

# City of Orange Local CEQA Guidelines



City of  
**Orange**  
Community Development/  
Planning Division

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# 1. PURPOSE OF GUIDELINES AND REGULATORY AUTHORITY

The purpose of these Local CEQA Guidelines is to provide the City of Orange (City) and anyone intending to carry out a project within the City with the requirements of the environmental review process established according to state law, local ordinance, and City practices. These Local CEQA Guidelines serve to augment those procedures contained in the California Environmental Quality Act (Public Resources Code (PRC) Section 21000 et seq.), referred to as CEQA or CEQA Statutes, and the State CEQA Guidelines (Title 14, California Code of Regulations (CCR), Chapter 3, Section 15000 et seq.), referred to as State CEQA Guidelines or CEQA Guidelines. The intent of CEQA is to ensure adequate consideration and analysis of potential environmental impacts anticipated to result from approval of discretionary actions. If any provision of these Local CEQA Guidelines is in conflict with any provision of CEQA as it now exists or as amended hereafter, CEQA shall control.



The authority to adopt these Local CEQA Guidelines is granted under PRC Section 21082, which requires public agencies to adopt local environmental review guidelines.

A copy of the CEQA Statutes and CEQA Guidelines are on file at the City Community Development Department. The primary responsibility for implementing the provisions of CEQA and these Local CEQA Guidelines for the City shall be with the Community Development Director.

## A. Procedures for Amending Local CEQA Guidelines

The Local CEQA Guidelines may be amended by the City Council at any time.

The attached Appendices to the Local CEQA Guidelines are intended to provide sample forms or supplementary guidance relative to the preparation of CEQA documentation. The Community Development Director has the authority to revise, amend, or delete the appendices at any time to ensure the information is consistent with CEQA, CEQA Guidelines, City procedures or policies, or other planning practices that relate to the CEQA process. Updates to the appendices will be made available on the City of Orange Community Development Department webpage and a copy will be on file at the City Community Development Department.

## 2. DEFINITIONS AND COMMON ACRONYMS

### A. Definitions

The following definitions, in addition to all other definitions contained in Chapter 2.5 of the California Environmental Quality Act and Article 20 of the associated CEQA Guidelines, apply to this document:

**Applicant** means a person who proposes to carry out a project that requires a lease, permit, license, certificate, or other entitlement for use, or requires financial aid from one of more public agencies when applying for governmental approval or assistance.

**Approval** means the decision by a public agency that commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances (CEQA Guidelines Section 15352). A project is deemed to be finally approved by the Planning Commission at the close of the appeal period (Orange Municipal Code (OMC) Section 17.08.050.D), or by the City Council upon final adoption of a resolution or ordinance, as the case may be (OMC Section 2.04.250.C).

**California Environmental Quality Act (CEQA)** means Public Resources Code (PRC) Section 21000 et seq.

**CEQA Guidelines** means the "Guidelines for Implementation of the California Environmental Quality Act," Title 14, California Code of Regulations (CCR), Chapter 3, Section 15000 et seq.

**City** means the City of Orange.

**Community Development Director** means the City of Orange Community Development Director or designee.

**Decision-Making Body** means any person or group of people within a public agency permitted by law to approve or disapprove the project at issue (CEQA Guidelines Section 15356).

**Discretionary Project** means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations (CEQA Guidelines Section 15357).

**Environment** means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The environment includes both natural and man-made conditions (CEQA Guidelines Section 15360).

**Lead Agency** means the public agency which has the principal responsibility for carrying out or approving a project (CEQA Guidelines Section 15367). For purposes of these Local CEQA Guidelines, the Lead Agency is the City of Orange.

**Major Transit Stop** means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

**Ministerial** describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project (CEQA Guidelines Section 15369).

**Orange Municipal Code (OMC)** means all the regulatory and penal ordinances and certain of the administrative ordinances of the City.

**Tiering** refers to the coverage of general matters in broader Environmental Impact Reports (EIR), such as on General Plans or policy statements, with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:

- (a) From a general plan, policy, or program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR.
- (b) From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the Lead Agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe. (CEQA Guidelines Section 15385).

**Tribal Cultural Resources** are either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - (A) Included or determined to be eligible for inclusion in the California Register of Historic Resources.
  - (B) Included in a local register of historic resources as defined in PRC Section 5020.1(k).
- (2) A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria set forth in PRC Section 5024.1(c) for the purposes of this paragraph, the Lead Agency shall consider the significance of the resource to a California Native American tribe (PRC Section 21074).

## B. Common Acronyms

<b>CCR</b>	California Code of Regulations
<b>CDFW</b>	California Department of Fish and Wildlife
<b>CEQA</b>	California Environmental Quality Act
<b>EIR</b>	Environmental Impact Report
<b>GHG</b>	Greenhouse Gas
<b>IS</b>	Initial Study
<b>MMRP</b>	Mitigation Monitoring and Reporting Program
<b>MND</b>	Mitigated Negative Declaration
<b>ND</b>	Negative Declaration
<b>NOA</b>	Notice of Availability
<b>NOC</b>	Notice of Completion
<b>NOD</b>	Notice of Determination
<b>NOE</b>	Notice of Exemption
<b>NOI</b>	Notice of Intent
<b>NOP</b>	Notice of Preparation
<b>OMC</b>	Orange Municipal Code
<b>OPR</b>	State of California Office of Planning and Research
<b>PRC</b>	California Public Resources Code
<b>SCH</b>	State Clearinghouse
<b>VMT</b>	Vehicle Miles Traveled

### 3. ENVIRONMENTAL REVIEW PROCESS

#### A. Community Development Department

The primary responsibility for implementing the provisions of CEQA as specified in the CEQA Guidelines and these Local CEQA Guidelines shall be with the Community Development Director. The Community Development Director shall be responsible for coordinating CEQA compliance for private development projects, and for projects initiated or authorized by other City departments (in cooperation with that department). Community Development Director responsibilities include the following:

1. Review proposed activities and determine the applicability of CEQA and these Local CEQA Guidelines.
2. Determine whether a project is exempt from CEQA.
3. Prepare or cause preparation of an Initial Study and determine whether to prepare a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report (EIR).
4. Prepare a Negative Declaration, Mitigated Negative Declaration or EIR pursuant to CEQA and these Local CEQA Guidelines.
5. Coordinate internal review of environmental documentation with other City departments, as necessary.
6. Coordinate the preparation and processing of environmental documentation through the public review and decision-making process. Ensure adequate opportunity and time for public review and comment as required by CEQA and these Local CEQA Guidelines.
7. Coordinate the preparation of required noticing and circulation of environmental documents, including the circulation of documents through the Office of Planning and Research or other agencies with reviewing and/or approving authority.
8. Prepare responses to public comments, pursuant to CEQA and these Local CEQA Guidelines.
9. File notices pursuant to CEQA and these Local CEQA Guidelines, including Notices of Determination, Notices of Exemption, and California Department of Fish and Wildlife (CDFW) Environmental Document Filing Fees or CDFW No Effect Determinations.
10. Maintain all environmental records such as Notices of Determination, Notices of Preparation, Initial Studies, Negative Declarations, Mitigated Negative Declarations, and EIRs and related documents.
11. For City projects, determine environmental scope of work, schedule, and budget; coordinate preparation of environmental documents and required noticing; retain environmental consultants if necessary; and oversee and direct consultant work products.

12. Assume the responsibility of the Mitigation Monitoring and Reporting Program. Coordinate with other City departments regarding the adequacy and monitoring of mitigation measures.
13. Coordinate the review and comment upon environmental documentation circulated by other cities and agencies.
14. Update the Local CEQA Guidelines and internal procedures as necessary to ensure consistency with CEQA and the State CEQA Guidelines. Revisions to internal procedures for implementing these Local CEQA Guidelines shall be made at the discretion of the Community Development Director.

## B. Determining Whether a Project is Subject to CEQA

The first step in the environmental review process is to determine whether an activity is subject to CEQA.

### Activities Subject to CEQA

CEQA applies to Discretionary Projects proposed to be carried out or approved by public agencies such as the City. Project means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378).

Typical City discretionary activities that are subject to CEQA include, but are not limited to, public works construction; enactment and amendment of zoning ordinances; the adoption or amendment of a General Plan or its elements; or issuance of a lease, permit, license, certificate or other entitlement for use (e.g., administrative adjustment, temporary use permit, variance, minor site plan review, major site plan review, conditional use permit, design review, and approval of parcel maps and tentative tract maps).

### Activities Not Subject to Environmental Review

An activity is not subject to CEQA if the activity does not result in physical changes to the environment; does not involve discretionary action by the City; or is not a "project" as defined by CEQA (CEQA Guidelines Sections 15060 and 15378).

Activities that are "ministerial" (not discretionary), as defined in CEQA Guidelines Sections 15268 and 15369, are not subject to CEQA review or these Local CEQA Guidelines. A ministerial action is one that is approved or denied by a decision that a public official





makes that involved only the use of fixed standards or objective measurements without personal judgement or discretion. City ministerial actions include, but are not limited to, issuance of grading and building permit, certificate of occupancy, final subdivision map, approval of individual utility service connections or disconnections, demolition permit that does not trigger “demolition review”, outdoor dining permit, encroachment permit, haul permit, and business license.

When approval of a project has both ministerial and discretionary elements, the project approval shall be deemed discretionary and subject to the requirements of CEQA (CEQA Guidelines Section 15268).

## C. Projects that are Exempt from CEQA

CEQA and the CEQA Guidelines exempt certain activities and provide that local agencies should further identify and describe certain exemptions. The requirements of CEQA and the obligation to prepare an EIR, ND or MND generally do not apply to the exempt activities that are set forth in CEQA, the CEQA Guidelines and these Local CEQA Guidelines.

### Exemption Determination

Once it has been established that an activity is a “project” and is subject to CEQA, the project shall be reviewed to determine if it is statutorily, categorically, or otherwise exempt from CEQA. The criteria for determining whether a project is exempt are identified in Articles 18 and 19 of the CEQA Guidelines. The Community Development Director has the authority to determine whether a project reasonably falls within an exemption category and meets the intent of the CEQA Guidelines.

### Statutory Exemptions

Statutory exemptions are exemptions established by the State Legislature for specific types of projects, and are exempt from CEQA regardless of their environmental impacts. Project that qualify for a statutory exemption are identified in CEQA Guidelines Article 18 and do not require further environmental review. These projects include, but are not limit to, ongoing projects; feasibility and planning studies; emergency projects; projects which are disapproved; rates, tolls, fares, and charges; family day care homes; specified mass transit projects; transportation improvement and congestion management programs; conversion of a mobile home park to a resident-initiated subdivision; railroad grade separation projects; the adoption of an ordinance regarding second units in a single-family or multi-family residential zone; the closing of a public school or transfer of students from one public school to another; restriping of streets; new pipelines or maintenance or demolition of existing pipelines less than one mile in length and located within the public right-of-way; the adoption of bicycle transportation plans for urban areas; and the installation of solar energy systems, including, but not limited to, solar panels.

## Categorical Exemptions

Categorical exemptions are categories or classes of projects that are exempt from environmental review requirements because they have been found by the State's Secretary of Resources to be generally (emphasis added) incapable of resulting in significant environmental effects. Projects that qualify for a categorical exemption are discussed in CEQA Guidelines Article 19, and do not require further environmental review. There are over 30 classifications of categorical exemptions that include such activities as minor additions to existing buildings, construction of new small structures, and conversion of small structures from one use to another (if only minor exterior building modifications are involved).

The City Council hereby finds those classes of activities set forth in CEQA Guidelines Sections 15301 through 15333 to be categorically exempt, unless they are subject to one of the following exceptions.

## Exceptions to Categorical Exemptions

Pursuant to CEQA Guidelines Section 15300.2, there may be instances where unusual circumstances cause a project that generally qualifies for a categorical exemption to be subject to more extensive environmental review. A project shall not be categorically exempt if:

1. Classes 3, 4, 5, 6 and 11 are qualified by consideration of where the project is 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 that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies;
2. The project would result in significant cumulative impacts;
3. There is a reasonable possibility that the project could result in significant impacts to the environment due to unusual circumstances;
4. The project would result in damage to scenic resources within a designated state scenic highway;
5. The project is located on a hazardous waste site that is included on any list compiled pursuant to Government Code Section 65962.5; or
6. The project may cause a substantial adverse change in the significance of a historical resource.

However, a project's greenhouse gas emissions do not, in and of themselves, cause a categorical exemption to be inapplicable if the project otherwise complies with all applicable regulations or requirements of a statewide, regional, or local greenhouse gas emission reduction plan, consistent with the description of such plans provided in CEQA Guidelines Section 15183.5.

## **“Comment Sense” Exemptions**

A project is exempt from CEQA if the activity is covered by the comment sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA or these Local CEQA Guidelines (CEQA Guidelines Section 15061(b)(3)).

## **Special Exemptions**

Agricultural housing, affordable housing, and residential infill projects that meet certain site, location, use, size/density, environmental and/or housing criteria as specified in Article 12.5 of the CEQA Guidelines are exempt from CEQA review.

In addition, “Transit Priority Projects” that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a “Sustainable Community Strategy” or an “Alternative Planning Strategy” may be exempt from CEQA. To qualify for the exemption, the Decision-Making Body must hold a hearing and make findings that the project meets all of the environmental criteria and requirements in PRC Section 21155.1.

## **Completing and Filing a Notice of Exemption**

After approval of an exempt project, a Notice of Exemption (NOE) may be filed (emphasis added), at the discretion of the Community Development Director. If the City exempts an agricultural housing, affordable housing, or residential infill project under CEQA Guidelines Sections 15193, 15194 or 15195 and approves or determines to carry out that project, it must file a NOE pursuant to CEQA Guidelines Section 15062.

A NOE will be prepared in compliance with CEQA Guidelines Section 15062. The NOE will include a description of the project, the project location, a finding that the project is exempt from CEQA, including a citation to the CEQA Guidelines section or statute under which it is found to be exempt, a brief statement of reasons to support the finding, and the Applicant’s name and/or the identity of the person undertaking the project, including any person undertaking an activity that receives financial assistance from the City as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement for use from the City as part of the project. The NOE shall be filed with the Orange County Clerk after project approval. The Orange County Clerk typically requires a processing fee for filing the NOE, which is to be paid by the Applicant.

In addition, if a NOE will be filed and the project involves a state agency approval, then the NOE will be filed with the Office of Planning and Research State Clearinghouse.

In accordance with the CEQA Guidelines, the Orange County Clerk or Office of Planning and Research (as applicable) posts the NOE, and returns it to the City for the administrative record after a 30-day posting period. Filing the NOE with the Orange County Clerk starts a 35-day

statute of limitations for legal challenge to the City's determination that the project is exempt from environmental review. If a NOE is not filed, the statute of limitations for legal challenge is 180 days in accordance with the CEQA Guidelines.

### Permit Streamlining and Preliminary Review



For private projects, the determination of whether a project is subject to CEQA and exempt from CEQA shall be made and evaluated concurrently (emphasis added) with the initial review of the application for completeness under the Permit Streamlining Act. Under the Permit Streamlining Act, the City has 30 days from the time of receipt of an application to notify the Applicant in writing of whether an application is accepted as complete. If the application is incomplete, the written notification shall list and describe the specific information required to complete the application. This written notification shall include a determination by the City as to whether the application is subject to CEQA, exempt from CEQA, or if additional information (including environmental technical studies) are required in order to make a CEQA determination. In making a determination as to whether additional information is required, the Community Development Director shall consult with representatives from other City departments. Typically, the Community Development Director will obtain technical studies from the Applicant (as necessary in order to evaluate the project) prior to accepting the application as complete.

If written notification is not provided within 30 days, then on the 30th day after receipt, the application is automatically deemed complete. Accepting an application as complete does not limit the authority of the City to require the Applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application.

### D. Initial Study Process

If a project is subject to CEQA and is not exempt, the City shall conduct an Initial Study in accordance with the requirements established in CEQA Guidelines Section 15063 to determine if the project may have a significant effect on the environment. All phases of project planning, implementation and operation must be considered in the Initial Study. An Initial Study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its finding. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR. If the City determines that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable.

The process for completing an Initial Study is as follows:

1. If a project is subject to CEQA and is not exempt, the Community Development Director will prepare or cause preparation of an Initial Study to evaluate the potential for the project to cause a significant effect on the environment, and make a determination as to the "significance" of project impacts.

The Initial Study shall describe and evaluate the impacts of all phases of project planning, construction, implementation, and operations. The Initial Study shall include a description of the project including its location, objectives, components and characteristics. The project description shall identify all discretionary approvals needed to implement the project and shall identify all public agencies including "responsible" or "trustee" agencies with jurisdiction over the project. The project description must be consistent throughout the environmental review process.

The Initial Study shall describe the project's environmental setting. The environmental setting usually means the existing physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published for an EIR, or if no Notice of Preparation is published, such as in the case of a Negative Declaration or Mitigated Negative Declaration, at the time environmental analysis begins. The environmental setting should describe both the project site and surrounding properties. This environmental setting will normally constitute the "baseline" physical conditions against which the City will compare the project to determine whether a project impact is significant. Notwithstanding the above, the City has the discretion to identify a baseline that it determines most appropriately reflects existing conditions based on the specific facts surrounding a particular project. For example, a different baseline may be appropriate in cases where existing on-the-ground conditions are cyclical or fluctuate over time.

The Initial Study shall include a written evaluation of the project's environmental effects including direct, indirect, individual, cumulative, and any reasonably foreseeable impacts. A written analysis shall be provided to support a "potentially significant impact," "less than significant with mitigation incorporated," "less than significant," or "no impact" conclusion for each Initial Study checklist question. The written analysis shall provide a reasoned evaluation of potential impacts, and its conclusions shall be based on facts, reasonable assumptions based on facts, expert opinion supported by facts, technical studies, or other substantial evidence.

The Initial Study shall include a discussion of the ways to mitigate the significant effects identified, if any; an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls; and the name of the person or persons who prepared or participated in the Initial Study.

The Initial Study will follow the format of the City's Initial Study checklist as shown in Appendix B of these Local CEQA Guidelines, or as subsequently amended by the Community Development Director. The City's Initial Study checklist is the same as the checklist provided in Appendix G of the CEQA Guidelines, with the exception of additional checklist questions in the Hydrology and Water Quality section. These additional checklist questions are included pursuant to the recommendations of the County of Orange' Drainage Area Management Plan (DAMP).

2. The Community Development Director will provide the Initial Study checklist and other technical information to representatives from appropriate City departments for coordination and concurrence prior to its release for public review. Each department is responsible for evaluating the Initial Study (as related to its area of expertise), determining whether information is accurate, determining whether the analysis sufficiently evaluates project impacts, and recommending specific Initial Study revisions or project modifications (as appropriate) that will address environmental concerns. Each department shall be responsible for providing timely feedback to the Community Development Director in writing. The Community Development Director shall be responsible for inter-departmental coordination, resolving internal conflicts, communications with the Applicant, and overall compliance with CEQA requirements.
3. Based on preliminary project review and/or the evaluation in the Initial Study, within 30 days after accepting the application as complete, the Community Development Director will determine in accordance with CEQA Guidelines Section 15102 whether to:
  - a. Prepare an EIR; or
  - b. Use a previously prepared EIR which the City determines would adequately analyze the project at hand; or
  - c. Determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or Negative Declaration.
4. The Community Development Director will prepare or cause preparation of a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment and if impacts are determined to be "less than significant." A Mitigated Negative Declaration shall be prepared if project impacts are determined to be "less than significant" with the implementation of mitigation measures. An EIR shall be prepared if project impacts are determined to be "potentially significant" or "significant." The Negative Declaration, Mitigated Negative Declaration, or EIR shall be prepared and processed concurrently with the application for a permit or entitlement for use.



## E. Negative Declaration Process

A Negative Declaration is prepared when an Initial Study shows that there is no substantial evidence, in light of the whole record before the City, that the project may have a significant effect on the environment. A Negative Declaration is a document that contains a project description, the location of the project, the name of the project proponent, a specific finding that states that the project will not have significant effects on the environment, and an attached copy of the Initial Study documenting reasons to support the finding.

A Mitigated Negative Declaration is prepared for a project when the Initial Study identifies potentially significant effects, but before the Mitigated Negative Declaration and Initial Study are released for public review, revisions in the project plans or proposals are made by, or agreed to by the Applicant that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence that the project as revised may have a significant effect on the environment.

### Negative Declaration or Mitigated Negative Declaration

The Applicant shall retain an environmental consultant to prepare the Negative Declaration or Mitigated Negative Declaration, per Section 10 of these Local CEQA Guidelines. The Negative Declaration or Mitigated Negative Declaration prepared under contract will be the City's product. Where a document is prepared by the Applicant's environmental consultant, City staff shall be responsible for reviewing the document to ensure that the document is objective and includes an appropriate level of analysis. A Negative Declaration or Mitigated Negative Declaration made available for public review must reflect the independent judgement of the City. No action may be taken on the project until completion of the Negative Declaration or Mitigated Negative Declaration process.

A Negative Declaration or Mitigated Negative Declaration circulated for public review shall include a brief description of the project, including the commonly used name for the project, the location of the project shown on a map, and the name of the Applicant, a proposed finding that the project will not have a significant effect on the environment, an attached copy of the Initial Study documenting reasons to support the finding, and mitigation measures, if any, included in the project to avoid potentially significant effects.

### Notice of Intent and Public Review for a Negative Declaration

Staff shall prepare and file a Notice of Intent (NOI) to adopt a Negative Declaration or Mitigated Negative Declaration in compliance with CEQA Guidelines Sections 15072 and 15073. The NOI shall be filed with the Orange County Clerk at least 20 days prior to the adoption of the Negative Declaration or Mitigated Negative Declaration to allow for a 20-day public review period. The NOI shall contain a description of the project; the project location; the starting and ending dates for the public review period; contact name and address (including email address) where written

comments can be submitted; the date, time and place of any scheduled public meetings or hearings on the project; and the address where copies of the Negative Declaration or Mitigated Negative Declaration are available for public review.

The NOI shall be posted on the City's website and at the Orange County Clerk's Office, shall be mailed to all organizations and individuals who previously requested the notice in writing, and shall be otherwise made available to the public by at least one of the following three methods:

1. Publication in a local newspaper;
2. Posting the notice on and off site in the area where the project is to be located; and/or
3. Direct mailing to owners and occupants of properties within 300 feet of the project site.

The NOI and the Negative Declaration or Mitigated Negative Declaration shall be distributed (via any method of transmittal that provides a record of receipt) to all responsible agencies, trustee agencies and any other agencies with jurisdiction by law over resources affected by the project.

If a state agency is a responsible or trustee agency, or if the project is a project of "statewide, regional or area wide significance" (as defined in CEQA Guidelines Section 15206), the public review period shall be 30 days in accordance with CEQA Guidelines Sections 15072 and 15073, and an appropriate number of copies of the Negative Declaration or Mitigated Negative Declaration and a State Clearinghouse transmittal form shall be submitted to the Office of Planning and Research (State Clearinghouse) for distribution to state agencies.

The Negative Declaration or Mitigated Negative Declaration and comments received during the public review period shall be forwarded to the recommending body and the final Decision-Making Body for consideration prior to a decision on the project (CEQA Guidelines Section 15074). The recommending and final Decision-Making Bodies are defined in Section VII of these Local CEQA Guidelines.

The NOI and required public hearing notices should be combined whenever possible. The Negative Declaration or Mitigated Negative Declaration must be completed and approved within 180 days from the date when the application was accepted as complete (CEQA Guidelines Section 15107).

### Notice of Determination

Within five working days of the final approval of a project for which a Negative Declaration or Mitigated Negative Declaration is prepared, a Notice of Determination (NOD) shall be prepared, in accordance with CEQA Guidelines Section 15075, and filed with the Orange County Clerk. When the project requires discretionary approval from a state agency and the Negative Declaration or Mitigated Negative Declaration has been submitted to the Office of Planning and Research, the NOD shall also be filed with the Office of Planning and Research.





The NOD shall contain the project name, project location, project description, date of project approval, a determination as to whether the project will have a significant effect on the environment, and the address where the record of project approval is available for public review.

The Orange County Clerk and/or the Office of Planning and Research will file the NOD and return it to the City after a 30-day posting period. Filing the NOD starts a 30-day statute of limitations for legal challenges to the approval. If an NOD is not filed, the statute of limitations for legal challenge is 180 days (CEQA Guidelines Section 15075, 15112).

### **Compliance with California Fish and Game Code Section 711.4**

If a Negative Declaration or Mitigated Negative Declaration is prepared for a project, and based on the associated Initial Study, the Community Development Director determines that the project would not have any adverse impact to fish or wildlife, then the Community Development Director shall prepare and submit a request for a No Effect Determination to the California Department of Fish and Wildlife. The request form and supporting information (such as the Initial Study) should be submitted to the CDFW concurrently with the start of the CEQA public review period. The CDFW will review the request and either provide a No Effect Determination to the City, or the CDFW will notify the City that payment of the CDFW fees is required. If CDFW determines that the project is Fee Exempt, then the City shall file the signed No Effect Determination letter with the Orange County Clerk concurrently with the NOD, in compliance with Fish and Game Code Section 711.4(c)(2). Fish and Game Code Section 89.5 defines “wildlife” as all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability.

If the CDFW determines that the project would have an adverse impact to “wildlife” and a payment of CDFW fees is required, then the Applicant shall provide a cashier’s check to the City, payable to the Orange County Clerk, in an amount specified in Fish and Game Code Section 711.4(d)(2), including applicable County filing fees. The City shall provide the cashier’s check to the Orange County Clerk concurrently with the NOD.

### **Permit Streamlining and Time Limits for Negative Declarations and Mitigated Negative Declarations**

Pursuant to CEQA Guidelines Section 15107 the City must adopt a Negative Declaration or Mitigated Negative Declaration (as applicable) within 180 days from the date on which it accepted the application as complete. Under the Permit Streamlining Act, the City must approve or disapprove the project application within 180 days from the date on which it adopts the Negative Declaration or Mitigated Negative Declaration. These time limits will be suspended for unreasonable delay by an Applicant in meeting requests by the City (CEQA Guidelines Section 15109).

## F. Environmental Impact Report Process

An EIR shall be prepared whenever there is substantial evidence in light of the whole record supporting a fair argument that the project may have a significant effect on the environment. The record may include the Initial Study or other documents or studies prepared to assess the project's environmental impacts. The Applicant shall retain an environmental consultant to prepare the EIR, per Section 10 of these Local CEQA Guidelines. The EIR prepared under contract will be the City's product. Where a document is prepared by the Applicant's environmental consultant, City staff shall be responsible for reviewing the document to ensure that the document is objective and includes an appropriate level of analysis. The EIR made available for public review must reflect the independent judgement of the City. No action may be taken on the project until completion of the EIR process. The process for preparing an EIR occurs as follows:

### Notice of Preparation and Public Comment

After determining that an EIR will be required for the proposed project, the City shall prepare and send a Notice of Preparation (NOP). The NOP shall state that an EIR will be prepared for the project and establish a 30-day public comment period during which written comments from agencies and the public will be accepted. The NOP shall contain a description of the project, project location, a description of the probable environmental effects of the project, the starting and ending dates for the public comment period, the date, time and location of any scheduled public "scoping" meetings for the project, and the address where copies of the project's Initial Study (if prepared) are available for public review. An Initial Study is not a required component of the NOP process, but may be prepared at the discretion of the Community Development Director as a public information tool, or as a means of focusing the topics addressed in the EIR.

The NOP shall be distributed, via any method of transmittal that provides a record of receipt, to all responsible agencies involved with approving or funding the project, trustee agencies, and agencies with jurisdiction by law over resources affected by the project. If a state agency is a responsible or trustee agency, or if the project is a project of "statewide, regional or area wide significance" (as defined in CEQA Guidelines Section 15206), the appropriate number of copies of the NOP and a State Clearinghouse transmittal form shall be sent to the Office of Planning and Research (State Clearinghouse) for distribution to state agencies. In addition, for certain projects, consultation with water agencies may be required during the NOP process.

The NOP shall also be direct mailed to adjacent cities, the County of Orange, any person who has requested (in writing) to be notified of the project review, and shall be otherwise made available to the public by posting on the City's website and at least one of the following three methods:

1. Publication in a local newspaper;
2. Posting the notice on and off site in the area where the project is to be located; and/or
3. Direct mailing to owners and occupants of properties within 300 feet of the project site.

## Scoping Meetings

Scoping meetings shall be held for “projects of statewide, regional or area wide significance” as described in CEQA Guidelines Sections 15082 and 15206. Scoping meetings are not required by CEQA for projects that are not “projects of statewide, regional or area wide significance,” but may be helpful to the project’s public participation process. Also, if held early in the process, scoping meetings can be used to identify and address issues of public concern. Scoping meetings should be held during the public comment period established for the NOP and noticing should be combined with the NOP whenever possible.

## Draft EIR

Preparation of the draft EIR shall appropriately address comments received as responses to the NOP. The required contents of the draft EIR are described in CEQA Guidelines Article 9, and include an executive summary, description of the existing setting, environmental impact analysis including direct, indirect and cumulative impacts, mitigation measures, and an alternatives analysis. Further, CEQA Guidelines Article 10 provides helpful guidance in preparing EIRs. If an EIR is prepared by the Applicant and/or an environmental consultant, prior to release for public review the Community Development Department shall review the EIR, coordinate with other City departments on the adequacy of the document and the appropriateness of mitigation measures, and direct revisions as necessary to ensure that the analysis is adequate, objective, and reflects the City’s independent judgment.

## Notice of Completion, Notice of Availability, and Public Review for a Draft EIR

After completion of the draft EIR, a Notice of Completion (NOC) and the appropriate number of copies of the EIR must be filed with the Office of Planning and Research in accordance with CEQA Guidelines Section 15085 to begin the public review period.

A Notice of Availability (NOA) for public review of the draft EIR shall be prepared and distributed at the same time the NOC is filed, in accordance with CEQA Guidelines Section 15087. The NOA shall include a description of the project and location, start and end dates for the public review period during which the City will receive comments and the manner in which the City will receive those comments, contact name and address (including email address) where written comments can be submitted, address where



copies of the EIR are available for public review, the date time and location for any scheduled public meetings or hearings, a list of significant environmental effects anticipated to result from the project, the address where copies of the EIR and all documents incorporated by reference in the EIR will be available for public review, and the presence of the site on any of the lists of sites enumerated under Government Code Section 65962.5.

The NOA shall be distributed, via any method of transmittal that provides a record of receipt, to all responsible agencies, trustee agencies, other agencies with jurisdiction by law over resources affected by the project, adjacent cities, the County of Orange, and the last known name and address of all organizations and individuals who have previously filed a written notice with the City to receive these notices. If the project is a project of "statewide, regional or area wide significance", the NOA and the EIR shall also be distributed to public transit agencies with facilities within one-half mile of the proposed project (CEQA Guidelines Section 15086). In addition, for certain projects, water agencies consulted during the NOP process may also be required to receive the NOA and EIR.

The NOA shall be posted on the City's website, direct mailed to any person who has requested (in writing) to be notified of the project review, and shall be otherwise made available to the public by at least one of the following three methods:

1. Publication in a local newspaper;
2. Posting notice on and off the site in the area where the project is to be located; and/or
3. Direct mailing to owners and occupants of properties within 300 feet of the project site.

The NOA is filed with the Orange County Clerk to begin the public review period. The public review period for an EIR shall be a minimum of 45 days. The public review period may be 60 days at the discretion of the Community Development Director. Any requests to shorten the required review period must be made by the Community Development Director to the State Clearinghouse. The State Clearinghouse-established review period for state agencies and the general public review period for the EIR should be coordinated whenever possible.

Copies of the draft EIR shall also be made available at the City of Orange City Hall for review by members of the general public. The City may require any person obtaining a copy of the draft EIR to reimburse the City for the actual cost of its reproduction. Copies of the draft EIR should also be furnished to City public libraries.

The City is encouraged to make copies of filed notices and the draft EIR available in electronic format on the City's website. Such electronic postings are in addition to the procedures required by the CEQA Guidelines and the PRC.

## Response to Comments

After completion of the draft EIR public review period, the City shall evaluate the comments on environmental issues received during the noticed comment period and any extensions and shall prepare a written response to comments raising significant environmental issues. The City may respond to late comments at its discretion.

The written response shall describe the disposition of significant environmental issues raised. In particular, the major environmental issues raised when the City's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment. A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment (CEQA Guidelines Section 15088).



## Final EIR

After completion of the draft EIR public review period, a final EIR shall be prepared in accordance with CEQA Guidelines Sections 15089. Required contents of a final EIR are specified in CEQA Guidelines Section 15132, and consist of the draft EIR or revision of the draft; comments and recommendations received on the draft EIR; a list of persons, organizations and public agencies commenting on the draft EIR; the City's response to comments; and any other information added by the City.

The final EIR shall be forwarded to the recommending and final decision-making bodies (i.e., Planning Commission, City Council) as defined in Section 7 of these Local CEQA Guidelines for consideration prior to certifying or recommending certification of the EIR. In addition, the final EIR is required to be provided to public agencies that commented on the EIR (PRC Section 21092.5) via any method of transmittal that provides a record of receipt, and shall also be made available to the general public for review at least 10 days prior to a certification of the final EIR.

Prior to approving the project, the final Decision-Making Body must consider the information presented in the final EIR, certify the EIR (CEQA Guidelines Section 15090), and make certain findings for each significant impact identified in the final EIR (CEQA Guidelines Section 15091).

When the Lead Agency approves a project that will result in significant unavoidable impacts, a Statement of Overriding Considerations must be adopted. If the Decision-Making Body finds in the Statement of Overriding Considerations that specific benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” Project benefits that are appropriate to consider in the Statement of Overriding Considerations include the economic, legal, environmental, technological and social value of the project. When the Lead Agency approves a project that will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency will state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Statement of Overriding Considerations must be supported by substantial evidence in the record (CEQA Guidelines Section 15093).

The final EIR must be completed and certified within one year from the date when the application was accepted as complete. City procedures provide that a one-year time limit may be extended once for a period of not more than 90 days upon consent of the City and the Applicant (CEQA Guidelines Section 15108). An unreasonable delay by an Applicant in meeting requests by the City necessary for the preparation of an EIR shall suspend the running of the time periods for the period of the unreasonable delay. Alternatively, the City may disapprove a project application where there is unreasonable delay in meeting requests. The City may allow a renewed application to start at the same point in the process where the application was when it was disapproved (CEQA Guidelines Section 15109).

### **Notice of Determination**

Within five working days of the decision to approve a project for which an EIR is prepared, a Notice of Determination shall be prepared, in accordance with CEQA Guidelines Section 15094, and filed with the Orange County Clerk. The NOD shall also be filed with the Office of Planning and Research. The filing and posting of a NOD with the County Clerk, and if necessary, with the Office of Planning and Research, usually states a 30-day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the 30-day statute of limitations to challenge the subsequent phase begins to run when the second notice is filed.

### **Permit Streamlining and Time Limits for EIRs**

Pursuant to CEQA Guidelines Section 15108, the City must certify an EIR for a project within one year from the date on which it accepted the application as complete. Under the Permit Streamlining Act, the City must approve or disapprove the project application within 180 days from the date on which it certifies the EIR, or within 90 days of certification of an EIR if an extension for completing and certifying the EIR was approved by the Community Development Director. These time limits will be suspended for unreasonable delay by an Applicant in meeting requests by the City.

## G. Tiering

“Tiering” refers to using the analysis of general matters contained in a previously certified broader EIR in later EIRs, Negative Declarations, or Mitigated Negative Declarations prepared for narrower projects. The later EIR, Negative Declaration, or Mitigated Negative Declaration may incorporate by reference the general discussions from the broader EIR and may concentrate solely on the issues specific to the later project (CEQA Guidelines Section 15152).

City of Orange Environmental Checklist for Subsequent Projects (Appendix C of these Local CEQA Guidelines) will be used when the City is reviewing subsequent discretionary actions pursuant to previously adopted or certified environmental document.

### Subsequent EIRs and Negative Declarations

When an EIR has been certified or a Negative Declaration adopted for a project, a subsequent EIR or Negative Declaration will be prepared if substantial changes are proposed to the project, substantial changes occur with respect to the circumstances under which the project is undertaken, or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, which will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. A subsequent EIR or subsequent Negative Declaration will be given the same notice and public review as required under CEQA Guidelines Sections 15087 or 15072. A subsequent EIR or Negative Declaration will state where the previous document is available and can be reviewed (CEQA Guidelines Section 15162).

### Supplement to an EIR

The City may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in CEQA Guidelines Section 15162 would require the preparation of a subsequent EIR and only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. A supplement to an EIR will be given the same kind of notice and public review as given to a draft EIR under CEQA Guidelines Section 15087 and may be circulated by itself without recirculating the previous draft or final EIR (CEQA Guidelines Section 15163).

### Addendum to an EIR or Negative Declaration

The City will prepare an addendum to a previously certified EIR or adopted Negative Declaration if minor technical changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have

occurred. An addendum does not need to be circulated for public review but can be included in or attached to the final EIR or adopted Negative Declaration. The Decision-Making Body will consider the addendum with the final EIR or adopted Negative Declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to CEQA Guidelines Section 15162 should be included in the addendum, the findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence (CEQA Guidelines Section 15164).

### **Projects Pursuant to a Specific Plan**

Certain residential, commercial, and mixed-use projects that are consistent with a specific plan adopted pursuant to Title 7, Division 1, Chapter 3, Article 8 of the Government Code are exempt from CEQA.

Where the City has prepared an EIR on a specific plan, any residential project, including land subdivisions, zoning changes and residential planned unit development that is undertaken pursuant to and in conformity to that specific plan is exempt from CEQA. If after the adoption of the specific plan, an event described in CEQA Guidelines Section 15162 occurs, the exemption will not apply until the City completes a subsequent EIR or a supplement to an EIR on the specific plan. This exemption will again be available to residential projects after the City has filed a Notice of Determination on the specific plan as reconsidered by the subsequent EIR or supplement to the EIR (CEQA Guidelines Section 15182).

## **H. Mitigation Measures**

The City, as Lead Agency, has the authority to require changes in the project to lessen or avoid significant effects on the environment. The City shall prepare draft mitigation measures to achieve the objective of mitigating or avoiding significant effects on the environment identified in an Initial Study, Mitigated Negative Declaration, or EIR. These mitigation measures shall be implemented by the Applicant as part of the project approvals. The final decision on which effects are significant and how they are to be mitigated will be made by the approval authority.

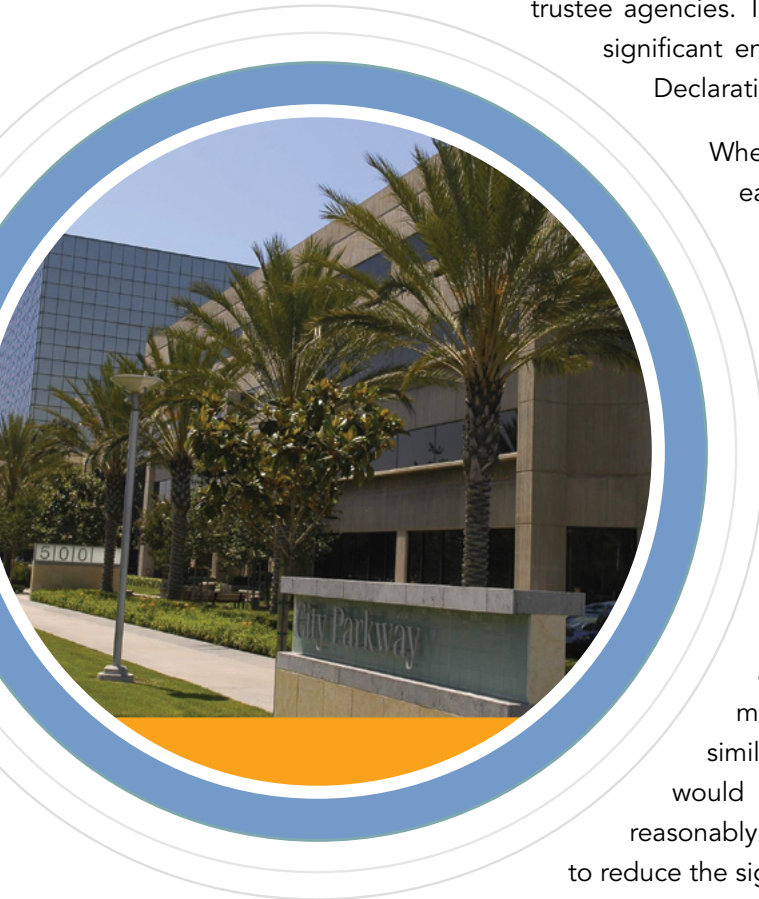
Mitigation measures, per CEQA Guidelines Section 15370, are any action and/or inaction specified for the purpose of mitigating identified environmental impacts in accordance with CEQA, including:

1. Avoiding the environmental impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating or restoring the impacted environment.



4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

The discussion of mitigation measures will distinguish between the measures which are proposed by project proponents and other measures proposed by the lead, responsible or trustee agencies. This discussion will identify mitigation measures for each significant environmental effect identified in the Mitigated Negative Declaration or EIR.



Where several measures are available to mitigate an impact, each should be disclosed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures will not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the City (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

If mitigation measures would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measures shall be disclosed but in less detail than the significant effects of the project itself.

Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. Mitigation measures must also be consistent with all applicable constitutional requirements such as the "nexus" and "rough proportionality" standards – i.e., there must be

an essential nexus between the mitigation measure and a legitimate governmental interest, and the mitigation measure must be “roughly proportional” to the impacts of the project. Mitigation measures are not required for effects which are not found to be significant (CEQA Guidelines Section 15126.4).

### **Energy Conservation**

Energy conservation measures, as well as other appropriate mitigation measures will be discussed when relevant. Examples of energy conservation measures are provided in Appendix F of the CEQA Guidelines (CEQA Guidelines Section 15126.4(a)).

### **Mitigation Measures Related to Impacts on Historic Resources**

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historic resource will be conducted in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project’s impact on the historical resource will generally be considered mitigated below a level of significance and thus is not significant. Please see Section IV of these Local CEQA Guidelines for additional information on the analysis of Historic Resources.

In some circumstances, documentation of a historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effects on the environment would occur.

The City should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following must be considered in an environmental document for a project involving such an archaeological site:

1. Preservation in place is the preferred manner of mitigating impacts to archaeological sites; and
2. Preservation in place may be accomplished by, but is not limited to, the following:
  - (a) Planning construction to avoid archaeological sites;
  - (b) Incorporation of sites within parks, greenspace, or other open space;
  - (c) Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site; or
  - (d) Deeding the site into a permanent conservation easement.
3. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resources, will be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the California Historical Resources Regional Information Center.

4. Data recovery will not be required for a historical resource if the City determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the environmental document and that the studies are deposited with the California Historical Resources Regional Information Center (CEQA Guidelines Section 15126.4(b)).

### **Mitigation Measures Related to Greenhouse Gas Emissions**

Consistent with Section 15126.4(c) of the CEQA Guidelines, the Lead Agency will consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, but are not limited to:

1. Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the Lead Agency's decision;
2. Reductions in emissions resulting from a project through implementation of project features, project design, or other measures;
3. Off-site measures, including offsets that are not otherwise required to mitigate a project's emissions;
4. Measures that sequester greenhouse gases;
5. In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

## **I. Mitigation Monitoring and Reporting Program**

A Mitigation Monitoring and Reporting Program is required when the City has made the findings required under CEQA Guidelines Section 15091 relative to an EIR or adopted a Mitigated Negative Declaration in conjunction with approving a project (CEQA Guidelines Section 15097).

### **General Requirements**

Pursuant to PRC Section 21081.6, all jurisdictions must have a method for monitoring compliance and implementation of adopted mitigation measures. All Mitigation Monitoring and Reporting Programs (MMRP) shall be in conformance with CEQA Guidelines Section 15097 as augmented by the provisions listed below.

## Adoption

At the time the Decision-Making Body adopts the required findings regarding the Mitigated Negative Declaration or EIR, it shall also adopt the MMRP. Conformance with the MMRP program shall be a condition of project approval.

## Contents

The MMRP shall include, at a minimum, the following information for each mitigation measure:

1. The individual, department, agency, or other entity responsible for performing the mitigation measure;
2. The timing for implementation of the mitigation measure;
3. The specific results or performance standards that the mitigation is intended to accomplish if not clearly stated in the mitigation measure;
4. The individual, department, agency, or other entity responsible for ensuring implementation of the mitigation measure;
5. The frequency of inspections or other monitoring activities;
6. When compliance is completed; and
7. A statement that the Applicant shall pay all monitoring costs including, but not limited to, those incurred by the City.

## Mitigation Monitoring and Reporting Program Compliance

Community Development Department staff shall be responsible for the preparation and management of the MMRP, including assigning monitoring responsibilities for individual mitigation measures to the appropriate City department, coordinating with the Applicant and the appropriate City departments to verify that individual mitigation measures are implemented, and managing the City's mitigation monitoring administrative record. Refer to Appendix D of these Local CEQA Guidelines, for the Mitigation Monitoring and Reporting Program Sample Format.



## Revisions to the Mitigation Monitoring and Reporting Program

Any proposed change in mitigation measures shall require an amendment to the project approval. Amendments may be initiated by any City reviewing body (i.e. City Council, Planning Commission, Design Review Board, or Zoning Administrator) or Department, or by the Applicant, and shall be submitted in writing to the Community Development Department. Any amendment to the project decision may require additional conditions of approval or mitigation measures, as determined by the reviewing body. Notification of the proposed change shall be handled in accordance with City procedures.

When a proposed change to a mitigation measure is requested by any of the parties listed above, the requesting party shall prepare a written letter request and submit it to the Project Planner. The letter request shall include a complete description of the proposed change, the necessity for the proposed change, and the environmental effects (if any) of the proposed change. The Project Planner shall review the information to determine whether the proposed change is in “substantial conformance” with the original mitigation measure, such that the “intent” of the measure is met. This determination is made by the Project Planner in consultation with the Director of Community Development, and is documented by memo to the project file and to the Applicant. This conformance determination does not require further approvals or public notifications. The actual cost of reviewing and processing the request shall be billed to the Applicant under the Mitigation Monitoring fee deposit system, which is included in the City’s Master Schedule of Fees.

The “substantial conformance” determination and memo shall be based on information that clearly supports that the revised mitigation measure mitigates the significant impact to an equivalent level (i.e., the revision cannot result in a new adverse environmental effect or in an increase in the severity of a previously disclosed environmental effect) when compared to the original mitigation measure.

This staff level conformance review process shall not apply to requests to delete a mitigation measure or to substantially modify a mitigation measure, such that the environmental impacts of the project are not clearly mitigated to the same extent as the original mitigation measure. In these cases, the requested change to the mitigation measure shall be considered a modification of the project approval and a change to the project. When a change to a project is proposed after project approval, CEQA Guidelines Sections 15162 through 15164 apply, and the environmental documentation process for completing a subsequent, supplement or addendum to the previously certified EIR will commence. The approval process will then follow the CEQA Guidelines and City procedures for modification of an approval as presented in OMC Section 17.08.030.I, Modifications to Previously Approved Projects.

## 4. HISTORICAL RESOURCES AND ENVIRONMENTAL REVIEW

### A. Identification of Historical Resources; Applicability

PRC Section 21084.1 defines a “historical resource,” as a resource listed in, or determined eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in PRC Section 5020.1(k), or deemed significant pursuant to criteria set forth in PRC Section 5024.1(g), are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant.

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in PRC Section 5024.1(g) does not preclude the City from determining whether the resource may be a historical resource.

The City of Orange Historic Resources Inventory was originally prepared in 1982, and subsequently updated in 1992, 2005 and 2010. This survey served as the informational basis for the Old Towne Orange National Register nomination. The Plaza Historic District was placed on the National Register on March 19, 1982, and the Old Towne Orange Historic District on July 11, 1997. On these dates, these Districts were also placed on the California Register of Historical Resources. Therefore, the California Register listing of these historic districts makes them historical resources for the purposes of CEQA.

The City’s Historic Resources Inventory adopted by City Council in 2010 identified the three tracts in the City developed by Eichler Homes, Inc. as potential historic districts and included a historic context statement describing the historic significance of the Orange Eichlers, which forms the basis of the historic district overlay zone. At a November 13, 2018 public hearing, the City Council approved historic district designation for the three Orange Eichler tracts under OMC Chapter 17.17.

Historical resources in the City have a historic district overlay zoning defined in OMC Chapter 17.17, Historic Districts, hereinafter “local historic district.” The local historic district as defined in the OMC is presumed to be a historical resource for the purposes of CEQA.



In addition, because the City's Historic Resources Inventory served as the informational basis for the Cultural Resources and Historic Preservation Element of the General Plan (which was updated in 2010 and adopted by resolution of the City Council), the Historic Resources Inventory constitutes a recognized list of historical resources within the City pursuant to PRC Section 5020.1(k), and resources that are identified as significant resources in the inventory (i.e., any inventory designation except "not contributing" (NC) and "not significant" (NS)), both within and outside of the local historic districts and the National Register and California Register listed districts, are presumed to be historical resources for purposes of CEQA.

Pursuant to CEQA Guidelines Section 15064.5(a)(4), the fact that a structure or other resource is not listed in or determined to be eligible for listing in the California Register or a local register does not preclude the City from determining that it may be a historical resource. If a structure or other resource is not identified as a historical resource in the City of Orange Historical Resources Inventory, but during the course of project review documentation is submitted to the City demonstrating the structure or resource's historical significance, a formal historical resource evaluation shall be prepared by a qualified professional who meets the Secretary of Interior's Professional Qualifications Standards for Historic Architecture, Architectural History, and/or History (36 Code of Federal Regulations (CFR) Part 61 Appendix A).

The historical resource evaluation shall, at a minimum, describe architectural elements, conditions, alterations, and additions, and include a photographic record and description of the structure or resource and its context. The evaluation shall address the age of the structure or resource and evaluate its architectural and structural integrity. The evaluation shall evaluate the historical significance of the structure or resource, both individually and as a contributor to the City's designated historic district(s), and shall ultimately make a determination as to whether the structure meets the definition of a historical resource as defined in CEQA Guidelines Section 15064.5.

Upon Community Development Director review and concurrence with the conclusions of the historical resource evaluation supporting the historical significance of the property, the property shall be considered a historical resource for purposes of CEQA review.

## **B. Impacts on Historical Resources; Design Standards**

The following Local CEQA Guidelines shall employ a combination of CEQA Guidelines and local rules and regulations.

### **Design Standards Authority**

Projects shall be judged for consistency with both the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the applicable adopted design standards. The Old Towne Design Standards and the Orange Eichler Design Standards

both incorporate the Secretary of the Interior's Standards for Rehabilitation and are more specific in nature; therefore, projects which are determined to be consistent with the applicable design standards are also deemed to be consistent with the Secretary of the Interior's Standards for Rehabilitation.

CEQA Guidelines Section 15064.5, Determining the Significance of Impacts to Archeological and Historical Resources, contains the following provision:

**“(b)(3) Generally, a project that follows the Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.”**

Historic Preservation Design Standards for Old Towne (the “Old Towne Design Standards”), originally approved by City Council on June 13, 1995, and most recently revised by City Council Resolution No. 11053 on December 12, 2017, incorporate the Secretary of the Interior's Standards for Rehabilitation. The Old Towne Design Standards shall be used in assessing effects a rehabilitation project may have on historical resources.

Rehabilitation projects that comply with both the Old Towne Design Standards and the Secretary of Interior's Standards for Rehabilitation do not have a significant impact to historical resources. For projects involving preservation, restoration or reconstruction of historic buildings, the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Restoring and Reconstructing Historic Buildings continue to be the relevant guidance document for assessing effects.

The Orange Eichler Design Standards, adopted by City Council Ordinance No. 14-18, incorporate the Secretary of the Interior's Standards for Rehabilitation. The Orange Eichler Design Standards shall be used in assessing effects a rehabilitation project may have on historical resources.

Rehabilitation projects that comply with both the Orange Eichler Design Standards and the Secretary of Interior's Standards for Rehabilitation do not have a significant impact to historical resources. For projects involving preservation, restoration or reconstruction of historic buildings, the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Restoring and Reconstructing Historic Buildings continue to be the relevant guidance document for assessing effects.



## Substantial Adverse Change Defined

PRC Section 21084.1, Effects on Historical Resources, contains the following provision:

**“A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.”**

## CEQA Guidelines Section 15064.5(b)(1) states:

**“Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”**

The significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility or inclusion on the California Register, or its inclusion on a local register of historic resources pursuant to PRC Section 5020.1(k) or 5024.1(g) (CEQA Guidelines Section 15064.5(b)(2)).

## City Application of Substantial Adverse Change

The City has determined that the following projects may involve substantial adverse changes to historical resources and are not exempt from CEQA review.

1. The basic threshold for substantial adverse change to a historical resource under these Local CEQA Guidelines shall be a project which threatens loss or destruction of the qualities which caused original formation of the local historic district, listing in and/or determination of eligibility for listing in the National Register or California Register as determined by the Community Development Director. (36 CFR § 60.15, Removing properties from the National Register).

Determinations about substantial adverse change to a historical resource should include consultation of the Orange Historic Resources Inventory, on file in the Community Development Department.

2. Thresholds for substantial adverse change under these Local CEQA Guidelines include any of the following. Projects meeting these criteria may have the potential for adverse impacts and shall not be exempt from CEQA.
- a. Any demolition, destruction, or relocation of a historical resource.
  - b. Partial demolitions involving the removal of historical floor area, or an exterior wall that includes a distinctive character-defining historical architectural feature, of a historical resource.
  - c. Alteration to property of a historical resource including exterior alterations, additions, new buildings, hardscape, or landscape which does not clearly comply with the Secretary of Interior's Standards for Rehabilitation and the applicable design standards.
  - d. Alteration which removes existing exterior historic building material from a primary historical resource including but not limited to siding, windows, doors, and related trim and does not replace these elements with in kind materials (emphasis added), or other appropriate materials as identified in the applicable design standards.
  - e. Infill development within the boundaries of a local historic district, as designated in OMC Chapter 17.17, including the construction of new residential or non-residential structures that do not comply with the Secretary of the Interior's Standards for Rehabilitation and the applicable design standards.
  - f. Alteration to a non-historic resource or property located within the boundaries of a local historic district, including exterior alterations, additions, or new buildings, which does not comply with the applicable design standards and is incompatible with the predominant streetscape and building pattern on the block on which it is located. The factors that shall be considered when determining incompatibility include bulk and mass, architectural articulation, and the placement and orientation of additions or accessory buildings on the site.
  - g. Alterations or additions to a structure that is a historical resource involving a variation in the height or width that results in an incompatible change in the resource's relationship to the predominant streetscape and building pattern on the block on which it is located. In addition to height and width, factors that shall be considered when determining incompatibility include bulk and mass, architectural articulation, and the placement and orientation of additions on the site.
  - h. Demolitions that adversely affect features of a property or objects associated with an event or person of significance to the history of the City that are determined to be a historical resource.

## C. Exemptions

### Categorical Exemptions

Article 19 of the CEQA Guidelines identifies a number of categorical exemptions that may be applicable to projects involving historical resources, provided that the proposed activity does not have the potential to cause substantial adverse change. However, only one exemption applies specifically to restoration and rehabilitation activities associated with historical resources.

Per CEQA Guidelines Section 15331, Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

### City Application of Categorical Exemptions

The City has determined that the following activities reasonably fall within the exemption categories established by the CEQA Guidelines. Determinations regarding the applicability of exemptions shall be made by the Community Development Director and may require a Certificate of Appropriateness to ensure consistency with the applicable design guidelines.

1. Demolition of non-historical building components (such as materials or additions) attached to a historical resource, or removal of an exterior wall that does not contain distinctive character-defining historical architectural features, that furthers an alteration or addition that is in conformance with the applicable design guidelines.
2. Replacement of severely deteriorated or irreparable exterior historic building material or architectural features including but not limited to siding, windows, doors, and related trim, with in kind materials matching existing materials in species, design, profile, texture and color (emphasis added), or other appropriate materials as identified in the applicable design guidelines.
3. Alteration to a property of a historical resource including additions, new buildings, hardscape or landscape, which clearly complies with the applicable design standards and the Secretary of Interior's Standards and does not adversely affect the historical resource, adjoining properties or immediately surrounding neighborhood.



## D. Cumulative Impacts on Historical Resources

### Cumulative Impacts Defined

As provided in CEQA Guidelines Section 15355:

**“Cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”**

Cumulative impacts are also discussed in CEQA Guidelines Section 15064(h).

### City Application of Cumulative Impacts

The City shall consider the following when making determinations about whether a project results in a cumulative impact to historical resources:

1. Project conformance to the applicable design standards and the Secretary of Interior Standards for Rehabilitation.
2. Project involving alterations or additions to a historical resource preserves the contextual integrity of the local historic district by incorporating site planning and design features that are consistent with the established building pattern and streetscape relationship on the block on which it is located, and the district as a whole. Characteristics to be considered include bulk, massing, architectural articulation, and placement of buildings on the lot.
3. Project involving new infill development within the local historic district is compatible with the scale, character, building pattern, and streetscape relationship of the block on which it is located and the district as a whole.
4. The limited representation of a particular architectural style or building type in any proposed alteration, addition, or demolition.
5. The cultural significance to the community of a historical resource in any proposed demolition, including but not limited to documented events, individuals, groups of people, or activities in the evolution of the City.

Any project that conflicts with subsections 1, 2, or 3, or results in adverse effects to those resources addressed in subsections 4 and 5 may constitute a significant cumulative impact and is not exempt from CEQA review.

## 5. TRANSPORTATION ANALYSIS

Effective December 28, 2018, the California Natural Resources Agency added CEQA Guidelines Section 15064.3, Determining the Significance of Transportation Impacts. The City hereby elects to be governed by the provisions of Section 15064.3 effective immediately and incorporates those provisions herein.

CEQA Guidelines Section 15064.3 provides:

### (a) Purpose

This section describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purpose of this section, "vehicles miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.

### (b) Criteria for Analyzing Transportation Impacts

- (1) **Land Use Projects.** Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.
- (2) **Transportation Projects.** Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in CEQA Guidelines Section 15152.



(3) **Qualitative Analysis.** If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) **Methodology.** A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to reflect professional judgement based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in CEQA Guidelines Section 15151 shall apply to the analysis described in this section.

**(c) Applicability.** The provisions of this section shall apply prospectively as described in CEQA Guidelines Section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section will apply statewide.

Consistent with CEQA Guidelines Section 15064.3, the City has adopted the thresholds of significance set forth in the City of Orange Traffic Impact Analysis Guidelines to guide when the City will normally determine that a project will have a significant transportation impact.

The thresholds of significance set forth in the City of Orange Traffic Impact Analysis Guidelines, maintained by the Traffic Division of the City Public Works Department, shall be considered when determining a proposed project's potential transportation impacts.

## 6. GREENHOUSE GAS EMISSIONS ANALYSIS

### A. Calculating a Project's Greenhouse Gas Emissions.

The City shall analyze the greenhouse gas emissions of its projects as required by CEQA Guidelines Section 15064.4. For projects subject to CEQA, the City shall make a good faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.

In performing analysis of greenhouse gas emissions, the City shall have discretion to determine, in the context of a particular project, whether to:

- (1) Quantify greenhouse gas emissions resulting from a project; and/or
- (2) Rely on a qualitative analysis or performance-based standards.

### B. Determining Significance of Greenhouse Gas Emissions.

In determining the significance of a project's greenhouse gas emissions, the City will focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national, or global emissions. The City's analysis will consider a timeframe that is appropriate for the project. The City's analysis will also reasonably reflect evolving scientific knowledge and state regulatory schemes. The City will consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:



- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- (2) Whether the project emissions exceed a threshold of significance that the City determines applies to the project. The City may rely on thresholds of significance developed by experts or other agencies, provided that application of the threshold and the significance conclusion is supported by substantial evidence, in accordance with CEQA Guidelines Section 15064.7. When relying on thresholds developed by other agencies, the City should ensure that the threshold is appropriate for the project and the project's location; and
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see CEQA Guidelines Section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution to greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the City may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

The City may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The City has discretion to select the model or methodology it considers most appropriate to enable decision-makers to intelligently take into account the project's incremental contribution to climate change. The City must support its selection of a model or methodology with substantial evidence. The City should explain the limitations of the particular model or methodology for use. See Appendix F of these Local CEQA Guidelines, Guidance for Greenhouse Gas Emissions Analysis for guidance in evaluating greenhouse gas emissions.



## 7. APPROVAL AUTHORITY

### A. Planning Commission

The City Planning Commission's authority as related to environmental documents is described in OMC Section 17.08.020.B. The Planning Commission has authority to hear and take final action on certain applications for Negative Declarations and Mitigated Negative Declarations. The Planning Commission has the authority to review and make recommendations to the City Council on EIRs, and certain Negative Declarations, and Mitigated Negative Declarations.

The CEQA public review period shall be completed prior to the Planning Commission public meeting or hearing regardless of whether the Planning Commission decision is a recommendation to the City Council or a final action. Public comments received by the City during the public review period and the City's response to comments shall be forwarded to the Planning Commission for consideration prior to the public hearing. The hearing shall be scheduled to provide a reasonable time frame in which to prepare a response to comments for the Planning Commission's review.



### B. City Council

The City Council has the final approval authority over environmental documentation, as follows:

1. If prepared in conjunction with a project requiring discretionary action by the City Council, including but not limited to those actions defined in the administrative procedures established in Chapter 17.08 of the OMC;
2. If an EIR is prepared in conjunction with a project;
3. When reviewing a recommendation made by the Planning Commission; and
4. When a project decision is appealed.

## 8. APPEAL PROCESS

Any final action taken by the Community Development Director in the administration of these Local CEQA Guidelines may be appealed by any person aggrieved, or by an officer, commission or department in the City, in accordance with the appeal procedure described in OMC Chapter 17.08.050. Such appeals may be made to the Planning Commission. Any final action taken by the Planning Commission may be appealed to the City Council.



## 9. FEES

A filing fee, as determined by City Council resolution, shall accompany environmental review applications for any action taken under the provisions of these Local CEQA Guidelines. When an application for a permit or entitlement for use is submitted for which CEQA documents are required, the Applicant shall submit a deposit for processing of environmental documentation in the amount identified in the City's Master Schedule of Fees. A deposit is collected for the preparation and processing of a Negative Declaration, Mitigated Negative Declaration or EIR, as well as for the filing of environmental notices such as a Notice of Determination.

Following the selection of an environmental consultant to prepare CEQA documents as described in Section 10 of these Local CEQA Guidelines, the Applicant shall deposit an amount equal to the contracted cost to complete the environmental documents plus any fees required by the City. The Community Development Director shall use the Applicant's deposit to pay for work completed by the consultant and for all City costs in reviewing, revising, processing, coordinating and managing the same. After the City renders a decision on the CEQA document, the Community Development Director, in conjunction with the City Finance Department, shall undertake a final accounting for the CEQA environmental document. In the event the amount of the deposit exceeds the City's costs, including all consulting, staff, legal, and publishing costs, a refund in the amount of the excess shall be provided to the Applicant. In the event such costs exceed the Applicant's deposit, the City shall bill the Applicant for the overage. Any applications made by the City shall be exempted from this requirement.

## 10. DOCUMENT PREPARATION

Preparation of required CEQA documentation, including notices, an Initial Study, Negative Declaration, Mitigated Negative Declaration, EIR, and/or supporting technical studies, shall be done by the Community Development Director, or by private consultants under contract with the City pursuant to OMC Section 3.08.400. All documentation shall be prepared by or under direct supervision of the Community Development Director, and according to the requirements of the City. The City may require the Applicant to supply data and information both to determine whether the project may have a significant effect on the environment and to assist the City as the Lead Agency in preparing the CEQA documentation.

The City may choose one of the following arrangements or a combination of them for preparing a CEQA document:

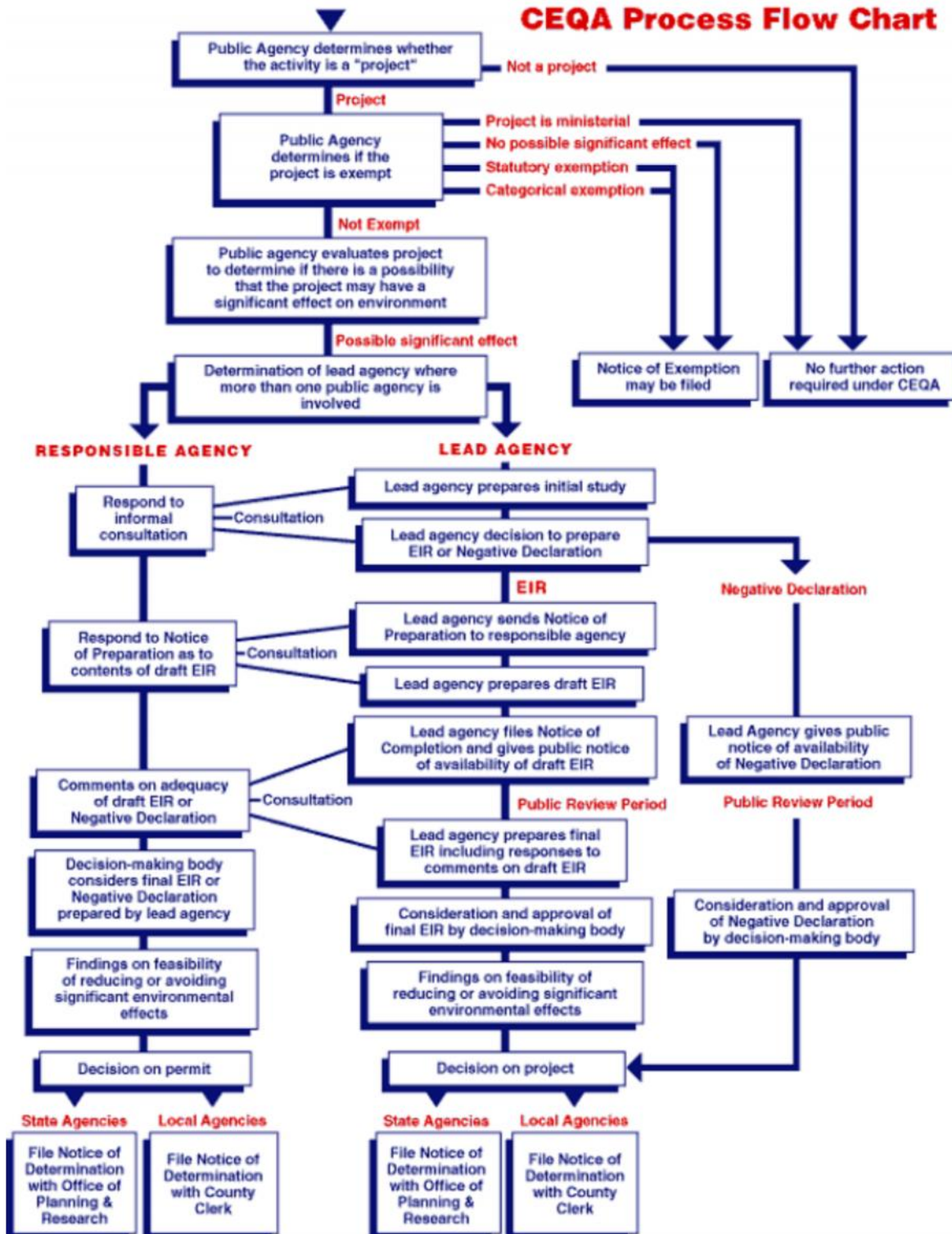
- (1) Preparing the document directly with its own staff.
- (2) Contracting with another entity, public or private, to prepare the document.
- (3) Accepting a draft prepared by the Applicant, a consultant retained by the Applicant, or any other person.
- (4) Executing a third party contract or Memorandum of Understanding with the Applicant to govern the preparation of a document by an independent contractor.
- (5) Using a previously prepared document.

All documentation shall be the City's product and reflect the City's independent judgment and analysis (CEQA Guidelines Section 15084).

# APPENDICES



# CEQA Process Flow Chart



**PROJECT TITLE**

**ENVIRONMENTAL DOCUMENT NO.**



**Lead Agency:**

City of Orange

Community Development Department • Planning Division

300 East Chapman Avenue

Orange, CA 92866-1591

(714) 744 7220

(714) 744 7222 (Fax)

[www.cityoforange.org](http://www.cityoforange.org)

**Prepared by:**

**Date:**



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## **ENVIRONMENTAL DOCUMENT NO.**

**Project Title:**

**Reference Application Numbers:**

**Lead Agency:**

**Contact Person and Telephone No.:**

**Project Proponent and Address:**

**Contact Person and Telephone No.:**

**Project Location:**

**Existing General Plan Designation:**

**Existing Zoning Classification:**

### **INTRODUCTION**

(Summarize project and describe compliance with CEQA and purpose of Initial Study)

### **EXISTING SETTING**

**Regional Setting:**

**Existing Site Conditions:**

(Describe the project site)

**Surrounding Land Uses:**

(Describe the land uses and characteristics of the surrounding area)

### **PROJECT DESCRIPTION**

(Describe the components of the project including proposed physical improvements, construction, operations, phasing, and City approvals required to accommodate the project).

**Other Public Agencies Whose Approval is Required (Responsible or Trustee Agencies):**

(Identify other public agencies whose approval is required for project implementation and agencies with jurisdiction over affected natural resources)

**Scheduled Public Meetings or Hearings:**

(Describe the date, time and location for all scheduled public meetings and hearings)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture & Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems
- Wildfire
- Mandatory Findings of Significance

**DETERMINATION. On the basis of this initial evaluation:**

1. I find that the project **could not** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
2. I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
3. I find the proposed project **may have a significant effect** on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
4. I find that the proposed project **may have a “potentially significant impact” or “potentially significant unless mitigated impact”** on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
5. I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
*Name, Title*

\_\_\_\_\_  
*Date*

## EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced, as discussed below).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significance.

**CHECKLIST OF ENVIRONMENTAL IMPACT ISSUES:**

<b>1. AESTHETICS.</b> <i>Except as provided in Public Resources Code Section 21099, would the project:</i>	<b>Potentially Significant Impact</b>	<b>Less than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning or other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis**

a)

**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

b)

**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

c)

**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

d)

**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

**2. AGRICULTURE & FOREST RESOURCES.** (In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.) In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.) *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

e)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

3. <b>AIR QUALITY.</b> (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) <i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**



**4. BIOLOGICAL RESOURCES.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Significance Determination:**

**Mitigation Measures:**  
**Significance Determination After Mitigation:**

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**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

f)

**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

**5. CULTURAL RESOURCES.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**6. ENERGY.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**7. GEOLOGY AND SOILS.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

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**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

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**Mitigation Measures:**  
**Significance Determination After Mitigation:**

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**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

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**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

**8. GREENHOUSE GAS EMISSIONS.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**9. HAZARDS AND HAZARDOUS MATERIALS.**

*Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

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**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**



e)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

f)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

g)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**10. HYDROLOGY AND WATER QUALITY.**

*Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) increase the rate or amount of surface runoff in a manner which would result in flooding in- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters from construction activities or post-construction activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

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**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

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**Mitigation Measures:**  
**Significance Determination After Mitigation:**

g)

**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

h)

**Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

**11. LAND USE/PLANNING.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**12. MINERAL RESOURCES.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

13. NOISE. <i>Would the project result in:</i>		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

<b>14. POPULATION AND HOUSING.</b> <i>Would the project:</i>		<b>Potentially Significant Impact</b>	<b>Less than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
(a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**15. PUBLIC SERVICES.**

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

(a) i)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

ii)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

iii)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

iv)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

v)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**



**16. RECREATION.**

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**17. TRANSPORTATION.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b) *(In accordance with CEQA Guidelines Section 15064.3(c), the City of Orange, as the lead agency, will implement the provisions of Section 15064.3 of the CEQA Guidelines, when the provisions go into effect statewide beginning July 1, 2020.)*

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**18. TRIBAL CULTURAL RESOURCES.** *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**19. UTILITIES/SERVICE SYSTEMS.** *Would the project:*

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

e)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

<p><b>20. WILDFIRE.</b> <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i></p>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**21. MANDATORY FINDINGS OF SIGNIFICANCE.**

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**REFERENCES**

(Identify all references used in the environmental impact analysis)

**PREPARERS AND PERSONS CONSULTED**

(Identify preparers, including preparers of technical studies, as well as persons consulted in person, by phone or in correspondence for the environmental impact analysis)

**MITIGATION MONITORING AND REPORTING PROGRAM**

(Refer to City's Mitigation Monitoring Program template on the City's website)

**APPENDICES**

(Include any technical studies used in the environmental impact analysis)



# **ENVIRONMENTAL CHECKLIST FOR SUBSEQUENT PROJECTS FORM**

**FOR USE WHEN THE CITY IS REVIEWING SUBSEQUENT DISCRETIONARY ACTIONS PURSUANT TO A PREVIOUSLY ADOPTED OR CERTIFIED ENVIRONMENTAL DOCUMENT**

**Project Title:**

**Reference Application Numbers:**

**Lead Agency:**

**Contact Person and Telephone No.:**

**Project Proponent and Address:**

**Contact Person and Telephone No.:**

**Project Location:**

**Existing General Plan Designation:**

**Existing Zoning Classification:**

## **INTRODUCTION**

(Summarize project and describe compliance with CEQA and purpose of Initial Study)

## **EXISTING SETTING**

**Regional Setting:**

**Existing Site Conditions:**

(Describe the project site)

**Surrounding Land Uses:**

(Describe the land uses and characteristics of the surrounding area)

## **PREVIOUS ENVIRONMENTAL DOCUMENT**

(Describe the previously adopted ND or MND or the previously certified EIR (include the date the document was adopted or certified, the date the project was approved by the City, the date the NOD was filed with the County, and a summary of potentially significant effects identified in the CEQA document).

## **PROJECT DESCRIPTION**

(Describe the components of the project including proposed physical improvements, construction, operations, phasing, and City approvals required to accommodate the project).

**Other Public Agencies Whose Approval is Required (Responsible or Trustee Agencies):**

(Identify other public agencies whose approval is required for project implementation and agencies with jurisdiction over affected natural resources)

**Consultation with California Native American tribes traditionally and culturally affiliated with the project area requested pursuant to Public Resources Code Section 21080.3.1:**

(Identify agency efforts with respect to consultation and if any tribes have requested consultation)

*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code §21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code §5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code §21082.3(c) contains provisions specific to confidentiality.*

**ENVIRONMENTAL CHECKLIST**

**NEW SIGNIFICANT ENVIRONMENTAL EFFECTS OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS CEQA DOCUMENT.**

The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture & Forest Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources             | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions       | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology/Water Quality   | <input type="checkbox"/> Land Use/Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation                 | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                       | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION. On the basis of this initial evaluation:**

1. No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous approved Negative Declaration or Mitigated Negative Declaration or certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted Negative Declaration or Mitigated Negative Declaration or previously certified EIR adequately discusses the potential impacts of the project **without modification**.
  
2. No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous approved Negative Declaration or Mitigated Negative Declaration or certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted Negative Declaration or Mitigated Negative Declaration or previously certified EIR adequately discusses the potential impacts of the project; however, minor changes require the preparation of an **ADDENDUM**.

3. Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previously adopted Negative Declaration or Mitigated Negative Declaration or previously certified EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However, all new potentially significant environmental effects or substantial increases in the severity of previously identified significant effects are clearly reduced to below a level of significance through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a **SUBSEQUENT MITIGATED NEGATIVE DECLARATION** is required.
4. Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous environmental document due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However, only minor changes or additions or changes would be necessary to make the previously certified EIR adequate for the project in the changed situation. Therefore, a **SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT** is required.
5. Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous environmental document due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a **SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** is required.

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*Name, Title*

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*Date*

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A finding of “No New Impact/No Impact” means that the potential impact was fully analyzed and/or mitigated in the prior CEQA document and no new or different impacts will result from the proposed activity. A brief explanation is required for all answers except "No New Impact/No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No New Impact/No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No New Impact/No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. A finding of “New Mitigation is Required” means that the project have a new potentially significant impact on the environment or a substantially more severe impact than analyzed in the previously approved or certified CEQA document and that new mitigation is required to address the impact.
3. A finding of “New Potentially Significant Impact” means that the project may have a new potentially significant impact on the environment or a substantially more severe impact than analyzed in the previously approved or certified CEQA document that cannot be mitigated to below a level of significance or be avoided.
4. A finding of “Reduced Impact” means that a previously infeasible mitigation measure is now available, or a previously infeasible alternative is now available that will reduce a significant impact identified in the previously prepared environmental document.
5. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis. Describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the proposed action.
  - c. Infeasible Mitigation Measures. Since the previous EIR was certified or previous Negative Declaration or Mitigated Negative Declaration was adopted, discuss any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives.
  - d. Changes in Circumstances. Since the previous EIR was certified or previous Negative Declaration or Mitigated Negative Declaration was adopted, discuss any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause a change in conclusion regarding one or more effects discussed in the original document.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. differences between the proposed activity and the previously approved project described in the adopted Negative Declaration or Mitigated Negative Declaration or certified EIR; and
  - c. the previously approved mitigation measure identified, if any, to reduce the impact to less than significance.

**CHECKLIST OF ENVIRONMENTAL IMPACT ISSUES:**

1. <b>AESTHETICS.</b> <i>Except as provided in Public Resources Code Section 21099, would the project:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning or other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**2. AGRICULTURE & FOREST RESOURCES.** (In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.) In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.) *Would the project:*

		New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)



**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

e)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

**3. AIR QUALITY.** (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) *Would the project:*

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

4. <b>BIOLOGICAL RESOURCES.</b> <i>Would the project:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

e)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

f)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

5. <b>CULTURAL RESOURCES.</b> <i>Would the project:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

6. <b>ENERGY.</b> <i>Would the project:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

7. <b>GEOLOGY AND SOILS.</b> <i>Would the project:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

e)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

f)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**



8. GREENHOUSE GAS EMISSIONS. <i>Would the project:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

<b>9. HAZARDS AND HAZARDOUS MATERIALS.</b> <i>Would the project:</i>		<b>New Potentially Significant Impact</b>	<b>New Mitigation is Required</b>	<b>No New Impact/No Impact</b>	<b>Reduced Impact</b>
(a)	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g)	Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

e)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

f)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

g)

**Previous Significance Determination:**  
**Mitigation Measures:**  
**Significance Determination After Mitigation:**

**10. HYDROLOGY AND WATER QUALITY.**

*Would the project:*

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) increase the rate or amount of surface runoff in a manner which would result in flooding in- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters from construction activities or post-construction activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

e)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

f)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

g)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

h)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

<b>11. LAND USE/PLANNING.</b> <i>Would the project:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**12. MINERAL RESOURCES.** *Would the project:*

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

13. <b>NOISE.</b> <i>Would the project result in:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**



**14. POPULATION AND HOUSING.** *Would the project:*

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**15. PUBLIC SERVICES.**

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

(a) i)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

ii)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

iii)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

iv)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

v)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**16. RECREATION.**

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

17. TRANSPORTATION. <i>Would the project:</i>		New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Substantially increase hazards due to a geometric design feature (e. g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b) *(In accordance with CEQA Guidelines Section 15064.3(c), the City of Orange, as the lead agency, will implement the provisions of Section 15064.3 of the CEQA Guidelines, when the provisions go into effect statewide beginning July 1, 2020.)*

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

<p><b>18. TRIBAL CULTURAL RESOURCES.</b> <i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:</i></p>	<p>New Potentially Significant Impact</p>	<p>New Mitigation is Required</p>	<p>No New Impact/No Impact</p>	<p>Reduced Impact</p>
<p>(a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

<b>19. UTILITIES/SERVICE SYSTEMS.</b> <i>Would the project:</i>		<b>New Potentially Significant Impact</b>	<b>New Mitigation is Required</b>	<b>No New Impact/No Impact</b>	<b>Reduced Impact</b>
(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

e)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

20. <b>WILDFIRE.</b> <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

d)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**



**21. MANDATORY FINDINGS OF SIGNIFICANCE.**

	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Analysis:**

a)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

b)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

c)

**Previous Significance Determination:**

**Mitigation Measures:**

**Significance Determination After Mitigation:**

**REFERENCES**

(Identify all references used in the environmental impact analysis)

**PREPARERS AND PERSONS CONSULTED**

(Identify preparers, including preparers of technical studies, as well as persons consulted in person, by phone or in correspondence for the environmental impact analysis)

**MITIGATION MONITORING AND REPORTING PROGRAM**

(Refer to City's Mitigation Monitoring Program template on the City's website)

**APPENDICES**

(Include any technical studies used in the environmental impact analysis)

# MITIGATION MONITORING AND REPORTING PROGRAM

## ENVIRONMENTAL DOCUMENT REFERENCE NUMBER

**PROJECT NAME:**  
**PROJECT LOCATION:**  
**PROJECT DESCRIPTION:**

**LEAD AGENCY:**  
**CONTACT PERSON/ TELEPHONE NO.:**

**APPLICANT:**  
**CONTACT PERSON/ TELEPHONE NO.:**

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>						
<b>Agriculture and Forestry Resources</b>						
<b>Air Quality</b>						
<b>Biological Resources</b>						
<b>Cultural Resources</b>						
<b>Energy</b>						

No.	Mitigation Measure	Time Frame and Responsible Party for Implementation	Time Frame and Responsible Party for Monitoring	Verification of Compliance		
				Initials	Date	Remarks
<b>Geology and Soils</b>						
<b>Greenhouse Gas Emissions</b>						
<b>Hazards and Hazardous Materials</b>						
<b>Hydrology and Water Quality</b>						
<b>Land Use and Planning</b>						
<b>Mineral Resources</b>						
<b>Noise</b>						
<b>Population and Housing</b>						
<b>Public Services</b>						

No.	Mitigation Measure	Time Frame and Responsible Party for Implementation	Time Frame and Responsible Party for Monitoring	Verification of Compliance		
				Initials	Date	Remarks
<b>Recreation</b>						
<b>Transportation</b>						
<b>Tribal Cultural Resources</b>						
<b>Utilities and Service Systems</b>						
<b>Wildfire</b>						



### III. Conditions or Requirements Placed upon Applicants during Development Review

#### Program III-1 California Environmental Quality Act

Comply with all provisions of CEQA. In addition to thresholds that may be established or adopted by the City in the future, use the following thresholds and procedures for CEQA analysis of proposed projects, consistent with policies adopted within the General Plan:

- **Circulation & Mobility**
  - In accordance with CEQA Guidelines Section 15064.3, the City shall utilize vehicle miles traveled (VMT), to measure transportation impacts.
  - A project would result in a significant project-generated VMT impact if the baseline and/or cumulative project-generated VMT per service population exceeds the City of Orange General Plan Buildout VMT per service population.
  - The project's effect on VMT would be considered significant if it resulted in baseline and/or cumulative link-level boundary citywide VMT per service population increases under the plus project condition compared to the no project condition.
- **Parks and Recreation**
  - The City shall require dedication of parkland at a rate of 3.0 acres per 1,000 anticipated residents or payment of in-lieu fees for new residential projects.
- **Noise**
  - The City shall apply the noise standards specified in Tables N-3 and N-4 of the Noise Element to proposed projects analyzed under CEQA.
  - In addition to the foregoing, an increase in ambient noise levels is assumed to be a significant noise impact if a proposed project causes ambient noise levels to exceed the following:
    - Where the existing ambient noise level is less than 65 dBA, a project related permanent increase in ambient noise levels of 5 dBA CNEL or greater.
    - Where the existing ambient noise level is greater than 65 dBA, a project related permanent increase in ambient noise levels of 3 dBA CNEL or greater.
- **Historic and Cultural Resources**
  - "Historical resource" for the purposes of CEQA shall mean "historic district" in the case of a contributor to a historic district.
  - Historic resources listed in the Historic Register shall have a presumption of significance pursuant to CEQA Section 21084.1 and shall be treated as historical resources under CEQA.
  - The historical significance of an archaeological historic resource is evaluated using the criteria of Public Resources Code Section 5024.1 and Section 15064.5 et seq. of the state CEQA Guidelines.



All future development proposals shall be reviewed by the City for potential regional and local air quality impacts per CEQA. If potential impacts are identified, mitigation will be required to reduce the impact to a level less than significant, where technically and economically feasible.

Agency/Department:	Community Development Department, Public Works Department, Community Services Department
Funding Source:	General Fund, development fees
Time Frame:	Ongoing
Related Policies:	
Circulation & Mobility:	1.1, 1.2
Natural Resources:	2.2, 2.8, 5.6
Cultural Resources & Historic Preservation:	1.1, 1.3
Noise:	1.4
Growth Management:	1.1, 2.1

**Program III-2      Site Development Review**

Comply with all City procedures in the review of proposed development projects, and use the site plan review process to ensure that applicable General Plan policies and City standards and regulations are applied to proposals for specific development projects.

Agency/Department:	Community Development Department, Public Works Department, Police Department, Fire Department, Community Services Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Land Use:	1.6, 1.7, 2.5, 2.7, 2.8, 3.1, 3.4, 4.3, 4.5, 6.1, 6.2, 6.9, 6.10, 6.12
Circulation & Mobility:	1.1, 1.7, 5.1, 5.2
Natural Resources:	1.3, 2.3, 2.6, 2.13, 2.14, 2.15, 2.16, 4.3, 4.4, 4.5, 5.4, 5.6, 5.7, 6.6, 7.5
Cultural Resources & Historic Preservation:	1.3, 1.4, 1.5, 1.6, 4.1, 4.2, 4.3, 4.4, 4.5
Public Safety:	1.1, 2.5, 3.3, 3.5, 4.2, 4.3, 6.2, 7.2, 7.3, 7.4, 9.1
Noise:	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 2.1, 2.2, 5.1, 5.2, 5.3, 6.1, 6.2
Urban Design:	2.4, 2.5, 2.6, 3.4, 3.5, 6.1
Infrastructure:	1.4, 1.5

**Program III-3      Commission/Committee Review**

Orange has several commissions and one committee whose purpose is to advise and assist the City Council in dealing with issues related to each commission’s or committee’s area of concern. The commissions and committee gather pertinent information, hear arguments,



weigh values, and make recommendations to the Council. Several of the commissions also have some administrative powers.

The City will continue to use the commission/committee structure to inform the public decision-making process.

The City will also consider expanding the authority of the Design Review Committee and Community Development Department’s staff to administer the Orange Historic Resources Inventory, Historic Register listings, and design review procedures for projects involving architectural and archaeological resources.

Agency/Department:	City Council, Community Development Department, Community Services Department
Funding Source:	General Fund
Time Frame:	Ongoing
Related Policies:	
Land Use:	2.5, 2.6, 2.7, 2.8, 3.1, 3.2, 4.5, 5.5, 5.8, 5.9, 6.1, 6.2, 6.3, 6.4, 6.7, 6.11, 8.1, 8.2, 8.3
Circulation & Mobility:	1.3, 2.3, 3.2, 4.1, 6.1
Cultural Resources & Historic Preservation:	1.1, 1.3, 1.4, 4.5, 4.6
Urban Design:	1.1, 6.1
Public Safety:	1.1, 3.5, 4.3, 7.4
Economic Development:	1.2, 2.5, 3.3, 4.5, 5.1, 5.2, 5.3, 5.4, 5.5

**Program III-4      Traffic Impact Analyses**

Require preparation of traffic impact analyses for new discretionary development projects. A traffic impact analysis which includes VMT assessment shall be required for a proposed project that does not satisfy the project screening criteria. For projects that increase V/C by 0.01 or more on affected roadway segments or intersections experiencing LOS E or LOS F conditions without the proposed project, traffic impact analyses must propose binding reduction strategies to be incorporated within the project.

Continue to update guidelines for the preparation of traffic impact analyses to reflect local conditions and industry standards.

Agency/Department:	Public Works Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Land Use:	2.5, 6.10
Circulation & Mobility:	1.1
Growth Management:	1.2, 1.6





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**Program III-5                    Transportation Demand Management Plans**

Require major employers of 100 persons or more to institute transportation demand management (TDM) plans. Such plans establish incentives to encourage employees to carpool, take public transportation, bicycle, or use some means other than private automobiles to get to and from work.

Agency/Department:	Community Development Department, Public Works Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Circulation & Mobility:	2.6
Natural Resources:	2.1, 2.2
Growth Management:	1.12

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**Program III-6                    National Pollutant Discharge  
   Elimination System Compliance**

Before making land use decisions, the City will utilize available methods to estimate increases in pollutant loads and flows resulting from projected future development.

The City will follow the most current NPDES permit and countywide Model WQMP and the City *Local Implementation Plan* to ensure that the City complies with applicable federal and state regulations. Applicants for new development and redevelopment projects shall prepare and submit plans to the City, as well as implement plans demonstrating accomplishment of the following:

- Emphasize the need to implement and prioritize the use of low impact development BMPs that provide onsite infiltration and retention;
- Use biotreatment systems such as flow through planters, wetlands and bioswales where infiltration, evapotranspiration, and harvest and reuse are not feasible;
- Limit areas of impervious surfaces and preserve natural areas;
- Limit directly connected areas of impervious surfaces;
- Limit disturbance of natural water bodies, natural drainage systems, and highly erodable areas;
- Use structural and nonstructural best management practices (BMPs) to mitigate projected increases in pollutant loads and flows;
- Use pollution prevention methods, source controls, and treatment with small collection strategies located at or as close as possible to the source;
- Control the velocity of pollutant loading flows during and after construction; and
- Implement erosion protection during construction.



In addition, applicants for large development projects are required to prepare and implement plans that meet site predevelopment hydrologic conditions and to control runoff on-site where technically feasible.

Agency/Department:	Public Works Department, Community Development Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Land Use;	4.3, 6.5
Natural Resources:	2.12, 2.13, 2.14, 2.15, 2.16, 2.17
Public Safety:	2.3

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**Program III-7      Water Services and Supplies**

As needed, require studies to determine water infrastructure requirements for future development projects, and require that any recommendations be incorporated into the design of projects. Require the dedication of necessary right-of-way and construction of water infrastructure improvements for development projects as needed. Developers shall also be required to pay the cost of providing new and improved water services to project sites.

For projects that satisfy the criteria set forth in Sections 10910–10915 of the California Water Code and Section 66473.7 of the Government Code, a water supply assessment or water supply verification demonstrating available water supplies exist to support development shall also be prepared.

Agency/Department:	Community Development Department, Public Works Department
Funding Source:	Development fees, General Fund
Time Frame:	Ongoing
Related Policies:	
Infrastructure:	1.1, 1.4, 1.6

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**Program III-8      Adequate Public Safety and Emergency Response**

During the development application process, consult with Fire and Police Departments to evaluate the need for additional fire and police facilities or resources to serve new development projects and infill development areas. During updates to the Capital Improvement Program process, coordinate with service providers to evaluate the level of fire and police service provided to the community. Require adequate street widths and clearance for emergency access. Provide all appropriate safety features. Continue to use state-of-the-art techniques and technology to enhance public safety.



Adhere to requirements in the Municipal Code for adequate street widths and clearance for emergency access. Integrate CPTED techniques into development projects and practice active surveillance measures in high-risk areas such as parking lots.

The City shall use open space easements and other regulatory techniques to prohibit development and avoid public safety hazards where the threat from seismic hazards cannot be mitigated.

Agency/Department:	Community Development Department, Public Works Department, Police Department, Fire Department
Funding Source:	Development fees, General Fund
Time Frame:	Ongoing
Related Policies:	
Public Safety:	3.4, 4.4, 6.1, 6.2, 6.3, 6.4

**Program III-9      Geologic Hazard Assessments**

Pursuant to state law, geologic and/or geotechnical studies are required for proposed new development projects located in areas identified as susceptible to landslides and liquefaction and binding mitigation strategies must be adopted. Compliance with the recommendations set forth in site-specific geologic and/or geotechnical studies will be made a condition of approval for new development. In addition, the City may require applicants to incorporate measures to stabilize and maintain slopes on a site-by-site basis, such as proper planting, irrigation, retaining walls, and benching.

Agency/Department:	Community Development Department, Public Works Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Land Use:	6.9, 6.10
Public Safety:	1.1

**Program III-10      Cultural Resources Inventories**

Require cultural resources inventories of all new development projects in areas identified with medium or high potential for archeological, paleontological, or cultural resources based on resource sensitivity maps prepared in conjunction with the General Plan.

Where a preliminary site survey finds medium to high potential for substantial archaeological remains, the City shall require a mitigation plan to protect the resource before issuance of permits. Mitigation may include:

- Ensuring that a qualified archaeologist is present during initial grading or trenching (monitoring),
- Redesigning the project to avoid archaeological resources (this is considered the strongest tool for preserving archaeological resources),



- Capping the site with a layer of fill, and/or
- Excavating and removing the archaeological resources (recovery) and implementing curation in an appropriate facility under the direction of a qualified archaeologist (interpretation).

Alert applicants for permits within early settlement areas to the potential sensitivity. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the Community Development Department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.

If significant archaeological resources are discovered during construction or grading activities, such activities shall cease in the immediate area of the find until a qualified archaeologist can determine the significance of the resource and recommend alternative mitigation. The final written report should be submitted to the appropriate regional archaeological Information Center within three months after work has been completed. The City shall ensure that project applicants contact the Native American Heritage Commission for a Sacred Lands File Check and a list of appropriate Native American contacts for consultation concerning the project site and to assist in crafting the mitigation measures.

Agency/Department:	Community Development Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Land Use:	6.11
Cultural Resources & Historic Preservation:	4.1, 4.5

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**Program III-11 Green Building, Energy Conservation,  
and Sustainable Development**

The City strongly encourages new development and major renovation projects to employ green building techniques and materials. Encourage proposed development projects throughout the City to use Leadership in Energy and Environmental Design (LEED) standards developed by the U.S. Green Building Council or a similar third-party verified program. Encourage building orientations and landscaping that enhance natural lighting and sun exposure. Prepare guidelines for sustainable development to encourage incorporation of these practices in new development. These guidelines will include measures to maximize soil permeability to address related stormwater and surface-water runoff issues.

Require compliance with state Title 24 building construction standards and Energy Star conservation standards for all development projects.



Prepare and adopt an ordinance that requires and/or provides incentives for: (1) specified new residential development to comply with a specified green building program or show that its development provides comparable effectiveness to such a program; and (2) specified non-residential development of a specified size comply with a specified green building program or show that its development provides comparable effectiveness to such a program.

Agency/Department:	Community Development Department, Public Works Department
Funding Source:	Development fees
Time Frame:	Ongoing; December 31, 2011 (For ordinance)
Related Policies:	
Natural Resources:	2.6, 2.7

**Program III-12      Mixed-Use Noise Property Notification**

When the City exercises discretionary review, provides financial assistance, or otherwise facilitates residential development within a mixed-use area, make providing written warnings to potential residents about noise intrusion a condition of that approval, assistance, or facilitation. The following language is provided as an example:

*“All potential buyers and/or renters of residential property within mixed-use districts in the City of Orange are hereby notified that they may be subject to audible noise levels generated by business and entertainment related operations common to such areas, including amplified sound, music, delivery and passenger vehicles, mechanical noise, pedestrians, and other urban noise sources.”*

Agency/Department:	Community Development Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Noise:	5.1, 5.3
Urban Design:	2.5

**Program III-13      Ecological and Biological Resource Assessments**

Analyze development proposals for potential impacts on significant ecological and biological resources. Require appropriate mitigation for all significant impacts if impact avoidance is not possible. Mitigation measures for habitat and species may include but are not limited to avoidance, enhancement, restoration, compensatory mitigation, or a combination of these.

Agency/Department:	Community Development Department
Funding Source:	Development fees
Time Frame:	Ongoing



Related Policies:

- Land Use: 6.4, 6.11
- Natural Resources: 4.1, 4.3, 4.4, 4.5

**Program III-14 Archaeological Resources Management Report (ARMR Preservation Bulletin)**

Establish the Archaeological Resources Management Report (ARMR Preservation Bulletin) as the standard report format for all documentation and accept reports only from registered professional archaeologists knowledgeable in Native American cultures and/or historical archaeology (qualified archaeologists).

- Agency/Department: Community Development Department
- Funding Source: Development fees
- Time Frame: Ongoing
- Related Policies:
  - Cultural Resources & Historic Preservation: 4.1

**Program III-15 Historic Resources Design Review**

Continue to use the *Secretary of the Interior’s Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* as a basis for design review and incorporate them by reference into the *Old Towne Design Standards* and other historic preservation design standards. Any approved demolition permit for historic resources listed in the City’s Historic Register will be automatically subject to a delay of 180 days before the permit for demolition may be issued. The property owner will strive to develop alternatives to demolition that will preserve the historic resources.

The Design Review Committee or Historic Preservation Commission at such time such a commission is established, shall serve as the review body for projects involving historic resources.

- Agency/Department: Community Development Department, City Council
- Funding Source: General Fund
- Time Frame: Ongoing
- Related Policies:
  - Cultural Resources & Historic Preservation: 1.1, 1.2, 1.3, 1.4, 1.5, 2.3, 3.2

**Program III-16: Public Access to Santiago Creek and Santa Ana River Public Interface**

Ensure that new development does not preclude access to Santiago Creek and the Santa Ana River and associated trails. Development review should ensure that commercial and retail development in these areas support public access.



Agency/Department:	Community Development Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Land Use:	6.4, 6.6
Circulation & Mobility:	4.1
Natural Resources:	1.3, 5.5, 7.1, 7.2, 7.3, 7.4, 7.5
Urban Design:	2.6

**Program III-17: Office Condominium Conversions**

Evaluate applications for conversion of industrial properties to office condominiums to determine the impact on the available balance of larger and smaller properties available for industrial use.

Agency/Department:	Community Development Department, Economic Development Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Land Use:	4.1, 4.2, 4.3, 4.4, 4.5
Economic Development:	3.1, 6.1, 6.2

**Program III-18: Noise Reduction in New Construction**

Require construction contractors to implement the following measures during construction activities through contract provisions and/or conditions of approval as appropriate:

- Construction equipment shall be properly maintained per manufacturers’ specifications and fitted with the best available noise suppression devices (i.e., mufflers, silencers, wraps, etc).
- Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power equipment.
- Construction operations and related activities associated with the proposed project shall comply with the operational hours outlined in the City of Orange Municipal Code Noise Ordinance, or mitigate noise at sensitive land uses to below Orange Municipal Code standards.
- Construction equipment should not be idled for extended periods of time in the vicinity of noise sensitive receptors.
- Locate fixed and/or stationary equipment as far as possible from noise sensitive receptors (e.g., generators, compressors, rock crushers, cement mixers). Shroud or



shield all impact tools, and muffle or shield all intake and exhaust ports on powered construction equipment.

- Where feasible, temporary barriers shall be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor where modeled levels exceed applicable standards. Acoustical barriers shall be constructed material having a minimum surface weight of 2 pounds per square foot or greater, and a demonstrated Sound Transmission Class (STC) rating of 25 or greater as defined by American Society for Testing and Materials (ASTM) Test Method E90. Placement, orientation, size, and density of acoustical barriers shall be specified by a qualified acoustical consultant.

Agency/Department:	Community Development Department, Public Works Department, Community Services Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Noise:	1.1, 1.2, 1.4, 1.5, 7.2

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### **Program III-19: Groundborne Noise and Vibration**

Implement the following measures to reduce the potential for human annoyance and architectural/structural damage resulting from elevated groundborne noise and vibration levels.

- Construction-Induced Vibration. The City shall implement or require implementation of the following measures through contract provisions and/or conditions of approval as appropriate:
  - Pile driving required within a 50-foot radius of historic structures shall utilize alternative installation methods where possible (e.g., pile cushioning, jetting, pre-drilling, cast-in-place systems, resonance-free vibratory pile drivers). Specifically, geo pier style cast-in-place systems or equivalent shall be used where feasible as an alternative to pile driving to reduce the number and amplitude of impacts required for seating the pile.
  - The preexisting condition of all buildings within a 50-foot radius and of historic buildings within the immediate vicinity of proposed construction-induced vibration activities shall be recorded in the form of a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) prior to construction. All damage will be repaired back to its preexisting condition.





- Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of the historic structures. Every attempt shall be made to limit construction-generated vibration levels in accordance with Caltrans recommendations during pile driving and impact activities in the vicinity of the historic structures.
- Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with the Community Development Director or designee.
- **Railroad-Induced Vibration:**
  - Vibration sensitive uses shall be located a minimum of 100 feet from the railroad centerline, where feasible. To ensure compliance with FTA and Caltrans recommended guidelines, a site-specific groundborne noise and vibration assesment should be conducted. For sensitive uses located within 100 feet of the railroad centerline, the acoustical noise and vibration assessment shall demonstrate that potential impacts will be below the level of significance. If specific project-level impacts are identified, mitigation measures reducing the impacts to below the level of significance will be required.
  - A groundborne vibration assessment shall be conducted at proposed building pad locations within 200 feet of railroad right-of-ways, prior to project approval. Vibration monitoring and assessment shall be conducted by a qualified acoustical consultant. The assessment will demonstrate that rail-associated groundborne vibration and noise levels comply with recommended FTA and Caltrans guidance of 80 VdB and 0.2 in/sec PPV (or equivalent), respectively, or propose project-specific mitigation measures such as site design, building isolation, etc. to achieve that standard.

Agency/Department:	Community Development Department, Public Works Department
Funding Source:	General Fund, Development fees
Time Frame:	Ongoing
Related Policies:	
Noise:	1.1, 3.1, 3.2, 6.1, 7.2

**Program III-20: Toxic Air Contaminant Exposure**

Require each project applicant to implement the following measures to reduce the exposure of sensitive receptors to TACs from mobile sources, as project design features or a condition of project approval:

- Activities involving idling trucks shall be oriented as far away from and downwind of existing or proposed sensitive receptors as feasible.

**IMPLEMENTATION**



- Strategies shall be incorporated to reduce the idling time of main propulsion engines through alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off.
- Proposed developments shall incorporate site plans that move sensitive receptors as far as feasibly possible from major roadways (100,000+ average daily trips).
- Projects containing sensitive receptors (such as residences, schools, day care centers, and medical facilities) on sites within 500 feet of a freeway must demonstrate that health risks relating to diesel particulates would not exceed acceptable health risk standards prior to project approval.

Agency/Department:	Community Development Department, Public Works Department
Funding Source:	Development fees
Time Frame:	Ongoing
Related Policies:	
Natural Resources:	2.1



# Memo

To: Planning Division Staff

From: Ashley Brodtkin, Associate Planner

Date: March 24, 2020

Re: Guidance for Greenhouse Gas Emissions Analysis

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This memo is intended to provide guidance to City Planning Division staff for evaluating greenhouse gas (GHG) emissions analyses in CEQA documents for all non-exempt projects in which the City of Orange is the lead agency, including GHG emissions analyses prepared by Project Applicants. As such, it may also be reviewed by Project Applicants and their consultants, as appropriate.

## **STATE LAW AND REGULATORY FRAMEWORK**

*Executive Order S-3-05* was issued by the California Governor in 2005 and established statewide GHG reduction targets for California. The Executive Order required GHG emissions to be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

*Assembly Bill (AB) 32*, the California Global Warming Solutions Act, was signed in 2006 and formally recognized California as a substantial source of GHG emissions contributing to global warming. It further stated that global warming is a “serious threat” to the “economic well being, public health, natural resources, and the environment of California,” and identified impacts to air quality, water supply, sea level rise (flooding), fire hazards, and an increase in health-related problems as environmental consequences of global warming.

AB 32 designated the California Air Resources Board (CARB) as the lead agency for implementing GHG targets. As such, CARB adopted the “California Greenhouse Gas Emissions Inventory” (December 2007) and its “Scoping Plan” (2008) which outlines how GHG reductions to 1990 levels would be achieved. The 2008 Scoping Plan identifies the 2002-2004 “existing” average GHG emissions as 469 million metric tons of CO<sub>2</sub> equivalent (MMT<sub>CO<sub>2</sub>e</sub>). The 2020 “business as usual” GHG emissions were projected at 596 MMT<sub>CO<sub>2</sub>e</sub>, and the 1990 GHG emissions were projected at 433 MMT<sub>CO<sub>2</sub>e</sub>.

CARB approved the First Update to the Scoping Plan (Update) in 2014. The Update identifies the next steps for California’s climate change strategy. The Update shows how

California continues on its path to meet the near-term 2020 GHG limit, but also sets a path towards long-term, deep GHG emissions reductions.

**Senate Bill (SB) 32** was signed in 2016, and codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the State passed companion legislation AB 197, which provided additional direction for developing the Scoping Plan. The Second Update to Scoping Plan addressing the SB 32 targets was adopted on December 14, 2017.

**Senate Bill (SB) 375**, signed in September 2008, aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a sustainable communities' strategy (SCS) or alternative planning strategy that will prescribe land use allocation in that MPOs regional transportation plan. CARB, in consultation with MPOs, will provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. The SCS contains land use, housing and transportation strategies that allow regions to meet their GHG emissions reductions targets. The Southern California Association of Governments (SCAG) is responsible for the adoption of the SCS for the region and it is a required element of the Regional Transportation Plan, which is adopted every four years.

In August 2010, CARB released the proposed GHG reduction targets for the MPOs to be adopted in September 2010. The proposed reduction targets for the SCAG region were 8 percent by year 2020 and 13 percent by year 2035. In September 2010 and February 2011, the 8 percent and the 13 percent targets were adopted, respectively.

On April 4, 2012, SCAG's Regional Council adopted the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy: Towards a Sustainable Future. (2012 RTP/SCS). On April 7, 2016, SCAG's Regional Council adopted an update to the 2012 RTP/SCS, the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS). Through proactive land use planning and improvements to the transportation network, implementation of the 2016 RTP/SCS will result in an 8 percent reduction in greenhouse gas emissions per capita by 2020, an 18 percent reduction by 2035, and a 21 percent reduction by 2040 when compared with 2005 levels.

### ***State CEQA Guidelines Updates***

**Senate Bill (SB) 97**, signed in 2007, added Section 21083.05 to the Public Resources Code (PRC) and directed the California Office of Planning and Research (OPR) to draft State CEQA Guidelines (CEQA Guidelines) for GHG emissions analysis and mitigation by July 1, 2009 (to be adopted by the California Resources Agency by January 1, 2010).

The California Resources Agency adopted State CEQA Guidelines that address GHG emissions on December 30, 2009. The guidelines became effective on March 18, 2010. In

summary, the State CEQA Guidelines provide the following guidance regarding greenhouse gas emissions analysis in CEQA documents.

- CEQA documents must make a good faith effort to describe, calculate or estimate GHGs from a project and determine whether that contribution is “cumulatively considerable”.
- A GHG analysis may be quantitative, qualitative or rely on performance based standards. Which methodology or model to use for a quantitative analysis is left to the discretion of the lead agency.
- In determining whether a GHG impact is significant, the GHG analysis should consider the following:
  - A project’s GHG emissions compared to the existing environment;
  - Whether a project exceeds a “threshold of significance”; and
  - Whether a project complies with regulations adopted to implement a statewide, regional or local plan to reduce GHG emissions.
- The GHG analysis must discuss a project’s consistency with general plans, specific plans or regional plans (including plans to reduce greenhouse gas emissions);
- In adopting thresholds, the CEQA Guidelines allow lead agencies to consider thresholds previously adopted or recommended by other agencies, or experts, provided there is substantial evidence to support the threshold.
- The CEQA Guidelines list options for mitigating impacts, including:
  - Measures incorporated into an existing plan, program, ordinance or regulation to reduce GHGs;
  - Project features that reduce GHGs;
  - Offsite measures including offsets;
  - Measures that sequester GHGs.
- Appendix G of the CEQA Guidelines (the Initial Study checklist) was amended to add “Greenhouse Gas Emissions” as a separate environmental issue area with two new checklist questions. Appendix F (Energy Conservation) of the CEQA Guidelines was also amended.

In 2018, the California Natural Resources Agency finalized amendments to the State CEQA Guidelines, including changes to CEQA Guidelines Section 15064.4, which addresses the analysis of GHG emissions. The amendments became effective on December 28, 2018. The revision of CEQA Guidelines Section 15064.4 clarified several points, including the following:

- Lead agencies must analyze the greenhouse gas emissions of proposed projects.
- The focus of the lead agency’s analysis should be on the project’s effect on climate change.

- A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions.
- Lead agencies should consider a timeframe for the analysis that is appropriate for the project.
- A lead agency's analysis must reasonably reflect evolving scientific knowledge and state regulatory schemes.
- Lead agencies may rely on plans prepared pursuant to CEQA Guidelines Section 15183.5 in evaluating a project's GHG emissions.
- In determining the significance of a project's impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is consistent with those plans, goals, or strategies.
- The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change.

## **LOCAL GUIDANCE**

Based on the above described regulatory framework, GHG analysis is required to be included in CEQA documents for all non-exempt projects for which the City of Orange is the lead agency.

### **Who should prepare a GHG analysis?**

In the City of Orange, Project Applicants are allowed to prepare or directly retain consultants to prepare environmental studies and CEQA documents, per the City's Local CEQA Guidelines. GHG analysis should principally be prepared by a qualified technical expert in the air quality modeling and analysis field. As the lead agency, Planning Division staff are responsible for ensuring that the analysis reflects the City's independent judgment and analysis of the issue.

### **What are the required components of a GHG analysis?**

The required content of a GHG analysis should generally follow the guidance provided in the CEQA Guidelines. The City's Initial Study checklist template has been revised to reflect the changes made to Appendix G of the CEQA Guidelines. The intent of this memo is to supplement the guidance provided by the State, where needed.

- **Regulatory Background**

The greenhouse gas emissions analysis should briefly review State law and the regulatory framework applicable to GHGs.

- **Environmental Setting**

The analysis should define “greenhouse gases” and provide a description of the following seven GHGs and their major sources: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>). The cumulative effects of GHGs should also be discussed.

- **Quantify Greenhouse Gas Emissions Generated by the Project**

The CEQA Guidelines state that a lead agency must make a good faith effort to describe, calculate or estimate GHGs from a project and determine whether that contribution is “cumulatively considerable,” but it defers to the lead agency as to the methodology or model used to estimate project GHGs.

The City of Orange is located within the South Coast Air Basin, overseen by the South Coast Air Quality Management District (SCAQMD). The California Emissions Estimator Model (CalEEMod) is a statewide land use emissions computer model designed to provide a uniform platform to quantify potential criteria pollutant and GHG emissions associated with both construction and operational from a variety of land use models. SCAQMD staff recommends all projects evaluate emissions with CalEEMod if software is used for the analysis. Therefore, as a matter of policy, most CEQA documents for non-exempt projects in the City will be required to contain a quantitative analysis of GHGs using CalEEMod (or another approved model accepted by SCAQMD, subject to City approval).

In some cases and at the discretion of the Community Development Director or designee, a qualitative analysis may be accepted for very small projects which clearly could not generate significant GHG emissions. For example, a qualitative GHG analysis may be accepted for projects that are consistent with the CEQA categorical exemption classes, but for some reason unrelated to project size, density, or other factors affecting GHG emissions, the project is not exempt from CEQA. As another example, a qualitative analysis may be accepted for projects that are so small that they do not trigger the need for a traffic study per the City’s Traffic Impact Analysis Guidelines.

The quantitative GHG analysis must identify the type and source of GHG’s generated by the project and should follow the methodology recommended in Chapters 3 and 4 of the SCAQMD’s Interim Thresholds document. Generally, GHG estimates should include emissions from indirect sources, and direct sources including construction emissions (amortized over a 30-year period) and operational emissions. Operational emissions will typically include mobile source emissions and building emissions (including emissions from building energy usage, energy usage due to water consumption, etc.). Emissions should be expressed in metric tons of CO<sub>2</sub> equivalent (MTCO<sub>2e</sub>) per year.

- **Determine Significance**

The CEQA Guidelines include “Greenhouse Gas Emissions” as an environmental issue area in the Initial Study checklist and include the following two checklist questions:

“Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?”

The CEQA Guidelines also suggest that in determining significance a lead agency may consider a project’s GHG emissions compared to the existing environment, whether a project exceeds a “threshold of significance” and whether a project complies with regulations adopted to implement a statewide, regional, or local plan aimed at reducing GHG emissions. However, the CEQA Guidelines are silent on an appropriate quantitative threshold for GHGs and initial efforts by CARB to establish a statewide threshold are no longer being pursued. Therefore, the following approach is recommended to determine significance in CEQA documents for which the City is the lead agency.

The GHG analysis should identify the project’s GHG contribution compared to existing conditions (citing the adopted State inventory, the GHG estimates contained in the City’s 2010 General Plan EIR, and/or other regional or local inventory, if available). A project’s consistency with the goals, policies and implementation programs of the City’s 2010 General Plan related to GHGs must also be discussed. In particular, the analysis should review Table NR-1 in the Natural Resources Element of the General Plan and discuss the project’s consistency with identified climate change-related policies. In addition, the analysis should discuss CARB’s 2017 Scoping Plan or future updates to the Scoping Plan, as well as the most recent draft of the SCAG Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS), and identify the extent to which the project complies with emissions reduction measures and policies applicable to the project (if any).

The City has not adopted a quantitative threshold of significance for GHG. Nonetheless, as a CEQA lead agency, the City desires to have a consistent GHG analysis methodology in its CEQA documents, and to this end, offers the following threshold guidance.

In 2008, the SCAQMD formed a working group to identify GHG emissions thresholds for land use projects that could be used by local lead agencies in the air basin. The working group developed several different options that are contained in the “Interim Greenhouse Gas Emissions Significance Thresholds” that could be applied by lead agencies. The working group has not provided additional guidance since release of the interim guidance in 2008. The SCAQMD Board has not approved the thresholds; however, the Guidance Document provides substantial evidence supporting the approaches to significance of GHG



emissions that can be considered by the lead agency in adopting its own threshold. The current interim thresholds consist of the following tiered approach:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a GHG reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project's construction emissions are averaged over 30 years and are added to the project's operational emissions. If a project's emissions are below one of the following screening thresholds, then the project is less than significant:
  - All land use types: 3,000 metric tons (MT) carbon dioxide equivalents (CO<sub>2</sub>e) per year
  - Based on land use type: residential: 3,500 MTCO<sub>2</sub>e per year; commercial: 1,400 MTCO<sub>2</sub>e; or mixed use: 3,000 MTCO<sub>2</sub>e
- Tier 4 has the following options:
  - Option 1: Reduce business as usual (BAU) emissions by a certain percentage; this percentage is currently undefined.
  - Option 2: Early implementation of applicable Assembly Bill (AB) 32 Scoping Plan measures
  - Option 3: 2020 target: 3.0 MTCO<sub>2</sub>e/SP/year for projects and 4.1 MTCO<sub>2</sub>e/SP/year for plans
- Tier 5 involves mitigation offsets to achieve target significance threshold.

The SCAQMD's draft thresholds uses the Executive Order S-3-05 Year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide effort to cap CO<sub>2</sub> concentrations at 450 parts per million, thus stabilizing global climate.

The City will accept GHG analyses that use the "Tier 3" quantitative thresholds recommended in the SCAQMD's Interim Thresholds document for commercial, residential, mixed use, and industrial development projects, as follows.

- Industrial Projects - 10,000 MTCO<sub>2</sub>e per year.
- Residential, Commercial, and Mixed Use Projects (including industrial parks, warehouses, etc.) - 3,000 MTCO<sub>2</sub>e per year. (This is generally equivalent to an approximately 70 unit single family residential development.)

Projects that would be considered "Industrial Projects" would be facilities that use stationary sources of GHG emissions requiring a permit from the SCAQMD. Examples include: cement plants, landfills, wastewater treatment plants, and industrial boilers.

The City will accept documents that use this threshold because it has been recommended by SCAQMD and SCAQMD is the expert agency and regional authority for air quality in the South Coast Air Basin. Further, the Interim Thresholds document provides substantial evidence that the thresholds are consistent with the policy goals and GHG reduction targets set by the State. Specifically, the thresholds were set at levels that capture 90 percent of the GHG emissions from the above described uses, consistent with the Executive Order S-3-05 target of reducing GHGs to 80 percent below 1990 levels by 2050. Further, the threshold is a reasonable threshold because it will require medium and large size projects to reduce project GHGs, while allowing smaller projects, which are generally infill development projects and are not the focus of future GHG reductions, to proceed.

It should be noted that due to the global scale of the effects of GHG emissions, the thresholds above function as both the project-level threshold and the cumulative impact threshold of significance for GHG analysis.

If a project generates GHG emissions below the threshold, it is acceptable to conclude that the project's GHG contribution is not "cumulatively considerable" and is therefore "less than significant" under CEQA. If a project generates GHG emissions above the threshold, the analysis must identify mitigation measures to reduce GHG emissions.

- **Identify Mitigation Measures**

The CEQA Guidelines suggest mitigating GHG impacts through measures incorporated into an existing GHG reduction plan; project design features that reduce GHGs; offsite mitigation measures including offsets; and measures that sequester GHGs.

As stated above, at the time of the writing of this memo, the City does not have an adopted Climate Action Plan and no other regional GHG reduction plans have yet been adopted. Further, although the CARB Scoping Plan is an applicable Statewide GHG reduction plan, implementation of its GHG reduction measures may not specifically apply to or mitigate a local project's GHG emissions, as required by CEQA. In addition, the CARB Cap-and-Trade Program is only applicable to electricity generators and large industrial facilities emitting 25,000 MTCO<sub>2</sub>e or more annually. Therefore, at this time, it is largely not feasible to mitigate GHG impacts under CEQA by demonstrating compliance with an existing GHG reduction plan or through offsets. As such, if a project generates GHG's above the quantitative thresholds identified above, the analysis should focus on project design features or mitigation measures that reduce or sequester GHGs, such that project emissions are reduced to below the SCAQMD threshold. Feasible offsite GHG reduction projects could also be considered as a last option.

- **Determine Significance After Mitigation**

The GHG reductions resulting from project design features and mitigation measures should be estimated using best available information, and the analysis should show the project GHG emissions before- and after-mitigation. If it can be demonstrated that project design

features and mitigation measures reduce the project's GHG emissions to below the SCAQMD threshold, it is acceptable to conclude that the project's GHG contribution is not "cumulatively considerable" and the GHG impact is either "less than significant" or "less than significant with mitigation incorporated" under CEQA.

If the project continues to generate emissions above the threshold after all feasible mitigation measures have been incorporated into the project, the analysis should conclude that the project contributes GHG emissions that may be "cumulatively considerable" and the impact is significant and unavoidable. In this case, an Environmental Impact Report, Findings, and a Statement of Overriding Considerations would be required in accordance with CEQA.

### **ADDITIONAL INFORMATION**

GHG technical guidance and regulatory mandates are constantly evolving. The guidance provided in this memo is based on information available at the time. If plans, strategies or other specific thresholds, such as performance based standards, are developed or adopted by the State or SCAQMD in the future, the City will update its guidance and/or defer to those thresholds at that time. In all cases, the City will use its independent judgment in determining whether the GHG analysis submitted by Project Applicants or prepared for City project is acceptable for CEQA purposes. If you have any questions regarding this memo, please contact Ashley Brodtkin at [abrodtkin@cityoforange.org](mailto:abrodtkin@cityoforange.org) or (714) 744-7238.

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