
Environmental Impact Report

Southern Region Emergency Operations Center Project SCH No. 2023030046

DECEMBER 2023

Prepared for:



CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

With assistance from



DEPARTMENT OF GENERAL SERVICES

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1 Introduction

1.1 Introduction

This Final Environmental Impact Report (EIR) was prepared for the Southern Region Emergency Operations Center Project (project) in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code, Sections 21000–21177).

Project Overview

The California Governor’s Office of Emergency Services (Cal OES), lead agency for the project, with assistance from the Department of General Services (DGS), collectively referred to herein as “the state,” is proposing to build an up to 55,000-gross-square-foot Southern Region Emergency Operations Center (SREOC) across approximately 15 acres within the state-owned Fairview Developmental Center (FDC) property in Costa Mesa, California. Project plans presented in this EIR are conceptual only. The project delivery is design-build and final design will be developed by a design-build team selected by the state. It is anticipated that the buildings to accommodate the program requirements could include a variety of design solutions. The design-build approach is discussed in detail in Section 3.5.1 of the Draft EIR.

Cal OES provides disaster planning, readiness, and response of state resources for the various emergencies and threats of emergency facing California, including earthquakes, floods, significant wildfires, prolonged drought impacts, public health emergencies, cybersecurity attacks, agricultural and animal disasters, and threats to homeland security (Cal OES 2022a). Currently, Cal OES operates the State Operations Center in the City of Mather in Northern California. The project would develop another Emergency Operations Center (EOC) in Southern California that would mirror the operations of the Mather facility at a smaller scale and act as a backup EOC in the event that operations at Mather are interrupted. It would also provide more effective state emergency support to local governments within the Southern Region. The Southern Region covers 11 counties within two mutual aid regions (Mutual Aid Region 1: Los Angeles, Orange, San Luis Obispo, Santa Ana, and Ventura Counties; Mutual Aid Region 2: Imperial, Inyo, Mono, Riverside, San Bernardino, and San Diego Counties) and includes 226 incorporated cities with a total population of 22.9 million people (Cal OES 2022b).

The proposed SREOC would support full-time staff and establish a regional center to serve as a hub for critical emergency management planning and emergency preparedness services in support of local agencies. The Southern Region is charged with supporting a large area that is a major contributor to the nation’s gross domestic product, with a population density centered on some of the state’s highest risk earthquake faults. In order to successfully meet its mission, the SREOC would include an EOC, specialized training rooms, conference rooms, executive offices, and warehouse space to support vehicles and equipment and to store emergency-response commodities and supplies. The proposed project would replace the small temporary Regional EOC, which had been operating approximately 11 miles northwest of the project site in the City of Los Alamitos and is now operating in a swing space in Santa Ana as of the fall of 2023.

Content and Use of a Final EIR

As described in CEQA Statute and the CEQA Guidelines, public agencies are charged with the duty to avoid or substantially lessen significant environmental effects, with consideration of other conditions, including economic, social, technological, legal, and other benefits. On behalf of Cal OES, DGS has prepared this Final EIR, as required

by CEQA, to assess the significant direct and indirect environmental effects of the project, as well as the significant cumulative impacts that could occur from implementation of the project. This Final EIR is an informational document only, the purpose of which is to identify the significant effects of the project on the environment; to indicate how those significant effects could be avoided or significantly lessened, including feasible mitigation measures; to identify any significant and unavoidable adverse impacts that cannot be mitigated to less than significant; and to identify reasonable and feasible alternatives to the project that would avoid or substantially lessen any significant adverse environmental effects associated with the project and achieve the fundamental objectives of the project.

Before approving a project, CEQA requires the lead agency to prepare and certify a Final EIR. The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, as follows:

1. The draft EIR or a revision of the draft.
2. Comments and recommendations received on the draft EIR either verbatim or in summary.
3. A list of persons, organizations, and public agencies commenting on the draft EIR.
4. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
5. Any other information added by the Lead Agency.

In accordance with the above-listed requirements, this Final EIR for the project incorporates the publicly circulated Draft EIR, which is provided under a separate cover, and consists of the following:

1. All agency and public comments received during the public review comment period for the project.
2. Responses to public comments.
3. Changes to the Draft EIR since it was circulated for public review.
4. The project's Mitigation Monitoring and Reporting Program.

This Final EIR, in combination with the Draft EIR, as amended by text changes, constitute the EIR that will be considered for certification by the state and may be used to support approval of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR.

As required by Section 15090 (a) (1)-(3) of the CEQA Guidelines, a lead agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the lead agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency can approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding, supported by substantial evidence in the record. The possible findings are as follows:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a lead agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the action. The Statement of Overriding Considerations must be supported by substantial evidence in the lead agency's administrative record. As no significant and unavoidable impacts were found for the project, no Statement of Overriding Considerations has been prepared.

1.2 Content and Organization

The Final EIR will be used by the state as an informational document for the proposed project. The Final EIR, in compliance with Section 15132 of the CEQA Guidelines, is organized as follows:

Chapter 1, Introduction. This chapter provides general information on, and the procedural compliance of, the proposed project and the Final EIR.

Chapter 2, Responses to Comments. This chapter includes the comments received on environmental issues raised during the public review process for the Draft EIR and the state's responses to these comments. Each comment letter is numbered and presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a letter indicating whether it was provided by a public agency (A), an organization (O), or an individual (I), followed by a binomial with the number of the comment letter appearing first, followed by the comment number.

Chapter 3, Changes to the Draft Environmental Impact Report. This chapter contains a summary of changes made to the document since publication of the Draft EIR as a result of comments received. Revisions clarify information presented in the Draft EIR, and only minor technical changes or additions have been made. These text changes provide additional clarity in response to comments received on the Draft EIR, but do not change the significance of the conclusions presented in the Draft EIR. Changes are signified by ~~strikeout~~ text (i.e., ~~strikeout~~) where text was removed and by underline text (i.e., underline) where text was added.

Chapter 4, Mitigation Monitoring and Reporting Program. This chapter provides the Mitigation Monitoring and Reporting Program for the proposed project. The Mitigation Monitoring and Reporting Program is presented in table format and identifies mitigation measures for the proposed project, the party responsible for implementing the mitigation measures, the timing of implementing the mitigation measures, and the monitoring and reporting procedures for each mitigation measure. Project design features that were identified in the EIR are also included in this chapter to verify that these features are incorporated within the project.

Draft EIR (Under Separate Cover). This Final EIR incorporates the Draft EIR as circulated during public review. The Draft EIR includes a detailed description of the project, an analysis of the project's environmental impacts, and a discussion of alternatives to the project. The Draft EIR is available for review at <https://oesregionsouthec.org/>. Copies of the Draft EIR are also available for public review at the following locations: (1) California Governor's Office

of Emergency Services, 3650 Schriever Avenue; Mather, California 95655; (2) Department of General Services, 707 3rd Street, 4th Floor, West Sacramento, California 95605; (3) Department of Developmental Services, Fairview Developmental Center Administration Building, 2501 Harbor Blvd, Costa Mesa, California 92626; and (4) Mesa Verde Library, 2969 Mesa Verde Drive, Costa Mesa, California 92626. Cal OES is the custodian of the record of proceedings for the project.

1.3 California Environmental Quality Act Review

In accordance with Section 15082 of the CEQA Guidelines, the state released a Notice of Preparation on March 1, 2023, for the required 30-day review period to interested agencies, organizations, and individuals. The state subsequently extended the review period through April 17, 2023. The purpose of the Notice of Preparation is to provide notification that an EIR for the project was being prepared and to solicit guidance on the scope and content of the document. The Notice of Preparation was sent to the State Clearinghouse at the California Governor's Office of Planning and Research. The State Clearinghouse assigned a state identification number (SCH No. 2023030046) to the project. The Notice of Preparation was also posted at the Orange County Clerk's office and on the project website at <https://oesregionsoutheoc.org/>. Copies of the Notice of Preparation were distributed to all applicable agencies and tribes on the state's noticing list, as well as all mailing addresses within the FDC property and the adjacent Cornerstone private development. A public scoping meeting was held on March 13, 2023, at the Balearic Community Center in Costa Mesa to gather additional public input on the scope of the environmental document.

Comments received during the public scoping period were considered during preparation of the Draft EIR. Copies of the scoping comment letters received are provided in Appendix A of the Draft EIR, and included comments from the following:

- Assemblywoman Cottie Petrie-Norris's Office
- City of Costa Mesa
- Costa Mesa First
- Costa Mesa Affordable Housing Coalition
- Dianne Russell
- Valerie Hass
- Kim Hendricks
- Linda Tang
- Barbara Abbott

Comments focused on helicopter activity and noise, communication tower aesthetics, future development of the rest of the FDC/City Housing Element, and alternative project sites. Issues, concerns, and potential impacts raised in comment letters received during the public scoping period were discussed and addressed in the Draft EIR, and no further response to these comments is needed in this Final EIR.

A Notice of Availability of the Draft EIR was sent to agencies and interested parties on September 5, 2023, and the Draft EIR was circulated for a public review period from September 5, 2023, through October 20, 2023. The Notice of Availability was also posted at the Orange County Clerk's office and both the Notice of Availability and Draft EIR were posted on the project website. Copies of the Notice of Availability were distributed to all applicable agencies and tribes on the state's noticing list, as well as all mailing addresses within the FDC property and the adjacent private Cornerstone community. A legal notice was posted in the Orange County Register on September 5, 2023.

Hard copies of the Draft EIR were made available for review at the following locations: (1) California Governor's Office of Emergency Services, 3650 Schriever Avenue; Mather, California 95655; (2) Department of General Services, 707 3rd Street, 4th Floor, West Sacramento, California 95605; (3) Department of Developmental Services, Fairview Developmental Center Administration Building, 2501 Harbor Blvd, Costa Mesa, California 92626; and (4) Mesa Verde Library, 2969 Mesa Verde Drive, Costa Mesa, California 92626.

The state received 36 comment letters during the 2023 Draft EIR public review period. Copies of the comment letters received and responses to comments are included in Chapter 2 of this Final EIR.

Per CEQA Guidelines Section 15088, responses to comments submitted by public agencies are required to be provided to the commenting agency at least 10 days prior to certifying the EIR. The only agency that provided comments on the Draft EIR was the City of Costa Mesa (City). Responses to the City's comments were provided to the City on December 8, 2023. The state has posted this Final EIR on the project website at <https://oesregionsoutheoc.org/>. Hard copies of the Final EIR were made available for review at (1) California Governor's Office of Emergency Services, 3650 Schriever Avenue; Mather, California 95655 and (2) Mesa Verde Library, 2969 Mesa Verde Drive, Costa Mesa, California 92626.

1.4 References Cited

Cal OES (Governor's Office of Emergency Services). 2022a. "Office of the Director." Accessed December 13, 2022. <https://www.caloes.ca.gov/office-of-the-director/>.

Cal OES. 2022b. "Southern Region." Accessed November 22, 2022. <https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/regional-operations/southern-region/>.

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2 Responses to Comments

This chapter of the Final Environmental Impact Report (EIR) for the proposed Southern Region Emergency Operations Center Project (project) includes a copy of all comment letters that were submitted during the public review period for the Draft EIR, along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day public review period for the Draft EIR began on September 2, 2023, and ended on October 20, 2023.

The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate places in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project unrelated to its environmental impacts) are noted for the record. Where text changes in the Draft EIR are warranted based on a comment received, updated project information, or other information provided by the state, those changes are noted in the response to the comment and the reader is directed to Chapter 3, Changes to the Draft EIR, of this Final EIR.

The changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required.

2.1 Thematic Responses

In the interest of providing comprehensive responses and avoiding duplication, where multiple commenters have addressed the same issue, Thematic Responses have been prepared to address common themes. These Thematic Responses are provided below, followed by the comment letters and responses to individual comments (see Section 2.2). Responses to individual comments refer to Thematic Responses, as appropriate.

Thematic Response 1: Housing Goals

Senate Bill 188, which resulted in the approval of California Government Code 14670.31, acknowledges the state's housing crisis and need for affordable housing. The legislation states that "it is the intent of the Legislature that the Fairview Developmental Center [FDC] property be utilized for a mixed-use development, including mixed-income housing," which "would include and prioritize affordable housing." The legislation provided \$3.5 million to the City of Costa Mesa (City) for thematic planning of the FDC property for "future development for the purposes intended by the Legislature." However, the legislation also explicitly states that the Department of Developmental Services "may enter into any additional agreements, upon terms and conditions that the department determines to be in the best interests of the state, to provide for the management, operations, and maintenance of the property." It has been determined that development of an emergency operations center in the southern region is in the best interest of the state and that, after an extensive search by the state, the project site is the best available location for the project.

The state has planned the project with consideration for the priorities and goals of Senate Bill 188 and the City's future planning efforts for the FDC property as a whole. A stated objective of the project is to "Design an EOC that meets all program needs within the smallest practicable footprint to maximize the acreage available for future development within the FDC property." The state has proposed a project that will maximize the available acreage for thematic planning by the City while meeting program needs. Additionally, the state has sited the proposed

project in a far corner of the property to minimize its impact on cohesive future planning efforts for the FDC property as a whole.

Thematic Response 2: Land Use Compatibility

The state conducted a rigorous search of potential properties that could meet the program needs for the proposed project (see Chapter 7, Alternatives, Section 7.2.1, Alternative Sites throughout the Southern Region, of the Draft EIR). The project site at FDC was determined to be the best available location for the project. As discussed in Thematic Response 1, Housing Goals, the state has designed the proposed project within the smallest practicable footprint and located it in a far corner of the property to minimize its impact on cohesive future planning efforts for the FDC property as a whole.

As discussed in Chapter 2 of the Draft EIR and in more detail in Thematic Response 6, Frequency of Emergency Operations, emergency operations would be expected to occur very infrequently. As also described in Chapter 2 of the Draft EIR, under normal operations, the Southern Region Emergency Operations Center would employ a maximum of 50 employees and a more likely total of 20 employees and would operate during normal business hours (7:00 a.m. to 7:00 p.m.) Monday through Friday. Indoor training events for up to 40 participants would occur two to four times per month and there would be two or fewer truck deliveries per day. The proposed project includes enough parking to accommodate daily operations so that project operations would be entirely contained within the project footprint at all times. Under normal operations, which would constitute the vast majority of the project's operation, the facility would operate similarly to an office use. This type of use would be compatible with and would not impede the development of a mixed-use thematic plan for the remainder of the FDC property. Emergency operations, while representing a fraction of total project operations, would include activities that could be considered disruptive to surrounding land uses, such as emergency sirens and helicopter noise. However, the state has assessed and disclosed the impacts that would occur during emergency operations (see Section 4.2, Air Quality; Section 4.5, Energy; Section 4.6, Greenhouse Gases; Section 4.7, Hazards; and Section 4.10, Noise) and has determined through the analysis in the Draft EIR that there are no significant and unavoidable impacts associated with the project.

Thematic Response 3: Alternative Site in Tustin, California

The Tustin site identified as Alternative 3 in the Draft EIR is not a state-owned property and is encumbered with a variety of covenants, conditions, and restrictions (CC&Rs) that make it a less desirable site for the state. The document outlining the property's CC&Rs is 78 pages and includes provisions that could impose reoccurring and non-reoccurring expenses to which the state would be obligated. Some examples include specific maintenance and insurance obligations, project design review and approval requirements, and preparation and reporting of annual budgets. Based on these obligations, the state's finance department would be unlikely to accept the CC&Rs. Additionally, the property owner would require that the state sign a non-disclosure agreement to request information to even begin the due diligence process for the property. The state cannot sign non-disclosure agreements as state business is subject to public disclosure.

The Tustin site property owners would also require the state to enter a long-term ground lease with the potential, but no guarantee, to obtain fee title ownership after 2034. The state would be at significant financial risk if it were to develop the Southern Region Emergency Operations Center at a location without a guarantee of eventual ownership. The property is also under a Development Agreement that requires 50% education use of the greater property. The state would be bound to the terms and restrictions of that Development Agreement, which would limit the state's ability to plan and execute the project. Additionally, because the state would not own the Tustin

property at the time of development, the owner would have the ability to restrict or block the development of certain critical project components such as the communication tower and helipad.

The state estimates that it could take 2 years or more to work through and negotiate with the property owner on the various issues described above, with no guarantee of an agreement. The process may involve legislative approvals, which would potentially delay the state's approved development schedule. A years-long delay in constructing the project would likely increase the cost of construction, as labor and materials costs generally increase over time. The state has a duty to spend appropriated public funds expeditiously and responsibly.

In contrast, the project site at the FDC is state-owned and would require only a transfer from the Department of Developmental Services to the Office of Emergency Services. Notably, Senate Bill 188 provides for state carveouts and also allows the Department of Developmental Services to enter into an agreement with the City for the City to prepare a specific plan for the property. As such, the project site is readily available for development by the state and would not require additional legislative approval.

Thematic Response 4: Noticing and Public Participation

One of the stated Basic Purposes of CEQA is to inform governmental decision makers and the public about the potential significant environmental effects of proposed activities (14 CCR 15002). The CEQA Guidelines consists of requirements that, when followed, achieve the Basic Purposes. The state has met or exceeded all noticing and public participation requirements as dictated by CEQA Guidelines Sections 15082, 15083, and 15085 through 15087 in the preparation of the EIR for the proposed project. The state has no obligation to exceed the requirements.

The state released the notice of preparation for a 30-day scoping period, which was extended an additional 17 days, and held a public scoping meeting. The state released the notice of availability and Draft EIR for a 45-day public comment period and held a public meeting. All notices were posted with the Orange County Clerk and sent to the State Clearinghouse. Notices were also sent to the City and all mailing addresses within the FDC property and the adjacent Cornerstone private development, which exceeds the required noticing radius. A notice was also placed in the Orange County Register on the first day of the Draft EIR comment period. Hard copies of the Draft EIR were made available at several locations including a local library. All CEQA notices and documents were posted on a project website developed to house the project's public documents and receive comments. The website address was included in all notices. In addition, the state held project meetings with City staff during the period between March 23, 2023, and June 5, 2023, as well as other meetings held outside of those dates.

Thematic Response 5: Aesthetics—Communication Tower, Visual Simulations, and Viewpoints

Regarding Draft EIR photosimulations of the proposed communication tower, existing site photographs are utilized as background images and true-scale three-dimensional (3D) models for the project are rendered onto the existing photographs at their finished grade elevations. The Draft EIR photosimulations are photorealistic, project components are depicted at their proposed height, and they incorporate building materials, dimensions, and colors/finishes described in the Draft EIR project description and/or data provided and confirmed by California Office of Emergency Services staff. However, after publication of the Draft EIR, California Office of Emergency Services identified an error in the color/finish of the communication tower as presented in the photosimulations (the Draft EIR correctly stated that the communication tower would be marked and lighted in accordance with Federal Aviation Administration Advisory Circular 70/76460-1M). In response, the Draft EIR photosimulations (which depicted a non-marked greyish metal finish) have been revised to incorporate orange

painted sections (bands) on the communication tower. The revised photosimulations are presented in the Final EIR (see Figures 4.1-6 through 4.1-10).

As is common in preparation for photosimulations and aesthetic analyses prepared pursuant to CEQA, photosimulations are prepared from publicly accessible vantage points (also referred to as Key Views) that are representative of views to the project site or specific project components that are available to current viewer groups in the area. Although a project may be visible from multiple vantage points, preparation of visual simulations from all potential vantage points is neither feasible nor required by CEQA. While the proposed communication tower would be readily visible from locations on the Fairview Development Center property (Vantage Points 1 through 5 are located on the Fairview Development Center property and depict the communication tower at varying degrees of visibility/clarity, visual prominence, and spatial dominance), overall visibility from publicly accessible locations outside of the immediate area and beyond the Costa Mesa Golf Course would generally be limited. Specifically, the overall visual prominence (and more generally, visibility) of the communication tower would be dampened by distance, and the structure would be frequently blocked (partially or fully) by existing mature trees planted in the landscape. An example of a typical view to the communication tower provided to viewers located outside of the immediate emergency operations center area is presented on Figure 4.1-6 of the Final EIR. As shown in the figure, from outside of the immediate project area and specifically from the Fairview Park parking lot that lies at a similar elevation as areas along the Bluff/Mesa Trail to the west, the apparent scale (height) of the communication tower would be reduced by distance and by more proximate landscape trees to viewers. From public vantage points located in closer proximity to the project site including residential areas along Joann Street or commercial areas along Harbor Boulevard, the project site is located beyond private yard fencing with varying densities of plantings and/or 6- to 7-foot chain link fencing with non-continuous sections of vines, as well as the Costa Mesa Golf Course that features lines of mature eucalyptus and pine trees that parallel fairways. As such, regular blockage of views to the communication tower would occur from residential areas to the south and from commercial areas along Harbor Boulevard (from Harbor Boulevard, the project site is also located in the periphery of motorists and their passengers and direct views to the proposed communication tower would not generally be available from this corridor). Locations on the golf course were not selected as vantage points as users of the golf course were not determined to be particularly sensitive to change in the landscape and, specifically, change occurring on the adjacent project site. Also, and as shown on Figure 4.1-5 of the EIR, existing landscaping (trees) on the adjacent Costa Mesa Golf Course aids in blocking or partially screening development on the project site including the proposed communication tower from existing viewer groups including public park users and local Costa Mesa residents and motorists. While the communication tower would be a new visual element in the local area, the presence of existing mature landscape trees on the adjacent golf course would limit overall daytime visibility of the communication tower from areas to the north, east, south, and west of the project site.

Regarding the depiction of project elements including landscaping and the communication tower, the density of proposed ground cover (i.e., wildflowers) reflects landscaping plans and direction available at the time of Draft EIR preparation. And while a portion of the communication tower is excluded from the Vantage Point 5 visual simulation (Figure 4.1-10), the full height of the tower is shown in the other five visual simulations included in the Draft EIR and the Vantage Point 5 visual simulation accurately depicts anticipated visual change that would occur on the project site resulting from development of the project. Lastly, only mass models of emergency operations center buildings/structures were depicted in project visual simulations as architectural design was unavailable.

Thematic Response 6: Frequency of Emergency Operations

During emergency operations, the Southern Region Emergency Operations Center (SREOC) would operate 24 hours per day with an anticipated maximum of 200 employees, 50 visitors, and 6 members of the media present at any time. Up to 15 truck deliveries to the warehouse per day may occur. Helicopter activity during emergency operations is speculative and cannot be quantified. The frequency of future emergency operations at the SREOC cannot be known at this time. However, historic frequency of emergency operations at the State Operations Center may provide context for the frequency of emergency operations. The Los Alamitos facility lacks desirable components to truly represent a fully operational facility like the proposed SREOC. As such, Los Alamitos serves at a limited capacity and therefore frequency data from Los Alamitos facility is not appropriate nor comparable.

Historically, the State Operations Center has been activated for major emergencies throughout the entire state on 50 occasions over a period of 8 years between 2015 and 2023, for an average frequency of 6 discrete emergency operation scenarios per year. Excluding the activation for the COVID-19 pandemic, which lasted for 1,165 days, emergency operation lasted for 14 days on average (Chegwidded, pers. comm., 2023). It should be noted, however, that the basic purpose of the project is emergency response system resiliency and redundancy and that the proposed project would only be activated for emergency operations in the case of a major emergency in the Southern Region or if the State Operations Center in Mather becomes inoperable, which has never happened. As such, the frequency of emergency operations at the State Operations Center should not be used as a proxy for the potential frequency of project emergency operations because it would be an overestimate.

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2.2 Individual Responses

This section includes each comment letter received and responses to individual comments. Responses to individual comments refer to the Thematic Responses in Section 2.1, as appropriate.

Comment Letter A1

Laura Masterson

From: NANTHAVONGDOUANGSY, PHAYVANH <PHAYVANH@costamesaca.gov>
Sent: Friday, October 20, 2023 5:35 PM
To: comments@oesregionsoutheoc.org
Cc: LE, JENNIFER; COLGAN, JULIE
Subject: Southern Region Emergency Operations Center Project Draft EIR Comments
Attachments: DIER COMMENT LETTER.pdf; DEIR_PUBLIC COMMENTS Attachment.pdf

Good evening Terry Ash,

Attached is the City of Costa Mesa’s comment letter regarding the Draft Environmental Impact Report for the proposed Cal OES Southern Region Emergency Operations Center Project. Please let us know if you have any questions.

A1-1

Best regards,



Phayvanh Nanthavongdouangsy
 Principal Planner
 Development Services Department
 77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-5611



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TESSA
 TOTALLY ELECTRONIC SELF-SERVICE APPLICATION



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT

October 20, 2023

Terry Ash, Senior Environmental Planner
Department of General Services, Real Estate Division, Project Management and
Development Branch, Environmental Services, C/O DUDEK,
2635 North First Street, Ste. 149,
San Jose, California CA 95134

**Subject: Southern Region Emergency Operations Center Project Draft
Environmental Impact Report – SCH No. 2023030046**

Dear Terry Ash,

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (EIR) for the State's Southern Region Emergency Operations Center Project.

The City of Costa Mesa wishes to make clear that it does not believe that the Fairview Developmental Center is the appropriate location for a Southern Region Emergency Operations Center (EOC), particularly given the limited access to and from the site and the State's legislatively designated preference for housing to be built there.

In addition, due to the overwhelming community response and the insufficient community engagement efforts surrounding the project, the City requests the State extend the CEQA review comment period to allow additional time for public comment. The State held one community meeting on September 28, 2023 which was attended by approximately 85 residents; unfortunately, no Cal OES staff were present and as such no information or responses were given to many of the community's questions about the project. Given those circumstances, the City requests that the State provide additional community engagement opportunities and extend the comment period.

The City looks forward to an improved partnership with the State, whereby our mutual goal to prioritize housing at the FDC site can be realized. Below are the City's detailed comments regarding the Draft EIR.

A1-2

A1-3

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COMMENTS RE: THE DRAFT EIR

On April 17, 2023, the City provided written comments in response to the State's Notice of Preparation (NOP). In it, the City highlighted its concerns associated with the proposed project and requested those issues be addressed in the Draft EIR. As you know, the proposed EOC is an important project Statewide as it will serve as "a hub for critical emergency management planning and training programs within California Office of Emergency Services' (Cal OES) Southern Region, which covers 11 counties and a population of approximately 22.9 million people." The project site itself is surrounded by densely populated residential communities and open-space areas. It is also located within the future Fairview Developmental Center (FDC) Specific Plan Area, where the City and State envision the reuse of the site to support housing for residents at a variety of income levels (approximately 2,300 units) with supporting community services and open space.

A1-4

The City is concerned that the project's location is incompatible with its existing and planned residential surroundings and that its impacts to the community were not reconsidered based on the City's prior comment letter. The project conflicts with the City's and State's mutual goals to provide housing opportunities at this site and places undue constraints on the ongoing housing planning efforts that are already underway.

Furthermore, the DEIR did not sufficiently address the City's concerns outlined in its NOP letter related to community engagement, project objectives/land use compatibility, project alternatives for the EOC and its helicopter pad, aesthetics, noise and transportation/traffic. Additional comments regarding water quality, utilities, public services, and biological resources are also noted in this letter.

A1-5

Comment 1: Housing First at FDC

The FDC site was identified as a housing opportunity site in the City's adopted General Plan Housing Element. In addition, the State has acknowledged that the site is intended for housing via the Government Code amendment which provided \$3.5 million in funding to the City for master planning the site for housing.

However, as currently proposed, the project conflicts with the City's and State's mutual goals of accommodating high quality housing at a mix of affordability levels in that locating an EOC at the site reduces the acreage available for residential units and otherwise devalues the property making it less economically feasible and less marketable for sale or lease to a residential community development firm in the future. Further, the combination of reduced land value and reduced acreage will adversely affect the potential for market-rate housing to offset the cost of providing affordable housing at the site, making affordable housing less viable. This is in conflict with both the City's and State's stated goals to prioritize the FDC site for housing.

A1-6

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The City reiterates the importance of continued collaboration between the City and State to plan for the future redevelopment of the site to accommodate housing for people at a variety of income levels, including workforce, veterans, and permanent supportive housing. Decisions regarding FDC's onsite uses should prioritize housing first, by ensuring that any other uses at the site are compatible with providing high quality housing and do not adversely affect the site's existing residents or the potential redevelopment of the site for housing opportunities in the future.

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A1-6
Cont.

Comment 2: FDC is the wrong site for a State EOC

The City requests the State reconsider other locations for the EOC. The proposed EOC is more compatible with industrial uses and should be sited in industrially zoned areas where possible. The current Cal OES sites located in the City of Mather and City of Los Alamitos are located in industrial areas directly adjacent to airstrips and a significant distance from large residential population centers. As the FDC site redevelops with mixed-use and residential units, it will present a challenge for the EOC to mobilize during an emergency event without significant disruption to residents.

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A1-7

Furthermore, FDC is adjacent to existing State-operated supportive housing and is planned for a high proportion of affordable housing. The State should avoid siting this type of use near low-income communities which presents a social equity issue, as it may burden those who live and work in this area with the EOC's operational impacts including traffic, noise and helicopter safety hazards. The City, in coordination with the State, has the opportunity to provide equitable access to housing, active transportation, and public/recreational facilities at FDC. Siting the EOC project at this location is a constraint to this mutual goal.

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A1-8

Comment 3: Public Participation

In its NOP letter, the City requested the State engage in outreach to the local community, including local townhall discussions for example, to share information and receive feedback throughout the site planning process.

As noted during the scoping session, the purpose of CEQA is to increase public understanding and participation in the environmental review process, identify ways to avoid reduce potential impacts through feasible mitigation measures or alternatives, and to inform decision-makers and the public of the proposed project's potential environmental effects. As such, it is important to provide the community with multiple opportunities to engage the State throughout the planning process to fully understand the project objectives, components, and its potential impacts from people who live and work near the site.

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Unfortunately, opportunities for public participation in the process have been minimal and do not adequately meet the intent of CEQA. The only Public Meeting held by the State was on September 28, 2023 at the FDC auditorium and it provided a challenge for the

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community to engage in the planning and CEQA process. Approximately 85 community members were present and many shared their concerns about being unable to follow along with the presentation due to the lack of information provided in that meeting and the small screen used to display the presentation.

Regardless, community members provided their feedback and the majority of the commenters expressed opposition to the proposed project's location within the FDC site. The public comments included the following concerns:

- Poor meeting planning including an inadequate meeting location, lack of materials for the public, and the small size of the presentation screen
- Lack of project transparency and insufficient notification of the community regarding the meeting
- Lack of information or presence of the State's lead agency (Cal OES)
- Lack of information about the project included by the presentation
- Lack of information presented regarding the purpose and benefits of a regional Emergency Operations Center to the community
- Community members requested the State reconsider the location of the EOC Project
- Project impacts on the potential for high quality housing at the FDC site
- Environmental impacts of the project on the existing and future housing at FDC, both onsite and in the surrounding neighborhoods
- Impacts on biological resources – specifically burrowing owls and migratory birds
- Visual impacts and blight as a result of the communications tower
- Impacts to recreational facilities
- Impacts of the proposed helipad
- Traffic impacts and Vehicle Miles Travel not correctly analyzed
- Coordination of City and State planning efforts

The City requests the State respond to the concerns raised by Costa Mesa community members and we again encourage the State to go beyond minimum regulatory requirements and provide meaningful opportunities for the public participation. We have attached comments letters the City received regarding the project and request the State consider and respond to those comments as part of the final EIR.

Comment 4: Project Objectives

In its NOP letter, the City requested that the DEIR clearly describe the project and define its objectives. The proposed project is within the City limits and the operations of the EOC project should consider the long-term planning goals the City and State has for the entire FDC site. Notably, the City's NOP letter requests that the project objectives consider the City's long-term goals for housing, open space and multimodal active transportation. Unfortunately, the Project Objectives listed in the DEIR do not consider the long-range

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A1-9
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A1-10

planning goals for the overall FDC site or the compatibility of the EOC project with those long-range goals as an objective.

The goals for the overall FDC site are important to note and should be discussed in the cumulative analyses' sections of the DEIR. The Fairview Developmental Specific Plan is a known housing planning effort that is currently underway. The City and State have executed an agreement that the City will plan for the future reuse of the site for approximately 2,300 residential units. Therefore, this potential build-out of the site should be considered and evaluated as part of the Draft EIR's cumulative analysis.

Further, it should be acknowledged in the Draft EIR that as the FDC site builds out and transitions from its institutional nature to a residential neighborhood, the site will no longer meet the following EOC project objective stated in the DEIR page 3-9:

- Site the EOC on a property that is removed from high-traffic public areas and can be completely enclosed by perimeter fencing for security and controlled access.

Per agreement, the FDC will be planned and redeveloped as a walkable residential village and would no longer be secluded. Therefore, this objective and the long-term success of the EOC would either be compromised or it will compromise the build out of the surrounding residential community. The City requests the Project Objectives section of the EIR be revised to add an objective that acknowledges long term land use compatibility between the EOC site and its surrounding environs as an objective of the State.

Comment 5: Land Use/Planning

The Draft EIR notes that "emergency operations is speculative and cannot be quantified." (DEIR page 3-16). The City partially disagrees with this statement. Although when and how a specific emergency could occur is speculative, there can be reasonable estimates of how frequent the proposed EOC will be used based on how often the Cal OES facilities that are located in the City of Mather and the City of Los Alamitos are mobilized for emergency events. The City requests the Draft EIR be revised to better articulate the magnitude and frequency of projected use of the EOC by the State, so that its potential impacts can be addressed.

In addition, the City notes that existing Cal OES facilities in Mather and Los Alamitos are directly adjacent to industrial and airstrips. Mobilization during emergency events at these sites are not limited by surrounding residential communities as EOC operations at FDC would be. As such, the City requests that the Draft EIR be revised to acknowledge the limited access points to FDC and the future build out of the remainder of the FDC site for housing are land use compatibility issues and necessarily means that those surrounding communities will experience significant disruption due to EOC operations during emergency events.



Further, DEIR page 4.9-6, does not evaluate how the proposed EOC, its proposed helipad and communication tower are compatible with the residential development that exists and is planned at and around the site.

A1-14

Comment 6. Reasonable Range of Alternatives

In the City's NOP comment letter, the City requests alternative project design that would relocate uses that would limit future residential uses at the FDC site. The NOP letter requests that the State evaluate other sites for the proposed helipad, as well as other locations within the FDC site. For example, consider locating the EOC and helipad from the SW corner of the FDC site to the SE corner of the FDC site. The DEIR did not consider the noted alternative sites. Rather, it includes a cursory review of alternatives and concludes they are not feasible without meaningful evaluation.

A1-15

Comment 7. Aesthetics

The DEIR provides photo simulations of the proposed 120-foot communications tower. These simulations are unrealistic and rely on existing landscaping and buildings to screen the tower from view. The reality is that a tower of this height and scale in a viewshed that consists largely of an adjacent golf course and low intensity institutional buildings constitutes a new visual element in the area and will be substantially visible to surrounding residential communities. The tower will become more impactful as the surrounding FDC site builds out with additional residents. The tower remains a visually unappealing element within a highly populated area and the City requests its impacts be appropriately acknowledged in the Draft EIR.

A1-16

Comment 8. Noise

The City's NOP comment letter requests that the noise analysis take into consideration operations of the helipad during an emergency event – though infrequent – will create a new source of noise that will be above the existing ambient level.

The discussion regarding potential noise impacts on those who reside and work in this project area is minimal. The analysis does not provide a quantitative analysis of noise and relies on the infrequency of helipad flights as the basis for determining a low-level impact, while also not quantifying the frequency of the proposed use. As mentioned above, based on how often the Cal OES facilities that are located in the City of Mather and the City of Los Alamitos is mobilized for emergency events, there can be a reasonable assumption on how often the EOC may be used for an emergency event. Based on those assumptions, the City requests the EIR estimate how frequently those who live and work in this area be subject to elevated noise levels due to the helipad and at what intensity.

A1-17

In addition, on DEIR page 4.7-2.0 and page 4.10-15, please clarify whether a land use entitlement will be requested from the City in order to establish a helipad at this site.

A1-18

Comment 9. Traffic and Transportation Analysis

The DEIR does not adequately analyze the potential traffic impacts associated with the proposed project. The City's NOP comment letter requests that the Traffic Impact analysis include both Vehicle Miles Travel (VMT) Analysis and Level of Services (LOS) consistent with the City's General Plan. The DEIR analysis did not address these requests.

A1-19

Comment 9a. Figure 3-7, Conceptual Roadway Layout and Improvements:

- Significant impacts to Harbor Boulevard at Merrimac Way intersection – pedestrian and bicycle improvements need to be included.
- Fair at Harbor – intersection improvements are needed for pedestrian and bicycle access and mobility.
- Shelley Circle – please add a Class I multiuse path to circular roadway for pedestrians and bicycles. The figure only shows a proposed accessible walkway to public right of way.
- The City previously commented that “Active Transportation shall be considered for the site including a review of pedestrian and bicycle access and circulation, as well as amenities provided on-site to accommodate bicyclists and pedestrians. The analysis should provide recommendations on improvements for active transportation and on/off-site circulation (reference materials – City of Costa Mesa’s Active Transportation Plan/Active Orange County’s Bike and Pedestrian Plan).” In addition, City staff previously commented to “Incorporate bike lanes and multi-use pathways in the road design.” These previous comments were not addressed in the Draft EIR.
- The City requests that the DEIR acknowledge that all proposed off-site design improvements must be reviewed and approved by the City and must meet City design standards including improving pedestrian safety.

A1-20

A1-21

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A1-24

9b. Section 4.13.1

- DEIR states that: “Additional Class I paths are proposed to extend along the north and west side of the golf course.” This statement is incorrect. The proposed Class I paths referenced and shown on Figure 4.13-2 are to the west of the golf course and part of Fairview Park trails.

A1-25

9c. Section 4.13.5 Impact Analysis

- CEQA VMT assessment – The City disagrees that the project is presumed to have a less than significant impact due to project screening criteria. The DEIR identified the proposed Regional EOC as a “Community Institution (local government)” which

A1-26

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does not apply to the proposed Regional EOC. The proposed Regional EOC is not serving the local Costa Mesa community and is a regional facility. Therefore, a VMT assessment for CEQA compliance purposes is necessary since a project type screening for local serving uses does not apply. This section states that this project is not considered to be a project of regionwide significance; the City disagrees. The EOC project would serve an 11 County area and is of regionwide significance. Therefore, VMT assessment is required in order to provide for adequate CEQA compliance.

A1-26
Cont.

- Appendix H, Transportation Impact Analysis, is incomplete. The Transportation Impact Analysis included only one intersection at Harbor/Fair Drive. City staff previously commented that the "The traffic study area needs to include at a minimum all signalized intersections with project peak hour trips of 50 or more peak hour trips (including both trips to and from the proposed project). In addition, project study area intersections need to include, but not limited to: Harbor/Baker, Harbor/Adams, Harbor/Mesa Verde Drive East, Harbor/Merrimac, Harbor/Fair, and Harbor/Wilson."

A1-27

- Regarding Appendix H, Transportation Impact Analysis (TIA) Project Trip Generation, the City does not agree with the trip generation assumptions. The ITE Trip Generation Manual was only used for daily trips for the office component. The TIA assumed that all visitors, media, and deliveries would be outside of the AM and PM peak hours which the City disagrees with. The ITE rates are higher than the trip rate assumptions in the TIA. Further, for emergency operations, it is unclear why and how the San Bernardino County CMP was used to estimate emergency truck operations for this project. The assumptions for the emergency operations trip generation estimates should be clearly identified and agreed to with City.

A1-28

Overall, the trip generation estimate in the draft TIA has been under-estimated and should be modified to reflect reasonable assumptions. The City requests the traffic analysis in the TIA include both non-emergency operations and emergency operations. In addition, the City requests the project trip generation be revised for both non-emergency and emergency operations, and the project trip generation assumption and estimates be coordinated and agreed to with City staff.

- Appendix H, TIA – The City requests project site access including gate queuing be revised based on a new project trip generation.
- The TIA states that bicyclist and pedestrian safety would be improved at the intersections noted above; however, specific improvements for bicyclist and pedestrian safety have not been identified. Please identify proposed

A1-29

A1-30

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improvements for bicyclist and pedestrian safety at the intersections and in the project area.

- The DEIR states that driveways, sidewalks, ramps, and parking would be designed per state requirements and reviewed by the State. Driveways, sidewalks, ramps, and parking should be reviewed by City staff and meet City standards.

9d. Section 4.13.6 Mitigation Measures and Section 4.13.7 Level of Significance after Mitigation

- The proposed Mitigation Measures are incomplete. A CEQA VMT analysis and a complete Transportation Impact Analysis is required to determine if mitigation measures are needed.

9e. Section 4.13.8 Cumulative Effects

- CEQA VMT assessment and complete Transportation Impact Analysis is required. See comments for Section 4.13.5.

Comment 10. Hydrology and Water Quality

The City notes that no footnotes or references for data, facts, and figures were provided. Therefore, the City cannot determine the source of the information provided and requests data source footnotes be added to the analysis. To determine if significant environmental impacts would occur as a result of the proposed project and whether mitigation measures are necessary, the City requests the following corrections, additional data and thorough analyses:

10a. Section 4.8.1 – Environmental Setting

- *Climate*: The statement on climate is too general and not specific to Costa Mesa. [Page 4.8-1]
- *Stormwater Drainage*: The description regarding stormwater drainage seems to indicate that drainage around the City is primarily sheet flow. In reality, the drainage is more “dynamic” in the sense that Costa Mesa has contributing flows from County stormwater facilities and regional parks. In addition, this sub-section does not mention the City’s storm drain system master plan, which the City is currently updating. [Pages 4.8-1 and 4.8-2]
- *Surface Water Quality*: This sub-section attempts to describe pollutants for the City’ stormwater quality program. However, the pollutant situation does not solely center on Total Maximum Daily Loads (TMDLs) or discharges in general. [Page 4.8-2]

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Cont.

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A1-32

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A1-35

A1-36

A1-37

- *Groundwater:*
The City requests a discussion regarding the Mesa Water District be added, which receives its water through the groundwater. Mesa Water District has detailed information on its aquifers and systems which should be reflected here. [Page 4.8-2]

A1-38

10b. Section 4.8.2 – Relevant Plans, Policies and Ordinances

- *Local:*
Please update outdated local information references, such as the DAMP and the MS4 permit renewal, which is ongoing with the Regional Water Quality Control Board. [Pages 4.8-7 and 4.8-8]

A1-39

10c. Section 4.8.4 – Methodology

No specific methodology is provided. [Page 4.8-10]

A1-40

10d. Section 4.8.5 – Impact Analysis

- *Construction:*
The City disagrees with the determination of “Less-than-significant-impact.” This is a significant project that will involve considerable ground-disturbing activities. How the stormwater will be diverted or collected for a site this large needs to be investigated. Construction impacts to water quality may require review and approval at the County and/or state level. [Page 4.8-10]

A1-41

- *Operation:*
The City disagrees with the determination of “Less-than-significant-impact.” This project can permanently change and affect the drainage area for this portion of the watershed. The new impervious surfaces will need to be addressed as these impacts will affect the City’s storm drain collection and distribution system.

A1-42

The City disagrees with the determination of “Less-than-significant-impact” for groundwater supplies. The groundwater source is a fixed, limited resource. The new residences for this entire Fairview Developmental Center site will require significant water for residents and landscape irrigation. Water sources are not numerous as this sub-section indicates, and the primary purveyor of the City’s water supply, Mesa Water District, wholly relies on the City’s groundwater. [Page 4.8-12]

A1-43

The City disagrees with the determination of “Less-than-significant-impact” for substantially altering the existing drainage pattern. The proposed new development will make significant changes to the pattern of stormwater flow and can potentially increase erosion in impacted areas. There could be mitigation but this report does not detail this conclusively. [Page 4.8-13]

A1-44

The City disagrees with the determination of "Less-than-significant-impact" for the rate or amount of surface runoff that could result in flooding. The City of Costa Mesa has significant areas of flooding during a sizeable rainstorm. The increased amount of pervious surfaces that may require mitigation to address this runoff is a concern. How this added surface runoff is to be addressed is not covered in this report. [Page 4.8-13]

A1-45

The City disagrees with the determination of "Less-than-significant-impact" that this project will create or contribute runoff that would exceed the capacity of existing planned storm water drainage systems or provide substantial sources of polluted runoff. There are several areas in the City, notably at W. 17th St. & Pomona Ave., where there is significant flooding due to capacity exceedance of the storm drain system. Merely instituting stormwater control features does not provide the required mitigation. [Page 4.8-14]

A1-46

The City disagrees with the determination of "Less-than-significant-impact" for impeding or redirecting water flows. Based on past experience, this area can be prone to flooding, and this proposed new development can exacerbate that. Even though this project is not prone to tsunamis, the area can flood during a significant rain event. [Page 4.8-14]

A1-47

The City disagrees with the determination of "Less-than-significant-impact" that this project will conflict or obstruct implementation of a sustainable groundwater management plan. The groundwater is managed by Mesa Water District, and there is no indication that Mesa Water District purchases any significant amount of water supplies from the Metropolitan Water District. [Page 4.8-15]

A1-48

10e. Section 4.8.6 – Mitigation Measures

Additional analyses are required to support the "Less-than-significant" determination, and mitigation may be required. [Page 4.8-15]

A1-49

10f. Section 4.8.8 – Cumulative Effects

• *Water Quality:*

The conclusion that impacts will be minimized lacks adequate justification since there is no evidence to support this. [Page 4.8-16]

A1-50

• *Groundwater Supply and Groundwater Recharge:*

Please see comments under Section 4.8.5 – Impact Analysis under *Operation* regarding this. [Page 4.8-17]

A1-51

• *Stormwater Drainage:*

Please see comments under Section 4.8.5 – Impact Analysis under *Operation* regarding this. [Page 4.8-17]

A1-52

10g. Section 4.8.9 – References

None of the references listed are footnoted in this chapter. [Page 4.8-18]

A1-53

Comment 11. Utilities and Service Systems

DEIR Chapter 4.15: Update footnotes indicating what references were used to call out data, facts, and figures. Reviewer cannot determine the source of information. The City requests the following corrections and information in the analysis:

11a. Section 4.15.1 – Environmental Setting

• *Water:*

Correction. Water is supplied by *both* Mesa Water District and the Irvine Ranch Water District in the City of Costa Mesa [Page 4.15-1].

▪ *Water Demand:*

Request updated data. Data in this sub-section references 2019-20. [Page 4.15-1]

• *Wastewater:*

▪ *Wastewater Conveyance:*

Clarification. Wastewater (i.e., sewage) is also conveyed through trunk sewers by Orange County Sanitation District. [Page 4.15-2]

▪ *Wastewater Treatment:*

Generic statement about wastewater treatment in general. [Page 4.15-2]

• *Stormwater:*

The City requests a discussion of the City's Storm Drain System Master Plan be added. [Page 4.15-2]

• *Electricity:*

Correction. Natural gas is serviced by Southern California Gas Company (Gas Co.), not Southern California Edison (SCE). [Page 4.15-2]

• *Solid Waste:*

This sub-section only discusses with how solid waste is handled at the County-level. The City does implement its own solid waste haul program (although the City does not have landfills), which is not described here. [Page 4.15-3]

11b. Section 4.15.2 – Relevant Plans, Policies, and Ordinances

• *Federal:*

This section only describes the NPDES program in general, which is storm drain related. Please describe the regulatory environment surrounding other utilities like electrical, gas, sewer, etc. Telecommunications,

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A1-62

especially, since there are Federal regulations applicable to the EOC. [Page 4.15-3]

↑ A1-62
Cont.

- *State:*
Please describe how these statements affect the EOC project and the City of Costa Mesa. [Pages 4.15-3 through 4.15-7]
- *Local:*
Please describe how these statements from the City's General Plan relate to the EOC. [Pages 4.15-7 through 4.15-9]

┌ A1-63

┌ A1-64

11c. Section 4.15.5 – Impact Analysis

The "Less-than-significant-impact" conclusion is unsubstantiated.

- *Wastewater Treatment:*
Please add information regarding consultations with the Costa Mesa Sanitary District (CMSD) and the Orange County Sanitation District [OCSD] (trunk sewers) regarding impacts to infrastructure and necessary infrastructure upgrades? [Page 4.15-10]

┌ A1-65

The City disagrees with the determination of "Less-than-significant-impact" that the wastewater treatment provider, OC Sanitary District (OCSD), will have adequate capacity to serve the project's projected demand, in addition to its existing commitments. Although CMSD does not do wastewater treatment, capacity issues for its infrastructure need to be taken into consideration. [Page 4.15-12]

┌ A1-66

The City disagrees with the determination of "Less-than-significant-impact" that the project would generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Just a blanket statement of "Less-than-significant-impact" without any explanation or justification. [Page 4.15-12]

┌ A1-67

Comment 12. Public Services

Page 4.12-1 and page 4.12-6. The City concurs with the statement that the California Highway Patrol (CHP) would serve as a chief law enforcement agency for the proposed project. However, please note that it would be likely that the City and CHP will likely enter into an agreement for automatic mutual-aid if/when needed, and Costa Mesa Police Department would be the respondent agency if/when needed.

┌ A1-68

Page 4.12-1, include the Costa Mesa Golf Course as a City owned park that is adjacent to the project site. Also, note that the City has an existing MOU with the FDC to utilize a portion of the fields for youth soccer events.

┌ A1-69

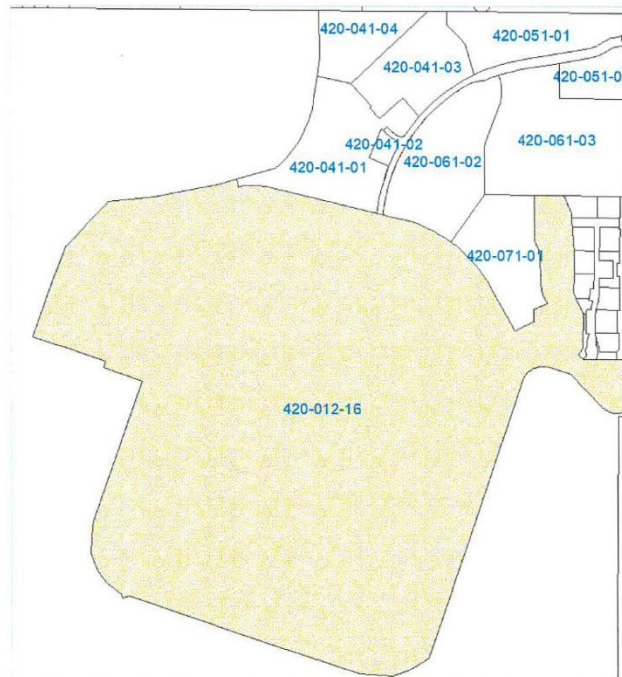
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Housing & Community Development 714.754.4870 • Planning Division 714.754.5245
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The proposed EOC project includes a parking lot that will accommodate approximately 260 parking spaces; the City requests that the project be designed in a manner that would allow dual use of the parking lot when it is not used for emergency events.

A1-70

Comment 13. Clarify various sections of the DEIR

13a. Page 1-1: "The future planning and disposition of the remaining acreage of the FDC property (approximately 98 acres including the remainder of Assessor's Parcel Number 420-012-16 along with Assessor's Parcel Numbers 00420-0041-001, 00420-0041-002, 00420-0041-003, 00420-0041-004, 00420-0041-005, 00420-0051-001, 00420-0051-002, 00420-0051-003, 00420-0061-002, 00420-0061-003 and 00420-0071-001) will follow the terms outlined under Senate Bill (SB) 188 (see Section 3.7 of Chapter 3 for a summary of the SB 188 terms)".



A1-71

Please correct the APNs underlined above. Note that Senate Bill 188 only mentions the disposition of parcel 420-012-16. Clarify if it is the intent to the State to also dispose the surrounding parcels from their ownership.

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13b. Page 1-2: "The proposed project design and construction would be delivered via the design-build method. Project components include an approximately 32,000-square-foot single-story office building, ..."

A1-72

Please provide a consistent project description throughout the document. Elsewhere in the DEIR the office building is described as 35,000 Square-foot.

13c. Page 3-19: Table 3-3 lists the City of Costa Mesa City Council as the approving body to build and operate the helipad. Please clarify whether the project would need a land use entitlement approved by the City to operate the helipad. Also, in Table 3-19, please clarify whether the California Department of Fish and Wildlife is required to approve the Focused Burrowing Owl Surveys and Avian Nesting Season Avoidance/Pre-Construction Nesting Bird Survey.

A1-73

Comment 14: Impacts to Biological Resources – Burrowing Owls

As indicated in the DEIR, based on database and literature research - there is a moderate potential that burrowing owl may occur at this site. The biological field survey was conducted in January 18, 2023. As noted in the Department of Fish and Game Staff Report on Burrowing Owl Mitigation (March 7, 2012), field surveys for burrowing owls during this time of year [non-breeding season] does not substitute for breeding season surveys because results are typically inconclusive. The DEIR biological assessment did not include a focus burrowing owl survey during the breeding season in order to determine if there are actual burrowing owls onsite and to clearly mitigate impacts below a level of significance. Absent of this, the DEIR Mitigation Measure (MM) Bio-1 calls for focused surveys during breeding season. In order to provide more clarity of how this measure will reduce the potential impacts to burrowing owls, if found on site – the City suggests the following changes to MM BIO-1:

MM BIO -1: Focused Burrowing Owl Surveys. Prior to the start of grading and vegetation clearing activities within suitable habitat areas on the project site, a focused survey for burrowing owl will be conducted in spring 2024 according to survey protocol outlined in the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation. A minimum of four survey passes shall be conducted within the burrowing owl breeding season of February 1 through August 31. At least one site visit shall be conducted between February 15 and April 15, and a minimum of three survey visits spaced at least three weeks apart shall be conducted between April 15 and July 15, with at least one visit after June 15. If burrowing owl is found on site, additional avoidance and mitigation measures shall be required. Cal OES shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 California Department of Fish and Wildlife Staff report on Burrowing Owl Mitigation. If burrowing owl occurs in an area that cannot be avoided by the project, additional land conservation and/or relocation may be required, which shall be determined through consultation with the California Department of Fish and Wildlife. There should be no net loss of burrowing

A1-74

owl habitat. If the Project will impact habitat supporting burrowing owls, Cal OES shall offset impacts on habitat supporting burrowing owls at no less than 2:1. Cal OES should set aside replacement habitat. The replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for long-term management of mitigation lands.

A1-74
Cont.

Conclusion

The DEIR did not sufficiently address the City's environmental concerns outlined in its NOP comment letter. Pursuant to Government Code Section 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the DEIR for public review under Section 15087 but before circulation. The requested updates to the DEIR would generate significant new information that would likely require the recirculation of the EIR. The City requests the EIR be recirculated to allow for additional public comment.

A1-75

The City looks forward to receiving the response to comments and notification once the EIR is ready for recirculation.

Please note public comments that were provided to the City expressing project opposition and environmental concerns are attached to this letter for the administrative record.

A1-76

If you have any questions, please contact Phayvanh Nanthavongdouangsy, Principal Planner at 714-754-5611 or at phayvanh@costamesaca.gov.

Sincerely,



Jennifer Le

Director of Economic and Development Services

CC: Lori Ann Farrell Harrison, City Manager

Kimberly Hall Barlow, City Attorney

Dan Stefano, Fire Chief

Ron Lawrence, Police Chief

Raja Sethuraman, Public Works Director

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Response to Comment Letter A1

City of Costa Mesa
Jennifer Le
October 20, 2023

- A1-1** The comment is an introductory statement and is noted. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- A1-2** The comment states that the City does not think the FDC is the appropriate location for the proposed project. See Thematic Response 1, Housing Goals, and Thematic Response 2, Land Use Compatibility.
- A1-3** The comment requests additional community engagement and an extension of the comment period. See Thematic Response 4, Noticing and Public Participation.
- A1-4** The comment expresses concern about the compatibility of the project with future development including housing. See Thematic Response 1 and Thematic Response 2.
- A1-5** The comment lists issue areas that the commenter asserts were not adequately addressed in the Draft EIR. Responses to the items listed in this comment are addressed individually in responses to comments A1-6 through A1-76 below.
- A1-6** The comment states that housing is the top priority for the FDC property and that the proposed project conflicts with that goal. See Thematic Response 1 and Thematic Response 2. The comment also states that the project would impact the marketability of future housing. Financial impacts are not environmental impacts that must be considered pursuant to CEQA.
- A1-7** The comment requests reconsideration of other locations for the proposed project. See Thematic Response 1 and Thematic Response 2.
- A1-8** The comment states that siting the project near future planned affordable housing is a social equity issue. See Thematic Response 1.
- A1-9** The comment expresses concerns with the public participation process undertaken as part of the CEQA process. See Thematic Response 4.
- A1-10** The comment suggests the addition of an objective related to the City's long-term planning goals for the FDC. The state appreciates the City's suggestion for the addition of an objective specifically related to long-term planning for the overall FDC site; however, the determination of project objectives is at the discretion of the lead agency. Per Section 15124 of the CEQA Guidelines, the objectives should include the underlying purpose of the project. The state does not agree that the long-term planning of the overall site is among the primary purposes of the proposed project. Nevertheless, the state has considered the future development of the overall FDC property and has included the objective of designing an emergency operations center that meets all program needs within the smallest practicable footprint to maximize the acreage available for future development within the FDC property. This objective conveys that the main purpose of the project is to build an emergency operations center that meets program needs but that the project has been designed with consideration for future development.

- A1-11** The comment asserts that the project would no longer meet one of its objectives upon future buildout of the rest of the FDC property. The state disagrees that the future transition of the rest of the FDC from institutional to residential would cause the referenced objective to no longer be met. The word “secluded,” as used in the comment, is not part of the objective. As described in Section 3.6.2 of the Draft EIR, the project site was selected because it is tucked away in the corner of the property and is mostly surrounded by the existing golf course, making it easy to fence in and secure for controlled access and also minimizing potential conflicts between the project and future planning efforts for the remainder of the FDC property. The existing institutional use of the FDC was not considered in the selection of the project site. The project site will remain in the corner of the FDC property and largely surrounded by the existing golf course after future development of the remainder of the property. As such, the project site would retain the attributes that were determined by the state to meet the objective of a property that is removed from high-traffic public areas and can be completely enclosed by perimeter fencing for security and controlled access.
- A1-12** The comment requests additional information about potential future emergency operations and historic emergency operations at existing emergency operations centers. See Thematic Response 6, Frequency of Emergency Operations.
- A1-13** The comment requests acknowledgement of land use compatibility issues with future development in the remainder of the FDC and also site access issues. See Thematic Response 2. As shown in Figure 3-7, Conceptual Roadway Layout and Improvements, of the Draft EIR, secondary access to the project site is available via Merrimac Way.
- A1-14** The comment states that the Draft EIR does not evaluate how the project is compatible with existing and planned residential development around the project site. See Thematic Response 2.
- A1-15** The comment states that the Draft EIR did not consider a reasonable range of alternatives. Chapter 7, Alternatives, of the Draft EIR includes Section 7.2.2, Other Project Sites within Fairview Developmental Center, which discusses various other potential project sites within the FDC that were considered and addresses why they were rejected and not carried forward for further analysis. Two meaningful alternatives besides the No Built Alternative (a reduced project alternative and an alternative project site) were carried forward for consideration. Additionally, per Section 15126.6 of the CEQA Guidelines, alternatives should avoid or substantially lessen significant effects of a project. As no significant effects were found to result from the proposed project, locating the Southern Region Emergency Operations Center elsewhere within the FDC property would not avoid or substantially lessen any significant effects. Additionally, although not a significant and unavoidable impact, locating the Southern Region Emergency Operations Center elsewhere within the FDC property would still impact the Fairview State Hospital Historic District and, as such, would not avoid or substantially lessen that impact.
- A1-16** The comment expresses discontent with Draft EIR photosimulations of the communication tower and requests appropriate acknowledgement of its visibility to surrounding residential communities and its visual impact in the aesthetics analysis. See Thematic Response 5, Aesthetics—Communication Tower, Visual Simulations, and Viewpoints. Revisions have been made to the discussion and visual simulations in Section 4.1, Aesthetics, of the Draft EIR to clarify the description and components of the communications tower and its aesthetic impact (see Chapter 3, Section 3.2.3, of this Final EIR).

- A1-17** The comment states that the Draft EIR does not disclose quantitative helicopter noise levels and that reasonable assumptions can be made about the potential frequency of emergency operations. Section 4.10.5 of the Draft EIR assesses and discloses the noise impacts of the project's helicopter and emergency activity. Impacts were determined to be less than significant. As described in Section 3.5.2 of the Draft EIR, helicopter activity would not occur as part of day-to-day operations and would be limited to two landings annually, or as needed during emergency response operations. The frequency of future emergency operations, including helicopter activity, cannot be predicted. See Thematic Response 6 for further discussion on the potential frequency of emergency operations.
- A1-18** The comment asks to clarify whether the project would need a land use entitlement approved by the City to operate the helipad. The state is sovereign and does not seek entitlements or approvals from local entities. Table 3-3 in the Draft EIR has been revised to remove the referenced line. See Chapter 3, Section 3.2.2, of this Final EIR.
- A1-19** The comments states that the project does not adequately analyze the potential traffic impacts and that the project should include both a vehicle miles traveled (VMT) analysis and a level of service (LOS) analysis. The project was screened from conducting VMT analysis based on its project type and therefore no further analysis was prepared. A LOS analysis was completed for both the typical conditions and emergency operations conditions and is included in Appendix H of the Draft EIR.
- A1-20** The comment asserts significant impacts to Harbor Boulevard at Merrimac Way and that pedestrian and bicycle improvements need to be added. The project does not include pedestrian and bicycle improvements. As a state facility on state-owned property, all project components would be designed per state requirements. As demonstrated in Section 4.13.5 of the Draft EIR, no impacts to pedestrian or bicycle facilities or safety are anticipated because all proposed off-site design improvements would adhere to federal, state, and/or local guidelines for such improvements.
- A1-21** The comment asserts that pedestrian and bicycle intersection improvements are needed at Fair Drive and Harbor Boulevard. The project does not include pedestrian and bicycle improvements. As a state facility on state-owned property, all project components would be designed per state requirements. As demonstrated in Section 4.13.5 of the Draft EIR, no impacts to pedestrian or bicycle facilities or safety are anticipated because all proposed off-site design improvements would adhere to federal, state, and/or local guidelines for such improvements.
- A1-22** The comment requests the addition of a Class I multiuse path. The project does not include a multiuse path. As a state facility on state-owned property, all project components would be designed per state requirements. As demonstrated in Section 4.13.5 of the Draft EIR, no impacts to pedestrian or bicycle facilities or safety are anticipated because all proposed off-site design improvements would adhere to federal, state, and/or local guidelines for such improvements.
- A1-23** The comment requests the consideration of active transportation as part of the proposed project. As a state facility on state-owned property, all project components would be designed per state requirements. However, City standards will be followed to the extent feasible. The project plans presented in the Draft EIR are conceptual only. No impacts to pedestrian or bicycle facilities or safety are anticipated because all proposed off-site design improvements would adhere to federal, state, and/or local guidelines for such improvements. As noted in the Section 4.13.5 of the Draft EIR, the

City and/or county would have jurisdiction over elements in the public right-of-way and their review would be coordinated concurrently with that of the state agencies.

A1-24 The comment requests acknowledgement that all proposed off-site improvements must be reviewed and approved by the City. As noted in the Section 4.13.5 of the Draft EIR, the City and/or county would have jurisdiction over elements in the public right-of-way and their review would be coordinated concurrently with that of the state agencies.

A1-25 The comment points out an error in the description of the location of Class I paths. The Draft EIR has been revised to reflect the correct location of the proposed Class I path as noted in the comment. See Chapter 3, Section 3.2.9, of this document.

A1-26 While the project is a regional emergency operations center, the site would not function like a large regional facility on a daily basis. The project is essentially an employment project, and its employees would have the same VMT characteristics as employees of a local government agency such as a city hall, police department, or fire department. While the project would serve a larger region during emergency events, the daily employees of the project site are local to the area and may reside in Costa Mesa or in other nearby communities, which is no different than the employees of local government offices and departments. With only 20 employees and a maximum of 35,000 square feet of office (most of this space would only be used during emergency events), the typical site operations would function similar to a local government agency and not a regional facility.

A1-27 The comment asserts that the traffic impact analysis (TIA) is incomplete and should include additional intersections. As shown on Figure 5 in Appendix H of the Draft EIR, during typical operations, the project would add up to 50 inbound AM peak hour trips and up to 50 outbound PM peak hour trips to the intersection of Harbor Boulevard and Fair Drive. Once the trips are distributed beyond this intersection, the project would add 18 peak hour trips or fewer to surrounding intersections. Per the City's TIA Guidelines, study intersections shall include signalized intersections with 50 or more peak hour trips to and from the proposed project. As such, the analysis meets the City's TIA requirements.

A1-28 The comment disagrees with the trip generation assumptions used in the TIA. The analysis shows that the intersection of Harbor Boulevard and Fair Drive would operate at LOS C or better under Existing plus Project and Opening Year plus Project conditions, which is well within the City's LOS standards (LOS D). Furthermore, as noted in Section 3.5.4, Project Description, of the Draft EIR, the analysis conservatively assumes a staff of 50 during typical operations but the number of staff is likely to be fewer than 20 staff, resulting in fewer trips than were analyzed. Finally, although not required by state law, in its discretion as lead agency under CEQA, the California Office of Emergency Services prepared an analysis based on the City's TIA Guidelines for background and informational purposes; the proposed project is not required to conform to these requirements. Pursuant to Senate Bill 743 and CEQA Guidelines Section 15064.3, congestion-based LOS effects (i.e., those analyzed in the TIA) may no longer be used to evaluate a project's transportation impact. As such, the state does not need to comply with City's TIA Guidelines for LOS.

During potential emergency operations, the site would generate additional trips beyond the 50 peak hour trips. The trips would include up to 57 trips coming to and from the north on Harbor Boulevard, 57 trips to and from the south on Harbor Boulevard, and up to 49 trips to and from the east on Harbor Boulevard. However, these trips would be temporary and infrequent. Emergency Operations

will be activated in the case of a major emergency in the Southern Region or if the State Operations Center in Mather becomes inoperable. The LOS analysis also shows that during emergency operations, the intersection of Harbor Boulevard and Fair Drive would operate within the City's LOS standards under Existing plus Project and Opening Year plus Project conditions.

A1-29 The comment requests updating gate queuing analysis based on the previous comment asserting disagreement with the trip generation numbers used in the Draft EIR. As described in response A1-28 above, Section 3.5.4 of the Draft EIR, conservatively assumes a staff of 50 during typical operations but the number of staff is likely to be fewer than 20 staff, resulting in fewer trips than were analyzed. As such, the trip generation numbers and associated gate queueing are not being revised.

A1-30 The comment requests identification of proposed improvements for bicyclist and pedestrian safety. The project plans presented in the EIR are conceptual only. No impacts to pedestrian or bicycle facilities or safety are anticipated because all proposed off-site design improvements would adhere to federal, state, and/or local guidelines for such improvements.

The state and its criteria team held preliminary discussions with the City regarding the required improvements to the public rights-of-way along Harbor Boulevard to accommodate the turning radii of larger vehicles. Care was taken in developing a conceptual improvement plan to conform to City standards while maintaining an accessible and safe intersection. Off-site improvements to City-controlled land beyond the intersections noted is not part of the project scope or under the obligation of the state.

Roadway and sidewalk networks with the FDC campus would be improved to the extent necessary to provide accessible pedestrian access from the project site to the public transportation on Harbor Boulevard. The remainder of the internal circulation networks within the FDC campus would remain and may be upgraded or rerouted as part of future redevelopment efforts by others.

A1-31 The comment asserts that driveways, sidewalks, ramps, and parking should be reviewed by the City and meet City standards. As a state facility on state-owned property, all project components would be designed per state requirements. However, City standards will be followed to the extent feasible.

A1-32 The comment asserts that a VMT analysis and TIA are needed and that proposed mitigation measures are incomplete. The project was determined to be screened from completing a VMT analysis and therefore no further analysis is required. The TIA is complete. Additional information supporting the VMT screening analysis has been added the Section 4.13, Transportation, of the Draft EIR. See Chapter 3, Section 3.2.9, of this Final EIR.

A1-33 The comment asserts that a VMT analysis and TIA are needed. The project was determined to be screened from completing a VMT analysis and therefore no further analysis is required. Appendix H of the Draft EIR includes an analysis of the 2027 Opening Year conditions (cumulative conditions). Section 4.2.2 of Appendix H presents methodology uses to evaluate the cumulative conditions. As described in Section 4.2.2, the peak hour traffic forecasts for 2027 have been projected by increasing the traffic volumes by an annual growth rate of 0.5% per year and adding traffic volumes generated by two cumulative projects that were identified in the study area. The Opening Year analysis was completed for both the typical and emergency operations conditions.

- A1-34** The comment lists various requests for information and corrections, which are subsequently listed individually in following comments. Responses are provided in responses A1-35 through A1-53 below.
- A1-35** The comment requests more specific climate information in Section 4.8.1. Revisions have been made to Section 4.8.1 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.7, of this document.
- A1-36** The comment claims that the description of the City's drainage setting does not accurately describe the dynamic storm drain system and suggests mentioning the City's master plan that is currently being updated. Revisions have been made to Section 4.8.1 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.7, of this document.
- A1-37** The comment states that the surface water quality section only focuses on total maximum daily loads and does not accurately reflect the City's stormwater quality program. The section has been updated to include all of the priority pollutants that are also listed in the template for the county's Water Quality Management Plan template that is used by the City. Revisions have been made to Section 4.8.1 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.7, of this document.
- A1-38** The comment suggests that a discussion regarding Mesa Water District (MWD) be added, as well as details from the district on the basin's aquifers and systems. A description of the aquifers is already provided in Section 4.8.1 of the Draft EIR, but additional information was added to address this comment. See Chapter 3, Section 3.2.7, of this document.
- A1-39** The comment requests an update to local policy references. Revisions have been made to Section 4.8.2 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.7, of this document.
- A1-40** The comment notes that the methodology discussion is not specific. Revisions have been made to Section 4.8.4 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.7, of this document.
- A1-41** The comment disagrees with the impact conclusion based on the size of the project and anticipated amount of ground-disturbing activities. As stated in Section 4.8.5 of the Draft EIR, all projects over 1 acre are subject to the requirements of the General Construction National Pollutant Discharge Elimination System (NPDES) permit. These same requirements are applicable to projects that would disturb 1 acre or 100 acres and are proven effective at minimizing adverse effects to receiving waters. The stormwater pollution prevention plan that would be developed for the proposed project would apply to all phases of project construction and would be designed to address all anticipated construction activities, specific to the proposed project. With adherence to this existing regulatory requirement, the applicant is required to obtain a Waste Discharge Identification number prior to the commencement of construction activity by submitting a Notice of Intent, site drawings, a stormwater pollution prevention plan, applicable documentation showing compliance with the Municipal Separate Storm Sewer System (MS4) Permit, and all applicable additional Permit Registration Document information. Compliance with these regulations, consistent with any construction project of similar scope and size, would ensure that adverse effects related to water quality during construction are reduced to less-than-significant levels.
- A1-42** The comment disagrees with the impact conclusion related to the proposed changes to the drainage patterns. The project site is currently developed and largely covered in impervious surfaces. Development of the project would alter the drainage patterns through redevelopment; however, as

stated Section 4.8.5 of the Draft EIR, all development plans would adhere to applicable drainage control requirements including the MS4 NPDES. Drainage control improvements would include post-construction treatment control best management practices that are designed to protect water quality of receiving waters, typically by retaining peak stormwater flows on site. Preliminary estimates are that a 27,000-cubic-foot infiltration gallery would be constructed and sized to meet requirements. Adherence to these drainage control requirements would ensure that changes in drainage patterns do not adversely affect the quality of any water that is discharged off site and that impacts would be less than significant.

A1-43 The comment disagrees with the impact conclusion related to groundwater supplies. Regarding on-site groundwater recharge, Section 4.8.5 of the Draft EIR acknowledges that while the site is largely already developed with impervious surfaces, development of the project may result in an increase in impervious surfaces compared to existing conditions. However, adherence to state and local drainage control requirements would result in the construction of on-site drainage control features that provide sources of on-site infiltration (e.g., retention and detention basins, vegetated swales, and biofiltration units). Construction of these facilities would provide sources of on-site infiltration such that the change in the amount of stormwater runoff that is able to recharge on site would be relatively small if not negligible. As a result, there would be an insubstantial change to groundwater recharge at the project site from development of the proposed project.

The analysis in Section 4.8.5 of the Draft EIR provides a framework for MWD's available water resources and programs that relies on information contained within the 2020 Urban Water Management Plan, a long-range planning document that demonstrates how projected growth in the service area can be met by available water supplies. As noted within that discussion, MWD has the ability to supplement its local groundwater and recycled water supplies with imported water, although this is not expected to be necessary through the next 25 years, according to MWD's 2020 Urban Water Management Plan. Instead, MWD is projected to continue meeting its future demands using 100% local water supplies through 2045 due to its proactive investments towards local water sources. This projection incorporates conservative growth estimates for the service area. As a supplemental resource, imported water from the Metropolitan Water District of Southern California can be provided from the Colorado River or the Lake Oroville watershed in Northern California through the State Water Project. Additionally, the state has been in communication with MWD and, per communication with the project manager, a Will-Serve letter is forthcoming. Therefore, considering the flexibility of available water resources and MWD's long range planning efforts, the water demand associated with the development of the proposed project would not significantly affect groundwater supplies.

A1-44 The comment disagrees with the impact conclusion related to the changes in drainage patterns and its potential to result in erosion. As discussed in Section 4.8.5 of the Draft EIR, the proposed improvements would include drainage control features to manage runoff at the project site consistent with applicable state regulations and local requirements. Following completion of construction, drainage control features of the site would direct stormwater runoff to catch basins, drainage swales, retention/detention basins, or other stormwater features (e.g., biofiltration units that are designed to minimize erosion or off-site transport of sedimentation). These existing regulatory requirements have proven effective and are utilized for all development within the state. As a result, the potential impacts related to erosion would be less than significant.

- A1-45** The comment disagrees with the impact conclusion related to the rate or amount of surface runoff and the potential for flooding. The City has existing areas that are prone to flooding, and the capacities of the existing infrastructure within the FDC property were evaluated and determined to have deficiencies. However, the area is not mapped within a 100-year flood zone according to the Federal Emergency Management Agency and therefore the likelihood of flooding is relatively low. Local drainage control requirements would require the project to maintain the same discharge rate and as a result should not exacerbate any issues that might occur downstream. As stated in Section 4.8.5 of the Draft EIR, the proposed improvements would be designed to detain flows from a 100-year storm event consistent with the Orange County Hydrology Manual and the City's Municipal Code. These are the same regulatory requirements that are applied to new development and redevelopment projects throughout the City. Implementation of post-construction drainage control requirements would include retention/detention features to detain peak storm flows on site. The project site is already largely developed and was constructed under older, less stringent drainage control requirements. With adherence to current drainage control requirements, which would ensure on-site facilities are designed to be sized to capture peak storm flows and minimize downstream impacts, the potential for increasing the rate or amount of stormwater runoff that could cause flooding on or off site would be minimized and the impacts would be less than significant.
- A1-46** The comment disagrees with the impact conclusion related to stormwater drainage system capacities stating existing flooding issues at W. 17th Street and Pomona Avenue. As noted in response A1-45 above, development of the proposed project would include retention/detention facilities to ensure that any increase in impervious surfaces and the associated increase in potential runoff volumes are detained on site such that discharge rates are maintained. In addition, as also noted above, facilities maintenance staff noted no existing issues with flooding. Therefore, if discharge rates remain unchanged with construction of the new drainage control features, sized consistent with local requirements, there would be a less-than-significant impact related to stormwater drainage system capacities.
- A1-47** The comment disagrees with the impact conclusion related to impeding or redirecting flood flows stating that the site can be prone to flooding. Flood mapping compiled by the Federal Emergency Management Agency shows the project site to be located outside of a 100-year flood zone and in an area of minimal flooding. This is not to say that flooding could not occur, but rather that the likelihood is relatively low. Development of the proposed project would not exacerbate the potential for flooding and would not substantially impede or redirect flood flows were they to occur. Impacts would be less than significant.
- A1-48** The comment disagrees with the impact conclusion related to whether the project would conflict with a sustainable groundwater management plan and states that there is no indication that MWD purchases significant water supplies from the Metropolitan Water District. MWD obtains groundwater from the Orange County Groundwater Basin which is managed by Orange County Water District (OCWD). OCWD implements an alternative to a groundwater sustainability plan, in accordance with Groundwater Sustainability Management Act. OCWD implements a number of programs (e.g., groundwater replenishment system) to improve sustainability of the basin and continue to provide water supply to the region. While the proposed project does represent an incremental increase in water demand, it is not outside of current long range planning efforts and does not otherwise interfere with planned programs and efforts to sustainably manage the basin.

As stated in Section 4.8.5 of the Draft EIR, imported water from the Metropolitan Water District is available to close any local water supply gaps should the need arise, although MWD has consistently been able to meet its demands from its groundwater wells and use of recycled water. The availability of imported water is only demonstrating MWD's flexibility in being able to meet its water demands. Therefore, considering that OCWD and MWD are planning on projected future growth and have demonstrated past abilities to meet demands even during recent dry periods, implementation of the proposed project would not conflict with the sustainable management of the basin and impacts would be less than significant.

- A1-49** The comment claims that additional analysis is required to support the less-than-significant determination. See responses A1-41 through A1-48, which provide support to the less-than-significant impact conclusions with no mitigation necessary.
- A1-50** The comment claims that the cumulative impact conclusion related to water quality lacks adequate justification. The cumulative analysis considers the Santa Ana River Watershed and the existing regulatory requirements within the watershed that include the NPDES General Construction Permit, Santa Ana Regional Water Quality Control Board Basin Plan policies and total maximum daily load requirements, and the NPDES MS4 permit. These regulations are already focused on addressing water quality issues on a watershed basis. As noted in Section 4.8.5 of the Draft EIR, the Santa Ana River is listed as impaired for reaches 3, 4, and 6, which are located upstream of the project site. As a result, the proposed project would not contribute to the existing impairments of this surface water body. The NPDES MS4 permit requirements ensure that all current and future projects include post-construction best management practices to treat stormwater on site, prior to off-site discharge. Considering that these post-construction treatment best management practice requirements are designed to address water quality on a watershed basis, then with adherence to these regulations, the proposed project would not make a cumulatively considerable impact to water quality and the impact would be less than significant.
- A1-51** The comment only refers to an earlier comment related to groundwater. No additional comment is made; thus, refer to the responses A1-43 and A1-48 above.
- A1-52** The comment only refers to an earlier comment related to stormwater drainage. No additional comment is made; thus, refer to the responses A1-42, A1-44, A1-45, and A1-46 above.
- A1-53** The comment states that the references are not cited in Section 4.8.9 of the Draft EIR. Revisions have been made to Section 4.8, Hydrology and Water Quality, of the Draft EIR to address this comment. See Chapter 3, Section 3.2.7, of this document.
- A1-54** The comment requests an update to the references in Section 4.15 of the Draft EIR. Revisions have been made to Section 4.15, Utilities and Service Systems, of the Draft EIR to address this comment. See Chapter 3, Section 3.2.10, of this document.
- A1-55** The comment notes a correction to the water suppliers for the City. Revisions have been made to Section 4.15.1 of the Draft EIR to address this correction and provide information on the Irvine Ranch Water District. See Chapter 3, Section 3.2.10, of this document.

- A1-56** The comment requests an update to the reference for water demand data. Revisions have been made to Section 4.15.1 of the Draft EIR to update the data and address this comment. See Chapter 3, Section 3.2.10, of this document.
- A1-57** The requested clarification related to Orange County Sanitation District trunk lines has been added to Section 4.15.2 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.10, of this document.
- A1-58** This is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- A1-59** The requested information related to the City's Storm Drain System Master Plan has been added to Section 4.15.2 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.10, of this document.
- A1-60** The comment notes a correction to the natural gas provider. Revisions have been made to Section 4.15.1 of the Draft EIR to correct this information. See Chapter 3, Section 3.2.10, of this document.
- A1-61** The comment requests the addition of solid waste handling within the City. Revisions have been made to Section 4.15.2 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.10, of this document.
- A1-62** The requested information related to the federal regulatory environment for utilities other than stormwater has been added to Section 4.15.2 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.10, of this document.
- A1-63** The comment requests a description of how the state policies affect the project and the City. Section 4.15.2 lists and describes the plans, policies, and ordinances related to utilities and service systems that the state has determined are relevant to the proposed project. A statement of applicability to the proposed project has been added to each state regulation.
- A1-64** The comment requests a description of how the City's General Plan policies relate to the project. Section 4.15.2 lists and describes the plans, policies, and ordinances related to utilities and service systems that the state has determined are relevant to the proposed project. An introduction to the local policies has been added to clarify that although not required, the local policies are provided for reference as the proposed projects intends to be consistent with local policies, plans, and ordinances.
- A1-65** The comment requests information regarding consultations with the Costa Mesa Sanitary District (CMSD) and the Orange County Sanitation District regarding the effects of the project. Section 4.15.5 of the Draft EIR has been updated to reflect communication from CMSD in the form of a Will-Serve letter received on September 5, 2023. This letter demonstrates an ability to serve the proposed project.
- A1-66** The comment disagrees with the impact conclusion related to wastewater treatment provider capacity and the City's sewer infrastructure capacity. As described in Section 4.15-5 of the Draft EIR, the projected wastewater demand for the project is 0.0317 million gallons per day. Orange County

Sanitation District has a remaining capacity of at least 152 million gallons per day. Therefore, the project would assume approximately 0.02% of Orange County Sanitation District's remaining capacity, which does not represent a significant impact. Related to the City's sewer infrastructure capacity, the state obtained a Will-Serve letter from the CMSD on September 5, 2023, indicating that they will accept sewer flows from the project. This information has been added to Section 4.15.5 of the Draft EIR. See Chapter 3, Section 3.2.10, of this document.

A1-67 The comment disagrees with the impact conclusion related to solid waste generation and capacity and states that there is no explanation or justification for the determination. As described in Section 4.15-5 of the Draft EIR, construction of the project would generate approximately 146.5 tons of solid waste, some of which would be recycled in accordance with regulatory requirements. The California Green Building Standards Code requires all newly constructed buildings and demolitions to develop a construction waste management plan and divert a minimum of 65% of non-hazardous construction debris. Senate Bill 1374 and the California Code of Regulations Title 24 require developers to help divert waste from landfills and comply with statewide mandates. The Frank R. Bowerman Landfill, the nearest landfill to the project site, has a remaining capacity of 205,000,000 cubic yards (approximately 23,062,500 tons). Therefore, even without any recycling of construction materials, the proposed project would assume approximately 0.0006% of the remaining capacity. However, diversion and recycling is required and, as a result, the construction waste would occupy even less of the remaining capacity. This information substantiates the determination of a less-than-significant impact for construction-related solid waste.

Also described in Section 4.15-5 of the Draft EIR, the project would generate approximately 51.35 tons, or 154 cubic yards, of solid waste per year. The remaining capacity at the Olinda Alpha Landfill is 17,500,000 cubic yards, and it is estimated to reach that capacity by December 31, 2036. The permitted daily throughput for the landfill is 5,000 tons per day. The Prima Deshecha Landfill has a remaining capacity of 134,300,000 cubic yards, and it is estimated to reach that capacity by December 31, 2102. As one of the largest landfills in the state, the Frank R. Bowerman Landfill, the closest landfill to the project site, has a remaining capacity of 205,000,000 cubic yards, and it is estimated to reach that capacity by December 31, 2053. Therefore, on an annual basis, the proposed project would assume approximately $.04 \times 10^{-5}\%$ to the combined remaining capacity of these three landfills if all waste generated was disposed of in a landfill. All non-hazardous solid waste generated from the project site (e.g., plastic and glass bottles and jars, paper, newspaper, metal containers, cardboard) would be recycled per local and state regulations previously mentioned, with a goal of 75%, in compliance with the Integrated Waste Management Act. Therefore, the actual impact to landfill capacity would be even less. This information, in combination with what was stated in the Draft EIR, substantiates the determination of a less-than-significant impact for operational solid waste.

A1-68 The comment notes that the Costa Mesa Police Department would respond as needed to emergencies. The information noted in the comment has been added to Section 4.12 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.8, of this document.

A1-69 The comment notes that the City-owned Costa Mesa Golf Course is adjacent to the project site and that the City has a Memorandum of Understanding with the FDC to utilize portions of the property's fields for youth soccer events. The information noted in the comment has been added to Section 4.12 of the Draft EIR to address this comment. See Chapter 3, Section 3.2.8, of this document.

- A1-70** The comment requests dual use of project parking spaces during non-emergency operations. As described in Section 3.5.2 of the Draft EIR, aside from approximately 40 visitor parking spaces, the entire project site would be enclosed by an 8-foot-tall perimeter security fence with key card restricted access. As described in Section 7.2 of the Draft EIR, the ability to secure the site is a specific program need for the project. Due to the nature of the facility's purpose, the Southern Region Emergency Operations Center would need to be operated as a secure facility with controlled access even during normal (non-emergency) operations to retain emergency readiness and protect site assets and facilities.
- A1-71** The comment notes an error in the description of the Assessor's Parcel Numbers listed as being part of the terms outlined under Senate Bill 188. Neither Senate Bill 188 nor Government Code Section 14670.31 reference specific parcel numbers. The property is defined as approximately 102 acres, less any acreage transferred to other state agencies by the Department of General Services or any acreage the Department of Developmental Services determines to rescind as excess to their needs. The state does not intend to dispose of Harbor Village, properties surrounded by Harbor Village, or Mark Lane.
- A1-72** The comment notes a discrepancy in the description of the Southern Region Emergency Operations Center office building square footage. As a design-build project, the exact square footage has yet to be determined and, as such, the document has disclosed the maximum potential square footage of 35,000 square feet. The noted discrepancy has been corrected. See Chapter 3, Section 3.2.1, of this document.
- A1-73** The comment asks to clarify whether the project would need a land use entitlement approved by the City to operate the helipad and whether the California Department of Fish and Wildlife is required to approve the burrowing owl and nesting bird surveys. The state is sovereign and does not seek entitlements or approvals from local entities. Table 3-3 of the Draft EIR has been revised to remove the referenced line. See Chapter 3, Section 3.2.2, of this Final EIR. The California Department of Fish and Wildlife is not required to approve the focused burrowing owl surveys or nesting season avoidance/pre-construction nesting bird surveys. However, if burrowing owl surveys are positive for the presence of owls, the state shall consult with the California Department of Fish and Wildlife as described in MM-BIO-1.
- A1-74** The comment suggests revisions to MM-BIO-1, Focused Burrowing Owl Surveys. The state accepts these suggested revisions and has modified the mitigation measure. See Chapter 3, Section 3.2.4, of this document.
- A1-75** The state has addressed the City's comments, as detailed in responses A1-1 through A1-74. Minor changes and clarifications to the Draft EIR have been included Chapter 3, Changes to the Draft Environmental Impact Report, of this Final EIR. The changes made do not constitute significant new information that would require recirculation pursuant to Government Code Section 15088.5.
- A1-76** The comment notes that public comments were provided to the City and that they are attached to the City's comment letter. Those public comments provided to the City and included as attachments to the City's letter that were not also provided directly to the state have been treated as individual comment letters in this chapter and have been responded to in the same way as other comments from individuals (see Comment Letters I25 through I28).

Comment Letter 01

Laura Masterson

From: Jenn Tanaka <jenn@cmabs.org>
Sent: Friday, October 13, 2023 10:13 AM
To: comments@oesregionsouthec.org
Cc: Russell Toler; Ralph Taboada; Marc Vukceвич; David Martinez; Flo Martin; Mike Lingle; citymanager@costamesaca.gov; citycouncil@costamesaca.gov; senator.min@senate.ca.gov; assemblymember.petrie-norris@assembly.ca.gov; katrina.foley@ocgov.com; JENNIFER.LE@costamesaca.gov; SCOTT.DRAPKIN@costamesaca.gov
Subject: Southern Region Emergency Operations Center Project EIR Public Comment
Attachments: CMABS - FDC Draft EIR Comment_Letter (Executed).pdf

Dear Ms. Ash:

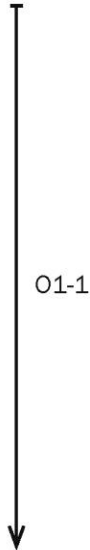
By way of introduction, my name is Jenn Tanaka and I am a board member of the Costa Mesa Alliance for Better Streets (CMABS). CMABS is a 501(c)(3) nonprofit organization dedicated to improving street infrastructure and policy in Costa Mesa.

On behalf of myself and my fellow board members of CMABS, all copied here, please find enclosed an electronic copy of our comment letter regarding the Draft Environmental Impact Report prepared for the proposed Southern Region Emergency Operations Center Project. As detailed in our comment letter, we have concerns regarding the completeness and analysis set forth in the section detailing potential transportation impacts. **If you have any questions regarding our comment letter, please feel free to reach out to me or the other CMABS board members copied on this email.**

We have taken the liberty of also copying our elected officials and relevant members of the Costa Mesa City Staff for visibility of our comments.

For your convenience a hard copy of this letter will be sent to the address set forth in the Draft EIR.

Best,
Jenn Tanaka
Board Member, Costa Mesa Alliance for Better Streets



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October 13, 2023

Terry Ash, Senior Environmental Planner
 California Department of General Services, Real Estate Division
 c/o Dudek
 2635 North First Street, Ste. 149
 San Jose, California 95134

Re: Draft Environmental Impact Report, Southern Region Emergency Operations Center Project, SCH No. 2023030046

Dear Ms. Ash:

We are writing on behalf of the Costa Mesa Alliance for Better Streets ("CMABS"), a 501(c)(3) nonprofit organization dedicated to improving street infrastructure and policy to promote active transportation, transit use and people-centered urban design. We appreciate the opportunity to review and provide comments on the Draft Environmental Impact Report for the proposed Southern Region Emergency Operations Center Project, SCH No. 2023030046 (the "Draft EIR").

↑
O1-1
cont.

We believe that the Draft EIR provides insufficient evidence that the project may be deemed to have "less than significant impact" with respect to transportation. Appendix G of the CEQA Guidelines states that a "significant impact" related to transportation would occur if a proposed project would:

- 1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- 2) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- 3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- 4) Result in inadequate emergency access.

O1-2

We respectfully disagree with the Draft EIR's rejection of potential conflicts (2) and (3) listed above. We also believe that the project may conflict with the objectives outlined in Senate Bill 188, which has earmarked the Fairview Development Center ("FDC") site for affordable housing, and that the Draft EIR has not sufficiently analyzed these potential conflicts.

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The project may be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)

The Draft EIR claims that the project meets the screening criteria for a "local government" project because the project "is not considered to be a project of regionwide significance". However, throughout the document the Draft EIR emphasizes the critical role the proposed project would play in supporting emergency management services *throughout the Southern California region*, even when the Mather facility is fully operational:

"The project would develop another Emergency Operations Center (EOC) in Southern California that would mirror the operations of the Mather facility at a smaller scale and act as a backup EOC in the event that operations at Mather are interrupted. It would also provide more effective state emergency support to local governments within the Southern Region. The Southern Region covers 11 counties within two mutual aid regions (Mutual Aid Region 1: Los Angeles, Orange, San Luis Obispo, Santa Ana, and Ventura Counties; Mutual Aid Region 2: Imperial, Inyo, Mono Riverside, San Bernardino, and San Diego Counties) and includes 226 incorporated cities with a total population of 22.9 million people (Cal OES 2022b)." (Draft EIR, Section 3.1)

"The proposed SREOC would support full-time staff and establish a regional center to serve as a hub for critical emergency management planning and emergency preparedness services in support of local agencies. The Southern Region is charged with supporting a large area that is a major contributor to the nation's gross domestic product, with a population density centered on some of the state's highest risk earthquake faults." (Draft EIR, Section 3.1)

"Although the proposed EOC would be a public benefit, the project would not serve the local community or planned uses at the rest of the FDC property specifically and would not reduce existing or future vehicle use." (Draft EIR, Table 4.9-1)

The Draft EIR also states that, due to its role as an emergency management center, the proposed EOC would be **completely car-dependent** for its mobility and access (emphasis below ours):

"However, the project would be reliant on automobile travel due to the nature of the project as an emergency facility." (Draft EIR, Table 4.9-1)

Given the very high cost of living in Costa Mesa, it is likely that many of these employees will commute from outside of the local area. Therefore, determining that this project is "local" is grossly inconsistent with the plain reading of the screening criteria categories. The other screening criteria categories – schools, local-serving retail, community institutions, senior housing, student housing, etc. – are included because the vehicle miles traveled ("VMT") generated by these types of projects are typically lower than those generated by regular office, retail, residential or other land use types, either because customers can access those institutions via alternative means (walking, bicycling, transit) OR because the users or

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O1-3

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employees of such institutions are more likely to be living without a car. In the case of an emergency operations center serving the larger Southern California region, where all full-time employees are expected to be commuting by car, it is possible that the VMT generated by the proposed EOC will be *greater* than that of a more typical office of similar size.

O1-3
Cont.

CMABS Comment #1

CEQA Guidelines Section 15064.3, subsection (b) states that land use 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” (emphasis ours). The Draft EIR provides no evidence that the VMT in the project area would be lower than the existing conditions, or even that it would be lower than the VMT that would be generated by retail, office or other administrative uses of a similar size. As such, the Draft EIR does not sufficiently support its claim that it qualifies for the “local government” screening criteria and it is therefore potentially inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

O1-4

CMABS Comment #2

We do not believe that the lead agency may rely on CEQA Guidelines Section 15206 to support its conclusion that the “local government” screening criteria applies to the proposed project. Just because the project cannot be deemed to be of “regional, statewide or areawide significance” under Section 15206, it does *not* follow that such project is therefore sufficiently “local” to reasonably presume that VMT would be reduced compared to the existing conditions under CEQA Guidelines Section 15064.3, subdivision (b).

O1-5

As the lead agency admits that the project does not qualify for any alternate screening criteria, the Draft EIR provides insufficient support overall for the presumption that it will have a “less-than-significant” transportation impact. The Draft EIR should be revised either to provide additional support for its claim that the project qualifies for the project type screening criteria or to analyze whether the transportation impact is sufficiently substantial to warrant mitigation measures.

The project may substantially increase hazards due to a geometric design feature

The project includes the creation of a new street through the Southeast corner of the Fairview Development Center site and certain “improvements” to the intersections of Shelley Circle and Fair Drive, Fair Drive and Harbor Boulevard, Shelley Circle and Merrimac Way, and Harbor Boulevard and Merrimac Way. While the Draft EIR describes these changes as “minor improvements” (Draft EIR, Section 3.5.2), they are not minor. In fact, each introduces a design feature that undermines the lead agency’s assertion that such changes will cause a “less than significant” impact under CEQA.

O1-6

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Relocation of Shelley Circle

First, while it is accurate to say that the relocation of Shelley Circle to the Southeast corner of the property would not *presently* require changes to the off-site circulation on city roads outside of the FDC campus, this conclusion requires willful blindness with respect to the FDC site's present State ownership, the built environment of the FDC site, and the State's and City's intention that it primarily be used for dense infill affordable housing.

The City's circulation element does not address development at the FDC site precisely because there is no present development at the FDC site, and the FDC site has historically lay outside the City's jurisdiction. Therefore it is speculative to say that the proposed project "would not contribute to cumulative impacts with respect to hazardous design features" (Draft EIR, Section 14.13.8), as the City's plans for circulation off-site circulation do not, and could not, take into account the full development plan of the FDC site.

Furthermore, the Southwest corner of the FDC site is currently only one of two large expanses of open space that is not presently occupied by buildings or other improvements. As such, it would be a prime candidate for open-space land uses that are necessary to support over 2,000 additional units of housing, such as parks or schools.

The decision to relocate Shelley Circle to *bisect* this open space will raise substantial land use challenges as the City's affordable housing plan moves forward. The proposed road will have no sidewalks, no controlled or uncontrolled crossing points, and it will prioritize truck and heavy machinery traffic. Thus as designed, the proposed road will be dangerous or impossible to cross on foot or on bicycle, and the open space in the Southeast corner of the FDC property will effectively be cut off from the rest of the site. So either the City must either forfeit valuable public uses of the land in the Southeast corner of the FDC site or accept that the road proposed by this project will create a daily source of danger and discomfort for residents.

CMABS Comment #3

There can be no conflict with off-site circulation only because *there is no off-site circulation of any kind within the FDC*, as the FDC is currently inoperable and located on state-owned land. However, issues like the one raised above clearly *will conflict* with the planned off-site circulation of the FDC site once the City of Costa Mesa obtains jurisdiction over it, both the City and the State of California (via Senate Bill 188) has declared FDC's highest priority to be the development of dense affordable housing. This was previewed by the City of Costa Mesa's comment letter, dated April 17, 2023, to the Notice of Preparation for the Draft EIR, which requested that the Draft EIR incorporate an extensive discussion of active transportation facilities to be provided within the FDC site. Given that housing *will be built by law*, it is willfully ignorant to analyze only the transportation impacts on the present built environment. The Draft EIR should be revised to include a discussion of the City's plans, as envisioned and funded by Senate Bill 188, for the Southeast corner of FDC, as well as its related interests in promoting active transportation and transit throughout the FDC site.

O1-6
Cont.

O1-7

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Increased turn radii at Harbor Blvd and Merrimac Way and Harbor Blvd and Fair Drive

Historically, the FDC was constructed to shield its prior residents – individuals with mental and developmental disabilities – from the public right-of-way, and therefore only provides two access points to the site. Therefore, project proposes to increase the curb radii at or near these exit points, at the intersections of Merrimac Way and Harbor Blvd, Merrimac Way and Shelley Circle, and Fair Drive and Shelley Circle, to fifty (50) feet to accommodate the large trucks and equipment that may be stored at the proposed EOC site.

According to a preliminary investigation requested by CalTrans in 2012 and prepared by Kendra K. Levine, Institute of Transportation Studies Library, UC Berkeley, titled *Curb Radius and Injury Severity at Intersections*, “pedestrian safety at intersections is directly related to the vehicle speeds and the facilities available for pedestrians to occupy. For intersections with large curb radii and wider crossing sections, pedestrians are prone to vehicle collisions. The severity of injuries to these pedestrians correlates to the speed of the vehicles traveling through the turn.” Writing more specifically, Levine states:

In more residential areas, small curb radii of 15 to 25 feet is preferable because it reduces traffic speeds. In areas with significant traffic volume from large trucks and buses, curb radii of 30 to 45 feet accommodate the turning radius of the vehicle without encroachment on other lanes or the curb. The larger radii are less safe for bicycles and pedestrians because they allow for higher vehicle speeds through the turn and result in larger crossing distances. Smaller curb radii create facilities that are more pedestrian and bicycle friendly through shorter crossing distances.

Each intersection referenced above will have its curb radius expanded to fifty (50) feet, which is a radius sufficient to accommodate the largest tractor trailers. However, as the FDC site will primarily be used for housing, the vast majority of the traffic that will use these intersections on a daily basis will be private vehicles and bicycles. **Therefore the extremely generous curb radii at these intersections is very likely to permit higher vehicle speeds through the turn and result in larger crossing distances for pedestrians and bicyclists.**

The Draft EIR also states that “the project would not include site improvements that would interfere with existing public transit, bicycle, or pedestrian facilities, or impede the construction of new or the expansion of existing such facilities in the future” (Draft EIR, Section 4.13.5). **We disagree.** The proposed changes to the intersection of Merrimac Way and Harbor Blvd will interfere with the Class I multipurpose trail located on Harbor Blvd. By widening the curb radius to 50 feet at this intersection, the significant number of pedestrians and bicyclists presently using this facility will be exposed to dangers associated with higher private vehicle speeds, all because this intersection must only occasionally accommodate the largest vehicles.

Expanding the curb radius at this intersection also undermines the City’s potential expansion of its award-winning bicycle facility on Merrimac Way into the FDC site. Once the FDC site is

01-8

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developed for housing, Merrimac Way will provide a direct route for our new residents to access Orange Coast College, Jack Hammett Sports Complex, the Orange County Fairgrounds and Costa Mesa Middle School, among other amenities. The location of Costa Mesa Middle School close to the terminus of Merrimac Way makes it very likely that young students will use the Merrimac Way bicycle facility as a safe route to school, and heightens the interest of the City in ensuring that the intersection between Merrimac Way and Harbor Boulevard is made as safe as possible for bicyclists and pedestrians.

O1-8
Cont.

CMABS Comment #4

Fifty-foot turning radii at the intersections of Harbor Blvd and Merrimac Way and Harbor Blvd and Fair Drive pose known hazards to pedestrians and bicyclists. The project also conflicts with the existing Class I bicycle facility on Harbor Boulevard and the City's potential expansion of the Merrimac Way bicycle facility into FDC. Therefore we believe that the Draft EIR does not contain sufficient evidence to conclude that the project will not "substantially increase hazards due to a geometric design feature". We respectfully submit that the Draft EIR should be revised to include a discussion of these changes and to make a determination as to whether they will substantially increase hazards due to a geometric design feature.

O1-9

Conclusion

Once again we appreciate the opportunity to review the Draft EIR and to provide feedback to the California Governor's Office of Emergency Services and the Department of General Services Real Estate Services Division. We look forward to updates regarding this project.

O1-10

Sincerely,

The Board of the Costa Mesa Alliance for Better Streets

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Russell Toler
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Russell Toler

DocuSigned by:
Ralph Taboada
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Ralph Taboada

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Mike Lingle
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David Martinez

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Response to Comment Letter O1

Cost Mesa Alliance for Better Streets
Jenn Tanaka
October 13, 2023

- 01-1** The comment is an introductory statement and is noted. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- 01-2** The comment asserts that the Draft EIR provides insufficient evidence for less-than-significant impact determinations for transportation impacts and may conflict with the objectives of Senate Bill 188. See Thematic Response 1, Housing Goals.
- 01-3** The comment states that the project may be inconsistent with CEQA Guidelines Section 15064.03(b). Refer to response O1-4 below.
- 01-4** The comment states that the Draft EIR provides no evidence that the vehicle miles traveled (VMT) in the project area would be lower than the existing conditions or even that it would be lower than the VMT that would be generated by retail, office, or other administrative uses of a similar size. The project is assumed to have the same average VMT characteristics as a local government agency such as a city hall, police department, or fire department. The site is providing local employment opportunities that would be no different than other local government agencies. The daily employees of the project site would be local to the area and may reside in Costa Mesa or in other nearby communities, which is no different than the employees of local government offices and departments.

U.S. Census data was reviewed for Orange County and the City to identify current workforce travel patterns in and out of the City. Approximately 80,000 employees (92.5% of the City's workforce) commute to Costa Mesa from other areas, including Santa Ana, Irvine, Huntington Beach, Los Angeles, Anaheim, Garden Grove, Newport Beach, Long Beach, and Orange. In general, employees in Orange County have an average commute time of 27.4 minutes (SCAG 2019). At the local level, only 13.6% of Costa Mesa residents work and live in Costa Mesa (U.S. Census Bureau 2023). The remaining 86.4% of residents commute to locations outside of the City, including Irvine, Newport Beach, Santa Ana, Los Angeles, Huntington Beach, Anaheim, Orange, Tustin, and Fountain Valley and have an average commute time of 22.5 minutes.

Office of Emergency Services employees are currently employed in Orange County and would be relocated to the proposed site. These employees are already commuting in Orange County and would have travel patterns similar to both regional and local commuters.

Furthermore, per Section 4.6, Greenhouse Gas Emissions, of the Draft EIR, the project would result in less-than-significant impacts to greenhouse gas emissions. The project site is located within approximately 0.5 miles of existing transit stops on Harbor Boulevard. The state also offers traffic reduction incentives such as carpool and van pool coordination and transportation passes, and will be providing secure bicycle parking and electrical vehicle chargers on site, further reducing vehicle travel.

01-5 The comment reiterates that the lead agency may not rely on CEQA Guidelines Section 15206 to support its conclusion that the “local government” screening criteria applies to the proposed project. Refer to response 01-4 above.

01-6 The comment asserts that the project may substantially increase hazards due to geometric design features. As a state facility on state-owned property, all project components, including roadway improvements, would be designed per state requirements. As noted in the Section 4.13.5 of the Draft EIR, the City and/or county would have jurisdiction over elements in the public right-of-way and their review would be coordinated concurrently with that of the state agencies.

The state and its criteria team held preliminary discussions with the City regarding the required improvements to the public rights-of-way along Harbor Boulevard to accommodate the turning radii of larger vehicles. Care was taken in developing a conceptual improvement plan to conform to City standards while maintaining an accessible and safe intersection. Off-site improvements to City-controlled land beyond the intersections noted is not part of the project scope or under the obligation of the state.

Roadway and sidewalk networks with the FDC campus would be improved to the extent necessary to provide accessible pedestrian access from the project site to the public transportation on Harbor Boulevard. The remainder of the internal circulation networks within the FDC campus would remain and may be upgraded or rerouted as part of future redevelopment efforts by others.

Internal roadway and sidewalk networks improved under this project, inclusive of the Shelley Circle extension, will conform to the state and federal requirements. Consideration may be given to meet City standards as part of the coordination with future development.

01-7 The comment asserts that the project would conflict with off-site circulation associated with future housing development within the rest of the FDC property. Roadway and sidewalk networks with the FDC campus would be improved to the extent necessary to provide accessible pedestrian access from the project site to the public transportation on Harbor Boulevard. The remainder of the internal circulation networks within the FDC campus would remain and may be upgraded or rerouted as part of future redevelopment efforts by others. See also Thematic Response 1.

01-8 The comment asserts that the expanded curb radii at the Harbor Boulevard/Merrimac Way and Harbor Boulevard/Fair Drive intersections would likely permit higher vehicle speeds through the turn and result in larger crossing distances for pedestrians and bicyclists. No impacts to pedestrian or bicycle facilities or safety are anticipated because all proposed off-site design improvements would adhere to federal, state, and/or local guidelines for such improvements.

The state and its criteria team held preliminary discussions with the City regarding the required improvements to the public rights-of-way along Harbor Boulevard to accommodate the turning radii of larger vehicles. Care was taken in developing a conceptual improvement plan to conform to City standards while maintaining an accessible and safe intersection. Off-site improvements to City-controlled land beyond the intersections noted is not part of the project scope or under the obligation of the state.

- 01-9** The comment asserts that the Draft EIR does not contain sufficient evidence to conclude that the project would not substantially increase hazards due to a geometric design feature. The state and its criteria team held preliminary discussions with the City regarding the required improvements to the public rights-of-way along Harbor Boulevard to accommodate the turning radii of larger vehicles. Care was taken in developing a conceptual improvement plan to conform to City standards while maintaining an accessible and safe intersection. Off-site improvements to City-controlled land beyond the intersections noted is not part of the project scope or under the obligation of the state.
- 01-10** The comment is a closing statement and is noted. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Laura Masterson

From: Costa Mesa First <costamesa1st@gmail.com>
Sent: Tuesday, October 17, 2023 8:54 AM
To: comments@oesregionsoutheoc.org
Cc: assemblymember.petrie-norris@assembly.ca.gov; senator.min@senate.ca.gov; katrina.foley@ocgov.com; citycouncil@costamesaca.gov; cityclerk@costamesaca.gov
Subject: Southern Region Emergency Operations Center Project Draft Environmental Impact Report Comments; SCH No. 2023030046
Attachments: Ltr to State Dept of General Services re DEIR comments.pdf

Dear Ms. Ash,

Attached is our comment letter with respect to the Southern Region Emergency Operations Center Project (SCH No. 2023030046). Please feel free to contact me should you have any questions.

02-1

Cynthia McDonald
Assistant Treasurer
Costa Mesa First

PO Box 2282

Costa Mesa, CA 92628

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October 17, 2023

VIA EMAIL – comments@oesregionsoutheoc.org

State of California
 Department of General Services
 Real Estate Division, Project Management
 Attn: Terry Ash, Senior Environmental Planner
 2635 North First Street, Suite 149
 San Jose, California 95134

Re: Southern Region Emergency Operations Center Project Draft Environmental
 Impact Report Comments; SCH No. 2023030046

Dear Ms. Ash:

We appreciate the opportunity to provide comments to the California Governor’s Office of Emergency Services Draft Environmental Impact Report (“DEIR”) for the Southern Region Emergency Operations Center Project (“Project”). The Project would site a 35,000 sq. ft. office building, a 20,000 sq. ft. warehouse, a military-grade helipad (unknown size), a 120 ft. communications tower and the extension of Shelley Circle, a roadway within Fairview Developmental Center (“FDC”). The Project would be located next to proposed high-density housing for low- and very low-income residents, park space and possibly community center and gardens and a school/daycare. In addition, there is a recreation area (municipal golf course) adjacent to the Project, and a neighborhood of existing affordable housing occupied primarily by low-income residents approximately 700 ft. away. It is about 1,500 ft. from Fairview Park, a nature park that contains environmentally sensitive species and habitat areas.

O2-2

Despite the claim that the Project “is not considered to be a project of statewide significance,”¹ the Project is a regional Emergency Operations Center (“EOC”) in Southern California serving

O2-3

¹ See page 4.9-9 (Section 4.9.5) of DEIR.

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as a hub for critical emergency management planning and training programs in the Office of Emergency Services Southern Region, which serves nearly 23 million people and covers 11 counties. Should the EOC in Mather become inoperative, the Project would be able to mirror the Mather operation to provide services to the entire state.

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O2-3
Cont.

We are submitting the following comments for consideration by the State of California’s Department of General Services (“State”). The DEIR is deficient because it either fails to analyze, provide accurate analysis, or delays analysis of significant environmental impacts, making it impossible for the residents of Costa Mesa to understand and meaningfully consider the issues raised by the Project and any attempts by the State to mitigate significant environmental impacts associated with the Project. Additional accurate environmental review of the Project is required under CEQA. Further, serious concerns about the Project’s compliance with several housing laws remain unaddressed and impede or constrict the ability of the City of Costa Mesa (“City”) to comply with those laws and affirmatively further fair housing. In addition, the engagement of the residents of Costa Mesa has been minimal, so much so that the requirement under CEQA to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage has largely been unmet.

O2-4

O2-5

O2-6

The DEIR identifies Alternative 3, an environmentally preferred alternate location in Tustin². For the following reasons, we urge the State to reject the current FDC site and select Alternative 3 instead.

O2-7

1. The DEIR does not disclose that Project will adversely impact City’s ability to comply with the Housing Crisis Act of 2019 (SB 330).

The DEIR acknowledges that the Project will reduce the availability of land available for residential land use designations. However, the State fails to recognize that removal of 15 plus acres from the remainder of FDC will detrimentally impact the future availability of housing capacity or provide any mitigation of that impact. The City’s Housing Element, as accepted by the State’s Department of Housing and Community Development (“HCD”), does not provide for further upzoning of other parcels to ensure that there is “no net loss in residential capacity” given the elimination of the acreage for this project. The City has already paid with its own funds the incredible expense of a consultant to assist it in the burden of complying with the new laws regarding Housing Elements and the rezoning of the city in connection therewith. This Project would further burden the City, and thereby the residents of Costa Mesa, with the financial impact

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O2-8

² See page 7-11 (Section 7.3.3) of DEIR.

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of redoing zoning in areas outside of FDC to comply with the HCD’s and various housing laws’ requirements, in particular the Housing Crisis Act of 2019.

2. Project violates SB 188 by failing to prioritize affordable housing and open space on FDC property.

In June 2022, the California Legislature adopted a budget that, among other things, gave the City of Costa Mesa funding for the management of the planning of affordable housing on FDC. See SB 188, which added Section 14670.31 to the Government Code.

Government Code Section 14670.31(a)(7) states “It is the intent of the Legislature that the Fairview Developmental Center property be utilized for a mixed-use development, including mixed-income housing. The development would include and prioritize affordable housing, including at least 200 units of permanent supportive housing, and open space.” [emphasis added]

Government Code Section 14670.31(c)(4) provides “The agreement shall require that housing be a priority in the planning process and that any housing proposal determined to be appropriate for the property shall include affordable housing. The agreement and the development plan shall provide for housing and affordable housing at a level consistent with the January 2020 council-adopted strategy of 1,500 units and the housing assessment in the Department of General Services’ 2021 Infrastructure Assessment of up to 2,500 units for the site.” [emphasis added]

The Project conflicts with the stated priority in the legislation, as well as Governor Newsom’s two executive orders. The State is interfering with the City’s responsibility to manage the planning of affordable housing by removing the most desirable parcel from the FDC property prior to the City’s completion of the planning process. Further, the State is impeding the growth of the city by proposing a new roadway on a parcel that could be zoned entirely for affordable housing or open space were the roadway not there. The housing that would be built on the remainder of FDC will be accompanied by parks, playgrounds, childcare center(s), and community gathering places that are required to be protected from the adverse impacts of emissions, particularly during a full-blown emergency or in the event the existing EOC in Mather is inoperative. The DEIR does not provide a mitigation plan for those impacts.

3. Proposed military-grade helipad renders most of remaining parcels of FDC unsuitable for market rate and fair housing.

While the City has not completed planning of the remainder of the FDC site, the California Legislature and the Governor have prioritized quality affordable housing for veterans and those with permanent disabilities. Locating the Project, including its military-grade helipad, on FDC

O2-9

O2-10

O2-11

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would constrict planning of the remainder of FDC for those with PTSD, often veterans. Further, it discourages developers from building market-rate housing to offset the cost of providing affordable units because the market-rate housing would be a tough sell given the requirement to disclose to potential buyers the existence and use of the helipad. The DEIR suggests that helicopter noise would only be as loud as a vacuum cleaner at three meters.³ Anyone who has ever been below a Blackhawk helicopter during takeoff or descent will disagree. The report fails to disclose that the vibration and noise from the helicopters will fluctuate due to height, terrain and buildings that create echoes, such as the new apartment buildings on Harbor adjacent to the golf course. The DEIR needs to be revised to disclose accurate noise levels in the flight paths and projected vibration and noise levels when the remainder of the FDC property is built out with housing and mixed-use structures. Further, the statement “Helicopter activity during emergency operations is speculative and cannot be quantified”⁴ is erroneous. The Office of Emergency Services has responded to emergencies throughout the State of California for years and must supply data on the use of helicopters during those emergencies as an example of the range of anticipated use.

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O2-11
Cont.

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O2-12

4. Depictions are missing and/or inaccurate.

Many of the depictions are inaccurate because they fail to show the color and true height of the tower. In addition, there are no depictions of elevations of the flight path of helicopters (or the helicopters themselves) that would allow residents to understand the possible impacts of noise and aesthetics. The following depictions need to be added:

- All depictions of tower must show orange and white paint, all communications equipment, and red lights on towers, and must including daytime and nighttime depictions
- Full depiction of tower from golf course that includes communications equipment (do not cut off the top of the tower)
- Depiction of tower from second story apartment on Joann Street and from top floor of new apartments on Harbor Boulevard adjacent to golf course
- Depictions of tower from hillside near the train station in Fairview Park
- Depiction of elevation view of helicopter flight paths (takeoff and landing) and expected level of vibration and decibel level of noise at elevations every 500 ft. from all reasonable viewpoints, including Joann Street and new Harbor Boulevard apartments, Mesa Verde

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O2-13

³ See pages 4.10-1 (Section 4.10.1) and 4.10-13 (Section 4.10.5) of DEIR.

⁴ See page 3-16 (Section 3.5.5) of DEIR.

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housing, Harbor Boulevard bicycle trail, Fairview Park train station and hillside in Fairview Park near Tanager Drive

↑ O2-13
Cont.

5. **Widening of roadways will discourage use of active transportation and likely increase GHG emissions; extension of Shelley Circle is a taking of property.**

The benefits of active transportation are many, including the reduction of GHG emissions. As noted in the DEIR, the widening of the roadways, enlarging intersections and the construction of a new asphalt roadway that is contemplated by the Project can discourage alternative forms of transportation such as biking and walking.⁵ Larger turning radii at intersections is a well-known cause of pedestrian and bicyclist deaths because larger turning radii increases motor vehicle speeds. Given the new housing that is to be built on this site, if anything, traffic should be slowed. The asphalt roadway extension will not include sidewalks or bikeways and the reconfigured parking areas will be demolished and trees removed. We request that the State reconsider the proposed parking lot and roadway “improvements” and use strategies that address sustainability and climate protection concerns instead, including adding protected bicycle lanes and pedestrian facilities to any roadways that will be “improved” as part of the Project.

↑ O2-14

The queuing of vehicles to enter the facility does not provide assurance that the Project will assist in the meeting of regional emissions reduction targets established by the California Air Resources Board. Further, the DEIR states “If the emissions reduction targets cannot be met through the SCS, an Alternative Planning Strategy may be developed that shows how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures of policies. SB 375 also offers local governments regulatory and other incentives to encourage more compact new development and transportation alternatives.”⁶ That unfairly places the burden of the failure of this Project to meet the Sustainable Communities Strategy on the City by backwards planning of the remainder of the FDC property in order to mitigate the Project’s impacts. The State needs to take responsibility of mitigating those impacts itself and provide a plan in the DEIR.

↑ O2-15

In addition, the placement of the extension of Shelley Circle would render a parcel that is one of the few undeveloped parcels on FDC unusable for open space or to be developed with housing. This suggests that the State wants this parcel to remain unusable so that, should it decide in the future that the Project should be expanded, this parcel is available for more warehouse space or a

↓ O2-16

⁵ See page 4.13-3 (Section 14.13.2) of DEIR.

⁶ See page 4.13-4 (Section 4.13.2) of DEIR.

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larger helipad. In other words, this is the camel’s nose under the tent and is a taking of land it is not entitled to, as any property that is not part of the Project is subject to SB 188.

↑ O2-16
Cont.

6. Wildlife surveys must be done prior to Project approval; State has not analyzed the whole of Project.

Under CEQA, the State must analyze the Project’s impacts, which include “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment.” Please refer to CEQA Guideline Section 15378; *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1220. This standard is consistent with the principle that “environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal3d 376, 396.

O2-17-

The DEIR states “focused surveys for burrowing owl are recommended to be conducted following CDFW protocol to determine the presence/absence of this listed species in the study area. If present on site, development of the proposed project may result in significant direct impacts to burrowing owl absent mitigation.”⁷ The DEIR indicates these studies would be done in Spring 2024, after approval of the Project, and just shortly before the onset of construction in late Summer 2024. The DEIR does not analyze the Project’s foreseeable indirect impacts, including the impact on the burrowing owls during nesting season. These surveys must be done as part of the Environmental Impact Report and include all pertinent seasons, including nesting season. By cutting short the environmental analysis prior to approval of the Project, the State violates CEQA and makes new, accurate analysis of the Project necessary after approval. It is impermissible to delay studies and offer some vague suggestion of mitigation measures that might occur at some date after the approval the Project.

O2-18

The statement “Nevertheless, due to the ample opportunities for wildlife movement to the west and south of the study area, the project site does not function as a wildlife corridor, nor does it facilitate the movement of wildlife between two larger habitat blocks.”⁸ is contradicted by the fact that a wildlife survey for burrowing owl, a migratory bird, is needed. FDC has been used by migratory birds and local wildlife as a wildlife corridor. The linkages or migration corridors between habitat areas must be preserved.

⁷ See page 4.3-5 (Section 4.3.1) of DEIR.

⁸ See page 4.3-6 (Section 4.3.1) of DEIR.

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In addition, a comment letter from The U.S. Department of Fish and Wildlife must be solicited.

O2-19

7. DEIR is missing information on storage tanks and emergency fuel supply.

The Project would include two emergency generators, requiring diesel fuel tanks capable of providing 72-hour backup. The DEIR does not provide any information about the size of those tanks, or whether there will also be storage of fuel supply for vehicles used in the operation of the Project after its completion. Will there be fuel storage for delivery trucks and/or other vehicles used at the project in the event of an emergency that makes local commercial fuel supplies unavailable? Will there be fuel storage for the helicopters that will use the helipad? The DEIR needs to include this information and a description of the impacts, and any mitigation measures related thereto. Without this information, the public is unable to evaluate if the statement that use of the emergency generators is “less than significant” is true and the mitigation measures are appropriate.⁹

O2-20

8. Community Engagement and Awareness Plan.

At the initial meeting regarding the scoping of the Project, several members of the public expressed concern about the lack of notice and the timing of that meeting. In our letter to you dated April 13, 2023, we requested that any future meetings be held on both weeknight and weekends in order to get maximum participation. The recent meeting on the DEIR at the auditorium at FDC was an example of what the State should not do. Numerous complaints from the public about the lack of notice, combined with the inability to see the material shown on the small projection screen, and a merely cursory review of the Project left the public feeling like they knew no more about the Project after the meeting than they did before. That meeting did not adequately meet the intent of CEQA to inform the public and government decisionmakers public about the potential environmental effects of the Project and the State’s plans to prevent significant, avoidable environmental damage. The State (or its consultant with representatives of the State) needs to hold additional meetings at times convenient to the public at which the Project, its impacts and mitigation are fully explained. A larger projection screen that enables the public to see the information presented is required. In addition, since this is a project of regional importance, widening the area of notice for any meetings to the adjoining cities of Newport Beach and Huntington Beach is appropriate.

O2-21

Should the State ultimately decide to continue with the Project at FDC, Costa Mesa residents and business owners need notification of training exercises or an emergency event that causes the EOC to operate at full capacity in order to prevent unnecessary calls to the Costa Mesa Police

O2-22

⁹ See page 1-7 (Section 1.7) of DEIR.

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Department. Residents and business owners need to know there will be a disruption in the ability to normally conduct business and their lives. The DEIR needs to include an awareness plan or a coordination plan with the Costa Mesa Police Department.

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O2-22
Cont.

9. Alternative site in Tustin is a superior site.

The State has erred in its selection of FDC as the preferred site for the Project as opposed to the alternative site in Tustin (“Alternative 3”). The FDC property is close in proximity to housing, much of it affordable and whose residents are 80% people of color. CalEnviroScreen 4.0 ranks the nearby census tract at a pollution burden of 46%, which, for a neighborhood so close to a municipal golf course and receiving the benefit of ocean breezes, is remarkably high. In addition, that census tract is near to other census tracts with higher burdens, including Census Tract 6059063605, which has a pollution burden of 86%. The residences are older buildings, many of which do not have central heating and air conditioning or air filtration systems. The residents in these census tracts, and others, would not only be impacted by the operation of the Project, but by the actual construction of the Project. This Project would exacerbate the environmental and health problems faced by the families that live nearby.

Alternative 3 is located in an industrial area next to the U.S. Army Reserve Center and a short distance to the Orange County Sheriff’s Regional Training Academy. It is just as close to John Wayne Airport as the FDC site and is even closer to the former Marine Corps Air Station that was a major center for Marine Corps helicopter aviation on the Pacific Coast for many years. It has the proper acreage, proximity to major highways, space to accommodate multiple emergency vehicles and has the ability to locate the helipad and communication tower on its site. It would be more secure than FDC because it would not be next to a golf course or housing, but rather the Army Reserve Center that is already a secure site. It meets the criteria of siting the EOC “. . . on a property that is removed from high-traffic public areas . . .” and is far better suited than FDC which will be developed into high-density housing and associated uses, including multi-user paths and vehicular roadways.

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O2-23
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The DEIR indicates that it selected FDC as the Project site based on the criteria that FDC is near a navigable waterway “should waterborne emergency response be needed during an emergency.”¹⁰ FDC is not adjacent to a navigable waterway. The closest navigable waterway to FDC is Newport Harbor (a recreational harbor and not a deep-water port) and/or the Pacific Ocean. The proximity of Newport Harbor to FDC versus the Tustin location is negligible given the proximity of the Tustin location to the Costa Mesa Freeway, which joins with Newport

¹⁰ See page 7-11 (Section 7.3.3) of DEIR.

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Boulevard that extends down to Newport Harbor. Using this criterion to attempt to eliminate the selection of the Tustin location is farcical.

Further, Alternative 3's site is not privately owned.¹¹ It is owned by the South Orange County Community College District that is part of the State's public higher education system.

10. Conclusion.


For the reasons above, we request that the State reject further consideration of FDC for the site of the EOC. Alternatively, we request that the information above be added to the DEIR and that the report be recirculated for comment and additional meetings with the public be held so as to conform with CEQA.

Thank you for your attention. Please feel free to contact us should you have any questions.

Very truly yours,



Richard J. Huffman
Treasurer



Cynthia McDonald
Assistant Treasurer

cc: Assembly Member Cottie Petrie-Norris
Senator Dave Min
Supervisor Katrina Foley
Costa Mesa Mayor and City Council

Costa Mesa First's mission is to educate Costa Mesans about planning policies in Costa Mesa so they make knowledgeable choices when voting. We encourage residents to choose walkable, bikeable, and inclusive neighborhoods, and the land use and transportation policies and investments needed to make Costa Mesa flourish. Our primary objective is to require Costa Mesa's leaders to put the residents of Costa Mesa first.

¹¹ Ibid.

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↑
O2-23
Cont.

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O2-24

Response to Comment Letter O2

Costa Mesa First
Cynthia McDonald
October 17, 2023

- 02-1** The comment is an introductory statement and is noted. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- 02-2** The comment summarizes project elements and surrounding uses. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- 02-3** The comment summarizes the project's purpose and need. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- 02-4** The comment states that the Draft EIR is deficient but does not specify where. The Draft EIR was drafted in compliance with the requirements of CEQA.
- 02-5** The comment alludes to the project not being in compliance with several housing laws or constricting the City's ability to comply with them but does not specify which ones. See Thematic Response 1, Housing Goals.
- 02-6** The comment states that public engagement has been minimal. See Thematic Response 4, Noticing and Public Participation.
- 02-7** The comment urges the state to approve Alternative 3. See Thematic Response 3, Alternative Site in Tustin, California.
- 02-8** The comment states that the project would adversely impact the City's ability to comply with Senate Bill 330. See Thematic Response 1.
- 02-9** The comment summarizes and quotes sections of Senate Bill 188. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- 02-10** The comment states that the project conflicts with Senate Bill 188 and two executive orders related to affordable housing. See Thematic Response 1.
- 02-11** The comment states that the project would constrict planning for the remainder of the FDC and discourage development of market-rate housing. See Thematic Response 1 and Thematic Response 2, Land Use Compatibility.
- 02-12** The comment states that the Draft EIR does not disclose helicopter noise levels. Section 4.10.5 of the Draft EIR assesses and discloses the noise impacts of the project's helicopter and emergency activity. Impacts were determined to be less than significant As described in Section 3.5.2 of the Draft EIR, helicopter activity would not occur as part of day-to-day operations and would be limited to two landings annually, or as needed during emergency response operations. The frequency of future emergency operations, including helicopter activity, cannot be predicted. See Thematic Response 6, Frequency of Emergency Operations, for further discussion on the potential frequency of emergency operations.

- 02-13** The comment points out that the visual simulations in Section 4.1, Aesthetics, of the Draft EIR do not show the required paint scheme for the tower. The visual simulations have been revised to accurately depict the tower color(see Section 3.2.12 of this Final EIR). Revisions have also been made to the discussion in Section 4.1 of the Draft EIR to clarify the description and components of the communications tower and its aesthetic impact (see Chapter 3, Section 3.2.3, of this Final EIR). The comment also requests visual simulations from additional vantage points. The state chose the vantage points in the Draft EIR to provide a variety of contextual views near the project site. Additional vantage points are not warranted.
- 02-14** The comments states that widening of roadways will discourage use of active transportation and likely increase greenhouse gas emissions. Roadway and sidewalk networks with the FDC campus would be improved to the extent necessary to provide accessible pedestrian access from the project site to the surrounding street network and public transportation on Harbor Boulevard. The remainder of the internal circulation networks within the FDC campus would remain and may be upgraded or rerouted as part of future redevelopment efforts by others. The widening of roads would not discourage active transportation or increase greenhouse gas emissions. Furthermore, no impacts to pedestrian or bicycle facilities or safety are anticipated because all proposed off-site design improvements would adhere to federal, state, and/or local guidelines for such improvements.
- 02-15** The comment states that the queuing of vehicles to enter the facility does not provide assurance that the project will assist in the meeting of regional emissions reduction targets established by the California Air Resources Board. Based on the gate stacking analysis presented in Appendix H of the Draft EIR, a stacking reservoir of one vehicle in front of the gate is required, which is insignificant. Furthermore, per Section 4.6, Greenhouse Gas Emissions, of the Draft EIR, the project would result in less-than-significant impacts to greenhouse gas emissions.
- 02-16** The comment states that the new roadway segment extension of Shelley Circle makes the open space unusable with the intent of the state being to keep it available for future expansion of the Southern Region Emergency Operations Center. The new roadway follows an existing dirt road, which provides proper width for emergency vehicles. In addition to providing the necessary radius and following the existing unpaved vehicular route, the proposed route does not interfere with existing golf course improvements, which are encroaching across the property lines and into state property. However, the roadway alignment is conceptual at this time and may be modified during design build phase.
- 02-17** The comment states that the whole of the action must be analyzed and cites CEQA Guidelines Section 15378 and two pieces of case law. The state agrees and has analyzed the whole of the action associated with the proposed project.
- 02-18** The comment suggests changes to the burrowing owl mitigation. MM-BIO-1, Focused Burrowing Owl Surveys, has been revised. See Chapter 3, Section 3.2.4, of this Final EIR.
- 02-19** The comment states that a comment letter from the U.S. Department of Fish and Wildlife must be solicited but provides no reason for this. The state solicited input from the California Department of Fish and Wildlife by sending them the Notices of Completion at the start of both the scoping and public comment periods. No comments were received from the California Department of Fish and Wildlife.

- 02-20** The comment requests information on the size of the proposed fuel tank. The fuel tanks are sized to provide 72 hours of backup power. The main fuel tank is proposed to be approximately 6,300 gallons in size. The fuel tanks would be used explicitly to power backup generators in the case of loss of electrical power during an emergency.
- 02-21** The comment presents various concerns with project noticing and with the venue, equipment, and content of the public meeting held for the Draft EIR. The comments related to concerns with the layout and visibility of the presentation are noted. The state felt that there was value in holding the public meeting on FDC property. The presentation was made available on the project website after the meeting. The comments related to feeling that questions and concerns were not adequately addressed are noted. The purpose of the meeting was to present an overview of the proposed project and to take public comments. The meeting served these purposes. See Thematic Response 4.
- 02-22** The comment requests an awareness or coordination plan with the Costa Mesa Police Department. As described in Section 4.12.5, California Highway Patrol and the City may enter into an agreement for automatic mutual aid if and when it is needed and, as such, the Costa Mesa Police Department could also respond as needed.
- 02-23** The comment asserts that the state made a mistake in choosing FDC for the project site. The comment states that the project would exacerbate health problems for nearby residents. The comment cites the pollution burdens of nearby census tracts and states that residents of older buildings without central heating, air conditioning, or air filtration systems would be subject to air pollution from the project. As stated in response I22-9, all health risk impacts for both construction and operation of the project would be less than significant. As described in Section 4.2.5 of the Draft EIR, the assessment was based on impacts to the closest sensitive receptors, which are residences located approximately 771 feet south of the project site's southern boundary. Therefore, impacts to receptors farther from the project site would be less than those presented in the analysis. See also Thematic Response 3.
- 02-24** This comment is a concluding statement that requests recirculation. For the reasons described in responses 02-1 through 02-23, recirculation is not necessary.

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Comment Letter 03

Laura Masterson

From: Kathy Esfahani <kathy.esfahani@gmail.com>
Sent: Friday, October 20, 2023 12:13 AM
To: comments@oesregionsoutheoc.org
Cc: john stephens council; city council all
Subject: Re: Southern Region Emergency Operations Center Project Draft EIR Comments
Attachments: CM Affordable Housing Coalition letter re EOC at FDC.docx

Please substitute the attached letter for the one I submitted just prior on behalf of the CM Affordable Housing Coalition. That original submission had the wrong date!
Thank you.

Kathy Esfahani

On Fri, Oct 20, 2023 at 12:03 AM Kathy Esfahani <kathy.esfahani@gmail.com> wrote:
Please see the attached letter from the Costa Mesa Affordable Housing Coalition opposing the placement of the Southern Region Emergency Operations Center at FDC.

Thank you,
Kathy Esfahani,
Chair of the CM Affordable Housing Coalition

03-1



October 19, 2023

Ms. Terry Ash
Senior Environmental Planner
California Department of General Services
Real Estate Division
2635 N. 1st Street, Ste. 149
San Jose, CA 95134

RE: Opposing Placement of Southern Region Emergency Operations Center at Fairview Developmental Center Site

Dear Ms. Ash,

I am writing you on behalf of the Costa Mesa Affordable Housing Coalition, a 17-year-old grassroots association of local advocates which promotes policies that will create affordable homes for Costa Mesa’s very low- and extremely low-income residents. We are dismayed to learn the state is proposing to locate a “Southern Region Emergency Operations Center” at the Fairview Developmental Center site (FDC). **Such a move would seriously hamper Costa Mesa’s ability to meet its state-mandated RHNA goals, and especially hurt the production of housing for our city’s poorest, most vulnerable residents.**

Costa Mesa’s 2021-2029 Housing Element identifies the 109-acre FDC as the intended site for **2300 housing units, with 40% of those units (920!) designated lower-income.** Adding 920 lower-income units would be a wonderful accomplishment in Costa Mesa, where the lack of affordable homes is at crisis level. Moreover, production of these 920 lower-income homes is **achievable**, given Costa Mesa City Council’s strong support for affordable housing at FDC, and Governor Newsom’s declared commitment to help make such construction happen. There is also wide community support for the city’s vision of creating a vibrant, master planned, mixed income housing village at FDC.

In sum, given its size and central location along the major thoroughfare of Harbor Boulevard, FDC holds tremendous promise for meeting a significant part of the city’s housing (especially

03-2

affordable housing) needs. These ambitious housing plans at FDC are now in jeopardy, however, because of the proposal to use a crucial 15 acres of the site for an Emergency Operations Center, including a helipad.

↑ 03-2
Cont.

Surely the state can find some other place for a new Emergency Operations Center. The FDC site is simply too valuable a resource for meeting our community's housing needs. California must not squander this unique opportunity to create a substantial amount of lower-income affordable housing in Costa Mesa.

┆ 03-3

Thank you for considering our concerns. We would be delighted to meet with you to discuss them further.

┆ 03-4

Respectfully,

Kathy Esfahani

Kathy Esfahani,
On behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor John Stephens and Members of the Costa Mesa City Council

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Response to Comment Letter O3

Costa Mesa Affordable Housing Coalition
Kathy Esfahani
October 20, 2023

- 03-1** The comment is an introductory statement and is noted. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- 03-2** The comment asserts that the proposed project would hamper Costa Mesa’s ability to meet its Regional Housing Needs Allocation goals and hurt the development of affordable housing. See Thematic Response 1, Housing Goals.
- 03-3** The comment asserts that the state should find another location for the project and should not squander the opportunity to create affordable housing. See Thematic Response 1 and Thematic Response 2, Land Use Compatibility.
- 03-4** The comment is a closing statement and is noted. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Comment Letter 04

Laura Masterson

From: Wendy Leece <leecefam@sbcglobal.net>
Sent: Sunday, October 22, 2023 3:13 PM
To: comments@oesregionsoutheoc.org
Subject: Re: EOC in Costa Mesa
Attachments: FINAL LTR 2 RE EOC from FPA 10 20 23.docx

Dear Ms. Ash,
I apologize, but Friday morning in my haste I sent a *draft letter* from **Fairview Park Alliance** re: the EIR for the EOC at FDC in Costa Mesa.
On Friday, I did mail a hard copy of the attached letter. I hope you will accept this or the hard copy from Fairview Park Alliance.
Thank you very much,
Wendy Leece
President, Fairview Park Alliance
949-241-7211
Wendy Leece
“The test of the morality of a society is what it does for its children.” Dietrich Bonhoeffer

04-1



A 501(c)(3) non-profit corporation
Tax ID 82-2238446

Board:

- Wendy Leece
President
- Deborah Koken
Secretary
- Kim Hendricks
Treasurer
- Jason Komala
At-large board member

Mailing Address:

FPA
P.O. Box 2471
Costa Mesa, CA 92628-2471

949-241-7211

E-Mail Address:

info@FairviewParkAlliance.org

Website:

www.FairviewParkAlliance.org

October 20, 2023

VIA EMAIL-comments@oesregionsouthoc.org

State of California
Department of General Services
Real Estate Division, Project Management
Attn: Terry Ash, Senior Environmental Planner
2635 North First Street, Suite 149
San Jose, California 95134

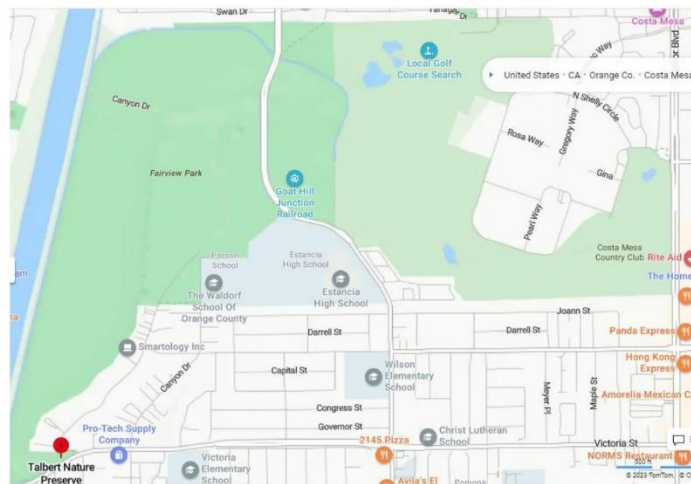
Re: Southern Region Emergency Operations Center Project Draft
Environmental Impact Report Comments

Dear Ms. Ash:

Fairview Park Alliance is a 501(c)(3) non-profit born out of a 2016 successful Costa Mesa *citizen grassroots initiative to preserve and restore* Costa Mesa's 208-acre **nature park**. Voters overwhelmingly approved the citizen initiative by 70.9 % codified in the City of Costa Mesa's Ordinance 16-17.

Fairview Park Alliance *strongly supports* the City of Costa Mesa's many reasons to oppose the proposed FDC site for the EOC and its recommendation for the EOC to be in Tustin. We also support the letter sent by Costa Mesa 1st addressing many concerns affecting our quality of life in Costa Mesa.

O4-2



Page 2/LTR from Fairview Park Alliance re: EOC

From the above map, you will see Fairview Park is directly adjacent to the Costa Mesa Golf Course, which is right next to the FDC and the proposed EOC.

This entire area, an historic and environmentally sensitive open space, which encompasses the FDC, Costa Mesa Golf Course and Fairview Park and nearby Banning ranch/Randall Preserve is home to several protected, endangered and threatened species.

The DEIR did not determine what species *are on or near* the site and that is problematic. It may appear inconsequential, only 15 acres of land, yet before the project is approved, biological studies must be completed to *determine if there are endangered and protected species in the area surrounding the proposed EOC*. It would be a waste of taxpayer money to move ahead and *then find out there are protected species living on the site and surrounding it. We don't know because no studies have been conducted.*

At Fairview Park there are three California Department of Fish and Wildlife Protected and Endangered Species: the San Diego Fairy Shrimp, Riverside Fairy Shrimp and Least Bell's Vireo.



San Diego Fairy Shrimp Least Bell's Vireo

Also, CDFW Species of Special Concern at Fairview Park are the Burrowing Owl and Swainson's Hawk. The latter was seen for the first time at Fairview Park and is mentioned as "threatened" under the California Endangered Species Act. US Fish and Wildlife recognizes the California Gnatcatcher as a "threatened" species.



California Gnatcatcher

O4-3

Page 3/LTR from Fairview Park Alliance re: EOC

Fairview Park also welcomes migratory birds like Swallows and Mountain Bluebirds.

For at least 20 years a Burrowing Owl and its habitat has been spotted on Fairview Park’s eastside near the Placentia Avenue Bridge—less than a mile, as the crow flies—from the proposed EOC.



Burrowing Owl

Establishing a precedent, the California Coastal Commission’s *vote against development* at nearby Banning Ranch/Randall Preserve, the CCC declared that it wasn’t only the actual “home” or nest of certain species that needed to be protected from development, but ***the entire environment/habitat surrounding the species’ “home” must be identified and protected.***

This CCC ruling against the City of Newport Beach’s request to develop the land and build housing was monumental. Through many years of grassroots efforts and a California Supreme Court ruling, generous donations, and a State grant, Banning Ranch/Randall Preserve will remain open space and become a park for the people of California to enjoy.

Finally, also of great concern for us is the air pollution, the noise from helicopters, increased traffic, noise from training, and other planned activities for the EOC that would negatively affect species and their habitats that call nearby Fairview Park “home.”

I attended the recent community meeting and spoke about our concerns regarding protecting and preserving the natural habitat that exists nearby Fairview Park. Thank you for this opportunity to share our concerns. Please let me know if you have any questions.

Yours truly,

Wendy Leece, President

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Response to Comment Letter O4

Fairview Park Alliance
Wendy Leece
October 22, 2023

- 04-1** The comment is an introductory statement and is noted. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- 04-2** The comment introduces the Fairview Park Alliance and its purpose. The comment expresses support for the comments provided by the City and Costa Mesa First. See Thematic Response 3, Alternative Site in Tustin, California.
- 04-3** The comment states that the area surrounding and including the project site is environmentally sensitive and home to several protected species and describes special-status wildlife species that occur in Fairview Park. The comment states that the Draft EIR did not determine what species are on or near the project site. As discussed in Section 4.3, Biological Resources, of the Draft EIR, the existing biological resources at the project site and its vicinity were compiled and assessed through a literature review of mapping, databases, and general plans, as well as a biological reconnaissance survey conducted on the project site by a Dudek biologist. Appendix C-1 of the Draft EIR presents a compendium of species observed or detected during the biological reconnaissance survey, Appendix C-2 presents a list of special-status species whose geographic ranges fall within the vicinity of the study area, and Appendix C-3 provides an assessment of the potential for special-status plants and wildlife to occur within the study area.
- 04-4** The comment describes a California Coastal Commission vote against development at the Banning Ranch/Randall Preserve. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- 04-5** The comment lists areas of concern including air pollution, noise, and traffic and asserts that project activities would negatively affect species and habitats. The comment is general and does not point to any specific species or impacts. The impacts to biological resources associated with the proposed project are discussed in detail in Section 4.3 of the Draft EIR.
- 04-6** The comment notes that the author attended the community meeting and spoke about concerns related to biological resources at Fairview Park. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Laura Masterson

From: Milton Allione <Milton.Allione@brilogy.com>
Sent: Sunday, September 10, 2023 11:14 AM
To: 'comments@oesregionsoutheoc.org'
Subject: Southern Region Emergency Operations Center Project NOP Scoping Comments

Ms. Terry Ash
Senior Environmental Planner
California Department of General Services Real Estate Division,
Project Management and Development
2635 North First Street, Ste. 149,
San Jose, California 95134

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IN REFERENCE TO: **Southern Region Emergency Operations Center Project – Proposed Helipad**

<https://www.costamesaca.gov/trending/fairview-developmental-center>

The facility would also include a helipad and a 100-foot-tall lattice tower with 20-foot whip antennas on top.

Please provide more information regarding the proposed helipad, and tower, at a minimum, if available:

> site renderings illustrating the tower and its appearance that will illustrate its general affect on the surrounding residential neighborhoods. said another way, a visual guide that will allow the reader to visualize the prominence of the tower from the surrounding neighborhoods.

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> clarification/confirmation that the proposal is for a helipad, and not a heliport.

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I1-2
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> operational details on the proposed helipad.
specifically, policy usage statements, declarations, and/or guidelines that will identify permissible uses, proposed frequency of use, hours of operation, and type of aircraft it will be designed to accommodate, including identification of the largest allowable craft.

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Milton Allione
PO Box 1800
Costa Mesa, CA 92628

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Response to Comment Letter I1

Milton Allione
September 10, 2023

- I1-1** The comment asks for additional information related to site visual simulations of the communication tower and its appearance from surrounding neighborhoods. See Thematic Response 5, Aesthetics—Communication Tower, Visual Simulations, and Viewpoints.
- I1-2** The comment asks for clarification that the project proposes a helipad and not a heliport. The proposed project includes a helipad. No heliport is proposed.
- I1-3** The comment requests operational details for the proposed helipad. As described in Section 3.5.2 of the Draft EIR, helicopter activity would not occur as part of day-to-day operations and would be limited to two landings annually, or as needed during emergency response operations. The frequency of future emergency operations, including helicopter activity, cannot be predicted. See Thematic Response 6, Frequency of Emergency Operations, for further discussion on the potential frequency of emergency operations. The helipad is designed to accommodate a medium lift utility helicopter matching the dimensions of the UH-60 Blackhawk or S-70 Firehawk with a length of 65 feet, a roto diameter of 55 feet, and a maximum weight of 23,500 pounds with external load (22,000-pound maximum gross takeoff weight). These helicopter specifications have been added to the Draft EIR. See Chapter 3, Section 3.2.2, of this document.

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Laura Masterson

From: Gary Bennett <benn0529@sbcglobal.net>
Sent: Saturday, September 23, 2023 8:37 PM
To: comments@oesregionsoutheoc.org
Subject: State Emergency Operations Center

Hello,

I am a 40 year resident of the city of Costa Mesa. I just learned about this project and I'm very disappointed in the choice of this property. According to your report the project would have a low impact on the surrounding area. I don't know who your surveyor is or who was in charge of research and info gathering, but they are not even close to what is printed in your report. Noise, traffic, would be very negative on the surrounding area as well as visually, it does not fit at all and would have a disturbing look at best. Finding another location would be the best answer. I'm sure the County Fairgrounds would be a much better location geographically and their would be a much lower impact on our city.

Thankyou,

Gary Bennett
868 Presidio DR
Costa Mesa, CA
92626

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I 12-3

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Response to Comment Letter I2

Gary Bennett
September 23, 2023

- I2-1** The comment expresses disappointment in the choice of the project site and makes a general statement of opinion that the analysis in the Draft EIR is not accurate. The comment does not identify specific areas of concern and is therefore not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I2-2** The comment generally states that there would be negative noise, traffic, and aesthetic impacts from the project. The comment is general and does not point to any specific concerns with the content of the Draft EIR. Noise, traffic, and aesthetic impacts were assessed in Sections 4.10, 4.13 and 4.1 of the Draft EIR, respectively. See also Thematic Response 5, Aesthetics—Communication Tower, Visual Simulations, and Viewpoints.
- I2-3** The comment states that the County Fairgrounds would be a better location for the project. Section 7.2.1, Alternative Sites Throughout the Southern Region, of the Draft EIR discusses the site selection process.

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Comment Letter I3

Laura Masterson

From: Krista Itzhak <kristacmd@yahoo.com>
Sent: Sunday, September 24, 2023 4:24 PM
To: comments@oesregionsoutheoc.org
Subject: Southern Region Emergency Operations Center Draft

Thank you for sharing this plan. I live in Irvine and am a CERT volunteer. I fully support this project and will help any way I possibly can to help get this developed. The scope and design are reasonable. We need to be prepared for emergency situations.

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Krista Itzhak
949-278-3136

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Response to Comment Letter I3

Krista Itzhak
September 24, 2023

- I31** The comment expresses support for the project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Laura Masterson

From: Carrera Mullinax <carreramullinax@gmail.com>
Sent: Friday, September 29, 2023 12:57 PM
To: comments@oesregionsoutheoc.org
Subject: Southern Region Emergency Operations Center Project NOP Scoping Comments

Please consider enlarging the number of affordable housing units that are required on this site to meet the RHNA numbers that are being mandated on our local cities. This mandate comes from the state, and state-owned property should be encumbered to meet the state's own requirements first and foremost, instead of saddling our local communities to do so.

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Thank you,
Carrera Mullinax

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Response to Comment Letter I4

**Carrera Mullinax
September 29, 2023**

- I4-1** The comment requests consideration of enlarging the number of affordable housing units. Housing is not part of the proposed project. See Thematic Response 1, Housing Goals.

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Laura Masterson

From: Larry Amor <larry_amor@yahoo.com>
Sent: Tuesday, October 3, 2023 10:20 AM
To: comments@oesregionsoutheoc.org
Subject: Fairview Developmental Center(FDC)/State Emergency Operations Center Project

This is in reference to the meeting just held by the state at the FDC.
Since the Costa Mesa FDC is not the preferred site, why are they even addressing Costa Mesa?
AS you may notice the preferred site is vacant land already in the hands of the state.
The site in Tustin / Redhill Ave will not impact home values, with aircraft noise and high rise antenna lights.

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15-1

This project should not be considered in Costa Mesa!

Larry Amor 1875 Wren Circle
Costa Mesa

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Response to Comment Letter I5

Larry Amor
October 3, 2023

- I5-1** The comment incorrectly states that the Costa Mesa FDC is not the preferred site. The project site at FDC is the preferred site. See Thematic Response 3, Alternative Site in Tustin, California.

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Laura Masterson

From: Melissa Lippand <mlippand@gmail.com>
Sent: Tuesday, October 3, 2023 3:59 PM
To: comments@oesregionsoutheoc.org
Subject: Fwd: Proposed Relocation of EOC on the FDC Site

email address correction

----- Forwarded message -----

From: Melissa Lippand <mlippand@gmail.com>
Date: Tue, Oct 3, 2023 at 3:57 PM
Subject: Proposed Relocation of EOC on the FDC Site
To: <assemblymember.petrie-norris@assembly.ca.gov>, <katrina.coley@ocgov.com>, <citycouncil@costamesaca.gov>, <senator.min@senate.ca.gov>, <comments@ocregionsoutheoc.org>

To All Concerned:

My husband and I are long-time Costa Mesa (College Park) residents. In fact, my great aunt worked as a nurse at FDC when I was in grammar school. I have lived in Costa Mesa for over 60 years.

I6-1

We attended the public meeting regarding the Draft EIR at FDC last week. We agree with many of the attendees, especially with respect to the fact that there has not been adequate notice of this project to the public - particularly to the citizens of Costa Mesa. We believe that this project is not appropriate for the FDC site in Costa Mesa.

I6-2

We implore the State not to build this facility at the FDC site and choose to locate it at the preferred alternate location in Tustin. Please see our comments below, in no particular order and not all inclusive.

I6-3

- More appropriate/admittedly preferred location in Tustin at Redhill & Victory (the State can work out purchase details as it has oversight). This land is vacant and not located in a historical district like FDC. Surrounded by commercial/industrial; larger parcel; next to Army reserve center;

- FDC location is incompatible with current housing and future required affordable housing

I6-4

- Helipad will affect surrounding land values

I6-5

- Native sacred sites impacted

I6-6

- Surrounding area is residential - not appropriate for EOC

I6-7

- Too many unknowns - native sacred site; wildlife

I6-8

- Plan closes access to local residents - walking paths accessible by low income residents

I6-9

- Open space should be protected - once developed it cannot be reversed - no impact study

I6-10

- Negative impact to traffic in the area - where is this study?

I6-11

- Number of EOC employees who will have to travel to location - impact on existing infrastructure

I6-12

- Not practical location to serve the expansive Southern California counties - Tustin more central location - more access to freeways if 405 is damaged

I6-13

- Why can't the Los Alamitos site transition to a permanent EOC site

I6-14

- How about the open space surrounding Camp Penelton?

I6-15

- If EOC is located there, what is the City's plan to meet the State's housing requirements?

I6-16

- Did the State respond to the City Council April 2023 letter?

I6-17

- There are other options to develop the FDC property that enhance the surrounding community instead of negatively impacting the community - repurposing existing buildings - such as what San Diego did with Liberty Station military base (the Presidio area) near the airport.

I6-18

The citizens need to be informed and involved. Please do the right thing here and place the EOC in another area.

I 16-19

Please do not hesitate to reach out to us for further discussion. We look forward to being informed about future meetings on this subject. Thank you.

I 16-20

Melissa and Vello Lippand
354 Bucknell Rd.
Costa Mesa, CA 92626

Response to Comment Letter I6

Melissa Lippand
October 3, 2023

- I6-1** The comment describes the commentor's history related to the City. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I6-2** The comment asserts that there has not been adequate notice of the project to the public. See Thematic Response 4, Noticing and Public Participation.
- I6-3** The comment asks the state to choose the Alternative 3 site in Tustin. See Thematic Response 3, Alternative Site in Tustin, California.
- I6-4** The comment asserts that the project's location is incompatible with current housing and future affordable housing. See Thematic Response 1, Housing Goals.
- I6-5** The comment states that the helipad will affect surrounding land values. Financial impacts are not environmental impacts that must be considered pursuant to CEQA.
- I6-6** The comment states that there are impacts to native sacred sites. Potential impacts to tribal cultural resources were assessed in Section 4.14, Tribal Cultural Resources, of the Draft EIR, which includes mitigation to protect previously unknown resources.
- I6-7** The comment states that the project site is not appropriate for an emergency operations center (EOC) due to surrounding residential areas. The comment is not specific about what aspects of the project make it inappropriate. Existing land uses were accounted for as appropriate in the Draft EIR analysis, such as in Section 4.1, Aesthetics; Section 4.2, Air Quality; Section 4.7, Hazards and Hazardous Materials; Section 4.9, Land Use and Planning; and Section 4.10, Noise.
- I6-8** The comment states that there are unknowns associated with native sacred sites and wildlife. Potential impacts to tribal cultural resources were assessed in Section 4.14 of the Draft EIR, which includes mitigation to protect previously unknown resources. Potential impacts to wildlife were assessed in Section 4.3, Biological Resources, of the Draft EIR. Mitigation was included to reduce impacts to special-status species with a potential to occur on the project site.
- I6-9** The comment states that the project would close access to walking paths for local residents. All existing internal private roadways would remain open under the proposed project. It should be noted, however, that public access to the FDC property for recreation is not a permitted use.
- I6-10** The comment states that open spaces should be protected and that there is no impact study in the Draft EIR. The project site is disturbed and previously developed land. Potential impacts to biological resources on the project site are assessed in Section 4.3 of the Draft EIR and mitigation is included to reduce impacts.
- I6-11** The comment asks where the traffic study is. The traffic analysis can be found in Section 4.13 and Appendix H of the Draft EIR.

- 16-12** The comment asserts that employees traveling to the project site would have an impact on existing infrastructure. The comment is not specific about what type of infrastructure they are concerned about. As discussed in Section 3.5.4, Normal Operations, of the Draft EIR, under normal operations, the Southern Region Emergency Operations Center would employ a maximum of 50 employees and a more likely total of 20 employees. This number of employees is not substantial in relation to the total number of people utilizing public infrastructure of any kind.
- 16-13** The comment asserts that the project site is not practical to serve Southern California and that Tustin is a more central location. See Thematic Response 3 for a discussion of the Tustin alternative and Section 7.2, Alternatives Considered but Rejected, of the Draft EIR for a discussion of the site search conducted by the state.
- 16-14** The comment asks why the temporary EOC in Los Alamitos cannot be transitioned to a permanent EOC. As discussed in Section 7.2.1, Alternative Sites throughout the Southern Region, of the Draft EIR, the California Office of Emergency Services considered a renovation project at the Los Alamitos Joint Forces Training Base to develop an EOC at the site. The project ultimately did not come to fruition because the site did not meet the size requirements for the scope of the planned facility. Additionally, the building that was to be renovated is federally owned, which presented a number of encumbrances to development. In addition, a project to develop a new Southern Region Emergency Services Center was proposed in 2016 at a different location at the Los Alamitos Joint Forces Training Base. A mitigated negative declaration was prepared in 2017 to assess environmental impacts of the project pursuant to CEQA. The project was not pursued due to federal and state ownership encumbrances.
- 16-15** The comment suggests building the project in open space surrounding Camp Pendleton. Camp Pendleton is an active U.S. Marine Corps base and, as such, is not a feasible location for the project. See Section 7.2 of the Draft EIR for a discussion of the site search conducted by the state.
- 16-16** The comment asks what the City's plan is to meet state housing requirements if the project is built. See Thematic Response 1.
- 16-17** The comment asks whether the state responded to the City Council's April 2023 letter. The state assumes the commenter is referring to the comment letter sent by the City in response to the notice of preparation. A lead agency is not required to respond to comments received during the scoping period. Scoping comments are taken into account when determining the scope of the analysis in the Draft EIR.
- 16-18** The comment suggests repurposing the existing buildings. As described in Section 3.4, Project Objectives, of the Draft EIR, the proposed project has highly specific program requirements and must be built in accordance with the Essential Services Buildings Seismic Safety Act. As such, repurposing existing buildings to accommodate the proposed project is not feasible.
- 16-19** The comment states that the citizens need to be informed and involved and asks for the project to be built elsewhere. See Thematic Response 4 and Section 7.2 of the Draft EIR.
- 16-20** The comment alludes to future meetings for the proposed project. See Thematic Response 4.

Laura Masterson

From: Michael Seiden <mseiden@ahvcommunities.com>
Sent: Tuesday, October 10, 2023 9:43 AM
To: comments@oesregionsoutheoc.org
Subject: Emergency Response Center in Costa Mesa, CA

It's come to my attention and that of my neighbors that the State is attempting to build an emergency response center in the middle of a residential neighborhood in our City. We beg you to reconsider the location. Not only is the site largely inaccessible for your purposes, but more importantly it will take away housing opportunities which we desperately need. Please build it elsewhere.

I 17-1
I 17-2

Michael Seiden
General Counsel



California | [150 Paularino Avenue, Suite D250, Costa Mesa, CA 92626](#)
Texas (HQ) | [6812 West Avenue, Suite 300, San Antonio, TX 78213](#)

mseiden@ahvcommunities.com | www.ahvcommunities.com
Direct: 917.696.4307

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Response to Comment Letter I7

Michael Seiden
October 10, 2023

- I7-1** The comment asks for the project location to be reconsidered. See Thematic Response 2, Land Use Compatibility. See Section 7.2.1, Alternative Sites throughout the Southern Region, of the Draft EIR for a discussion of the state's Southern Region Emergency Operations Center site search.
- I7-2** The comment states that the project will take away housing opportunities. See Thematic Response 1, Housing Goals.

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Laura Masterson

From: Jason Coleman <jason@goldenconst.com>
Sent: Tuesday, October 10, 2023 12:53 PM
To: comments@oesregionsoutheoc.org
Subject: Costa mesa Emergency compound

Hi, I am writing today as a costa mesa resident for over 36 years... I DO NOT WANT the new state emergency compound in my city at the old Fairview development center. Please make note to those who are making decisions. This is not wanted in any way by residents!

I
18-1

Thank you,
Jason Coleman

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Response to Comment Letter I8

Jason Coleman
October 10, 2023

- I8-1** The comment notes general opposition to the proposed project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Laura Masterson

From: Geoff West <gtwest@earthlink.net>
Sent: Friday, October 13, 2023 2:17 PM
To: comments@oesregionsoutheoc.org
Cc: Costa Mesa City Council; ",katrina.foley"@ocgov.com; ",senator.min"@senate.ca.gov; ",assemblymember.petri-norris"@asm.ca.gov
Subject: Southern Region Emergency Operations Center Project Draft EIR Comments

Ms. Terry Ash, Senior Environmental Planner
 % Dudek
 California Department of General Services
 Real Estate Division, Project Management and
 Development
 2635 North 1st Street, Ste. 149
 San Jose, California 95134

SENT VIA EMAIL TO:
comments@oesregionsoutheoc.org
FROM:
gtwest@earthlink.net

SUBJECT: Proposed Emergency Operations Center at Fairview Development Center

Dear Ms. Ash,
 Recently I attended a meeting at the Fairview Developmental Center (FDC) in Costa Mesa, along with nearly 100 of my neighbors, to present our concerns about the proposed establishment of a Southern Emergency Operations Center (EOC) on 15 acres of the more than 100 acre Fairview Developmental Center site. I think it's safe to say that most, if not all, of us came away disappointed.

19-1

This meeting was poorly advertised, hence the small turnout from a city of more than 112,000 souls. The venue was inadequate for this meeting. Because of the layout - wide instead of deep - only about a third of the attendees could actually see and read the slides in the presentation. It was attended by a few former elected officials, some "regulars" at city events and a large number of newcomers - residents who lived nearby and had just heard about the meeting a day or two before. Also in the audience were current elected officials - Mayor John Stephens and Mayor Pro Tem Jeffrey Harlan - as well as appointed officials like Planning Commission Chairman Adam Ereth and many members of the city senior staff.

19-2

It's my view that much of the disappointment felt by members of the audience was because there were very few - I hesitate to say "no" - answers provided to members of the public who spoke. I counted 34 - 35, if you count Mayor Stephens, who was sandbagged into speaking by a constituent. Most of the speakers didn't really know enough about the project to present clear, concise concerns and questions were seldom answered.

19-3

As a 50 year resident of Costa Mesa and one who has followed (and written about) city issues for more than two decades, I came away from this meeting very concerned about the plan as explained to us by Laura Masterson of Dudek. Some of my concerns are listed below.

19-3

1-THE STATE GIVETH....The State has declared the Fairview Developmental Center as "surplus", and made it available for potential much-needed housing in Costa Mesa. In fact, the State recently provided \$3.5 million to Costa Mesa to help with the planning - zoning, etc. - for the site for future housing development. Since the State also saddled Costa Mesa with RHNA requirements demanding we plan for 11,760 new dwelling units in a city 99% built-out, the availability of the FDC for some future housing was good news, and the City is moving forward with the plans for the site.

19-4

2-....AND TAKETH AWAY. The proverbial "other shoe" dropped when we learned the State decided to take away 15 acres of the site for a proposed Emergency Operations Center and that this center would include a 35,000 square foot

19-5

office building, a 20,000 square foot warehouse/garage PLUS a helipad and 120 foot illuminated communication tower! In my view, none of these facilities are compatible in any way with the housing that will be planned for that site. The presentation showed the flight path footprint for the helipad as well as the proposed location of the communication tower. Well, as a man who has flown helicopters, I can tell you that the presence of that helipad so close to residential uses is unacceptable! And the communication tower is problematic, too. Nobody will want to open their curtains to view the sunset over the golf course with the blinking red lights on that tower ruining the view.

19-5
Cont.

3-WHAT IT MIGHT BECOME. This more than 100 acre site could go a very long way to helping meet our City (and State, for that matter) requirement for additional housing. There are those who view this location as a kind of “Village of Fairview” within the boundaries of Costa Mesa. It’s a site surrounded on 3 sides by a municipal golf course and is about a mile from our Civic Center and the Orange County Fairgrounds. Given the opportunity to plan for it, that site could be the home of, for example, several high-rise buildings providing true “affordable housing” in a region that drastically needs such housing stock. It could become a model of forward-thinking planning, with playgrounds and other park areas with walking and bicycling paths, and services, like a market, pharmacies, entertainment venues, etc. spotted throughout the site. Depending on the number of housing units built, there might even be a need for an elementary school on the site.

19-6

4-INCOMPATIBILITY. The creation of the EOC as planned would make the housing plans described above untenable. The EOC would have to be staffed 24/7/365, which means cars and large trucks moving to and from the site. In the case of an “emergency”, this would be magnified many-fold. Of course, the helipad makes any kind of housing, much less affordable housing, a non-starter. As one speaker at the meeting said, (paraphrasing), “This is just another example of people who have no options - poor people in those “affordable” housing units - getting the shaft!” Yes, it’s true - nobody who can afford to live elsewhere would even think of living in the flight path of large, military transport helicopters. This is a **GREAT** opportunity to demonstrate that a community of affordable housing units doesn’t have to be a slum-in-waiting, with people packed cheek-by-jowl! This could be a place where we all would point to with pride - but not if it’s saddled with the EOC as currently planned.

19-7

5-ACCESS. Another of the problems viewed by many of us at the meeting was access to the site. Yes, the map showed a route from Harbor Blvd. along the perimeter of the of the FDC to the location of the proposed EOC. If this site is chosen, the intersection at Harbor Blvd. - Costa Mesa’s de facto “Main Street” - will require major modification. Also, there really is no other acceptable access route unless one is carved through the golf course. Is that the plan? You can’t really have an Emergency Operations Center with only one way in and out, can you?

19-8

6-WATER ACCESS? I have not reviewed the complete Draft EIR, but am told by those who have that there is a reference to the FDC site having “access to waterways”. Well, if you’re looking for a way to bring people and supplies to the site via water, you’re pretty much out of luck. The closest “waterway” would be the Santa Ana River, which runs, such as is, within about a mile of this site. However, it is NOT navigable - it’s barely a trickle most of the year. If Newport Harbor was the intended source of water access, it’s at least 5 miles away, is a small boat harbor and certainly not adequate to deliver large quantities of supplies to the site because it lacks the space and depth to accommodate large craft.

19-9

7-A PREFERRED ALTERNATIVE. During the presentation, “alternatives” were discussed. “**Alternative 3**” - 24 acres a few miles away at the corner of Red Hill Avenue and Victory Road in Tustin, was described as “**environmentally superior**”. Why, then, is **THAT** site not the **preferred location** for this new EOC? It’s a larger chunk of land, currently undeveloped, in a commercial zone. It’s much closer to freeways, providing essential travel venues in case of an “emergency” and the surface streets surrounding that site make it much more practical for an EOC location. When compared to the proposed site at the FDC, the Tustin site wins, hands-down! It’s much larger, not surrounded by incompatible uses and is **MUCH** closer to freeway access.

19-10

8-TIMING AND CONSTRUCTION. We understand from sources at the Department of General Services that the FDC EOC would cost north of \$180 million and would take well into 2027 to complete. This timing would certainly conflict with any proposed housing construction planned for the FDC site. I doubt any builder would choose to arm-wrestle with

19-11

government contractors over the use of access roads simultaneously as we tried to meet other State requirements to build more housing.

↑ 19-11
Cont.

Thank you for considering my view, and those of my friends and neighbors who also took the time to write to you on this very important issue. We hope Governor Newsom will see this plan as a hindrance to his goal of more affordable housing. We are told Mayor Stephens intends to personally address this issue with him in the very near future. Please abandon the plan for the EOC at the FDC.

↑ 19-12

Geoff West
1973 Aliso Avenue
Costa Mesa, CA 92627
gtwest@earthlink.net

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Response to Comment Letter I9

Geoff West
October 13, 2023

- I9-1** The comment states that the commenter attended the public meeting for the Draft EIR and was disappointed. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I9-2** The comment presents various concerns with the venue and content of the public meeting held for the Draft EIR. The comments related to concerns with the layout and visibility of the presentation are noted. The state felt that there was value in holding the public meeting on FDC property. The presentation was made available on the project website after the meeting. The comments related to feeling that questions and concerns were not adequately addressed are noted. The purpose of the meeting was to present an overview of the proposed project and to take public comments. The meeting served these purposes.
- I9-3** The comment expressed general concern about the proposed project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I9-4** The comment states that the FDC was declared as surplus property and made available for housing in Costa Mesa and that the City is moving forward with plans for the site. The state would like to clarify that the FDC property has not been officially designated as surplus property. The comment is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I9-5** The comment summarizes the primary project elements and states that the presence of a helipad near residential uses is unacceptable. The comment also expresses concern with the proposed communication tower. As described in Section 3.5.2 of the Draft EIR, helicopter activity would not occur as part of day-to-day operations and would be limited to two landings annually, or as needed during emergency response operations. See Thematic Response 2, Land Use Compatibility; Thematic Response 5, Aesthetics—Communication Tower, Visual Simulations, and Viewpoints; and Thematic Response 6, Frequency of Emergency Operations.
- I9-6** The comment describes the commenter’s vision for future development at the FDC site. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I9-7** The comment asserts that the proposed project is incompatible with future development plans for the rest of the FDC property. See Thematic Response 2. The comment incorrectly states that the Southern Region Emergency Operations Center would be staffed 24 hours a day, 365 days per year. As described in Section 3.5.4, Normal Operations, of the Draft EIR, the Southern Region Emergency Operations Center would operate Monday through Friday, 7:00 a.m. to 7:00 p.m.
- I9-8** The comment states that major modifications would be required to the intersection of Harbor Boulevard and Fair Drive. The proposed intersection improvements are shown in Figure 3-7, Conceptual Roadway Layout and Improvements, and include a full intersection replacement and installation of an accessible walkway. As noted in the Section 4.13.5 of the Draft EIR, the City and/or county would have jurisdiction over elements in the public right-of-way and their review would be

coordinated concurrently with that of the state agencies. Figure 3-7 of the Draft EIR, also depicts secondary access to the project site via Merrimac Way.

- I9-9** The comment states that the site does not have good access to waterways. As the commenter points out, the project site is 5 miles from Newport Harbor, which could be utilized for deliveries of supplies. Additionally, it is proximate to two major seaports (Ports of Long Beach and Los Angeles) should the need for deepwater port access arise. In the context of the entire Southern Region, which includes counties with no proximate ocean or port access, the project site has good access to waterways.
- I9-10** The comment asks why the Alternative 3 site in Tustin is not the preferred site. See Thematic Response 3, Alternative Site in Tustin, California.
- I9-11** The comment asserts that construction of the proposed project would conflict with future housing development within the FDC property. The City has only recently initiated the planning process for a Specific Plan for FDC. The state is not aware of any proposed construction timeline for future development by the City. As such, this comment cannot be confirmed.
- I9-12** The comment reiterates the need for affordable housing at the FDC and asks the state to abandon the project at the FDC. The comment reiterates earlier points and does not introduce new specific comments. As such, the comment is adequately addressed in responses above.

Laura Masterson

From: ofelia claudio <ofeliaclaudio@gmail.com>
Sent: Friday, October 13, 2023 8:25 PM
To: comments@oesregionsoutheoc.org
Subject: NO to Southern Region Emergency Operations Center (SREOC) in Costa Mesa!

To all those who want to pursue this project:

Please hear me: I say NO to setting up Emergency Operations Center (EOC) within the Fairview Developmental Center in Costa Mesa, Orange County. In Jesus' Name, hear our voice! Hear our plea that you desist from setting up this Emergency Operations Center in my beloved City of Costa Mesa.

I10-1

Thank you!
Ofelia Claudio

Sent from [Mail](#) for Windows

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Response to Comment Letter I10

Ofelia Claudio
October 13, 2023

- I10-1** The comment notes general opposition to the proposed project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Laura Masterson

From: ofelia claudio <ofeliaclaudio@gmail.com>
Sent: Friday, October 13, 2023 8:29 PM
To: comments@oesregionsoutheoc.org
Subject: EOC in Costa Mesa! NO, please!

Ms. Terry Ash:
Please do NOT pursue this project. Have mercy on the City of Costa Mesa. Having EOC in our small city, which is pretty much congested already, will further congest the city. Traffic is pretty bad on Harbor Blvd where the Fairview Development is. Setting up the EOC there will further worsen the heavy traffic in that area.
Please hear our PLEA, Ms. Terry Ash.
Ofelia Claudio

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I11-1
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Sent from [Mail](#) for Windows

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Response to Comment Letter I11

Ofelia Claudio
October 13, 2023

- I11-1** The comment notes general opposition to the proposed project and states generally that the project would worsen traffic on Harbor Boulevard. Traffic impacts of the proposed project were assessed in Section 4.13, Transportation, of the Draft EIR and were found to be less than significant.

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Laura Masterson

From: Carla Mayer <pcmayer@sbcglobal.net>
Sent: Sunday, October 15, 2023 12:55 PM
To: citycouncil@costamesaca.gov; comments@oesregionsoutheoc.org;
katrina.foley@ocgov.com; senator.min@senate.ca.gov; assemblymember.petrie-norris@assembly.ca.gov
Subject: Southern Region Emergency Operations Center Project Draft EIR Comments

Costa Mesa City Council:

We would like to request that the State reconsider its choice of the Fairview Developmental Center property for its Southern Region Emergency Operations Center Project.

This is a densely populated area and would have multiple negative impacts on the surrounding neighborhoods, businesses and residents.

Thank you,
Carla & Phillip Mayer
Costa Mesa Residents

I12-1

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Response to Comment Letter I12

Carla Mayer
October 15, 2023

- I12-1** The comment asks the state to reconsider siting the project at the FDC and states generally that the project would have multiple negative impacts on surrounding neighborhoods, businesses, and residents. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Comment Letter I13

Laura Masterson

From: Martha Omeara <mjcsc5@icloud.com>
Sent: Monday, October 16, 2023 8:53 AM
To: comments@oesregionsoutheoc.org
Subject: Ca. Emergency Center

California Emergency Center should not be at the Costa Mesa site. We have almost no land available for low incoming hosing that is being required by the state and this land area is perfect for that use. In addition you will impact the quality of life for the neighbors near the area. I know it is free to you but a much more appropriate place would be the large hanger area in Irvine area with ommercial area around it. Don't push this on us! Martha OMeara

I I13-1
I I13-2
I I13-3

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Response to Comment Letter I13

Martha Omeara
October 16, 2023

- I13-1** The comment asserts that the proposed project should not be in Costa Mesa and that there is almost no land available for low-income housing. See Thematic Response 1, Housing Goals.
- I13-2** The comment states that the project would impact the quality of life for neighbors in the area. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I13-3** The comment suggests the hangar area in Irvine for the project. The state assumes that the commenter is referring to the Tustin Hangars. See Section 7.2.1, Alternative Sites Throughout the Southern Region, of the Draft EIR for a discussion of the criteria and process used by the state in selecting the project site.

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Laura Masterson

From: Corinne Stover <calcs1224@gmail.com>
Sent: Tuesday, October 17, 2023 7:00 PM
To: comments@oesregionsoutheoc.org
Subject: DEIR for the Southern Region Emergency Operations Center

Dear Ms. Terry Ash,

I am writing in opposition to the DEIR for the Southern Region Emergency Operations Center location in Costa Mesa.

The DEIR fails to provide thorough and accurate analysis of significant environmental impacts, making it impossible for the residents of Costa Mesa to meaningfully consider environmental impacts associated with the project. Additional accurate environmental review is required under CEQA. Residents of Costa Mesa have not been sufficiently engaged in the process. The requirements under CEQA to inform government decision makers and the public are unmet. The Fairview Development Center location is on a critical arterial into and out of our city and the proposed repurposing of this facility will have myriad impacts to residents.

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I14-4

The DEIR identifies Alternative 3, an environmentally preferred alternate location in Tustin. I strongly urge the State to reject the current FDC site and select Alternative 3 instead.

Thank you,

Louise Stover

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Response to Comment Letter I14

Louise Stover
October 17, 2023

- I14-1** The comment states generally that the Draft EIR fails to provide thorough and accurate information and that additional review is required. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I14-2** The comment states that residents have not been sufficiently engaged in the process. See Thematic Response 4, Noticing and Public Participation.
- I14-3** The comment states that the FDC is on a critical arterial into and out of the City and that the project would have unspecified impact to residents. As demonstrated in Section 4.13, Transportation, of the Draft EIR, the potential traffic impact of the proposed project would be less than significant.
- I14-4** The comment urges the state to select Alternative 3. See Thematic Response 3, Alternative Site in Tustin, California.

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Laura Masterson

From: EBG <elizgrant@yahoo.com>
Sent: Tuesday, October 17, 2023 11:06 PM
To: comments@oesregionsoutheoc.org
Subject: Negative comments on proposed SREOCP in Costa Mesa
Attachments: Ltr to State Dept of General Services re DEIR comments.pdf

Dear Ms. Terry Ash,

Please refer to the attached 10/17/23 letter, from Costa Mesa First to the state Department of General Services, which objects to and comments on problems with the proposed location of the Southern Region Emergency Operations Center Project (SREOCP) in the Fairview Developmental Center (FDC) property in Costa Mesa. This violates Government Code sections 14670.31(a)(7) and (c)(4), which state the Legislature's intent to use FDC for developing mixed income housing, prioritizing affordable housing and open space.

I15-1

It prevents the city of Costa Mesa from proceeding with its plans to use the FDC property area as the proposed location for the city's low income housing development, required by SB330. Also, lots of migratory wild birds, coyotes, and other animals and protected species live nearby the FDC, as well as Costa Mesa residents inhabiting the existing affordable housing close by, who would be extremely negatively impacted by the lights, noise and appearance of the facilities planned for the SREOCP, including an office building, warehouse, helipad, and 120-foot (that's 12-stories!) communications tower.

I15-2

Instead, the "Alternative 3" is a much better suited location for the SREOCP, as it's in an industrial area in Tustin, already near the USArmy Reserve Center and the OC Sheriff's Regional Training Academy.

I15-3

Please note my objections and those of other concerned Costa Mesa citizens and homeowners to the SREOCP's location in FDC and instead, we URGE the state to reject the FDC site, and use the "Alternative 3" site instead. Thank you!!

Eliabeth B. Grant
 1360 Watson Ave.
 Costa Mesa, CA 92626

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Response to Comment Letter I15

Elizabeth Grant
October 17, 2023

- I15-1** The comment refers to and cites as an attachment the Draft EIR public comment letter received from Costa Mesa First and claims a violation of Government Code Sections 14670.31(a)(7) and (c)(4). See Response to Comment O2 for responses to the Costa Mesa First comment letter. See Thematic Response 1, Housing Goals.
- I15-2** The comment cites general concerns related to wildlife, aesthetics, and noise. These potential impacts have been assessed and disclosed in Section 4.3, Biological Resources; Section 4.1, Aesthetics; and Section 4.10, Noise, respectively, of the Draft EIR.
- I15-3** The comment urges the state to select Alternative 3. See Thematic Response 3, Alternative Site in Tustin, California.

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Laura Masterson

From: Julie B <cimarron17@hotmail.com>
Sent: Tuesday, October 17, 2023 6:04 PM
To: comments@oesregionsoutheoc.org
Subject: Emergency Operations Center

To whom it may concern:

I do not support this project in Costa Mesa. Please pass on my comment.

I16-1

Thank you,
Julie Blix

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Response to Comment Letter I16

Julie Blix
October 17, 2023

- I16-1** The comment notes general opposition to the proposed project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Comment Letter I17

Laura Masterson

From: Debrianna Obara <debrianna@gmail.com>
Sent: Wednesday, October 18, 2023 9:36 AM
To: comments@oesregionsoutheoc.org
Subject: Opposition for Emergency Operations Center project in Costa Mesa

Dear Ms. Terry Ash

I am writing to express strong opinions that I do not support the Emergency Operation Center's project location in Costa Mesa. I hope I can depend on your help in opposing this project because it is bad for Costa Mesa and the Tustin location would be more suitable. Fairview Park is a rare oasis in an increasingly crowded suburban area that provides much-needed space for animals being crowded out of their habitats as well as a fantastic park that is used by neighbors regularly (including me).

I17-1

Thank you,
Debra (Debrianna) Obara
Costa Mesa Resident and former Art Council Board Member

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Response to Comment Letter I17

Debrianna Obara
October 17, 2023

- I17-1** The comment notes general opposition to the proposed project and states that the Tustin site would be more suitable. It also cites Fairview Park as a space for wildlife and recreation. See Thematic Response 3, Alternative Site in Tustin, California. The proposed project would not have significant impacts on wildlife or recreation in Fairview Park. See Section 4.3, Biological Resources, and Chapter 5, Effects Found Not to be Significant, of the Draft EIR.

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Laura Masterson

From: Hope Johnson <hajohnson@gmail.com>
Sent: Wednesday, October 18, 2023 7:32 AM
To: comments@oesregionsoutheoc.org
Subject: No EOC in Fairview

Hi,
Please consider other locations for the EOC that would not disrupt parks and residential areas. This is an inappropriate location for this type of center. California should be working to enhance the quality of life for its residents, not degrade neighborhoods and parks.
Thank you,
Hope Johnson
Costa Mesa

I
118-1

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Response to Comment Letter I18

**Hope Johnson
October 18, 2023**

- I18-1** The comment asks for consideration of other sites for the project and states that it is an inappropriate location. See Thematic Response 2, Land Use Compatibility, and Section 7.2.1, Alternative Sites Throughout the Southern Region, of the Draft EIR for a discussion of the state's site selection criteria and process.

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Laura Masterson

From: Priscilla Rocco <dementedgardensprite@gmail.com>
Sent: Thursday, October 19, 2023 5:14 PM
To: comments@oesregionsoutheoc.org
Subject: Re: Southern Region Emergency Operations Center Project Draft Environmental Impact Report Comments; SCH No. 2023030046

State of California
Department of General Services
Real Estate Division, Project Management
Attn: Terry Ash, Senior Environmental Planner
2635 North First Street, Suite 149
San Jose, California 95134

Dear Ms. Ash:

It makes no logical sense to locate the Emergency Operations Center in a quiet residential neighborhood in Costa Mesa, adjacent to a golf course and a nature reserve with sensitive flora and fauna. There is open land in Tustin (Alternative 3) much better suited near the U.S. Army Reserve Center, a short distance from the Orange County Sheriff's Regional Training Academy. It is just as close to John Wayne Airport as the Fairview Developmental Center (FDC) and even closer to the former Marine Corps Air Station. It is near major highways, with space to accommodate multiple emergency vehicles, the helipad, and communication tower. Tustin would be a perfect fit for the EOC.

I19-1

Placing it at FDC would put an undue air and noise pollution burden on the adjacent low-income neighborhoods where residents are 80% people of color and the least able to adapt, as these residences are older, without central heating, air conditioning, or air filtration systems. They rely on open windows for ventilation. CalEnviroScreen 4.0 ranks the nearby census tract at a pollution burden of 46%, with others at 86%, which is high for a

I19-2

neighborhood so close to a municipal golf course and receiving the benefit of ocean breezes. In addition, high-density affordable housing has been planned for the FDC to meet our RHNA numbers. Concentrating low income households in this area makes it inappropriate for the EOC.

↑
I19-2
Cont.

Costa Mesa is a small town with family neighborhoods, not a hectic metropolis. Our streets can not be widened any further. The traffic is already congested, and will only worsen as the State mandated 11,700 units are built. Our fragile Fairview Park and the endangered species that call it home is a treasure and one of the few ecological sites of its kind in California. The EOC does NOT belong in Costa Mesa. It makes no sense!

I19-3
I19-4

Regards,
Priscilla Rocco
3309 California St.
Costa Mesa, CA 92626

Response to Comment Letter I19

Priscilla Rocco
October 19, 2023

- I19-1** The comment advocates for the Alternative 3 site in Tustin. See Thematic Response 3, Alternative Site in Tustin, California.
- I19-2** The comment asserts that the project would place undue air and noise pollution burden on existing adjacent low-income neighborhoods and that planned future high-density affordable housing makes the area an inappropriate location for the project. As assessed in Section 4.2, Air Quality, and Section 4.10, Noise, of the Draft EIR, air quality and noise impacts would be less than significant. See Thematic Response 2, Land Use Compatibility.
- I19-3** The comment states that traffic in the City is congested and will worsen with future development. As assessed in Section 4.13, Transportation, of the Draft EIR, project impacts to traffic would be less than significant and not cumulatively considerable.
- I19-4** The comment states that Fairview Park is fragile and contains endangered species. As assessed in Section 4.3, Biological Resources, the proposed project would not have significant impacts on wildlife in Fairview Park.

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Laura Masterson

From: slgenis@aol.com
Sent: Friday, October 20, 2023 4:18 PM
To: comments@oesregionsoutheoc.org
Subject: southern Region EOC EIR
Attachments: fdc eoc.docx; fdc eoc.pdf

Attached and below are my comments regarding the DEIR for Southern Region Emergency Operations Center, SCH No. 2023030046.

Subject: Comments on DEIR for Southern Region Emergency Operations Center, SCH No. 2023030046

Submitted via email to comments@oesregionsoutheoc.org

I have reviewed the Draft Environmental Impact Report for the Southern Region Emergency Operations Center (SREOC) Project in Costa Mesa, Orange County, Ca. (SCH No. 2023030046) and am submitting the following comments.

I20-1

The proposed emergency operations facility will be located on an approximately 15 acre site at Fairview Developmental Center. It will include office space, training space, and warehouse space totaling approximately 55,000 square feet. Also included are a helipad and a radio communications tower totaling 120 feet in height.

Project Description

In order to accurately and completely assess the environmental impacts of a project, it is essential that the EIR include full and complete information regarding both anticipated physical improvements and future operations. A vague or incomplete project description will render all further analyses and determinations ineffectual. As stated in *McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District* (202 Cal.App.3d 1136, 1143; 249 Cal.Rptr. 439), "An accurate project description is necessary for an intelligent evaluation of potential environmental effects of a proposed activity".

I20-2

In setting aside the approval of an EIR by the City of Los Angeles for water development facilities in Inyo County, the court stated: "An accurate, stable and finite project description is the sine qua non of an information and legally sufficient EIR" (*County of Inyo v. City of Los Angeles* (71 Cal.App.3d 193) [139 Cal.Rptr. 401]). A stable, complete, and accurate project description is the most basic and important factor in preparing a lawful EIR. It is the denominator of the document and, thus, of the public's and decision-maker's review.

Unfortunately, the DEIR largely treats the EOC like a black box. We know the rough dimensions of the box, but are only vaguely informed as to what will occur in the box and how often.

It strains credibility that none of the responsible parties have the vaguest idea as to future helicopter operations. If, indeed this is so, and no one is able to estimate maximum or average use based on past experience, one has cause to worry about the overall state of emergency planning and preparedness in the State of California. How can the State be ready, if one can only "speculate" as

I20-3

to what is needed? If anticipated use of the helipad is that up in the air, how do we know one is needed at all?

Obviously, one cannot predict when a given disaster would occur, but data on past experience at Los Alamitos and Mather should provide at least some indication of future activity at the facility. In that regard, the following information must be provided:

1. Would the twice a year utilization of the helipad include emergencies or be in addition to emergencies?
2. If not used exclusively for emergencies, what criteria would be applied for use of the helipad by others?
3. Would the helipad ever be utilized as a convenient landing pad for visiting dignitaries or others? Do we really need a vanity pad for political poohbahs?
4. Over the past ten years, how many flights and with what aircraft occurred in association with activities at Los Alamitos and at Mather, respectively?
5. Over the past ten years, what has been the peak daily and annual number of flights that occurred in association with activities at Los Alamitos and at Mather, respectively?
6. Over the past ten years, what has been the peak number of flights associated with a single emergency event that occurred in association with activities at Los Alamitos and at Mather, respectively?
7. Over the past ten years, for each year, how many emergency events requiring use of helicopters occurred in association with activities at Los Alamitos and at Mather, respectively?
8. What is a "medium-sized" helicopter? Will the helipad be limited to "medium-sized" helicopters?
9. Are the 200 persons anticipated to be working at the facility in an emergency a rotating crew of more than 200 people who rotate in and out, or 200 people total? What would be the total number of people working on all shifts?
10. Would persons anticipated to be working at the facility during an emergency be personnel already in the region working for other agencies or would they be coming to the facility from other regions?
11. If personnel come to the EOC from outside the local area, where are then anticipated to stay overnight?
12. The warehouse building shows less than 11,000 square feet of actual storage space. How does this compare to space provided at Mather?
13. Does the State have any future plans to add additional warehouse space in the future?
14. The discussion of hydrology and water quality indicates that 20,000 gallons of runoff will be retained on the site. Where is this on project plans?
15. The project description includes estimates of construction equipment and usage. This information is key to estimating impacts on air quality, noise, and circulation. Yet, the document also

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I20-7

says that "geotechnical report will be commissioned that will determine the extent of site preparation, including demolition, tree removal, clearing, grubbing, and earthwork". That being the case, on what was the basis for estimating grading equipment use and potential need for off-site haul routes? These estimates must be verified subsequent to completion of the geotechnical report. Any changes to anticipated impacts presented in the DEIR must be calculated and presented in a recirculated DEIR.

I20-7
Cont.

16. The EIR must identify construction staging areas as well as impacts to those areas.

I20-8

17. The EIR must identify construction haul routes as well as impacts along those routes.

18. How will site access be controlled? Where will vehicle stacking occur at any controlled access points?

I20-9

Aesthetics

Clearly, the proposed communications tower has created the greatest controversy regarding aesthetic issues. The visual impact of the anticipated height will be exacerbated by orange paint and lighting. Unfortunately, the DEIR falls well short of an adequate analysis of impacts, neglecting to address impacts on residents to the north, south and east, impacts on the golf course and impacts on the easterly portion of Fairview Park. This must include renderings from all these locations with night time rendering included for renderings from residential areas.

I20-10

The choice of location for the one photo from Fairview Park is especially odd, as looking toward Saddleback from the park, one usually also sees the top of the admittedly ugly ball netting at the edge of FDC. Views from the Fairview Park bridge and from the easterly side of Placentia must be presented and analyzed.

Of particular concern are views of local mountains across the site. These include the Santa Ana Mountains, including Saddleback, to the east/southeast and San Gabriels to the north/northeast. While these views are obscured by some degree of haze much of the time, only rarely are they not visible at all, and after rains or Santa Ana events they are very clear. Attached are two photos of Saddleback as seen from Fairview Park in about an average condition, one slightly clearer than the other. Also attached in a photo of the San Gabriels on an unusually clear day.

I20-11

In order to reduce aesthetic impacts, lighting and visually obtrusive elements must be omitted to the minimum required by the FAA.

I20-12

Biological Resources

Impacts on biological resources would result from loss of forage. The site is contiguous with hundreds of acres of open space including a golf course, Fairview Park, Talbert Park, the Army Corps least tern mitigation area, and Banning Ranch, a recent State acquisition. Together they create a unique assemblage of habitat types including saltwater wetlands, freshwater wetlands, and various upland habitats. This has resulted in a unique assemblage of species, including many raptors, including many observed on the FDC site in past years. Any reduction in forage will adversely affect those raptors. As an alternative to the project as proposed, development must be limited to areas currently occupied by buildings and parking.

I20-13

Of greater concern are impacts due to the communications tower. The DEIR fails to address this.

I20-15



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cont.

- iii. If active nests are identified within or in the vicinity of the project site, avoid the site until nestlings have fledged or the nest fails. If the activity must occur, establish a buffer zone around the nest and no activities will occur within that zone until nestlings have fledged. The dimension of the buffer zone will depend on the proposed activity, habitat type, and species present. The buffer should be a distance that does not elicit a flight response by the adult birds and can be 0.5 – 1 mile for hawks and eagles.
- c. Prevent the introduction of invasive plants during construction to minimize vegetation community degradation by:
 - i. Use only native and local (when possible) seed stock for all temporary and permanent vegetation establishment; and
 - ii. Use vehicle wash stations prior to entering sensitive habitat areas to prevent accidental introduction of non-native plants.

5. Tower Design. Tower design should consider the following attributes:

- a. Tower Height. It is recommended that new towers should be not more than 199 ft. above ground level (AGL). This height increases the mean free airspace between the top of the tower and average bird flight height, even in weather conditions with reduced cloud ceiling;
- b. Guy Wires. We recommend using free standing towers such as lattice towers or monopole structures. If guy wires are required for tower design:
 - i. The minimum number of guy wires necessary should be used; and
 - ii. Guy wired towers that are proposed to be located in known raptor or waterbird concentrations areas, daily movement routes, major daytime migratory bird movement routes, staging areas, or stopover sites should have daytime visual markers or bird flight diverters installed on the guy wires to attempt to prevent daytime collisions.
- c. Lighting System. Lights are a primary source of bird aggregation around towers, thus minimizing all light is recommended:
 - i. No tower lighting is the preferred option if Federal Aviation Administration (FAA) regulations and lighting standards (FAA 2015, 2020, Patterson 2012) permit.
 - ii. For some towers, the FAA can permit an Aircraft Detection Lighting System (ADLS), which maintains a communication tower of any height to be unlit until the ADLS radars detect nearby aircraft, at which time the tower lighting system is triggered to illuminate until the aircraft is out of radar range.
 - iii. If taller (> 199 ft. AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white or red flashing lights should be used at night, and these should follow FAA obstruction and marking standards with regards to the minimum number of lights, minimum intensity (< 2,000 candela), and minimum number of flashes per minute (i.e., longest duration between flashes and "dark phase"). Avoid using non-flashing warning lights at night. Owners of existing towers lit with lighting systems that include non-flashing lights should submit plans to the FAA explaining how and when they will transition to the new standards.
 - iv. Security lighting for on-ground facilities, equipment, and infrastructure should be motion- or heat-sensitive, down-shielded, and of a minimum intensity to

I20-15
Cont.

reduce nighttime bird attraction and eliminate constant nighttime illumination while still allowing safe nighttime access to the site.

OPERATION AND MAINTENANCE OF ALL TOWERS

1. Existing Tower Lighting. We recommend that towers be unlit, when allowed by FAA regulations. Light impacts can be minimized by:

- a. Extinguishing L-810 non-flashing red lights (USFWS 2007, 2011) on towers >350 ft. AGL or reconfiguring L-810 non-flashing red lights to flash at 30 FPM (+/- 3 FPM) in synchrony with other flashing obstruction lights on towers 150-350 ft. AGL (FAA 2015, 2020);
- b. Extinguishing L-810 red lights and reprogramming LED L-810 lights; this can be done from the tower transmission building or remotely and does not require climbing the tower (FCC 2020). A "lighting deviation" can be used to extinguish or eliminate L-810 steady-burning side lights from an existing registered tower taller than 350 ft. AGL and to reprogram L-810 steady-burning side lights to flash on registered towers 150-350 ft. AGL. The following steps are necessary:
 - 1. File a Marking and Lighting study electronically with the FAA requesting the elimination or omission non-flashing/steady-burning lights (L-810) or requesting that steady-burning lights flash with Form 7460-1, Notice of Proposed Construction or Alteration. Designate structure type: "Deviation from Red Obstruction Light Standards."
 - 2. Once the FAA has approved the request and assigned a FAA Study Number, file Form 854 with the FCC via the Antenna Registration System (ASR). Please select "MD – Modification" and choose the appropriate FAA Lighting Style. The FCC typically will approve the application and modify the registration within 24 hours.
 - 3. Once the lighting change for a tower has been granted by the FCC via ASR, the L-810 steady-burning side lights can be extinguished on towers taller than 350 ft. AGL and reprogramed to flash in concert with L-864 lights on towers 150-350 ft. AGL. Extinguishing L-810 lights and reprogramming lights are typically accomplished in the tower transmission building and do not ordinarily require climbing the tower. Per the FAA requirements, flashing red lights should flash at 30 FPM (+/- 3 FPM).

2. Infrastructure Lighting. We recommend that existing infrastructure be unlit. If associated buildings require security or operational lighting, minimize light trespass using motion sensors and down- shielding with minimum intensity light.

3. Vegetation Management. When management of facility infrastructure is required:

- a. Schedule all vegetation removal and maintenance (e.g., general landscaping activities, trimming, grubbing, etc.) activities outside of the peak bird breeding season to reduce the risk of bird take. Breeding seasons can be determined using online tools (e.g., Avian Knowledge Network [AKN], Information for Planning and Conservation system [IPaC], Birds of North America Online) or by contacting qualified experts (e.g., local Audubon or birding groups);

I20-15
Cont.

- b. When vegetation removal activities cannot avoid the bird breeding season, conduct nest clearance surveys:
 - i. Surveys should be conducted no more than five days prior to the scheduled activity to ensure recently constructed nests are identified;
 - ii. Timing and dimensions of the area to be surveyed should depend on the nature of the project, location, and expected level of vegetation disturbance; and
 - iii. If active nests are identified within or in the vicinity of the project site, the site should be avoided until nestlings have fledged or the nest fails. If the activity must occur, a buffer zone should be established around the nest and no activities should occur within that zone until nestlings have fledged. The dimension of the buffer zone depends on the proposed activity, habitat type, and species present. The buffer should be a distance that does not elicit a flight response by the adult birds and can be 0.5 – 1 mile for hawks and eagles.

I20-15
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4. Birds Nesting on Towers: If birds are nesting on communication towers that require maintenance activities, contact the state natural resource protection agency and/or the USFWS for permits, recommendations, and requirements. Schedule construction and maintenance activities around the nesting and activity schedule of protected birds. Minimize excess wires and securely attach wires to the tower structure to reduce the likelihood of birds becoming entangled on the tower. Consider installing a bird nest exclusion device on the towers where birds frequently nest.

5. Tower Access: Representatives from the USFWS or researchers should be allowed access to the site to evaluate bird use, conduct dead-bird searches, and conduct other research, as necessary.

It is recognized that certain of the above measure are already proposed, such as the lack of guy wires. However, all such measure must be included as mitigation measures and included in a mitigation monitoring program.

I20-16

In addition all of the above measure must be included. There include installation and operation of an Aircraft Detection Lighting System to eliminate lighting when aircraft are not present. Lighting must be limited to the barest minimum. OES must work with the FAA on a lighting plan and apply for a deviation to minimize lighting and reduce impacts.

I20-17

As noted above, nesting survey must not be limited to the specific site, but include any areas where a fright or flight response might be elicited. This includes hawks and various other raptors potentially nesting in Fairview Park. Construction should also avoid the migrating season, during which we have large flocks of Canada Geese overhead, as we have had in recent weeks.

I20-18

Hazards and Hazardous Materials

The proposed project would make wide use of solar energy and batteries for energy storage. Unfortunately, rechargeable batteries can overheat and cause fires, as recently occurred to a family of my acquaintance who lost much of their house due to a rechargeable battery fire. This hazard must be addressed.

I20-19

In addition, solar panels and batteries contain heavy metals and other toxic substances. The EIR must address replacement and disposal of energy systems and answer the following:

1. How will batteries be monitored to ensure they remain safe?
2. How often will batteries be replaced?
3. How often will the solar panels be replaced?
4. What will be done with batteries at the end of their useful life?
5. What will be done with the solar panels at the end of their useful life?

I20-19
Cont.

Land Use and Planning

This section must address the provisions of SB 188 and conflicts presented by the proposed project. The Legislature has stated that housing is to be a priority use at the site and that affordable housing is to be maximized. Yet, the proposed project utilizes 15 acres for non-residential uses and may inhibit the establishment of housing due to the communications tower and the helipad.

The SB 188 provides for comprehensive planning of FDC. Yet, the State is here proposing a piecemeal approach which may irreversibly prejudice the ability of the State and City to plan comprehensively. This is exacerbated by proposed infrastructure changes.

This section must be revised and recirculated to reflect conflicts with provisions of SB 188.

I20-20

Noise

This section must be revised and recirculated to include an analysis of helicopter noise. The EIR must include a worst case scenario based on the greatest number of flights and noisiest aircraft used in the past associated with operations at Mather and Los Alamitos.

The analysis must not be limited to CNELs, but must include SENELs and potential sleep disturbance for residents in the area as well as effects on wildlife in Fairview Park. Of particular concern are residents at Harbor Village with developmental disabilities.

To reduce impacts use of the helipad must be limited to only during bona fide emergencies. The helipad must be used only for transport of emergency personal, supplies, and equipment.

This section must also address the potential for multiple sirens operating in the area at the same time and impact on residents along anticipated emergency vehicle routes.

I20-21

Population and Housing

In light of the Legislature's stated desire for housing at FDC, it is appalling that the EIR includes no analysis of this issue. OES must provide an analysis of lost opportunities as well as effect on the potential for future residential use.

It is recognized that CEQA does not normally require analysis of effects on future land uses. However, in this case principles of environmental justice and equity require it. Affordable housing is to be maximized at FDC. Do lower income households not matter to OES? Or does OES propose to so degrade the environment that market forces will cause housing costs to drop?

I20-22

In addition, the EIR must address housing for employees for the proposed facility considering the following:

1. What is the anticipated income profile of future employees?
2. Where will the fifty employees live?
3. How will demand for housing increase and in what affordability categories?

I20-23

Recreation

For many years, the Shelley Drive loop has been used by local residents for bicycling and walking. This use must be provided in future plans for the site, and the proposed EOC must not interfere with this use.

I20-24

Project Alternatives

It is difficult to understand how the proposed project came to be chosen as the favored alternative. In light of State's own screening criteria, this alternative should have been eliminated out of the gate. Criteria Number 8 specifies a site in a commercial or industrial area. The FDC site is neither and thus should not be considered further.

It seems that land cost is the only consideration driving this alternative. If this is the case, then sites further inland would seem preferable, for example somewhere in the four corners area of southern California. In any case, OES is reminded that:

I20-25

... the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, **even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.** [emphasis added]

(Guidelines Section 15126.6(b))

Not only is the Tustin location environmentally superior, it is closer to John Wayne/Orange County Airport. This could obviate the need for a costly heliport. The site is located in a commercial/industrial area, consistent with stating screening criteria. Though located along busy Redhill, the site is large enough, at 25 acres, that a substantial buffer could be provided adjacent to the street. Further, substantial vacant land exists elsewhere on the base which could also be considered.

If cost remains a concern, the land at the base is largely in public hands. Though funds may pass from one public agency to another, the taxpayers ultimately footing the bill care little for such distinctions.

Conclusion

As currently presented, the DEIR fails utterly to fulfill the purposes of CEQA. This is most glaring in the areas of Aesthetics, Biological Resources, Land Use, Housing, and Noise, though numerous other inadequacies exist. The document must be revised and re-circulated in accordance with Guidelines Section 15088.5(a) (4) in order that the public and decision makers may be fully informed of the impacts of the proposed project.

Thank you for this opportunity to provide these comments. Please keep me informed regarding the progress of this project, including but not limited to any hearings or release of additional documentation.

Thank you for the opportunity to comment. Please keep me informed as this project progresses.

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I20-26
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I

Yours truly,

Sandra L. Genis

Attachments:

1. Saddleback, moderately clear
2. Saddleback, relatively hazy
3. San Gabriels, moderately clear day







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Response to Comment Letter I20

Sandra Genis
October 20, 2023

- I20-1** The comment summarizes the proposed project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I20-2** The comment stated that the Draft EIR presents a “black box” project. The proposed project as presented in Chapter 3 of the Draft EIR is a conceptual design that provides an adequate level of detail for disclosing and assessing project impacts. Specific details may not be available as the project is being delivered via the design-build method. Section 3.5.1 of the Draft EIR provides a detailed description of the design-build method of project delivery.
- I20-3** The comment requests operational details for the proposed helipad. As described in Section 3.5.2 of the Draft EIR, helicopter activity would not occur as part of day-to-day operations and would be limited to two landings annually, or as needed during emergency response operations. The frequency of future emergency operations, including helicopter activity, cannot be predicted. See Thematic Response 6, Frequency of Emergency Operations, for further discussion on the potential frequency of emergency operations. The helipad is designed to accommodate a medium lift utility helicopter matching the dimensions of the UH-60 Blackhawk or S-70 Firehawk with a length of 65 feet, a roto diameter of 55 feet, and a maximum weight of 23,500 pounds with external load (22,000-pound maximum gross takeoff weight). These helicopter specifications have been added to the Draft EIR. See Chapter 3, Section 3.2.2, of this document.
- I20-4** The comment poses questions about personnel numbers and activity during emergency operations. There would be a maximum of 200 personnel on site at any given time during emergency operations, with people shifting in and out over a period of 24 hours. The type of personnel required on site would depend on the nature of the emergency. They may or may not be local. Presumably, any personnel coming from outside the area would be accommodated in local or regional hotels.
- I20-5** The comment poses questions about the proposed warehouse space and asks specifically about the existing warehouse space of the State Operations Center in Mather. The State Operations Center has an on-site warehouse of 1,709 square feet (sf) and the remainder of the supplies are stored at separate Northern California locations that total approximately 450,552 sf. The Southern Region Emergency Operations Center warehouse is approximately 20,000 sf and the remainder of the supplies will continue to be stored at a separate Southern California location that is approximately 141,851 sf. The proposed project has been designed to include sufficient warehouse space to meet program needs. No additional warehouse space is anticipated beyond what is included in the proposed project.
- I20-6** The comment asks why the detention basin is not on the plans. The proposed project as presented in Chapter 3 of the Draft EIR is conceptual. The detailed hydrology reporting and design would be the responsibility of the selected design-build engineer.
- I20-7** The comment asks for clarification on how the assumptions for grading equipment and off-site material hauling were determined and states that the Draft EIR must be recirculated after the

geotechnical report is completed. The construction emissions were based on California Emissions Estimator Model (CalEEMod) default equipment based on the size of the project. The purpose of CalEEMod is to provide a uniform platform for government agencies, land use planners, and environmental professionals to estimate ozone precursors, criteria pollutants, and greenhouse gases (collectively referred to as “emissions”) from land use development and linear projects in California. CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available. Construction equipment quantities and usage are based on surveys conducted by the South Coast Air Quality Management District; details are provided in the CalEEMod User Guide Appendix D, Technical Source Documentation for Emissions Calculations. In addition to default equipment usage, the calculations used “worst-case” estimates for soil import and export received from the project’s civil engineer PSOMAS, which provides for an estimate of needed truck haul trips. The analysis accounted for construction-related truck trips for truck haul routes of up to 20 miles one-way, which is a default value from CalEEMod. The construction health risk assessment also accounted for the off-road equipment on site and the trucks traveling to/from the site.

- I20-8** The comment states that staging areas and associated impacts should be identified. All construction staging, aside from potentially some public roadwork, would occur on the project site. Specific details on any potential off-site staging areas would be determined by the design-build contractor and would be sited to minimize disruption and maximize safety and would follow all applicable safety requirements.
- I20-9** The comment states that construction haul routes and associated impacts must be identified. Haul routes would be determined by the design-build engineer and would follow all applicable roadway restrictions and safety requirements. The air quality impacts of construction hauling were assessed as part of the construction air quality analysis in the Draft EIR.
- I20-10** The comment asks how site access would be controlled. As described in Section 3.5.2, Project Components, site access would be controlled via card read-controlled gates. A guard shack is also proposed that would be located between the visitor parking area and Office of Emergency Services facilities inside the gated area. Figure 4.13-3 in the Draft EIR depicts access and circulation to/from and within the project site.
- I20-11** The comment states that the impacts of the anticipated height of the communication tower will be exacerbated by paint and lighting and the Draft EIR analysis of impacts is inadequate. Further, the comment states that additional renderings of the communication tower from referenced locations must be provided. Finally, the comment describes existing views across the site to local mountains as being of “particular concern” but doesn’t specifically state what should be done to address/consider the described views. The visual simulations have been revised to accurately depict the tower color and to show the equipment and lighting more clearly. Revisions have also been made to the discussion in Section 4.1, Aesthetics, of the Draft EIR to clarify the description and components of the communications tower and its aesthetic impact. See also Thematic Response 5, Aesthetics—Communications Tower, Visual Simulations, and Viewpoints, for information regarding the vantage point selection process and CEQA requirements.
- I20-12** The comment requests that lighting and visually obtrusive elements follow only what is minimally required by the Federal Aviation Administration (FAA). The project would strictly follow all visual safety elements required by the FAA.

- I20-13** The comment asserts a biological impact related to loss of forage due to the project site's location contiguous to open space. As described in Section 4.3.1, the project site does not function as a wildlife corridor and the existing chain-link fencing separates the project site from the golf course and impedes wildlife movement from the golf course onto the project site. Impacts to wildlife were determined to be less than significant with the application of mitigation for burrowing owls, special-status species, and nesting birds.
- I20-15** The comment cites potential impacts to birds from the proposed communication tower and provides information of a variety of best practices. Some of the proposed best management practices are not feasible or are already included in the project. A discussion of feasible best management practices has been added to Section 4.3, Biological Resources, of the Draft EIR. See Chapter 3, Section 3.2.4, of this Final EIR.
- I20-16** The comment states that mitigation for tower impacts to birds must be included. Language has been added to Section 4.3.5 to address potential impacts to birds from the proposed communication tower. See Chapter 3, Section 3.2.4, of this Final EIR.
- I20-17** The comment requests that lighting elements follow only what is minimally required by the FAA. The project would strictly follow lighting requirements of the FAA.
- I20-18** The comments states that nesting bird surveys must not be limited to the project site and must include Fairview Park. MM-BIO-3 prescribes a specific protocol for avoidance of nesting season and preconstruction nesting bird surveys in compliance with the Migratory Bird Treaty Act. The Migratory Bird Treaty Act prescribes buffer distances to ensure the safety of migratory bird species. The need for surveys at Fairview Park is not supported by regulation or nesting bird behavioral science.
- I20-19** The comment poses various questions about the disposal of hazardous materials such as batteries and solar panels. As discussed in Section 4.7.5 of the Draft EIR, all hazardous materials and wastes materials would be transported, handled, and disposed of in accordance with all applicable federal, state, and local laws and regulations. The use of these materials for their intended purpose would not pose a significant risk to the public or environment. Hazardous waste that cannot be recycled would be transported by a licensed hazardous waste hauler using a Uniform Hazardous Waste Manifest and disposed of at an appropriately permitted facility. The use of these substances is subject to applicable federal, state, and local health and safety laws and regulations that are intended to minimize health risk to the public associated with hazardous materials. Language has been added to Section 4.7.5 to explicitly address solar panels and batteries. See Chapter 3, Section 3.2.6, of this Final EIR.
- I20-20** The comment states that the land use and planning section must address conflicts with the provisions of Senate Bill 188. The state disagrees that the project conflicts with Senate Bill 188. See Thematic Response 1, Housing Goals.
- I20-21** The comment requests revisions and recirculation of the noise section of the Draft EIR to include an analysis of helicopter noise. Section 4.10.5 of the Draft EIR assesses and discloses the noise impacts of the project's helicopter and emergency activity. Impacts were determined to be less than significant. See Thematic Response 6, Frequency of Emergency Operations, for a discussion of the frequency of emergency operations, which would include helicopter activity.

- I20-22** The comment expresses displeasure that population and housing is not assessed in detail in the Draft EIR. See Chapter 5, Effects Found Not to be Significant, for a discussion of why population and housing impacts were determined not to be significant. As stated in the comment, CEQA does not require analysis of effects on future land uses. See Thematic Response 1 and Thematic Response 2, Land Use Compatibility.
- I20-23** The comment asks for specific socioeconomic information about potential future employees that cannot be known. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I20-24** The comment states that the Shelley Drive loop is used for bicycling and walking and that the project must not interfere with that use. Shelly Circle will remain an open private roadway under the proposed project. It should be noted, however, that public access to the FDC property for recreation is not a permitted use.
- I20-25** The comment asserts that Alternative 3 is superior. See Thematic Response 3, Alternative Site in Tustin, California.
- I20-26** The comment states that the Draft EIR does not fulfill CEQA requirements and that recirculation is required. The state has addressed the comments, as detailed in responses I20-1 through I20-25. Minor changes and clarifications to the Draft EIR have been included Chapter 3, Changes to the Draft Environmental Impact Report, of the Final EIR. The changes made do not constitute significant new information that would require recirculation pursuant to Government Code Section 15088.5.

Comment Letter I21

From: HAUSER, JANET
To: GREEN, BRENDA; TERAN, STACY
Subject: FW: State Emergency Operations Center
Date: Tuesday, September 19, 2023 10:05:18 AM

FYI

Janet Hauser
Executive Assistant to Costa Mesa City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Desk: 714-754-5107
Cell: 714-949-3693
Janet.hauser@costamesaca.gov

Note: Using the "Reply All" option may inadvertently result in a Brown Act violation.

Costa Mesa is launching a new permit and license processing system called TESSA in August. TESSA will replace our existing system and all land use, building and business license applications currently in process will be transferred to the new system. To learn more about TESSA, visit our FAQ page at <https://www.costamesaca.gov/tessa>.



From: calcs1224@gmail.com <calcs1224@gmail.com>
Sent: Monday, September 18, 2023 7:45 PM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>
Subject: State Emergency Operations Center

September 18, 2023

To City Council Members and City Clerk,

After reading – again! – the Environmental Impact Report on State Emergency Operations Center (EOC) proposed at Fairview Developmental Center (FDC), I still regret the impact the proposal would have on the Costa Mesa Community. Such changes undo the city’s informed housing challenges. By reducing expansions to the State EOC as planned, the State can use FDC and/or other Orange County sites, with less impacted housing. The FDC site is needed for housing; to meet our state’s quota for Costa Nesa. We are “filled up.”
Carry on,

I21-1

Corinne Stover
1224 Conway Avenue
Costa Mesa, CA 92626
714-432-7371

Calcs1224@gmail.com

Corinne Stover

"Look for the helpers."

Mr. Rogers

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Response to Comment Letter I21

**Attachment to City of Costa Mesa Comment Letter
Corinne Stover
September 18, 2023**

I21-1 The comment expresses that the project site should be used for housing. See Thematic Response 1, Housing Goals.

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From: cmcdonald.home@gmail.com
To: [STEPHENS, JOHN](#); [REYNOLDS, ARLIS](#); [MARR, ANDREA](#); [HARLAN, JEFFREY](#); [GAMEROS, LOREN](#); [HARPER, DON](#); [CHAVEZ, MANUEL](#)
Cc: [CITY CLERK](#)
Subject: New Business Item 3 - Update on State's proposed Emergency Operations Center on Fairview Developmental Center
Date: Monday, September 18, 2023 11:35:29 PM
Attachments: [120 ft building.png](#)

Honorable Mayor and City Council Members:

The Agenda Report you were provided by Staff doesn't adequately cover the information contained in the draft Environmental Impact Report ("EIR") on the proposed State of California Emergency Operations Center at Fairview Developmental Center ("FDC"), so I hope you take the time to read it. I am providing you with my initial comments:

I22-1

Emergency Operations Center to Serve Nearly 23 Million People in 11 Counties.

Here is a brief summary of the project: the Emergency Operations Center would be built on about 15 acres of FDC and would have an approximately 32,000 sq ft single-story office building, approximately 20,000 sq ft of warehouse space, a 120 ft communications tower (that's 10 stories!) and a helipad, along with solar panel covered parking, battery storage, and generators. Construction would take about 37 months and would entail the use of excavators, bulldozers, scrapers, loaders, backhoes, cranes, forklifts, and tractors. Approximately 50 full-time employees would be at the site, however, it will be used for training and, in an emergency, the staffing would be ramped up considerably.

I22-2

Major Impact on Urban Planning in Costa Mesa.

We know from a letter from California Assembly Member Cottie Petrie-Norris, that the original proposal was to build the project on nine acres. With the increase to 15 acres, I wonder how that will impact the Housing Element update that requires 11,700+ new residential units. The City intended to zone FDC so that a large portion of the 11,700+ units could be built there. With 15 fewer acres at FDC on which to build housing, that task has become much harder and will likely require higher densities (taller buildings) than originally projected. This also makes it difficult to support the City Council Goal of "Diversity, stabilize and increase housing to reflect community needs". In addition, please note that the State selected prime acreage that is adjacent to the golf course and away from Harbor Boulevard.

I22-3

Significant Impacts on the Environment.

While the Staff Report to the City Council repeats the State’s contention that the impacts are “less than significant,” and that mitigation measures would be required in certain areas, I feel some of those impacts **are** significant. Here are items that are worthy of your attention:

I22-4

Why was Costa Mesa and FDC selected? The State reviewed other sites, including expansion of the current location in Los Alamitos, and a privately owned industrial building in Tustin. The Los Alamitos site cannot be expanded and the Tustin building has a long-term ground lease that would have to be broken. The report doesn’t list other sites that were considered. During the scoping meeting this March, the Orange County Fairgrounds was suggested by the public, but the State admits in the EIR that it did not consider that location. In addition, despite the proximity to the Tustin location that was considered, the State did not consider land surrounding the Marine Corps’ airbase in Tustin that would appear to satisfy the criteria listed in the EIR and would not require demolition of existing structures.

I22-5

Aesthetics Would be Impacted by Orange and White 120 ft Tower That Would Include Red Lights. The 120 ft communications tower will consist of 100 ft of tubular steel connected to concrete foundations four ft in diameter and 15 ft deep. On top of the tower would be two 20 ft antennas. It would also have microwave equipment and four or more steady-burning red lights. It would be painted with seven alternating bands of aviation orange and white paint. None of the depictions of the tower in the draft EIR show the paint, lights, and additional equipment. They often cut off the top of the tower, so these simulations aren’t accurate. There is no reference, such as a car or human, to represent the scale. See attached photos of what 120 ft looks like. The draft EIR tries to equate the tower with a tree, and while it will not completely obstruct views, it will be ugly from all angles. In addition, the vantage points selected in the draft EIR for viewing the project are not well selected. For example, no viewpoint from nearby apartments on Joann Street (only 771 ft away) or Harbor Boulevard was selected, and the viewpoint from Fairview Park was not from the hill on the northwest quadrant, but rather the lower lawn area. The view that could be construed to be from the golf course shows a romanticized field of flowers and only part of an unpainted tower, as it crops out the top of the tower (see “Vantage Point 5” attached hereto).

I22-6

I22-7

Noise and air pollution would occur. While only two annual flights of **medium-sized helicopters** are currently anticipated during normal operation (emergencies would require more), residents, especially those who live under and near those paths, will hear the noise of landing and takeoff. The flight path will be over the municipal golf course, along with residences on the Westside and those near the Mesa Verde Shopping Center. In addition to noise and air pollution from the construction of the project, there will also be pollution from the emergency generator. Mitigation steps will be taken, but winds will likely increase the particulate pollution and odors to residential neighborhoods. In addition, Costa Mesa is susceptible to air inversions, trapping layers of air pollution nearer to the ground, so additional air pollution from the project will impact those with respiratory diseases, such as asthma.

I22-8

I22-9

Site is Surrounded by Residential Areas. There already exists a neighborhood of affordable housing on nearby Joann Street (Census Tract 6059063808), whose residents are 80% people of color. CalEnviroScreen 4.0 ranks this census tract at a pollution burden of 46%, which is remarkably high for a neighborhood so close to a municipal golf course and receiving the benefit of ocean breezes. Please note that this census tract is near to other census tracts with higher burdens, including Census Tract 6059063605, which has a pollution burden of 86%. The residences are older buildings, many of which do not have central heating and air conditioning or air filtration systems, so the residents who rely on open windows for ventilation will be subject to air pollution from the project.

I22-10

Roadway and utility improvements would likely be required. The project would require potential roadway and utility upgrades, primarily on Shelley Circle within FDC, but also Merrimac Way and Fair Drive. There would also be a new roadway constructed to directly connect Shelley Circle to Pearl Way. The new roadway and utility improvements are assumed to disturb 1.9 miles of roadway length and up to 13.82 acres, with a total of 27,600 cubic yds of soil imported/exported for the improvements and generation of construction related emissions. These improvements would also impact the future design and planning of the community of mixed-used units on the remainder of FDC, as the extension of Shelly Circle would bisect one large plot of land.

I22-11

Biological resources may be impacted. Prior to the start of grading and

I22-12

vegetation clearing on habitat on the site suitable for burrowing owls, white-tailed kite, and California horned lark, a focused survey would be conducted. As you may know, burrowing owls are listed in California as a species of concern, the white-tailed kite is a California Department of Fish & Wildlife (“CDFW”) Protected Species, and the California horned lark is on the CDFW watch list. They have been sighted in nearby Fairview Park (both on the east side and west side), Talbert Park, and on the former Banning Ranch property. Given the shyness of burrowing owls, and the lack of activity on FDC, it is possible the owls will be present during the survey. If the presence of burrowing owls, white-tailed kite or California horned lark are detected, then measures would have to be taken to ensure that project activities don’t cause the loss of a nest or death of a member of the species. No discussion about the impacts of the solar panels on migrating birds was contained in the draft EIR, only that viewers in public locations nearby would not experience substantial glare. In addition, the draft EIR states that the nearby golf course does not act as a wildlife movement corridor, but I will be requesting more information on this.

In addition, it appears that the State has omitted responses to some of the concerns that Staff raised in its scoping comment letter dated April 17, 2023. Perhaps those requests need to be reiterated in the City’s comment letter to the draft EIR.

These are my initial comments. I have other concerns that will be addressed in a letter to the State. I hope that you will take the seriousness of the impacts on the residents of Costa Mesa and you will request that the State reconsider its selection of FDC as the site for this project.

Cynthia McDonald

I22-12
Cont.

I22-13

I22-14

I22-15

I22-16

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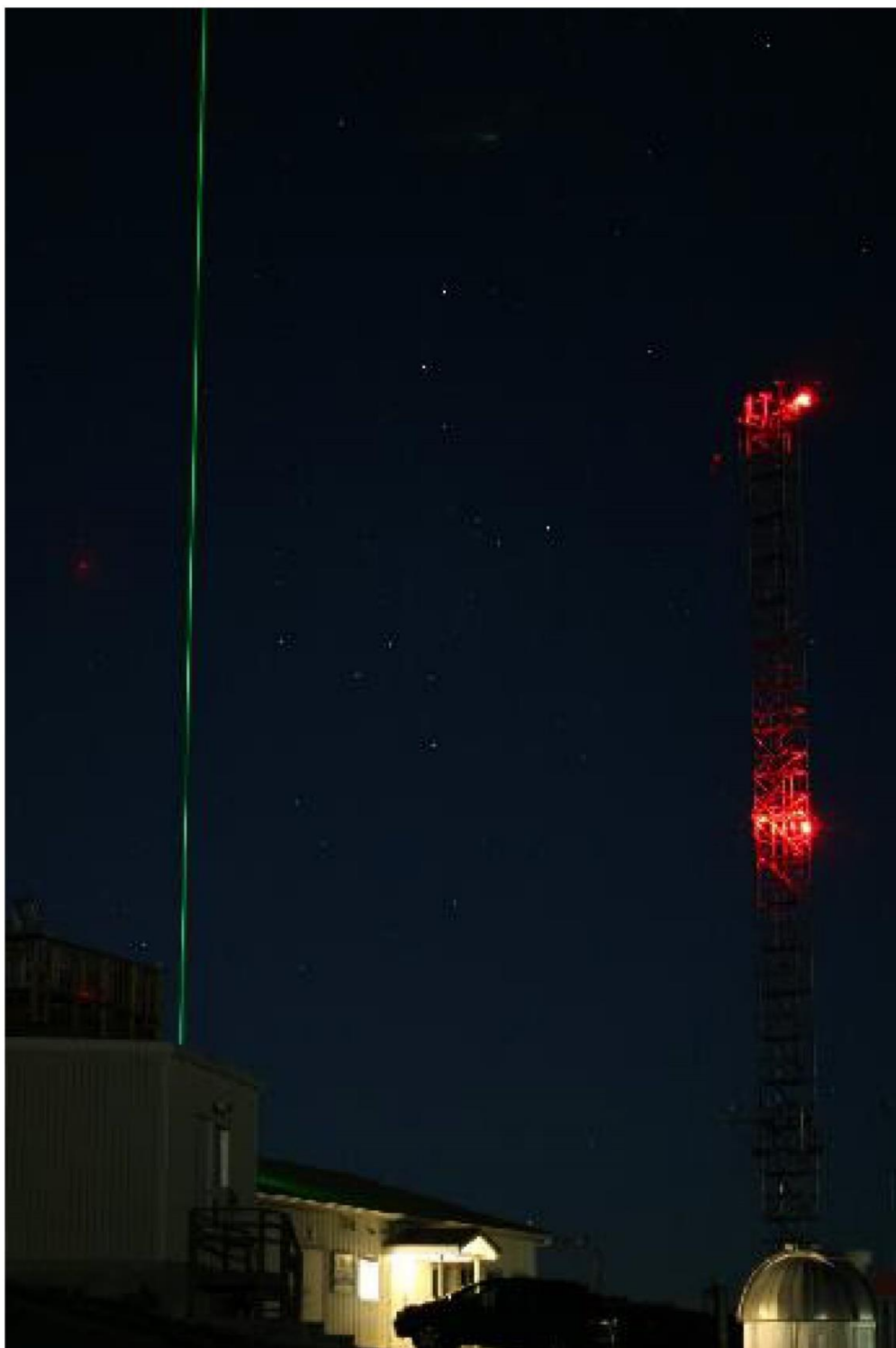
FIGURE 4.1-10

Vantage Point 5

Southern Region Emergency Operations Center

DUDEK





Page 7 of 9 in Comment Letter I22



Page 8 of 9 in Comment Letter I22



Page 9 of 9 in Comment Letter I22

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Response to Comment Letter I22

Attachment to City of Costa Mesa Comment Letter
Cynthia McDonald
September 18, 2023

- I22-1** This is an introductory statement encouraging City staff to read the Draft EIR. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I22-2** The comment summarizes the project elements and construction. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I22-3** The comment states that the 15 acres that would be used for the proposed project would impact the City's ability to comply with its Housing Element. See Thematic Response 1, Housing Goals.
- I22-4** The comment makes a general statement that some project impacts are significant. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I22-5** The comment questions why other sites were not considered for the project and suggests several sites. Section 7.2.1, Alternative Sites Throughout the Southern Region, of the Draft EIR outlines the state's site selection criteria and process.
- I22-6** The comment points out that the visual simulations in Section 4.1, Aesthetics, of the Draft EIR do not show the required paint scheme for the tower. The visual simulations have been revised to accurately depict the tower color and to more clearly show the equipment and lighting. Revisions have also been made to the discussion in Section 4.1 of the Draft EIR to clarify the description and components of the communications tower and its aesthetic impact (see Chapter 3, Section 3.2.3, of this Final EIR).
- I22-7** The comments notes that the vantage points included in the Draft EIR are not well selected and omit viewpoints from nearby apartments on Joann Street, Harbor Boulevard, and the hill in the northwest quadrant of Fairview Park. The comment also states that the view from Vantage Point 5 is "romanticized" and omits a portion of the unpainted tower. See Thematic Response 5, Aesthetics—Communications Tower, Visual Simulations, and Viewpoints. Please also see response I22-6, above, which describes revisions to the visual simulations to accurately depict the tower color and to show the equipment and lighting more clearly.
- I22-8** The comment states that residents in the flight path will hear helicopter noise during landing and takeoff. Section 4.10.5 of the Draft EIR assesses and discloses the noise impacts of the project's helicopter activity. Impacts were determined to be less than significant.
- I22-9** The comment states that the project will cause air pollution during construction and when emergency generators are in use and that residents with respiratory diseases will be impacted. The results of the construction and operational health risk assessments completed for the proposed project, as presented in Tables 4.2-16 and 4.2-17 of the Draft EIR, show that all health risk impacts would be less than significant.
- I22-10** The comment cites the pollution burdens of nearby census tracts and states that residents of older buildings without central heating, air conditioning, or air filtration systems would be subject to air pollution from the project. As stated in response I22-9, all health risk impacts for both construction and operation of the project would be less than significant. As described in Section 4.2.5 of the Draft

EIR, the assessment was based on impacts to the closest sensitive receptors, which are residences located approximately 771 feet south of the project site's southern boundary. Therefore, impacts to receptors farther from the project site would be less than those presented in the analysis.

- I22-11** The comment states that roadway and utility improvements would likely be required. Roadway and utility improvements are part of the proposed project, as described in Section 3.5 of the Draft EIR. The comment also states that the new roadway segment on the eastern side of the project bisects a large plot of land and would impact future planning for the site. The comment states that the new roadway segment extension of Shelley Circle makes the open space unusable with the intent of the state being to keep it available for future expansion of the Southern Region Emergency Operations Center. The new roadway follows an existing dirt road, which provides proper width and radius for emergency vehicles. In addition to providing the necessary radius and following the existing unpaved vehicular route, the proposed route does not interfere with existing golf course improvements, which are encroaching across the property lines and into state property. However, the roadway alignment is conceptual at this time and may be modified during design build phase.
- I22-12** The comment states that biological resources may be impacted and lists several special-status species known to occur in the area. As discussed in Section 4.3, Biological Resources, of the Draft EIR, the existing biological resources at the project site and its vicinity were compiled and assessed through a literature review of mapping, databases, and general plans, as well as a biological reconnaissance survey conducted on the project site by a Dudek biologist. Appendix C-1 presents a compendium of species observed or detected during the biological reconnaissance survey, Appendix C-2 presents a list of special-status species whose geographic ranges fall within the vicinity of the study area, and Appendix C-3 provides an assessment of the potential for special-status plants and wildlife to occur within the study area. The Draft EIR includes mitigation measures to avoid impacts to burrowing owls and nesting birds, which were determined to have a potential to occur on site.
- I22-13** The comment states that the Draft EIR does not contain a discussion of the impact of the project's solar panels on migrating birds. The solar panels would be located on top of the parking lot shade structures at a height of approximately 14 feet. Impacts to migratory birds are not expected. A discussion has been added to Section 4.3. See Chapter 3, Section 3.2.4, of this Final EIR.
- I22-14** The comment questions the determination in Section 4.3 that the adjacent golf course is not a wildlife movement corridor. This statement is not consistent with the information presented in Section 4.3.1, which states that the project site does not function as a wildlife corridor. It states that the golf course contains maintained trees and grass sod, and no structures would impede wildlife movement across the golf course but chain-link fencing separating the project site from the golf course would impede wildlife movement from the golf course onto the project site.
- I22-15** The comment suggests that the state omitted responses to some of the concerns raised in the City's scoping comment letter. As described in Section 15083(a) of the CEQA Guidelines, scoping is used to help the lead agency identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and eliminate from detailed study issues found not to be important. Scoping comments are taken into account when determining the scope of the analysis in the Draft EIR. However, the lead agency is not required to accept all scoping comments received.
- I22-16** The comment urges the City to request the state to reconsider the project site. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

Comment Letter I23

From: [Kim Hendricks](#)
To: [CITY CLERK; city.council@costamesaca.gov](mailto:city.council@costamesaca.gov)
Subject: Public Comments on OES Region EIR 9/19/23
Date: Monday, September 18, 2023 8:41:38 PM

Greetings,

Please do not ignore the "potentially significant" impacts to Costa Mesa with noise, traffic, air quality, This project would result in a cumulatively considerable net increase of pollutants, traffic, and noise and should not be allowed in Costa Mesa. The 3rd alternative for the project in Tustin off of Redhill Ave. seems to be a better location since the streets are and it is closer to the airport for possible transportation.

Costa Mesa needs help with attaining a better quality of life for residents and this project would not help that.

Thank you,
Kim Hendricks

I
I23-1

I
I23-2

I
I23-3

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Response to Comment Letter I23

**Attachment to City of Costa Mesa Comment Letter
Kim Hendrix
September 18, 2023**

- I23-1** The comment asserts that the project would have cumulatively considerable impacts in the areas of air quality, traffic, and noise. As assessed in Section 4.2.8, 4.13.8, and 4.10.8 of the Draft EIR, respectively, the project would not result in cumulatively considerable impacts to air quality, traffic, or noise.
- I23-2** The comment states that Alternative 3 in Tustin seems like a better location. See Thematic Response 3, Alternative Site in Tustin, California.
- I23-3** The comment states that the project would not help the quality of life of Costa Mesa residents. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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From: [Wendy Leece](#)
To: [CITY CLERK](#); [CITY COUNCIL](#); [CITY COUNCIL](#)
Cc: [STEPHENS, JOHN](#); [REYNOLDS, ARLIS](#); [CHAVEZ, MANUEL](#); [GAMEROS, LOREN](#); [MARR, ANDREA](#); "Don Harper"; [HARLAN, JEFFREY](#)
Subject: State Emergency Operations Center
Date: Tuesday, September 19, 2023 9:31:18 AM

Honorable Mayor and Members of the City Council,

Please study carefully the arguments against and information from Costa Mesa First mentioning the many impacts to our **Costa Mesa quality of life** if this project moves forward.

I
124-1

There are many unanswered questions. **Why were not other more appropriate sites chosen?**

I
124-2

Why does the State think we will always bend to its latest whim?

It reminds me of the time when Gov. Schwarzenegger thought it was a good idea to sell the OC Fairgrounds. Katrina, Allan Mansoor and I went with Allan Roeder **twice** to Sacramento to lobby DGS officials and then the Governor to **please not sell the Fairgrounds**. (I had to sit in the Governor’s reception area because only 2 council members were allowed to meet with Arnold. LOL.)

I
124-3

We, the people of Costa Mesa, regardless of political party, ramped up a robust grassroots campaign and thanks be to God we prevailed. Sandy Genis and others collected petitions in a wheelbarrow and delivered it to the Governor.

We the citizens now **expect you to go to Sacramento again** and meet with officials and the Governor to stop this egregious project that will affect our Costa Mesa quality of life in many ways especially our air, noise, natural resources such as the burrowing owl, nearby (low income and high income) neighborhoods, Fairview Park, and the golf course.

I
124-4

And to top it all, an area where we could build more housing as ordered by the State is reduced!

I
124-5

Unfair on many counts!

Please fight like heck and make it a Council priority to oppose this project today!

I
124-6
I

Sincerely,

Wendy Leece

A proud Costa Mesa resident for 51 years

Wendy Leece

"The test of the morality of a society is what it does for its children." Dietrich Bonhoeffer

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Response to Comment Letter I24

**Attachment to City of Costa Mesa Comment Letter
Wendy Leece
September 19, 2023**

- I24-1** The comment is an introductory statement asking the City to carefully study the arguments that follow. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I24-2** The comment asks why more appropriate sites were not chosen for the project. Section 7.2.1, Alternative Sites Throughout the Southern Region, of the Draft EIR outlines the state's site selection criteria and process.
- I24-3** The comment recounts the commenter's actions in opposing the sale of the OC Fairgrounds. It is not a comment related to the adequacy of the Draft EIR. No response is warranted.
- I24-4** The comment states that the citizens expect the City to fight the project at the state government level. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I24-5** The comment expresses a desire for housing at the project site. See Thematic Response 1, Housing Goals.
- I24-6** The comment encourages the City to fight to oppose the project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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From: Mary Howard <mghoward08@gmail.com>
Sent: Friday, September 22, 2023 12:19 AM
To: CITY COUNCIL
Cc: CITY CLERK
Subject: STRONGLY OPPOSE State Emergency Operations Center (EOC) at Fairview Development Center Location

City Council Members,

I was totally surprised to learn about the Emergency Operations Center that the state wants to build at the Fairview Development Center location. I strongly oppose this project and know there are other locations more suited for the Emergency Operations Center. The 15 acres that will house two communications towers one being 120 ft. (10 floors) with red flashing lights, a helipad, approximately 50,000 sq ft of building sites, and an estimated 37+ months to build... will all contribute to more noise, air, and traffic pollution. The fact that the EOC would back up to one of the most beautiful areas in Costa Mesa...Fairview Park Train Station and the Golf Course...is appalling! Please tell the state that this location should be used for housing development which will have an amazing park and golf course in their backyard.

I 125-1
 I 125-2
 I 125-3
 I 125-4

Also, please make sure the citizens of Costa Mesa are aware of this project. From what I can tell, most do not know about this project.

Thank you, Mary Howard

Mary Howard
 1909 Whittier Ave
 Costa Mesa, CA 92627
 mghoward08@gmail.com
 949.402.9927

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Response to Comment Letter I25

**Attachment to City of Costa Mesa Comment Letter
Mary Howard
September 22, 2023**

- I25-1** The comment expresses opposition to the proposed project and asserts that there are other locations more suited for the project but does not put forward any suggested locations. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I25-2** The comment summarizes elements of the proposed project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.
- I25-3** The comment states discontent with the location of the project near the Fairview Park Train Station and the golf course. The comment asks the City Council to tell the state that the site should be used for housing. See Thematic Response 1, Housing Goals.
- I25-4** The comment requests that the City make sure citizens are aware of the proposed project. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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Comment Letter I26

From: Gary Bennett <benn0529@sbcglobal.net>
Sent: Saturday, September 23, 2023 8:45 PM
To: CITY CLERK
Subject: State Emergency Operations Center

Hello.

I would like to ask that the City of Costa Mesa request the state reconsider it's plan and location for the State Emergency Operations Center as well as provide us with the information needed to completely assess the environmental and social impact on the surrounding area. This is the first I have learned of this plan and I am a 40 year resident of this city.

Sincerely,
Gary Bennett
868 Presidio Dr
Costa Mesa CA 92626

I26-1

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Response to Comment Letter I26

**Attachment to City of Costa Mesa Comment Letter
Gary Bennett
September 23, 2023**

- I26-1** The comment asks that the City request the state to reconsider the proposed project at the project site and provide additional information on environmental and social impacts. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

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From: [Kathy Esfahani](#)
To: [STEPHENS, JOHN](#); [HARLAN, JEFFREY](#); [MARR, ANDREA](#); [CHAVEZ, MANUEL](#); [REYNOLDS, ARLIS](#); [GAMEROS, LOREN](#); [HARPER, DON](#); [CITY CLERK](#); [LE, JENNIFER](#)
Subject: Agenda Item New Business 3: Opposing placement of Southern Region Emergency Operations Center at Fairview Developmental Center Site
Date: Monday, October 16, 2023 10:10:17 PM

Dear Mayor Stephens and Council Members,

I am writing to you on behalf of the Costa Mesa Affordable Housing Coalition (the Coalition), a 17-year-old grassroots association of local advocates which promotes policies that will create affordable housing for our city’s very low- and extremely low-income residents. We are dismayed to learn the state is proposing to locate a “Southern Region Emergency Operations Center” at the Fairview Developmental Center site (FDC). **Such a move would seriously hamper Costa Mesa’s ability to meet its state-mandated RHNA goals, and especially hurt the production of housing for our city’s poorest, most vulnerable residents.**

Costa Mesa’s 2021-2029 Housing Element identifies the 109-acre FDC as the intended site for **2300 housing units**, with **40%** of those units (920!) designated lower income. Adding **920 lower income units** would be a stunning accomplishment in Costa Mesa. Moreover, it is **achievable**, given Costa Mesa City Council’s strong support for affordable housing construction at FDC, and Governor Newsom’s declared commitment to help make such construction happen. These ambitious housing plans at FDC, however, are in direct conflict with the proposal to use up to 15 acres of the site for a new Emergency Operations Center.

Please make sure the “powers that be” up in Sacramento recognize what is at stake. There is tremendous local momentum behind the city’s plan to create a **vibrant, master planned, mixed income housing village** at FDC. Given its size and central location along the major thoroughfare of Harbor Boulevard, FDC holds tremendous promise for meeting a significant part of the city’s housing (**especially affordable housing**) needs. Those housing plans would be seriously compromised by the placement of the proposed Emergency Operations Center, including a helipad, on the FDC site.

Surely the state can find some other place for a new Emergency Operations Center. **The FDC site is simply too valuable a resource for meeting our community’s pressing need for affordable housing.** California must not squander this unique opportunity to create a substantial amount of lower income affordable housing in Costa Mesa.

Our Coalition will submit a letter expressing these concerns to Ms. Ash at the California Department of General Services. We also want you, our City Council, to know how strongly we oppose the plan to locate the Emergency Operations Center at FDC.

Respectfully,

Kathy Esfahani

Kathy Esfahani,
 On behalf of the Costa Mesa Affordable Housing Coalition

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I27-1

I27-2

I27-3

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Response to Comment Letter I27

Attachment to City of Costa Mesa Comment Letter

Kathy Esfahani

October 16, 2023

- I27-1** The comment asserts that the proposed project would hamper Costa Mesa’s ability to meet its Regional Housing Needs Allocation goals and hurt the development of affordable housing. See Thematic Response 1, Housing Goals.
- I27-2** The comment asserts that the state should find another location for the project and should not squander the opportunity to create affordable housing. See Thematic Response 1 and Thematic Response 2, Land Use Compatibility.
- I27-3** The comment states that the Costa Mesa Affordable Housing Coalition will be submitting a letter to the state and reiterates their opposition to the project. The state received a separate comment letter from the Costa Mesa Affordable Housing Coalition and provided responses (see Comment Letter O3 and Response to Comment Letter O3).

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From: [GREEN, BRENDA](#)
To: [TERAN, STACY](#)
Subject: FW: Comments about the proposed location in Fairview property for the EOC currently in the planning stages
Date: Monday, October 16, 2023 9:00:24 AM

Brenda Green
 City Clerk
 City of Costa Mesa
 714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Linda Witt-King <linda.wittking@gmail.com>
Sent: Saturday, October 14, 2023 12:16 AM
To: STEPHENS, JOHN <JOHN.STEPHENS@costamesaca.gov>; MARR, ANDREA <ANDREA.MARR@costamesaca.gov>; CONSTITUENT SERVICES <constituentservices@costamesaca.gov>; HARLAN, JEFFREY <JEFFREY.HARLAN@costamesaca.gov>; GAMEROS, LOREN <LGAMEROS@costamesaca.gov>; CHAVEZ, MANUEL <MANUEL.CHAVEZ@costamesaca.gov>; CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; HARPER, DON <DON.HARPER@costamesaca.gov>; REYNOLDS, ARLIS <ARLIS.REYNOLDS@costamesaca.gov>; GREEN, BRENDA <brenda.green@costamesaca.gov>; HAUSER, JANET <JANET.HAUSER@costamesaca.gov>
Subject: Comments about the proposed location in Fairview property for the EOC currently in the planning stages

Costa Mesa City Council and Mayor:

The following comments responding to Wendy Leese's Nextdoor post is the best advice I can offer in light of the present circumstances.

As it stands right now we are on a collision course wherein your unconstitutional ordinances and unlawful conversion of public property to private property are being noticed and require your immediate correction of same.

Responding to Wendy Leece's Nextdoor post:

Wendy I believe we can reclaim the entire Fairview property acquisition from the state because of the fraud that was perpetrated starting in 1960. My 211 page Cross-Complaint includes three Requests for Judicial Notice, the first of which presents my research and the documented evidence.
bit.ly/Renewing-Costa-Mesa

Wendy while I appreciate your encouragement to reach out to the City council, their hands are tied because of the legacy of complicity in the fraud by their predecessors when 55 years ago they enacted in 1968 the very unlawful and unconstitutional ordinances criminalizing people's adaptive behavior in the face of the massive fraud that was unfolding whereby they did the

I28-1

only thing available for themselves, that of making their home in their vehicle.

That's six decades of harm that has been imposed on the old people and the poor people and the disabled people who have been displaced from their habitat by these fraudulent actions that continue even unto today.

The only legitimate action to remedy this collusion of fraud that is available now to the present day sitting city council is for them to dissolve the current corporate municipal government and reorganize around a form of government that is truly representative of the residents and businesses in Costa Mesa.

All the assets of the now dissolved corporation will be returned to the residents by forming a member owned credit union that will serve as steward for all the properties that will be managed by the members of the credit union.

The current city council has no other legitimate option to consider. They have absolutely NO LEVERAGE to make the state move the project elsewhere.

The only option we have to protect ourselves from this encroachment is to take the property back, the full acquisition of over 740 acres.

The only way the current city council can serve the people of Costa Mesa is to dissolve the failed corporation and reorganize as an unincorporated town. Unless these members have the courage to step up to their responsibility in this pivotal issue, they are nothing but useless figure heads doing the bidding of their corporate owners, the federal government that formed Costa Mesa from a block grant in the mid-fifties and which the military industrial complex has occupied by landing their war plane in the children's playground in Lion's Park in 1960 as all of this unlawful conversion of public property to private profit generating property was starting to roll out.

It has been asserted by a Nextdoor contributor that according to the project document, the site selection for this project was directed by a federal agency and cannot be challenged even by the Governor.

My expanded comments to that assertion:

If that's true then the Mayor and the rest of the City Council absolutely must dissolve the failed municipal corporation due to these long standing multiple frauds, there by getting themselves out ahead of the issue before somebody else dissolves it for them and seeks more dire consequences for their inaction heretofore.

The City is already in receipt of my evidence of the frauds and can be held accountable for knowing about these crimes.

When we met in court for our jury selection preliminary to my jury trial in 2020, I offered to have the City review my evidence before deciding to go through with the cost of selecting a jury and going through the full trial. Instead, I offered that they might like to make an offer to settle by voluntarily overturning the unconstitutional ordinances and voluntarily providing a remedy that will correct the harm that has been caused to this current generation of victims of their criminal behavior.

Knowing with absolute certainty that NOTHING HAPPENS UNTIL BUSINESS HAPPENS,



I28-1
Cont.

I am proposing that we implement what has now become the Gracious Nomad Academy and our proprietary Limbic Arc Mastermind Group Enterprise as defined in my documents published around this issue and my two websites. My business announcement of this endeavor can be found at this link:

my Gracious Nomad Academy and Limbic Arc Mastermind Group Enterprise business announcement:

<https://photos.app.goo.gl/Xd8nOxHXdjNC13er6>

My 211 page Cross-Complaint, (found here: bit.ly/Renewing-Costa-Mesa) which could not be filed a year ago when I brought it to the court to file so I simply began publishing it all around the public at large; it has instead become a primer on the history and causes of homelessness in Costa Mesa.

My research proves without a doubt how Costa Mesa became Ground Zero and is culpable for ALL the instances of homelessness in not only Costa Mesa but in the whole of Orange County as well because of their influence as they drove out vehicle dwellers trying to escape Costa Mesa's unlawful and unconstitutional ordinances and the surrounding cities followed suit.

With the judge's permission and knowledge I handed their corporate attorney and deputy attorney a 90+ page document that laid out the whole criminal complicity in clear detail.

The City received my evidence of the fraud and complicity to commit fraud and made no offer to settle or to even discuss the matter.

So it's on record that the city council is aware of the fraud that took place when, starting in 1960, the state violated the terms of the purchase agreement that the Fairview property acquisition was to be designated for public use only.

The current city council is also aware of the unlawful and unconstitutional ordinances that were enacted by their predecessors in 1968 - and to this point, they have done NOTHING to correct their predecessors' fraudulent actions.

In fact, they continue to enforce these unlawful ordinances and to profit from them unlawfully,



I28-1
Cont.

continuing to cause irreparable harm to this generation of old people and poor people and disabled people with impunity.

That all by itself is misprision of treason.

mis·pri·sion

/ˌmɪsˈpriːZH(ə)n/

HISTORICAL•LAW

noun: misprision of treason

the deliberate concealment of one's knowledge of a treasonable act or a felony

Wendy Leece's post:

Please contact our City Council to oppose the State's Emergency Operations Center (EOC) planned for Fairview Developmental Center. We need to preserve the site for housing which the State requires! Once the EOC center goes in the housing opportunities will decrease. Check out Costamesa1st.com. Please share with all your friends in Newport Beach too. Here is info:

NEW! Proposed Emergency Operations Center at Fairview Developmental Center Comes With Impacts

The proposed EOC would be built on about 15 acres of FDC and would have an approximately 32,000 sq ft single-story office building, approximately 20,000 sq ft of warehouse space, a 120 ft communications tower and a military-grade helipad to accommodate Blackhawk helicopters. Construction would take about

37 months and would entail the use of excavators, bulldozers, scrapers, loaders, backhoes, cranes, forklifts, and tractors. It would serve 23 million people living in Southern California.

If there was an emergency in one or more of the 11 counties served, the EOC could be operating 24 hours per day, 7 days per week. This project comes with many impacts, including how the City can plan the development of the remainder of FDC, aesthetics, noise and air pollution, and biological resource impacts on protected species, such as burrowing owls and white-tailed kites.

Comments to the draft Environmental Impact Report are due no later than October 20, 2023, at 6 p.m. <https://www.costamesa1st.com/> Here are City Council Contacts:

john.stephens@costamesaca.gov

andrea.marr@costamesaca.gov

manuel.chavez@costamesaca.gov

Loren.gameros@costamesaca.gov

jeffrey.harlan@costamesaca.gov

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janet.hauser@costamesaca.gov

brenda.green@costamesaca.gov

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constituentservices@costamesaca.gov

I28-1
Cont.

I28-2

I28-3

Grace and Radiant Light,

Linda Witt-King

714-360-5376 cell or text

[icanseeclearlynow.shop](https://www.icanseeclearlynow.shop)

[//limbicarc.com/wellspring](https://limbicarc.com/wellspring)

[//Patreon.com/Dragonflycoalition](https://patreon.com/dragonflycoalition)

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Response to Comment Letter I28

**Attachment to City of Costa Mesa Comment Letter
Linda Witt-King
October 14, 2023**

- I28-1** The comment consists of responses to another resident's (Wendy Leese) Nextdoor post in which the commenter asserts historical fraud by City officials and calls for the dissolution of the City. This comment is not relevant to the proposed project or related to the adequacy of the Draft EIR. No response is warranted.
- I28-2** The comment consists of Wendy Leese's Nextdoor post calling for residents to contact the City Council to oppose the proposed project. It calls for the preservation of housing at the FDC. See Thematic Response 1, Housing Goals.
- I28-3** The comment consists of the remainder of Wendy Leese's Nextdoor post. The comment summarizes elements of the proposed project and generally states that the project would have impacts related to aesthetics, noise, air pollution, and biological resources. It is not a specific or substantive comment related to the adequacy of the Draft EIR. No response is warranted.

2.3 References

Chegwidden, R. 2023. Emergency Activations of the State Operations Center. Email from Randi Chegwidden to Micky Chen. November 7, 2023.

SCAG (Southern California Association of Governments). 2019. Profile of the City of Costa Mesa.
https://scag.ca.gov/sites/main/files/file-attachments/costamesa_localprofile.pdf?1606012730.

U.S. Census Bureau. 2023. OnTheMap. <https://onthemap.ces.census.gov/>.

3 Changes to the Draft Environmental Impact Report

3.1 Introduction

As provided in Section 15088(c) of the California Environmental Quality Act (CEQA) Guidelines, responses to comments may take the form of a revision to a Draft Environmental Impact Report (EIR) or may be a separate section in the Final EIR. This chapter complies with the latter option and provides changes to the Draft EIR shown as strikethrough text (i.e., ~~strikethrough~~) signifying deletions and underlined text (i.e., underline) signifying additions. These changes are meant to provide clarification, corrections, or minor revisions made to the Draft EIR initiated by the Lead Agency, reviewing agencies, the public, and/or consultants based on their review. Text changes are presented in the section and page order in which they appear in the Draft EIR. None of the corrections or additions constitutes significant new information or substantial project changes that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

3.2 Changes to the Draft Environmental Impact Report

Changes to the Draft EIR are provided in this section. Page numbers correspond to the Draft EIR.

3.2.1 Changes to Chapter 1, Executive Summary

The following change has been made to the bottom of page 1-1.

The project is located on an approximately 15-acre site in the southwest corner of the FDC property (main project site), along with a narrow strip of the undeveloped area to the east of the main project site, where a roadway segment would be constructed. The FDC occupies approximately 113 acres at 2501 Harbor Boulevard. The Assessor's Parcel Number for the project site is 420-012-16. The State of California owns the FDC property, which is under the jurisdiction of the Department of Developmental Services, under the California Health and Human Services Agency. The state will retain fee title of the project site and transfer jurisdiction from DDS to Cal OES via an internal agency transfer. The future planning and disposition of the remaining acreage of the FDC property (approximately 98 acres) ~~including the remainder of Assessor's Parcel Number 420-012-16 along with Assessor's Parcel Numbers 00420-0041-001, 00420-0041-002, 00420-0041-003, 00420-0041-004, 00420-0041-005, 00420-0051-001, 00420-0051-002, 00420-0051-003, 00420-0061-002, 00420-0061-003 and 00420-0071-001~~ will follow the terms outlined under Senate Bill (SB) 188 (see Section 3.7 of Chapter 3 for a summary of the SB 188 terms). The project site is zoned by the City as Institutional & Recreational Multi-Use (I&R - MLT) and has a land use designation of Multi-Use Center, with a 6- to 40-dwelling-units-per-acre density, according to 2015-2035 General Plan (City of Costa Mesa n.d.).

The following change has been made in the middle of page 1-2.

- The proposed project design and construction would be delivered via the design-build method. Project components include an approximately 352,000-square-foot single-story office building, an approximately

20,000-square-foot support warehouse building, a 100-foot-tall tower built with four steel tubular legs and steel lattice bracing with 20-foot whip antennas on top, microwave dishes and antennas bringing the total height to about 120 feet, a helicopter pad, and parking that includes photovoltaic shade canopies. Other improvements include fencing and landscaping, utilities and utility redundancy, battery storage, a microgrid, and various internal roadway additions and improvements. Construction of the project would last approximately 37 months beginning in September 2024.

The following change has been made to Table 1-1 on pages 1-8 through 1-9.

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
Biological Resources			
<p>Would the project 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?</p>	<p>Potentially significant</p>	<p>MM-BIO-1: Focused Burrowing Owl Surveys. Prior to the start of grading and vegetation clearing activities within suitable habitat areas on the project site, a focused survey for burrowing owl will be conducted in spring 2024 according to survey protocol outlined in the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation. A minimum of four survey passes shall be conducted within the burrowing owl breeding season of February 1 through August 31. At least one site visit shall be conducted between February 15 and April 15, and a minimum of three survey visits spaced at least three weeks apart shall be conducted between April 15 and July 15, with at least one visit after June 15. If burrowing owl is found on site, additional avoidance and mitigation measures shall be required. <u>The state shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 California Department of Fish and Wildlife report on Burrowing Owl Mitigation.</u> If burrowing owl occurs in an area that cannot be avoided by the project, additional land conservation and/or relocation may be required, which shall be determined through consultation with the California Department of Fish and Wildlife. <u>There shall be no net loss of burrowing owl habitat. If the project will impact habitat supporting burrowing owls, the state shall offset</u></p>	<p>Less than significant</p>

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
Biological Resources			
		<u>impacts on habitat supporting burrowing owls at no less than 2:1. The state shall set aside replacement habitat. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which shall include an appropriate endowment to provide for long-term management of mitigation lands.</u>	

3.2.2 Changes to Chapter 3, Project Description

The following change has been made to the middle of page 3-12.

- Helicopter Pad:** The project would include construction and operation of a helicopter pad to accommodate landings by medium-size helicopters. The helipad is designed to accommodate a medium lift utility helicopter matching the dimensions of the UH-60 Blackhawk or S-70 Firehawk with a length of 65 feet, a roto diameter of 55 feet, and a maximum weight of 23,500 pounds with external load (22,000-pound maximum gross takeoff weight). Helicopter activity at the project site would not occur as part of day-to-day operations and would be limited to two landings annually, or as needed during emergency response operations. Operation of a helicopter pad requires identification of a Heliport Protection Zone (HPZ) by the FAA. The HPZ for the project is contained entirely within project boundary (Figure 3-5, Air Traffic Survey Boundary). The FAA provides direction to limit improvements in this area. Beyond that area, the FAA recommends the local jurisdiction develop their own zoning requirements related to land use. The height of helicopters at the edges of the HPZ is 35 feet so any future development beyond the HPZ could be multi-story as allowed by the local zoning codes. The FAA also requires identification of a flight path, which it defines as an imaginary line extending 8 horizontal units to 1 vertical unit for 4,000 feet beyond the helipad to minimize navigational hazards to the helicopter approach and departure flight paths. The project’s flight path is shown in Figure 3-6, Helicopter Flight Path. The flight path is not in conflict with existing improvements outside of the FDC.

The following change has been made to the bottom of page 3-16.

Emergency operations at the SREOC would be activated in the case of an emergency in the Southern Region that requires state resources. Emergency operations ~~will~~ would also be activated ~~only~~ in the event that the SOC in Mather becomes inoperable during an emergency and would ~~remain~~ activated until the state EOC becomes operable or the emergency concludes. During emergency operations, the SREOC would operate 24 hours per day with an anticipated maximum of 200 employees on site at any time. It is anticipated that up to 50 visitors and 6 members of the media may be present at any time. Additionally, up to 15 truck

deliveries to the warehouse per day may occur. Helicopter activity during emergency operations is speculative and cannot be quantified.

The following change has been made to Table 3-3 toward the bottom of page 3-20.

Agency	Jurisdiction	Permit Regulatory Requirement/Approval
City of Costa Mesa Public Works Department	Public utilities or work within the of Costa Mesa right-of-way	Plan review and approval for work within City of Costa Mesa jurisdiction
City of Costa Mesa City Council	Approval to build and operate helipad	Plan review of helipad
Costa Mesa Sanitary District (CMSD)	Sanitary sewer connection to public main, or approval of sewer main from SREOC to Harbor Boulevard if owned/operated by CMSD	Plan Review

3.2.3 Changes to Section 4.1, Aesthetics

The following change has been made in the middle of page 4.1-6.

Once operational, the proposed microwave antennae tower (approximately 100 feet tall with an additional 20 feet of equipment) and helicopter operations associated with the proposed helicopter pad may be visible from Fairview Park and other scenic vistas in the project area. The tower would be marked and lighted in accordance with Federal Aviation Administration (FAA) Advisory Circular 70/7460-1M, Obstruction Marking and Lighting Manual, and FAA lighting standards for radio towers 150 feet or less. It would include two or more top-mounted steady-burning red lights and two or more mid-height steady-burning red lights and would be painted with seven alternating bands of aviation orange and white paint to mark its visibility to aircraft, including helicopters flying to and from the project’s helicopter pad. A simulation of the proposed microwave antennae tower as viewed from the Fairview Park parking lot is presented on Figure 4.1-4, Future View from Fairview Park towards Project Site. As depicted in the figure, only the upper segment of the proposed antennae tower would be visible through a narrow gap in intervening trees due to the presence of existing trees in the landscape (and the narrow view corridor between existing trees). As such, the introduction of the tower would be difficult for the casual observer to detect. The proposed microwave antennae tower would not have a substantial adverse effect on the available view from Fairview Park. Helicopter operations (including operations during evening and nighttime hours) would be visible from the Fairview Park and other scenic viewing locations; however, such operations would be infrequent (only occurring during emergency operations) and function as a temporary feature in the visual landscape. Further, the mobile nature of aircraft operations would not result in permanent blockage of scenic features, and the temporary presence of helicopters in views would not draw substantial attention from mountains (where views to mountains are available). Therefore, project operations would not have a substantial adverse effect on a scenic vista. No mitigation is required.

The following change has been made at the top of page 4.1-9.

Additional sources of lighting include steady-burning obstruction lights associated with the microwave antennae tower and infrequent helicopter flights during nighttime hours. Lights along the top of the golf course netting, the western edges of the Project buildings, and on the ground around the helipad would be turned on during nighttime helicopter activity (see Figure 4.1-11, Lighting Plan). While steady-burning lighting associated with the antennae tower would be visible at locations where direct views to the tower are available, the project is located in an urbanized area with existing sources of night lighting (e.g., streetlights, parking lot lights, signage, commercial and residential lighting) that has altered the nighttime viewing environment. In addition, both steady-burning obstruction lighting for the radio tower and lighting associated with helicopter operations are required by the Federal Aviation Administration for safety of facilities and aircraft operators/pilots. As discussed under (c) above, only the upper portions of the microwave antennae tower would be visible through opportunistic “gaps” in existing vegetation from a representative off-site location (Fairview Park). As such, there would be limited visibility from locations other than the immediate surrounding area that consists of the fairways and greens of the Costa Mesa Country Club. Also, helicopter operations/flights would be infrequent in nature and not unique to the area due to the proximity of John Wayne Airport to the project site (located approximately 3 miles to the east). As such, these lighting sources would have a less-than-significant impact on day or nighttime views in the area, and no mitigation is required.

Figures 4.1-4 and 4.1-6 through 4.1-10 have also been revised and a new Figure 4.1-11, Lighting Plan, has been added. Revised figures are included at the end of this chapter.

3.2.4 Changes to Section 4.3, Biological Resources

The following text has been added to page 4.3-14.

Additionally, the project would construct a 100-foot-tall self-supported tower that would not use guy wires for structural support. The tower would be marked and lighted in accordance with FAA AC 70/7460-1M, — Obstruction Marking and Lighting Manual, and FAA lighting standards for radio towers 150 feet or less. The proposed tower would potentially support the future perching and nesting of avian and raptor species known to occur in the region. However, the tower has been designed to minimize potential future impacts to nesting birds during the operation and maintenance phase of the project through constructing it to be lower than 199 feet, eliminating the use of guy wires, and using appropriate FAA lighting. Lastly, any future maintenance of the tower that could potentially result in an impact to nesting birds would be required to adhere to the MBTA and CFG Code and implement **MM-BIO-3** to reduce impacts to a less-than-significant level.

Any potential impacts to migratory birds related to the construction of the parking shade structure with solar panels would be minimal as these areas are already covered in asphalt and do not provide suitable nesting habitat. The construction of the parking shade would create a new nesting opportunity for bird species. Any future maintenance of the parking shade structure would be required to comply with the MBTA and CFG Code and impacts to nesting birds would be considered less than significant, particularly with implementation of **MM-BIO-3**.

Potential indirect impacts related to the operation and maintenance phase of the project may occur as result of the “lake effect” that may be created by the photovoltaic solar panels atop the parking shade structure. The “lake effect” was first described in Horvath et al. (2009) as polarized light pollution. Polarized

light pollution refers predominantly to highly and horizontally polarized light reflected from artificial surfaces, which alters the naturally occurring patterns of polarized light experienced by organisms in ecosystems. Utility-scale PV facilities may attract migrating waterfowl and shorebirds through the “lake effect,” whereby migrating birds perceive the reflective surfaces of PV panels as bodies of water and collide with the structures as they attempt to land on the panels. There are many anecdotal events, but to date no empirical research has been conducted to evaluate the attraction of PV facilities to migrating waterfowl or songbirds (Hathcock 2018). The parking shade structure will be relatively small compared to utility scale PV facilities and will not create a significantly large “lake effect” that would attract migrating waterfowl and cause them to dive towards the PV array. Additionally, shaded parking structures would be constructed in a limited area on site and in a non-contiguous fashion, limiting the size of the potential “lake effects” that could occur. Therefore, potential indirect impacts to migratory birds during the operation and maintenance phase of the project would be considered less than significant.

The following change has been made at the top of page 4.3-17.

MM-BIO-1 Focused Burrowing Owl Surveys. Prior to the start of grading and vegetation clearing activities within suitable habitat areas on the project site, a focused survey for burrowing owl will be conducted in spring 2024 according to survey protocol outlined in the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation. A minimum of four survey passes shall be conducted within the burrowing owl breeding season of February 1 through August 31. At least one site visit shall be conducted between February 15 and April 15, and a minimum of three survey visits spaced at least three weeks apart shall be conducted between April 15 and July 15, with at least one visit after June 15. If burrowing owl is found on site, additional avoidance and mitigation measures shall be required. The state shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 California Department of Fish and Wildlife report on Burrowing Owl Mitigation. If burrowing owl occurs in an area that cannot be avoided by the project, additional land conservation and/or relocation may be required, which shall be determined through consultation with the California Department of Fish and Wildlife. There shall be no net loss of burrowing owl habitat. If the project will impact habitat supporting burrowing owls, the state shall offset impacts on habitat supporting burrowing owls at no less than 2:1. The state shall set aside replacement habitat. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which shall include an appropriate endowment to provide for long-term management of mitigation lands.

The following change has been made to the middle of page 4.3-19.

Harrison, C. 1978. A field guide to the nests, eggs and nestlings of north American birds. W. Collins Sons and Co., Cleveland, OH. 416pp

Hathcock, C. 2018. Literature review on impacts to avian species from solar energy collection and suggested mitigations. Accessed December 2023. <https://www.energy.gov/sites/prod/files/2019/03/f61/Hathcock%202018.pdf>.

Hawbecker, A. C. 1942. A life history study of the white-tailed kite. Condor 44:267- 276.

Horvath, G., Krista, G. Malik, P and Robertson, B. 2009. Polarized light pollution: a new kind of ecological photopollution. Accessed December 2023. <https://esajournals.onlinelibrary.wiley.com/doi/full/10.1890/080129>.

3.2.5 Changes to Section 4.4, Cultural Resources

The revisions to Figures 4.1-6 through 4.1-10 shown at the end of the chapter are also applicable to Figures 4.4-3 through 4.4-7, which are reproductions of the same figures.

3.2.6 Changes to Section 4.7, Hazards and Hazardous Materials

The following change has been made to the middle of page 4.7-5.

Of the four samples collected on or near the project site, none of the samples had detected concentrations of contaminants of concern in soil or soil vapor above applicable regulatory screening levels (DTSC 2022b; SFRWQCB 2019; EPA 2023a). Impacts identified on the FDC campus were generally north-northeast of the project site, surrounding the main facilities area in the center of the FDC. These impacts include tetrachloroethylene (PCE) and Freon-11 in soil vapor, but these impacts do not extend to the project site.

The following changes have been made to the top of page 4.7-19.

Operation of the project could eventually result in the disposal of solar panels and batteries once they have reached the end of their useful life (more than 25 years for solar panels) (EPA 2023b). Solar panels may be characterized as hazardous waste, depending on the quantities of certain metals, such as lead and cadmium, they contain. Federal solid and hazardous waste regulations apply to solar panels when they are disposed of (EPA 2023b). EPA is drafting streamlined end-of-life management requirements to increase solar panel recycling while maintaining appropriate environmental protections through the proposed addition of solar panels to the universal waste regulations found at 40 CFR Part 273 (EPA 2023c). Additionally, solar panels identified as hazardous waste in California are classified as universal waste and are subject to the state regulations governing the disposal of universal waste (DTSC 2023). Batteries are regulated federally and are currently considered universal waste subject to the disposal requirements for universal waste. EPA is currently working on a proposal for universal waste standards specific to the disposal of lithium batteries (EPA 2023c).

Therefore, through adherence to applicable laws and regulations, impacts would be less than significant.

The following changes have been made to pages 4.7-22 through 4.7-23.

DTSC. 2023. Photovoltaic Modules (PV modules) – Universal Waste Management Regulations. Accessed December 12, 2023. <https://dtsc.ca.gov/photovoltaic-modules-pv-modules-universal-waste-management-regulations/#easy-faq-351191>.

EPA (United States Environmental Protection Agency). 2023a. Regional Screening Levels. Updated May 2023

EPA. 2023b. End-of-Life Solar Panels: Regulations and Management. Accessed December 11, 2023. <https://www.epa.gov/hw/end-life-solar-panels-regulations-and-management>.

EPA. 2023c. Improving Recycling and Management of Renewable Energy Wastes: Universal Waste Regulations for Solar Panels and Lithium Batteries. Accessed December 11, 2023. <https://www.epa.gov/hw/improving-recycling-and-management-renewable-energy-wastes-universal-waste-regulations-solar#lithium>.

3.2.7 Changes to Section 4.8, Hydrology and Water Quality

The following changes have been made to pages 4.8-1 through 4.8-3.

Climate

Orange County is characterized by a Mediterranean climate, with mild winters and warm summers. Temperatures range from an average low of 47.5°F in December to an average high of 73.4°F in August as measured in Newport Beach Harbor, the closest weather station to the project site (WRCC 2023). Average rainfall over the period of January 1921 to June 2016 is 11.0 inches (WRCC 2023).

Stormwater Drainage

In accordance with the City's Stormwater Master Plan, the City is divided into four watersheds, with the project site located in the West watershed (City of Costa Mesa 2023). Stormwater drainage at and around the project site is collected in catch basins and conveyed to existing storm drain lines that are located in South Shelley Circle, Doris Way, and Pearl Way. These existing stormwater drainage facilities are primarily located below grade and along roadways, sidewalks, and pathways in and around the project site and consist of relatively small 6- and 8-inch-diameter pipes that feed into larger drain lines up to 36 inches in diameter (QK 2016). The City is currently developing an updated Storm Drain System Master Plan to plan for the future (City of Costa Mesa 2023). The City of Costa Mesa is a co-permittee in the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit for the County of Orange, Orange County Flood Control District, and the incorporated cities of the County within the Santa Ana Regional Water Quality Control Board (RWQCB) jurisdiction.

Surface Water Quality

Stormwater runoff is a significant contributor to local and regional pollution. Urban stormwater runoff is the largest source of unregulated pollution in the waterways of the United States. Federal, state, and regional regulations require the City to control the discharge of pollutants to the storm drain system, including the discharge of pollutants from construction sites and areas of new development. Typical urban stormwater pollutants include sedimentation/suspended solids, nutrients, petroleum products (e.g., oil and grease, fuels, and additives), heavy metals, pesticides, herbicides, pathogens (bacteria/viruses), toxic organic compounds, and trash/debris.

Under the Clean Water Act Section 303(d), the State of California is required to develop a list of impaired water bodies that do not meet water quality standards and objectives. The U.S. Environmental Protection Agency (EPA) has approved a 303(d) list of water quality impairments for water bodies located downstream of the project site. Once a water body has been listed as impaired on the 303(d) list, a total maximum daily load (TMDL) for the constituent of concern (pollutant) must be developed for that water body. A TMDL is an estimate of the daily load of pollutants that a water body may receive from point sources, non-point sources, and natural background conditions (including an appropriate margin of safety), without exceeding its water

quality standards. Those facilities and activities that are discharging into the water body, collectively, must not exceed the TMDL. In general, dischargers within each watershed are collectively responsible for meeting the required reductions and other TMDL requirements by the assigned deadline. While the Santa Ana River is listed on the most recent list of impaired bodies of water, only reaches 3, 4, and 6 are included, which are upstream of the project site, which is located within the vicinity of reach 1 (Pacific Ocean to 17th Street, Santa Ana) (RWQCB 2023).

Flood Zones

The project site is located in the Santa Ana River watershed just over 1 mile east of the Santa Ana River. According to mapping compiled by the Federal Emergency Management Agency (FEMA), the entire project site is located outside of any 100-year flood zone (FEMA 2023).

Groundwater

The project site is located in the Coastal Plain of Orange County Groundwater Basin, which is managed by the Orange County Water District (OCWD). The basin is approximately 350 square miles and bounded by the Puente and Chino Hills to the north, the Santa Ana Mountains to the northeast, and the Pacific Ocean to the southwest. The total thickness of sedimentary rocks in the basin is over 20,000 feet, with only the upper 2,000 to 4,000 feet containing fresh water. The basin's full volume is approximately 66 million acre-feet (MWD 2021). The basin has three aquifer systems that are characterized by depth and are all hydrologically connected, as groundwater is able to flow between them (OCWD 2015). The Shallow Aquifer system extends approximately 250 feet below the ground surface and is mainly used for agricultural and industrial purposes. The Principal Aquifer system extends from approximately 200 to 1,300 feet below the ground surface and is the source of a majority (over 90%) of the groundwater water supply. The Deep Aquifer system lies below at up to 2,000 feet below ground surface and is only a minor contributor to the groundwater supply. Mesa Water District (MWD) relies on groundwater from the Orange County Groundwater Basin to provide the majority of its water supply portfolio. In fiscal year 2019–2020, groundwater from the basin made up 94% of MWD's water supply (MWD 2021). MWD has seven active groundwater wells in the basin to extract groundwater. According to the California Department of Water Resources (DWR) and the Sustainable Groundwater Management Act (SGMA) basin prioritization evaluation results, the groundwater basin is considered medium priority and must comply with the requirements of SGMA (DWR 2023).

The following change has been made in the middle of page 4.8-8.

~~Drainage Area Management Plan~~ Orange County Phase I MS4 Permit

The County of Orange, Orange County Flood Control District, and the 26 cities of North Orange County stormwater and non-stormwater discharges are regulated by an NPDES Phase I MS4 Permit issued by the Santa Ana RWQCB (Order No. R8-2009-0030 as amended by Order No. R8-2010-0062). The MS4 Permit requires the development of stormwater program(s) that aim to (1) effectively prohibit non-stormwater discharges into the storm drain system and (2) reduce the discharge of pollutants to the maximum extent practicable through the implementation of BMPs and other control strategies. The permit also incorporates TMDLs. A TMDL sets a limit for the total amount of a particular pollutant that can be discharged into a water body, which ensures that pollutant loads from various sources will not impair the designated beneficial uses of that water body.-

The Drainage Area Management Plan (DAMP) is Orange County's principal policy and guidance document for the NPDES program. The plan has been in effect since 1990, with subsequent updated elements. The latest DAMP was submitted to the Santa Ana RWQCB in July 2006, known as the 2007 DAMP. In May 2009, the Santa Ana RWQCB re-issued the MS4 Permit for the Santa Ana Region of Orange County (fourth term permit), resulting in changes to the DAMP stormwater program. In addition, there are to the previous requirements under the third term permit, the fourth term permit includes requirements pertaining to hydromodification and low impact development (LID) features associated with new developments and redevelopments. The City requires all new development and significant redevelopment to be undertaken in accordance with DAMP stormwater control requirements as specified in the Municipal Code as part of a compliance program to satisfy the requirement of the DAMP and DAMP and the Santa Ana RWQCB MS4 Permit issued to the City. ~~The City's drainage control requirements are largely based on the DAMP, which acts as a companion to the City's compliance program.~~

The following change has been made toward the bottom of page 4.8-10.

Information and analysis within this section is based on a review of program plans, information from federal and state water resource agencies, including FEMA, DWR, SWRCB, and RWQCB, as well proposed project plans and two utility assessments conducted in 2007 and 2016 (RBF 2007 and QK 2016). The analysis considers the proposed project characteristics and applicable regulations, as well as any consistency with local regulations, though not necessarily required by state agencies.

The following change has been made to page 4.8-12.

Though the state is not required to adhere to City's requirements, all proposed improvements would be designed to adhere to existing drainage control requirements including the MS4 NPDES permit, ~~the DAMP,~~ and the City's Municipal Code. Adherence to these drainage control requirements would include design measures to address water quality concerns during operations, such as the inadvertent release of pollutants and improper management of hazardous materials, trash, and debris. The proposed plans include the construction of a stormwater treatment system in the northwest corner of the site that would consist of ~~20,000~~ an estimated 27,000 cubic foot infiltration gallery, sized in accordance with local drainage control requirements. Source control measures would also be required to protect the water quality of off-site discharges. The infiltration gallery would act as a detention basin to store and treat stormwater runoff prior to discharge offsite. In accordance with CALGreen requirements, source controls to improve water quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, outdoor loading/unloading dock areas, and building materials areas. Therefore, compliance with these existing regulatory requirements for drainage control design measures would reduce potential impacts related to water quality standards and waste discharge requirements to a less-than-significant level.

Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less-than-Significant Impact. The project site is currently partially developed and includes impervious surfaces as well as landscaped areas. The proposed improvements would likely result in an increase in the amount of impervious surfaces and thus could reduce the amount of runoff available to provide groundwater recharge. However, the proposed improvements would adhere to existing drainage control requirements including ~~the DAMP and~~ City requirements, which encourage on-site infiltration of stormwater runoff consistent with LID principles whenever possible. As a result, it is likely that there would be no

substantive change in the amount of precipitation that has the opportunity to provide groundwater recharge at the project site.

The following change has been made in the middle of page 4.8-13.

As the proposed project would rely mostly on water from OCWD, groundwater from the basin would be the primary source of the new water demands. However, the estimated demand from the project is estimated to be 47.37 acre-feet per year,¹ which would represent a small fraction (approximately 0.2%) of the overall MWD demand of 17,454 acre-feet for water year 2020–2021 (MWD 2021).

The following changes have been made to page 4.8-14.

(a) result in substantial erosion or siltation on- or off-site

Less-than-Significant Impact. As noted above, the proposed improvements associated with the project would alter existing drainage patterns. During construction, all ground-disturbing activities would be required to adhere to a SWPPP with BMPs that are designed to reduce the potential for any exposed soils to be susceptible to erosion or provide transport of siltation on or off site. Typical BMPs that could be implemented might include use of temporary erosion control measures (e.g., straw bales, silt fences, and inlet protections); retaining sediment in the work areas through system of sediment basins, traps, or other measures; monitoring of BMP effectiveness; and covering of soil stockpiles. During operation, the project would be designed with drainage control features consistent with the MS4 Permit requirements, ~~the DAMP,~~ and the City's Municipal Code. A water quality management plan (WQMP) would be prepared for all proposed components to demonstrate consistency with these requirements and detail the design measures that would protect the water quality of stormwater runoff. The proposed drainage control features include an estimated 3027,000 cubic foot capacity infiltration gallery that will provide onsite stormwater treatment. With adherence to these drainage control requirements, the proposed improvements would include design measures such as the aforementioned infiltration gallery as well as landscaped areas that would minimize the potential for erosion or transport of siltation on or off site. Therefore, compliance with these existing regulatory requirements for drainage control design measures would reduce potential impacts related to erosion or siltation to a less-than-significant level.

(b) increase the rate or amount of surface runoff in a manner which would result in flooding in- or off-site

Less-than-Significant Impact. Development associated with the proposed project would increase the amount of impervious surfaces at the site and if not designed appropriately, could increase the rate or amount of surface runoff that is discharged off site. According to two previous infrastructure assessments (RBF 2007; QK 2016), the existing drainage facilities at the site would be overwhelmed by the increase in flows that would occur with development of the proposed project. However, the project would be designed to detain flows from a 100-year storm event consistent with the Orange County Hydrology Manual (County of Orange 2020), and consistent with the City's Municipal Code. Detaining flows would be accomplished with the proposed 3027,000 cubic foot infiltration gallery that would detain flows onsite before any discharge offsite such that downstream drainage facilities are not inundated with flows from the project site. Therefore, considering that the proposed project designs, consistent with local drainage control

¹ Water demand estimate is based on modeling that was conducted for the purposes of estimating air quality emissions and may represent a conservative estimate actual water use.

requirements, would include implementation of drainage control features which would encourage on-site infiltration, in accordance with the City's drainage control requirements, the potential for surface runoff to result in on- or off-site flooding would be less than significant.

The following change has been made in the middle of page 4.8-15.

~~Less-than-Significant Impact.~~ As previously discussed, compliance with the NPDES MS4 Permit, ~~the DAMP,~~ and local drainage control measures, and implementation of a site-specific SWPPP, LID features, and a WQMP, would ensure that degradation of water quality (surface water and groundwater) would remain minimal. The proposed project would meet all waste discharge requirements and thus would be considered consistent with the SWRCB Basin Plan. As such, impacts would be less than significant.

The following change has been made toward the top of page 4.8-18.

New development within the watershed would be subject to the environmental review process and compliance with local stormwater regulations, such as the Construction General Permit, the Section 404 permit process of the CWA, local code requirements (~~DAMP and MS4 Permit~~ LIP), and local WQMP requirements. The proposed project would incorporate LID features during project design to reduce impervious surfaces and reduce stormwater runoff that would discharge off site. Similar to the proposed project, other projects in the Santa Ana River Watershed would incorporate hydromodification features such that drainage rates would be no more than existing conditions. Therefore, impacts associated with changes in runoff in the watershed would be minimized, and the contributions of the proposed project to cumulative impacts would not be cumulatively considerable.

The following change has been made toward the bottom of page 4.8-18.

City of Costa Mesa. 2023. Storm Drain System Master Plan Update. Proposed Facilities Discussion. Accessed November 8, 2023. <https://www.costamesaca.gov/home/showpublisheddocument/54303/638188834970530000>

County of Orange, 2018. The OC Plan, Integrated Regional Water Management for the North and Central Orange County Watershed Management Areas, March 2018. Accessed June 2023. <https://ocerws.ocpublicworks.com/service-areas/oc-environmental-resources/oc-watersheds/regional-planning/central-oc-watershed>.

3.2.8 Changes to Section 4.12, Public Services

The following change has been made at the bottom of page 4.12-1.

Police Protection

Because the proposed facility would be owned and operated by the State, the California Highway Patrol (CHP) would serve as the chief law enforcement agency for the proposed project and would provide primary police services. The project site is within the area covered by CHP's Border Division. The Border Division consists of approximately 1,000 uniformed and 310 non-uniformed employees, 61 Public Safety Dispatchers and nine Public Safety Operators (CHP 2023a). The closest CHP office to the project site is the Santa Ana (575) Office, located northeast of the project site at 2031 E Santa Clara Ave in Santa Ana,

California. Other nearby offices are the Westminster (670) Office and the Capistrano (690) Office (CHP 2023). CHP would be the responsible law enforcement agency to respond to emergency situations as well as non-emergency requests. However, CHP and the City may enter into an agreement for automatic mutual aid if and when it is needed and, as such, the Costa Mesa Police Department could also respond as needed.

The following changes have been made at the bottom of page 4.12-2.

Parks

The City's Parks and Community Services Department provides recreation services at City parks and the City's Public Services Department maintains the City parks. Overall, the City maintains 30 parks, totaling approximately 415 acres. The nearest City parks to the project site include the following:

- **Fairview Park:** The 208-acre Fairview Park is the largest park in the City and is located west of the project site across the Costa Mesa Golf Course.
- **Tanager Park:** The 7.4-acre Tanager Park is located approximately 0.58 miles north of the project site.
- **Lions Park:** The 10-acre Lions Park is located approximately 1.5 miles south of the project site.
- **TeWinkle Park:** The 49-acre TeWinkle Park is located approximately 1.7 miles east of the project site.

The City also has a lease with the FDC to utilize soccer fields in the northwest portion of the property. The lease expired March 31, 2017, and is in month-to-month holdover.

Other Public Facilities

The City-owned Costa Mesa Golf Course is located immediately adjacent to the project site to the south and west. The Orange County Public Library (OCPL) provides library services to the City, including the project site. OCPL has 32 branch libraries throughout Orange County and maintains 399 employees (County of Orange 2023). The City has two branch libraries operated by OCPL: the Donald Dungan Library, located at 1855 Park Avenue, and the Mesa Verde Library, located at 2969 Mesa Verde Drive. The closest library to the project site is the Mesa Verde Library approximately 1.2 miles to the north. OCPL is a special district governed by the Orange County Board of Supervisors and, thus, is funded mostly by taxes (e.g., property, sales, and utilities taxes) (County of Orange 2008).

The following change has been made at the top of page 4.12-7.

The project site is within proximity of three CHP Offices and would be adequately served by CHP's existing facilities. CHP and the City may enter into an agreement for automatic mutual aid if and when it is needed and, as such, the Costa Mesa Police Department could also respond as needed. ~~Additionally, the CMPD could provide additional support if needed~~ during an emergency. The closest CMPD station is located only 1.30 miles east of the project site along Fair Drive and the proposed project would include installation of security features such as controlled access and security fencing, which would reduce the need for police protection services. The City's demands on CMPD services are addressed through the City's General Fund, whose revenues are collected from property, sales, and utilities taxes. The proposed project does not represent a land use typically associated with an increase in police calls or need for police services. Additionally, the proposed project would not generate population growth that may warrant expanded or altered police protection services. With consideration of the above factors, impacts would be less than significant.

3.2.9 Changes to Section 4.13, Transportation

The following change has been made to pages 4.13-2 through 4.13-3.

The existing and proposed bicycle facilities in the study area are shown on Figure 4.13-2. The site is well served by various bicycle facilities, including a Class I bike path adjacent to the FDC and the Costa Mesa Country Club golf course on the north, east, and south. Additional Class I paths are proposed ~~to extend along the north and to the west side of the golf course as part of the Fairview Park trails.~~ Class II bike lanes are also provided on Wilson Street and Fair Drive near the project site (City of Costa Mesa 2018a).

3.2.10 Changes to Section 4.15, Utilities

The following changes have been made to pages 4.15-1 through 4.15-3

Water

Water in the City of Costa Mesa (City) is primarily supplied by the Mesa Water District (MWD), which sources its water from the Orange County Groundwater Basin in addition to recycled water from the Orange County Water District (OCWD), although portions of the City east of the project site are served by the Irvine Ranch Water District. MWD sources its water from the Orange County Groundwater Basin in addition to recycled water from the Orange County Water District (OCWD) and typically supplies 100% of its water demands from groundwater, using imported water as an emergency backup supply, and also serves recycled water (MWD 2021). The source of groundwater is five wells (plus two future wells in construction at the time of the preparation of the 2020 Urban Water Management Plan [UWMP]) that pump clear water from the main production aquifer of the Orange County Groundwater Basin and two wells that pump amber-tinted water located below the main production aquifer (MWD 2021). The amber-tinted water wells are treated at the Mesa Water Reliability Facility, an advanced membrane treatment plant, before being pumped into the distribution system. MWD has approximately 328.4 miles of water mains and two reservoirs with pump stations for operational and emergency storage. The reservoirs have a total storage of 28.2 million gallons. MWD has three metered imported water connections. Additionally, MWD has four emergency interconnections with the City of Santa Ana, seven emergency interconnections with the City of Newport Beach, and five emergency interconnections with the Irvine Ranch Water District. Irvine Ranch Water District serves a population of 465,000. It gets more than half of its water from local groundwater wells in the Orange County Groundwater Basin. It also imports water from the Metropolitan Water District of Southern California (IRWD 2023).

Water Demand

Water use within MWD's service area has been relatively stable in the past decade with an annual average of 18,129 acre-feet (AF) (MWD 2021). The potable and non-potable water use accounts for an average of 94% and 6% of total MWD water use, respectively. In fiscal year ~~2019~~2021-2020~~2022~~, MWD's water use was ~~16,118~~326 AF of potable water (groundwater) and ~~959~~ AF of direct recycled water for landscape irrigation (MWD 2023). Residential customers make up approximately 82% of MWD's customer base and purchase approximately 67% of the water produced annually by MWD (MWD 2023). In fiscal year ~~2021-2022~~, MWD's potable supply was composed of 100% groundwater. In fiscal year ~~2019-2020~~, MWD's potable water use profile was composed of 60.9% residential use; 24.1% commercial, industrial, and

~~institutional use; 9.6% large landscape/irrigation, and about 5.3% non-revenue water and other uses.~~ MWD's service area is almost completely built out with a trend of high-density development projects that are ongoing or in the planning phase (MWD 2021). These projects will add small to moderate population increases. Potable water demand is likely to increase 1.5% over the next 5 years. In the longer term, potable water demand is projected to increase approximately 20.8% from 2025 through 2045. Overall water usage is expected to increase 22.1% by 2045 (as compared to 2020 actuals). The projected water use for 2045 is 19,751 AF for potable water and 1,100 AF for recycled water. The passive savings are anticipated to continue for the next 25 years and are considered in the water use projections used in the 2020 UWMP.

Wastewater

Wastewater Conveyance

The Costa Mesa Sanitary District (CMSD) maintains 224 miles of gravity sewer mains ranging from 8 inches to 30 inches in diameter. The system includes 20 pump stations that convey wastewater from low-lying areas to where gravity flow can occur. Existing City sewer lines are present within the vicinity of the project site along Harbor Boulevard and would provide service to the project site once connections are established as part of the proposed project.

Wastewater Treatment

Wastewater that is collected by the CMSD sewer system ~~and through Orange County Sanitation District (OC San) trunk sewers~~ is transported to ~~the Orange County Sanitation District (OC San)~~ for treatment and recycling. Both CMSD and OC San maintain master plans based on anticipated land use intensities to estimate and plan for future needs. Wastewater collected by the Costa Mesa and County of Orange (County) districts is processed at OC San's treatment plants located in Fountain Valley and Huntington Beach. OC San operates under a 5-year National Pollution Discharge Elimination System (NPDES) ocean discharge permit issued by the California Regional Water Quality Control Board and the U.S. Environmental Protection Agency. On a daily basis, OC San treats approximately 180 million gallons of wastewater at the two aforementioned treatment plants.

Stormwater

The City's storm drainage system consists of a network of underground pipes and surface culverts with additional regional flood control infrastructure that is maintained by the Orange County Flood Control District. The Costa Mesa Engineering Department is responsible for the maintenance and operation of most of the storm drains within its jurisdictional boundaries. The City is currently developing an updated Storm Drain System Master Plan to plan for future development and to prioritize capital improvement projects (City of Costa Mesa 2023). The County is responsible for regional facilities designed to control urban stormwater runoff and natural drainage from the Santa Ana River and other waterbodies within the City. The City has been divided into three main hydrologic regions for storm drainage with the project site located in the West Watershed (Q3 2022). This watershed generally drains from northeast to southwest. The primary discharges are the Santa Ana River and the ocean via the City of Newport Beach's storm drain system.

The West Watershed contains several low spots or depressions that have a tendency to flood, even during moderate storm events. As a highly urbanized City, storm drain systems are present throughout the area.

Although constructed to standard engineering specifications at the time, some of these drainage systems are now considered undersized based on today's drainage design standards. The West Watershed contains several areas prone to flooding. Some of these areas include:

- 17th Street/Pomona Avenue
- Pacific Avenue/South Fairview Park

Electricity

~~Both Electrical and natural gas~~ service in the City is provided by Southern California Edison (SCE). SCE serves the County and is regulated by the California Public Utilities Commission. The site is currently served by underground lines with the nearest overhead transmission lines located to the north of the site in Merrimac Way. ~~Natural gas service is provided Southern California Gas Company.~~

Natural Gas

Natural gas service in the City is provided by Southern California Gas Company (SoCalGas). In 2022, SoCalGas sent out a total of 2,666 million cubic feet per day of natural gas, which was down from 2,801 million cubic feet per day in 2021 (SoCalGas 2023). According to the utility assessment conducted for the project site, there is a 2-inch gas line in North Shelly Circle between Mark Lane and Merrimac Way and a 3-inch gas line in Merrimac Way approximately 150 feet north of North Shelly Circle (Appendix J-1).

Telecommunications

Several private companies provide telecommunication services to the City residents and business, including AT&T, Cox, Verizon, T-Mobile, Comcast, and others. Communication technology continues to evolve and advancements in the field of telecommunications are frequently changing.

Solid Waste

Solid waste in the City is provided by the Costa Mesa Sanitary District and operates within a Waste Disposal Agreement set between the district and Orange County, since the City does not operate any landfills. There are County operates three active landfills located in the County that are among the largest statewide, receiving more than 4 million tons of solid waste annually. The Olinda Alpha Landfill in Brea and the Prima Deshecha Landfill in San Juan Capistrano offer commercial and public disposal of solid waste, while the Frank R. Bowerman Landfill in Irvine is for commercial disposal only (County of Orange 2023). The Olinda Alpha Landfill has a remaining capacity of 17,500,000 cubic yards with an estimated date of reaching that capacity by December 31, 2036 (CalRecycle 2023a). The permitted daily throughput for the landfill is 5,000 tons per day. The Prima Deshecha Landfill has a remaining capacity of 134,300,000 cubic yards with an estimated date of reaching that capacity by December 31, 2102 (CalRecycle 2023b). As one of the largest landfills in the state, the Frank R. Bowerman Landfill has a remaining capacity of 205,000,000 cubic yards with an estimated date of reaching that capacity by December 31, 2053 (CalRecycle 2023c).

The following changes have been made to pages 4.15-4 through 4.15-7.

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. The Federal Energy Regulatory Commission reviews proposals to build liquefied natural gas terminals and interstate natural gas pipelines, and licenses hydropower projects. The Energy Policy Act of 2005 gave the Federal Energy Regulatory Commission additional responsibilities, including promoting the development of a strong energy infrastructure, reforming the open access transmission tariff, and preventing market manipulation.

U.S. Department of Transportation 49 Code of Federal Regulations Part 192

U.S. Department of Transportation 49 Code of Federal Regulations Part 192 provides the regulations for Federal Pipeline Safety. These regulations prescribe minimum safety requirements for pipeline facilities and transportation of natural gas.

Federal Communications Commission

The Federal Communications Commission regulates interstate and international communications by radio, television, wire, satellite, and cable in the United States. It was founded through the Communications Act of 1934 and operates as an independent agency overseen by the U.S. Congress. The Federal Advisory Committee Act of 1972 put in place a process for establishing, operating, overseeing, and terminating Federal Communications Commission advisory committees for specific aspects of communications. The Federal Communications Commission is made up of six separate bureaus: Consumer & Governmental Affairs, Enforcement, Media, Public Safety & Homeland Security, Wireless Telecommunications, and Wireline Competition. Together, these bureaus are responsible for adopting and modifying rules/regulations that govern business practices, including interpretive rules, policy statements, substantive legislative rules, and organizational/procedural rules.

State

Urban Water Management Plans

Urban water purveyors are required to prepare and update an UWMP every 5 years, based upon city growth projections included within general plans. UWMPs are required to provide a framework for long-term water planning and to inform the public of the supplier's plans to ensure adequate water supplies for existing and future demands. UWMPs are required to assess the reliability of the agency's water supplies over a 20-year planning horizon and report its progress on 20% reduction in per-capita urban water consumption for what was the target date of the year 2020, as required by Senate Bill (SB) X7-7. Based on the 2020 actual use data reported in the 2020 UWMP, MWD exceeded its goal of 143 gallons per capita per day with an actual use of 85 gallons per capita per day (MWD 2021). As an end user of water supply, the proposed project could be subject to the planning contingencies contained within the current or any future updated UWMP.

Sustainable Groundwater Management Act

On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package—Assembly Bill (AB) 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley)—collectively known as the Sustainable

Groundwater Management Act (SGMA). The SGMA requires governments and water agencies of high- and medium-priority groundwater basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under the SGMA, these basins should reach sustainability within 20 years of implementing a sustainability plan. For critically over-drafted basins, sustainability should be achieved by 2040. For the remaining high- and medium-priority basins, 2042 is the deadline. Through the SGMA, the Department of Water Resources (DWR) provides ongoing support to local agencies through guidance, financial assistance, and technical assistance. The SGMA empowers local agencies to form Groundwater Sustainability Agencies to manage basins sustainably and requires those GSAs to adopt Groundwater Sustainability Plans (GSPs) for medium- and high-priority groundwater basins in California.

In accordance with the SGMA, DWR has determined that the Coastal Plain of Orange County Groundwater Basin (identified by DWR as “Basin 8-1”) is a medium-priority basin, primarily due to heavy reliance on the Orange County Basin’s groundwater as a source of water supply. Compliance with the SGMA can be achieved in one of two ways: 1) a Groundwater Sustainability Agency is formed and a GSP is adopted; or 2) Special Act Districts created by statute, such as OCWD, and other agencies may prepare and submit an Alternative to a GSP. The agencies within the Orange County Basin have agreed to collaborate together in order to submit an Alternative to a GSP. As an end user of water supply that would include groundwater, the proposed project could be subject to the planning contingencies contained within the eventual developed GSP.

Water Conservation in Landscaping Act

The Water Conservation in Landscaping Act, enacted in 2006, required DWR to update the Model Water Efficient Landscape Ordinance (MWELO). In 2009, the Office of Administrative Law approved the updated MWELO, which required a retail water supplier or a county to adopt the provisions of the MWELO by January 1, 2010, or enact its own provisions equal to or more restrictive than the MWELO provisions. Landscaped areas of the proposed project would be subject to MWELO requirements.

Executive Order B-37-16

On May 9, 2016, Governor Brown signed Executive Order (EO) B-37-16, which directs the State Water Board and DWR to build on previous temporary statewide emergency water restrictions to establish longer-term water conservation measures. In addition, EO B-37-16 intends to accomplish the following:

- Require monthly reporting by urban water suppliers on a permanent basis, including information regarding water use, conservation, and enforcement
- Develop new water use efficiency targets as part of the long-term conservation framework for urban water agencies
- Permanently prohibit wasteful practices, such as hosing off sidewalks, driveways, and other hardscapes; washing automobiles without a shut-off nozzle; and watering lawns in a manner that causes runoff
- Minimize water system leaks across the state that continue to waste large amounts of water
- Strengthen standards for local Water Shortage Contingency Plans including requiring districts to plan for droughts lasting at least 5 years, as well as more frequent and severe periods of drought
- Update existing requirements for Agricultural Water Management Plans so that irrigation districts quantify their customers’ water use efficiency and plan for water supply shortages

The proposed project would be required to adhere to all applicable provisions of EO B-37-16.

Executive Order B-40-17

On April 7, 2017, Governor Brown signed EO B-40-17, which terminated the January 17, 2014, drought state of emergency for all counties except for Fresno, Kings, Tulare, and Tuolumne. In addition, EO B-40-17 rescinded the orders and provisions contained in the April 25, 2014, Emergency Proclamation, as well as EOs B-26-14, B-28-14, B-29-15, and B-36-15. Under EO B-40-17, the orders and provisions contained in EO B-37-16 remain in full force and effect except for the portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies. The proposed project would be required to adhere to all applicable provisions of EO B-40-17.

Executive Order N-10-21

In April and May 2021, Governor Gavin Newsom issued proclamations that a state of emergency existed due to severe drought conditions in 41 of the state's 58 counties. As drought conditions worsened through the summer, Governor Newsom signed EO N-10-21, which called on Californians to voluntarily reduce water use by 15% compared to 2020 levels and expanded the state of drought emergency to include nine additional counties. While EO N-10-21 fell short of a statewide water conservation mandate, it set the stage for future administrative action. The proposed project would be required to adhere to all applicable provisions of EO N-10-21.

Executive Order N-7-22

On March 28, 2022, Governor Newsom signed EO N-7-22, building on 2021 EOs intended to combat the current drought. With every county in California declared to be in a state of drought emergency, per EO N-10-21, dated October 19, 2021, EO N-7-22 primarily focuses on implementing increased drought response actions heading into the summer months. While this EO reiterates that prior drought EOs, signed April 21, 2021, May 10, 2021, June 8, 2021, and October 19, 2021, will remain in full force and effect, EO N-7-22 expands upon those orders by the addition of the following provisions:

- By May 25, 2022, the State Water Resources Control Board (SWRCB) must consider adopting emergency regulations that require urban water suppliers to:
 - Submit preliminary water demand assessments by June 1, 2022, and submit final assessments as required by Water Code Section 10632.1
 - Implement the shortage response actions for a shortage level of up to 20% (Level 2), if the supplier has submitted a water shortage contingency plan to DWR, by a date to be set by SWRCB
 - Implement response actions similar to those required by Level 2 of water shortage contingency plans as will be established by SWRCB, if the supplier has not submitted a water shortage contingency plan to DWR, by a date to be set by SWRCB

On May 24, 2022, the California SWRCB adopted emergency regulations to increase water conservation, ban wasteful water uses, and prohibit the use of potable water to irrigate certain non-functional turf. The proposed project would be required to adhere to all applicable provisions of EO N-7-22.

Senate Bill X7-7

SB X7-7 implements water use reduction goals to achieve a 20% statewide reduction in urban per capita water use by December 31, 2020. The bill requires each urban retail water supplier to develop urban water use targets to help meet the 20% goal. The bill establishes methods for urban retail water suppliers to determine targets to help achieve reductions in water use. The retail agency may choose to comply with SB X7-7 as an individual or as a region in collaboration with other water suppliers. Under the regional compliance option, the retail water supplier must report the water use target for its individual service area. As noted above, MWD more than achieved its 2020 goal; however, future conservation measures may be required by MWD that could affect the proposed project.

California Code of Regulations Title 24, Part 11

In 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code, Part 11 of Title 24, is commonly referred to as CALGreen and establishes minimum mandatory standards and voluntary standards pertaining to sustainable planning and design, energy efficiency, water conservation, material conservation, and interior air quality. The CALGreen standards took effect in January 2011 and instituted mandatory minimum environmental performance standards for all new construction of residential and non-residential buildings. CALGreen standards are updated periodically and would apply to construction of the proposed project. The latest version of these standards became effective on January 1, 2020.

The following changes have been made to page 4.15-8.

Assembly Bill 1826: Mandatory Commercial Organics Recycling

In October 2014, Governor Brown signed AB 1826 (Chapter 727, Statutes of 2014), requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste generated per week. (Organic waste is defined as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.) This law also requires local jurisdictions across the state to implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consists of five or more units. This law phases in the mandatory recycling of commercial organics over time. In particular, the minimum threshold of organic waste generation by businesses decreases over time, which means an increasingly greater proportion of the commercial sector will be required to recycle organic waste. All applicable diversion requirements would apply to the proposed Project.

California Public Utilities Commission General Order 112F

The California Public Utilities Commission institutes rules governing design, testing, operation, and maintenance of gas transmission and distribution systems that are contained with General Order 112F. Connections and any upgrades required for the proposed project would be subject to applicable requirements of this order.

Local

As discussed in more detail in Chapter 3, under the doctrine of sovereign immunity, the California Governor's Office of Emergency Services is not subject to local land use regulation. In the interest of describing the local land use context of the proposed project, relevant City policies, laws, and regulations are provided in this section. In addition, it is the state's policy to work with the local land use agencies and to avoid conflicts with local policies when possible.

The following change has been made at the bottom of page 4.5-13.

Less-than-Significant Impact. Wastewater leaving the project site connects to the City sewer system under the jurisdiction of CMSD. The state obtained a Will-Serve letter from CMSD on September 5, 2023, indicating that they will accept sewer flows from the project. Wastewater from the project site is treated by OC San, which operates both the Fountain Valley and Huntington Beach wastewater treatment plants.

The following changes have been made to page 4.5-17.

City of Costa Mesa. 2023. Storm Drain System Master Plan Update, Proposed Facilities Discussion, accessed November 8, 2023. <https://www.costamesaca.gov/home/showpublisheddocument/54303/638188834970530000>

County of Orange. 2023. "Active Landfills." County of Orange Waste & Recycling. Accessed April 7, 2023. <https://oclandfills.com/landfills/active-landfills>.

EPA (U.S. Environmental Protection Agency). 1998. *Characterization of Building-Related Construction and Demolition Debris in the United States*. June 1998. Accessed April 7 2023. https://www.epa.gov/sites/default/files/2016-03/documents/charact_bulding_related_cd.pdf.

IRWD (Irvine Ranch Water District). 2023. Irvine Ranch Water District, An Overview. May 2023. Accessed December 8, 2023. https://www.irwd.com/images/pdf/about-us/IRWD_overview_factsheet_2023.pdf.

MWD (Mesa Water District). 2021. *2020 Urban Water Management Plan*. June 2021. Accessed April 7, 2023. <https://www.mesawater.org/sites/default/files/Save%20Water/Documents/Mesa%20Water%202020%20UWMP%20FINAL-2021.06.30.pdf>.

MWD. 2023. Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022. February 9, 2023.

OC San (Orange County Sanitation District). 2022. Fiscal Year 2022-23 & 2023-24 Budget Executive Summary, adopted June 22, 2022.

Q3 (Q3 Consulting). 2022. *Draft Existing Conditions Assessment Report, Storm Drain System Master Plan Update, Costa Mesa, California*. May 2022.

~~SoCalGas (Southern California Gas Company). 2023a. "Gas Transmission Pipeline Interactive Map – Orange." Accessed June 19, 2023. <https://socialgas.maps.arcgis.com/apps/webappviewer/index.html?id=53da2bbb31574e0ab0f14f9bc2618d89>.~~

SoCalGas (Southern California Gas Company). 2023. California Gas Report 2023, Supplement, 2023.

3.2.11 Changes to Chapter 7, Alternatives

The following change has been made to pages 7-1 through 7-2.

As discussed throughout Chapter 4, Environmental Analysis, of this Draft EIR, at the project and cumulative levels, ~~the project would result in either less-than-significant impacts or no impact~~~~the proposed project would result in significant and unavoidable cultural resources impacts. For~~ for all other environmental issue areas, ~~the project would result in either less than significant impacts or no impact.~~



Location of view from Fairview Park is depicted on Figure 4.1-5 and is presented as View 6.

FIGURE 4.1-4

Future View from Fairview Park towards Project site

Southern Region Emergency Operations Center

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Existing Conditions



Visual Simulation of Project



Photo: Z:\Projects\1563011\Task\MAP\DOC\DOCUMENT\MemoBites

FIGURE 4.1-6

Vantage Point 1

Southern Region Emergency Operations Center

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Existing Conditions



Visual Simulation of Project



FIGURE 4.1-7

Vantage Point 2

Southern Region Emergency Operations Center

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Existing Conditions



Visual Simulation of Project



FIGURE 4.1-8

Vantage Point 3

Southern Region Emergency Operations Center

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Existing Conditions



Visual Simulation of Project



FIGURE 4.1-9

Vantage Point 4

Southern Region Emergency Operations Center

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Existing Conditions



Visual Simulation of Project

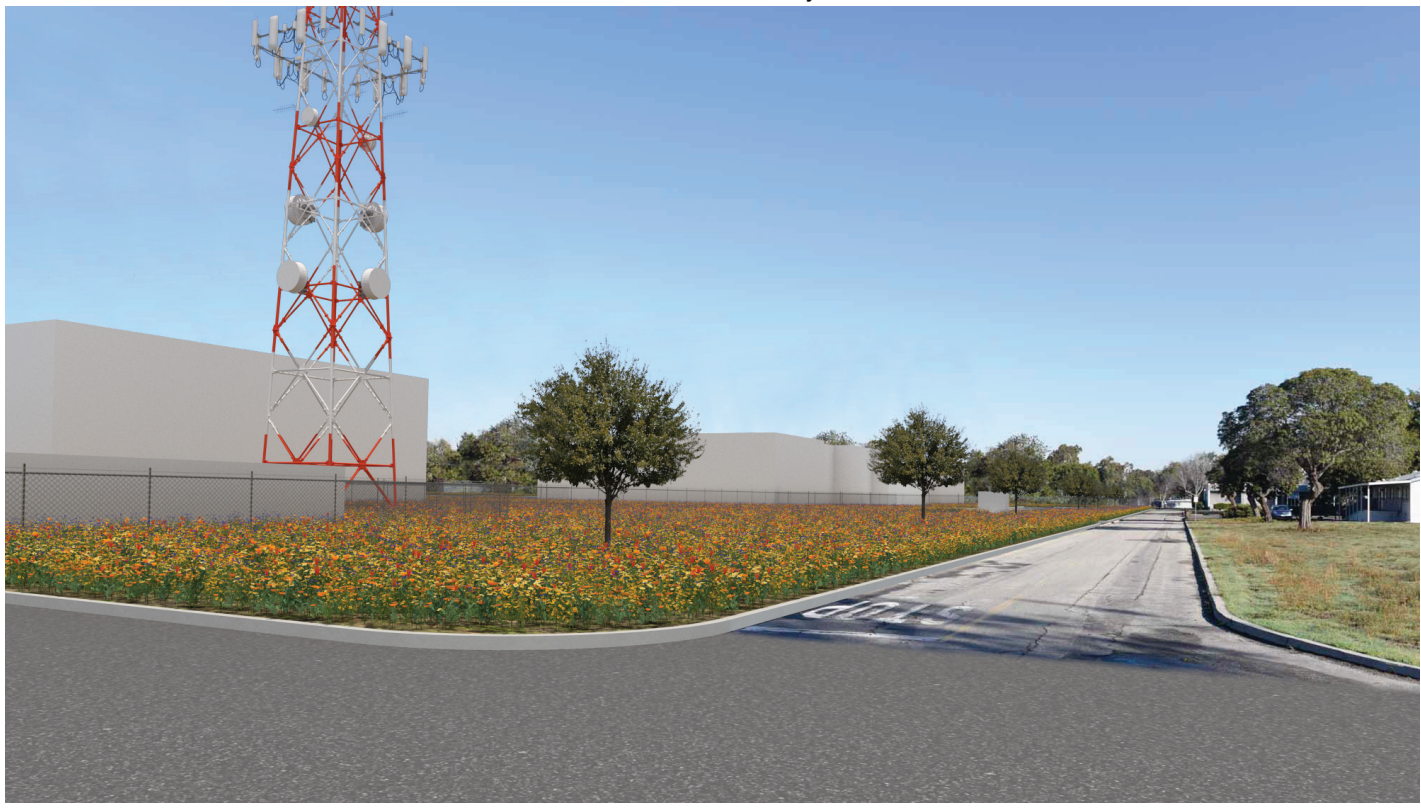


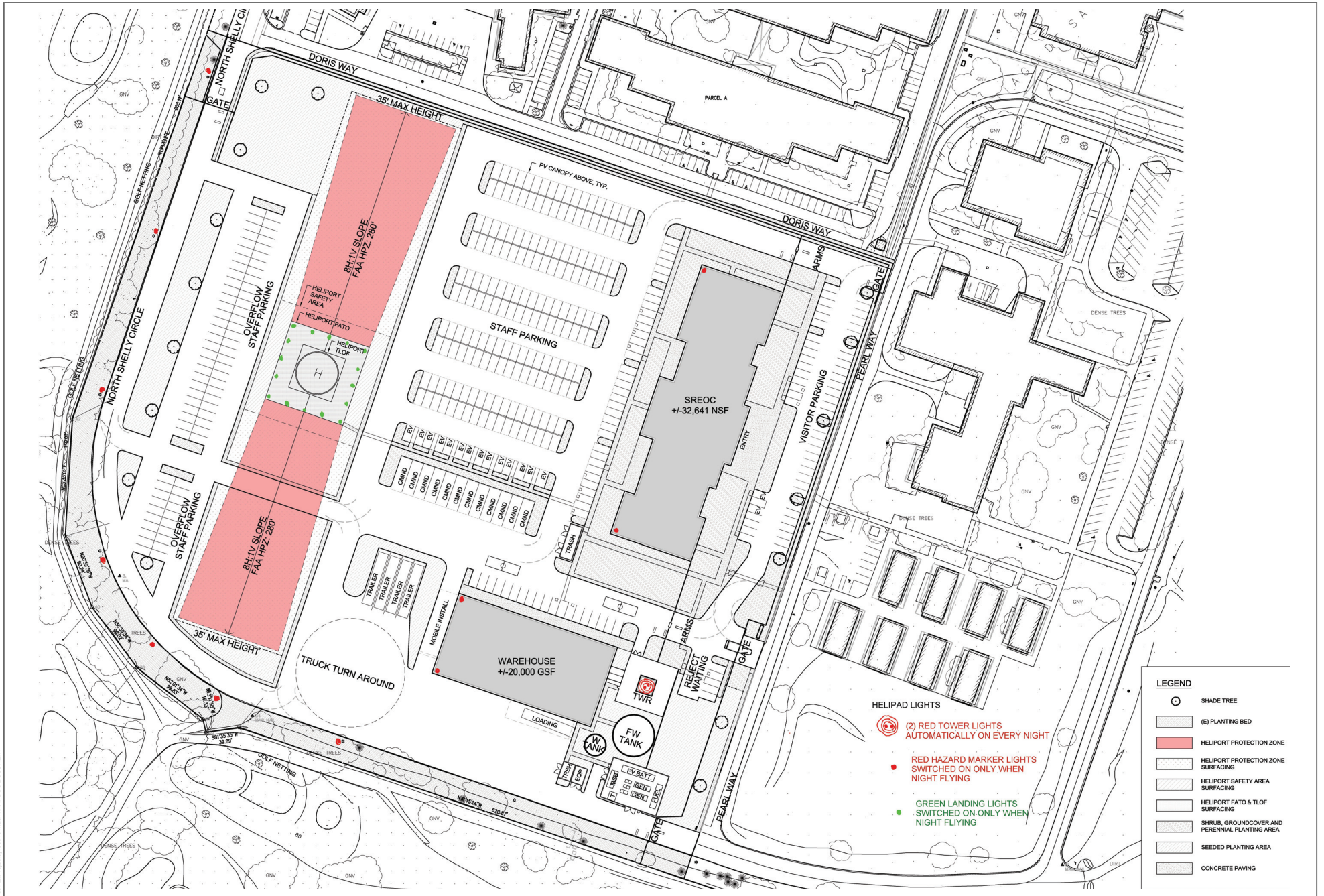
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FIGURE 4.1-10

Vantage Point 5

Southern Region Emergency Operations Center

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SOURCE: DGS 2023

FIGURE 4.1-11
Lighting Plan

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4 Mitigation Monitoring and Reporting Program Table

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Air Quality			
MM-AQ-1: Tier 4 Final Emergency Generators. The state shall ensure that the design contract for the project includes a requirement to source and install Tier 4 Final emergency backup generators. The project operations shall be conditioned to operate with Tier 4 Final certified emergency generators.	Prior to finalization of project plans	State of California	
Biological Resources			
MM-BIO-1: Focused Burrowing Owl Surveys. Prior to the start of grading and vegetation clearing activities within suitable habitat areas on the project site, a focused survey for burrowing owl will be conducted in spring 2024 according to survey protocol outlined in the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation. A minimum of four survey passes shall be conducted within the burrowing owl breeding season of February 1 through August 31. At least one site visit shall be conducted between February 15 and April 15, and a minimum of three survey visits spaced at least three weeks apart shall be conducted between April 15 and July 15, with at least one visit after June 15. If burrowing owl is found on site, additional avoidance and mitigation measures shall be required. The state shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 California Department of Fish and Wildlife report on Burrowing Owl Mitigation. If burrowing owl occurs in an area that cannot be avoided by the project, additional land conservation and/or relocation may be required, which shall be determined through consultation with the California Department of Fish and Wildlife. There shall be no net loss of burrowing owl habitat. If the project will impact habitat supporting burrowing owls, the state shall offset impacts on habitat supporting burrowing owls at no less than 2:1. The state shall set aside replacement habitat. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity,	Prior to the start of grading and vegetation clearing activities	State of California	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>which should include an appropriate endowment to provide for long-term management of mitigation lands.</p>			
<p>MM-BIO-2: Pre-Construction Surveys for Special-Status Species. One pre-construction clearance survey shall be conducted no more than 14 days prior to initiation of site preparation and grading activities. A qualified biologist shall walk the entire study area to determine if any special-status wildlife species are observed or detected, particularly white-tailed kite and California horned lark. Additional measures may be required for observed species on site, such as establishing a buffer around known locations and/or conducting monitoring during construction near occupied areas to ensure no project activities result in loss of an active nest and incidental take does not occur.</p>	<p>No more than 14 days prior to initiation of site preparation and grading activities</p>	<p>State of California</p>	
<p>MM-BIO-3: Avian Nesting Season Avoidance/Pre-Construction Nesting Bird Survey. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the study area. To maintain compliance with the Migratory Bird Treaty Act and California Fish and Game Code, if construction activities must occur during the migratory bird nesting season, an avian nesting survey of the project site and contiguous habitat within 500 feet of all impact areas must be conducted for protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act (16 USC 703-712) and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate no disturbance buffer, which shall be determined by the biologist based on the species' sensitivity to disturbance (typically up to 300 feet for passerines and up to 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing.</p>	<p>Within 72 hours prior to construction activities</p>	<p>State of California</p>	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Cultural Resources			
<p>MM-CUL-1: Enhanced Recordation. The adversely impacted contributing elements of the Fairview State Hospital Historic District shall be the subject of an enhanced recordation effort that generally follows the Historic American Buildings Survey (HABS) guidelines, a program administered by the National Park Service (NPS). Because the documentation package will not be submitted to that program, neither NPS review nor preparation of every element of a standard HABS dataset would be required. Instead, the recordation package would serve as an archivally stable record of the Historic District before any changes, could contribute to other mitigation measures, would be retained by the state (or subsequent land-owning agency), and would also be offered to the Costa Mesa Historical Society.</p> <p>The enhanced recordation package would address the adverse impacts of the project by recording the current appearance of the impacted contributing elements. The recordation package would consist of one summary overview report for the historic district as a whole based on the 2019 recordation, as well as an individual report for the contributing landscape elements of the district and individual reports for the two contributing buildings that would be subject to demolition under the project.</p> <p>The photographs for the enhanced recordation package would be taken digitally and include contextual overviews of the historic district, landscape elements, and two contributing buildings (Building J and Building M). The contextual views of the district and landscaping would also include aerial photography. The views would be selected to capture the character-defining features of the impacted built environment resources. The views would depict building exteriors and relevant architectural details, as well as typical views of publicly accessible interior spaces.</p> <p>Each of the final recordation package submittals would include print photographs and historic context and narrative descriptions that utilize content from the previous evaluation document. The Historic District recordation would include contextual views and selected historic photographs and site plans that would be reproduced digitally on archival quality paper.</p>	<p>Prior to the start of construction activities (photography) and post-construction activities</p>	<p>State of California</p>	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>The record of the two individual buildings would include reproduced original construction drawings or plans of the buildings dating to the period of significance, if available.</p>			
<p>MM-CUL-2: Cultural Resources Monitoring and Discovery Plan and Workers Environmental Awareness Program. Prior to the start of construction activities, a qualified cultural resources specialist shall prepare a Cultural Resources Monitoring and Discovery Plan (CRMDP). This plan shall define monitoring methods, duration, inadvertent discovery protocols, and reporting requirements for archaeological and Native American monitoring. The plan shall require a post-construction monitoring report, documenting compliance with the project-approved mitigation, be prepared for review by the lead agency and submitted to the South Central Coastal Information Center. The CRMDP shall summarize approved mitigation, be subject to the monitoring Native American tribal review, and approved by the CEQA lead agency and/or designated representative prior to the commencement of construction.</p> <p>The CRMDP shall require that personnel and monitors who are not trained archaeologists shall be trained regarding identification and treatment protocol for inadvertent discoveries of cultural and tribal cultural resources and human remains. A basic presentation and handout or pamphlet shall be developed by a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards, in coordination with interested California Native American Tribes (maintained by the Native American Heritage Commission) and that are traditionally and culturally affiliated with the geographic area of the project site, in order to ensure proper identification and treatment of inadvertent discoveries of cultural and tribal cultural resources and human remains. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of materials that may be identified during ground-disturbing activities and explain the importance of and legal basis for the protection of human remains and significant cultural and tribal cultural resources. Each worker shall also be trained in the proper procedures to follow in the event that cultural and tribal cultural resources or human remains are uncovered during ground-disturbing activities. These procedures</p>	<p>Prior to construction, during construction, and after construction</p>	<p>State of California</p>	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>include, but are not limited to, work curtailment or redirection, and the immediate contact of the site supervisor, the on-call archaeologist, and if appropriate, Tribal representative. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. The WEAP training shall be presented by the qualified archaeologist, in coordination with Tribal Representative(s). Necessity of training attendance shall be stated on all construction plans.</p>			
<p>MM-CUL-3: Retention of an On-Call Qualified Archaeologist and On-Call Archaeological Monitoring. In consideration of the general sensitivity of the project site for cultural resources, a qualified archaeologist shall be retained by the state and/or subsequent responsible parties to conduct spot monitoring as well as on call response in the case of an inadvertent discovery of archaeological resources. A qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, shall oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The archaeologist shall be responsible for maintaining monitoring logs. Following the completion of construction, the qualified archaeologist shall provide an archaeological monitoring report to the lead agency and the South Central Coastal Information Center with the results of the cultural monitoring program.</p>	<p>Prior to construction, during construction, and after construction</p>	<p>State of California</p>	
<p>MM-CUL-4: Inadvertent Discovery Clause. In the event that potential cultural resources (sites, features, or artifacts) or human remains or remains that are potentially human are exposed during construction activities for the project, all construction work occurring within 100 feet of the find shall immediately stop, and the qualified archaeologist shall be immediately notified to assess the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the resource is suspected to be Native American in origin and/or association, the consulting</p>	<p>During construction</p>	<p>State of California</p>	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>and or coordinating tribes shall be contacted. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan prepared in coordination with consulting tribes, testing, data recovery, or monitoring may be warranted, if the resource cannot be feasibly avoided.</p> <p>Procedures of conduct following the discovery of human remains are mandated by California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e). According to the provisions in CEQA, should human remains or remains that are potentially human be encountered, all work in the immediate vicinity of the burial must cease, and any necessary steps to ensure the integrity of the immediate area must be taken. The County Coroner must then be immediately notified. The Coroner determines whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC), who will, in turn, notify the person they identify as the most likely descendant (MLD) of any human remains. Further actions are determined, in part, by the desires of the MLD. The MLD has 48 hours from the time of being provided access to the project site to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner, in this case, the state, shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the state does not accept the MLD’s recommendations, the state or the descendant may request mediation by the NAHC. If no agreement is reached, the state must rebury the remains where they will not be further disturbed (Section 5097.98 of the California Public Resources Code). This shall also include either recording the site with the NAHC or the appropriate Information Center. Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.</p>			

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Hazards and Hazardous Materials			
<p>MM-HAZ-1: Pre-Demolition Hazardous Materials Abatement. Demolition or renovation plans and contract specifications shall incorporate abatement procedures for the removal of materials containing asbestos, lead, polychlorinated biphenyls (PCBs), hazardous material, hazardous wastes, and universal waste items, including applicable testing and removal of PCB-contaminated concrete pads and/or soils. All abatement work shall be done in accordance with federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, U.S. Department of Housing and Urban Development, California Occupational Safety and Health Administration (which regulates employee exposure), and the South Coast Air Quality Management District.</p>	<p>Prior to finalization of project plans</p>	<p>State of California</p>	
Paleontological Resources			
<p>MM-PAL-1: Paleontological Resources Impact Mitigation Program and Paleontological Monitoring. Prior to commencement of any grading activity on site, the state shall retain a qualified paleontologist per the 2010 Society of Vertebrate Paleontology guidelines. The qualified paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the project that shall be consistent with the 2010 Society of Vertebrate Paleontology guidelines and outline requirements for preconstruction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management. Costs for laboratory and museum curation fees shall be the responsibility of the state. A qualified paleontological monitor shall be on site during initial rough grading and other significant ground-disturbing activities, including large diameter (two feet or greater) drilling in areas underlain by Pleistocene old paralic deposits. No paleontological monitoring is necessary during ground disturbance within</p>	<p>Prior to the start of grading activities and during ground disturbing activities</p>	<p>State of California</p>	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>artificial fill. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will allow grading to recommence in the area of the find.</p>			
Tribal Cultural Resources			
<p>MM-TCR-1: Native American Monitoring.</p> <p>A. NAHC-listed tribes that responded with requests to be included in Native American monitoring (Consulting Tribes) shall be engaged throughout the period of project construction. Prior to ground disturbance activities, the state shall retain a Native American Monitor from or approved by the Consulting Tribes. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground disturbing activity” shall include, but not be limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the tribe. Monitoring logs will identify and describe any discovered tribal cultural resources (TCRs), including, but not limited to, Native American cultural and historical artifacts, remains, and places of significance, as well as</p>	<p>Prior to the issuance of any permit necessary to commence a ground disturbing activity or prior to the commencement of any ground disturbing activities and during ground disturbing activities</p>	<p>State of California</p>	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the state upon written request to the tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Consulting Tribes from a designated point of contact for the state that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete or (2) a determination and written notification by the Consulting Tribes to the state that no future planned construction activity and/or development/construction phase at the project site possesses the potential to impact Consulting Tribe TCRs.</p>			
<p>MM-TCR-2: Management strategies stipulated in MM-CUL-2 through MM-CUL-4 shall be implemented in the event that project activities encounter cultural resources or human remains. In addition, the following TCR-specific measures shall be implemented. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Consulting Tribes. A resource-specific treatment plan shall be developed in the event that a TCR is identified that also meets the definition of an archaeological site. The plan will be developed by the Project Archaeologist in direct coordination with the Consulting Tribes, as approved by the lead agency. The Consulting Tribes will recover and retain all discovered TCRs in the form and/or manner the Consulting Tribes deems appropriate, in the their sole discretion, and for any purpose the tribes deem appropriate, including for educational, cultural and/or historic purposes. Any dispute with regard to resource management strategies between the Consulting Tribes will be arbitrated by the state for compliance with CEQA and/or designated representatives.</p>	<p>Prior to construction, during construction, and after construction</p>	<p>State of California</p>	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>MM-TCR-3: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial).</p> <p>A. Native American human remains are defined in California Public Resources Code (PRC) Section 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then PRC Section 5097.9 and California Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per PRC Sections 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	<p>During construction</p>	<p>State of California</p>	