

**Environmental Assessment  
Determinations and Compliance Findings for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Hart Park Pickleball and Fitness Circuit Design Project

**Responsible Entity:** City of Orange, 300 East Chapman Avenue, Orange, CA 92866

**Grant Recipient** (if different than Responsible Entity): Same as Responsible Entity

**State/Local Identifier:**

**Preparer:** UltraSystems Environmental Inc.

**Certifying Officer Name and Title:** Russell Bunim, Community Development Director

Email: [rbunim@cityoforange.org](mailto:rbunim@cityoforange.org)

Phone: (714) 744-7220

**Grant Recipient** (if different than Responsible Entity): Same as Responsible Entity

**Consultant** (if applicable): UltraSystems Environmental Inc.

**Direct Comments to:** City of Orange Community Services Department

Email: [csinfo@cityoforange.org](mailto:csinfo@cityoforange.org)

Phone: (714) 744-7274

**Project Location:**

Hart Park located at 701 South Glassell Street within the City of Orange, California, 92866

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The proposed project would develop new recreational amenities within an undeveloped portion of Hart Park. The amenities are listed below and depicted in **Figure 1** at the end of the document.

- 10 pickleball courts with fencing and wind screens.
- Shade sails.
- 10 benches.
- Bottle filling drinking fountain with dog watering station.
- Outdoor exercise equipment area composed of a back extension pro machine, a two person leg press machine, a two person lat pull and a vertical press machine, and a two person static combo machine.
- Bike rack.
- Citrus grove signage.
- Four trash and recycling receptacles.
- Paved pathways with associated pathway light posts.
- Replace existing fencing with decorative tubular steel where it abuts park improvements.
- Fencing
- Landscaping
- Irrigation valves
- IT improvements electrical conduit runs to future security camera locations.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

The proposed project would develop an underutilized and undeveloped portion of Hart Park to provide the City's residents with additional recreational opportunities. The proposed project would promote health, fitness, and community connection.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

The approximately two-acre project site is an undeveloped portion of the existing Hart Park that consists of a citrus grove, landscaping, a concrete path, and area lighting located at 701 South Glassell Street in the City of Orange, California. The project site is surrounded by other portions of Hart Park to the north, east, and west, and the State Route-22 (SR-22) freeway to the south (Google Earth Pro, 2023). Refer to **Figures 2** and **3** at the end of this document, which depicts the project site location and surrounding developments, respectively.

The project site has a General Plan land use designation of Open Space (OS) and a zoning designation of Recreation Open Space District (RO) (City of Orange, 2023). As detailed in the Land Development section below, the project would be consistent with the project site's land use and zoning designations.

**Construction Information:**

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

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

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

**Table 1**  
**CONSTRUCTION SCHEDULE**

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

**Source:** Air Quality Memorandum (UltraSystems, 2023a)

**Funding Information**

| <b>Grant Number</b>    | <b>HUD Program</b>   | <b>Funding Amount</b> |
|------------------------|--|-----------------------|
| <b>B-22-CP-CA-0111</b> | <b>14.251 Economic Development Initiative, Community Project Funding, and Miscellaneous Grants</b> | <b>\$2,000,000</b>    |
|                        |  |                       |

**Estimated Total HUD Funded Amount: \$2,000,000**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$2,750,000**

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

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| <b>Compliance Factors:</b><br>Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6  | Are formal compliance steps or mitigation required?                       | Compliance determinations   |
| <b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>   |   |   |
| <b>Airport Hazards</b><br>24 CFR Part 51 Subpart D  | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The closest airport to the project site, the John Wayne Airport, is approximately 6.3 miles southwest of the project site (Google Earth Pro, 2023) (map provided in Appendix A). Therefore, the project is in compliance with this section.   |
| <b>Coastal Barrier Resources</b><br>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]          | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project site is within the state of California, which does not contain any Coastal Barrier Resources pursuant to the Coastal Barrier Resources Act (U.S. FWS, 2023a) (map provided in Appendix A). Therefore, the project is in compliance with this section.   |
| <b>Flood Insurance</b><br>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project site is located in Zone X (Firm Map: 06059C0163J) of the Federal Emergency Management Agency (FEMA) Flood Maps (FEMA, 2020) (map provided in Appendix A). Zone X is an area of minimal flood hazards. Therefore, the project is in compliance with this section.  |
| <b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>   |   |   |
| <b>Clean Air</b><br>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93  | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | An Air Quality Memorandum (memo) was prepared by UltraSystems Environmental, Inc. on November 27, 2023 (refer to Appendix B) to determine if the project would comply with 40 CFR by ensuring the project would not exceed 50 tons of volatile organic compounds (VOCs) and/or nitrogen oxides (NOx) emission per year, or 274 pounds per day (UltraSystems, 2023a, p. 1).<br><br>UltraSystems used the site plans and other construction information which was provided by the client to determine the |

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|  |   | <p>approximate emissions using the California Emissions Estimator Model User’s Guide, Version 2022.1.1.20. The CalEEMod results determined that the maximum combined VOC and NOx emissions would be approximately 1.16 ton per year (UltraSystems, 2022a, p. 3). Therefore, the project would operate far below the 40 CFR thresholds, and the project would be in compliance with this section.</p>   |
| <p><b>Coastal Zone Management</b><br/>Coastal Zone Management Act, sections 307(c) &amp; (d)</p>             | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project site is not located within or adjacent to any coastal zones as determined by the California Coastal Commission (California Coastal Commission, 2019) (map provided in Appendix A). Therefore, the project is in compliance with this section.</p>   |
| <p><b>Contamination and Toxic Substances</b><br/>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>                    | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>An RecCheck Report was created for the project site to determine whether there are any current or previous hazards associated with the project site through database research (see Appendix C) (ERS, 2023). It was determined that the project site is not located within any potential areas of concern (ERS, 2023, p. 1). Therefore, the project would be in compliance.</p>  |
| <p><b>Endangered Species</b><br/>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p> | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>A Habitat Value Assessment Memorandum was created for the proposed project by UltraSystems in November 2023 (UltraSystems, 2023b). The Habitat Value Assessment presents the results of data reviews, field survey, tree survey, and direct observations in the field by UltraSystems biologists Michelle Tollett and Zach Neider (biologists). The purpose of the efforts was to ascertain if the proposed project site contains sensitive biological resources, and an analysis of the potential impacts on those resources from project construction and development. The memo can be found in Appendix D.<br/>Results of the field survey and literature review concluded that the project site does not provide habitat value for endangered, rare, or threatened species. However, the project site supports large trees and other physical features that could provide</p> |

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|  |  | <p>foraging, nesting, and cover habitat to support a diverse assortment of bird species. Many species of birds that could potentially breed within the biological survey area (BSA) are protected by the Migratory Bird Treaty Act (MBTA) and by Fish and Game Code § 3503, § 3503.5, and § 3513. Although there are no endangered, rare, or threatened species on the project site, the trees provide suitable nesting habitat for special-status bird species protected under the California Endangered Species Act (CESA). Therefore, a pre-construction nesting bird survey would be conducted as a PDF-1 to ensure that the project would not impact any unforeseen bird species that were not observed in the survey. Impacts on MBTA-protected birds would be reduced to a less than significant degree with implementation of PDF-1.</p> <p><b>Tree Removal</b></p> <p>The project requires the removal of five existing trees to develop the proposed project. Chapter 12.32 Tree Preservation of the City of Orange Municipal Code (City of Orange, 2023; Tree Preservation Ordinance) provides the definition for “tree” in Section 12.32.020 Definition as “any live plant which has a single trunk measuring 10.5 inches in circumference, measured at a point 24 inches above the ground level.”</p> <p>Section 12.32.020 Removal of Trees Prohibited Without a Permit states the following:</p> <p>“A. It is unlawful for any person, firm, partnership, corporation or other legal entity whatever, to destroy or remove any tree as defined in Section 12.32.020 from undeveloped or public interest property as defined in Sections 12.32.040 and 12.32.050 without a permit as provided herein.”</p> <p>B. To “destroy” a tree means to cut or mutilate a tree in such a manner as to destroy its character as live vegetation.”</p> <p>All five trees for removal meet the definition of trees as defined in Section 12.32.020</p> |
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|   |   | <p>Definition, as they all have a circumference measuring greater than 10.5 inches (City of Orange Municipal Code, 2023a). Acquisition of a Tree Removal Permit for the five trees designated for removal (PDF-2) is required. The project has also proposed the addition of 10 large trees, replacing the five to be removed. After implementation of PDF-2, there would be no conflicts with City Municipal Code.</p> <p>Therefore, with implementation of PDF-1 and PDF-2 (PDFs detailed in the PDF section of this document), project impacts would be less than significant and the project would be in compliance with this section.</p> |
| <p><b>Explosive and Flammable Hazards</b><br/>24 CFR Part 51 Subpart C</p>  | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project would not develop a hazardous facility, nor would it include development, construction, rehabilitation that would increase residential densities, or conversion of land use. The proposed action would develop pickleball courts, a fitness circuit, and associated landscaping, pavement, and lighting, which would adhere to its Open Space (OS) General Plan land use designation (City of Orange, 2023). Therefore, the project would be in compliance with this section.</p>   |
| <p><b>Farmlands Protection</b><br/>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p> | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project site is classified as Urban and Built-up land, and is not located within or adjacent to farmland areas listed under the Department of Conservation (DOC, 2016) (map provided in Appendix A). Therefore, the project is in compliance with this section.</p>   |
| <p><b>Floodplain Management</b><br/>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>                              | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project site is located in Zone X (unshaded) (Firm Map: 06059C0163J) of the Federal Emergency Management Agency (FEMA) Flood Maps, which is characterized as an area with minimal flood hazards (FEMA, 2009) (map provided in Appendix A). Therefore, the proposed action does not require compliance with 24 CFR Part 55.2 and is in compliance with this section.</p>   |
| <p><b>Historic Preservation</b><br/>National Historic Preservation Act of 1966, particularly</p>                                      | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project site is not listed under the National Register of Historic Places by the National Park Service (NPS, 2020). A Phase I Cultural Resource Inventory Report was</p>  |

sections 106 and 110; 36 CFR Part 800

prepared on July, 2023 by UltraSystems that includes a Cultural Resources Records Search conducted for the project site (UltraSystems, 2023c) (refer to Appendix D). Results of the report found no prehistoric or historic archaeological resources identified during the pedestrian field survey of the project site, and the resources records review indicated no known resources within the area.

There was one Native American tribal response (Gabrieleno Band of Mission Indians -Kizh Nation) to outreach contacts, which did not indicate traditional resources in the Project area, but requested contact information of the Project's Lead Agency. Contact information for Mr. Nathaniel Bluhm, the City of Orange's Parks Department Project manager, was provided the same day.

The results of the pedestrian assessment and the SCCIC records search results indicate no impacts to prehistoric or historical resources are anticipated during the Project undertaking. The cultural resources study's findings suggest that there is a low potential for the presence of prehistoric cultural resources. If prehistoric and/or historic items are observed during subsurface activities, work should be stopped in that area and a qualified archaeologist and Native American monitor should be called to assess the findings and retrieve the material.

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



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|  |  | <p>Like many areas that have been set aside for public recreation that were former landfills or brownfields, the land delineated for Hart Park had been a partial gravel pit, while other parts were used for dumping grounds. In regard to archaeological or pre-historic resources, it would not be possible to distinguish between resources originating at the Project site and infill material that has been imported from construction sites around Orange County. In addition, periodic flooding of the Santiago Creek, as occurred on February 26, 1969, would have altered the geography of the portions of the park at lower elevations near the creek basin. Therefore, archaeological monitoring is not recommended during subsurface ground construction work.</p> <p>If human remains are encountered during excavations associated with this Project, work should halt in that area and the Orange County Coroner shall be notified (§ 5097.98 of the California Public Resources Code). The Coroner would determine whether the remains are of recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they shall contact the NAHC. The NAHC would be responsible for designating the most likely descendant (MLD), who would make recommendations as to the manner for handling these remains and further provide for the disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. Following notification by the NAHC, the MLD would make these recommendations within 48 hours of having access to the Project site following notification by the NAHC (UltraSystems, 2023c, p. 6-1). These recommendations would be implemented as PDF-3. With implementation of PDF-3, impacts would be less than significant and the project would be in compliance with this section.</p> |
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| <p><b>Noise Abatement and Control</b><br/>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p> | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The proposed project would not develop new construction or rehabilitation of a residential development. Therefore, the statutes and regulation do not apply to the project, and the project would be in compliance.</p>   |
| <p><b>Sole Source Aquifers</b><br/>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>                  | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project is not located on or near a sole source aquifer (EPA, 2023) (map provided in Appendix A). Therefore, the project is in compliance with this section.</p>  |
| <p><b>Wetlands Protection</b><br/>Executive Order 11990, particularly sections 2 and 5</p>   | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project site is not located within or adjacent to wetland zones under the National Wetlands Inventory under the U.S. Fish and Wildlife (U.S. FWS, 2023b). Therefore, the project is in compliance with this section.</p>  |
| <p><b>Wild and Scenic Rivers</b><br/>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>                                     | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project site is not located within proximity of a designated wild or scenic river, a river being studied for inclusion into the Wild &amp; Scenic River system, or a river within the Nationwide River Inventory (NPS, 2021) (map provided in Appendix A). Therefore, the project is in compliance with this section.</p>   |
| <b>ENVIRONMENTAL JUSTICE</b>   |   |  |
| <p><b>Environmental Justice</b><br/>Executive Order 12898</p>  | <p>Yes    No<br/><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>Based on the analysis throughout this document, the proposed action would not cause significant environmental impacts with the implementation of project design features. Additionally, the proposed action would create free recreational opportunities within the City of Orange. Therefore, the proposed action would be beneficial for low-income people and would not disproportionately impact low-income or minority populations. Therefore, there would be no impact in regard to environmental justice and the project would be in compliance.</p> |

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source

documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or project design features have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

| Environmental Assessment Factor  | Impact Code | Impact Evaluation  |
|--|-------------|--|
| <b>LAND DEVELOPMENT</b>  |             |  |
| Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design | 2           | <p><b>Conformance with plans/ Compatible Land Use and Zoning</b></p> <p>The project site has a General Plan land use designation of Open Space (OS) and a zoning designation of Recreation Open Space (RO). The City Municipal Code § 17.22.020 defines the purpose of RO zoning as areas designated by the City for active and passive recreational uses (City of Orange Municipal Code, 2023). The General Plan Land Use Element defines the OS land use designation as steep hillsides, creeks, or environmentally sensitive areas that should not be developed. Although designated permanent open spaces, most areas will not be developed as public parks except river and creek side areas that promote connectivity to the city's trail system (EDAW, Inc., 2010a, p. LU-15). Hart Park is currently developed as a community park with recreational facilities and connectivity to the City's trails system through the Santiago Creek Trail and Bicycle Path making the park compliant with the General Plan. The project proposes a pickleball facility with fitness amenities, along with connectivity to the City's trail system. Therefore, the proposed action would conform with all applicable land use and zoning regulations, and there would be no impacts.</p> <p><b>Scale and Urban Design</b></p> <p>The proposed action would develop recreational amenities in an undeveloped portion of Hart Park within the City of Orange. The proposed action would develop on an</p> |

| <b>Environmental Assessment Factor</b>                                  | <b>Impact Code</b> | <b>Impact Evaluation</b>   |
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|   |                    | underutilized portion of the park and would complement the other components of the park such as the softball and baseball fields to the east, and the tennis courts and swimming pool to the north. Additionally, the project would not develop a building that would obstruct any views of surrounding developments. Therefore, the proposed action would have no impact to scale and urban design in the project area.   |
| Soil Suitability/<br>Slope/ Erosion/<br>Drainage/ Storm<br>Water Runoff | 2                  | The proposed action would adhere to California Building Code (CBC) to ensure that the proposed action would be developed on suitable soil. The project site is located in a flat and developed portion of the city, which would not have landslide hazards. The proposed action would create more impervious land, which would cause less erosion compared to existing conditions. Since the project site is greater than one acre, the proposed action must obtain a National Pollutant Discharge Elimination System (NPDES) and prepare a Stormwater Pollution Prevention Program (SWPPP) to ensure there would be no significant drainage or water runoff impacts. Therefore, the proposed action would have no impact on any of the aforementioned topics. |
| Hazards and<br>Nuisances<br>including Site<br>Safety and Noise          | 2                  | Refer to the Contamination and Toxic Substances and the Noise Abatement and Control sections above. The project site is not located within any potential areas of concern (ERS, 2023, p. 1), and would not develop any residential structures. No adverse impacts are expected.  |
| Energy<br>Consumption   | 2                  | The proposed action would install lighting. However, the proposed action would follow applicable state and local energy regulations, including Title 24 of the California Code of Regulations (CCR), which would ensure that the project would not waste any unnecessary energy. Therefore, there would be no adverse impacts.   |

| <b>Environmental Assessment Factor</b> | <b>Impact Code</b> | <b>Impact Evaluation</b>   |
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| <b>SOCIOECONOMIC</b>                   |                    |  |
| Employment and<br>Income Patterns      | 1                  | The proposed action would create temporary employment during the construction phase. Therefore, the proposed action would increase employment and income in the project area, and would be beneficial. |

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| Demographic Character Changes, Displacement | 1 | The proposed action would be developed on an undeveloped portion of Hart Park, which would not displace any people. The project would maintain the park's identity and provide recreational opportunities for everyone in the city. Therefore, there would be a benefit in regards to demographic, character changes, or displacement. |
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| <b>Environmental Assessment Factor</b>   | <b>Impact Code</b> | <b>Impact Evaluation</b>  |
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| <b>COMMUNITY FACILITIES AND SERVICES</b> |                    |   |
| Educational and Cultural Facilities      | 2                  | <p><b>Educational Facilities</b><br/>Projects such as housing would generate families and potentially impact schools. The proposed action would develop recreational facilities, which would not increase the population within the city and would not create adverse impacts to educational facilities.</p> <p><b>Cultural Facilities</b><br/>As mentioned in the Historic Preservation section, the project would have no impacts to cultural facilities.</p> |
| Commercial Facilities                    | 2                  | The project site is located within an urban portion of the city and is within close proximity to several commercial facilities within the city. The proposed action would develop on an undeveloped portion of Hart Park and would not impact commercial facilities.  |
| Health Care and Social Services          | 1                  | The city's health care and social services are served by several hospitals, clinics, and offices throughout the city. The proposed action would develop recreational amenities, which would provide recreational services and promote health and exercise. Additionally, the project would not increase the population within the city, and would not impact social services within the city. Therefore, the project would be beneficial.                       |
| Solid Waste Disposal / Recycling         | 2                  | Solid waste management within the city is provided by Waste Management (EDAW, Inc., 2010b, p. 5.12-14). During construction, the proposed project would adhere to applicable regulations in regards to solid waste removal during construction. The proposed action is anticipated to generate a minimal amount of trash during the operational phase of the project. Therefore, there would be no adverse impacts.   |
| Waste Water / Sanitary Sewers            | 2                  | Orange County Sanitation District (OCSD) provides wastewater services to the city (EDAW, Inc., 2010b, p.  |

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|  |   | 5.12-12). The proposed project would not generate any wastewater and would have no adverse impact.   |
| Water Supply                                       | 2 | Water supply is supplied to the city by the city's owned water wells, Municipal Water District of Orange County (MWDOC), and Orange County Water District (OCWD) (EDAW, Inc., 2010b, p. 5.12-7). The proposed action would only require a minimal amount of water use during the operational phase for the proposed water fountain and irrigation for landscaping. Therefore, there would be no adverse impacts. |
| Public Safety - Police, Fire and Emergency Medical | 2 | The city's police, fire, and emergency medical services would not be further impacted than it currently is because the project site is already served and there would not be an increase in population density due to the proposed action. Therefore, impacts would be less than significant.  |
| Parks, Open Space and Recreation                   | 1 | The proposed action would increase the availability of recreational opportunities in the city. Therefore, the project would be beneficial to the city.   |
| Transportation and Accessibility                   | 2 | The proposed action would not increase the population within the city and impact transportation services such as a residential development. The project site would be a part of the existing Hart Park, which is assessable to the public. Additionally, the project would be developed to adhere to applicable ADA regulations. Therefore, there would be no adverse impacts.                                   |

| <b>Environmental Assessment Factor</b>      | <b>Impact Code</b> | <b>Impact Evaluation</b>  |
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| <b>NATURAL FEATURES</b>                     |                    |   |
| Unique Natural Features,<br>Water Resources | 2                  | <p><b>Unique Natural Features</b></p> <p>The project site is an undeveloped portion of Hart Park that offers no unique natural features. Although the proposed action would remove existing landscaping, the project would not impact any unique natural features. Therefore, there would be no adverse impacts.</p> <p><b>Water Resources</b></p> <p>As discussed in the Wetland Protection and Sole Aquifer sections above, the project site is in a developed portion of the city and is not located within or in close proximity to a wetland, sole aquifer, or any other water resource. Therefore, there would be no adverse impacts.</p> |
| Vegetation, Wildlife                        | 3                  | <b>Vegetation</b>   |

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|               |   | <p>As detailed in the Endangered Species section above, the project contains five non-native trees that would be removed during construction. The project would implement <b>PDF-2</b>, which would ensure that the project would obtain tree take permits for trees that would be removed. Additionally, the project would plant 10 new trees as replacements. Therefore, there would be less than significant impacts to vegetation.</p> <p><b>Wildlife</b></p> <p>As detailed in the Endangered Species section above, the project site contains no critical habitat and is not adjacent to any critical habitats and will not involve any activities that would affect listed species. However, the presence of trees and shrubs on the project site could provide for suitable foraging and nesting habitat for various bird species that are protected under the Migratory Bird Treaty Act. Therefore, the project would implement <b>PDF-1</b>, which would conduct bird surveys and applicable procedures to ensure that less than significant impacts would occur to wildlife.</p> |
| Other Factors | 1 | The project would be beneficial to the community as it would provide recreational services that would promote health and exercise.  |

**Additional Studies Performed:**

- Air Quality Memorandum prepared by UltraSystems Environmental, Inc. on November 2023.
- RecCheck Report prepared by ERS on January 2023.
- Habitat Value Assessment prepared by UltraSystems Environmental, Inc. on November 2023.
- Cultural Resources Inventory Report prepared by UltraSystems Environmental, Inc. on July 2023.

**Field Inspection** (Date and completed by):

June 30, 2023 by UltraSystems Environmental Inc. (conducted by Zachary Neider) for the Phase I Cultural Resources Inventory Report.

April 23, 2023 by UltraSystems Environmental Inc. (conducted by Brent Johnson) for the Phase I Cultural Resources Inventory Report.

## **List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:**

### **List of Sources**

The list of sources is provided in the references section of this document and screenshots from applicable sources are provided in **Appendix A**.

### **Agencies and Persons Consulted**

The following agencies were consulted as part of the Section 106 analysis:

- South Central Coastal Information Center (SCCIC)
- Native American Heritage Commission (NAHC)

A list of tribal organizations and associated people contacted as part of Section 106 analysis is provided in the Cultural Resources Inventory Report prepared for the project (UltraSystems, 2023c, Attachment C p. 1) (refer to **Appendix E**).

### **List of Permits Obtained:**

No development permits for the project have been issued at this time. The project is currently in the process of obtaining building permits. All applicable state and local permits will be obtained prior to construction.

### **Public Outreach [24 CFR 50.23 & 58.43]:**

A notice of availability of the EA and the FONSI has been published in the Orange County Register on April 18, 2024. Information about where the public may find the Environmental Review Record pertinent to the project can be found in the FONSI Notice and on the City's website at [www.cityoforange.org/environmentalreviews](http://www.cityoforange.org/environmentalreviews). The City held an 18-day public comment period (April 18 to May 6, 2024) regarding the proposed Notice of Finding of No Significant Impact and Notice of Intent To Request Release Of Funds (FOPNSI/NOI-RROF) subject to HUD approval and completion of the NEPA environmental review. A notice of the public comment period was published in the Orange County Register on April 18, 2024, and information was published at: [www.cityoforange.org/environmentalreviews](http://www.cityoforange.org/environmentalreviews).

### **Cumulative Impact Analysis [24 CFR 58.32]:**

As detailed throughout the document, the proposed action would have no adverse impacts or less than significant impacts with implementation of project design features. The proposed design features are preventative measures in the instance of unanticipated discovery and adherence to regulations. The proposed action itself would not create any significant impacts and therefore, no cumulative impacts are anticipated.



## **Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

### ***Offsite Alternative***

The proposed action would utilize an underutilized portion of City-owned park land within Hart Park. No alternative sites were considered because there were no other available sites in the vicinity that would satisfy the purpose and need for the proposed action.

### ***Reduced Project***

Reducing the project would continue the trend of having the project site as an underutilized City-owned park land that could be used to create more recreational opportunities for the residents. The City currently does not meet the amount of parkland to residents ratio. Therefore, reducing the project would not serve to provide any benefit for the City. Additionally, a recreational project of this scope would not create significant air quality impacts.

### **No Action Alternative [24 CFR 58.40(e)]:**

Under the No Action Alternative, the project site would continue to be underutilized City-owned park land that could be used recreational amenities that would improve the health, fitness, and community connection within the City.

### **Summary of Findings and Conclusions:**

The project site consists of an underutilized portion of Hart Park. The proposed action would develop pickleball courts and a fitness circuit to provide additional recreational activities in the project area. The project site is not located within or adjacent to a flood hazard zone, farmlands, a sole source aquifer zone, wetlands, or wild and scenic rivers. The would not impact airport clear and approach zones, air quality standards, endangered species, introduce explosive and flammable materials, or conflict with applicable noise regulations. The proposed action would create free recreational opportunities for people of all incomes, which would have no adverse impact on environmental justice populations.

The project site is not listed under the National Register of Historic Places, nor does it contain any cultural/historic resources based on the Phase I Cultural Resource Inventory Report conducted for the project site (UltraSystems, 2023c).

Therefore, the proposed action would adhere to all the statutes, executive orders, and regulations listed at 24 CFR 50.4, 58.5 and 58.6.

### **Project Design Features and Conditions [40 CFR 1505.2(c)]**

Summarize below all project design features adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These PDFs/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing the PDFs should be clearly identified in the project design feature plan.

| Law, Authority, or Factor       | Project Design Features   |
|---------------------------------|---|
| Endangered Species and Wildlife | <p><b><u>PDF-1 Pre-Construction Breeding Bird Survey</u></b></p> <p>If construction is anticipated to commence during the nesting season (January 1 through August 31 of any given year, or as determined by a local CDFW office), a qualified avian biologist shall conduct a pre-construction nesting bird survey between three to seven days prior to construction.</p> <p>In accordance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC) §§ 3503, 3503.5, and 3513, if an active bird nest of a protected species is located during the pre-construction survey and would potentially be affected, a no-activity buffer zone shall be delineated on maps and marked in the field by fencing, stakes, flagging, or other means up to 500 feet for raptors, or 100 feet for non-raptors. Materials used to demarcate the nests will be removed as soon as work is complete or the fledglings have left the nest. The qualified avian biologist will determine the appropriate size of the buffer zone based on the type of activities planned near the nest and bird species.</p> <p>The survey will be conducted between three to seven days prior to the onset of scheduled activities, including building demolition and vegetation trimming or removal and will include all potential nest sites, such as open ground, trees, shrubs, grasses, burrows, and structures during the breeding season.</p> <p>If construction activities (including but not limited to staging and stockpiling, structure removal, clear and grub, grading, and fill) begin prior to the breeding bird season, the project will remove of all physical features that could potentially serve as avian nest sites (e.g., staging and stockpiling, structure removal, clear and grub, grading, fill, etc.).</p> <p>If project activities begin after the commencement of breeding bird season, the project applicant will have a qualified biologist conduct a pre-construction breeding bird survey of the project site, including all physical features that could potentially serve as avian nest sites, to avoid impacts on nesting birds.</p> <p>If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted by demolition or construction activities, the breeding/nesting site will be mapped and location</p> |

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|   | <p>provided to the construction foreman, City, and project applicant. The qualified biologist will establish a buffer zone around the active nest, which will be delimited (fencing, stakes, flagging, orange snow fencing, etc.) at a minimum of 100 feet, or as the qualified biologist determines is appropriate based on the planned activities and tolerances, for the observed species. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities.</p> <p>Periodic monitoring by the qualified avian biologist will be performed to determine when nesting is complete. After the nesting cycle is complete, project activities may begin within the buffer zone.</p> <p>If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further action would be required.</p> |
| <p>Endangered Wildlife and Vegetation</p> | <p><b><u>PDF-2: Tree Removal Permit</u></b></p> <p>The circumferences of the five trees to be removed tree exceed 10.5 inches; these trees meet the criteria provided in Section 12.32.020 <i>Definition</i> for trees that would require the acquisition of a Tree Removal Permit. Tree Removal Permits are issued by the City of Orange Director of Community Services. Prior to approval of grading plans, the project will obtain a Tree Removal Permit and will comply with the Tree Preservation Ordinance.</p> <p>During excavation, protective fencing would be installed as needed to prevent further harm or destruction of other trees, orchards, and the surrounding environment. The City Arborist will be present to ensure that no damage is done to the canopies or root systems of the trees. The finish grade at the base of these trees must remain the same as the original grade before and after completion of the project.</p>   |
| <p>Historic Preservation</p>              | <p><b><u>PDF-3: Prehistoric, Historic, or Human Remains Observed</u></b></p> <ul style="list-style-type: none"> <li>• If prehistoric and/or historic items are observed during subsurface activities, work should be stopped in that area and a qualified archaeologist</li> </ul>  |

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|  | <p>and Native American monitor should be called to assess the findings and retrieve the material.</p> <ul style="list-style-type: none"> <li>• If human remains are encountered during excavations associated with this project, work should stop in that area, and the Orange County Coroner will be notified (§ 5097.98 of the California Public Resources Code). The coroner would determine whether the remains are of recent human origin or of older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they shall contact the NAHC. The NAHC would be responsible for designating the most likely descendant (MLD), who would make recommendations as to the manner for managing these remains and further provide for the disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. Following notification by the NAHC, the MLD would make these recommendations within 48 hours of having access to the Project site following notification by the NAHC. These recommendations may include scientific removal and non-destructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).</li> </ul> |
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The proposed action includes the development of pickleball courts and a fitness circuit. The proposed action would not have an adverse effect associated with applicable environmental laws and regulations, environmental concerns or extraordinary circumstances.

**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment.

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: Victor Paitimusa/Assistant Project Manager/ UltraSystems  
Environmental Inc.

Certifying Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

## REFERENCES

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NPS (National Park Service), 2021. Wild and Scenic Rivers Mapper. Accessed online at <https://nps.maps.arcgis.com/apps/View/index.html?appid=ff42a57d0aae43c49a88daee0e353142>, accessed on January 4, 2023.

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U.S. FWS, 2023b. Critical Habitat for Threatened and Endangered Species. Accessed online at <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77> , accessed on April 18, 2023.

U.S. FWS, 2023c. National Wetlands Inventory. Accessed online at <https://www.fws.gov/wetlands/data/mapper.html>, accessed on April 18, 2023.





**Figure 2**  
**PROJECT LOCATION MAP**



Disclaimer: Representations on this map or illustration are intended only to indicate locations of project parameters reported in the legend. Project parameter information supplied by others (see layer credits) may not have been independently verified for accuracy by UltraSystems Environmental, Inc. This map or illustration should not be used for, and does not replace, final grading plans or other documents that should be professionally certified for development purposes.

Path: \\Gissv\gis\Projects\7191\_RHA\_Hart\_Park\_CE\MXDs\7191\_HartPark\_3\_0\_Project\_Location\_2023\_06\_29.mxd  
 Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community; UltraSystems Environmental, Inc., 2022

June 29, 2023

Scale: 1:1,680

N  
↑

0   70   140 Feet

0   20   40 Meters


**Legend**

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Project Boundary

**Hart Park Pickleball  
and Fitness Circuit Design**

Project Location



environmental management planning

**Figure 3**  
**PROJECT SITE PHOTOGRAPHS**



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



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



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



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