023). Therefore, this exception does not apply to the proposed project.

b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project is not part of a series of projects proposed in the same place over time. Therefore, as detailed in this document, the project would not have any significant environmental impacts and therefore would not be cumulatively considerable.

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

As substantiated in **Section 3,** no unusual circumstances on site that would give rise to significant environmental impacts due to the development of the project. The development of the project would not have a significant effect due to unusual circumstances and this exception does not apply to this project.

d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements that are required as mitigation by an adopted negative declaration or certified EIR.

The nearest designated state scenic highway to the project site is California State Route 91 (Riverside Freeway), approximately five miles to the northwest (Caltrans, 2023). Due to the large distance

between the project site and the Riverside Freeway, there would be no impacts and this exception would not apply to the project.

e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not listed as an active hazardous site on the Cortese List (CalEPA, 2023). Therefore, this exception does not apply to the proposed project.

f) Historical Resources. A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

The City of Orange has numerous places registered with the National Register of Historic Places of the United States Department of Interior and is home to several historic structures and architectural elements. The nearest registered historic district to the project site is the Old Towne Historic District abutting Hart Park to the north. (City of Orange, 2023b).

UltraSystems Environmental Inc. prepared a Phase I Cultural Resource Inventory report. at the request of the City of Orange for the Hart Park Pickleball and Fitness Circuit Project (UltraSystems, 2023d) (refer to **Appendix D**). The results of the report found that no prehistoric or historic archaeological resources were identified during the pedestrian field survey of the project, and the review of the SCCIC resources records indicated no known resources within the area.

There was a Native American tribal response (Gabrieleno Band of Mission Indians -Kizh Nation) to outreach contacts, which did not indicate traditional resources in the project area but requested contact information from the Project's Lead Agency. Contact information for Mr. Nathaniel Bluhm, the City of Orange Parks Department Project manager, was provided the same day. This project falls under a CEQA Categorical Exemption and therefore Assembly Bill (AB) 52 consultation does not apply.

The results of the pedestrian assessment and the SCCIC records search results indicate that no impacts to prehistoric or historical resources are anticipated during the Project undertaking. The findings of the cultural resources study suggest that there is a low potential for the presence of prehistoric cultural resources.

Historic era resources that were identified on the property include Works Progress Administration (WPA) pilings and a retaining wall (circa 1930), which appears to intersect with the proposed area of construction on the northwest portion of the Project site; however, the retaining wall and pilings are not historically significant and show evidence of severe damage. Excavation near the WPA structures would not constitute an impact.

Like many areas that have been designated for public recreation that were former landfills or brownfields, the land delineated for Hart Park had been a partial gravel pit, while other parts were used as dumping grounds. Regarding archaeological or prehistoric resources, it would not be possible to distinguish between resources originating at the Project site and infill material that has been imported from construction sites around Orange County. Additionally, periodic flooding of Santiago Creek, as occurred on February 26, 1969, would have altered the geography of portions of the park at lower elevations near the creek basin. Therefore, archaeological monitoring is not recommended during subsurface ground construction work (UltraSystems, 2023d, p. 6-1).

The recommendations of the cultural report will be implemented as **PDF-3**. With the implementation of **PDF-3**, impacts on cultural resources would be less than significant and the exemption would not apply to the project.

PDF-3: Prehistoric, Historic, or Human Remains Observed

- If prehistoric and/or historic items are observed during subsurface activities, work should be stopped in that area and a qualified archaeologist and Native American monitor should be called to assess the findings and retrieve the material.

- If human remains are encountered during excavations associated with this project, work should stop in that area, and the Orange County Coroner will be notified (§ 5097.98 of the California Public Resources Code). The coroner would determine whether the remains are of recent human origin or of older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they shall contact the NAHC. The NAHC would be responsible for designating the most likely descendant (MLD), who would make recommendations as to the manner for managing these remains and further provide for the disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. Following notification by the NAHC, the MLD would make these recommendations within 48 hours of having access to the Project site following notification by the NAHC. These recommendations may include scientific removal and non-destructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).

3.3 Conclusion

As detailed in **Section 3.1** above, no exceptions to categorical exemptions outlined in CEQA Guidelines § 15332 apply to the proposed project. Therefore, the Class 32 (In-Fill Development Projects) categorical exemption applies to the proposed project. **Section 3.2** substantiates that none of the exceptions to categorical exemptions outlined in CEQA Guidelines § 15300.2 apply to the proposed project.

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