



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.

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| 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.

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| 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.

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| 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.

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| 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 |



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.

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| 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 |

**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 erodible 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.

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| 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 |

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.

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| 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 |

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.

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| 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.

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| 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.

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| 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 |

**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.

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| 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.”

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| 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.

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| 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.



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| 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.

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| 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.

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| 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 |

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.

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| 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.

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

