



## Agenda Report

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**Item #: 23-1427**

**Meeting Date: 10/17/2023**

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**TITLE:**

**STATUS UPDATE REGARDING THE CALIFORNIA OFFICE OF EMERGENCY SERVICES' (CAL OES) SOUTHERN CALIFORNIA REGIONAL EMERGENCY OPERATIONS CENTER (EOC) PROJECT AT THE FAIRVIEW DEVELOPMENTAL CENTER SITE**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION**

**PRESENTED BY: JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES**

**CONTACT INFORMATION: JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES, (714) 754-5270**

**RECOMMENDATION:**

Staff recommends the City Council:

- Provide feedback, as needed, regarding the City's comment letter on the State's Draft Environmental Impact Report for the Cal OES Southern California Regional EOC Project; and
- Authorize the City Manager or designee to finalize the draft letter incorporating feedback from the City Council and submit it to the State.

**BACKGROUND:**

The Fairview Developmental Center (FDC) site is a 109-acre property owned by the State of California located at 2501 Harbor Boulevard in the City of Costa Mesa. The site was developed and previously operated by the State as a residence for developmentally disabled persons, but is now largely vacant and in the process of being repurposed for a potential mixed-use housing project at the site.

The State is proposing to locate the Cal OES headquarters for southern California on a 15-acre portion of the FDC site. As a separate effort, the remainder of the site would be master planned by the City of Costa Mesa for housing pursuant to Government Code Section 14670.31 and sold or leased for redevelopment subject to the State's disposition process.

**State Project Summary**

The proposed project is the establishment of a Cal OES Emergency Operations Center for the southern region of California. Cal OES provides disaster planning, readiness, and response of state resources for various emergencies and threats of emergency facing California. Currently, Cal OES operates the State Operations Center in the City of Mather in Northern California. The proposed project would develop another EOC in Southern California that would mirror the operations of the Mather facility at a smaller scale and 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). The proposed Southern Region EOC would support full-time staff and establish a regional center to serve as a hub for critical emergency management planning and training programs.

The Southern Region EOC facility would include an approximately 35,000-square-foot, single-story office building that would contain office space, an EOC, and shared training rooms, as well as an approximately 20,000-square-foot warehouse building that would contain a vehicle maintenance bay and space for storage of life-sustaining commodities. The proposed facility would also include a helipad and a 100-foot-tall lattice tower with 20-foot-tall microwave dishes and antennas on top. Other site improvements are also proposed such as fencing, landscaping, internal roads, parking for approximately 250 vehicles, and solar shade canopies. The proposed project would replace the temporary Regional EOC, currently operating approximately 11 miles northwest of the project site in the City of Los Alamitos, and would also act as a backup State Operations Center for the Mather facility. Construction is anticipated to begin in September 2024 and last approximately 37 months.

#### State Notice of Preparation of an EIR- March 1, 2023

On March 1, the State released a Notice of Preparation of an Environmental Impact Report (EIR) for the EOC Project and accepted comments regarding the scope of the Draft EIR for period of 30 days. The State held a scoping meeting on March 13, 2023. The comment deadline was subsequently extended to April 17, 2023. The City submitted a comment letter dated April 17, 2023 which is provided as Attachment 2.

The City's April 17, 2023 comment letter included specific questions and concerns regarding the proposed project which the City requested be further studied and disclosed in the Draft EIR. Comments included a request for a comprehensive project description; ongoing land use planning coordination with the remainder of the FDC site; clear project objectives which included facilitating housing on the remainder of the FDC site; evaluating a reasonable range of alternatives including offsite and other onsite locations for the facility; visual compatibility of the proposed communications tower with existing and future adjacent residential uses; noise; hazards and safety; transportation/traffic including a request to study specific intersections and incorporating active transportation systems; impacts to public services and recreation (e.g., the onsite soccer fields and adjacent community golf course); utilities; cumulative impacts; and other issues.

#### State Draft EIR Releases – September 5, 2023

On September 5, 2023, the State released its Draft EIR for the EOC project. An EIR is a study and evaluation of the potential environmental impacts of a project which is required for compliance with the California Environmental Quality Act (CEQA). CEQA requires a public agency to review and consider the information provided in an EIR before making a decision to approve or deny a project. The full EIR is posted online on the State's website at <https://oesregionsoutheoc.org/library/>.

### City Council Receives a Status Update - September 19, 2023

At the September 19, 2023 regular meeting of the City Council, staff provided an update regarding the State's proposal and a summary of the conclusions of the State's Draft EIR. In summary, staff noted that the State's draft EIR describes the proposed project as the Office of Emergency Services headquarters for southern California and consists of an office building including an EOC and training rooms, warehouse building, a 120-foot-tall communications tower, a helipad, streets, parking areas, security fencing and perimeter landscaping. The EIR concludes that all project impacts are "less than significant". Mitigation measures are identified in the areas of air quality, biological resources, cultural resources, hazards and hazardous materials, paleontological resources, and tribal cultural resources.

Staff also noted comments are due regarding the Draft EIR by October 20, 2023 at 6 p.m. In addition, the State held a community meeting on September 28, 2023 at 6 p.m. in the Fairview Developmental Center Auditorium (2501 Harbor in Costa Mesa).

At the City Council meeting, four members of the public spoke in opposition of the State's project and the Council received four written comments as well (available online at the following link). <https://costamesa.legistar.com/View.ashx?M=E3&ID=1109785&GUID=C17F68CE-2FF3-4016-B86B-7DD4D2CA8D68>. Public comments noted concerns with the lack of community outreach by the State and impacts of the proposed facility on the existing and future residents on and around the site. The impacts of the helipad, communications tower, EOC operations, and the loss of site acreage for much needed housing was of particular concern to residents. The staff report, video and staff presentation are linked below.

As the item was informational in nature, the City Council encouraged the public to attend the State's upcoming community meeting, and received and filed staff's report.

Staff Report: <https://costamesa.legistar.com/LegislationDetail.aspx?ID=6353964&GUID=74FD7F59-AD9D-4ED1-ACCB-14CD94F16F36>

Video:

[https://costamesa.granicus.com/player/clip/4046?view\\_id=14&redirect=true&h=f46b381b5291d62a1c0a752c7e526c9b](https://costamesa.granicus.com/player/clip/4046?view_id=14&redirect=true&h=f46b381b5291d62a1c0a752c7e526c9b)

### State Community Meeting – September 28, 2023

The State held its community meeting on September 28<sup>th</sup> at the FDC site. Representatives from the State Department of General Services attended along with its consultant, Dudek Environmental. The State has indicated the meeting was publicized via notice in the local newspaper and a direct mailing to properties within 500 of the 15-acre OES project site.

As the City was concerned with the lack of notice to the larger Costa Mesa community, the City distributed door hanger notices by hand to approximately 2,000 properties located within approximately 500 of the larger FDC site, and shared the meeting information on its website, through its community liaisons, social media platforms (Facebook, Instagram etc.), in the City Hall snapshot, and in the City's "Costa Mesa Minute" video message.

Approximately 85 community members attended the State's meeting. At the meeting, members of the public shared concerns about being unable to follow the presentation due to the small screen used to display the presentation. The presentation covered the following topics:

- Purpose of a Public Meeting
- Description of Proposed Project
- Environmental Review Process and Schedule
- Draft EIR Assessment Summary
- Comments from the Public and Agencies

Public comments expressed at the meeting included concerns with:

- 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

Written public comments received by the City are included as Attachment 3.

### **ANALYSIS:**

Since the last update to the City Council, staff have completed its review of the State's Draft EIR and prepared a draft comment letter (Attachment 1) for Council consideration and feedback. Below is a summary of the comments included in the draft letter.

#### **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. Therefore, the draft comment letter emphasizes that decisions regarding FDC's onsite use should consider and 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.

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. 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.

### **FDC is the wrong site for a State EOC**

The City's letter asks the State to reconsider other locations. 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.

### **Opportunity for Public Participation**

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 proposed project's potential environmental effects. Opportunities for public participation in the process have been minimal and do not adequately meet the intent of CEQA. The City again encourages the State to go beyond minimum regulatory requirements and provide meaningful opportunities for the public participation.

### **Insufficient Project Objectives**

The City's NOP letter requests that the project objectives consider the City's and the State's mutual long-term goals for housing, open space and multimodal active transportation at FDC. 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. Therefore, they are inappropriate and insufficient.

### **Insufficient Alternative Sites Analysis**

The DEIR does not consider alternative EOC locations within the FDC site as requested in the City's NOP letter. The EOC component and site design remain unchanged. Further, the DEIR does not disclose why alternative site locations for the proposed helipad were not further evaluated. Instead,

the DEIR provides a cursory review and then dismisses feasible alternatives without sufficient evaluation.

### **Impacts of the Communications Tower**

The photo simulation of the 120-foot communication tower makes it appear to “blend” into the background and does not accurately depict the visibility of the tower from the residential neighborhoods that surround FDC. The communication tower design remains visually unappealing and due to its scale and location constitutes a potentially significant visual impact for residential uses located adjacent to it.

### **Impacts of the Helipad**

The City’s NOP letter requests that the noise analysis take into consideration operations of the helipad during an emergency event which – though potentially infrequent – will create a new source of noise that will be substantially above the existing ambient level during take off and landing. The discussion in the DEIR is minimal regarding the potential noise impacts to people who reside and work near the project area. The DEIR does not provide a quantitative analysis of the anticipated frequency of helipad use and is dismissive of the potentially significant noise impacts of such use to the surrounding community.

### **Land Use Incompatibility**

The DEIR 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 to accommodate the City’s Regional Housing Needs Allocation. The DEIR does not discuss the compatibility of the proposed EOC, its helipad, and the communication tower with existing and future residential development. The EOC project is located in a prime area of the site and will impact the feasibility of future housing development at FDC.

### **Recreation Impacts**

Within the Public Services section of the DEIR, the listed park space does not include or consider the Costa Mesa Golf Course or the youth soccer fields at FDC.

### **Traffic and Transportation Impacts**

The DEIR does not adequately analyze the potential traffic impacts associated with the proposed project. The City’s NOP comment letter states that the Traffic Impact analysis must include both Vehicle Miles Travel (VMT) Analysis and Level of Services (LOS) analysis consistent with the City’s General Plan. The analysis should have included key intersections and active transportation provisions identified in the City’s NOP comment letter. This information was not included in the DEIR analysis. Instead, the DEIR states that the proposed project is a government-run emergency operations center and meets the project-type screening criterion that exempts the need of a detailed-project specific VMT analysis. 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 is necessary since a project type screening for local serving uses does not apply. This section also states that this project is not considered to be a project of regionwide significance; City staff disagrees. The EOC serves 11 counties and is of regionwide significance.

### **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 focused 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 this, the DEIR Mitigation Measure (MM) BIO-1 calls for focused surveys during breeding season as a future study. In order to provide more clarity of how this measure will reduce the impacts to burrowing owls, if found on site, the City's draft comment letter requests specific revisions to the biological mitigation measures to better ensure impacts to burrowing owls are addressed.

### **Recirculation of the DEIR**

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. Staff suggests that the State respond to the City's comments and recirculate the EIR for additional public comment.

### **ALTERNATIVES:**

Staff recommends no alternative actions.

### **FISCAL REVIEW:**

There are no fiscal impacts associated with providing a City comment letter to the State on the State's Draft Environmental Impact Report for the Cal OES Southern California Regional EOC Project.

### **LEGAL REVIEW:**

The City Attorney's Office has reviewed this staff report and approved as to form.

### **CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the following City Council Goal:

- Diversify, stabilize and increase housing to reflect community needs

### **CONCLUSION:**

Staff prepared a comment letter for submittal to the State regarding its Draft EIR for its OES project proposed on a 15-acre portion of the Fairview Developmental Center site in Costa Mesa. Staff recommends the City Council provide feedback and authorize staff to submit the letter to the State. Comments are due October 20, 2023 by 6 p.m.