

**CITY OF COSTA MESA**

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ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT

October XX, 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 Southern Region Emergency Operations Center (EOC) Project. On April 17, 2023, the City of Costa Mesa provided written comments in response to the State's Notice of Preparation (NOP). In it, the City highlighted potential environmental 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 mixed income residential development (approximately 2,300 units) with supporting community services and open space.

The City is concerned that the project and its impacts to the community were not reconsidered based on the City's NOP letter and we reiterate the importance of the State and City partnership in planning the future reuse of the site. In terms of land use compatibility, the current project conflicts with the City's and State's mutual goals to accommodate housing opportunities at this site and places undue constraints on future planning and neighbor development efforts.

Furthermore, the DEIR did not sufficiently address the City's concerns outlined in its NOP letter; specifically, 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, recreation, biological resources, and utilities are noted in this letter.

### **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.

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.

### **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.

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.

### **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.

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 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
- 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.

#### **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 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 for 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 include a discussion on how the proposed EOC project is consistent with General Plan Housing Element. The FDC site is identified in the City’s General Plan Housing Element as a housing opportunity site and is estimated to accommodate 2,300 housing units. The DEIR does not discuss how the proposed EOC, its proposed helipad and communication tower are compatible with the residential development that is planned for the site.

### **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.

### **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.

### **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.

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.

### **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.

### **Comment 9. 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

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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 shall be reviewed and approved by the City staff and shall meet City design standards. The curb radius shown on the proposed design needs to be reduced and redesigned to improve pedestrian safety.

#### **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.

#### **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 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.
- 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, Harbor/Wilson.”
- 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.

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 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.



## 10a. Section 4.8.1 – Environmental Setting

- *Regional Watershed:*

Description of the watershed is very general and does not adequately describe the watershed that is unique to Costa Mesa. Mentions other cities and locales, such as the cities of Huntington Beach and Orange, but Costa Mesa is notably absent [Page 4.8.1].

  - *Topography:* The statement on topography is too general, and again, not specific to Costa Mesa. [Page 4.8-1]
  - *Climate:* The statement on climate is too general, and again, 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. Also, section consists of three sentences and does not adequately. [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 TMDLs or discharges in general. [Page 4.8-2]
- *Flood Zones:*

The Flood zone description is overly simplistic and not comprehensive. The City requests adding the flood zone map, at minimum. [Page 4.8-2]
- *Groundwater:*

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

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

- *Federal:*

This section consists of a general description of the Clean Water Act that applies to anywhere in the United States. The section does not detail how the Clean Water Act specifically affects this development and the city of Costa Mesa. [Page 4.8-4]
- *State:*

This section provides a general description of state regulations and the Porter-Cologne Water Quality Control Act that applies to anywhere in California. It does not detail how these state regulations specifically affect the EOC project and the city of Costa Mesa. [Page 4.8-5]

- *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]
- *Green Building Sustainable Development Practices:*  
This section only refers to policy sections from the City's General Plan [Page 4.8-9] and does not describe sustainable practices specific to the EOC project.
- *Water Quality and Urban Runoff:*  
This section only refers to policy sections from the City's General Plan and does not describe information relevant or specific to the EOC project

#### **10c. Section 4.8.3 – Thresholds of Significance**

The size of the project, one acre or more, has determinative value in this case. [Page 4.8-9]

#### **10d. Section 4.8.4 – Methodology**

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

#### **10e. 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]
- *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.

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]

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]

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 and no mitigation of this runoff is a concern. How this added surface runoff is to be mitigated is not covered in this report. [Page 4.8-13]

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]

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]

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 purchases any significant amount of water supplies from the Metropolitan Water District. [Page 4.8-15]

#### **10f. Section 4.8.6 – Mitigation Measures**

The City disagrees that no mitigation is required. [Page 4.8-15]

#### **10g. Section 4.8.7 – Level of Significance after Mitigation**

The City disagrees with the assessment of “Less-than-significant-impact” related to the following:

- Violation of water quality standards
- Decrease in groundwater supplies
- Altering the existing drainage pattern
- Contributing runoff water that would exceed the capacity of the existing storm drain system
- Flood hazard risk / inundation
- Impede or redirect flood flows

There is no mitigation identified. Therefore, there is no way to accurately determine if such mitigation efforts will indeed produce a “Less-than-significant-impact” as claimed. [Pages 4.8-15 and 4.8-16]

#### **10h. Section 4.8.8 – Cumulative Effects**

- *Water Quality:*

General description of water quality that was already discussed at the beginning of this chapter. However, the conclusion that impacts will be minimized lacks adequate justification since there is no evidence to support this. [Page 4.8-16]

- *Groundwater Supply and Groundwater Recharge:*

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

- *Stormwater Drainage:*

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

#### **10i. Section 4.8.9 – References**

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

#### **Comment 11. Utilities and Service Systems**

DEIR Chapter 4.15: No footnotes indicating what references were used to call out data, facts, and figures. Reviewer cannot determine the source of information.

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

- *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]

#### **11c. Section 4.15.4 – Methodology**

The methodology described in this section is unclear. How is this methodology related to EOC project? [Pages 4.15-9 and 4.15-10]

#### 11d. Section 4.15.5 – Impact Analysis

The “Less-than-significant-impact” conclusion is unsubstantiated.

- *Water Supply Infrastructure:*  
The report states that no mitigation is required for water infrastructure upgrades at this site. Please add information regarding consultations with the Mesa Water District and their conclusions regarding the impacts on infrastructure and infrastructure upgrades [Page 4.15-10]
- *Wastewater Treatment:*  
The report states that no mitigation is required for the sewer infrastructure upgrades at this site. 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]
- *Stormwater Drainage Facilities:*  
Significant impervious surfaces will be created, which will produce more stormwater volume and pollutants to the City’s storm drains. For a multi-acre site such as this, there will be significant future costs related to maintenance of facilities. Therefore, City requests mitigation to address maintenance responsibility. [Page 4.15-11]
- *Electric Power, Natural Gas, and Telecommunication Facilities:*  
The City requests the DEIR describe consultations with SCE, SoCalGas, AT&T, Verizon, etc., as to impacts and whether or not mitigation is needed. [Page 4.15-11]

The City disagrees with the determination of “Less-than-significant-impact” that this project will have sufficient water supplies available for the foreseeable future during normal, dry, and multiple dry years. The projections and conclusions are unsubstantiated and there is no guarantee that Mesa Water can purchase water reserves from the Metropolitan Water District. [Page 4.15-12]

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]

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]

- **Construction:**  
This project will produce significant construction waste. The City requests information be added regarding consultations with CALGreen as to waste estimates and the impacts of the project. The nearby landfills and recycling centers may not be able to handle the volume of waste in the amount of time that its being delivered. Therefore, the City disagrees with the assertion that there will be no mitigation required. [Page 4.15-13].
- **Operations:**  
Please evaluate the cumulative impact of the EOC project when taken in context of other Orange County development projects affecting landfills. [Page 4.15-13].

The City disagrees with the determination of “Less-than-significant-impact” that the project complies with Federal, state, and local management and reduction statues and regulations related to solid waste. The report states that the proposed project would “contribute to the acceleration of landfill closures” but identifies no mitigation for its impacts [Page 4.15-14]

**11f. Section 4.15.6 – Mitigation Measures**

This section includes only unsubstantiated statements [Page 4.15-14].

**11g. Section 4.15.7 – Level of Significance after Mitigation**

This section includes only unsubstantiated statements [Page 4.15-14].

**11h. Section 4.15.8 – Cumulative Effects**

The cumulative impact are not fully and accurately accounted for. [Pages 4.15-14 and 4.15-15]

**11i. Section 4.15.9 – References**

None of the references listed are footnoted in this chapter. [Page 4.15-15]

**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.

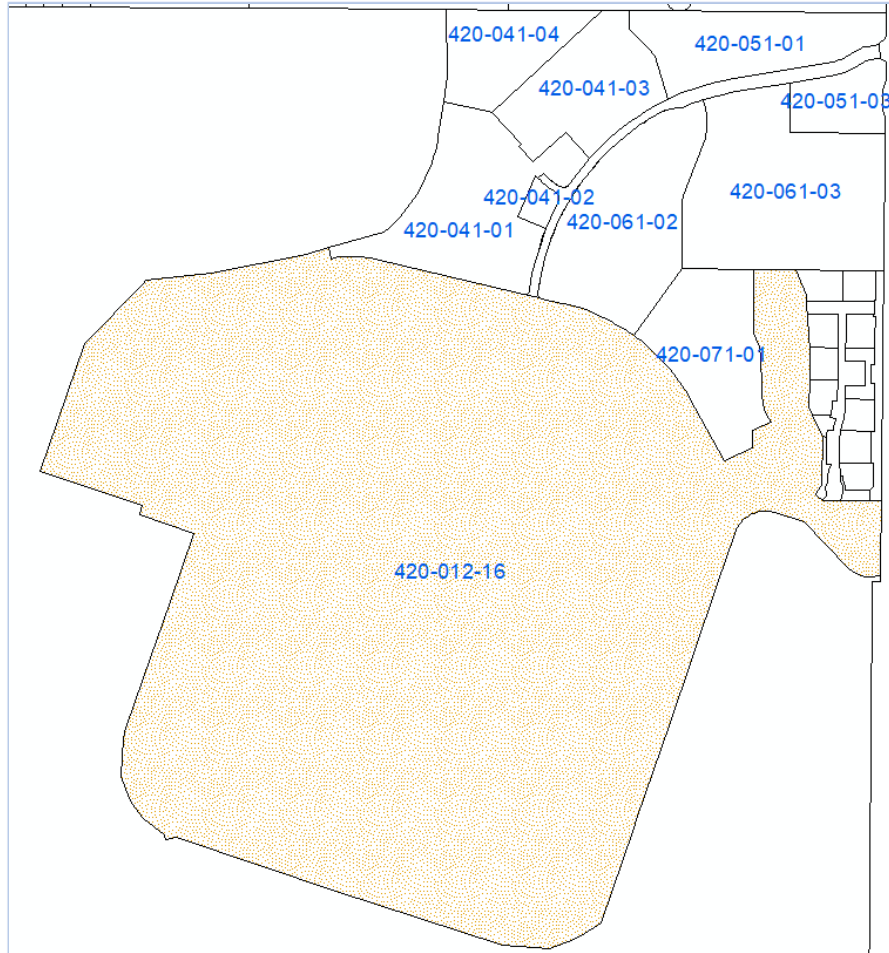
Page 4.12-1, include the Costa Mesa Golf Course as a City owned park that is adjacent to the project site. Also, note that the City has an existing MOU with the FDC to utilize a portion of the fields for youth soccer events.

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.

### **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)”.





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.

**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, ...”

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 Avain Nesting Season Avoidance/Pre-Construction Nesting Bird Survey.

#### **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 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.

## **Conclusion**

The DEIR did not fully 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 significantly

new information that would likely require the recirculation of the EIR. The City suggests the EIR be recirculated to allow for additional public comment.

The City looks forward to receiving the response to comments and notification once the DEIR 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.

If you have any questions, please contact Phayvanh Nanthavongdouangsy, Principal Planner at 714-754-5611 or at [phayvanh@costamesaca.gov](mailto:phayvanh@costamesaca.gov).

Sincerely,

Jennifer Le

Director of Economic and Development Services

CC: