

**CEQA FINDINGS OF FACT  
FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
HIVE LIVE**

State Clearinghouse No. 2024060115

**I. BACKGROUND**

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of a project pursuant to Sections 15091 of the *CEQA Guidelines* and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA.

The lead agency is responsible for the adequacy and objectivity of the EIR. The City of Costa Mesa (City), as lead agency, has subjected the Draft EIR and Final EIR to the agency’s own review and analysis.

**A. PROJECT SUMMARY**

**Project Location**

The City of Costa Mesa encompasses approximately 16 square miles and is located in the western portion of Orange County. Surrounding jurisdictions include Santa Ana to the north, Irvine and Newport Beach to the east, Newport Beach to the south, and Huntington Beach and Fountain Valley to the west.

The approximately 14.25-acre project site is located at 3333 Susan Street, Costa Mesa, 92626. The site is specifically bound by Sunflower Avenue to the north, Susan Street to the east, South Coast Drive to the south, and a public trail (the “Rail Trail”), a pump station (operated by Mesa Water District), and Anduril Industries to the west. Regional access to the project site from the west and east is available via Interstate 405 (I-405), from the south via the San Joaquin Hills Transportation Corridor (State Route [SR]-73), and the east via the Costa Mesa Freeway (State Route 55 [SR-55]). Harbor Boulevard, Fairview Road, South Coast Drive, and Sunflower Avenue are the major roadways that provide local access to the project site.

**Project Description**

The project proposes to demolish the existing 182,520-square foot Hive Creative Office Campus and the Los Angeles Chargers practice field and construct a new multi-phased master-planned residential community (“Hive Live”). The project proposes up to 1,050 dwelling units (rental/apartment units) in three buildings, 3,692 square feet of retail uses, and 335,958 square feet of open space (i.e., publicly accessible open space area, private common open space, and private balconies).

Residential Community

The multi-family residential component would consist of up to 1,050 multi-family units (with 45 units reserved as affordable units) within three buildings: Building A (five stories; 315 units), Building B (five stories; 346 units), and Building C (five stories; 389 units). The unit breakdown would consist of 141 studio units (13 percent), 562 one-bedroom units (54 percent), and 347 two-bedroom units (33 percent), ranging from 778 square feet to 1,078 square feet.



### Retail

The retail component of the project includes 3,692 square feet of retail uses, focused primarily on tenant-serving service uses. Such uses may include retail shops and service establishments (i.e., restaurants and health clubs). The retail uses would be located on the ground floor of Building A, fronting Susan Street.

### Open Space

The proposed project would include a total of 335,958 square feet of public and private open spaces. Public open space areas would include a rear paseo adjacent to the Rail Trail, landscaped perimeter, public plaza, general amenity space, bicycle storage space, and retail space. In addition to the publicly accessible open space areas, the proposed project would include open space (i.e., indoor and outdoor amenities) throughout the project site available exclusively for residents. The indoor and outdoor amenities may include a leasing office, indoor and outdoor lounges, ground-level courtyards and pools, dog park, general amenity space, mail room, bicycle storage space, art exhibit, art work, co-work/flex space available to residents, move-in area, fitness room, and roof deck (including a fitness facility, roof lounge, and outdoor deck and pool). The project would also include photovoltaic systems as required by the California Building Code for each building.

### Landscaping

Landscaping consisting of trees, shrubs, and groundcover would be planted along the site perimeter, between the proposed buildings, and around the open space areas. California native or drought-tolerant and architecturally thematic plant material would be utilized to emphasize entry monuments, signage, walls, and hardscape elements. Proposed landscaping would be intended to soften hardscape features visible from a public street or from a residential property.

### Lighting

Project lighting would be installed to illuminate driveways, public walkways, public and private amenity areas, public retail areas, pathways, stairways, entrances and exits, parking areas, recreation areas, pools, dumpster areas, and other locations required by the City to meet minimum safety requirements. A lighting plan is provided in the *Hive Live Master Plan* (Master Plan), which illustrates the potential light pole locations throughout the site. Light poles are proposed along the site perimeter, between the proposed buildings, and around the open space areas. All lighting on-site would be shielded and directed downward to avoid impacting adjacent uses.

### Public Art

The proposed project would include the installation of public art within the proposed open space area. The Master Plan includes a public open space art plan detailing the location for the potential public art installation. As shown, public art installation may be located at the public plaza, located near the corner of Susan Street and South Coast Drive.

The proposed project requires approval of a General Plan Amendment, Zoning Amendment, Specific Plan Amendment, Tentative Parcel Map, Master Plan, and Density Bonus Agreement.



## **B. PROJECT GOALS AND OBJECTIVES**

The proposed objectives for the Hive Live project are to:

1. Redevelop the project site with a mix of residential units and accessory/ancillary retail uses in a master-planned setting and in a manner that is fiscally neutral or fiscally positive for the City.
2. Increase the City's housing stock, including affordable housing opportunities, by providing multi-family residential housing in areas with adequate public utilities and public services (i.e., fire protection and emergency services, police protection services, school services, and library services) and in close proximity to major employment centers.
3. Provide enhanced recreation and open space opportunities and opportunities for specialty retail and entertainment uses to serve future residents.
4. Facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and by bringing residents in closer proximity to existing and proposed resident-serving retail and adjacent employment centers, as well as existing pedestrian-scale transit improvements such as the Rail Trail.
5. Improve jobs-housing ratio and reduce vehicle miles traveled by placing housing in proximity to a major employment center in support of Statewide housing and transportation regulations (Senate Bill 375 and Senate Bill 743).
6. Incorporate sustainable development practices that address energy efficiency, support active transportation, and comply with green building code standards.
7. Enhance the visual attributes of the project site and surrounding area through implementation of a high quality design, creative facades, consistent development standards, and design guidelines for streetscape, landscape, site design, and signage.

## **C. ENVIRONMENTAL REVIEW PROCESS**

The Final EIR includes the Draft EIR (dated February 2025); written comments received during the Draft EIR public review period; written responses to those comments; and a Mitigation Monitoring and Reporting Program (State Clearinghouse No. 2024060115) (hereinafter referred to collectively as the Final EIR). In conformance with CEQA and the *CEQA Guidelines*, the City conducted an extensive environmental review of the proposed project. The following is a summary of the City's environmental review process:

- Pursuant to *CEQA Guidelines* Section 15082, as amended, the City circulated a Notice of Preparation (NOP) to public agencies and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse and posted at the Orange County Clerk's office on June 6, 2024, with the 30-day review period beginning on June 6, 2024 and ending on July 5, 2024. Copies of the NOP were made available for public review at the City of Costa Mesa Development Services Department, located at 77 Fair Drive, 2nd Floor, Costa Mesa, CA 92626; as well as on the City's website.
- A public scoping meeting was held on June 17, 2024 at the Norma Hertzog Community Center located at 1845 Park Avenue, Costa Mesa, California 92627.



- A Notice of Availability (NOA) was initially prepared and submitted to the State Clearinghouse and posted at the Orange County Clerk’s office on January 21, 2025 (herein referred to as the January 21, 2025 NOA). At the request of the City of Costa Mesa Economic and Development Department, the January 21, 2025 NOA, along with a Draft EIR prepared for the project (herein referred to as the January 21, 2025 Draft EIR), were not released for public review. As such, it should be noted that while the January 21, 2025 NOA and the January 21, 2025 Draft EIR were posted to the State Clearinghouse CEQAnet online database on January 21, 2025 (which recorded a public review period beginning January 21, 2025 and ending March 6, 2025), the January 21, 2025 NOA was not mailed to State agencies, tribes, organizations, or other members of the public, nor was the January 21, 2025 NOA published in the local newspaper. Since that time, the January 21, 2025 Draft EIR has undergone minor revisions by City staff.
- Upon minor revisions by City staff, an updated Draft EIR was prepared and distributed for a 45-day public review period beginning February 14, 2025 through March 31, 2025. An updated NOA (prepared pursuant to Public Resources Code Section 21092 and the *CEQA Guidelines* [Title 14 of the California Code of Regulations, Section 15087]) was submitted to the State Clearinghouse, sent to public agencies and interested persons and organizations, and posted at the Orange County Clerk’s office on February 14, 2025. It should be acknowledged that as the State review period cannot end on a holiday or weekend, the State Clearinghouse review period ended on April 1, 2025. Copies of the Draft EIR were made available for public review at the City of Costa Mesa Development Services Department, Mesa Verde Library, Costa Mesa/Donald Dungan Library, and on the City’s website. A Final EIR was prepared, which included comment letters received on the Draft EIR, responses to those comment letters, and a Mitigation Monitoring and Reporting Program. The Final EIR was released for a minimum 10-day agency review period prior to certification of the Final EIR.
- A Planning Commission Study Session for the proposed project was held on May 26, 2025.
- Public hearings on the proposed project were held, including Planning Commission on June 9, 2025 and City Council on July 15, 2025.

#### **D. RECORD OF PROCEEDINGS**

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project;
- The Draft EIR and the Final EIR for the proposed project;
- All written comment letters submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR;
- All responses to written comment letters submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR;
- All clarifications and modifications to the Draft Environmental Impact Report (Draft EIR), all of which do not affect the overall conclusions of the environmental document



- and are not considered to result in any new or substantially greater significant impacts as compared to those identified in the Draft EIR;
- All written and verbal public testimony presented during noticed public hearing(s) for the proposed project;
  - The Mitigation Monitoring and Reporting Program;
  - The reports and technical memoranda included or referenced in the Final EIR;
  - All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR;
  - The Resolutions recommended for adopted by the Planning Commission and adopted by the City Council in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and response thereto;
  - Matters of common knowledge to the City, including but not limited to Federal, State, and local laws and regulations; and
  - Any documents expressly cited in these Findings.

#### **E. CUSTODIAN AND LOCATION OF RECORDS**

The documents and other materials that constitute the record of proceedings for the City's actions related to the Hive Live project are located at the City of Costa Mesa, Development Services Department, 77 Fair Drive, Costa Mesa, California 92626. The City's Development Services Director is the custodian of the record of proceedings for the Final EIR. Copies of these documents, which constitute the record of proceedings are, and at all relevant times have been and will be, available upon request at the offices of the City of Costa Mesa, Development Services Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e).

#### **F. INDEPENDENT JUDGMENT AND FINDING**

The City selected and retained Michael Baker International (Michael Baker) to prepare the Hive Live EIR. Michael Baker prepared the EIR under the supervision and direction of the City. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

##### **Finding:**

The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant, and directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and finds that the report reflects the independent judgment of the City.

The City Council has considered all the evidence presented in its consideration of the project and the EIR, including, but not limited to, the Draft EIR, the Final EIR, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence, the City Council finds that with



respect to each environmental impact identified in the review process, the impact: (1) is less than significant and would not require mitigation; (2) is potentially significant but would be avoided or reduced to a less than significant level by implementation of identified mitigation measures; or (3) would be significant and not fully mitigatable but would be, to the extent feasible, lessened by implementation of identified mitigation measures. No impacts would be significant and unavoidable. Therefore, no Statement of Overriding Considerations as described in CEQA Guidelines Section 15093 is required.

## **II. FINDINGS AND FACTS**

The City of Costa Mesa, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft EIR and Final EIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  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.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.



- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in *CEQA Guidelines* Section 15091(a)(1) may include a wide variety of measures or actions as set forth in *CEQA Guidelines* Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

This Findings of Fact section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the potentially significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

## **A. FORMAT**

This Findings of Fact section is divided into the following subsections:

- **A, Format**, presents the format of this section and provides a brief summary for all the subsections.
- **B, Summary of Environmental Impacts**, presents the summary of the proposed project’s impacts.
- **C, Findings on Impacts Determined to Be Less Than Significant**, presents the impacts of the proposed project that were determined in the EIR to be no impact or less than significant impact without the addition of mitigation measures.
- **D, Findings on Impacts Mitigated to Less Than Significant**, presents potentially significant impacts of the proposed project that were identified in the EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program that would reduce such impacts to less than significant levels, and the rationales for the findings.
- **E, Findings on Significant Unavoidable Impacts**, presents potentially significant impacts of the proposed project that were identified in the EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program that would reduce these impacts to the extent feasible, the findings for significant and unavoidable impacts, and the rationales for the findings.



- **F, Findings on Recirculation**, presents the reasoning as to why recirculation is not required under *CEQA Guidelines* Section 15088.5.
- **G, Findings on Project Alternatives**, presents alternatives to the project and evaluates them in relation to the findings set forth in *CEQA Guidelines* Section 15091(a)(3), which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, legal, social, technological, or other considerations. This section also identifies the environmentally superior alternative.

## **B. SUMMARY OF ENVIRONMENTAL IMPACTS**

Based on the Draft EIR, the following is a summary of the environmental topics considered to have no impact, a less than significant impact, and a less than significant impact with implementation of mitigation measures. Based on the Draft EIR, compliance with existing regulations and the specific mitigation measures would reduce project impacts to less than significant levels and no significant unavoidable impacts would result.

### **No Impact**

- Aesthetics (scenic vistas, and scenic resources within a State scenic highway);
- Agriculture and Forestry Resources;
- Biological Resources (riparian habitats or other sensitive natural communities; State or Federally protected wetlands; conflict with an adopted habitat conservation plan/natural community conservation plan);
- Cultural Resources (historical resources);
- Geology and Soils (expansive soils; soils incapable of supporting septic tanks);
- Hazards and Hazardous Materials (listed pursuant to Government Code Section 65962.5; wildland fires);
- Hydrology and Water Quality (flood, tsunami, or seiche);
- Land Use and Planning (physically dividing an established community);
- Noise (excessive airport-related noise);
- Mineral Resources;
- Population and Housing (displace people or housing);
- Tribal Cultural Resources (tribal cultural resources listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources); and
- Wildfire.

### **Less Than Significant Impact**

- Aesthetics (conflict with scenic quality-related zoning and regulations; light and glare);
- Air Quality (project operations consistency with the Basin's air quality plan; cumulative considerations of construction and operational air emissions contribution to the Basin's



nonattainment designations; operational impacts to nearby sensitive receptors; other emissions [such as those leading to objectionable odors] adversely affecting a substantial number of people);

- Biological Resources (special-status species; consistency with local policies protecting biological resources);
- Cultural Resources (human remains);
- Energy;
- Geology and Soils (seismic-related hazards including rupture, ground shaking, liquefaction, and landslides; soil erosion or loss of topsoil; unstable geologic unit or soil);
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials (routine transport, use, or disposal of hazardous materials; accidental release of hazardous materials; emit or handle hazardous substances near schools; airport safety hazards or excessive noise for people residing or working in the project area;);
- Hydrology and Water Quality (water quality standards or waste discharge requirements; groundwater supplies or groundwater recharge; drainage patterns resulting in erosion/siltation, flooding, capacity deficiencies of the stormwater drainage system, impede or redirect flood flows; conflict with or obstruct implementation of a water quality management plan or sustainable groundwater management plan);
- Land Use and Planning (conflict with applicable plans);
- Noise (construction or operational noise exceed applicable standards; excessive groundborne vibration);
- Population and Housing (unplanned population growth);
- Public Services (fire protection, school services, park facilities, and library services);
- Recreation;
- Transportation (conflict with a program, plan, ordinance, or policy addressing the circulation system; safety hazards caused by geometric design features or incompatible uses; emergency access); and
- Utilities and Service Systems.

**Less Than Significant Impact with Mitigation Incorporated**

- Air Quality (construction impacts to nearby sensitive receptors; conflict with applicable air quality management plan);
- Biological Resources (wildlife corridors);
- Cultural Resources (archaeological resources);
- Geology and Soils (paleontological resources);
- Hazards and Hazardous Materials (emergency response plans);
- Public Services (police protection);



- Transportation (conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision [b]); and
- Tribal Cultural Resources (unknown tribal cultural resources).

### **Significant and Unavoidable Impacts**

Based on the Draft EIR, compliance with existing regulations and the specific mitigation measures would reduce project impacts to less than significant levels and no significant unavoidable impacts would result.

### **C. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT**

Consistent with *CEQA Guidelines* Sections 15126.2 and 15128, the EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.”

#### **Finding:**

The City finds that based on substantial evidence in the record, the following potential impacts, to the extent they result from the project, would be less than significant, or would have no impact, and would not require mitigation.

#### **1. Aesthetics**

Project implementation would not have a substantial adverse effect on a scenic vista.

Project implementation would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

In an urbanized area, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality.

The proposed project would not create a substantial new source of light and glare.

Development of the proposed project and related projects would not conflict with applicable zoning and other regulations governing scenic quality.

Development of the proposed project and related projects would not create a new substantial source of light and glare.

#### **2. Agriculture and Forestry Resources**

Project implementation would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.



Project implementation would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use.

Implementation of the project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

### **3. Air Quality**

Construction activities associated with the proposed project would not generate short-term emissions in exceedance of SCAQMD's threshold criteria that would cumulatively contribute to the nonattainment designations in the Basin.

Operational air emissions associated with the proposed project would not exceed applicable SCAQMD threshold criteria that would cumulatively contribute to the nonattainment designations in the Basin.

Project operations would not expose sensitive receptors to substantial pollutant concentrations.

The proposed project would not result in odors that affect a substantial number of people.

Short-term construction activities associated with the proposed project and other related cumulative projects, would not result in substantial increased air pollutant emission impacts.

Implementation of the proposed project and other related cumulative projects would not result in substantial increased impacts pertaining to operational air emissions.

Implementation of the proposed project and related projects would not result in cumulatively considerable carbon monoxide hotspot impacts and localized health risk.

Implementation of the proposed project and related projects would not result in cumulatively considerable inconsistencies with the applicable air quality plan.

Implementation of the proposed project and related projects would not result in cumulatively considerable odors that affect a substantial number of people.



#### **4. Biological Resources**

Development of the proposed project would not 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 Wildlife or U.S. Fish and Wildlife Service.

Project implementation would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Project implementation would not have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Project implementation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Project implementation would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Development of the proposed project and related projects would not result in cumulatively considerable impacts to 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 Wildlife or U.S. Fish and Wildlife Service.

#### **5. Cultural Resources**

The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Development of the project would not disturb human remains, including those interred outside of dedicated cemeteries.

Development of the proposed project and related projects would not result in cumulatively considerable impacts to human remains, including those interred outside of dedicated cemeteries.

#### **6. Energy**

The project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

The project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.



The project would not result in a cumulatively considerable significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

The proposed project, in combination with related projects, would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

## **7. Geology and Soils**

Development of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
- ii. Strong seismic ground shaking.
- iii. Seismic-related ground failure, including liquefaction.
- iv. Landslides.

Development of the proposed project would not result in substantial soil erosion or loss of topsoil.

Development of the proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

The proposed project would not be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. .

Project implementation would not result in impacts pertaining to soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Development of the proposed project and related projects would not result in cumulatively considerable geology and soils impacts, other than paleontological resources considerations.

## **8. Greenhouse Gas Emissions**

Implementation of the proposed project would not generate a net increase in GHG emissions that would have a significant impact on the environment.

Implementation of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Greenhouse gas emissions generated by the project and other related cumulative projects would not have a significant cumulative impact on global climate change or would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.



## **9. Hazards and Hazardous Materials**

Project implementation would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Project construction and operations would not create a significant hazard through reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

Project implementation would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The proposed project would not be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

Project implementation would not result in a safety hazard or excessive noise for people residing or working in the project area.

Project implementation would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Construction and operation of the proposed project and related projects would not result in a cumulatively considerable impact through reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

## **10. Hydrology and Water Quality**

The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.

The proposed project would not substantially increase the rate or amount of surface runoff and result in flooding on- or off-site.

The proposed project would not impede or redirect flood flows.

Project implementation would not result in inundation by seiche, tsunami, or mudflow.

The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.



Development of the proposed project and related projects would not result in cumulatively considerable impacts to water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Development of the proposed project and related projects would not result in cumulatively considerable impacts to groundwater supplies or interfere substantially with groundwater recharge such that sustainable groundwater management of the basin is impeded.

Development of the proposed project and related projects would not result in cumulatively considerable impacts related to substantially altering the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.

Development of the proposed project and related projects would not result in cumulatively considerable impacts related to substantially increasing the rate or amount of surface runoff and result in flooding on- or off-site.

Development of the proposed project and related projects would not result in cumulatively considerable impacts related to impeding or redirecting flood flows.

Development of the proposed project and related projects would not result in cumulatively considerable impacts related to conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

## **11. Land Use and Planning**

Project implementation would not physically divide an established community.

Project implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect.

Development of the proposed project in combination with related projects would not result in cumulatively considerable conflicts with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect.

## **12. Mineral Resources**

Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

Project implementation would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.



### **13. Noise**

Construction activities would result in temporary noise increases in the project vicinity, but would not exceed applicable standards.

Long-term operational noise generated by the proposed project would not exceed applicable standards.

The project would not generate excessive short- or long-term groundborne vibration or noise.

The proximity of the project site to the John Wayne Airport would not result in exposure of future residents and/or workers to excessive airport-related noise.

Cumulative construction activities would not result in temporary noise increases that could exceed applicable standards.

Implementation of the proposed project, in combination with related projects, would not result in a cumulatively significant long-term operation-related noise impacts.

Implementation of the proposed project, in combination with related projects, would not cumulatively create excessive long-term or short-term groundborne vibration and groundborne noise.

Project development, in combination with related projects, would not cumulatively expose future residents and/or workers to excessive airport-related noise.

### **14. Population and Housing**

The proposed project would not directly or indirectly result in substantial unplanned population growth in the project area.

Project implementation would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Development of the proposed project and related projects would not result in cumulatively considerable impacts related to substantial unplanned population growth.

### **15. Public Services**

The proposed project would increase the intensity of the project site, but would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.

The proposed project would introduce new students into the NMUSD service area, but would not adversely impact school enrollment capacities.



Project development would introduce additional residents in the City, but would not substantially increase demands for park facilities.

Project development would not significantly increase residents in the OCPL service area, such that new or physically altered library service facilities would be needed, the construction of which could cause significant environmental impacts.

The project, combined with other related projects, could increase demand for CMFD services, but would not cause significant environmental impacts.

Development of the proposed project, in combination with related projects, would not adversely impact NMUSD's facilities and resources.

The project, combined with other cumulative projects, would not substantially increase demand for park facilities that could cause significant environmental impacts.

The project, combined with other cumulative projects, would not substantially increase demands for OCPL services that could cause significant environmental impacts.

## **16. Recreation**

The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The project includes recreational facilities, but the construction of such recreational facilities would not have an adverse physical effect on the environment.

The project, combined with other related projects, would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The project, combined with other cumulative projects, include recreational facilities, but would not have an adverse physical effect on the environment.

## **17. Transportation**

The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The project would not result in inadequate emergency access.



Development of the proposed project and related projects would not cumulatively conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Development of the proposed project and related projects would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Development of the proposed project and related projects would not result in cumulatively considerable impacts to emergency access.

## **18. Tribal Cultural Resources**

Project implementation would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

## **19. Utilities and Service Systems**

Project implementation would require the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which would not cause significant environmental impacts.

Project implementation would require the relocation or construction of new or expanded water facilities, the construction or relocation of which would not cause significant environmental impacts.

Project implementation would require the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which would not cause significant environmental impacts.

Project implementation would require the relocation or construction of new or expanded electric, natural gas, and telecommunication facilities, the construction or relocation of which would not cause significant environmental impacts.

The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Wastewater provider has adequate capacity to serve the project's projected demands and the provider's current commitments.

The proposed project's generated solid waste would not exceed the State or local standards, or in excess of the capacity of the local infrastructure, or otherwise impair the attainment of solid waste reduction goals.



The project would comply with existing Federal, State, and local management and reduction statutes and regulations related to solid waste.

Development of the project, in combination with related projects, would require the relocation or construction of new or expanded water facilities, the construction or relocation of which would not cause significant environmental impacts.

Development of the project, in combination with related projects, would require the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which would not cause significant environmental impacts.

Development of the project, in combination with related projects, would require the relocation or construction of new or expanded stormwater facilities, the construction or relocation of which would not cause significant environmental impacts.

Development of the project, in combination with related projects, would require the relocation or construction of new or expanded electrical, natural gas, or telecommunication facilities, the construction or relocation of which would not cause significant environmental impacts.

Sufficient water supplies are available to serve the project and related projects during normal, dry, and multiple dry years.

Development of the project, in combination with related projects, would not significantly impact the wastewater provider's ability to meet projected and current demands.

The proposed project's generated solid waste, in combination with related projects, would not exceed the State or local standards, or in excess of the capacity of the local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

The project, in combination with related projects, would comply with existing Federal, State, and local management and reduction statutes and regulations related to solid waste.

## **20. Wildfire**

Since the project is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones, project implementation would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Since the project is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones, project implementation would not exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, due to slope, prevailing winds, and other factors.

Since the project is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones, project implementation would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.



Since the project is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones, project implementation would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

#### **D. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT**

The following summary describes the potential impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft EIR, these potential impacts would be considered less than significant.

##### **1. Air Quality**

---

#### **Impact 5.2-3 Project construction would not expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-3]**

---

*Applicable Threshold of Significance AQ-3:* Expose sensitive receptors to substantial pollutant concentrations.

*Level of Significance Before Mitigation:* Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.2, *Air Quality*, and in particular, on pages 5.2-24 through 5.2-26 of the Draft EIR.

#### **Construction Localized Impact Analysis**

Localized Significance Thresholds (LSTs) were developed in response to the South Coast Air Quality Management District (SCAQMD) Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the Final Localized Significance Threshold Methodology (dated June 2003 [revised October 2009]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific level projects. The SCAQMD provides the LST look-up tables for one-, two-, and five-acre projects emitting Carbon Monoxide (CO), Nitrogen Oxides (NO<sub>x</sub>), Fine Particulate Matter (PM<sub>2.5</sub>), or Coarse Particulate Matter (PM<sub>10</sub>). The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The project site is located within Source Receptor Area (SRA) 17 (Central Orange County).

The SCAQMD guidance on applying California Emissions Estimator Model Version 2022.1. (CalEEMod) to LSTs specifies the number of acres a particular piece of equipment would likely disturb per day.<sup>1</sup> SCAQMD provides LST screening thresholds for one-, two-, and five-acre site disturbance areas; SCAQMD does not provide LST screening thresholds for projects over five acres. Although the project site is over five acres, the proposed project would only actively disturb approximately one acre per day during all construction phases. Therefore, the LST screening thresholds for one acre were utilized for the LST analysis, which are the most stringent screening

---

<sup>1</sup> The number of acres represent the total acres traversed by grading equipment. To properly grade a piece of land, multiple passes with equipment may be required. The disturbance acreage is based on the equipment list and days of the grading phase according to the anticipated maximum number of acres a given piece of equipment can pass over in an 8-hour workday.



thresholds. Further, the nearest sensitive receptors are located 105 feet (32 meters) east of the project site. LST screening thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, the lowest LST values for 25 meters were used, per SCAQMD guidance.

Draft EIR Table 5.2-10, *Construction Localized Significance Modeling Results*, shows the localized construction-related emissions. The localized emissions presented in this table are less than those in Draft EIR Table 5.2-7, *Construction Criteria Pollutant Emissions*, because localized emissions include only on-site emissions (i.e., from construction equipment and fugitive dust) and do not include off-site emissions (i.e., from the worker, vendor, and hauling trips). As shown in Draft EIR Table 5.2-10, the proposed project’s construction emissions would not exceed the LST screening thresholds for SRA 17. Therefore, construction LST impacts would be less than significant.

**Table 5.2-10 Construction Localized Significance Modeling Results**

| Construction Year                             | Pollutant (pounds/day) <sup>1, 2, 8</sup> |               |                  |                   |
|---|---|---------------|------------------|-------------------|
|   | NO <sub>x</sub>                           | CO            | PM <sub>10</sub> | PM <sub>2.5</sub> |
| 2026 (Phase 1) <sup>3</sup>                   | 20.70                                     | 19.00         | 2.49             | 1.48              |
| 2027 (Phase 1) <sup>4</sup>                   | 9.39                                      | 12.90         | 0.34             | 0.31              |
| 2028 (Phase 1 and 2 Overlapping) <sup>5</sup> | 20.41                                     | 19.82         | 2.43             | 1.42              |
| 2029 (Phase 2) <sup>4</sup>                   | 8.58                                      | 12.90         | 0.28             | 0.25              |
| 2030 (Phase 2) <sup>4</sup>                   | 8.39                                      | 12.90         | 0.26             | 0.24              |
| 2031 (Phase 2 and 3 Overlapping) <sup>5</sup> | 18.28                                     | 19.40         | 2.35             | 1.36              |
| 2032 (Phase 3) <sup>4</sup>                   | 7.87                                      | 12.80         | 0.22             | 0.21              |
| 2033 (Phase 3) <sup>4</sup>                   | 7.67                                      | 12.80         | 0.20             | 0.19              |
| 2034 (Phase 3) <sup>6</sup>                   | 0.76                                      | 1.10          | 0.01             | 0.01              |
| <b>Maximum Daily Emissions</b>                | <b>20.70</b>                              | <b>19.82</b>  | <b>2.49</b>      | <b>1.48</b>       |
| <i>LST Screening Threshold<sup>7</sup></i>    | <i>81.00</i>                              | <i>485.00</i> | <i>4.00</i>      | <i>3.00</i>       |
| <b>Screening Thresholds Exceeds?</b>          | <b>No</b>                                 | <b>No</b>     | <b>No</b>        | <b>No</b>         |

Note: µg/m<sup>3</sup> = microgram per cubic meter; ppm = parts per million; NO<sub>x</sub> = nitrogen oxides; CO = carbon monoxide; PM<sub>10</sub> = particulate matter less than 10 microns in size; PM<sub>2.5</sub> = particulate matter less than 2.5 microns in size

- 1 Emissions were calculated using CalEEMod, version 2022.1. Totals may be off due to rounding.
- 2 The reduction/credits for construction emissions are based on adjustments to CalEEMod and are required by the SCAQMD Rules. The adjustments applied in CalEEMod include the following: properly maintain mobile and other construction equipment; replace the ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; and limit speeds on unpaved roads to 15 miles per hour.
- 3 Highest levels of emissions are during demolition phase for NO<sub>x</sub> and CO, and grading phase for PM<sub>10</sub> and PM<sub>2.5</sub> in 2026.
- 4 Highest levels of emissions are during building construction phase for NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub> in 2027, 2029, 2030, 2032, and 2033.
- 5 As the Phase 1 architectural coating would overlap with Phase 2 demolition and grading, and Phase 2 architectural coating would overlap with Phase 3 demolition and grading, the architectural coating has been added on the demolition and grading on-site emissions.
- 6 Highest levels of emissions are during architectural coating phase for NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub> in 2034.
- 7 The LST Screening Thresholds were determined using Appendix C of the SCAQMD Final Localized Significant Threshold Methodology guidance document for pollutants NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The LST Screening Thresholds were based on the anticipated daily acreage disturbance for construction (the thresholds for one-acre were used), the LST screening thresholds of 25 meters based on the distance to sensitive receptors, and the SRA 17 (Central Orange County).
- 8 The numbers may not add up precisely due to rounding.

Source: Refer to Draft EIR Appendix C for assumptions used in this analysis

### **Localized Construction Air Quality Health Impacts**

The proposed project’s construction activities would involve the operation of diesel-powered equipment, which would emit diesel particulate matter (DPM). In 1998, the California Air Resource Board (CARB) identified diesel exhaust as a Toxic Air Contaminant (TAC). Cancer health risks associated with exposures to diesel exhaust typically are associated with chronic exposure, in which a 30-year exposure period often is assumed. Construction of the proposed project would be required to comply with California Code Regulations (CCR), Title 13, Sections 2449(d)(3) and 2485, to minimize the idling time of construction equipment either by shutting it off when not in use or by



reducing the time of idling to no more than five minutes. Implementation of these regulations would reduce the amount of DPM emissions from the construction of the proposed project.

Nevertheless, as discussed above, project construction would last for over eight years, and the closest sensitive receptors are located 105 feet east of the project site. Due to the proximity of the project site to nearby sensitive receptors and the extended period of construction activities, DPM emissions generated from the project's construction off-road equipment would be approximately 0.296 pounds per day (the average daily on-site exhaust; refer to Draft EIR Appendix C, *Air Quality/Greenhouse Gas Emissions/Energy Data*) and could potentially cause air quality related health risk impacts to the nearest sensitive receptors. Therefore, Mitigation Measure AQ-1 would be required to reduce DPM emissions and associated health impacts. Mitigation Measure AQ-1 would require that all off-road diesel-fueled construction vehicles and equipment greater than 50 horsepower meet Tier 4 emissions standards. Tier 4 standards regulate the amount of exhaust particulate matter emissions, which are DPMs, from off-road diesel engines and require emissions of particulate matter to be reduced. The Tier 4 emission standards would reduce DPM emissions to approximately 0.038 pounds per day, which is an approximately 87 percent reduction compared to the unmitigated emissions, refer to Draft EIR Appendix C for detail modeling and calculations. With the implementation of Mitigation Measure AQ-1, impacts in this regard would be reduced to less than significant levels.

***Plans, Programs, Policies:***

PPP AIR-2 Construction activities are required to comply with applicable South Coast Air Quality Management District (SCAQMD) rules and regulations, including, but not limited, to the following:

- Rule 402, *Nuisance*, which states a project shall not “discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property;” and
- Rule 1113, *Architectural Coatings*, which limits the volatile organic compound content of architectural coatings.

***Standard Conditions of Approval:***

SCA PLNG-14 Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the South Coast Air Quality Management District (SCAQMD) may be required ten (10) days prior to demolition.

SCA AQMD-3 Applicant shall contact the South Coast Air Quality Management District (SCAQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.

SCA HYD-1 South Coast Air Quality Management District (SCAQMD) Rule 403 would be adhered to, ensuring the cleanup of construction-related dirt on approach routes to the project site. Rule 403 prohibits the release of fugitive dust emissions from any active



operation, open storage pile, or disturbed surface area beyond the property line of the emission sources. Particulate matter deposits on public roadways are also prohibited.

***Mitigation Measures:***

**AQ-1** Prior to initiation of any construction activities, the project applicant shall provide documentation to the City of Costa Mesa Building Safety Division that all off-road diesel-powered construction equipment greater than 50 horsepower to be utilized during construction would meet the Tier 4 emission standards. A copy of each unit's certified tier specification and California Air Resources Board (CARB) or South Coast Air Quality Management District (SCAQMD) operating permit shall be provided to the City of Costa Mesa Building Safety Division at the time of mobilization of each applicable unit of equipment.

***Level of Significance After Mitigation:*** Less Than Significant Impact with Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

---

**Impact 5.2-5 The proposed project would be consistent with the applicable air quality management plan. [Threshold AQ-1]**

---

***Applicable Threshold of Significance AQ-1:*** Conflict with or obstruct implementation of the applicable air quality plan.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.2, *Air Quality*, and in particular, on pages 5.2-27 through 5.2-30 of the Draft EIR.

The project site is located within the South Coast Air Basin (Basin), which is governed by SCAQMD. On December 2, 2022, the SCAQMD Governing Board adopted the 2022 Air Quality Management Plan (2022 AQMP). The 2022 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, updated emission inventory methodologies for various source categories. Additionally, the 2022 AQMP utilized information and data from the Southern California Association of Governments (SCAG) and its *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (2020-2045 RTP/SCS). SCAG updates the RTP/SCS every four years and the most recent plan, the Connect SoCal 2024 was adopted on April 4, 2024. The 2024-2050 RTP/SCS (Connect SoCal 2024) is a vision for the future of Southern California that includes policies, strategies, and projects to advance the region's mobility, economy, and sustainability through 2050. While SCAG recently adopted the Connect SoCal 2024, the SCAQMD has not released an updated AQMP. As such, this consistency analysis is based off the 2022 AQMP and the RTP/SCS that was adopted at the time, the 2020-2045 RTP/SCS. According to the SCAQMD's CEQA Air



Quality Handbook, projects must be analyzed for consistency with two main criteria, as discussed below:

**Criterion 1:** With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

**a) Would the project result in an increase in the frequency or severity of existing air quality violations?**

Since the consistency criteria identified under the first criterion pertain to pollutant concentrations, rather than to total regional emissions, an analysis of a project's pollutant emissions relative to localized pollutant concentrations associated with the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS) is used as the basis for evaluating project consistency. As detailed under Draft EIR Impact 5.2-3 and Draft EIR Impact 5.2-4, localized concentrations of CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would be less than significant during project construction and operation. Therefore, the project would not result in an increase in the frequency or severity of existing air quality violations. Because Reactive Organic Gases (ROGs) are not a criteria pollutant, there is no ambient standard or localized threshold of ROGs. Due to the role ROG plays in O<sub>3</sub> formation, it is classified as a precursor pollutant, and only a regional emissions threshold has been established. As such, the project would not cause or contribute to localized air quality violations or delay the attainment of air quality standards or interim emissions reductions specified in the AQMP.

**b) Would the project cause or contribute to new air quality violations?**

As discussed under Draft EIR Impact 5.2-1 and Draft EIR Impact 5.2-2, the proposed project would result in emissions that are below the SCAQMD thresholds. As such, the proposed project would not have the potential to cause or contribute to a new violation of the ambient air quality standards.

**c) Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?**

The proposed project would result in less than significant impacts with regard to localized concentrations during project construction and operations; refer to Draft EIR Impact 5.2-3 and Draft EIR Impact 5.2-4. As such, the project would not delay the timely attainment of air quality standards or 2022 AQMP emissions reductions.

**Criterion 2:** With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning with the Basin focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the consistency analysis for the second criterion focuses on whether the project exceeds the assumptions utilized in preparing the forecasts presented in the 2022 AQMP. Determining whether a project exceeds the assumptions reflected in the 2022 AQMP involves the evaluation of the following criteria.



**a) Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the AQMP?**

A project is consistent with the 2022 AQMP in part if it is consistent with the population, housing, and employment assumptions that were used in the development of the 2022 AQMP. In the case of the 2022 AQMP, three sources of data form the basis for the projections of air pollutant emissions: general plans, SCAG's regional growth forecast, and SCAG's 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS also provides socioeconomic forecast projections of regional population growth.

Based on the General Plan Land Use Map, the project site is currently designated as Industrial Park (IP) within the North Costa Mesa Specific Plan. The project site also has a zoning designation of Planned Development Industrial (PDI) within a special Area (North Costa Mesa Specific Plan). The Industrial Park land use designation allows for a floor area ratio (FAR) of 0.40 and a maximum square footage of 252,648 square feet. The North Costa Mesa Specific Plan (Specific Plan) identifies the project site as Subarea 1 (Home Ranch) C (Industrial Park). The project would require approval of a General Plan Amendment, Zoning Amendment, Specific Plan Amendment, Tentative Parcel Map, Master Plan, and Density Bonus Agreement.

Based on the City's average household size of 2.52, the 1,050 units would introduce up to 2,646 additional residents within the City and current population is 109,423 persons as of January 1, 2024.<sup>2</sup> The forecast population in 2045 is 123,700 persons.<sup>3</sup> The project's potential growth-inducing impacts would be considered less than significant since the 2,646 additional residential represents only a 2.4 percent increase from the City's current population and well within the projected growth by 2045. The proposed project is a multi-phased residential community with 1,050 dwelling units and 3,692 square feet retail. As indicated in Draft EIR Section 5.12, *Population and Housing*, it is not anticipated that the project would result in a net increase in jobs on-site after full buildout. Thus, the project would be consistent with the types, intensity, and patterns of land use envisioned for the site vicinity with approval of the amendments. As the SCAQMD has incorporated these same projections into the 2022 AQMP, it can be concluded that the project would be consistent with the projections.

It is also noted that the project's construction and operational air emissions would not exceed the SCAQMD regional thresholds, and localized emissions during construction would also be below SCAQMD LST thresholds. The project would also be required to comply with the applicable SCAQMD emission reduction measures such as Rule 403. As such, the project would not result in or cause NAAQS or CAAQS violations. A less than significant impact would occur regarding 2022 AQMP consistency with the project.

**b) Would the project implement all feasible air quality mitigation measures?**

The proposed project would result in less than significant air quality impacts. Compliance with all feasible emission reduction rules and measures identified by the SCAQMD, and Mitigation

---

<sup>2</sup> State of California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021-2024 with 2020 Census Benchmark*, May 2024, <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2024/>, accessed July 22, 2024.

<sup>3</sup> Southern California Association of Governments, *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy Demographics & Growth Forecast*, September 3, 2020.



Measure AQ-1 would be required as identified in Draft EIR Impacts 5.2-1 through 5.2-4. As such, the proposed project meets this 2022 AQMP consistency criterion.

**c) Would the project be consistent with the land use planning strategies set forth in the AQMP?**

Land use planning strategies set forth in the 2022 AQMP are primarily based on the 2020-2045 RTP/SCS. The project proposes redevelopment of the Hive Live Campus with a multi-phased residential community with 1,050 dwelling units and 3,692 square feet retail spaces for the residents, and 335,958 square feet of open space, landscaping, streetscape improvements. The project site is near two bus stops served by the Orange County Transportation Authority (OCTA). There is one bus stop along Harbor Boulevard, approximately 0.25 miles west, and another bus stop along Fairview Road, approximately 0.35 miles east. Furthermore, the project would provide bicycle parking spaces, electric vehicle charging stations, and vanpool/carpool parking spaces, which would promote alternative mode of transportation. As such, the proposed project would be consistent with the land use planning strategies set forth in the 2022 AQMP and would meet this AQMP consistency criterion.

In summary, the proposed project would not result in substantial population growth, and project emissions would not substantially contribute to the Basin's nonattainment designations and would not interfere with SCAQMD's implementation of the 2022 AQMP. Furthermore, the project would be consistent with the General Plan Objective CON-4.A that pursues the prevention of the significant deterioration of local and regional air quality as the emissions associated with project would not exceed operational and construction thresholds established by the SCAQMD. Due to these factors the proposed project would be consistent with the 2022 AQMP.

***Plans, Programs, Policies:*** No PPPs are applicable to this threshold of significance.

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

**AQ-1** Prior to initiation of any construction activities, the project applicant shall provide documentation to the City of Costa Mesa Building Safety Division that all off-road diesel-powered construction equipment greater than 50 horsepower to be utilized during construction would meet the Tier 4 emission standards. A copy of each unit's certified tier specification and California Air Resources Board (CARB) or South Coast Air Quality Management District (SCAQMD) operating permit shall be provided to the City of Costa Mesa Building Safety Division at the time of mobilization of each applicable unit of equipment.

***Level of Significance After Mitigation:*** Less Than Significant Impact with Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City



of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

## 2. Biological Resources

---

**Impact 5.3-2 Development of the proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site. [Threshold B-4]**

---

*Applicable Threshold of Significance B-4:* Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

*Level of Significance Before Mitigation:* Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.3, *Biological Resources*, and in particular, on pages 5.3-9 through 5.3-11 of the Draft EIR.

Habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are key features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The project site is not located within any wildlife corridors. The project site is surrounded by developed land on all sides, with minimal to no opportunities for movement of wildlife. Further, the closest wildlife corridor is the Santa Ana River, approximately 0.94-mile to the northwest and one mile to the west; however, the Santa Ana River is separated from the project site by extensive development. Wildlife movement into or out of the project site is reduced by the lack of any connectivity to open space areas, by the presence of surrounding high-traffic roadways, and existing residential developments. Additionally, elevated noise levels, vehicle traffic, lighting, and human presence associated with the surrounding residential and commercial developments and roadways decrease the suitability of the project site to be used as a wildlife movement corridor or linkage.

The project site provides abundant nesting habitat for many year-round and seasonal avian residents within the parking lot and parkway trees. At the time of the field survey, no birds were observed displaying nesting behavior on-site, although an American crow was observed flying over and away from the site while carrying nesting material and was presumably nesting on an adjacent property. Nesting birds are protected pursuant to the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF). Specifically, the MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. To reduce potential impacts to nesting birds during the nesting bird season (January 1 through August 31), Mitigation Measure BIO-1 requires a pre-construction nesting bird clearance survey be conducted to determine the presence/absence, location, and status of any active nests on or adjacent to the project site. If an



active bird nest is found, a “no-disturbance” buffer shall be established around the active nest and shall be monitored until the young have fledged and left the nest or the nest otherwise becomes inactive under natural conditions. With the implementation of Mitigation Measure BIO-1, the project’s potential impacts to nesting birds would be reduced to less than significant levels.

***Plans, Programs, Policies:*** No PPPs are applicable to this threshold of significance.

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

BIO-1 If project-related activities are to be initiated during the nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist retained by the project applicant no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone surrounding the project impact area. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a “no-disturbance” buffer shall be established around the active nest. The size of the “no-disturbance” buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no-disturbance” buffer disturb the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the “no-disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

---

**Impact 5.3-4**      **Development of the proposed project and related projects could result in cumulatively considerable impacts with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site. [Threshold B-4]**

---



***Applicable Threshold of Significance B-4:*** Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.3, *Biological Resources*, and in particular, on page 5.3-12 of the Draft EIR.

Cumulative projects identified in Draft EIR Table 4-2, *Related Projects*, could result in cumulatively considerable impacts to the movement of native resident or migratory fish or wildlife species or with established native resident or migrator wildlife corridors or impede the use of wildlife nursery sites. However, the City would review site-specific development proposals against the Municipal Code requirements for all future projects requiring discretionary approval. This regulatory procedure would ensure cumulative development is reviewed to determine site-specific impacts associated with migratory birds and wildlife corridors. Further, cumulative development would be reviewed against applicable General Plan policies.

As discussed in Draft EIR Impact 5.3-2, the project site would not be suitable for use as a wildlife movement corridor or linkage. Additionally, implementation of Mitigation Measure BIO-1 would require a pre-construction nesting bird clearance survey be conducted to determine the presence/absence, location, and status of any active nests on or adjacent to the project site. With implementation of Mitigation Measure BIO-1, the proposed project would not result in significant impacts to nesting birds. As such, the project's less than significant impacts would not be cumulatively considerable.

***Plans, Programs, Policies:*** No PPPs are applicable to this threshold of significance.

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

BIO-1 If project-related activities are to be initiated during the nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist retained by the project applicant no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone surrounding the project impact area. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a "no-disturbance" buffer shall be established around the active nest. The size of the "no-disturbance" buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the "no-disturbance" buffer disturb the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project



activities within the “no-disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

**3. Cultural Resources**

---

**Impact 5.4-1 Development of the project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. [Threshold C-2]**

---

***Applicable Threshold of Significance C-2:*** Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.4, *Cultural Resources*, and in particular, on pages 5.4-8 through 5.4-10 of the Draft EIR.

As discussed in the *Cultural and Paleontological Resources Identification Memorandum for the Costa Mesa Hive Live Project, City of Costa Mesa, Orange County, California*, (Cultural and Paleo Resources Memo), prepared by Michael Baker International, dated June 3, 2024, surficial deposits on-site consist of artificial fill, but below approximately three feet, the soil consists of younger Quaternary alluvial sediments. These sediments have the potential to contain buried archaeological deposits. The late nineteenth- to early twentieth-century bed of the Santa Ana River was located approximately 0.6-mile to the northwest of the project site and would have provided abundant resources to area inhabitants. As the river meandered and changed its course, it or its tributaries may have been located closer to the project site at times. These conditions heighten the sensitivity of the project site for buried cultural resources.

However, the project site has experienced recent disturbances associated with the construction of the existing Hive Creative Office Campus and former Los Angeles Chargers practice field. Building methods at the time and the installation of associated utilities would have resulted in the disturbance of archaeological sites buried at shallow depths. On-site geotechnical testing indicates that the layer of artificial fill, up to three feet below existing ground surface covers the entire project site. However, buried resources may remain in areas where developments such as parking lots or structures with shallow foundations have required only minimal ground disturbance or below the existing imported fill. As such, project excavation could encounter native soils (depths greater than three feet below ground surface), which have the potential to support unknown buried archaeological resources. Therefore, as detailed in the Cultural and Paleo Resources Memo, the sensitivity for buried



archaeological resources on-site is considered low at and near the surface but increases to moderate with depth.

Mitigation Measure CUL-1 would require a qualified archaeologist who meets the Secretary of the Interior's Standards for professional archaeology to be retained by the project applicant for the project and be on-call during all demolition and grading/excavation activities. The qualified archaeologist would provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of the training, construction personnel would be required to be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. The qualified archaeologist would ensure the applicant submits a written Project Monitoring Plan to the City's Development Services Director for review and approval. Additionally, in the event resources of a potentially Native American nature are encountered during any stage of project construction, all construction work within 50 feet (15 meters) of the find must cease and the qualified Native American Monitor must assess the find for importance. Construction activities outside of the buffer area may continue. With implementation of Mitigation Measure CUL-1, the project would not cause a substantial adverse change in the significance of an archaeological resource or site pursuant to Section 15064.5 of the CEQA Guidelines, and impacts would be reduced to less than significant levels.

***Plans, Programs, Policies:*** No PPPs are applicable to this threshold of significance.

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

CUL-1 Prior to issuance of grading permits, the City of Costa Mesa shall ensure a qualified archaeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the project and shall be on-call during all demolition and grading/excavation. The qualified archaeologist shall ensure the following measures are followed for the project:

- Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. Workers shall be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.
- Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include monitor contact information (including the qualified archeologist and the Native American Monitor per Mitigation Measure TCR-1), specific procedures for field



observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.

- In the event resources of a potentially Native American nature are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered tribal cultural resource (“TCR”) shall cease and the Monitor shall assess the discovery. Construction activities outside the buffer zone may continue during the Monitor’s assessment.
  - Non-Native American (Non-TCR) Discoveries: If warranted based on the qualified archaeologist’s evaluation of the archaeological (but non-TCR) discovery, the archaeologist shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussing the significance (depth, nature, condition, and extent of the resource), identifying final Cultural Mitigation Measures, if any, that the City of Costa Mesa’s Development Services Director shall verify are incorporated into future construction plans, and providing cost estimates.
  - Conjoined Archaeological and Native American (TCR) Discoveries: If, following consultation with the Monitor, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Monitor shall prepare a TCR discovery report, which may include descriptions and evaluations of the area and conditions at the site of the discovery (i.e., depth, nature, condition, and extent of the resources), as well as a discussion of the significance to the Kizh Nation.
  - The requirements of Section 15064.5 of the CEQA Guidelines shall be followed. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1.

TCR-1 Prior to issuance of any grading permits, the applicant shall formally retain a Native American monitor from the Native American tribe that is culturally and ancestrally affiliated with the Project location: the Gabrieleño Band of Mission Indians – Kizh Nation. The applicant shall allow at least 45 days from initial contact with the first preference tribe (Kizh Nation) to enter into a contract for monitoring services. If the applicant can demonstrate they were unable to secure an agreement with the first preference tribe after a good faith effort, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant may retain an alternative qualified tribal monitor approved by the City. The City approved qualified tribal monitor (the “Monitor”), shall monitor all “ground-disturbing” Project activities, which includes but is not limited to: demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously disturbed and undisturbed ground (collectively “ground disturbing activities”). A copy of the executed contract shall be submitted to the Costa Mesa Development Services



Department prior to the issuance of any permit necessary to commence ground-disturbing activities.

The Monitor shall prepare daily monitoring logs that include descriptions of the relevant ground disturbing activities, locations of such activities, observed soil types, and the presence or absence of tribal cultural-related materials. Should tribal cultural-related resources be discovered, monitor logs shall identify and describe such resources, including but not limited to, Native American cultural and historical artifacts, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event resources are discovered during any phase of ground disturbing activities, and it is determined by the Monitor, in consultation with the City, to be Native American in origin, then all construction activity within fifty (50) feet (15 meters) of the find shall cease until the Monitor can assess the find. Work shall be allowed to continue outside of the buffer zone. The Monitor shall determine the appropriate treatment of the discovered resource that is consistent with the tribe's cultural practices, including reinternment on site in an appropriate area determined by the tribe in consultation with the City and the applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource.

Monitoring for tribal cultural resources ("TCR") shall conclude upon the City's receipt of written confirmation from the Monitor that ground disturbing activities with potential impacts to discovered and/or undiscovered TCRs are complete.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.



---

**Impact 5.4-3 Development of the proposed project and related projects could result in cumulatively considerable impacts to archaeological resources. [Threshold C-2]**

---

*Applicable Threshold of Significance C-2:* Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

*Level of Significance Before Mitigation:* Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.4, *Cultural Resources*, and in particular, on page 5.4-11 of the Draft EIR.

Draft EIR Table 4-2 identifies the related projects and other possible development in the area determined as having the potential to interact with the project to the extent that a significant cumulative effect may occur. Project-related impacts to archeological resources have been determined to be less than significant with implementation of Mitigation Measure CUL-1. Future cumulative projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to site-specific archaeological resources. Related projects would be required to adhere to State and Federal regulations, as well as project-specific mitigation measures. Thus, with compliance with Mitigation Measure CUL-1, the project's less than significant impacts would not be cumulatively considerable.

*Plans, Programs, Policies:* No PPPs are applicable to this threshold of significance.

*Standard Conditions of Approval:* No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

CUL-1 Prior to issuance of grading permits, the City of Costa Mesa shall ensure a qualified archaeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the project and shall be on-call during all demolition and grading/excavation. The qualified archaeologist shall ensure the following measures are followed for the project:

- Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. Workers shall be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.
- Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include monitor



contact information (including the qualified archeologist and the Native American Monitor per Mitigation Measure TCR-1), specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.

- In the event resources of a potentially Native American nature are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered tribal cultural resource (“TCR”) shall cease and the Monitor shall assess the discovery. Construction activities outside the buffer zone may continue during the Monitor’s assessment.
  - Non-Native American (Non-TCR) Discoveries: If warranted based on the qualified archaeologist’s evaluation of the archaeological (but non-TCR) discovery, the archaeologist shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussing the significance (depth, nature, condition, and extent of the resource), identifying final Cultural Mitigation Measures, if any, that the City of Costa Mesa’s Development Services Director shall verify are incorporated into future construction plans, and providing cost estimates.
  - Conjoined Archaeological and Native American (TCR) Discoveries: If, following consultation with the Monitor, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Monitor shall prepare a TCR discovery report, which may include descriptions and evaluations of the area and conditions at the site of the discovery (i.e., depth, nature, condition, and extent of the resources), as well as a discussion of the significance to the Kizh Nation.
  - The requirements of Section 15064.5 of the CEQA Guidelines shall be followed. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1.

TCR-1 Prior to issuance of any grading permits, the applicant shall formally retain a Native American monitor from the Native American tribe that is culturally and ancestrally affiliated with the Project location: the Gabrieleño Band of Mission Indians – Kizh Nation. The applicant shall allow at least 45 days from initial contact with the first preference tribe (Kizh Nation) to enter into a contract for monitoring services. If the applicant can demonstrate they were unable to secure an agreement with the first preference tribe after a good faith effort, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant may retain an alternative qualified tribal monitor approved by the City. The City approved qualified tribal monitor (the “Monitor”), shall monitor all “ground-disturbing” Project activities, which includes but is not limited to: demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously



disturbed and undisturbed ground (collectively "ground disturbing activities"). A copy of the executed contract shall be submitted to the Costa Mesa Development Services Department prior to the issuance of any permit necessary to commence ground-disturbing activities.

The Monitor shall prepare daily monitoring logs that include descriptions of the relevant ground disturbing activities, locations of such activities, observed soil types, and the presence or absence of tribal cultural-related materials. Should tribal cultural-related resources be discovered, monitor logs shall identify and describe such resources, including but not limited to, Native American cultural and historical artifacts, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event resources are discovered during any phase of ground disturbing activities, and it is determined by the Monitor, in consultation with the City, to be Native American in origin, then all construction activity within fifty (50) feet (15 meters) of the find shall cease until the Monitor can assess the find. Work shall be allowed to continue outside of the buffer zone. The Monitor shall determine the appropriate treatment of the discovered resource that is consistent with the tribe's cultural practices, including reinternment on site in an appropriate area determined by the tribe in consultation with the City and the applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource.

Monitoring for tribal cultural resources ("TCR") shall conclude upon the City's receipt of written confirmation from the Monitor that ground disturbing activities with potential impacts to discovered and/or undiscovered TCRs are complete.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



#### 4. Geology and Soils

---

##### Impact 5.6-5 Development of the proposed project could impact unknown paleontological resources. [Threshold G-6]

---

**Applicable Threshold of Significance G-6:** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Level of Significance Before Mitigation:** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.6, *Geology and Soils*, and in particular, on pages 5.6-13 and 5.6-14 of the Draft EIR.

As indicated in Draft EIR Section 5.6.1.2, the project site's geology may include Pleistocene-age deposits at unknown depths, suggesting that project-related ground-disturbing activities have the potential to destroy or otherwise adversely impact significant paleontological resources below young Holocene-age soils at unknown depths within the project site. Therefore, sediments in the project site are considered to have paleontological sensitivity increasing with depth or low-to-high sensitivity.

Based on the *Geotechnical Investigation, The Hive – Proposed Multi-Family Residential Development, Susan Street and West Sunflower Street, Costa Mesa, California* (Geotechnical Investigation), prepared by NOVA Services (NOVA), dated February 29, 2024, and *Cultural and Paleontological Resources Identification Memorandum for the Costa Mesa Hive Live Project, City Of Costa Mesa, Orange County, California* (Cultural and Paleo Resources Memo), prepared by Michael Baker International, dated June 3, 2024, excavation may extend to a minimum depth of five feet below the existing ground surface or two feet below the bottom of the deepest footing, whichever is deeper. Horizontally, excavations should extend at least five feet outside the proposed perimeter building foundations or up to existing improvements or the limits of grading, whichever is less. As such, excavation during development of the project is expected to extend into deposits with high paleontological sensitivity and has the potential to encounter undocumented scientifically significant paleontological resources.

Mitigation Measure GEO-1 requires paleontological monitoring to be present if project construction occurs at depths that could encounter highly sensitive sediments for paleontological resources. Mitigation Measure GEO-2 provides procedures for construction workers to follow in the event of any fossil discovery to ensure grading is halted to assess the find for significance and any paleontological finds are properly excavated and preserved. With implementation of these mitigation measures, impacts in this regard would be reduced to less than significant levels.

**Plans, Programs, Policies:** No PPPs are applicable to this threshold of significance.

**Standard Conditions of Approval:** No SCAs are applicable to this threshold of significance.

**Mitigation Measures:**

GEO-1 Prior to issuance of a grading permit and any ground-disturbing activities, the project applicant shall consult with a geologist or paleontologist to confirm whether anticipated grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have high sensitivity, construction activity shall be monitored by a qualified



paleontologist retained by the project applicant and a written Project Monitoring Plan (PMP) shall be submitted to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds. The paleontologist shall have the authority to halt construction during construction activity. Because the project area is immediately underlain by Holocene sediments (low sensitivity) and the depth of these sediments is unknown, spot-check monitoring shall be conducted to identify potential fossils and the lithological transition to Pleistocene sediments. If Pleistocene-aged sediments are discovered at depth, monitoring shall transition to full-time as ground-disturbing activities occur at or below this identified depth because these Pleistocene units have been identified as having high sensitivity for paleontological resources.

GEO-2 In the event of any fossil discovery, regardless of depth or geologic formation, construction work shall halt within a 50-foot radius of the find until a qualified paleontologist retained by the project applicant can determine its significance. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology (2010). The most likely repository is the Natural History Museum of Los Angeles County (NHMLAC). The repository shall be identified, and a curatorial arrangement shall be signed prior to the collection of the fossils.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

---

**Impact 5.6-7 Development of the proposed project and related cumulative projects could result in cumulatively considerable impacts to paleontological resources. [Threshold G-6]**

---

***Applicable Threshold of Significance G-6:*** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.6, *Geology and Soils*, and in particular, on page 5.6-16 of the Draft EIR.



Cumulative impacts to paleontological resources would occur when the impacts of the proposed project, in conjunction with other projects and development in the City, result in cumulatively considerable impacts to paleontological resources. Like the proposed project, the related cumulative projects identified in Draft EIR Table 4-2 could encounter undiscovered paleontological resources where grading occurs in native soils. As concluded in Draft EIR Impact 5.6-5, project excavation may extend into deposits with high paleontological sensitivity and has the potential to encounter undocumented scientifically significant paleontological resources. However, with implementation of Mitigation Measures GEO-1 and GEO-2, project impacts to paleontological resources would be reduced to less than significant levels.

Thus, the proposed project, combined with other related cumulative projects, would not cause a cumulatively considerable significant impact to previously undiscovered paleontological resources.

***Plans, Programs, Policies:*** No PPPs are applicable to this threshold of significance.

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

**GEO-1** Prior to issuance of a grading permit and any ground-disturbing activities, the project applicant shall consult with a geologist or paleontologist to confirm whether anticipated grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have high sensitivity, construction activity shall be monitored by a qualified paleontologist retained by the project applicant and a written Project Monitoring Plan (PMP) shall be submitted to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds. The paleontologist shall have the authority to halt construction during construction activity. Because the project area is immediately underlain by Holocene sediments (low sensitivity) and the depth of these sediments is unknown, spot-check monitoring shall be conducted to identify potential fossils and the lithological transition to Pleistocene sediments. If Pleistocene-aged sediments are discovered at depth, monitoring shall transition to full-time as ground-disturbing activities occur at or below this identified depth because these Pleistocene units have been identified as having high sensitivity for paleontological resources.

**GEO-2** In the event of any fossil discovery, regardless of depth or geologic formation, construction work shall halt within a 50-foot radius of the find until a qualified paleontologist retained by the project applicant can determine its significance. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology (2010). The most likely repository is the Natural History Museum of Los Angeles County (NHMLAC). The repository shall be identified, and a curatorial arrangement shall be signed prior to the collection of the fossils.



***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

**5. Hazards and Hazardous Materials**

---

**Impact 5.8-2 Project development could affect the implementation of an emergency responder or evacuation plan. [Threshold HAZ-6]**

---

***Applicable Threshold of Significance HAZ-6:*** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.8, *Hazards and Hazardous Materials*, and in particular, on pages 5.8-17 and 5.8-18 of the Draft EIR.

As shown on General Plan Safety Element Figure S-9, *Public Safety Facilities and Emergency Evacuation Routes*, the nearest designated emergency evacuation route is Fairview Road (to the east of the project site) and Harbor Boulevard (to the west of the project site). Construction activities would not result in any lane closures along Fairview Road and Harbor Boulevard. Further, operations of the proposed project would not impeded emergency evacuation along these routes either. As such, the proposed project would not physically interfere with an adopted emergency response plan or emergency evacuation plan, including the City's Emergency Operation Plan (EOP). It is acknowledged that project construction activities could result in temporary partial lane closures to street traffic along Sunflower Avenue, Susan Street, and South Coast Drive as a result of utility improvements. While temporary lane closures may be required, at least one travel lane in each direction would remain open. In order to ensure that proposed construction activities on local roads do not interfere with emergency access, the contractor would be required to notify the Costa Mesa Police Department, Costa Mesa Fire Department, the City of Costa Mesa Public Services Director, as well as relevant departments associated with the City of Santa Ana, of construction activities that would impede movement (such as road or lane closures) along Sunflower Avenue, Susan Street, and South Coast Drive (Mitigation Measure HAZ-1). Compliance with Mitigation Measure HAZ-1 would allow for uninterrupted emergency access to evacuation routes. Thus, project impacts with regard to interfering with an emergency responder or evacuation plan would be reduced to less than significant levels.

***Plans, Programs, Policies:*** No PPPs are applicable to this threshold of significance.

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.



***Mitigation Measures:***

HAZ-1 At least three business days prior to any lane closure, the construction contractor shall notify the Costa Mesa Police Department and Costa Mesa Fire Department, along with the City of Costa Mesa Public Services Director, as well as relevant departments associated with the City of Santa Ana, of construction activities that would impede movement (such as road or lane closures), to allow for uninterrupted emergency access of evacuation routes.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

---

**Impact 5.8-4 Development of the proposed project and related projects could affect the implementation of an emergency responder or evacuation plan. [Threshold HAZ-6]**

---

***Applicable Threshold of Significance HAZ-6:*** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.8, *Hazards and Hazardous Materials*, and in particular, on pages 5.8-18 and 5.8-19 of the Draft EIR.

Cumulative projects in the area would be analyzed for impairment of emergency access vehicles and consistency with the City's EOP on a project-by-project basis and would be required to comply with all City roadway design standards to ensure adequate emergency access.

As concluded in Draft EIR Impact 5.8-2, the proposed project would result in temporary lane closures. However, with implementation of Mitigation Measure HAZ-1, impacts in this regard would be reduced to less than significant and would not be cumulatively considerable.

***Plans, Programs, Policies:*** No PPPs are applicable to this threshold of significance.

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

HAZ-1 At least three business days prior to any lane closure, the construction contractor shall notify the Costa Mesa Police Department and Costa Mesa Fire Department, along



with the City of Costa Mesa Public Services Director, as well as relevant departments associated with the City of Santa Ana, of construction activities that would impede movement (such as road or lane closures), to allow for uninterrupted emergency access of evacuation routes.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

**6. Public Services**

---

**Impact 5.13-2 The proposed project could significantly increase the intensity of development at the site, thereby increasing the demand for police protection facilities and personnel. [Threshold PS-1(ii)]**

---

***Applicable Threshold of Significance PS-1(ii):*** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: police protection.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.13, *Public Services*, and in particular, on pages 5.13-13 through 5.13-15 of the Draft EIR.

**Construction**

Construction activities may create a temporary increase in demand for Costa Mesa Police Department (CMPD) services to the construction site. However, project construction activities would be required to comply with Municipal Code Title 5, *Buildings and Structures*, and all adopted State construction codes (refer to PPP FS-2). Specifically, the California Building Code includes emergency site access requirements that would minimize site safety hazards and potential construction-related impacts to police services. Therefore, with compliance with these requirements, the project construction would not result in the need for additional police protection facilities, the construction of which could cause significance environmental impacts, and would not adversely impact service ratios, response times, or other CMPD performance standards. A less than significant impact would occur in this regard.



## **Operations**

The project would introduce compatible land uses into the surrounding area (which already includes residential and commercial land uses). However, the project would develop 1,050 dwelling units, which would introduce 2,646 new residents on site. Additionally, the project would replace three existing two-story office buildings with 3,692 square feet of retail use and a 335,958 square feet of open space area, which, combined with the proposed residential uses, would result in a more intensive development compared to existing conditions.

As discussed, existing uses on-site generate approximately nine police service calls per year. As detailed in Draft EIR Appendix L, *Public Services and Utilities Correspondence*, proposed uses are projected to increase annual calls on site from approximately nine calls to approximately 500 to 600 calls for service per year, based on a similar development (size and location). As such, project implementation would result in an overall increase in demand for police services compared to existing conditions.

The CMPD currently utilize the Automated License Plate Reader program to help in investigation of crimes, and utilize a total of 46 public and 10 private cameras Citywide to help deter crime. Per CMPD direction, and consistent with similar developments in the City, the applicant would be required install an Automated License Plate Reader (refer to Mitigation Measure PS-1). The Automated License Plate Reader would be installed at all entrances of the property and would be responsible for the initial and future funding of the Automated License Plate Reader program on the project site.

The proposed project would also include installation of security features and natural surveillance (i.e., providing observable spaces in the community). Project lighting would illuminate pathways, stairways, entrances and exits to the project site, parking areas, mail box areas, children's play areas, recreation areas, pools, dumpster areas and other locations as required by the City and CMPD. For the proposed residential buildings, project landscaping and site lighting would be designed to avoid creating blind spots or hiding places; paving treatments would be installed to guide visitors to desired entrances and pedestrian pathways; and pedestrian walkways would be unobstructed from outdoor furniture, ground-level lighting, and landscaping. For the commercial areas, tenant space would be fully illuminated at night; shrubbery height would be maintained at three feet; private recreation areas would be visible from residential units; and parking areas and pedestrian walkways would be illuminated adequately during nighttime hours. For parking garages, the interior would be designed to maximize visibility; all parking areas and driving lanes would be fully illuminated and under surveillance of security cameras; stairwells would be visible with no solid walls; emergency telephones would be provided on all parking garage levels; and elevators would be installed close to main entrances. All outdoor security lighting would be installed with recommendations from the City of Costa Mesa Development Services Department and/or CMPD (refer to SCA PD-1). For the open space, all benches would have seat dividers; all trash receptacles would be durable and vandal-resistant; and open space rules would be posted at the entry to the open space.

Overall, development of the proposed project would result in an increase in demands on CMPD services. Other than the installation of the Automated License Plate Reader to be installed at all entrances of the property (Mitigation Measure PS-1) as well as proposed on-site improvements for primary and secondary emergency access, no other physical improvements are required in order for CMPD to serve the proposed project. However, the project's demand for additional police patrols would result in the need for a minimum of two additional sworn police personnel and associated police vehicles in order to meet the increase in service demands resulting from the project. These needs would not require new physical improvements to the environment, but rather would be funded



through the City's General Fund, whose revenues are collected from property, sales, and utilities taxes. Thus, the proportional increase in the City's General Fund through taxes (or other similar revenues) generated by the project would be utilized for CMPD staffing support. Additionally, the incremental increase in sworn police personnel does not warrant the construction of a new police station or expansion to existing stations or any other similar physical improvement, the construction of which could cause significant environmental impacts.

As such, the proposed project would not result in significant adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the CMPD public services. With implementation of PPP FS-2 and Mitigation Measure PS-1, impacts on CMPD services would be less than significant.

***Plans, Programs, Policies:***

PPP FS-2      The proposed project is required to comply with Municipal Code Title 5, *Buildings and Structures*, and all adopted State construction codes.

***Standard Conditions of Approval:***

SCA PD-1      Outside security lighting shall be provided under the direction and upon the recommendation of the City of Costa Mesa Development Services Department and/or the Police Department.

***Mitigation Measures:***

PS-1            The applicant shall coordinate with the Costa Mesa Police Department for the installation and operation of an Automated License Plate Reader on all vehicle entrances to the project site. The applicant shall be responsible for the initial and future funding of the Automated License Plate Reader program on the property.

***Level of Significance After Mitigation:*** Less Than Significant Impact with Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

---

**Impact 5.13-7      The project, combined with other cumulative projects, could substantially increase demand for CMPD services that could cause significant environmental impacts. [Threshold PS-1(ii)]**

---

***Applicable Threshold of Significance PS-1(ii):*** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or



physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: police protection.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.13, *Public Services*, and in particular, on pages 5.13-19 and 5.13-20 of the Draft EIR.

For purposes of police protection services analysis, cumulative impacts are considered for projects which would also receive CMPD services (i.e., future development within Costa Mesa). Cumulative development would also contribute to the City's General Fund through collection of property, sales, and utilities taxes. Future cumulative projects would be reviewed by the CMPD prior to development permit approval to ensure adequate security measures are provided for each site-specific development. Overall, cumulative development would be evaluated on a case-by case basis at the project level, as they are implemented, for their potential to impact CMPD services.

Project implementation would introduce residential, retail use, and open space uses, which would increase demands for CMPD services. However, the project's tax revenue would support the City's General Fund toward police protection services, including personnel and vehicles. Additionally, the project applicant would fund an Automated License Plate Reader at all vehicle entrances to the project site (refer to Mitigation Measure PS-1). No other physical improvements would be required to serve the proposed project. With the implementation of Mitigation Measure PS-1, less than significant impacts would result regarding police protection services, and the project's less than significant impacts would not be cumulatively considerable.

***Plans, Programs, Policies:*** No PPPs are applicable to this threshold of significance.

***Standard Conditions of Approval:***

SCA PD-1 Outside security lighting shall be provided under the direction and upon the recommendation of the City of Costa Mesa Development Services Department and/or the Police Department.

***Mitigation Measures:***

PS-1 The applicant shall coordinate with the Costa Mesa Police Department for the installation and operation of an Automated License Plate Reader on all vehicle entrances to the project site. The applicant shall be responsible for the initial and future funding of the Automated License Plate Reader program on the property.

***Level of Significance After Mitigation:*** Less Than Significant Impact with Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City



of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

## 7. Transportation

---

### Impact 5.15-2 The project could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). [Thresholds T-2]

---

**Applicable Threshold of Significance T-2:** Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

**Level of Significance Before Mitigation:** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.15, *Transportation*, and in particular, on pages 5.15-15 through 5.15-19 of the Draft EIR.

As detailed in Draft EIR Section 5.15.3.2, *VMT Significance Thresholds*, above, project screening is used to determine if a project would be required to conduct a detailed vehicle miles traveled (VMT) analysis. According to the *Vehicle Miles Traveled (VMT) Analysis for the Proposed Hive Apartments - Costa Mesa, CA* (VMT Analysis), prepared by Linscott, Law & Greenspan Engineers (LLG), dated February 10, 2025, the proposed project is not located within a Transit Priority Area (Step 1), is not located in a Low VMT Area (Step 2), and is not the type of project within the listed categories or a project that would generate 110 daily trips or less (Step 3). As such, the proposed project does not meet any of the screening criteria provided by the *City of Costa Mesa Transportation Impact Analysis Guidelines* (TIA Guidelines). Therefore, a full VMT analysis was prepared for the proposed project; refer to Draft EIR Appendix J, *Transportation Study*.

#### Full VMT Analysis

The average VMT per service population and regional boundary VMT per service population values utilize the Orange County Transportation Analysis Model (OCTAM) for the City and the proposed project. The project site is located in Traffic Analysis Zone (TAZ) 1233. The proposed development totals were converted into socio-economic data and input into OCTAM.

#### Project-Generated VMT

As shown in Draft EIR Table 5.15-1, *Baseline (Year 2019) VMT Per Service Population*, the proposed project baseline project-generated VMT per service population requires a 1.67 percent reduction compared to the City's baseline VMT per service population threshold.



**Table 5.15-1 Baseline (Year 2019) VMT Per Service Population**

|  |                                      |
|--|--------------------------------------|
| Baseline City of Costa Mesa VMT/Service Population (SP)    | 28.54                                |
| 15 Percent Below the City of Costa Mesa VMT/SP (Threshold) | 24.26                                |
| Project TAZ Total VMT                                      | 136,017                              |
| Project TAZ SP   | 5,514                                |
| Project-Generated VMT/SP                                   | 24.67                                |
| <b>Compared to the City of Costa Mesa Threshold</b>        | <b>1.67 Percent Reduction Needed</b> |

Source: VMT Analysis; refer to Draft EIR Appendix J.

As shown in Draft EIR Table 5.15-2, *Cumulative (Year 2050) VMT Per Service Population*, the proposed project cumulative project-generated VMT per service population is 6.09 percent below the City’s cumulative VMT per service population threshold.

**Table 5.15-2 Cumulative (Year 2050) VMT Per Service Population**

|  |                           |
|--|---------------------------|
| Baseline City of Costa Mesa VMT/Service Population (SP)    | 28.54                     |
| 15 Percent Below the City of Costa Mesa VMT/SP (Threshold) | 24.26                     |
| Project TAZ Total VMT                                      | 183,550.61                |
| Project TAZ SP   | 8,059                     |
| Project-Generated VMT/SP                                   | 22.78                     |
| <b>Compared to the City of Costa Mesa Threshold</b>        | <b>6.09 Percent Lower</b> |

Source: VMT Analysis; refer to Draft EIR Appendix J.

Overall, the proposed project’s baseline project-generated VMT would exceed the City’s threshold and result in a potentially significant impact, but the cumulative project-generated VMT would be below the City’s threshold. As such, Mitigation Measure TRA-1 would require that the project applicant provide Community-Based Travel Planning (CBTP), which is an outreach approach that provides households with customized information, incentives, and support to encourage the use of transportation alternatives in place of single occupancy vehicles, thereby reducing household VMT and associated greenhouse gas (GHG) emissions.

According to the VMT Analysis, the California Air Pollution Control Officers Association’s Handbook for *Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, Designed for Local Government, Communities, and Project Developers Report, Chapters 3 - Transportation, December 2021, (CAPCOA Report)* quantifies the reduction in VMT associated with a particular mitigation measure. The CAPCOA VMT reduction strategies include built environment changes and transportation demand management (TDM) actions. The TDM strategies are sub-categorized into the following:

- 1) Land Use;
- 2) Trip Reduction Program;
- 3) Parking or Road Pricing/Management;
- 4) Neighborhood Design;



- 5) Transit; and
- 6) Clean Vehicles and Fuels.

It may be noted that there are rules and combined maximums for calculating the VMT reduction when applying multiple mitigation measures. To safeguard the accuracy and reliability of the methods while maintaining their case of use, the following rules should be followed when considering reductions achieved by transportation measures.

The recommended mitigation measures for the project focus on the "Project/Site" scale categories in CAPCOA, and consist of the following:

- T-23 (Provide Community-Based Travel Planning): up to 2.3 percent maximum VMT reduction.

This measure targets residences in the plan/community with CBTP. CBTP is a residential-based approach to outreach that provides households with customized information, incentives, and support to encourage the use of transportation alternatives in place of single occupancy vehicles, thereby reducing household VMT and associated GHG emissions. In particular, the proposed project would be required to inform and provide each prospective tenant with detailed and tailored information regarding various transportation options specific to the project site and surrounding area, such as public transit, carpooling, pedestrian and bicycle facilities, and ride hailing opportunities (Mitigation Measure TRA-1).

Based on the VMT Analysis, the CAPCOA T-23 formula was applied to the proposed 1,050 apartment units, which would result in a 2.3 percent reduction; as demonstrated in Draft EIR Table 5.15-3, *Project VMT Reduction Due to Community-Based Travel Planning*. Per Draft EIR Table 5.15-3, the project's VMT could reasonably be reduced by 2.3 percent (equal to CAPCOA's maximum VMT reduction of 2.3 percent).

**Table 5.15-3 Project VMT Reduction Due to Community-Based Travel Planning**

|                      |  |             |
|----------------------|--|-------------|
| B                    | Residences in plan/community (residences)                    | 1,050 units |
| C                    | Residences in plan/community targeted with CBTP (residences) | 1,050 units |
| D                    | Percent of Targeted residences that participate              | 19%         |
| E                    | Percent vehicle trip reduction by participating residences   | 12%         |
| F                    | Adjustment factor from vehicle trips to VMT                  | 1           |
| A                    | VMT Reduction = (C/B) * D * (-E) * F                         | 2.3%        |
| <b>VMT Reduction</b> |  | <b>2.3%</b> |

Source: VMT Analysis; refer to Draft EIR Appendix J.

In conclusion, consistent with the City's TIA Guidelines and based on the VMT screening methodology, criteria, threshold, analysis, and findings outlined in the VMT Analysis, the proposed project would not have a significant VMT impact after implementation of Mitigation Measure TRA-1. It should be noted that the 3,692-square foot retail component of the proposed project would screen out under the Project Type Screening criteria. The required 1.67 percent reduction identified from the VMT calculation can be fully mitigated via CAPCOA measure T-23 (Provide Community-Based Travel Planning) (Mitigation Measure TRA-1), which achieves a reduction of 2.3 percent. Therefore, in accordance with the City of Costa Mesa's guidelines, the proposed project would have



a less than significant CEQA related transportation impact with implementation of Mitigation Measure TRA-1.

**Project’s Effect on VMT**

As shown in Draft EIR Table 5.15-4, *Baseline (Year 2019) Boundary VMT Per Service Population*, the baseline plus project link-level Citywide boundary VMT per service population would be 0.91 percent below the City’s baseline boundary VMT per service population threshold.

**Table 5.15-4 Baseline (Year 2019) Boundary VMT Per Service Population**

|   |                           |
|---|---------------------------|
| Baseline No Project Link-Level Boundary Citywide VMT/SP (Threshold) | 14.82                     |
| Baseline Plus Project Link-Level Boundary Citywide VMT              | 3,762,910.11              |
| Baseline Plus Project Citywide Service Population                   | 256,222                   |
| Baseline Plus Project Link-Level Boundary Citywide VMT/SP           | 14.69                     |
| <b>Compared to the City of Costa Mesa Threshold</b>                 | <b>0.91 Percent Lower</b> |

Source: VMT Analysis; refer to Draft EIR Appendix J.

As shown in Draft EIR Table 5.15-5, *Cumulative (Year 2050) Boundary VMT Per Service Population*, the cumulative plus project link-level Citywide boundary VMT per service population would be 0.51 percent below the City’s cumulative boundary VMT per service population threshold.

**Table 5.15-5 Cumulative (Year 2050) Boundary VMT Per Service Population**

|   |                           |
|---|---------------------------|
| Cumulative No Project Link-Level Boundary Citywide VMT/SP (Threshold) | 14.22                     |
| Cumulative Plus Project Link-Level Boundary Citywide VMT              | 3,905,641.64              |
| Cumulative Plus Project Citywide Service Population                   | 276,066                   |
| Cumulative Plus Project Link-Level Boundary Citywide VMT/SP           | 14.15                     |
| <b>Compared to the City of Costa Mesa Threshold</b>                   | <b>0.51 Percent Lower</b> |

Source: VMT Analysis; refer to Draft EIR Appendix J.

**Conclusion**

Overall, the proposed project’s effect on VMT would not exceed the City’s baseline or cumulative thresholds with compliance with Mitigation Measure TRA-1. Therefore, impacts in this regard would be reduced to less than significant levels.

**Plans, Programs, Policies:** No PPPs are applicable to this threshold of significance

**Standard Conditions of Approval:** No SCAs are applicable to this threshold of significance.

**Mitigation Measures:**

TRA-1 Community-Based Travel Planning. The project applicant shall provide community-based travel planning (CBTP) to project residents, including but not limited to customized information, incentives, and support to encourage the use of transportation alternatives in place of single occupancy vehicles. At minimum, this shall include providing each prospective tenant with detailed and tailored information regarding various transportation options specific to the project site and surrounding area, such as public transit, carpooling, pedestrian and bicycle facilities, and ride hailing opportunities.



**Level of Significance After Mitigation:** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

---

**Impact 5.15-6 Development of the proposed project and related projects could cumulatively conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). [Thresholds T-2]**

---

**Applicable Threshold of Significance T-2:** Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

**Level of Significance Before Mitigation:** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.15, *Transportation*, and in particular, on pages 5.15-22 and 5.15-23 of the Draft EIR.

Cumulative projects have the potential to increase the City's average VMT per capita/employee and total VMT. Each cumulative project would be evaluated on a project-level basis to determine the project's generated VMT in order to compare to the City's average and total VMT. Additionally, each cumulative project would be required to comply with project-specific mitigation measures, as needed, on a project-by-project basis.

The Office of Planning and Research states that a project's cumulative impacts are based on a determination of whether the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." When using an absolute VMT metric, i.e., total VMT, analyzing the combined impacts for a cumulative impact analysis may be appropriate. A project that falls below the threshold that is aligned with long-term goals and relevant plans has no cumulative impact distinct from the project impact. Accordingly, a less than significant project impact would imply a less than significant cumulative impact, and vice versa. As stated in Draft EIR Impact 5.15-2, following implementation of Mitigation Measure TRA-1, the proposed project would result in less than significant VMT impacts. Therefore, the project would not contribute to a cumulatively considerable impact and impacts in this regard would be less than significant.

**Plans, Programs, Policies:** No PPPs are applicable to this threshold of significance.

**Standard Conditions of Approval:** No SCAs are applicable to this threshold of significance.



***Mitigation Measures:***

TRA-1 Community-Based Travel Planning. The project applicant shall provide community-based travel planning (CBTP) to project residents, including but not limited to customized information, incentives, and support to encourage the use of transportation alternatives in place of single occupancy vehicles. At minimum, this shall include providing each prospective tenant with detailed and tailored information regarding various transportation options specific to the project site and surrounding area, such as public transit, carpooling, pedestrian and bicycle facilities, and ride hailing opportunities.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

**8. Tribal Cultural Resources**

---

**Impact 5.16-1 Development of the proposed project could impact unknown tribal cultural resources. [Threshold TCR-1(ii)]**

---

***Applicable Threshold of Significance TCR-1(ii):*** Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.16, *Tribal Cultural Resources*, and in particular, on pages 5.16-8 through 5.16-10 of the Draft EIR.

As stated above, the City sent letters inviting tribes to consult on the project per the Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) on May 7, 2024. The tribes had 30 days to respond to the City's request for consultation pursuant to AB 52 and 90 days pursuant to SB 18. The Santa Rosa Band of Cahuilla Indians responded to the notification letters on May 8, 2024 within the response period indicating the tribe did not have any comments regarding the proposed project. The Gabrieleño Band



of Mission Indians – Kizh Nation responded to the notification letters on May 20, 2024 within the response period requesting formal consultation with the City.

Tribal consultation between the City and the Gabrieleño Band of Mission Indians – Kizh Nation occurred on July 16, 2024, with a follow up consultation meeting held on October 2, 2024 and December 2024. As part of the consultation process, the Gabrieleño Band of Mission Indians – Kizh Nation requested information regarding prior on-site soil disturbance and the proposed project's anticipated level of soil disturbance. The City provided a copy of the Geotechnical Investigation (provided in Draft EIR Appendix F, *Geotechnical Investigation*) and Cultural and Paleo Resources Memo (provided in Draft EIR Appendix E, *Cultural and Paleontological Resources Identification Memorandum*) to the Gabrieleño Band of Mission Indians – Kizh Nation. Based on consultation efforts, the City acknowledges the sensitivity of the area for potential unknown tribal cultural resources to be present in on-site soil. As such, Mitigation Measure TCR-1 would require retain a Native American monitor from the Native American tribe that is culturally and ancestrally affiliated with the project site: such as the Gabrieleño Band of Mission Indians – Kizh Nation, as approved by the City (herein referenced as the Native American Monitor). The Native American Monitor shall monitor the proposed project's ground disturbing activities (e.g., demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously disturbed and undisturbed ground). The Native American Monitor would be required to prepare daily monitoring logs that include descriptions of the relevant ground disturbing activities, locations of such activities, observed soil types, and the presence or absence of tribal cultural-related materials. In the event resources are discovered during any phase of ground disturbing activities, and it is determined by the Native American Monitor, in consultation with the City, to be Native American in origin, then all construction work within 50 feet (15 meters) of the find must cease until the Native American Monitor can assess the find. Work would be allowed to continue outside of the buffer zone. The Native American Monitor would determine the appropriate treatment of the discovered resource that is consistent with the tribe's cultural practices, including reinternment on site in an appropriate area determined by the tribe in consultation with the City and the applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a tribal cultural resource discovery shall resume only after the Native American Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the tribe, and (2) completed the appropriate treatment of the resource. Monitoring for tribal cultural resources by the Native American Monitor would be considered concluded upon the City's receipt of written confirmation from the Native American Monitor that ground disturbing activities with potential impacts to discovered and/or undiscovered tribal cultural resources are complete.

Further, State Health and Safety Code Section 7050.5 states no further disturbance shall occur until the County coroner has made a determination of origin and disposition pursuant to State Public Resources Code Section 5097.98 (PPP TCR-1). The County coroner must be notified of the find immediately. If the remains are determined to be Native American, the County coroner would notify the Native American Heritage Commission, which would determine and notify a Most Likely Descendent (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.



Following implementation of Mitigation Measure TCR-1 and compliance with existing State regulations (PPP TCR-1), impacts to tribal cultural resources would be reduced to less than significant levels.

***Plans, Programs, Policies:***

PPP TCR-1 The proposed project is required to comply with California Public Resources Code 5097.9-5097.991 (which protects Native American historical and cultural resources, and sacred sites) and Health and Safety Code Section 7050.5 (pertaining to the discovery or recognition of any human remains).

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

CUL-1 Prior to issuance of grading permits, the City of Costa Mesa shall ensure a qualified archaeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the project and shall be on-call during all demolition and grading/excavation. The qualified archaeologist shall ensure the following measures are followed for the project:

- Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. Workers shall be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.
- Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include monitor contact information (including the qualified archeologist and the Native American Monitor per Mitigation Measure TCR-1), specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.
- In the event resources of a potentially Native American nature are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered tribal cultural resource ("TCR") shall cease and the Monitor shall assess the discovery. Construction activities outside the buffer zone may continue during the Monitor's assessment.
  - Non-Native American (Non-TCR) Discoveries: If warranted based on the qualified archaeologist's evaluation of the archaeological (but non-TCR) discovery, the archaeologist shall collect the resource and prepare a test-



level report describing the results of the investigation. The test-level report shall evaluate the site including discussing the significance (depth, nature, condition, and extent of the resource), identifying final Cultural Mitigation Measures, if any, that the City of Costa Mesa's Development Services Director shall verify are incorporated into future construction plans, and providing cost estimates.

- o Conjoined Archaeological and Native American (TCR) Discoveries: If, following consultation with the Monitor, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Monitor shall prepare a TCR discovery report, which may include descriptions and evaluations of the area and conditions at the site of the discovery (i.e., depth, nature, condition, and extent of the resources), as well as a discussion of the significance to the Kizh Nation.
- o The requirements of Section 15064.5 of the CEQA Guidelines shall be followed. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1.

TCR-1 Prior to issuance of any grading permits, the applicant shall formally retain a Native American monitor from the Native American tribe that is culturally and ancestrally affiliated with the Project location: the Gabrieleño Band of Mission Indians – Kizh Nation. The applicant shall allow at least 45 days from initial contact with the first preference tribe (Kizh Nation) to enter into a contract for monitoring services. If the applicant can demonstrate they were unable to secure an agreement with the first preference tribe after a good faith effort, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant may retain an alternative qualified tribal monitor approved by the City. The City approved qualified tribal monitor (the "Monitor"), shall monitor all "ground-disturbing" Project activities, which includes but is not limited to: demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously disturbed and undisturbed ground (collectively "ground disturbing activities"). A copy of the executed contract shall be submitted to the Costa Mesa Development Services Department prior to the issuance of any permit necessary to commence ground-disturbing activities.

The Monitor shall prepare daily monitoring logs that include descriptions of the relevant ground disturbing activities, locations of such activities, observed soil types, and the presence or absence of tribal cultural-related materials. Should tribal cultural-related resources be discovered, monitor logs shall identify and describe such resources, including but not limited to, Native American cultural and historical artifacts, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event resources are discovered during any phase of ground disturbing activities, and



it is determined by the Monitor, in consultation with the City, to be Native American in origin, then all construction activity within fifty (50) feet (15 meters) of the find shall cease until the Monitor can assess the find. Work shall be allowed to continue outside of the buffer zone. The Monitor shall determine the appropriate treatment of the discovered resource that is consistent with the tribe's cultural practices, including reinternment on site in an appropriate area determined by the tribe in consultation with the City and the applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource.

Monitoring for tribal cultural resources ("TCR") shall conclude upon the City's receipt of written confirmation from the Monitor that ground disturbing activities with potential impacts to discovered and/or undiscovered TCRs are complete.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

---

**Impact 5.16-2 Development of the proposed project and related projects could result in cumulatively considerable impacts to unknown tribal cultural resources. [Threshold TCR-1(ii)]**

---

***Applicable Threshold of Significance TCR-1(ii):*** Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

***Level of Significance Before Mitigation:*** Potentially Significant Impact.

Support for this environmental impact conclusion is included in Draft EIR Section 5.16, *Tribal Cultural Resources*, and in particular, on page 5.16-11 of the Draft EIR.



Draft EIR Table 4-2, identifies the related projects and other possible development in the area determined as having the potential to interact with the project to the extent that a significant cumulative effect may occur. Future cumulative projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to site-specific tribal cultural resources. Related projects would be required to adhere to State and Federal regulations (e.g., SB 18 and/or AB 52), as well as project-specific mitigation measures.

Project-related impacts to tribal cultural resources have been determined to be less than significant with compliance with Section 5097.98 of the California Public Resources Code (PPP TCR-1) and implementation of Mitigation Measure TCR-1. As discussed under Draft EIR Impact Statement 5.16-1, following compliance with existing State regulations (PPP TCR-1) and implementation of Mitigation Measures TCR-1 and CUL-1, impacts concerning tribal cultural resources would be less than significant. Thus, the project's less than significant impacts would not be cumulatively considerable.

***Plans, Programs, Policies:***

PPP TCR-1 The proposed project is required to comply with California Public Resources Code 5097.9-5097.991 (which protects Native American historical and cultural resources, and sacred sites) and Health and Safety Code Section 7050.5 (pertaining to the discovery or recognition of any human remains).

***Standard Conditions of Approval:*** No SCAs are applicable to this threshold of significance.

***Mitigation Measures:***

CUL-1 Prior to issuance of grading permits, the City of Costa Mesa shall ensure a qualified archaeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the project and shall be on-call during all demolition and grading/excavation. The qualified archaeologist shall ensure the following measures are followed for the project:

- Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. Workers shall be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.
- Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include monitor contact information (including the qualified archeologist and the Native American Monitor per Mitigation Measure TCR-1), specific procedures for field



observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.

- In the event resources of a potentially Native American nature are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered tribal cultural resource (“TCR”) shall cease and the Monitor shall assess the discovery. Construction activities outside the buffer zone may continue during the Monitor’s assessment.
  - Non-Native American (Non-TCR) Discoveries: If warranted based on the qualified archaeologist’s evaluation of the archaeological (but non-TCR) discovery, the archaeologist shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussing the significance (depth, nature, condition, and extent of the resource), identifying final Cultural Mitigation Measures, if any, that the City of Costa Mesa’s Development Services Director shall verify are incorporated into future construction plans, and providing cost estimates.
  - Conjoined Archaeological and Native American (TCR) Discoveries: If, following consultation with the Monitor, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Monitor shall prepare a TCR discovery report, which may include descriptions and evaluations of the area and conditions at the site of the discovery (i.e., depth, nature, condition, and extent of the resources), as well as a discussion of the significance to the Kizh Nation.
  - The requirements of Section 15064.5 of the CEQA Guidelines shall be followed. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1.

TCR-1 Prior to issuance of any grading permits, the applicant shall formally retain a Native American monitor from the Native American tribe that is culturally and ancestrally affiliated with the Project location: the Gabrieleño Band of Mission Indians – Kizh Nation. The applicant shall allow at least 45 days from initial contact with the first preference tribe (Kizh Nation) to enter into a contract for monitoring services. If the applicant can demonstrate they were unable to secure an agreement with the first preference tribe after a good faith effort, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the applicant may retain an alternative qualified tribal monitor approved by the City. The City approved qualified tribal monitor (the “Monitor”), shall monitor all “ground-disturbing” Project activities, which includes but is not limited to: demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously disturbed and undisturbed ground (collectively “ground disturbing activities”). A copy of the executed contract shall be submitted to the Costa Mesa Development Services



Department prior to the issuance of any permit necessary to commence ground-disturbing activities.

The Monitor shall prepare daily monitoring logs that include descriptions of the relevant ground disturbing activities, locations of such activities, observed soil types, and the presence or absence of tribal cultural-related materials. Should tribal cultural-related resources be discovered, monitor logs shall identify and describe such resources, including but not limited to, Native American cultural and historical artifacts, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event resources are discovered during any phase of ground disturbing activities, and it is determined by the Monitor, in consultation with the City, to be Native American in origin, then all construction activity within fifty (50) feet (15 meters) of the find shall cease until the Monitor can assess the find. Work shall be allowed to continue outside of the buffer zone. The Monitor shall determine the appropriate treatment of the discovered resource that is consistent with the tribe's cultural practices, including reinternment on site in an appropriate area determined by the tribe in consultation with the City and the applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource.

Monitoring for tribal cultural resources ("TCR") shall conclude upon the City's receipt of written confirmation from the Monitor that ground disturbing activities with potential impacts to discovered and/or undiscovered TCRs are complete.

***Level of Significance After Mitigation:*** Less Than Significant Impact With Mitigation Incorporated.

**Finding:**

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Costa Mesa hereby finds that implementation of the mitigation measures are feasible, and the measures are therefore adopted.

**E. FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS**

Compliance with existing regulations and the specific mitigation measures summarized above would reduce project impacts to less than significant levels and no significant unavoidable impacts would result.



## F. FINDINGS ON RECIRCULATION

*CEQA Guidelines* Section 15088.5(a) requires a lead agency to “recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

Comment letters received on the Draft EIR and responses to those comment letters provided in the Final EIR do not identify any significant new information requiring recirculation. Further, the clarifications and modifications included in the Final EIR are not considered to result in any new or substantially greater significant impacts as compared to those identified in the Draft EIR. The changes to the Draft EIR do not affect the overall conclusions of the environmental document. As a result, pursuant to *CEQA Guidelines* Section 15088.5, a recirculation of the Draft EIR is not required.

## G. FINDINGS ON PROJECT ALTERNATIVES

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. As discussed above, upon compliance with existing regulations and mitigation measures, project implementation would not result in any significant and unavoidable impacts.

Nonetheless, the Draft EIR analyzed four alternatives to the proposed project that could avoid or substantially lessen the project’s potentially significant impacts.

### 1. No Project/No Development Alternative

The No Project/No Development Alternative assumes the Specific Plan would not be amended and no new development would occur on-site. The existing Hive Creative Office Campus (in the northern portion) would continue to operate similar to existing conditions. This alternative assumes that the Los Angeles Chargers practice field could continue to be leased out and used in a similar manner as the existing condition.

#### Conclusion:

The No Project/No Development Alternative would eliminate the proposed project’s less than significant with mitigation incorporated impacts related to air quality (construction), biological resources, cultural resources, geology and soils, hazards and hazardous materials, public services, recreation, and tribal cultural resources. This alternative would lessen environmental impacts in the areas of air quality, biological resources, cultural resources, energy, geology and soils, GHG, land use and planning, noise, public services, tribal cultural resources, and utilities and services systems. In regard to aesthetics, hazards and hazardous materials, population and housing, and transportation, this



alternative would result in similar impacts. Impacts related to hydrology and water quality would be greater.

No development would occur on-site under the No Project/No Development Alternative. The existing commercial uses would continue to operate on-site and none of the project objectives would be achieved under this alternative. Specifically, this alternative would not redevelop the site with a mix of residential units and accessory/ancillary retail uses in a master-planned setting (Objective No. 1); increase the City's housing stock, including affordable housing (Objective No. 2); provide enhanced recreation and open space opportunities (Objective No. 3); facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and pedestrian-scale transit improvements such as the Rail Trail (Objective No. 4); improve jobs-housing ratio and reduce vehicle miles traveled (Objective No. 5); implement sustainable development practices (Objective No. 6); or enhance the visual attributes of the project site and surrounding area (Objective No. 7).

**Finding:**

This alternative is rejected because it would not accomplish any of the objectives of the proposed project. The findings of the proposed project set forth in this document provide support for the proposed project and the elimination of this alternative from further consideration.

**2. No Project/Existing Zoning Alternative**

The Costa Mesa City Council adopted the North Costa Mesa Specific Plan (Specific Plan) in July 1994, which included the project site and surrounding area as Segerstrom Home Ranch (Area 1). In 2001, a Development Agreement (DA-00-01) was approved and authorized a maximum 0.40 FAR for the project site. In 2002, the current development was approved through Master Plan PA-02-34. In 2008, Final Master Plan PA-08-09 was approved to allow for a new office building in the southern portion of the lot. The building was never constructed and Final Master Plan PA-08-09 approval has since expired. In 2003, the project site was graded and the existing 182,520-Hive Creative Office Campus was built in the north and central portions of the project site. In 2017, the southern portion of the site was converted into the Los Angeles Chargers practice field. On November 1, 2023, the Los Angeles Chargers announced their intention to relocate their operations from the project site to the City of El Segundo. The existing Development Agreement expires on August 27, 2030. As such, the No Project/Existing Zoning Alternative assumes reapproval and development of the Final Master Plan PA-08-09 and the existing Development Agreement.

The No Project/Existing Zoning Alternative assumes that the existing three two-story office buildings would continue to operate and that the practice field would be redeveloped into another office building per the Final Master Plan PA 08-09 and the existing Development Agreement.

Under this alternative, the existing Hive Creative Office Campus two-story office buildings would remain on-site and the southern portion of the site (the practice field) would be redeveloped into another office building. Under this alternative, 245 surface parking spaces would be installed in the southern portion of the project site to support the new office building, rather than the project's 538 parking spaces proposed in a wrap around parking structure at Building A. This office building (Building D) would be approximately 65,435 square feet and two stories in height and would result in 72 new employees on-site. Proposed uses would be general office space and related ancillary support



areas for corporate training. The northeast section of the first floor would be used for conference facilities and video conferencing. Various other meeting spaces would serve as group training areas for 20 to 30 employees from other locations that would arrive on-site via vanpool or small bus. This fourth building represents the remaining development on this property, as allowed pursuant to the Segerstrom Home Ranch Development Agreement (DA 00-01).

Overall, this alternative would result in the reduction in residential development (1,050 fewer residential units, and elimination of the associated bicycle and pedestrian connections) and an increase in 65,435 square feet of office space. These modifications would decrease associated vehicle trips, compared to the proposed project, by 2,373 daily trips.

Discretionary actions required under this alternative would include re-approval of the Master Plan. Unlike the proposed project, this alternative would not require a General Plan Amendment, Zone Change, Specific Plan Amendment, Tentative Tract Map approval, and Density Bonus Agreement.

**Conclusion:**

The No Project/Existing Zoning Alternative would significantly reduce or eliminate the proposed project's potentially significant impacts related to air quality, biological resources, geology and soils, hazards and hazardous materials, and public services to levels where mitigation measures are not required. In general, this alternative would lessen environmental impacts in the areas of energy, GHG, land use and planning, noise, and utilities and service systems. This alternative would result in similar impacts and still require mitigation in some topical areas to reduce impacts to less than significant levels for areas pertaining to aesthetics, biological resources, cultural resources, hydrology and water quality, population and housing, recreation, transportation, and tribal cultural resources.

Under the No Project/Existing Zoning Alternative, a new commercial office building would be constructed and the existing commercial uses would continue to operate on-site; majority of the project objectives would not be achieved under this alternative. Specifically, this alternative would not redevelop the site with a mix of residential units and accessory/ancillary retail uses in a master-planned setting (Objective No. 1); increase the City's housing stock, including affordable housing (Objective No. 2); or improve jobs-housing ratio and reduce vehicle miles traveled (Objective No. 5). Although the following would be implemented through enhanced landscaping along South Coast Drive, the following objectives would not be achieved to the extent of the project: provide enhanced recreation and open space opportunities (Objective No. 3); facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and pedestrian-scale transit improvements such as the Rail Trail (Objective No. 4); or enhance the visual attributes of the project site and surrounding area (Objective No. 7). This alternative may implement sustainable development practices that address energy efficiency, support active transportation, and comply with green building code standards (Objective No. 6) through construction of a new commercial use that comply with the latest building standards.

**Finding:**

This alternative is rejected because it would not accomplish the objectives of the proposed project to the same extent of the proposed project. The findings of the proposed project set forth in this



document support for the proposed project and the elimination of this alternative from further consideration.

### **3. Commercial Building Alternative**

The Commercial Building Alternative considers residential development of the proposed project at the northern and central portions of the project site, as well as development of a commercial office building (consistent with Final Master Plan PA-08-09 and Development Agreement DA-00-01), instead of Building A in the southern portion of the project site. This alternative would construct two new residential buildings (Buildings B and C) and a new 65,435-square foot commercial building (replacing the existing practice field) up to two stories in height. Under this alternative, 245 surface parking spaces would be installed in the southern portion of the project site to support the new office building, rather than the project's 538 parking spaces proposed in a wrap around parking structure at Building A. The project's proposed co-work/flex space would not be constructed. Also, the project's retail space and the public plaza space would not be constructed. No public art would be installed. Overall, this alternative would result in the reduction in residential development (315 fewer residential units, 3,692 fewer square feet of retail space) and an increase in 65,435 square feet of office space (72 new employees). This alternative would still provide affordable units, but the number of units would be proportionally lower than the proposed project. These modifications would reduce associated vehicle trips.

Discretionary actions required under this alternative would include a General Plan Amendment, Zone Change, Specific Plan Amendment, Master Plan approval, Tentative Tract Map approval, and Density Bonus Agreement.

#### **Conclusion:**

The Commercial Building Alternative would not significantly reduce or eliminate any of the proposed project's potentially significant impacts to levels where mitigation measures are not required. This alternative would result in similar impacts and still require mitigation in some topical areas to reduce impacts to less than significant levels, aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service systems. The project's less than significant impacts pertaining to energy, greenhouse gas emissions, and noise would be slightly reduced, but would still occur.

Under the Commercial Building Alternative, the proposed project's basic objectives would be achieved, but not to the extent of the proposed project. Specifically, this alternative would increase the City's housing stock, including affordable housing (Objective No. 2); facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and pedestrian-scale transit improvements such as the Rail Trail (Objective No. 4); and incorporate sustainable development practices that address energy efficiency, support active transportation, and comply with green building code standards (Objective No. 6). However, although this alternative would provide a mix of residential and commercial/office units in a master-planned setting (Objective No. 1), enhance the visual attributes of the project site and surrounding area (Objective No. 7), provide enhanced recreation and open space opportunities (Objective No. 3) and improve jobs-housing ratio and reduce vehicle miles traveled (Objective No. 5), this would be to a lesser extent than the proposed project.



Also, this alternative would not provide any on-site accessory/ancillary retail uses to support the new residential community (Objective No. 1).

**Finding:**

This alternative is rejected because it would not accomplish the objectives of the proposed project to the same extent of the proposed project. The findings of the proposed project set forth in this document support for the proposed project and the elimination of this alternative from further consideration.

**4. Reduced Development Intensity Alternative**

The Reduced Development Intensity Alternative was selected to avoid or substantially lessen the proposed project's impacts related to air quality, greenhouse gas emissions, and energy. This alternative assumes a 20 percent reduction in residential units and elimination of the 3,692-square foot retail space and public plaza space. Similar to the proposed project, a total of 840 residential units would be constructed in three four-story buildings. The footprint of the three buildings would be slightly reduced compared to the proposed project. This alternative would still provide affordable units, but the number of units would be proportionally lower than the proposed project. Given the reduction in residential units, parking on-site would also be reduced by a proportional amount while still meeting the Specific Plan parking requirements.

Under this alternative, the project's proposed co-work/flex space would not be constructed. Also, the project's retail space and the public plaza space would not be constructed. No public art would be installed. Overall, this alternative would result in the reduction in residential development (210 fewer residential units, 3,692 fewer square feet of retail space). Overall, the reduction in residential and non-residential development would reduce associated vehicle trips as well.

Discretionary actions required under this alternative would be similar to the proposed project, and would include a General Plan Amendment, Zone Change, Specific Plan Amendment, Master Plan approval, Tentative Tract Map approval, and Density Bonus Agreement.

**Conclusion:**

The Reduced Development Intensity Alternative would not significantly reduce or eliminate any of the proposed project's potentially significant impacts to levels where mitigation measures are not required. This alternative would result in similar impacts and still require mitigation in some topical areas to reduce impacts to less than significant levels, aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service systems. The project's less than significant impacts pertaining to air quality, energy, greenhouse gas emissions, and noise would be reduced, but would still occur.

Under the Reduced Development Intensity Alternative, the proposed project's basic objectives would be achieved, but not to the extent of the proposed project. Specifically, this alternative would increase the City's housing stock, including affordable housing (Objective No. 2); facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and pedestrian-scale transit



improvements such as the Rail Trail (Objective No. 4); and incorporate sustainable development practices that address energy efficiency, support active transportation, and comply with green building code standards (Objective No. 6). However, although this alternative would enhance the visual attributes of the project site and surrounding area (Objective No. 7), provide enhanced recreation and open space opportunities (Objective No. 3), and improve jobs-housing ratio and reduce vehicle miles traveled (Objective No. 5), this would be to a lesser extent than the proposed project. Also, this alternative would not provide any on-site accessory/ancillary retail uses to support the new residential community (Objective No. 1).

**Finding:**

This alternative is rejected because it would not accomplish the objectives of the proposed project to the same extent of the proposed project. The findings of the proposed project set forth in this document support for the proposed project and the elimination of this alternative from further consideration.

**ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

Both of the “no project” alternatives, including the No Project/No Development Alternative and the “No Project/Existing Zoning” Alternative, has been identified as the environmentally superior alternatives in the Draft EIR as they would avoid or lessen most of the project’s less than significant environmental impacts. However, according to *CEQA Guidelines* Section 15126.6(e), “if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Accordingly, both build alternatives considered, the Commercial Building Alternative and the Reduced Development Intensity Alternative are considered environmentally superior to the proposed project.

No development would occur on-site under the No Project/No Development Alternative. The existing commercial uses would continue to operate on-site and none of the project objectives would be achieved under this alternative. Specifically, this alternative would not redevelop the site with a mix of residential units and accessory/ancillary retail uses in a master-planned setting (Objective No. 1); increase the City’s housing stock, including affordable housing (Objective No. 2); provide enhanced recreation and open space opportunities (Objective No. 3); facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and pedestrian-scale transit improvements such as the Rail Trail (Objective No. 4); improve jobs-housing ratio and reduce vehicle miles traveled (Objective No. 5); implement sustainable development practices (Objective No. 6); or enhance the visual attributes of the project site and surrounding area (Objective No. 7).

Under the No Project/Existing Zoning Alternative, a new commercial office building would be constructed, and the existing commercial uses would continue to operate on-site; majority of the project objectives would not be achieved under this alternative. Specifically, this alternative would not redevelop the site with a mix of residential units and accessory/ancillary retail uses in a master-planned setting (Objective No. 1); increase the City’s housing stock, including affordable housing (Objective No. 2); or improve jobs-housing ratio and reduce vehicle miles traveled (Objective No. 5). Although the following would be implemented through enhanced landscaping along South Coast Drive, the following objectives would not be achieved to the extent of the project: provide enhanced recreation and open space opportunities (Objective No. 3); facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and pedestrian-scale transit improvements such as the



Rail Trail (Objective No. 4); or enhance the visual attributes of the project site and surrounding area (Objective No. 7). This alternative may implement sustainable development practices that address energy efficiency, support active transportation, and comply with green building code standards (Objective No. 6) through construction of a new commercial use that comply with the latest building standards.

The Commercial Building Alternative considers residential development of the proposed project at the northern and central portions of the project site, as well as development of a new 65,435-square foot commercial office building (consistent with Final Master Plan PA-08-09 and Development Agreement DA-00-01), instead of Building A in the southern portion of the project site. Under the Commercial Building Alternative, the proposed project's basic objectives would be achieved, but not to the extent of the proposed project. Specifically, this alternative would increase the City's housing stock, including affordable housing (Objective No. 2); facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and pedestrian-scale transit improvements such as the Rail Trail (Objective No. 4); and incorporate sustainable development practices that address energy efficiency, support active transportation, and comply with green building code standards (Objective No. 6). However, although this alternative would provide a mix of residential and commercial/office units in a master-planned setting (Objective No. 1), enhance the visual attributes of the project site and surrounding area (Objective No. 7), provide enhanced recreation and open space opportunities (Objective No. 3) and improve jobs-housing ratio and reduce vehicle miles traveled (Objective No. 5), this would be to a lesser extent than the proposed project. Also, this alternative would not provide any on-site accessory/ancillary retail uses to support the new residential community (Objective No. 1).

The Reduced Development Intensity Alternative would construct a total of 840 residential units in three four-story buildings (a 20 percent reduction in residential units) and eliminate the 3,692-square foot retail space and public plaza space. The footprint of the three buildings would be slightly reduced compared to the proposed project. Under the Reduced Development Intensity Alternative, the proposed project's basic objectives would be achieved, but not to the extent of the proposed project. Specifically, this alternative would increase the City's housing stock, including affordable housing (Objective No. 2); facilitate alternative modes of travel through enhancing pedestrian and bicycle infrastructure and pedestrian-scale transit improvements such as the Rail Trail (Objective No. 4); and incorporate sustainable development practices that address energy efficiency, support active transportation, and comply with green building code standards (Objective No. 6). However, although this alternative would enhance the visual attributes of the project site and surrounding area (Objective No. 7), provide enhanced recreation and open space opportunities (Objective No. 3), and improve jobs-housing ratio and reduce vehicle miles traveled (Objective No. 5), this would be to a lesser extent than the proposed project. Also, this alternative would not provide any on-site accessory/ancillary retail uses to support the new residential community (Objective No. 1).



*This page intentionally left blank.*