ATTACHMENT 2

City of Costa Mesa
General Plan Amendments

Environmental Impact Report
Response to Comments
Draft

SCH No. 2015111053

April 22, 2016

Lead Agency:

City of Costa Mesa
77 Fair Drive
Costa Mesa, California

This document is designed for double-sided printing to conserve natural resources.

Table of Contents

1 Introduction 2
2 Responses to Comments 4
Agencies 6
Response A-1 – California Department of Fish and Wildlife 6
Response A-2 – California Department of General Services 6
Response A-3 – California Department of Transportation (Caltrans) 7
Response A-4 – City of Newport Beach 8
Response A-5 – Irvine Ranch Water District (IRWD) 8
Response A-6 – Orange County Airport Land Use Commission 9
Response A-7 – Orange County Transportation Authority 9
Organizations 10
Response O-1 – Costa Mesa Affordable Housing Coalition 10
Response O-2 – Orange County Fairgrounds Preservation Society 10
Response O-3 – Public Law Center 10
Response O-4 – The Kennedy Commission 10
Response O-5 – Tribune Real Estate 10
Response O-6 – SoCalGas 10
Individuals 11
Response I-1 – Eleanor Egan 11
Response I-2 – Kim Hendricks 11
Response I-3 – Cynthia McDonald 13
Response I-4 – Robin Leffler 15
Response I-5 – Elaine Dethlefsen 15
Response I-6 – Tamar Goldmann 16
Response I-7 – Reggie Mundekis 16
Response I-8 – Corrine Stover 16
Response I-9 – Beth Morley 16
Response I-10 – William Harader, Laurene Keane, Lisa Lawrence, Judy Lindssay, Ralph Taboada, Anna Vrska, James Locker, Beverly Tazelaar, Janice Kressin, and Georgette Quinn 17
Response I-11 – Cindy Black, Flo Martin, and Mary Spandoni 17

List of Tables

Table 1 DEIR Comments 4

1 Introduction

Section 1: Introduction

This Final Environmental Impact Report (FEIR) has been prepared to comply with Sections 15089 and 15132 of the State California Environmental Quality Act (CEQA) Guidelines. As noted in §15089 (b) of the Guidelines, the focus of a FEIR should be on responses to comments on the Draft Environmental Impact Report (DEIR). Accordingly, this document incorporates the Costa Mesa General Plan Amendments DEIR, Volumes I through II (State Clearinghouse No. 2015111053) by reference in its entirety. The DEIR is available for review at the City of Costa Mesa, Development Services Department, 77 Fair Drive, Costa Mesa, California, and on the City's web site (http://www.ci.Costa Mesa.ca.us/CD_Plan.html). The contents of this FEIR include the following four sections.

Section 2: Responses to Comments

The City published a Notice of Availability and circulated a DEIR for public review and comment for the period of March 4, 2016 through April 18, 2016. A total of 35 different pieces of correspondences were submitted to the City during the review period, including seven letters from public agencies, six letters from organizations, and 22 letters and emails from individuals. This section includes a list of all correspondence submitted to the City of Costa Mesa, each identified by a letter for later reference, together with the authors and the dates the letters were issued. Following this list, all of the letters are presented, with numbered brackets to highlight specific comments that are responded to in the next section.

Review of Environmental Documents

Section 15204 of the CEQA Guidelines provides guidance to the public in reviewing CEQA documents. This section is designed not to limit the scope of comments that can be submitted by the public but to focus comments on issues that are substantive to the environmental analysis. Commenting entities should focus on the adequacy of the document in identifying and analyzing impacts to the environment and identify any areas they believe to be inadequate. The guidance indicates that comments should be submitted in a manner that:

- Identifies a specific environmental effect
- Supports the effect and its significance with substantial evidence

Comments should include alternatives or mitigation measures to avoid or reduce identified, specific environmental effects. This section reiterates that the lead agency is bound by "reasonableness" and "good faith" in its analysis and that the lead agency is not required to respond to comments in the FEIR that do not identify significant environmental issues.

Each response provided herein is coded to correspond to the individual comment/author and each of the bracketed comments in that letter. A summary table is included with each response to identify if the response introduces "new significant information" under any of the four categories identified in Section 15088 et seq. of the CEQA Guidelines.

Evaluation of Comments

Section 15088 et seq. of the State CEQA Guidelines provides guidance on the evaluation and response to comments received during circulation of the DEIR. To summarize:

- The lead agency must evaluate all comments received during the public review period and prepare a written response to comments on significant environmental issues.
- The lead agency must provide the response to the commenting entity at least ten days prior to certification of the EIR.
- The response must:

  - Identify any significant environmental issues raised in the comment;
  - Explain, if necessary, why any recommendations provided in the comment were not accepted; and
  - Be supported by reasoned analysis.
- Responses may be provided as direct revisions to the DEIR or as a separate section of the FEIR with marginal notes in the DEIR text indicating that it was subsequently revised.

A lead agency is required to recirculate the DEIR if "significant new information" is introduced during the public comment period. "Significant new information" includes:

1. New significant impacts
2. Substantial increases in the severity of impacts
3. Feasible alternatives or mitigation that would reduce significant impacts
4. Identification of inadequacies in the analysis

Recirculation is *not* required when new information is not significant, this includes:

- Revisions that clarify or amplify an adequate analysis
- Insignificant modifications (such as spelling and grammar corrections)

Section 3: Errata (NOT INCLUDED IN THIS DRAFT)

This section identifies revisions to the DEIR to incorporate clarifications developed in response to comments on the DEIR. Additions to the text are underlined and deletions have been stricken through. No substantial revisions were made to the DEIR and recirculation of the document is not required pursuant to CEQA.

Section 4: Notices and Distributions (NOT INCLUDED IN THIS DRAFT)

This consists of notices concerning the release of the Draft EIR for public review and comment, and the list of agencies, groups and individuals who were sent notices and/or a copy of the Draft EIR.

2 Responses to Comments

The Draft Environmental Impact Report (DEIR) was circulated for a 45-day public review and comment period beginning March 4, 2016 and ending April 18, 2016. Correspondence was received from several agencies and members of the public during this time period. Correspondence that pertained only the draft General Plan Amendments is not addressed in this document.

The correspondence listed in Table 1 (Draft EIR Comments Received) was submitted to the City of Costa Mesa concerning the DEIR. Written responses to each comment are subsequently provided. The following responses to comments include a summary to identify if the response will introduce "new significant information" under any of the four categories identified in Section 15088 et seq. of the California Environmental Quality Act (CEQA) Guidelines or if it does not introduce "new significant information." The four general categories are:

1. New significant impacts
2. Substantial increases in the severity of impacts
3. Feasible alternatives or mitigation that would reduce significant impacts
4. Identification of inadequacies in the analysis

Table 1
Draft EIR Comments Received

ID	Commenting Agency	Date
A-1	California Department of Fish and Wildlife	4/18/2016
A-2	California Department of General Services	4/15/2016
A-3	California Department of Transportation	4/16/2016
A-4	City of Newport Beach	4/11/2016
A-5	Irvine Ranch Water District	4/14/2016
A-6	Orange County Airport Land Use Commission	4/14/2016
A-7	Orange County Transportation Authority	4/18/2016
	Commenting Organization	
O-1	Costa Mesa Affordable Housing Coalition	4/18/2016
O-2	Orange County Fairgrounds Preservation Society	4/06/2016
O-3	Public Law Center	4/18/2016
O-4	The Kennedy Commission	4/11/2016
O-5	Tribune Real Estate	4/18/2016
O-6	SoCalGas	4/21/2016
	Commenting Individual	
I-1	Eleanor Egan	4/04/2016
I-2	Kim Hendricks	4/18/2016
1-3	Cynthia McDonald	4/18/2016
1-4	Robin Leffler	4/18/2016
1-5	Elaine Dethlefsen	4/18/2016
1-6	Tamar Goldmann	4/18/2016
I-7	Reggie Mundekis	4/18/2016
I-8	Corinne Stover	4/18/2016

ID	Commenting Agency	Date
I-9	Beth Morley	4/18/2016
I-10	William Harader, Laurene Keane, Lisa Lawrence, Judy Lindssay, James Locker, Ralph Taboada, Anna Vrska, Beverly Tazelaar, Janice Kressin, Georgette Quinn	Various
I-11	Cindy Black, Flo Martin, Mary Spandoni	Various
I-12	Wendy Leece	Various
I-13	Brian Burnett	4/16/16 Response Pending
I-14	Robert Hamilton	4/18/16 Response Pending

Agencies

Response A-1 – California Department of Fish and Wildlife

A-1.1. This comment recommends that the City conduct more recent species surveys in the project area because the data used are 16 years old. The data was deemed to be adequate for a cursory level evaluation for the General Plan since most focus areas are already heavily impacted by development or agricultural use, and actual ground-disturbing activities are not authorized by the project. A November, 2015 CNDDB report was generated for all land within the City, and the results were included in the DEIR (Table 4.4-6). The CNDDB report included new information on the southern tarplant, including a population near the Talbert Natural Preserve reported in 2014.

The City will require site-specific biological surveys and impact evaluations on a project-by-project basis pursuant to CEQA, and such evaluations would include site-specific surveys and an updated CNDDB search. *This response does not identify any new information.*

A-1.2. This comment recommends the preparation of a Biological Resources Technical Report for the FEIR. Again, because the project does not authorize any land-altering activities and projects proposed pursuant to the amended General Plan would require project-specific CEQA compliance, the need for a technical report at this point in time was deemed not to be warranted. Also see Response A-1.1. *This response does not identify any new information.*

A-1.3. This comment requests that City involve CDFW and USFWS in the review of the Costa Mesa Parks Master. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing proces *response does not identify any new information.*

A-1.4. This comment requests that Policy OSR-1.0 include language regarding the need to consult with the wildlife agencies also. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

A-1.5. This comment recommends addressing the Polyphagous Shot Hole Borer (SHB) and Kuroshio SHB (both invasive beetles) in the Conservation, Open Space and Recreation and other elements. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not address any specific issue in the DEIR.*

Response A-2 – California Department of General Services

Response to Traffic Comments (Second and Third Full Paragraphs on Page 3): The suggestion to utilize the Institute of Transportation Engineer's (ITE) trip rate for "Government Office Complex" to estimate trips for future public facility uses is not consistent with the mix of uses currently envisioned by the General Plan for the site, which at this time does not include redevelopment as an office complex. The ITE Government Office Complex rate applies to government buildings that are similar to general office or business park uses. As stated in the General Plan, the Mixed-Use Center designation that is applied to this site will require a Master Plan for any future development project. At that time, the most appropriate trip generation rates for the proposed uses will be applied as part of the traffic analysis for a specific development project. *This response does not identify any new information.*

Response A-3 – California Department of Transportation (Caltrans)

A-3.1. The Circulation Element of the City's General Plan is applicable only to the City's network of roadways. Caltrans facilities, such as the freeway mainline and ramps, are not a part of the Circulation Element. and changes or modifications to Caltrans facilities are not addressed by the General Plan. As such, the traffic analysis that has been prepared in support of the General Plan Amendments focuses on City roadways using City analysis methodology. Future development that may occur in the City as a result of changes to the General Plan will be subject to project-level analysis, which includes evaluation of impacts to Caltrans facilities when applicable and using analysis methodologies for those facilities that are acceptable to Caltrans such as those noted in the comment. *This response does not identify any new information.*

A-3.2. As noted in the Response to Comment A-3.1, the Circulation Element is applicable only to the City's network of roadways, and the traffic analysis that has been prepared in support of the General Plan Amendments focuses on these City roadways using City analysis methodology. The type of analysis that has been prepared is appropriate for a long-range planning study of this time. The comment to provide queuing analysis of off-ramps and evaluation of intersection turn pockets, including identification of turn pocket storage lengths, is not appropriate for a citywide planning study of this type. Future development that may occur in the City as a result of changes to the General Plan will be subject to project level analysis, which includes evaluation of impacts to Caltrans facilities when applicable and would include the detailed geometric design analysis requested by the comment. *This response does not identify any new information.*

A-3.3. In lieu of turning movement diagrams, peak-hour turn movement volumes for each of the intersections and scenarios that were analyzed are provided in tabular format in the ICU worksheets attached at the end of the traffic study in Appendix C of the DEIR. *This response does not identify any new information.*

A-3.4. The buildout General Plan roadway system includes the extension of the SR 55 freeway from 19th Street to Industrial Way and is based on a conceptual approach using cut-and-cover construction of a four-lane freeway extension. Extending the SR 55 freeway allows for reducing the number of lanes on Newport Boulevard between 19th Street and 17th Street from seven lanes to six lanes, as evidenced by the traffic volume reductions noted on Newport Boulevard under the 2035 scenarios that assume buildout of the General Plan roadway system (i.e., traffic that is diverted to the SR 55 freeway extension results in lower volumes on Newport Boulevard).

The cut-and-cover approach for the SR 55 extension is not expected to be implemented by the General Plan's planning horizon of 2035. Therefore, the traffic analysis included in Appendix C of the Draft EIR includes two highway plan scenarios for the year 2035. One scenario includes the SR 55 extension along with all other future roadway improvements that are a part of the City's Master Plan of Streets and Highways. The second 2035 scenario includes only those improvements certain to occur prior to 2035, which is referred to as the "constrained" network. The constrained network does not include the SR 55 extension. Therefore, the Draft EIR addresses 2035 scenarios both with and without the SR 55 extension. *This response does not identify any new information.*

A-3.5. Class IV bikeways are described in the General Plan on page C-19 and are illustrated in Figure C-5 on page C-18. Additionally, several potential locations for implementing future Class IV facilities are illustrated in Figure C-3 on page C-16. A reference to Class IV bikeways will be added to the EIR Section 4.16. *This response does not identify any new information that has a bearing on the adequacy of the DEIR analysis.*

Response A-4 – City of Newport Beach

A-4.1. The cut-and-cover approach for the SR 55 extension is not expected to be implemented by the General Plan's planning horizon of 2035. Therefore, the traffic analysis included in Appendix C of the Draft EIR includes two highway plan scenarios for the year 2035. One scenario includes the SR 55 extension, along with all other future roadway improvements that are a part of the City's Master Plan of Streets and Highways. The second 2035 scenario includes only those improvements certain to occur prior to 2035, which is referred to as the "constrained" network. The constrained network does not include the SR 55 extension. Therefore, the Draft EIR addresses 2035 scenarios both with and without the SR 55 extension. *This response does not identify any new information.*

A-4.2. The City of Costa Mesa will initiate an MPAH amendment process with OCTA for each of the roadway downgrades and deletions proposed in the Circulation Element (see page C-13 of the DEIR for discussion). The cooperative studies associated with the MPAH amendment will be conducted with all of the stakeholders that are affected, including the City of Newport Beach for the downgrades and deletions that are in close proximity to Newport Beach. The only exception is the East 22nd Street downgrade between Newport Boulevard and Orange Avenue. This downgrade was approved by OCTA at its September 14, 2015 Board meeting. This downgrade did not have any impact outside of the Costa Mesa limits, as it is minor segment. *This response does not identify any new information.*

A-4.3. The study previously prepared for deletion of the 19th Street bridge included mitigation at the Newport Boulevard/17th Street intersection and the Superior Avenue/17th Street intersection. The improvement at the Newport Boulevard/17th Street intersection required addition of a fourth northbound through lane. This was implemented with the Newport Boulevard widening project. The improvements identified at the Superior Avenue/17th Street intersection are identified for future implementation based on General Plan conditions. The DEIR General Plan analysis uses the most recent land use forecasts, and no additional impacts were identified with the removal of 19th Street bridge. *This response does not identify any new information.*

Response A-5 – Irvine Ranch Water District (IRWD)

A-5.1. The commenter requests that the DEIR be updated with new information about the service area and facilities of the IRWD. The clarifications are herein acknowledged and are part of the FEIR administrative record. *This response does not identify any new information that has a bearing on the analysis in the EIR.*

A-5.2. The commenter requests that instead of using the Water Resources Master Plan for the environmental analysis, the Water Supply Assessment (WSA) should have been used. In the case of this project, the WSA was not available at the time the Notice of Preparation was released in November, 2015. The NOP date establishes the baseline for existing conditions in the DEIR. The WSA was completed in early April, 2016 and thus was not available at the time of DEIR preparation.

According to the WSA provided by the IRWD, "currently available supplies of potable water are adequate to meet projected annual demands for both the baseline and with-project demand projects under the normal year conditions through the year 2036. Meeting both the single- and multiple-dry year annual demands for potable water at full buildout will require the completion of 'underdevelopment' supplies. 'Underdevelopment' supplies may necessitate the preparation and completion of environmental documents, regulatory approvals, and/or contracts prior to full construction and implementation. Adequate currently available potable water supply capacity is available to meet peak-flow (maximum day) demands for all demand projections through the year 2036."

The WSA further states that "currently available supplies of nonpotable water are adequate to meet projected annual demands for both the baseline and with-project demand projects under the normal year conditions through the year 2036."

It should be noted that the IRWD serves only approximately 15% of the City; the majority is served by the Mesa Consolidated Water District (MCWD). MCWD did not provide any comments on the DEIR. As noted in the discussion on beginning on page 4.17-12 of the DEIR, the project will increase demand for water. This analysis does not account for any long-term water savings achieved through plumbing system retrofits, increased use of drought-tolerant landscaping, and other measures. Such programs will be implemented pursuant to General Plan policies, as described on pages 4.17-13 and 4.17-14 of the DEIR. Also, it should be noted that MCWD, in its 2010 Urban Water Management Plan, assumes a flat demand in the next 25 years even with growth. This reflects MCWD's assumptions of reduced per capita consumption over time. Because MCWD's service area generally is contiguous with the corporate Costa Mesa limits (other than properties served by IRWD), the City and MCWD can continue to work cooperatively to achieve water conservation goals and assure that new development pursuant to General Plan policies, together with existing development, can be provided with adequate water supplies.

This response does not identify any new information that has a bearing on the analysis in the EIR.

A-5.3. The correction regarding the San Joaquin Reservoir is acknowledged. *This response does not identify any new information that has a bearing on the analysis in the EIR.*

A-5.4. The commenter requests that the DEIR reflect that the reflect IRWD's 2010 Urban Water Management Plan applies to the Santa Ana Heights area of Costa Mesa. The clarification is herein acknowledged and is part of the FEIR administrative record. *This response does not identify any new information that has a bearing on the analysis in the EIR.*

Response A-6 – Orange County Airport Land Use Commission

A-6.1. Responses under separate cover to be proved on April 25, 2016.

Response A-7 – Orange County Transportation Authority

A-7.1. The Response to Paragraph 3 Comment: Figure C-8 on page C-29 will be updated with the changes noted in the 2016 Bus Service Plan and bus route numbers will be added to the map. *This response does not identify any new information that has a bearing on the adequacy of the DEIR analysis.*

A-7.2. The Response to Paragraph 4 Comment: This comment addresses a policy in the General Plan regarding future funding of bus services. It does not reference any deficiencies in the Draft EIR.

Organizations

Response O-1 – Costa Mesa Affordable Housing Coalition

O-1.1. Since there were multiple commenters that had similar concerns regarding the issue of affordable housing, a master response is being prepared that will address all comment regarding this issue. The response will be provided under separate cover to be provided on April 25, 2016.

Response O-2 – Orange County Fairgrounds Preservation Society

O-2.1. The commenter requests that the full 2012 Pacific Amphitheater Settlement Agreement be included in the DEIR rather than just providing reference to the 1990 Court Order. The 2012 Settlement Agreement is on file at City Hall. It is acknowledged that the 2012 Settlement Agreement in effect sets forth noise requirements for the amphitheater. These requirements will continue to apply irrespective of adoption of the General Plan Amendments. *This response does not identify any new information that results in new significant impacts nor substantial increases in the severity of impacts.*

Response O-3 – Public Law Center

O-3.1. See master response under O-1.1 above.

Response O-4 – The Kennedy Commission

O-4.1. See master response under O-1.1 above.

Response O-5 – Tribune Real Estate

O-5.1. The comment regarding property ownership is noted as part of FEIR administrative record. The errata reflects this change. *This response does not identify any new information that has a bearing on the analysis in the EIR.*

O-5.2. The comment regarding corrected information about leaking underground storage tanks on the site (there are none) is noted as part of FEIR administrative record. The errata reflects this change. *This response does not identify any new information that has a bearing on the analysis in the EIR.*

O-5.3. The comment regarding the proper proposed designation of the Los Angeles Times site as Commercial Center instead of Urban Center Commercial is noted as part of FEIR administrative record. The errata reflects this change. *This response does not identify any new information that has a bearing on the analysis in the EIR.*

Response O-6 – SoCalGas

O-6.1. The commenter provided information regarding SoCalGas facilities and the services provided to the City and conditions under which SoCalGas provides services. This comment does not raise any issues with regard to the DEIR. No response is necessary.

Individuals

Response I-1 – Eleanor Egan

I-1.1. While the exterior noise standards for residential uses set forth in the City's Zoning Code specify 50 (dBA) to 55 (dBA) during certain time periods, the Costa Mesa General Plan further defines noise compatibility standards for residential uses to allow exterior noise levels at 65 CNEL. Specifically, the General Plan indicates that Costa Mesa's noise environment is dominated by vehicular traffic and aircraft operations at John Wayne Airport. To provide a baseline 2015 noise environment, noise contours were obtained from the Orange County Airport Land Use Commission and quantified for highway and local street traffic based on the General Plan traffic study.

Traffic noise levels can be reliably predicted using formulas that take into account traffic volume, speed, and the percentage of trucks. Baseline 2015 noise contours were calculated for all of the City's primary and major arterials, as well as the three freeways (I-405, SR-55, SR-73). Select secondary and commuter streets were also modeled. Noise generation for each roadway segment was calculated, and the distance to the 60, 65, and 70 dBA CNEL contours was determined.

Table N-3 of the General Plan provides a "Noise and Land Use Compatibility Matrix." For low-density residential uses and multi-family residential uses, community noise exposure (accounting for ambient traffic noise for example) is conditionally acceptable in the range of 60 to 70 CNEL and 65 to 75 CNEL, respectively.

New construction of residential development should be undertaken only after a detailed analysis of the noise reduction requirements and needed noise insulation features for both interior and exterior noise. Typical sound mitigation in the form of masonry sound walls may mitigate exterior noise levels to 65 dBA or lower. General Plan Policy N-1.A requires enforcement of "the maximum acceptable exterior noise levels for residential areas at 65 CNEL. Therefore, new residential development would require noise mitigation to attenuate exterior noise level of the 65 CNEL. Residential development projects in the City of Costa Mesa which have been approved since the adoption of the current General Plan in January 2002 have been found compliant with the exterior noise requirement of 65 CNEL. Exterior sound walls varying in height from six to eight feet are required in certain cases to provide the required noise mitigation.

Future residential development in the proposed Residential Incentive Overlay and Harbor Mixed-Use Overlay will be required to comply with the General Plan's conditionally acceptable noise levels.

This response does not identify any new information that has a bearing on the analysis in the EIR.

Response I-2 – Kim Hendricks

I-2.1. The commenter believes impacts on the burrowing owl should be considered "significant" in the DEIR rather than "less than significant with mitigation." The "less than significant with mitigation" conclusion is based on: 1) the fact that no impact will actually take place as a result of the City adopting the General Plan Amendments, and 2) the requirement of the DEIR that future development projects on both the Segarstrom Home Ranch site and the Sakioka site conduct site-specific surveys for the burrowing owl as part of CEQA review of the project prior to the City approving development on those sites. *This response does not identify any new information.*

I-2.2. This commenter questions why the DEIR concludes that there is no "critical habitat" in the planning area for the San Diego fairy shrimp when it is known to occur in Fairview Park and Talbert Regional Preserve. The reference to "critical habitat" refers to a formal designation applied by the U.S. Fish and Wildlife Service designated by a rule published in the Federal Register. Critical habitat receives protection under Section 7 of FESA through prohibition against destruction or adverse modification of critical habitat with regard to actions carried out, funded, or authorized

by a Federal Agency. There is no officially designated critical habitat for the San Diego fairy shrimp in the planning area (USFWS 2000). That does not mean that there is not important habitat for the fairy shrimp in the planning area. Vernal pools are addressed in the DEIR, but amendments to the General Plan do not affect the vernal pools. *This response does not identify any new information.*

I-2.3. The DEIR provided a table of more common plants and animals in the planning area but was not meant to be an exhaustive list. A special status species list was included in the DEIR based on a November 2015 CNDDB search. For any projects that involve ground-disturbing activities that could affect listed species, the City would require a biological evaluation as required by CEQA. Such a survey would require species surveys and impact analysis. *This response does not identify any new information.*

I-2.4. Illegal grading of a canyon in Fairview Park was not the subject the DEIR; the project consists only of specific amendments to the General Plan. No wetlands are contained within the specific amendment areas addressed in the DEIR. *This response does not identify any new information.*

I-2.5. Illegal grading of a canyon in Fairview Park was not the subject the DEIR; the project consists only specific amendments to the General Plan. Under CEQA, a project-specific cultural resource evaluation is required for any project that includes ground-disturbing activities that have the potential to support cultural resources. *This response does not identify any new information.*

I-2.6. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

I-2.7. Regarding the parks acreages, City staff has reviewed the numbers presented in Table 4.15-3, which is drawn from the draft General Plan. The General Plan will be modified to include minor adjustments based on more refined GIS data which show the Orange County Fairgrounds to encompass 150.04 acres. The City considers the Fairgrounds as a recreation use, not an institutional use, given the multifunctional aspect of the facility. With regard to Vanguard University, the acreage is approximately 37 acres; the 47.06 acres cited in Table 4.15-3 includes adjacent City Hall and its associated open space areas. Any differences between data presented in the 2000 General Plan and the proposed General Plan Amendments is attributed to the more precise method of data collection (GIS data) for the Amendments and/or rounding errors in the current General Plan. The adjustments in numbers above do not materially change the conclusion in the DEIR on page 4.15-6 that the City will experience a deficiency in parkland based on its goal of 4.26 acres per 1,000 residents. The policies in the General Plan have been crafted to address the deficiency over the long term. *This response does not identify any new information that has a bearing on the analysis in the DEIR.*

I-2.8. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

I-2.9. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

I-2.10. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

I-2.11. This comment reflects the opinion of the commentor only and requires no response.

I-2.12. This comment GHG Commenter wants to know why greenhouse gas emissions are allowed to exceed SCAQM standards. As stated in the DEIR the interim GHG emission thresholds are not intended to be applied to the program-level (for the entire general plan area), they are more accurately applied to specific projects. However, they do provide a guidepost for comparing incremental increases in emissions guided by the proposed General Plan Amendments. So while the projected full build out of the general plan could exceed thresholds, the general Plan does incorporate policies that support cooperation with and support of GHG reduction plans as well as requiring greenhouse gas emission analysis for individual projects.

Response I-3 – Cynthia McDonald

I-3.1. This comment notes that scenic vistas may be impacted by new development on the Segerstrom Home Ranch property due to allowable building heights in the amended General Plan. The General Plan does not contain any information regarding building heights; building intensity limits are stated only in terms of maximum floor area ratios (FAR). As stated in the DEIR, General Plan policies require developers to consider preserving and optimizing natural views in Costa Mesa. Such consideration of preserving views would be addressed in a project-specific CEQA document, as well as during design review of the project by the City. *This response does not identify any new information.*

I-3.2. This comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

I-3.3. The DEIR text correction noted. *This response does not identify any new information that affects the adequacy of the DEIR analysis.*

I-3.4. See master response under O-1.1 above.

I-3.5. General Plan policies while not actual mitigation are considered regulations which all projects that require City approval must comply with. As part of the CEQA process projects are assessed as to how they comply with applicable plans and policies of the City and other public agencies. Furthermore, at the CEQA stage, projects are subject to laws and regulations in affect at the time of the environmental review. Thus, future measures determined necessary to reduce air pollutants that are adopted by the City or other responsible agencies would apply to the project. Other concerns voiced about specific pollution "hot spots' are acknowledged.

I-3.6. Please refer to response 1-2.12 above which addresses a similar concern. The concern about Banning Ranch is acknowledged.

I-3.7. This comment wonders why there is no mitigation provided for pedestrians and bicyclists exposed to traffic noise and noise echoed off tall building or sound walls. CEQA includes a list of impact thresholds that must be addressed for each environmental issue. For the noise analysis, thresholds are related to exposing persons to noise that is in excess of standards established by the local jurisdiction. The City's noise standards apply to interior and exterior noise in residential areas, and to construction-related noise. Traffic noise is analyzed on how it affects nearby residences, not on how it may affect individuals who may purposefully situate themselves in high noise areas (either by walking or riding a bicycle along a busy roadway). With regard to tall buildings, the General Plan provides for new development in dispersed, focused areas. Implementation of land use policy will not result in "canyons" of tall buildings. With regard to sound walls, no sound walls are proposed by the General Plan Amendments. *This response does not identify any new information.*

I-3.8. The comment regarding the Residential Overlay designation proposed at location on Harbor and Newport Boulevards does not address the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR.

All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

I-3.9. The City utilizes LOS D as the performance standard for intersections during the AM and PM peak hours. Since the peak hours are the time of heaviest traffic conditions, achieving LOS D during the peak hour will generally result in better conditions during the remainder of the day. The City has identified a number of improvements to maintain LOS D conditions or better with buildout of the General Plan (refer to Table 3-8 in the General Plan traffic study). Please note that this threshold is similar to those of other neighboring cities. In addition, Irvine and Huntington Beach have policies that allow LOS "E" at intersections in certain areas.

The comment mentions that "twenty-one (21) additional intersections that will attain LOS "D" at one or more peak hours." Based on information in Table 4.16-13, sixteen (16) additional intersections will attain LOS "D" during one or more peak hours. The current General Plan would result in fourteen (14) additional attaining LOS "D." The comment points out one of the trade-offs faced by the City when balancing the needs of pedestrians and bicyclists with the needs of motorists. Often improving level of service for motorists will worsen conditions for pedestrians and bicyclists due to increased crossing distances and the potential loss of bicycle accommodations. The City utilizes LOS D as a target level of service for motorists (as opposed to utilizing LOS C or better), which minimizes the need to expand existing roadways with additional capacity and reduces impacts to pedestrians and bicyclists. Having a threshold of LOS C will require widening of most of arterials by one or two lanes.

I-3.10. Regarding accommodation of bicyclists and pedestrians, as referenced in the DEIR, the amended General Plan includes a comprehensive bicycle master plan and a pedestrian plan specifically purposed to address the long-term needs for active transportation. Please note that "Recommendations" under Active Transportation "Goals and Objectives" reflect the City Council direction. *This response does not identify any new information.*

I-3.11. This and other similar policies are included to limit automobile usage and encourage walking and using local shuttle if available. The City does not have any parking districts at this time. The costs for enforcement of current parking policies are realized from the revenues from the parking tickets. It is not anticipated to add any impacts to City budget. This is not an issue that affects any environmental issue and thus is not required to be addressed in the DEIR.

I-3.12. This comment questions whether the traffic analysis incorporates pass-through trips and the potential trips associated with density bonuses that could be applied to select properties. With regard to pass-through trips, the traffic model includes regional trips from destinations outside of Costa Mesa traveling through the City. With regard to potential residential density bonuses, the traffic model accounts for build-out consistent with proposed land use policy. This is a comprehensive approach that largely assumes full build-out of parcels. In practice, development does not occur at the maximum permitted densities. Thus, the model provides capacity for some projects to include density bonuses. In practice, the City receives very few requests for density bonuses. Therefore, the analysis is considered sufficient.

The trip generation estimates cited in the comment reflect the estimate of trips generated within the City of Costa Mesa itself. The roadway traffic forecasts that are reported in the General Plan traffic study include trips generated outside of the City that pass through the City. These forecasts are prepared using a traffic forecasting model that covers the entire Southern California region.

The City has multiple planned roadway and intersection improvements (refer to Table 3-8 in the General Plan traffic study) that will be implemented as the City builds out over time. These improvements have been developed to maintain the City's target threshold of LOS D.

I-3.13. The "Right of Way Reserve" classification on Garfield Avenue – Gisler Avenue bridge over Santa Ana River would be revisited in a few years and a determination of whether to remove this bridge from OCTA's Master Plan would be made. It is City's expectation that this bridge will be removed from the Master Plan as the City has largely complied

with all the mitigations required for this removal, including the widening of Harbor Boulevard – Adams Avenue. Other major projects are also in progress. It is likely that OCTA may continue to maintain the "Right of Way Reserve" for several more years or remove that designation. If the designation is removed, it does not automatically mean that a bridge would be built. OCTA and other agencies recognize that building such a bridge will require mutual agreement among all agencies, in addition to major funding allocation. The City's current analysis follows the approved policies of OCTA and other agencies.

The Banning Ranch project, as originally proposed in their Draft Environmental Impact Report (DEIR) is included in traffic forecasting model used to prepare the General Plan traffic study. Therefore, the traffic forecasts shown in the traffic study includes the traffic generated by the Banning Ranch project.

I-3.14. The proposed 2015-2035 General Plan includes Fairview Park under Open Space Land Use as currently assigned and does not change the current land use designation or the Fairview Park Master Plan. The Fairview Park Master Plan was adopted by City Council as a tool for the orderly implementation of the approved improvements for Fairview Park. Changes to the Fairview Park Master Plan are considered in compliance with City Council Policy 500-11, Implementation Procedures for the Fairview Park Master Plan. The Fairview Park Citizens Advisory Committee has been reconvened to review the current Master Plan and to recommend revisions or changes to the Master Plan. The Committee is currently on-hold pending the completion of the update of the City's Open Space Master Plan of Parks and Recreation.

I-3.15. The current General Plan used zoning designations to estimate the number of single family units. With the proposed General Plan, more accurate aerial and GIS data was used to count the actual existing dwelling units by parcel. The discrepancy is made even greater due to the fact that the methodology used in 2000 cannot accurately compensate for the areas in the City historically down zoned. These areas are zoned for single family but have legal non-conforming higher densities units that were built before the down zoning occurred.

I-3.16. Please the response to the Irvine Ranch Water District in Response A-5. The water supplier indicates that adequate supplies are available to meet projected future demand.

I-3.17. The alternatives analyzed were developed, as required by CEQA, to address alternatives that could reduce the potential significant adverse effects associated with the project. The concern that the alternatives do not reflect concerns or wishes of residents is not an environmental issue but reflects a policy issue that will be addressed during the public hearing process.

Response I-4 – Robin Leffler

I-4.1. The current General Plan used the Low Density zoning designation to estimate the number of single-family units. With the proposed General Plan, more accurate aerial and GIS data were used to count the actual existing dwelling units by parcel. The discrepancy is made even greater due to the fact that the methodology used in 2000 cannot accurately compensate for the areas in the City historically down-zoned. These areas are zoned for single-family but have legal nonconforming higher densities that were built before the down-zoning occurred. Thus, the DEIR appropriately assesses impacts against a more accurate baseline condition.

Response I-5 – Elaine Dethlefsen

I-5.1. This comment raises general concerns about impacts on quality of life, existing neighborhoods, parking, air pollution and greenhouse gas emissions, noise, water use, public services, traffic, and lack of open space, traffic congestion, and water shortages. All of these issues are responded to more specifically throughout this response to comments section. *This response does not identify any new information.*

Response I-6 – Tamar Goldmann

I-6.1. The commenter is concerned about water availability to serve future development and the increase in impervious surfaces that could hinder drainage percolation. The Irvine Ranch Water District provided comments on the DEIR. In the comment letter IRWD attached a March 2016 Water Supply Assessment (WSA) for the City planning area (see letter A-5 and response A-5.2 which summarizes the findings of the WSA). In summary, IRWD concluded that"currently available supplies of potable water are adequate to meet projected annual demands for both the baseline and with-project demand projects under the normal year conditions through the year 2036. Meeting both the single- and multiple-dry year annual demands for potable water at full buildout will require the completion of 'underdevelopment' supplies. 'Underdevelopment' supplies may necessitate the preparation and completion of environmental documents, regulatory approvals, and/or contracts prior to full construction and implementation. Adequate currently available potable water supply capacity is available to meet peak-flow (maximum day) demands for all demand projections through the year 2036." The full WSA is part of the FEIR.

With regard to impervious surfaces, any development project that goes forward in Orange County is subject to regulation by both the Santa Ana and the San Diego Regional Water Quality Control Boards (Regional Boards or RWQCBs). The Regional Boards are responsible for implementing the Clean Water Act and the California Porter-Cologne Act. These regulations address stormwater runoff. New projects are evaluated by the City on a project-by-project basis to ensure all regulations are met.

I-6.2. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

I-6.3. See master response under O-1.1 above.
I-6.4. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

Response I-7 – Reggie Mundekis

I-7.1. The new location of the Huscroft House is acknowledged and is part of FEIR administrative record. The errata reflects this change. *This response does not identify any new information that has a bearing on the analysis in the EIR.*

Response I-8 – Corrine Stover

I-8.1. The comment does not address the DEIR analysis nor does it question any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process. *This response does not identify any new information.*

Response I-9 – Beth Morley

I-9.1. This comment raises general concerns about impacts on housing density, noise, air pollution, lack of open space, traffic congestion, and water shortages. All of these issues are responded to more specifically throughout this response to comments section. *This response does not identify any new information.*

Response I-10 – William Harader, Laurene Keane, Lisa Lawrence, Judy Lindssay, Ralph Taboada, Anna Vrska, James Locker, Beverly Tazelaar, Janice Kressin, and Georgette Quinn

These comment letters and emails have been grouped as they all address the same comments.

I-10.1. The comments raise general concerns about impacts on quality of life, existing neighborhoods, parking, air pollution and greenhouse gas emissions, noise, water use, public services, traffic, and lack of open space, traffic congestion, and water shortages. All of these issues are responded to more specifically throughout this response to comments section. *This response does not identify any new information.*

I-10.2. The alternatives analyzed were developed, as required by CEQA, to address alternatives that could reduce the potential significant adverse effects associated with the project. The concern that the alternatives do not reflect concerns or wishes of residents is not an environmental issue but reflects a policy issue that will be addressed during the public hearing process.

Response I-11 – Cindy Black, Flo Martin, and Mary Spandoni

These comment letters and emails have been grouped as they all the issue of the timing of Planning Commission action on the DEIR and proposed General Plan Amendments.

I-11.1. The commenters were concerned that the City Planning Commission was going to certify the DEIR and adopt the General Plan before the end of the DEIR comment period, which was April 18, 2016. The Planning Commission hearing referenced was April 11, 2016. On that date, the Planning Commission voted to continue the hearing.

Response I-12 – Wendy Leece

Comments and corrections in regards of the Safety Element and Historical and Cultural Resources Element of the General Plan.

I-12.1. Comments and corrections have been reviewed and applicable sections included as errata. The comment is not addressing the DEIR analysis nor is it relevant to any of the threshold criteria analyzed in the DEIR. All policy questions and recommended changes will be addressed through the public hearing process.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

COMMENT A-1

April 18, 2016

Ms. Claire Flynn
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
claire.flynn@costamesaca.gov

Subject: Comments on the Draft Environmental Impact Report for the City of Costa Mesa 2015 to 2035 General Plan (SCH# 2015111068)

Dear Ms. Flynn:

The California Department of Fish and Wildlife (Department) has reviewed the draft environmental impact report (DEIR) for the City of Costa Mesa 2015 to 2035 General Plan Amendment project. The City of Costa Mesa (City) requested comments on the DEIR by April 18, 2016. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The City is a non-participating landowner under the Central/Coastal Orange County NCCP/Habitat Conservation Plan (HCP).

The project area is the City's entire sphere of influence; the City is located in the County of Orange and surrounded to the north by the City of Santa Ana, to the south by the City of Newport Beach, the west by the Cities of Huntington Beach and Fountain Valley, and the east by the City of Irvine. Fairview Park and Talbert Regional Park are included in this sphere of influence; Talbert Regional Park is part of the Central Coastal NCCP/HCP Reserve. The project proposes focused amendments to several elements of its General Plan, including Land Use, Circulation, Growth Management, Conservation, Open Space and Recreation, Noise, Safety, Community Design, and Historic and Cultural Resources.

The Department offers the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

1. The DEIR references Table CON-1 (BonTerra Consulting, 2000) when describing plant communities present within the project area. The Department is unclear why studies 16 years old were used to aggregate this data, as this may not be adequate to analyze potentially significant impacts to biological resources, nor does it reflect the City's efforts to restore or create plant communities. For example, Table CON-1 shows that southern tarplant (*Hemixonia parryi* ssp. *australis*; California Native Plant Society Inventory of Rare and Endangered Plants list 1B.1) as, "possibly present" when a population of southern tarplant was created in Fairview Park during wetlands restoration over the last several years. 1

We recommend that tables within the Conservation Element and Table CON-1 in particular be updated with recent survey data such that impacts to these plant communities may be appropriately analyzed under CEQA. 1

2. A Biological Resources Technical Report was not included with the DEIR. In order to adequately review the significance of impacts to biological resources, the Department recommends that such a report be made available in the final EIR as an appendix, and that it include the following: 1) up to date surveys showing plant and wildlife communities within the City; 2) a figure depicting their locations within the sphere of influence; 3) a list of observed plant and animal species, including sensitive and listed species; we recommend that the CNDDB be queried in order to obtain historical records of sensitive plant species and wildlife within the sphere of influence; and 4) a list of appropriate mitigation measures to avoid, minimize, or mitigate for impacts to plant and animal species and their habitats. 2

3. While the Conservation Element of the DEIR states that, "there are no plans to convert any of the open spaces identified in the General Plan," (CON page 14), it also states that, "...Fairview Park is one of the parks that may be repurposed to include other public amenities," (OSR page 18). Because of the diversity of biological resources present at Fairview Park and Talbert Regional Park, including sensitive species such as California gnatcatcher (*Polioptilla californica californica*; Endangered Species Act (ESA)-listed threatened and a California Species of Special Concern), least Bell's vireo (*Vireo bellii pusillus*; ESA- and CESA-listed endangered), and southern tarplant, we request the City involve the Department in the review of the Costa Mesa Master Parks Plan when it is updated. Additionally, we suggest that the City involve the United States Fish and Wildlife Service (USFWS). The DEIR should be amended to include review of the Master Parks Plan by the Department and the USFWS (Wildlife Agencies). 3

4. The Department requests that Policy OSR-1.O (OSR page 30), which currently states that, "Consult with law enforcement agencies, community policing groups, and Orange County Parks to create a safe and healthy environment at Talbert Regional Park, Fairview Park, and along the Santa Ana River," be amended in the final document to include consultation with the Wildlife Agencies. 4

5. The Polyphagous Shot Hole Borer (SHB) and Kuroshio SHB are invasive beetles (*Euwallacea* sp.) that vector a disease called Fusarium Dieback (FD). The FD interrupts the transport of water and nutrients in at least 38 tree species, including several species of sycamore, willow, and cottonwood, which can lead to death of the tree. FD is caused by the fungi the beetles use as a food source. The adult female beetle (1.8-2.5 mm long) bores tunnels beyond the tree's cambium where it lays its eggs and propagates the fungi species for food. With documented occurrences throughout Southern California, including the San Diego Creek drainage (University of California, Riverside (UCR); http://eskalenlab.ucr.edu/distribution.html), the spread of invasive SHBs could have significant impacts in Orange County ecosystems, specifically for those under analysis in the DEIR (e.g., parks and open spaces). Therefore, we recommend the final document consider the following with regard to the Conservation, Open Space and Recreation, and other elements: 5

   a. the direct, indirect, and cumulative impacts that could occur from the potential spread of invasive SHBs as a result of proposed activities in the DEIR;

b. an analysis of the likelihood of the spread of invasive SHBs as a result of the invasive species' proximity to above referenced activities;

c. figures within a Biological Resources Technical Report (see comment 2) that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of invasive SHBs within the project area (if any), and invasive SHB's proximity to above referenced activities; and 5

d. best management practices to reduce the spread of invasive SHBs. Examples of such BMPs and additional information can be found on the UCR's Eskalen lab website: http://eskalenlab.ucr.edu/avocado.html.

We appreciate the opportunity to comment on the DEIR for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments regarding this letter please contact Jennifer Edwards at (858) 467-2717 or via email at Jennifer.Edwards@wildlife.ca.gov.

Sincerely,

Marilyn Fluharty for:

Gail K. Sevrens
Environmental Program Manager
South Coast Region

ec: Christine Medak (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)

DGS GENERAL SERVICES

Governor Edmund G. Brown Jr.

April 15, 2016

VIA FEDERAL EXPRESS AND EMAIL
Minoo Ashabi, Principal Planner
City of Costa Mesa – Development Services Department
77 Fair Drive
Costa Mesa, CA 92626
Email: minoo.ashabi@costamesaca.gov

Re: Comments on Draft EIR for City of Costa Mesa Year 2015 – 2035 General Plan
SCH# 2015111068

Dear Ms. Ashabi:

On December 2, 2015 and January 26, 2016, the Department of General Services (DGS) provided comments on the Notice of Preparation for the City of Costa Mesa General Plan Draft Environmental Impact Report (DEIR). Those comments focused on the City's proposed policies, plans, and intent with respect to the Fairview Developmental Center (FDC) and future development on the site.

As explained in DGS's previous comments, the Department of Developmental Services (DDS) has submitted a closure plan for the FDC to the Legislature. (See http://www.dds.ca.gov/fairviewNews/). Senate Bill 82 signed in June 2015 (adding Government Code, § 14670.36; see attachment) authorizes the Director of DGS to lease up to 20 acres of the FDC site for the purpose of developing affordable housing for individuals with developmental disabilities (Shannon's Mountain). The success of Shannon's Mountain depends in large part on being able to retain flexibility in the number of units and density in order to attract affordable housing developers to propose economically feasible development for the site.

The state is concerned that the City's proposed 300-unit cap on the number of residential units and density and located on a 12-acre site for the Shannon's Mountain Project may unreasonably restrict the attractiveness of the site for the development that the Legislature and the Governor envisioned with SB 82 and frustrate the state's mandate to develop housing for developmentally disabled individuals.

The state lauds the City's goal in its proposed Land Use Element "to create new opportunities for housing and businesses, particularly in areas well served by transit and where reinvestment could enhance neighborhoods, districts, and nodes." But that goal would not be fulfilled with the short-sighted proposal to cap residential units in the FDC at 500 units, because doing so is likely to limit future decisions regarding transit service, as well as private investment and development decisions. This would particularly affect residents with developmental disabilities, who depend on public transit to a greater degree than other City residents. The City should consider allowing a greater number of

units in the FDC to maximize the reuse of a valuable infill site, help the City realize fewer external vehicle trips, and reduce greenhouse gases (GHG) and other air pollutant emissions. As the DEIR concludes that impacts associated with GHG emissions are significant and unavoidable, the City has an obligation to consider changes to the General Plan through alternative land use plans or mitigation that could help to reduce these impacts. DGS believes that allowing a greater number of units in the FDC, either through higher density land use designations or designating more land for more units, would improve the vehicle-miles-traveled by future FDC-area residents, visitors and employees.

A portion of the FDC is placed in the City's proposed Open Space Element; however, the FDC is already developed with 1.1 million square feet of improvements. The FDC is located in Planning Area 2, which is well-served by parks and open spaces and exceeds the park-to-population standard for neighborhood and community parks of 4.26 acres for every 1,000 persons and within ¼- to ½-mile walking distance to pedestrian access points. Planning Area 2 has 10.06 acres per 1,000 residents, and this ratio likely does not even include the shared use agreement for a portion of the FDC used for soccer fields. The additional amount of open space proposed to be designated within the FDC overburdens the state's property well in excess of the City's stated desired standard. With only 500 additional residential units, as proposed by the City, the area would require a minimum of 5.20 and a maximum of 5.73 acres of parks, depending on the housing product mix, not the 26.5 acres proposed in the General Plan.

The City's obligation to address its existing City-wide park service deficiency is better addressed through a wider distribution of such spaces across the City, not concentrated in the FDC area. Addressing it in the manner proposed for the FDC places a disproportionate burden on the state and future developers in this area, rather than more evenly distributing it city-wide. The FDC area is already well-served by the City-owned sports fields at the Jack Hammett Sports Complex located 1.8 miles northeast of the FDC, the private open space and recreation facilities such as the surrounding golf courses, the Orange County Fair and Event Center, and joint use of school facilities. Moreover, the City does not appear to have considered the fact that the state transferred the land for the adjacent two 18-hole golf courses to the City and land for the Fairview Regional Park to the County of Orange that was subsequently transferred to the City nor counted the golf courses or the state-owned fairgrounds in its open space/parks metrics. The City's proposed open space policies and implementation actions emphasize the need to pursue all means to expand and maximize benefits of a parks and recreation system. Therefore it does not seem reasonable to exclude the existing golf courses, fairgrounds and joint use facilities in the City's open space/parks calculations.

The proposed designation of 25 percent or 26.5 acres of state-owned land in the FDC for open space far exceeds the City's in-lieu fee program for parks. The City's parkland impact fee program indicates that a developer gets a credit for land dedicated and park improvements completed. But this fee program would also appear to apply to any proposed development in the FDC *after* the proposed re-designation of 25 percent of

the FDC area as open space, further burdening future developers of the FDC and significantly impeding the state's goal of developing affordable housing for the developmentally disabled.

Moreover, the City fails to consider the greater traffic impacts of concentrating so much of the City's additional recreational space in the FDC area, which increases vehicle trip lengths to this area from other areas of the City that do not have similar amenities and corresponding air pollutant and GHG emissions, as well as congestion on the roads leading to the FDC area.

The traffic study prepared for the DEIR indicates that the baseline used assumes a 350-bed hospital in the FDC; however, existing improvements already total 1.1 million square feet of buildings and supporting infrastructure. The traffic study assumes that in the future, 52 acres will be developed as public facilities and that it would generate only 434 average daily trips. Assuming a FAR of 0.25, this would support 566,000 square feet of development. A more appropriate trip generation rate would be Government Office Complex, which according to Trip Generation, 7th Edition, Institute of Transportation Engineers, Land Use 733, would generate 27.92 ADT per 1,000 square feet on weekdays, or 15,800 ADT for 566,000 square feet.

The traffic study further assumes that 26 acres in the FDC will be developed as passive park use, generating only 49 trips per day. The City has indicated, however, that its interest in this area is for soccer fields and ball parks for private athletic club use. According to Trip Generation, 7th Edition, Institute of Transportation Engineers, Land Use 488, one soccer field generates ±71 weekday ADT, so 49 trips does not appear to be an accurate reflection of projected trip generation for these uses. Additionally, creating 26 acres of park and open space will require demolition some of the 1.1 million square feet of buildings and supporting infrastructure.

The range of alternatives in the DEIR only considers the comparative effects of leaving certain areas of the City's land use designations unchanged, including one in which the FDC simply retains its institutional designation. In its scoping comments dated December 2, 2015, DGS requested that the City analyze an alternative that assumes a mixed density development plan for the FDC that takes advantage of the existing built infrastructure, the region's High-Quality Transit Areas (HQTA), and the planned development (consistent with SB 82) to reduce per capita vehicle miles traveled and decrease per capita greenhouse gas emissions. The alternatives analysis presented in the DEIR does not acknowledge this suggested alternative, and the alternative analyzed in the DEIR that merely assumes a continued institutional use designation does not support the above goals. DGS reiterates its request for a good faith analysis of a more feasible and environmentally beneficial development alternative for the FDC. The state believes such a plan would better fulfill both the goals of the state for successful redevelopment of this area and the City's need for VMT, GHG, and air pollutant reductions.

The Department desires to be a cooperative partner with the City in facilitating the implementation of a shared vision for future development of the FDC. We hope that the City will consider these comments in good faith and reevaluate both its proposed land use designations and resulting impacts analysis to better accommodate both the state's mandate to feasibly develop housing for developmentally disabled individuals and CEQA's mandate to analyze and disclose as accurately as possible the potential resulting impacts of proposed development.

We would be happy to provide the City with any additional information it may require to improve its DEIR and proposed General Plan Update. We would also be pleased to meet and confer with the City prior to the issuance of the Final EIR to discuss our comments and suggestions for the FDC.

Thank you for your consideration of these comments.

Sincerely,

ROBERT W. MCKINNON
Assistant Branch Chief
Asset Management Branch

Enclosures
cc: Fariba Shahmirzadi, Assistant Deputy Director, Administrative Operations, Department of Developmental Services
Marie W. Maddy, Chief, Facilities Planning and Support Section, Department of Development Services

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2000
FAX (949) 724-2019
TTY 711
www.dot.ca.gov

COMMENT A-3

*Serious Drought.
Serious drought.
Help save water!*

REC'D APR 16 2016

April 14, 2016

Ms. Minoo Ashabi
Principal Planner
77 Fair Drive
City of Costa Mesa
Costa Mesa, CA 92626

File: IGR/CEQA
SCH#:2015111053
IGR Log #: 4573-A
SR: 55, SR-73, I 405

Dear Ms. Ashabi:

Thank you for the opportunity to review and comment on the **Draft Program Environmental Impact Report (DEIR) for the City of Costa Mesa 2015-2035 General Plan Amendment Project.** The City of Costa Mesa proposes the adoption of updates to Land Use, Circulation, Growth Management, Conservation, Noise, Safety, Historical & Cultural Resources, Community Design, and Open Space and Recreation Elements. The land use and Circulation Elements establish overall development capacity, serve as a policy guide for physical development and character, and provide for a balanced circulation system including "complete streets" and a bike master plan. Remaining elements updated for consistency with Land Use and Circulation Elements and to reflect current General Plan law. The 2015-2035 Plan will incorporate the Housing Element, which was previously adopted in January 2014 and is valid through 2021.The General Plan update will apply to all properties within the City of Costa Mesa and its sphere of influence. The planning area encompasses 15.7 square miles and has a total population of approximately 110, 000. The nearest State routes to the proposed sites are SR-55, SR-73 and I-405.

Caltrans is a responsible and commenting agency on this project and has the following Comments:

1. The DEIR does not include an analysis on the State facilities' mainlines (merge, diverge, weave and basic freeway) that are within the boundaries of the City of Costa Mesa. Please submit this analysis for our review and comments. As indicated in our previous letter dated December 7, 2015: "When analyzing impacts to the traffic on the Caltrans Transportation Facilities; note, that all Intersection Capacity Analysis conducted within Caltrans Right of Way shall be performed using the most recent Highway Capacity Manual Methodology. A Queue Analysis shall be conducted for the off-ramps to determine that traffic will not spill back to the Freeway Mainline." 1

2. The traffic analysis for Caltrans facilities should include, ramps, intersections, and the 95th percentile queues on the off-ramps and on the left-turn lanes to the on-ramps at the 2

signalized intersections. Also, provide a table of summary to indicate if the off-ramp and left-turn vehicle storage lanes have sufficient vehicle storage lengths. 2

3. Please provide traffic movement diagrams for AM and PM peaks for all traffic conditions, including traffic movement diagrams of trip generations only for the Current and the Buildout of the General Plan. 3

4. Traffic Study Page 2.2, Figure 2-1 and Page 3.19, Figure 3-4
Please explain the need for lane reduction on Newport Avenue segment south of 19th Street from a 7-lane (7M) configuration of the Existing Roadway System condition to a 6-lane (6M) configuration for the Year 2035 Buildout Roadway System condition.

   Traffic Study- Page 2.3, Figure 2-2, Page 3.25 Figure 3-6 and Page 3.27 Figure 3-8
Please explain the reason for reduction of ADT volumes on Newport Avenue in the vicinity of 19th Street comparing the Existing ADT Volumes with the 2035 Current General Plan ADT Volumes and Proposed General Plan ADT Volumes. For example, Newport Avenue north of 19th Street has 92,000 ADT volumes for the existing condition while 2035 Buildout condition will only have 55,000 ADT volumes; also, Newport Avenue south of 19th Street has 66,000 ADT and 79,000 ADT for the Existing condition while Buildout condition will only have 31,000 ADT and 44,000 ADT volumes. 4

5. Please note that the Caltrans Highway Design Manual has been updated to include a new bicycle classification; Class IV Bikeways. Caltrans recommends to include this in Section 4.16 of the DEIR and Page C-15 of the Draft General Plan. Class IV – separated bikeways – Separated bikeways are for the exclusive use of bicycles and includes a separation required between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking. 5

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2241.

Sincerely,

MAUREEN EL HARAKE
Branch Chief, Regional-Community-Transit Planning
District 12

COMMENT A-4

CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
949 644-3200
newportbeachca.gov/communitydevelopment

April 11, 2016

Via Electronic & Regular Mail
minoo.ashabi@costamesaca.gov

Minoo Ashabi, Principal Planner
City of Costa Mesa
Development Services Department
77 Fair Drive, P.O. Box 1200
Costa Mesa, CA 92628-1200

Re: Notice of Availability of the Draft Environmental Impact Report for the City of Costa Mesa's Year 2015 - 2035 General Plan

Dear Ms. Ashabi:

Thank you of the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the City of Costa Mesa's Year 2015 - 2035 General Plan. The City of Newport Beach ("City") submits the comments below.

The Circulation Element Page C-6 states that the "cut-and-cover approach" for the SR-55 extension "will not occur within the year 2035 planning horizon due to the significant costs and planning required". However, Page 4.16-27 in the Draft EIR shows that the 2035 Build-out Highway Network includes the four lane cut-and-cover freeway extension. In addition, Table 4.16-11 appears to show the cut-and-cover improvements as being included in the intersection analysis for the applicable intersections along Newport Boulevard. This needs to be clarified and consistent. If the cut-and-cover is feasible from a cost and planning perspective within the planning horizon, this needs to be fully explained. 1

In the Circulation Element Page C-13, there are several roadway downgrades being proposed. Will the City of Costa Mesa request that the Orange County Transportation Authority (OCTA) initiate the Master Plan of Arterial Highways (MPAH) Amendment process for these roadways? Will there be cooperative studies prepared for the amendments that include the adjacent stakeholder jurisdictions? In particular, Newport Beach is interested in the West 17th Street Downgrade, the East 22nd Street Downgrade, and the proposed Bluff Road Deletion. 2

When the 19th Street Bridge study was completed, there were intersections identified as deficient in Costa Mesa. Are the recommended improvements in that study included in the Circulation Element or elsewhere in the General Plan? 3

Good luck on your General Plan update and please feel free to contact me at (949) 644-3232 or PAlford@newportbeachca.gov if you have any questions.

Sincerely,

Patrick J. Alford
Planning Program Manager

cc: David Kiff, City Manager
Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

COMMENT A-5

IRVINE RANCH WATER DISTRICT 15600 Sand Canyon Ave., P.O. Box 57000, Irvine, CA 92619-7000 (949) 453-5300

April 14, 2016

RECD APR 17 2016

Minoo Ashabi
Principal Planner
City of Costa Mesa
Development Services Department
77 Fair Drive, P.O. Box 1200
Costa Mesa, CA 92628-1200

Re: Draft Environmental Impact Report for Costa Mesa's Year 2015-2035 General Plan

Dear Minoo Ashabi:

Irvine Ranch Water District (IRWD) has received and reviewed the Draft Environmental Impact Report (DEIR) for the City of Costa Mesa's 2015-2035 General Plan. IRWD offers the following comments.

The DEIR page 4.17-2 should be revised to indicate that IRWD encompasses approximately 115,531 acres or 181 square miles in south-central Orange County. IRWD serves all of the City of Irvine and portions of Tustin, Santa Ana, Newport Beach, Lake Forest, Costa Mesa, Orange and unincorporated areas of Orange County. In 1997, IRWD began providing water service to the Santa Ana Heights community. IRWD serves a population of 380,000 and provides water to approximately 110,000 domestic connections, which includes residential, commercial, industrial, fire protection, public authorities, construction, landscape irrigation and agricultural users. For fiscal year 2013-2014, IRWD delivered 63,834 acre-feet of treated (potable) water, 2,665 acre-feet of untreated (non-potable) water and 31,932 acre-feet of recycled water for a total of 98,431 acre-feet.

The DEIR page 4.17-3 should also be revised to indicate that approximately 23 percent of IRWD's water is purchased from MWD. This imported water comes from the Colorado River via the Colorado River Aqueduct and Northern California via the State Water Project. The remaining 77 percent of the supply comes from local groundwater wells. To alleviate its dependency of imported water, in 1979 IRWD began to develop a series of local wells called the Dyer Road Well Field Project. These wells, ranging from 400 to 1,200 feet in depth, extract high quality water from the Orange County Groundwater Basin. This groundwater now accounts for 77 percent of IRWD's total potable water supply.

Additionally on page 4.17-3, the DEIR discusses the Water Resources Master Plan (WRMP). While WRMPs are important, they are not updated often which may result in outdated information. IRWD conducts additional analysis, Water Supply Assessments (WSAs), for specific projects or areas and they are updated more frequently that WRMPs. For sections of the 2

DEIR that discuss future groundwater supply and imports, IRWD recommends the City of Costa Mesa use the information presented in the most recent WSA, completed earlier this month. A copy of the most recent WSA completed is attached for your reference. Please contact IRWD's Planning Division at (949) 453-5300 for questions regarding WSAs. 2

The DEIR on page 4.17-4 should be revised to indicate that IRWD's San Joaquin Reservoir was converted from potable use to recycled water in late 2004. 3

Finally, on page 4.17-9 the DEIR should reflect that IRWD's 2010 Urban Water Management Plan (UWMP) applies to the Santa Ana Heights area of Costa Mesa. IRWD, like Mesa Consolidated Water District, updates its UWMP every five years and is in the process of preparing its 2015 UWMP. IRWD's 2015 UWMP is scheduled for adoption in June 2016 and will be submitted to the Department of Water Resources by the July 1, 2016 deadline. 4

Thank you for the opportunity to review this IS/MND. Please contact either the undersigned at (949) 453-5325 or Jo Ann Corey, Engineering Technician III, at (949) 453-5326 if you have any questions.

Sincerely,

Fiona M. Sanchez
Director of Water Resources

Attachment – Water Supply Assessment

cc: Eric Akiyoshi, IRWD
Jo Ann Corey, IRWD

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

April 14, 2016

Minoo Ashabi, Principal Planner
City of Costa Mesa – Development Services
77 Fair Drive, P.O. Box 1200
Costa Mesa, CA 92628-1200

Subject: DEIR for the City of Costa Mesa General Plan Amendment (2015-2035)

Dear Ms. Ashabi:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the City of Costa Mesa General Plan Amendment in the context of the *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)*. We wish to offer the following comments and respectfully request consideration of these comments as you proceed with your DEIR and General Plan (GP) Amendment.

The City of Costa Mesa is located within the AELUP Notification Area for JWA. The DEIR and GP should address height restrictions and imaginary surfaces by discussing Federal Aviation Administration (FAA) Federal Aviation Regulation (FAR) Part 77 as the criteria for determining height restrictions for projects located within the airport planning area. To ensure the safe operation of aircraft activity at JWA, structures anywhere in the JWA airport planning area should not exceed the applicable elevations defined in FAR Part 77 (Objects Affecting Navigable Air Space). We recommend that the General Plan should include height policy language and a mitigation measure in the EIR that states that no new buildings will be allowed to penetrate the FAR Part 77 imaginary surfaces for JWA to ensure the protection of its airspace.

Within the proposed Land Use Element, it states that the FAA standard that is of most concern in Costa Mesa is the horizontal surface for JWA. The General Plan references the old standard of 203.68 feet above mean sea level (AMSL) as the horizontal surface for JWA, but that figure should be updated to 206 feet AMSL.

Also with respect to building heights, development proposals within the City, which include the construction or alteration of structures more than 200 feet above ground level, require filing with the FAA and Airport Land Use Commission (ALUC) notification. Projects meeting this threshold must comply with procedures provided by Federal and State law, and with all conditions of approval imposed or recommended by FAA and ALUC including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1). Depending on the maximum building heights that will be allowed within the General Plan, the City may wish to consider a mitigation and condition of approval specifying this 200 feet above ground level height threshold. In addition, any project that penetrates the Notification Surface for JWA is required to file FAA

Form 7460-1. The proposed Land Use Element (on page LU-18) discusses the threshold stated above but, instead of referring to filing FAA Form 7460-1 Notice of Construction and Alteration, the Land Use Element refers to filing a Notice of Landing Area Proposal (Form 7480-1) which is specific to heliports.

Portions of the City of Costa Mesa fall within the 60 and 65 dB(A) CNEL noise contours for JWA. The DEIR and GP Update should include policies and mitigations for development within these contours, especially if residential development is considered. Per the *AELUP for JWA*, all residential units within the 65 dB CNEL contour are typically inconsistent in this area unless it can be shown conclusively that such units are sufficiently sound attenuated for present and projected noise exposure so as not to exceed an interior standard of 45 dB CNEL. However, the ALUC recommends that residential uses not be permitted within the 65 dB CNEL contour. As for residential development within the 60 dB CNEL contour, the ALUC may not find residential units incompatible in this area, but would strongly recommend that residential units be limited or excluded from this area unless sufficiently sound attenuated not to exceed an interior level of 45 dB.

We appreciate that the proposed Land Use Element addresses consistency with the *AELUP for Heliports* by including the following language to your GP Update:

> "The City will ensure that development proposals including the construction or operation of a heliport or helistop comply fully with permit procedures under State law, including referral of the project to the ALUC by the applicant, and with all conditions of approval imposed or recommended by the Federal Aviation Administration (FAA), ALUC, and Caltrans, including the filing of a Form 7480-1 (Notice of Landing Area Proposal) with the FAA. This requirement shall be in addition to all other City development requirements."

Section 21676(b) of the PUC requires that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Airport Land Use Commission pursuant to Section 21675, the local agency shall first refer the proposed action to the ALUC. To ensure land use compatibility with JWA, we recommend that the City include policy in its General Plan and a mitigation measure in the EIR, that states that the City shall refer projects to the Airport Land Use Commission (ALUC) for Orange County as required by Section 21676 of the California Public Utilities Code to determine consistency of projects with the *AELUP for JWA*.

With respect to project submittals, please note that the Commission wants such referrals to be submitted to the ALUC for a determination, between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendizing.

Thank you again for the opportunity to comment on the DEIR. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com should any questions arise.

Sincerely,

Kari A. Rigoni
Executive Officer

COMMENT A-7

OCTA

BOARD OF DIRECTORS

Lori Donchak
Chair

Michael Hennessey
Vice Chair

Lisa A. Bartlett
Director

Andrew Do
Director

Steve Jones
Director

Jim Katapodis
Director

Jeffrey Lalloway
Director

Gary A. Miller
Director

Al Murray
Director

Shawn Nelson
Director

Miguel Pulido
Director

Tim Shaw
Director

Todd Spitzer
Director

Michelle Steel
Director

Tom Tait
Director

Frank Ury
Director

Gregory T. Winterbottom
Director

Ryan Chamberlain
Ex-Officio Member

CHIEF EXECUTIVE OFFICE

Darrell Johnson
Chief Executive Officer

April 18, 2016

Ms. Minoo Ashabi, Principal Planner
City of Costa Mesa
Development Services Department
77 Fair Drive, P.O Box 1200
Costa Mesa, CA 92628-1200

Subject: Environmental Impact Report for the City of Costa Mesa's Year 2015-2035 General Plan

Dear Ms. Ashabi:

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. The following comments are provided for your consideration:

In February 2015, the OCTA Board of Directors approved the 2016 Bus Service Plan (Link: http://www.octa.net/pdf/FINAL_2016_SERVICE_CHANGE.pdf). This plan will reallocate bus service with the intention of increasing ridership. 1

Under Chapter 3: Circulation Element, Figure C-8: Transit Corridors on page C-29 provides a map with the existing OCTA bus service by service type. Please include the OCTA bus route numbers on the map, as well as, reflect the upcoming changes as provided in the aforementioned 2016 Bus Service Plan.

Though the General Plan under "Goal C-4: Promote Transportation Demand Management, Transit, and Efficiency" under Policy C-4.B.8 on Page C-41 indicates that the City will work with OCTA to improve transit services, OCTA does not have sufficient revenue to increase bus service levels. If there is additional new revenue in the future, these resources will be allocated to bus service that meets OCTA's service criteria, including: sustaining ridership and increasing transit usage. 2

If you have any questions or comments, please contact me by phone at (714) 560-5907 or by email at dphu@octa.net.

Sincerely,

Dan Phu
Manager, Environmental Programs

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)

Costa Mesa Affordable Housing Coalition

April 18, 2016

Chair Robert L. Dickson, Jr. and Planning Commission Members
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Draft Environmental Impact Report (DEIR) for 2015-2035 General Plan

Dear Chair Dickson and Planning Commission Members:

The Costa Mesa Affordable Housing Coalition (the Coalition) believes the DEIR is seriously deficient: It fails to report accurately and fully the negative impacts certain proposed General Plan amendments will have on the already meager supply of affordable housing available to lower income residents of our city. Specifically, the Coalition believes the proposed "residential incentive overlays" for Harbor Boulevard and Newport Boulevard (collectively, the motel zone overlays) will lead to the massive displacement of lower income motel residents. Moreover, the DEIR ignores this expected adverse impact, mischaracterizing the impact as "less than significant" and thus not requiring the construction of replacement housing. This City must correct this significant error in the "Population/Housing" section of the DEIR. 1

The City Council majority has been very clear about its intentions in regard to the proposed motel zone overlays. Repeatedly, the Council majority has expressed the hope these overlays will "incentivize" a change of use in the motel properties located along Harbor Boulevard and Newport Boulevard which serve as last resort housing for Costa Mesa's poor. As the City well knows, these motels, collectively consisting of *789 rooms*, have become a significant source of de facto affordable housing in Costa Mesa because there is such a dearth of affordable housing available for lower income households.

Disregarding the housing needs of lower income motel residents, the City Council majority has proposed the motel zone overlays as a way to lure motel owners into converting their properties from their current use as de facto affordable housing into a new use: market rate, high density housing for upper income residents. Of course, virtually none of the current motel residents could afford to rent these new market rate apartments. Consequently, the conversion of motels into market rate apartments would necessarily displace hundreds, perhaps thousands of lower income motel residents. Moreover, because Costa Mesa has almost no affordable housing for these residents to move into, it is highly likely this massive displacement of motel residents will result in increased homelessness and overcrowding in the City, as well as the forced migration of motel residents from Costa Mesa to find affordable housing elsewhere. 2

To mitigate this severe adverse impact, the Coalition has asked the City to include in the motel zone overlays a requirement that 20% of the new apartments be affordable to low and very low income residents. The Council, however, has not acted on this request. Consequently, if the

motel zone overlays are adopted as currently proposed, motel residents will be displaced on a massive scale as motel owners take advantage of the lucrative "residential incentive" offered by the City. 2

In a stunning denial of this reality, the DEIR states as findings under Population/Housing Impacts 4.13.B and 4.13.C that the proposed motel zone overlays will have "less than significant" impact, will *not* "result in the displacement of substantial numbers of people," and will *not* necessitate "the construction of replacement housing elsewhere." **(Draft EIR, 4.13-8 - 4.13-10)** These defective findings flow from three "pie in the sky" assumptions (fictions, really) set forth in Impacts 4.13.B and 4.13.C. 3

Fiction #1

The DEIR states the hoped-for conversion of motels into market rate apartments will *not* result in a net loss of affordable housing because the increased densities offered in the city (40 units per acre in motel zone overlays, 80 units per acre in Sakioka Lot 2) will necessarily result in the construction of new affordable housing. What is the basis of this finding? The DEIR blithely assumes affordable housing will be constructed because "the City would have zoning in place to accommodate housing for lower-income households." **(DEIR, 4.13-9)**

4

The fallacy in this reasoning is readily apparent from the recent example of the Costa Mesa Motor Inn. With the City's encouragement and blessing, this 236-room motel will be demolished and replaced by new market rate apartments at a density of 54 units per acre. *Of the 224 new units, not a single unit will be affordable to lower income households.* Clearly, the mere fact the allowable density will "accommodate" lower income housing is no guarantee any of the resulting housing will actually *be* lower income housing. Unless the City requires a percentage of new units to be affordable to lower income families, the motel zone overlays will result in no new affordable housing and, instead, will cause a dramatic loss of affordable housing.

Fiction #2

The DEIR states the "likelihood that motels being used as housing would be removed is speculative, and . . . the potential for a 'substantial number of people' being displaced is speculative." ~**(DEIR, 4.13-9-10)**~ This statement is almost laughable. It ignores the fact the City is creating the motel zone overlays precisely because the Council majority believes the overlays will result in the conversion of motels intro market rate apartments—a goal the majority has long sought. Moreover, the statement ignores the powerful nature of the incentive offered. Again, the Costa Mesa Motor Inn stands as a cautionary example. The City's offer to allow the motel owner to build high density market rate apartments (at 54 units per acre) in a commercial zone was an irresistible financial windfall for the property owner. The Costa Mesa Motor Inn owner jumped at the opportunity. 5

The other motel owners in the city are no less savvy than the owner of the Costa Mesa Motor Inn. Consequently, the following doomsday scenario is entirely predictable, not speculative: If the City adopts the motel zone overlays as proposed, with their supercharged financial incentive for converting motel properties into high density, market rate apartments, the City will lose a significant existing supply of de facto affordable housing. In fact, the City could eventually lose

all 789 rooms. That loss would be catastrophic for the City's lower income households who rely on motels as last resort housing. 5

Fiction #3

The final bit of magical thinking in the DEIR is that private social services agencies operating in the City (including HOPE Institute, Human Options, Orange Coast Interfaith Shelter, Serving People in Need, Share Our Selves, Mercy Housing, Families Forward) will be able to meet the housing needs of displaced motel residents. Strikingly, the DEIR fails to include any discussion of the actual services these groups provide or any analysis of their ability to house the hundreds or thousands of motel residents who could be displaced if motels close and are replaced with market rate apartments.

6

The undeniable truth is that there is no existing supply of available affordable housing in Costa Mesa that can accommodate the hundreds of households living in motels today. The need for affordable housing in our community is undeniable.

Costa Mesa must act to encourage the construction of new affordable housing. Until such housing is created, the City should do *nothing* to accelerate the loss of existing affordable homes. But accelerating loss is exactly what the proposed motel zone overlays will do— the zones will make nearly 800 existing affordable homes vanish. There is nothing fictional or speculative about that.

The City should correct the DEIR so everyone in Costa Mesa knows what is really at stake in this decision on the General Plan amendments.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

April 6, 2016

Lisa Sabo, President
Orange County Fairgrounds Preservation Society
PO Box 4155
Orange, CA 92863

Minoo Ashabi, Principal Planner
City of Costa Mesa – Development Services Department
77 Fair Drive,
P.O. Box 1200
Costa Mesa, CA 92628-1200

Re: Draft Environmental Impact Report for the 2015-2035 General Plan March 4, 2016, State Clearinghouse No. 2015111068

Dear Ms. Ashabi,

The Orange County Fairgrounds Preservation Society (OCFPS) is submitting comments with regards to the Draft Environmental Impact Report for the 2015-2035 General Plan March 4, 2016, State Clearinghouse No. 2015111068

OCFPS is a group of stakeholders including businesses and community members, of the 32nd District Agricultural Association (32nd DAA), more commonly known as the Orange County Fairgrounds and Orange County Fair and Event Center.

In 2012, OCFPS reached as settlement agreement regarding the continued operation of the Pacific Amphitheatre located on the 32nd DAA property (2012 Pac Amp Settlement Agreement). The 2012 Pac Amp Settlement Agreement included existing noise standards, required the hiring and usage of a qualified sound monitor for all events in the Pacific Amphitheatre and required that all users of the Pacific Amphitheatre and talent be contractually obligated to obey the noise limits and directions of the qualified sound monitor. 1

In Section 4 Environmental Impact Analysis, Noise 4.12, noise limits imposed by the terms of the 1990 Order are incorporated as part of the above referenced draft EIR. OCFPS requests that the entire agreement 2012 Pacific Ampitheatre Settlement Agreement be incorporated in the above referenced draft EIR. A copy of the 2012 Pacific Ampitheatre Settlement Agreement is attached to this document.

Sincerely,

Lisa Sabo
OCFPS President

SETTLEMENT AND RELEASE AGREEMENT
ORANGE COUNTY FAIRGROUNDS PRESERVATION SOCIETY vs. 32ND DISTRICT AGRICULTURAL ASSOCIATION, a public agency,

(Orange County Superior Court, Case No. 30-2012-00538751)

This Settlement and Release Agreement ("Agreement") is being made by and among the following Parties: (1) Orange County Fairgrounds Preservation Society ("SOCIETY") and (2) 32nd District Agricultural Association, a California public agency ("ASSOCIATION"). SOCIETY and ASSOCIATION may be referred to herein individually as a "Party" or collectively as "Parties."

1. BACKGROUND RECITALS

1.1 ASSOCIATION is a California state institution that operates the Orange County Fairgrounds.

1.2 SOCIETY is a California non-profit corporation organized to preserve the Orange County Fairgrounds as a valuable public asset consistent with the rights of the surrounding residents of the City of Costa Mesa.

1.3 As part of the operation of the Orange County Fairgrounds, the ASSOCIATION adopted a Master Plan for the Development of the Fairgrounds (the "Master Plan"). In the fall of 2011, the Board of Directors of the ASSOCIATION approved the initiation of a planning process for the implementation of the Master Plan with respect to the Pacific Amphitheater providing for the reengineering of the berm, the relocation of the main entry north of the existing entry and the creation of paved multi-purpose areas in the space created by the reengineered berm (the "Project"). The proposed extent of the Project is described in Exhibit A.

1.4 The parties are in disagreement with respect to whether the initiation of the planning process amounted to a project within the meaning of the California Environmental Quality Act.

1.5 On December 15, 2011, the Board of Directors of the ASSOCIATION elected to treat the implementation of the Pacific Amphitheater improvements as a project under CEQA, reconsidering its previous action and approved proceeding with the design of Project.

1.6 On December 21, 2011, the ASSOCIATION filed a Notice of Determination with respect to the Project.

1.7 In the past there have been disputes among the ASSOCIATION, operators of the Pacific Amphitheater and homeowners living in adjacent neighborhoods with respect to the appropriate noise level standards that should apply to events at the Pacific Amphitheater.

1.8 In 1980, the City of Costa Mesa and the ASSOCIATION entered into a settlement agreement that, among other things, addressed noise related issues in residential zones.

1.9 In 1990, the court in the matter of Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association (Orange County Superior Court No. 42 07 28 and 55 65 08) established certain stair step sound level standards applicable to events at the Pacific Amphitheater.

1.10 Since 2003, when the ASSOCIATION commenced conducting events in the Pacific Amphitheater, the ASSOCIATION has employed a sound monitor (the "Sound Monitor") to monitor sound levels during Pacific Amphitheater events in the adjacent neighborhoods to ensure compliance with the Sound Level Standard. Since that time, very few complaints about noise from the Pacific Amphitheater have been received and all were resolved by the Sound Monitor by requiring the noise levels to be adjusted.

1.11 On January 20, 2012, SOCIETY filed a Petition for Writ of Mandate challenging the Project under the California Environmental Quality Act ("CEQA"), Public Resources Code, Sections 21000 *et seq.*, naming the ASSOCIATION as Respondent. The civil proceeding is known as Orange County Fairgrounds Preservation Society v. 32nd District Agricultural Association, a public agency, (Orange County Superior Court, Case No. 30-2012-00538751) ("Pacific Amphitheater Action"). That matter is now pending before Judge John C. Gastelum in Department C 09.

1.12 SOCIETY and ASSOCIATION desire to settle the Pacific Amphitheater Action once and for all in order to avoid the expense and delay of litigation and without any admission of liability.

1.13 The specific terms and conditions of this Agreement, as set forth in detail below, are a compromise and do not necessarily reflect the Parties' views of what may be required under CEQA or other laws.

1.14 Before executing this Agreement, each of the Parties consulted with separate, independent attorneys of their own respective choosing in order to review the terms and provisions of this Agreement and to satisfy themselves that executing it is in their respective best interests.

Against this background and for a valuable consideration, the receipt and sufficiency of which is now acknowledged, the Parties agree as follows:

2. OBLIGATIONS OF THE PARTIES

2.1 Obligations of ASSOCIATION

2.1.1 Marketing/Notice of Complaint System. The ASSOCIATION will maintain a complaint system both by telephone and internet which accepts and monitors complaints arising out of Pacific Amphitheater operations and promptly refers those complaints to the persons authorized to take remedial actions on the complaints. For sound complaints for an event at the Pacific Amphitheater, this referral shall be substantially immediate. The ASSOCIATION shall include advisements of contact information for the complaint system in its mailings to the nearby residential community including College Park, Mesa Del Mar and any other residential areas which may be

substantially impacted by operation of the Pacific Amphitheater and shall post the complaint system and contact information on its website.

2.1.2 Construction of Improvements. The ASSOCIATION shall cause improvements to the Pacific Amphitheater to be in compliance with the Master Plan which was the subject of the EIR Certified on August 23, 2003. The ASSOCIATION agrees that the Project shall be designed so that the sound attenuation aspects of the Pacific Amphitheater shall be at least as effective as the current configuration. Upon completion of the Project, the ASSOCIATION shall conduct appropriate analysis to confirm that this design standard has been met. The Parties agree that the Project as defined herein is consistent with the Master Plan. Any further changes to the Project or the Pacific Amphitheater shall be reviewed as required by law. The ASSOCIATION shall continue to study sound attenuation for the Pacific Amphitheater in connection with any further improvements to the Pacific Amphitheater and shall incorporate improvements and methods of operation which reasonably reduce sound levels reaching the residential neighborhoods from the Pacific Amphitheater at the discretion of the ASSOCIATION.

2.1.3 Sound Limits for Events at the Pacific Amphitheater. The residential zones sound level standards and limits applicable to the Pacific Amphitheater shall be as follows (the "Pac Amp Sound Level Standards"):

(a) Pacific Amphitheater Events During the Fair Season. For the purposes of this Agreement the term "Fair Season" shall mean one week prior to and one week following the state approved schedule for the Orange County Fair.

Sound Level Standards

Sound Level	Time Period	Day of Week
55 dB(A)	07:00 a.m. – 10:30 p.m.	Sun. – Thur.
50 dB(A)	10:30 p.m. – 07:00 a.m.	Sun. – Thur.
55 dB(A)	07:00 a.m. – 11:00 p.m.	Fri. – Sat.
50 dB(A)	11:00 p.m. – 07:00 a.m.	Fri. – Sat.

(b) Events Outside of the Fair Season

Sound Level Standards

Sound Level	Time Period	Day of Week
50 dB(A)	07:00 a.m. – 10:30 p.m.	Sun. – Thur.
45 dB(A)	10:30 p.m. – 07:00 a.m.	Sun. – Thur.
50 dB(A)	07:00 a.m. – 11:00 p.m.	Fri. – Sat.

50 dB(A)	11:00 p.m. – 07:00 a.m.	Fri. – Sat.

The sound levels emanating from the Pacific Amphitheaters shall not exceed:

1. The applicable Sound Level Standard for a cumulative period of more than thirty (30) minutes in any hour; or

2. The applicable Sound Level Standard plus five (5) dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or

3. The applicable Sound Level Standard plus ten (10) dB(A) for a cumulative period of more than five (5) minutes in any hour; or

4. The applicable Sound Level Standard plus fifteen (15) dB(A) for a cumulative period of more than one (1) minutes in any hour; or

5. The applicable Sound Level Standard plus twenty (20) dB(A) for any period of time.

In the event the ambient noise level exceeds any of the first four sound limit categories set forth above, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. In the event the ambient sound level exceeds the fifth sound level category, the maximum allowable sound level shall be increased to the reflect the ambient noise level.

2.1.4 Sound Level Monitoring. The ASSOCIATION shall monitor compliance with the Pac Amp Sound Standard as follows:

(a) The ASSOCIATION shall employ a sound professional or professionals (the "Monitor") to monitor sound levels in the surrounding residential neighborhoods during all Pacific Amphitheater events. The Monitor shall have the authority to require the sound system in the Pacific Amphitheater to be adjusted in order to comply with the Pac Amp Sound Level Standard. Prior to the first seasonal event at the Pacific Amphitheater utilizing amplified speech or music, the Monitor shall calibrate the sound system in order to comply with the Pac Amp Sound Level Standard.

(b) The monitoring to be conducted shall consist of aural observations and periodic readings from sound level meters. In the event the Monitor determines that the sound levels observed or measured exceed the Pac Amp Sound Standard in the Monitor's professional opinion, the Monitor shall cause the sound equipment within the Pacific Amphitheater to be adjusted in order to meet the Pac Amp Sound Standard.

(c) In the event of a noise complaint received from a residential neighborhood during a Pacific Amphitheater event, the Monitor shall proceed to the location of the residence from which the complaint was received and shall reasonably

promptly cause the sound equipment within the Pacific Amphitheater to be adjusted in order to conform to the Pac Amp Sound Level Standard if necessary.

(d) In the event SOCIETY believes that the Pac Amp Sound Level Standard is not being met, the SOCIETY may request and, if so requested, Monitor shall conduct a noise level analysis (the "Compliance Analysis") at the location specified in the courts order in the case of Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association (Orange County Superior Court No. 42 07 28 and 55 65 08), 947 Serra Way, Costa Mesa, CA. The SOCIETY shall be advised of the time and place of the Compliance Analysis, which shall occur during the next performance at the Pacific Amphitheater, and shall have the opportunity to attend and observe the Compliance Analysis. In the event the Monitor determines that no violation of the Pac Amp Sound Level Standard is occurring and SOCIETY makes a subsequent demand for a Compliance Analysis during the same Fair Season that also demonstrates that no violation of the Pac Amp Sound Standard is occurring, SOCIETY shall reimburse the ASSOCIATION for the cost of any such subsequent Compliance Analysis in the amount of One Thousand Dollars ($1,000).

2.1.5 Compliance Riders and Monitoring. The ASSOCIATION shall not permit any event at the Pacific Amphitheater unless the persons staging and putting on the event have agreed to comply with this Agreement and the directions of the Sound Level Monitor. The ASSOCIATION shall cause any event at the Pacific Amphitheater involving amplified speech or music to be in compliance with this Agreement at its expense. This compliance effort shall include, but is not limited to, employment of the Monitor to evaluate sound levels in the adjacent neighborhoods during events at the Pacific Amphitheater and to respond to complaints as provided in Section 2.1.4.. Any complaints and all related sound level meter recordings shall be retained, noted and summarized in a report as to the number, the observed or sound level recorded, if any, and location of any complaints and compliance with this Agreement within 30 days after each event at the Pacific Amphitheater. The complaints, the record of the sound level meter recordings, and reports shall be public records of the ASSOCIATION, open for public inspection upon request, and maintained by the ASSOCIATION as required by law as a public records.

2.1.6 Avoidance of Simultaneous Events. Excluding events during the Fair, Pacific Amphitheater events shall not be scheduled during peak traffic hours or within one hour of the commencement or completion of another independent event on the Fairgrounds with a forecasted attendance of 10,000 persons or more.

2.1.7 Costs and Fees. The ASSOCIATION shall pay the Richard Spix, counsel for the SOCIETY, the sum of $7,500.00 as costs and fees.

2.2 Obligations of Petitioner SOCIETY

2.2.1 Dismissal of Pacific Amphitheater Action. Not more than five (5) days after SOCIETY's attorney's receipt of the payments referenced above in Paragraph 2.1.7, SOCIETY shall cause a Request for Dismissal to be filed with the Orange Superior Court

in the Pacific Amphitheater Action, requesting the Court dismiss the Pacific Amphitheater Action in its entirety as to all parties with prejudice. Upon his receipt of a conformed copy of the Request for Dismissal and entry of Dismissal from the Court, SOCIETY's attorney shall provide a copy of the same to ASSOCIATION. Notwithstanding anything herein to the contrary, ASSOCIATION's actual disbursement of the amounts referenced above in Paragraph 2.1.7 to SOCIETY's attorney is and shall be an express condition precedent to their filing of the Request for Dismissal.

3. GENERAL PROVISIONS

3.1 Reliance on Representations/Warranties. Each representation and warranty made in this Agreement by any of the Parties has substantially induced the other Parties to enter into this Agreement. Each Party acknowledges and affirms that the other Parties are entitled to rely on that Party's representations and warranties without independent verification and that such reliance is reasonable under the circumstances of this Agreement.

3.2 Integration. This Agreement, including its Exhibit, which are integral and essential parts of the Agreement, constitutes and contains the entire agreement and understanding between the Parties concerning the subject matter of this Agreement. Unless otherwise expressly stated herein, this Agreement supersedes and replaces all prior negotiations and all agreements, proposed or otherwise, whether written or oral, concerning its subject matter. Notwithstanding the foregoing, except to the extent expressly provided in this Agreement, no other agreement or policy adopted or entered into by the ASSOCIATION is intended to be modified in any way. This Agreement shall be given independent vitality notwithstanding any other agreement or policy adopted or entered into by the ASSOCIATION.

3.3 Cooperation. The Parties shall cooperate in performing their obligations under this Agreement, execute all supplementary documents that may be required or convenient to the fulfillment of their obligations, and take all additional actions that may be necessary or appropriate to give full force and effect to the terms and conditions of this Agreement and that are not inconsistent with such terms and conditions. Each Party, diligently and in good faith, shall undertake all actions and procedures reasonably required to carry out the purpose and intent of this Agreement.

3.4 Notices. Any and all notices or other communications required or permitted by this Agreement or by law to be served on or given to any of the Parties shall, unless otherwise required by law, be in writing and be deemed duly served and given (a) when personally delivered to the Party to whom it is directed; or (b) when deposited with the United States Postal Service and sent via certified mail (return receipt requested), first-class postage prepaid. The following addresses shall be used for any and all notices:

For Orange County Preservation Society	Richard L. Spix The Law Offices of Spix and Martin 1505 East 17th Street, Suite 230 Santa Ana, California 926705
For 32nd District Agricultural Association	Roger A. Grable

Manatt, Phelps & Phillips, LLP
695 Town Center Drive, 14th Floor
Costa Mesa, California 92626

However, any Party may change the address to which notices or other communications are to be given under this Agreement by sending a notice of the change to the other Parties at their last address to have been designated under this Agreement.

3.5 Mutual Drafting, Use of Titles. The Parties participated equally in negotiating and drafting this Agreement, and nothing in it shall be construed against any particular Party on the basis that this Agreement was drafted by that Party. Headings and titles are used throughout this Agreement solely for the convenience of the Parties and are not an integral part of it.

3.6 Severability. If any term, condition, or application of this Agreement is held to be invalid, such invalidity shall not affect the Agreement's other terms, conditions, or applications that can be given effect without the invalid term, condition, or application. To this end, the Agreement is declared to be severable.

3.7 Waiver/Modification/Remedy Selection. No forbearance of enforcement or waiver of any breach of any term or condition of this Agreement shall be, nor shall it be construed to be, a waiver of any other breach of this Agreement, and no waiver shall be binding unless made in writing and signed by the Party waiving the breach. No change in the terms or conditions of this Agreement shall have any force or effect unless expressed in a writing signed by the Parties. A Party's pursuit or enforcement of fewer than all available remedies in the event of any breach or default under this Agreement shall not preclude that Party from pursuing or enforcing other or all available remedies in the event of any other breach or default under this Agreement unless otherwise prohibited by law.

3.8 Persons/Entities Bound. This Agreement shall be binding on and inure to the benefit of the Parties, jointly and severally, and to their successors, members, directors, officers, associates, employees, and agents.

3.9 Notice and Cure Procedure. Prior to initiating a judicial proceeding arising out of or in connection with this Agreement, the objecting Party shall first notify the responding Party in writing of its purported breach or failure, giving the responding a reasonable opportunity from receipt of such notice to cure such breach or failure. If the responding Party does not (a) cure the default; or (b) provides a mutually acceptable plan to cure the default, then the complaining Party may pursue its judicial remedies in accordance with this Agreement.

3.10 Enforcement by SOCIETY. The ASSOCIATION acknowledges that any action or proceeding arising out of this Agreement will satisfy the elements of the California Code of Civil Procedure Section 1021.5 that: the action enforces an important public right, involves a large number of persons, and that the burden of private enforcement outweighs the benefit conferred by the litigation. The ASSOCIATION further acknowledges that a breach of this Agreement constitutes irreparable harm and that damages would be inadequate within the

meaning of California Code of Civil Procedure Section 527 for all purposes in any action or proceeding.

3.11 Efficacy of Copy/Counterparts. This Agreement may be executed in counterparts, and each executed counterpart shall have the efficacy of a signed original. Photographic duplications of executed counterparts may be used, in the absence of any genuine issue as to their authenticity, in lieu of originals for any purpose. Each Party's executing signature may be transmitted to the others via facsimile, and such facsimile signature shall have the same effect as an original signature.

3.12 Effective Date. Unless otherwise explicitly set forth above, this Agreement shall take effect immediately upon its having been signed by each of the Parties.

3.13 Governing Law. This Agreement shall be governed by, and all rights and liabilities under it shall be determined in accordance with, the laws of the State of California.

3.14 Legal Expenses and Costs. Except as provided in Paragraph 2.1.7, the Parties shall each bear their respective attorney fees and other legal expenses and costs incurred in connection with the Pacific Amphitheater Action through the Effective Date and incurred in connection with the negotiation and execution of this Agreement.

3.15 Authority to Bind. Each person signing this Agreement represents that he or she has full legal authority to bind the Party on whose behalf the person signs.

COMMENT O-3

PROVIDING ACCESS TO JUSTICE
FOR ORANGE COUNTY'S LOW INCOME RESIDENTS

April 18, 2016
Chair Robert Dickson, Jr. and Planning Commission Members
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

RE: Draft Environmental Impact Report (EIR) for 2015-2035 General Plan

Dear Chairman Robert L. Dickson, Jr. and Planning Commission Members:

This letter is a comment on the 2015-2016 Draft EIR Report. This letter is written on behalf of the Costa Mesa Motel Residents Association ("CMMRA"). CMMRA consists of long-term residents that have made the motels of Costa Mesa their home. A majority of the members of CMMRA currently reside at Costa Mesa Motor Inn ("CMMI"), the location of the proposed project. In general, the members of CMMRA and the other residents of the motel are low-, very-low-, and extremely-low-income families, veterans, and other residents, many of whom are disabled.

The CMMRA encourages the Planning Commission to take the following steps:

1. The City should conduct its analyses of affordable housing development using both fixed site and scattered site models for preserving/creating affordable housing for the current motel residents who consider themselves part of the Costa Mesa community. The City can and should develop a model that integrates housing for disabled persons, elderly persons, and low-income working families into each of their proposed sites and all residential density proposals.

   The Commission has openly opined that they felt the motel standard of living was inadequate—they have the chance to remedy their own concerns by developing adequate, low-income housing in this instance. 1

2. Make provisions with preference for the low-income families who utilize motels, integrating target percentages for affordable units or homes in each proposed development. The developments should address housing types both for residents who utilize motels for their affordability and stability and for those who use motels as housing of last resort.

3. Address the dislocation of low-income motel residents who call Costa Mesa their home and include them as a concretely impacted group in the EIR report. As a result, reclassify the findings under the Population/Housing Impacts to be "significant" or "potentially significant." The report is incorrect when it says that the "specific number of persons using that particular motel for long-term occupancy" is unknown. Multiple statistical reports have been conducted and thus the city does know how many long-term occupants 2

601 Civic Center Drive West · Santa Ana, CA 92701-4002 · (714) 541-1010 · Fax (714) 541-5157

are currently living in motels and would be adversely affected. Thus, they also know the scope of the likely population displacement.

The City overtly acknowledges that the proposed land uses will reduce motel rooms citywide, so this negative impact on existing motel residents is not speculative, but highly likely, and the report should accurately reflect this reality. 2

4. Address and make provisions for relocation services and other necessary resources for those low-income residents who might be forced to move out of their units as a result of development at each site. Adopt a plan for homelessness prevention that can accommodate effected residents. 3

It is this City's obligation to merge the interests of redevelopment and the interests of meeting the needs of its residents. The City wants these properties to be redeveloped, continually citing them as eyesores. Therefore, the City must work together with owners and affordable housing experts to redevelop these sites to include low-income housing, especially for the current long-term occupants in Costa Mesa motels.

Please keep us informed of any updates to the City's General Plan Update and if you have any questions, please contact us at (741) 541-1010.

Sincerely,

Lili Graham
Richard Walker
Public Law Center Attorneys on behalf of CMMRA

601 Civic Center Drive West · Santa Ana, CA 92701-4002 · (714) 541-1010 · Fax (714) 541-5157

THE Kennedy COMMISSION
www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909
Fax 949 263 0647

April 11, 2016

Chair Robert L. Dickson, Jr. and Planning Commissioner Members
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Draft Environmental Impact Report (EIR) for 2015-2035 General Plan

Dear Chair Dickson and Planning Commission Members:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than $20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with jurisdictions in Orange County to create effective policies that has led to the new construction of homes affordable to lower income working families. As the City moves forward with the Draft Environmental Impact Report (DEIR) for the 2015-2035 General Plan, the Commission urges the City to consider the following:

1. Prioritize the development of affordable homes by including an additional land use alternative that specifically supports and encourages the development of homes affordable to lower income working households.

2. Re-classify the findings under Population/ Housing Impacts 4.13B and 4.13C regarding the displacement of existing housing and residents from "less than significant impact" to "potentially significant impact" necessitating the construction of replacement housing. The DEIR should be re-evaluated to acknowledge that the General Plan amendments **do** propose policies that **will** result in the displacement of substantial numbers of existing housing and numbers of people, necessitating the construction of replacement housing elsewhere in the City. While the proposed land use changes do not authorize a specific construction project, the proposed changes allows for development incentives that encourages future developments to occur. These future developments can potentially result in significant and direct impacts.

   According to the DEIR, the proposed land use changes were identified as less than significant due to the "… likelihood that motels being used as housing would be removed is speculative, and … the potential for a 'substantial number of people' being displaced is speculative."[1] However, the likelihood of removing motels that are currently being used as long term housing in the City is **not** speculative. The potential for a substantial number of tenants being displaced is **not** speculative. The proposed conversion of the Costa Mesa Motor Inn (CMMI) to multi-family residential development and the displacement of many lower income long term tenants at the CMMI is currently happening. In addition,

[1] Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-10, March 2016.

the City also acknowledges and anticipates the implementation of the proposed land uses will be utilized to reduce specific uses such as motels citywide.[2]

The City should re-evaluate the potential significant impacts on motel tenants who would be displaced from proposed market-rate residential developments. Generally, motels provide last resort affordable housing for many lower income households and proposed market-rate residential developments will displace many at-risk families and lead them to homelessness. According to the DEIR, the report states:

> "... because any specific property redevelopment would occur in the future, the specific number of person using that particular motel for long-term occupancy is not known at this time. The type of residential development that would replace existing commercial uses, including motels, is also unknown, but could include new commercial uses, including hotel or motel uses, or new residential development that includes affordable housing which, based on the densities, could accommodate and encourage development of housing for low-income persons."[3]

Redevelopment of specific projects will certainly happen in the future but the City already has one specific example of a proposed development, the CMMI, that is currently benefitting from the development incentives (i.e., change in land-use and increase in density) provided by the Residential Incentive Overlay. The type of residential development replacing the CMMI will be 224 unit apartment complex at a site specific density of 54 du/ac, which notably is significantly higher than the Overlay's density of 40 du/ac. While the specific number of long-term occupants are not known at this time for future developments, the City has already identified that there are approximately 160 occupied rooms at the CMMI and of that, 49 rooms are occupied by 66 long-term residents.[4] Because the proposed development includes **zero** units affordable to the lower income tenants who currently live in the CMMI, all these existing tenants will be displaced, including the 49 rooms that have been identified and grandfathered as long-term tenants.

The DEIR identifies that the proposed amended Land Use Plan could increase residential development in the Focus Areas by 4,040 units.[5] Of that total, 3,062 units have allowable densities of 40 du/ac which can accommodate the development of affordable housing.[6] However, default densities of 30 du/ac and greater do not necessarily produce homes that are affordable to lower income working households. The proposed development at the

---

[2] Notice of Preparation City of Costa Mesa General Plan Amendment Program EIR, City of Costa Mesa, p. 4, November 16, 2015.
[3] Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-9, March 2016.
[4] City Council Agenda Report: General Plan amendment GP-14-04/ Rezone R-14-04/ Zoning Code Amendment CO-14-02/ And Master Plan PA-14-27 For Costa Mesa Apartments at 2277 Harbor Boulevard, City of Costa Mesa, p. 5, November 3, 2015.
[5] Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-6, March 2016.
[6] Draft Environmental Report for the City of Costa Mesa's Year 2015-2035 General Plan, p. 4.13-6, March 2016.

CMMI is a cautionary example of project utilizing the Residential Overlay and not producing affordable homes.

The proposed development at the CMMI benefitted from the residential overlay and development incentives (i.e., change in land-use and increase in density) and did not set aside any homes that would be affordable to lower income households. While 20 units will be set-aside for moderate income families, the proposed rents, $1,600 - $1,800 are out-of-reach and not affordable to current CMMI tenants or potential lower income tenants in the City.

3. **Fairview Developmental Center:** Reinstate the General Plan land use overlay at the Fairview Developmental Center site that allows a development capacity of 1,000 du at a maximum density of 40 du/acre (not the currently proposed 500 du at 25 du/ac) as identified in the City Council/ Planning Commission Joint Study Session on September 8, 2015. Considering the state is requiring a set-aside for the developmentally disabled, the site presents the greatest potential and opportunity for the development of affordable homes. The State Department of General Services (DGS) also submitted a letter that was submitted to the Costa Mesa City Council on October 6, 2016, stating **"The state requests that the City include the 20 acres specified in SB 82 in the general plan update allowing a maximum of up to 40 units per acre**..." It is clear that DGS supports a maximum density of 40 du/ac at the Fairview site.

   The density of 40 du/ac is also consistent to the other proposed residential incentive overlays along Harbor Boulevard, Newport Boulevard and SoBECA. At 40 du/ac versus 25 du/ac, the site will construct more units that will generate more rent subsidies/ revenue needed for the developmentally disabled households living at the Fairview Developmental Center. By decreasing the density to 25 du/ac versus 40 du/ac, the potential value of the center also decreases.

   In addition, the City should conduct a financial analysis regarding the feasibility of proposing an affordable housing development at a lower density versus a higher density to be better informed as to which densities would facilitate a more successful development.

4. **South Harbor Boulevard Mixed-Use:** Approve the Harbor Mixed-Use Overlay that allows a maximum residential density of 20 du/ac **ONLY IF** new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households.

5. **Sakioka Site 2:** Approve a General Plan land use overlay at Sakioka Site 2 that allows a maximum residential density at 80 du/acre for up to 660 units **ONLY IF** new residential developments proposed at the site set-aside 20 percent of homes as affordable to lower income working households. In the City's 2014-2021 Housing Element, the Sakioka Site 2 was identified a potential opportunity site for the development of homes affordable to lower income households.[7]

6. **Harbor & Newport Boulevard Residential Overlay:** Approve a residential incentive overlay that includes new high density residential uses of up to 40 du/acre along Harbor Boulevard and Newport Boulevard **ONLY IF** new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households. In addition, motels located in the overlay should not be included unless any future/new residential developments that are proposed on these sites dedicate at least 20 percent of the homes to lower income working households.

7. **SoBECA Overlay:** Approve a maximum of 450 units at a density of 40 du/acre at the SoBECA Urban Plan Area **ONLY IF** new residential developments proposed in the overlay set-aside 20 percent of homes as affordable to lower income working households.

8. Conduct a study to evaluate the economic impacts of the proposed development incentives (i.e., land use changes/ rezoning and density increases) in the "focus areas."

9. Collaborate with the Costa Mesa Affordable Housing Coalition and community stakeholders to develop effective land use changes and residential incentive overlays in the General Plan Update that will increase affordable home opportunities for lower income working households.

Please keep us informed of any updates to the City's General Plan Update and if you have any questions, please feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,

Cesar Covarrubias
Executive Director

cc: Kathy Esfahani, Costa Mesa Affordable Housing Coalition

[7] Housing Element for the Costa Mesa General Plan 2013-2021, p. 56, January 21, 2014.

Signed

By _____
President
Orange County Fairgrounds Preservation Society

Date: _____, 2012

APPROVED AS TO FORM.

By _____
Richard L. Spix
The Law Office of Spix and Martin
Counsel for Orange County Fairgrounds Preservation Society

Date: _____, 2012

By _____
Jerome H Hoban, Chief Executive Officer
32nd District Agricultural Association

Date: 8-13, 2012

APPROVED AS TO FORM.

By _____
Roger A. Grable
Manatt, Phelps & Phillips, LLP
Counsel for 32nd District Agricultural Association

Date: 8-16, 2012

COMMENT O-5

Tribune Real Estate

April 18, 2016

Minoo Ashabi, Principal Planner
City of Costa Mesa – Development Services Department
77 Fair Drive, P.O. Box 1200
Costa Mesa, CA 92628-1200

Re: Former LA Times Printing Press Property Draft EIR Comments

Dear Ms. Ashabi,

On behalf of the Joint Venture of Kearny Real Estate Company and Tribune Media, which owns the Los Angeles Times site located at 1375 Sunflower Avenue, we offer the following comments on the Draft Environmental Impact Report ("Draft EIR") for the Costa Mesa Year 2015-2035 General Plan. As a general matter, we are supportive of the City's long-awaited effort to update its General Plan, and are appreciative of your efforts.

To that end, we offer the following technical comments and corrections:

First, the owner of the Los Angeles Times site is referred to as "Tribune Publishing" throughout the document. The current owner of the Property is in fact a joint venture of Kearny Real Estate Company and Tribune Media Company. Moreover, the ownership of the property isn't relevant to the environmental impacts of the project. We respectfully request that the ownership references be updated to simply reflect the property as the "former LA Times printing press property" for identification, and use the word "owner" with reference to the former LA Times printing press property to avoid confusion. 1

Second, the Draft EIR, at page 4.8-6 includes the Los Angeles Times North Tanks on Table 4.8-4 (Leaking Underground Storage Tanks). This reflects outdated and therefore inaccurate information that we respectfully request be updated to reflect current information. Specifically, there are no leaking tanks on the site, and the remedial extraction system concluded its work in April 2014. Groundwater monitoring has been occurring in accordance with Orange County Health Care Authority ("OCHCA") monitoring requirements. The OCHA is reviewing data collected to-date to determine whether the site satisfies the criteria for no further action. Groundwater sampling will continue until OCHCA so determines. The most recent monitoring data is attached for further reference. 2

Finally, we understand that the General Plan designates the Los Angeles Times site as Commercial Center. However, page 4.10-6, states that the Los Angeles Times site would be designated as Urban Center Commercial. We request that this and all such references be corrected to reflect the proper General Plan designation of Commercial Center. 3

Thank you for the opportunity to comment on the Draft EIR, and we look forward to working with you as the General Plan process moved forward.

Very truly yours,

TREH/KEARNY COSTA MESA, LLC

Murray McQueen
President
Tribune Real Estate Holdings, LLC

Encl.

COMMENT O-6

SoCalGas
A Sempra Energy utility

1919 S. State College Blvd.
Anaheim, CA 92806-6114

April 21, 2016

City of Costa Mesa
77 Fair Dr PO Box 1200
Costa Mesa, CA 92628

Attn: Minoo Ashabi

Subject: Environmental Impact Report for Year 2015-2035 General Plan; Costa Mesa

Thank you for providing the opportunity to respond to this Environmental Document. This letter is not to be interpreted as a contractual commitment to serve the proposed project but only as an information service. Its intent is to notify you that the Southern California Gas Company has facilities in the area where the above named project is proposed. Gas facilities within the service area of the project could be installed, altered or abandoned as necessary without any significant impact on the environment. 1

The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a Public Utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Information regarding construction particulars and any costs associated with initiating service may be obtained by contacting our area Service Center at 800-427-2200.

Sincerely,

Katrina Regan
Planning Supervisor
SouthEast Region - Anaheim Planning & Engineering

KR/rl
EIR.doc

COMMENT I-1

April 4, 2016

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF COSTA MESA:

PUBLIC COMMENT ON THE DEIR FOR THE PROPOSED GENERAL PLAN AMENDMENTS OF 2016 TO BE INCLUDED IN THE FINAL EIR.

The proposed amendments "Residential Incentive Overlay Harbor Boulevard" and "Harbor Mixed Use Overlay" and the discussion of them in the Land Use Element portion of the DEIR are inconsistent with the DEIR's Noise Element findings.

All the following facts and figures are taken from the General Plan and EIR.

Section 13-280 of the Costa Mesa Municipal Code sets the residential exterior noise standard of 55 dB(A) from 7:00 A.M. through 11:00 P.M. and 50 dB(A) from 11:00 P.M. through 7:00 A.M. 1

In contrast, the measured noise levels along the segment of Harbor Boulevard that is to transition to high-density residential measure 71.5 Leq at Harbor and Adams (one block north of the Azulon senior housing complex) and 73.1 Leq at Harbor and 19th Street. The maximum measured at those locations are, respectively, 88.5 and 86.9 Lmax.

The EIR declares no significant impact because it states that implementing the City's Municipal Code and the proposed General Plan Amendment policies will prevent the obvious impact from occurring. But it is impossible to implement a law limiting noise to 50 or 55 dB(A) on a major traffic corridor where the measured noise level is already far higher. Policy N-1.A says, "Enforce the maximum acceptable exterior noise levels for residential areas at 65 CNEL." Even that policy, referring to a higher noise level, cannot reconcile the high noise volume on Harbor Boulevard with a level acceptable for residential development. 1

Therefore, implementing the City's Municipal Code and General Plan Amendment policies means necessarily prohibiting residential development along the Harbor Boulevard corridor. Therefore, the proposed "Residential Incentive Overlay Harbor Boulevard" and "Harbor Mixed Use Overlay" cannot be adopted nor implemented, and therefore, the DEIR is internally inconsistent.

Respectfully submitted,

Eleanor M. Egan

April 18, 2016

Greetings Draft Environmental Impact (DEIR) Review Staff,

Here are a few of my comments on the (DEIR) and references in the DEIR that lead to the *draft general plan 2016*. I have also included a few references to the 2000EIR for comparison purposes.

1. In Costa Mesa's Draft Environmental Impact Report 2016 (DREI) , page 4.4-15 under 'Biological Resources' -Impact 4.3A states: "Impacts to special status species and their habitat would be less than significant with implementation of draft General Plan policies and Mitigation Measure 4.3.A-1".

It states impacts to the burrowing owl less than significant with mitigation measures in the title yet in the body it says otherwise and concludes with "Impacts on special status species, **other than the burrowing owl**, are considered less than significant." (Bold type mine). 1

Trying to make the impact appear as less than significant even with mitigation is not according to CEQA when it really is significant. The city therefore should place the burrowing owl under 'significant' instead of trying to lessen the impact by putting in under 'insignificant with mitigation'. The goal of the city should be to preserve natural resources not mitigate them.

I refer you to CEQA legislature on page 1-2, item J where it states that the lead agency (City of Costa Mesa) should "Prevent the elimination,,,,and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history."

Therefore, the draft eir should be corrected anywhere it states impacts to the burrowing owl 'less than significant with mitigation' and should properly state 'significant'. Where are the environmental surveys for the burrowing owl at the Segerstrom Home Ranch and Sakiota Lot 2 sites, which have potential for impacts according to page 4.4-16 of the DEIR?

2. This leads me into the next point of the words -'Planning area, Project, and Amendments to the General Plan Area, and in particular, the critical habitat for the Endangered San Diego fairy shrimp. On pages 4. 4-10 under "San Diego Fairy Shrimp', and 4.4-12 under ' Critical Habitat', it says there is no critical habitat for 2

the San Diego fairy shrimp in the planning area but in other parts of the DEIR, such as page 4.4-8 when it says: "Of these, only 10 species and two natural communities are located with the planning area and all occurrences are found either in Fairview Park, Talbert Regional Park or the adjacent wildlife preserve." (and 4.4-9)it talks about the whole of Costa Mesa (project area) as a planning area as well as many other places in the DEIR (pgs.4.14-8, 4.14-9, 4.15-1, 5-4 etc.) 2

So, to summarize, since planning and project are used synonymously, then there IS INDEED Critical Habitat in the planning area (Costa Mesa). Also, the *draft general plan,* it states on OSR-18, the city's vision of repurposing Fairview Park - which is part of Costa Mesa - whatever *area* you want to call it. AND, vernal pools on the east side of Fairview Park have been omitted from the draft general plan on page CON-5. These vernal pools are part of the Fairview Park Master Plan (FPMP) page 129 and should be noted as such.

3. Why are so many plant and animal species that are present in Fairview Park, omitted from the DEIR? Southern Tarplant on page 4.4-10 says it is only present in Talbert Nature Preserve. There was Southern Tarplant in Fairview Park recently and the vegetative map in FPMP shows where. The city scraped the mouth of the canyon with a front loader - I have pictures - when I asked them why they were doing this, I was told it was to spread seeds. Very odd way of spreading seeds I thought. Why isn't the Northern Harrier included and of course, California Gnatcatcher? 3

4. Also page 4.4-16 IMPACT 4.3C says no impact to section 404 wetlands would occur as a result - but the 2009-2013 **illegal** filling/grading of the canyon in Fairview Park has affected and impacted the habitat in that riverine area of Fairview Park and should be included in the draft. It is home to the California Endangered Gnat Catcher and was filled/graded illegally by the city. (I have documents showing this). Where are the surveys for the California Gnatcatcher? 4

5. This filling/grading of the Fairview Park canyon impacted two archaeological core sites of ORA-58. (See FPMP)The city is supposed to be preserving and maintaining historical and cultural resources but has failed miserably once again. 5

6. Page 4.6-13 - Shouldn't Costa Mesa have a URM ordinance before building all these high density houses? 6

7. 'Open Space' Recreation Element. First of all, what happened to the 'Open Space' part of the title? There are some errors in the calculations of open space per 1,000 residents. First of all, please note on page. 4.12-11, the OC Fair and Event Center includes the OC Fairgrounds. On page 4.15-1 - is says that the OC Fair and Event Center has 150.04 acres. On page 4.15-3 - it states that OC Fairgrounds has 149.47 acres. But it has been included as part of the 'Institutional Uses' acreage on page 4.15-1 AND ADDED AGAIN as the OC Fair and Event Center. This artificially increases the open space by 150.00 acres but wait that's not all. The acreage of the schools in 2000EIR to DEIR 2016 have differences which can't be accounted for as well. Most of the differences are a few acres but Van Guard University had an increase of 33.16 acres. I contacted VanGuard University and found out that no new acreage had been obtained and no change of land usage. No way to account for this increase of 33.16 acres. The acreage of open space is off by 200 acres from the 2000 EIRto this draft eir. Please note under Recreation (not open space/trails recreation like in 2000 EIR) on page 4.15-1 it says we have 1,925.15 acres of open-space recreation but in 2000EIR we had only 1,706.74 acres (pg. 4.12-1 2000EIR). Besides OC Fairgrounds being added twice, Harbor Lawn Cemetery has been included in the 2016 acreage. Also OCC went from 20 acres in 2000 to 64.40 acres in 2016. That's an increase of 44.40 more acres. Also, the school matrix does not show what types of fields are at each school like the 2000 EIR did. Most of the schools have added acreage to them and the schools I contacted had no idea why - they didn't grow or change land usage. So, this actually puts Costa Mesa even further behind in their goal for having 4.26 acres of open space per 1000 residents. It's not 3.66 acres per 1,000 residents like stated on page 4.14-9 under 'Public Services' but more like 2.0 acres per 1,000 residents, so please correct his. I think the draft eir is evidence for the destruction of the city's ability to provide its residents with the proper amount of 4.26 acres of Open Space per 1000 residents and should not be allowed. 7 7

8. Page 4.15-5 Under 'Recreation' (still what happened to Open Space and Trails even?) 8

9. Page 4.15-6 under 'Policy OSR-1.C' This map of deficient park areas as outlined in Figure OSR-3 of the *draft general plan 2016,* has some errors. OSR-3 is based on OSR-2 (page OSR-14 in *draft general plan 2016*) which has miscalculations. Please notice the areas designated as within 1/4 mile and 1/2 mile from a park as well as 9

the pink areas to represent the "underserved' areas. I brought this up at the planning commission meetings and was told by Ms. Stetson that I had calculated their miscalculations based on 'how the crow flies'. She is mistaken and I am attaching the google maps to show you. I have also used other maps to make sure and this is indeed WALKING not driving or 'how the crow flies' as Ms. Stetson stated. This miscalculation of distance is THE FOUNDATION FOR EVEN GREATER ERRORS BECAUSE this map misrepresents the residents being served. More residents are being served than stated and there is not access problems like stated in *draft general plan 2016* under Table OSR-4 Park/Population Ratios and page OSR-19. If there is disagreement again, I would like to see your maps used. 9

10. The miscalculation of open-space area and underserved areas is right in line with the complete lack of public representation in the *draft general plan 2016*. Having attended the various workshops put on by the city and reviewing the event summaries, I was pleased to see the event summaries did indeed represent what actually happened at the workshops. What happened to the draft general plan? There is no representation of what actually happened in the workshops in the *draft general plan 2016.* For example, residents stated over and over again that natural open space was very important to them. Fairview Park not been included in the Costa Mesa Open Spaces area but instead included in the Neighborhood Park area - there are myths perpetuated about needing sport fields throughout the OSR element. First of all, that would undermine the Open Space Survey and Field Usage Survey that was conducted and results have not been released yet. Secondly, there is a Fairview Park Master Plan that governs Fairview Park and for the city to state that Fairview Park could be repurposed for the increased demand for sport fields (OSR-18) is undermining the Fairview Park Master Plan, ignoring the publics' input for two and a half years, and perpetuating a lie with no factual basis. 10

Secondly, not including Fairview Park as an Open Space with all of its unique biological and archaeological resources is once again trying to lessen what Fairview Park actually contains and the value it has for the community. 10

As a side note to anyone reading this - this onslaught against Fairview Park didn't begin with the draft eir. Our councilman Mr. Mensinger was allowed to sit as council on the Fairview Park Citizens Advisory Committee when he admitted to 11

asking city staff to mow a path in vernal pool 6 and 7? (I have O.C.Register article to support this) Oh By The Way, MIG still didn't get the acronym correct on OSR-5, it's FPCAC not FPAC) There are numerous other errors in the eir such as , why is Early College School not included in the draft eir but included in the draft general plan? 11

10. Why are the Green House Gas Emissions allowed to exceed SCAQM standards? Ms. Stetson said that SCAQM just needed to update their report. I would like Costa Mesa to abide by the SCAQM standards instead of trying to redefine them. 12

11. The DEIR should have been done by a more reputable and honest company instead of MIG. One that would reflect the workshops and not the mayors wishes (last city council meeting - said we need more sport fields - ignoring parks and rec.'s data once again.)

Sincerely,

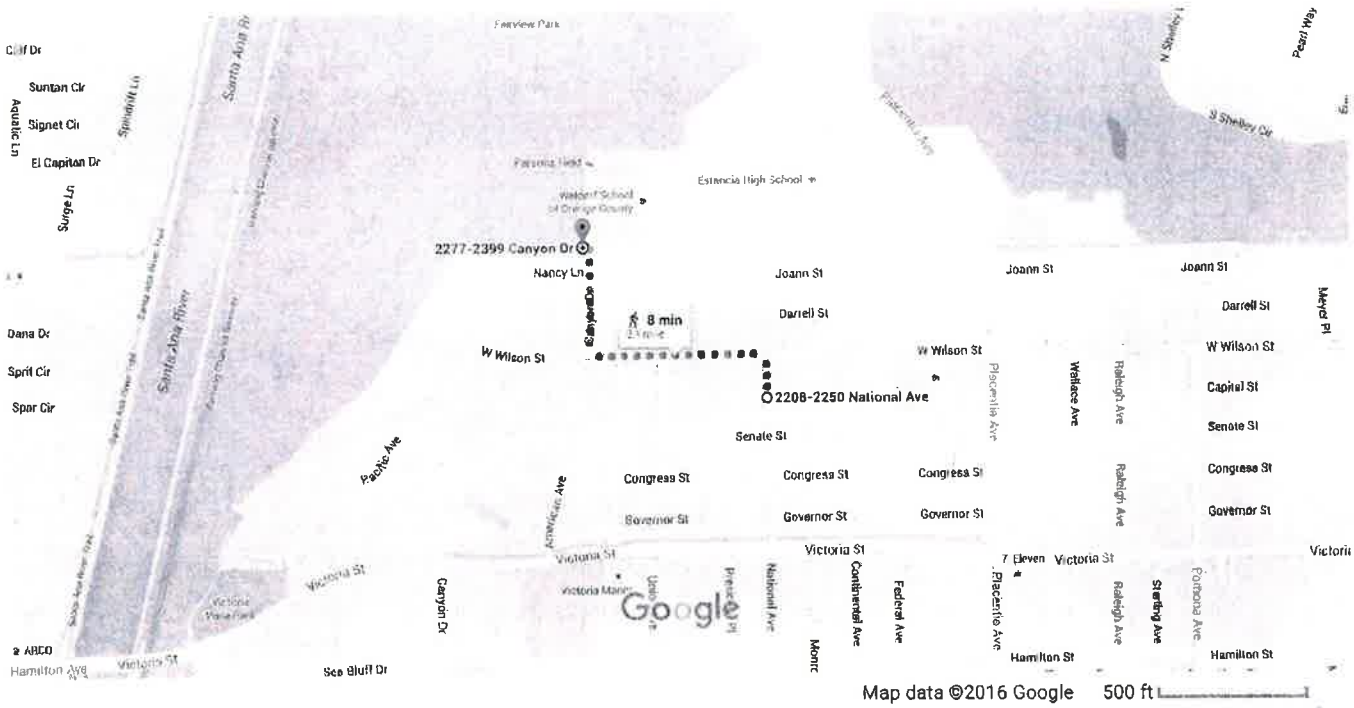
Kim Hendricks

Costa Mesa Resident

Google Maps

2208-2250 National Ave, Costa Mesa, CA 92627 to 2277-2399 Canyon Dr, Costa Mesa, CA 92627

Walk 0.4 mile, 8 min



via W Wilson St and Canyon Dr

8 min

0.4 mile

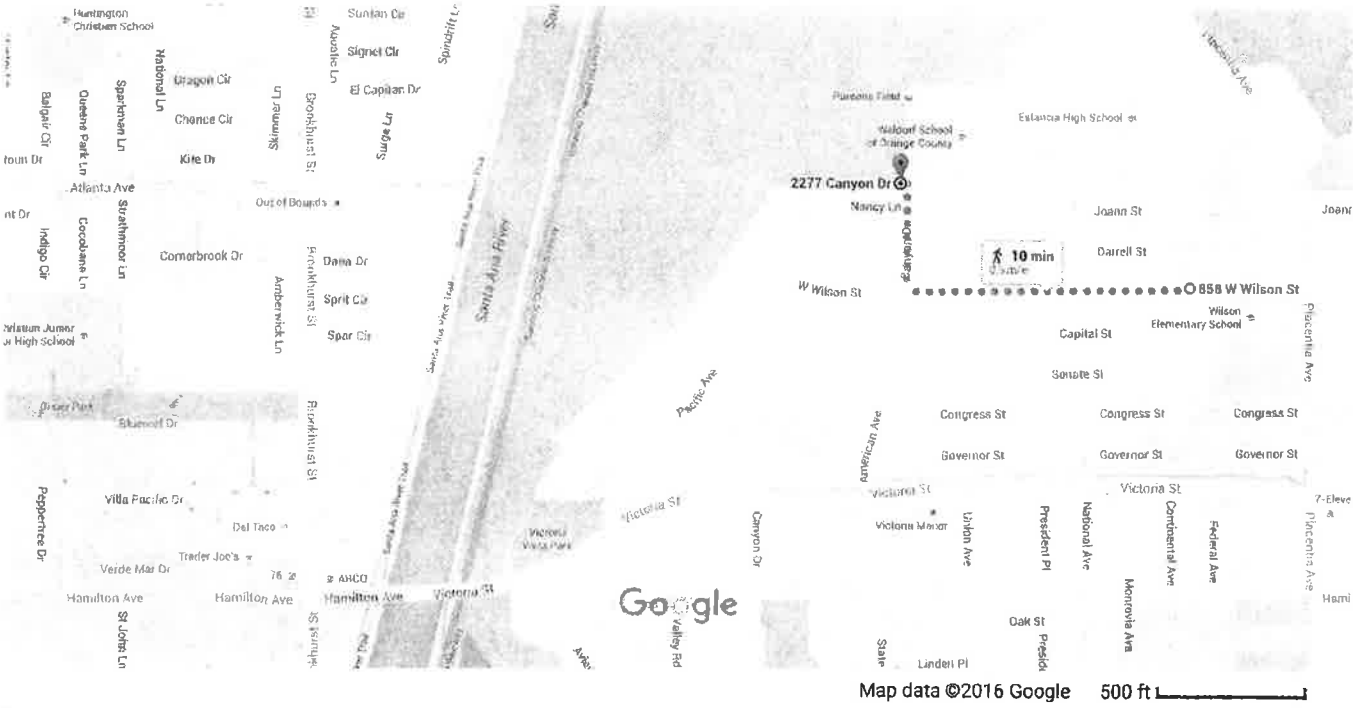
Google Maps

See OSR-14

Google Maps

858 W Wilson St, Costa Mesa, CA 92627 to 2277 Canyon Dr, Costa Mesa, CA 92627

Walk 0.5 mile, 10 min



via W Wilson St and Canyon Dr

10 min

0.5 mile

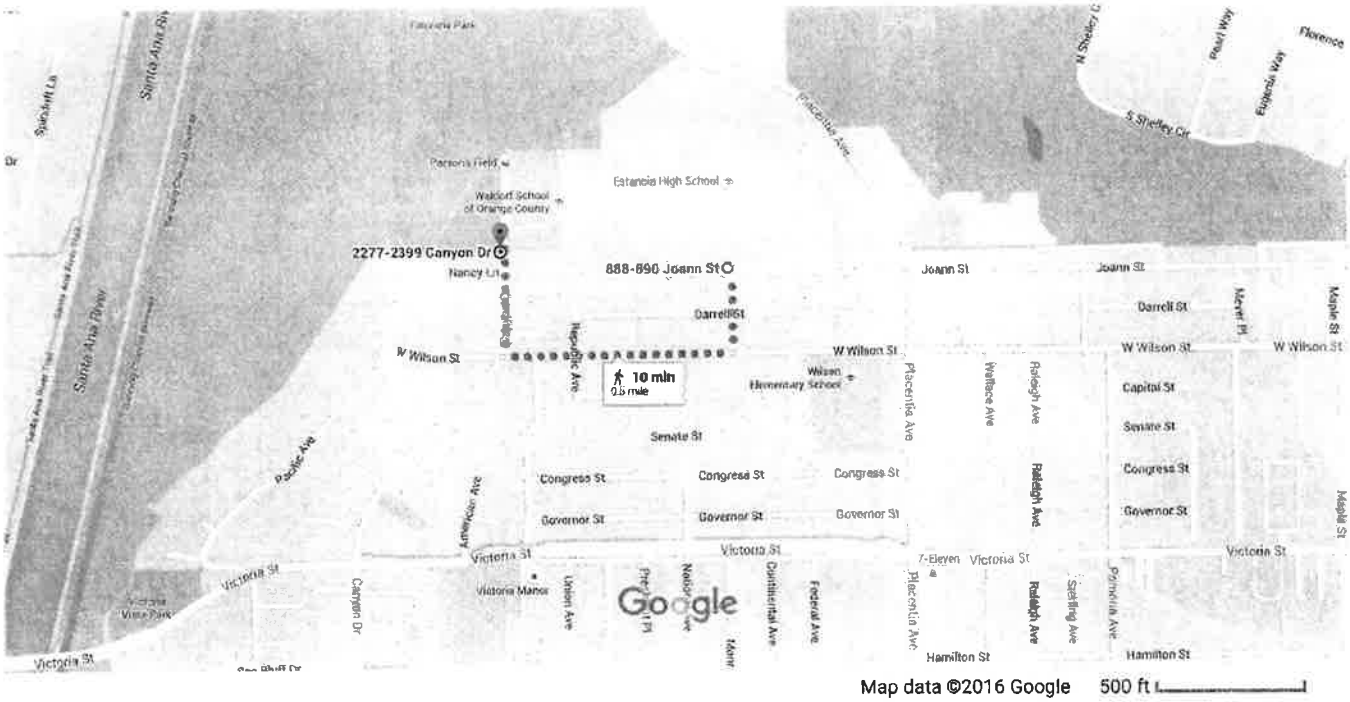
Google Maps

-64-

Google Maps

888-890 Joann St, Costa Mesa, CA 92627 to 2277-2399 Canyon Dr, Costa Mesa, CA 92627

Walk 0.5 mile, 10 min



via W Wilson St and Canyon Dr

10 min

0.5 mile

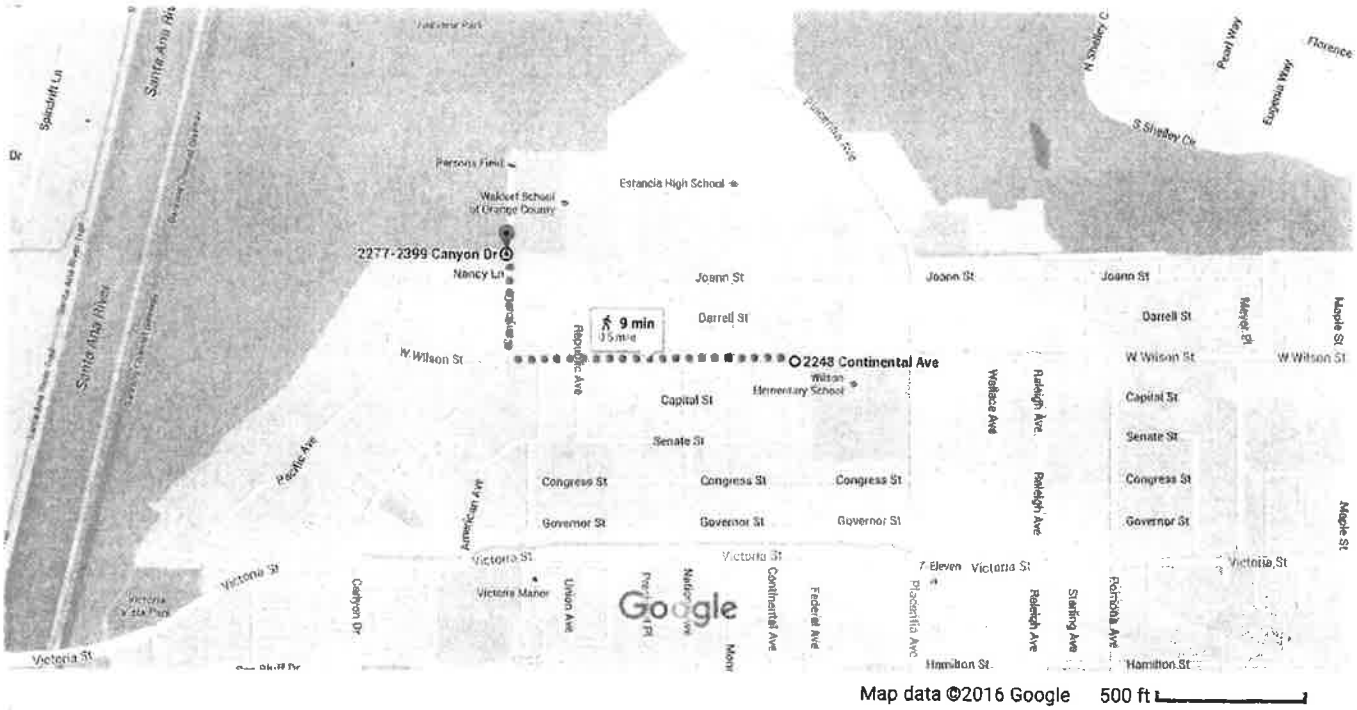
Google Maps

-65-

Google Maps

2248 Continental Ave, Costa Mesa, CA 92627 to 2277-2399 Canyon Dr, Costa Mesa, CA 92627

Walk 0.5 mile, 9 min



Map data ©2016 Google 500 ft

via W Wilson St and Canyon Dr

9 min

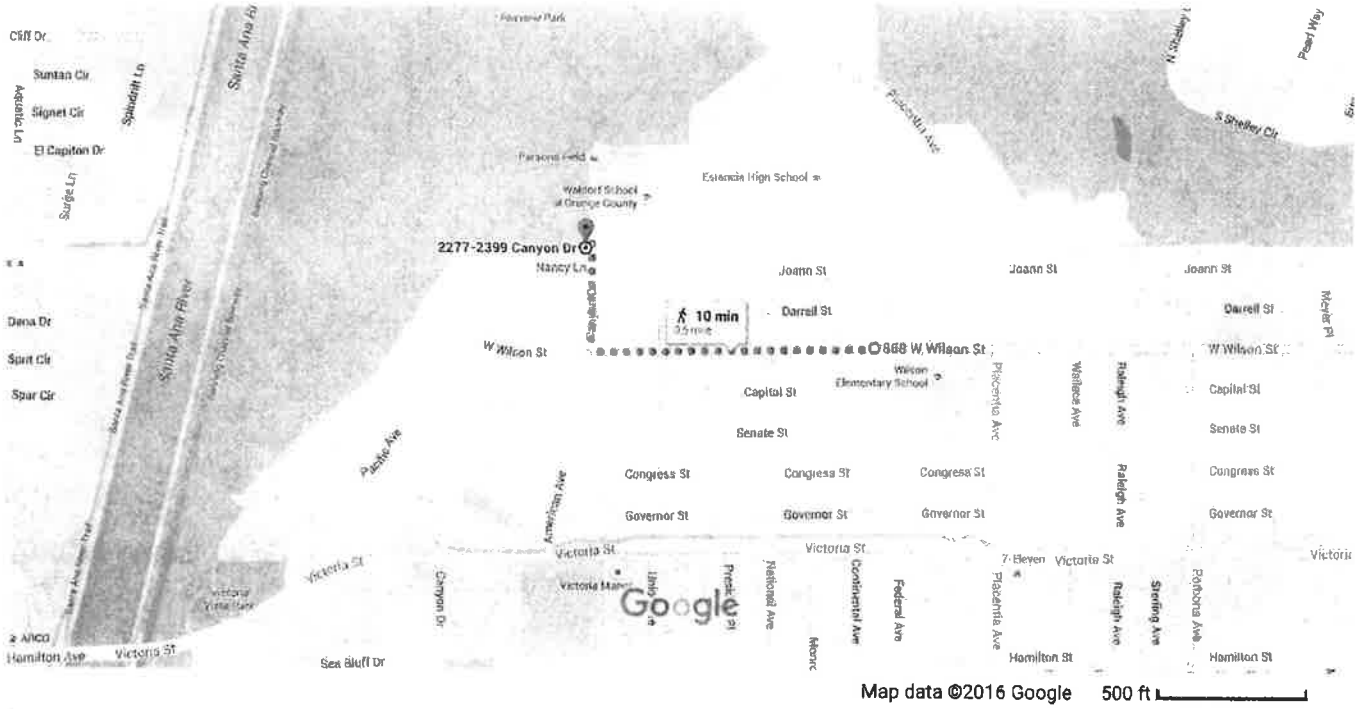
0.5 mile

Google Maps

Google Maps

858 W Wilson St, Costa Mesa, CA 92627 to 2277-2399 Canyon Dr, Costa Mesa, CA 92627

Walk 0.5 mile, 10 min



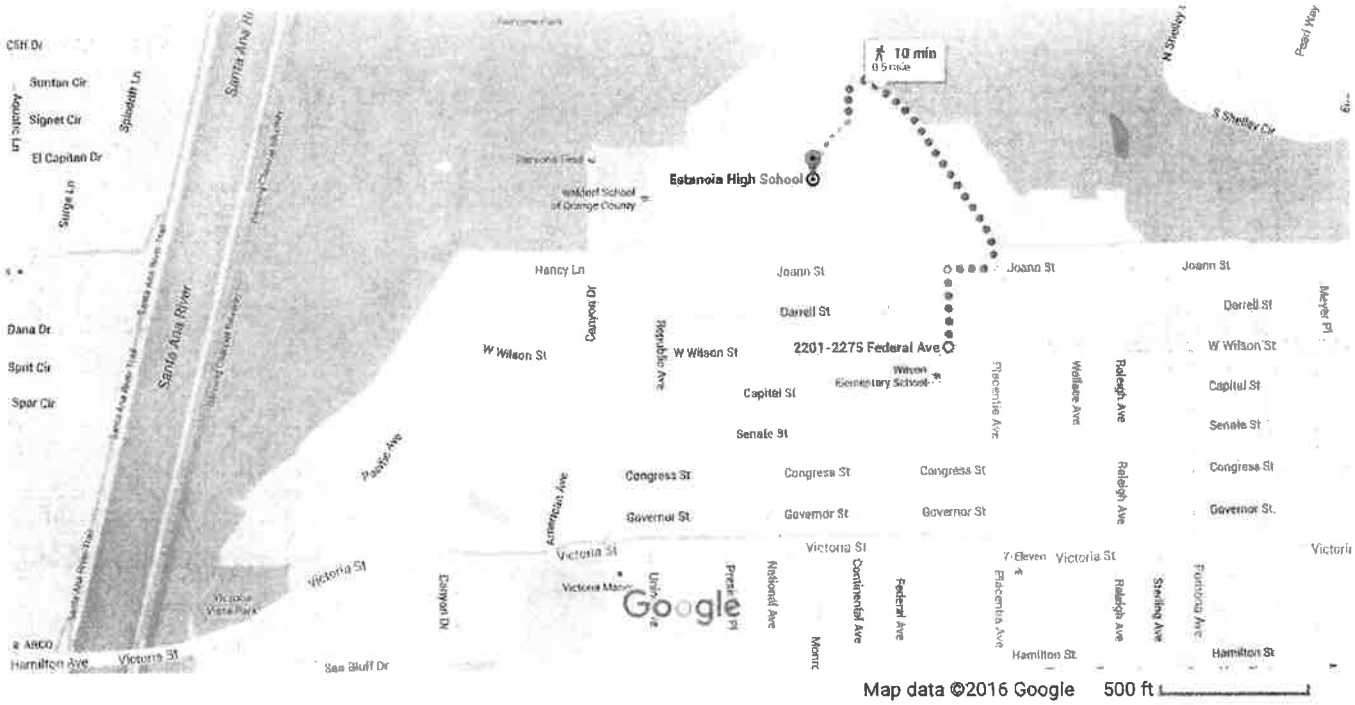
via W Wilson St and Canyon Dr

10 min

0.5 mile

Google Maps

Google Maps 2201-2275 Federal Ave, Costa Mesa, CA 92627 to Estancia High School Walk 0.5 mile, 10 min



via Placentia Ave

10 min

0.5 mile

Google Maps

COMMENT I-3

Cynthia McDonald

April 18, 2016

VIA EMAIL ONLY

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Comments to Draft Environmental Impact Report prepared in connection with General Plan update

Ladies and Gentlemen:

The following are my comments to the Draft Environmental Impact Report ("DEIR") and some, but not all, of my comments with respect to the Draft General Plan ("DGP"). Please make these comments and requests for additional information and/or modification to the DEIR and DGP part of the public record.

Overall Cohesive Plan for the City

The General Plan does not include a vision of how the City will develop an overall cohesive plan for the City for the next 20 years. While it contains suggestions that developers focus on creating gathering spots in their projects, there is no specific direction for that. Mention is made that the Triangle should be considered the downtown area. The closest thing we have to a central gathering place is the Neighborhood Community Center ("NCC"), which is slated to be reduced in size, rather than expanded. Walking in that area is not enjoyable and no new bike lanes are currently planned so that we can avoid automobile trips and transform the city to a bikeable/walkable city. There are no transit centers or hubs planned near the NCC or South Coast Plaza. The zoning for new housing along Harbor and Newport Boulevards is not specified to be strictly the true mixed-use type of development that would encourage people to get out of their cars and visit businesses on foot or by bike. While the most dense/intense land uses are focused away from the neighborhoods with single-family homes, the health and safety of the residents are jeopardized by the proposed changes to land use because of the impacts of increased traffic levels, air pollution and lack of adequate open space.

Vision Statements

While the vision statements are a welcome addition to the DGP, the residents suggested changes to the vision statements and requested additional statements that were ignored. What we see are vision statements that reflect the needs of developers, and not the direction that the residents want for the City. Protecting the residents is the primary responsibility of the City, and yet protecting and promoting the health, safety and quality of life of the residents is ignored.

Aesthetics

Impact 4.1.A, 4.1.B found on page 4.1-5 states:

> "Impacts to scenic vistas and resources would be less than significant with implementation of draft General Plan policies."

In the following paragraph it further explains

> "As described above, scenic vistas within the City are limited to large areas of undeveloped land that offer views of scenic resources such as Upper Newport Bay, the Santa Ana River, and the Santa Ana Mountains. The proposed project will not alter scenic vistas located in existing parks or open space areas as none are subject to land use change. New development built on the Segerstrom Home Ranch and Sakioka Lot 2 sites could impact existing views of the Santa Ana Mountains since current land use policy allows buildings of heights greater than two stories; the proposed General Plan land use policies will continue this condition. However, with the implementation of the following Community Design Policies CD-5.A through CD-5.F below, potential impacts on scenic vistas and resources would be less than significant:" 1

What follows is Policy CD-5.A which provides for the preservation and optimization of natural views and open spaces in Costa Mesa. However, there is no assurance that views can be preserved because the buildings in the Segerstrom Home Ranch project are limited only by FAR and could be anywhere from five (5) to twelve (12) stories in height. These buildings have the potential to impede the view of the Santa Ana Mountains for residents who live west of that project. This impact needs to be added to the DEIR.

Land Use Element

The proposed changes will have irreversible impacts on the residents, some of which result in the form of air pollution, greenhouse gas emissions and noise pollution, which are discussed below. 2

There are also impacts to the quality of life of the residents. There is no plan for the City to create either central or neighborhood gathering spots, no inclusionary agreement for affordable housing and the proposed high-density housing is not located in walkable/bikeable areas or near

a transit center. Removal of height limitations for buildings south of the San Diego Freeway will degrade the quality of life for the residents.

With respect to the Existing Land Use Distribution on 4.10-1 of the DEIR, the Santa Ana Colleen Street Island has already been incorporated into the City. 3

The DEIR does not address what happens to displaced residents as a result of the rezoning of "problem motels" to high-density mixed-use residential. The City seems to think these people will move elsewhere, but since so many have family in the area, including children attending Newport-Mesa schools, and a few have employment, this subject matter needs to be addressed. Further, this displacement is an intentional attempt to change the demographics of the City. 4

Environmental Impacts

Air Pollution and Greenhouse Gas Emissions

As noted on page 2.4-1 of the DEIR:

> ". . . the updated General Plan Amendments has the potential to result in significant, unavoidable environmental effects with regard to the following environmental issue areas: 5
>
> - Air Quality Aesthetics (due to inconsistency with regional plans)
> - Greenhouse Gas Emissions (due to inconsistency with regional plans)"

On page 4.3-15 of the DEIR, we see that the proposed General Plan Amendments will have the impact of the deterioration of air quality caused by the addition of 9,271 more dwelling units, 21,166 more residents and about 5.6 million square feet of nonresidential development. That section of the DEIR says:

> "This could result in potentially significant impacts because air quality attainment goals could be delayed since the strategies adopted in the AQMP would not account for land use changes in the planning area."

In other words, the City does not have a plan in place that can deal with the air pollution that comes with all this new development. Further, it says:

> "Therefore, the proposed General Plan is inconsistent with the growth projections in the RTP/SCS and would be inconsistent with the 2012 AQMP."

Despite that, the DEIR states that:

> "the following policies in the updated General Plan support attainment of air quality goals through assessment and mitigation of future development projects . . ."

What is listed after that, among other things, are policies of the General Plan that would mitigate the impacts of the proposed development, some of which came out of the proposed Active Transportation Plan ("ATP"). However, those policies in the ATP were reclassified as "recommendations" at the time the City Council approved it. Mitigation needs to be something that is a concrete measure that can be taken to prevent an impact. It cannot be something that falls into the category of being a choice that might be opted for, or a wish list. Unless the City Council is going to change the DGP so that all the "recommendations" in the ATP are restored to policies, the DEIR needs to be edited to eliminate any reference to those policies/ recommendations. 5

Not having an adequate plan to deal with air pollution puts the health of the residents at risk. I note that the monitoring station is located in an area that benefits from unimpeded breezes off the ocean due to its location near Costa Mesa Golf Course and Fairview Park and is not near the existing emission locations shown on Figure 4.3.2. There are other areas that receive a greater impact of air pollution, for example, the corner of Baker and Bear Streets which not only is impacted by the air pollution of three (3) nearby freeways, but also a busy arterial and the airport. While repurposing some of the light industrial in the SoBECA area might help air quality, it is not going to come close to eliminating the air pollution coming from the freeways, airport and the adjoining industrial park. Should the City allow a mixed-use component of 40-50* dwelling units per acre to be introduced to that area and other areas in the city, it would be at a significant risk to the health of all residents. *50 dwelling units with a density bonus applied.

There currently exists a toxic carbon monoxide "hot spot" at Hyland and MacArthur. Any increase in traffic caused by an increase in the use of land by elevating the allowable FAR in areas close to that hot spot would require mitigation. Expansion of the Los Angeles Times building is not likely to reduce that problem as it will bring an increase in traffic to that area over what currently exists. Any repurposing of the building needs to be accompanied by a plan to reduce auto and truck traffic. The adjacent rail line is an opportunity to provide pedestrian/bicycle access to that parcel and others in the area and should be incorporated into any redevelopment plan. 5

With respect to greenhouse gases, the California Air Resources Board has identified a cap and trade program as one of the strategies it will be using to reduce greenhouse gases. The City needs to anticipate that it will be required to be a part of that program and institute a plan to reduced greenhouse gases. As noted in Impact 4.7.B: 6

> "The proposed General Plan Amendments have the potential to conflict with the 2012 SCAG RTP/SCS and CARB Scoping Plan—and thereby not attain GHG reductions

> targets—because land use policy does not support the same level of population growth projected. **Impacts at the program level are significant and unavoidable**." [Emphasis added] 6

In addition, I note there is no mention of the impacts by the proposed Banning Ranch development. While the City is not responsible for that development, it is certain to be a part of the cumulative effects of the proposed General Plan Amendments. That cumulative impact and the impact of the proposed General Plan Amendments are unacceptable and need to be modified and a plan needs to be instituted to mitigate or eliminate those impacts.

Noise

In Section 4.12 of the DEIR much discussion is made to accommodating development of additional commercial, residential and mixed-use development in the specific focus areas and some attention is given to the impacts of the noise generated by that development. Mitigation includes Policy N-2-A which provides: 7

> "Require the use of walls, berms, interior noise insulation, double-paned windows, and other noise mitigation measures, as appropriate, in the design of new residential or other new noise sensitive land uses that are adjacent to arterials, freeways, or adjacent to industrial or commercial uses."

Page 4.12-16 contains the following explanation of Impact 4.12.C:

> "Future population growth within the planning area would result in increased traffic and the need for roadway and intersection improvements necessary to maintain desired levels of service, despite this increase in traffic. Increases in traffic could result in permanent increases in ambient noise levels, e.g., where a roadway segment is proposed to be expanded with additional travel lanes over the long-term to achieve level of service standards. Roadway noise could also increase on an existing roadway that will carry increasing traffic volumes. In either set of circumstances, roadway noise levels could increase to beyond the levels considered acceptable for the adjacent land uses. This issue is addressed under Impact 4.12.C."

7

However, no mitigation is provided for pedestrians and bicyclists who are continuously exposed to these increased noise levels. Further, no explanation is given as to how the City intends to mitigate the noise that is echoed off tall buildings or the sound walls that are required to mitigate noise so that it does not travel beyond the arterial into adjacent buildings.

Zoning

The rezoning of selected properties along Harbor Boulevard and Newport Boulevard from commercial to mixed-use overlay is nothing more than spot zoning in those areas, as the adjacent 8

properties will not be rezoned as well. This constitutes a targeted action by the City designed to benefit certain property owners and not others. Further, the impacts of traffic due to the eastside of Newport Boulevard being a one-way arterial will direct the traffic back into the Eastside neighborhood bringing air pollution impacts noted above. In addition, in the prior General Plan buildings south of the San Diego Freeway were limited to no taller than four (4) stories in height. The General Plan Amendments indicate that there is no limitation to which development must conform—all is needed to exceed this height is permission from the City Council. This shows a complete disregard for the wishes of the residents to retain the low profile coastal town feel. 8

Circulation (Transportation and Traffic) Element

At the end of Section 4.16 of the DEIR there is a statement that no mitigation is necessary because no impacts would result. While it is noted that an intersection is not considered to be at failure level to the City unless it is rated as a LOS of "F", we have two intersections that currently attain LOS "D" at peak hours. One of those is Newport Boulevard and 17th Street, which is at "D" at both the AM and PM peak hours. The other is Newport Boulevard and 18th Street/Rochester Street in the PM peak hour. Many residents, myself included, feel that a LOS of "D" is unacceptable. 9

With the proposed General Plan Amendments, Table 4.16-13 shows **twenty-one (21)** additional intersections that will attain LOS "D" at one or more peak hours. While some of those intersections will be "improved" to add lanes by 2035, that mitigation effort will only exacerbate the problems faced by pedestrians and bicycles trying to cross wide intersections. If bicyclists and pedestrians cannot cross a street safely, then mobility is severely limited, access is denied, and cycling and walking as a mode of travel is discouraged.

More than two percent (2%) of the residents of Costa Mesa ride a bicycle to work and that number is growing. It is imperative that the City reverse its decision to label the policies in the ATP recommendations. Those policies were written as a direct response from residents requesting better and safer connectivity and facilities in the City. Further, as noted above, to use those policies as mitigation for impacts, they need to be classified as such. 10

Policy C-4.A.3 proposes implementation of "park-once approaches for multiuse districts and regional destinations areas", which are commonly known as "parking districts." While the concept of parking districts is a good one, implementation would require the hiring of additional parking enforcement personnel. On page 4.15-54 it is stated that: 11

> "These policies, in conjunction with the parking supply and design standards requirements of the City's Zoning Code, would ensure that adequate parking is provided on a project-by-project basis. Impacts would be less than significant."

However, since the need for additional parking enforcement personnel would be ongoing, the impact on the City budget would be significant. The DEIR does not indicate that these parking districts would be located in areas with business improvement districts that would fund the cost

of the additional personnel. Clarification is needed to fully assess the impacts of these parking districts.

Table 4.16-6 indicates that there are currently 1,018,790 ADTs generated in the City and an estimated 1,244,140 ADT. This does not appear to include the 150,000 additional passthrough trips we currently experience or whether the passthrough trips are anticipated to increase. Was a calculation made to increase the trips in accordance with a density bonus that could be applied to selected properties? Please provide that information. 12

While mention is given to the downgrade of the Gisler Avenue/Garfield Avenue crossing of the Santa Ana River to a "Right-of-Way Reserve" status on the Orange County Master Plan of Arterial Highways, it is not clear if this is a fait accompli. If a formal change in status has not occurred, what will be the impact(s)? Please provide more information.

One glaring omission from the Circulation Element is the traffic impacts from the Banning Ranch project in Newport Beach. While that project is not part of the proposed General Plan Amendments, seven (7) intersections will be impacted by the Banning Ranch project, many of which are the included in the twenty-one (21) impacted intersections show on Table 4.16-13. Will the addition of Banning Ranch traffic cause any of those seven (7) intersections to drop in level of service? Please provide a detailed answer to this, including what level of service is anticipated with the addition of Banning Ranch traffic given the current plans for that project. 13

In looking at this data and factoring in that there will be some impacts felt by the Banning Ranch project, I believe the statement that no mitigation is necessary is false. The additional traffic that comes with the proposed General Plan Amendments is one of the greatest impacts on the quality of life for the residents of Costa Mesa and steps need to be taken to eliminate those impacts.

Open Space

On page 4.14-9 of the DEIR it states:

> "The City of Costa Mesa currently does not meet its goal of providing 4.26 acres of parkland per 1,000 persons." 14

Further down the page it is stated:

> "As of 2015, the City had an estimated population of 110,524 residents. Based on the City's park standard goal of 4.26 acres for every 1,000 persons, approximately 471 acres of parkland are required to meet the City's goal. Assuming a build-out population of 131,690 residents, 561 acres would need to be acquired to achieve the goal."

On page 4.14-10 of the DEIR it asserts:

> "Given the paucity of vacant land within the planning area, it could be reasonably assumed that acquisition and provision of an additional 561 acres of parkland would not [be] feasible. However, this impact is not considered significant since the possible inability of the City to meet its goal would not result in any direct or indirect environmental impact."

14

Costa Mesa is comprised of more than just buildings and people. The most "livable" cities are as known for their open space. Having open space in cities provides many advantages: formal and informal sports and recreation, preservation of natural environments, provision of green space and even urban storm water management. Thus green space must be a key consideration in Costa Mesa if the health of a city and its residents are both considered important.

There is a growing body of research showing a connection between human health and well-being and the design and structure of towns, cities and regions. It is believed that planning decisions have a key role to play in combating growing levels of obesity and helping prevent lifestyle-related diseases through facilitating physical activity and positive mental health. The health benefits associated with access to public open space and parks include better perceived general health, reduced stress levels, reduced depression and more. An evaluation of the largest 85 cities in the United States found the health savings from parks was an estimated $3.08 billion.

Thus, there are significant impacts from continually falling behind on acquiring new parkland for use by the residents. The City needs to identify priority areas for new parkland and pursue the acquisition and construction of facilities on that land. Failure to do so will result in substantial deterioration of existing facilities.

With respect to Fairview Park, on page OSR-18 of the DGP it states:

14

> "Due to its size, Fairview Park is one of the parks that may be repurposed to include other public amenities. However, a balance between passive and active open space opportunities within the park will continue to be a key consideration."

Due to the sensitive environmental and archeological issues of Fairview Park, this park must be left in a natural state and only requires efforts with respect to remediation or enhancement of that natural state. Simply stated: leave it alone.

Population and Housing

15

Data found on page 4.13-6 of the DEIR indicates that the City anticipates the addition of 11,078 more residents by 2035 or an increase of 9.76%. It also indicates the addition of 4,040 dwelling units by that same year (an increase of 9.48%). The increase in jobs is anticipated to be 17,147 more jobs by 2035 (19.64%). Note that some of these numbers do not comport with the numbers

found on page 4.3-15 of the DEIR. Please provide an apples-to-apples comparison or a corrected set of numbers.

It is not indicated what type of industries that anticipate this increase in employment and the wage levels of these new workers. The unavailability of suitable affordable housing for employees has proven to be a problem in the past for industries in that they are not able to retain skilled employees for this reason. It is important that the City adopt an inclusionary housing ordinance for this reason. 15

In addition, on page 4.13-6 of the DEIR it indicates there are 8,032 net acres in the City. In the second column of Table LU-2 on page LU-11 of the DGP it indicates there are 8,044. However, adding the numbers in that column, the number is actually 7,942.20. Please review the calculations in both documents and adjust for inconsistencies.

Utilities and Service Systems

Impact 14.d found on page 14.17-12 states:

> "Implementation of the proposed General Plan Amendments would not require new or expanded water supply entitlements to be secured, and the proposed General Plan Amendments incorporate policies aimed at conserving water supplies." 16

This indicates that there will be no impact by the addition of 9,271 dwelling units and 21,166 more residents to the City. Residents have been required to minimize water consumption because of the current drought conditions. Our water supply has not been completely replenished by the recent rains and we have been told that we need to continue curtailing our water consumption. To say that providing water service to 21,166 new residents will have no impact to the current residents is incredible. Please provide a detailed plan and policies for how the City is going to handle the lack of water and still add water service without any impact.

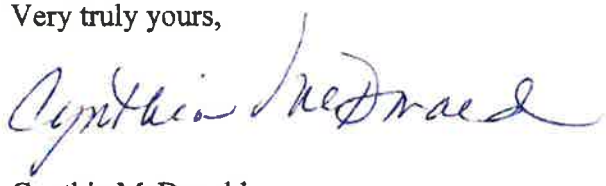
Alternatives

None of the proposed alternatives reflect the concerns or wishes of the residents that were expressed in the outreach meetings. Those concerns include, but are not limited to acquiring more open space, maintaining neighborhood character, bikeability and walkability of public streets, safe and efficient traffic circulation, and increasing homeownership to balance the ratio between homeownership to rental housing. In addition, affordable housing is a concern, particularly with respect to housing for seniors and those who have low and very low incomes. 17

Please note that any request for information contained herein may not be my final request, as when I receive additional information that may generate more questions. Therefore, I reserve my right to make additional information requests. In addition, there are typographical, mathematical and other errors in the DGP that I will address separately when time allows.

Thank you for your attention and I look forward to reviewing the City's response.

Very truly yours,



Cynthia McDonald

/cm

From: Robin Leffler
Sent: Monday, April 18, 2016 4:49 PM
To: FLYNN, CLAIRE <CLAIRE.FLYNN@costamesaca.gov>; General Plan <GeneralPlan@ci.costa-mesa.ca.us>
Subject: Comments to the DEIR

In the areas I looked at most closely there seem to be discrepancies in some of the figures presented for traffic and housing.

The traffic consultant who spoke at the 4/4/16 Planning Commission said the General Plan Update would generate only 10,000 more trips than build-out of the current General Plan. During the 4/5/16 City Council meeting a different consultant, one hired to analyze impacts from the "Smart Growth" voter initiative, reported traffic would increase by 15,015 trips if the proposed General Plan Updates were fully built. I am concerned that the City Council will not know which figures to rely on, or if either is accurate. These analyses are at odds, and the discrepancy must be resolved before the EIR is deemed complete. 1

From the 9/8/15 Joint City Council and Planning Commission Study session, the traffic analyst supplied data to the City Council, Planning Commission and Public (attachment 5, pg 41), that said Hospitals (incl. the Fairview Hospital Property) are deemed to generate 6,108 existing trips. With proposed Updates, the Property would generate 1, 579 trips, for a stated loss of -4,529 trips from current GP. The motel properties are deemed to generate 12, 793 existing trips and the same if the current GP is built out. With the proposed Updates, there would be a stated loss of -7,466 trips. Since neither Fairview Hospital or many of the Motels have been operating at peak capacity for many years the lower trip numbers are not accurate for existing conditions. The EIR should provide a more realistic view of the probable changes in traffic conditions before the EIR is deemed complete.

There also seem to be approximately 5000 housing units that are missing in the final analyses. (At this point they are MIA. Please send in a recovery unit to determine if they are dead, wounded, or POW. If possible, bring them out alive... (- sorry, this stuff gets so serious, I just had to do that.)) There does appear to be an approximate 5000 unit discrepancy. Before the EIR is deemed complete, the discrepancy must be accounted for. This will also affect final traffic figures and may affect other areas such as rental/ownership ratio or jobs/housing ratios. 2

All joking aside, it is critically important that Decision makers have an accurate idea of how traffic could change before they make their decision on the acceptability of the EIR.

Thank you for your consideration,
Robin Leffler

From: Elaine Dethlefsen
Sent: Monday, April 18, 2016 12:41 PM
To: ARMSTRONG, GARY <GARY.ARMSTRONG@costamesaca.gov>
Subject: General Plan Impact draft

I writing you to express my deep concern with the purposed General Plan Amendments. These are a few of items that concern me.

By allowing more and more apartments, this will increase the transit population, and decreases the homeowner population. Apartment dwellers do not have a vested interest in the community. 1

By not enforcing the height limitations on buildings, this has a big impact on the neighborhoods. Costa Mesa seems to be on a fast track to try and the second Los Angeles. Right now this city is a good example of very poor planning of neighborhood and business concerns. It is as if someone is throwing darts at the map of Costa Mesa, and where the dart lands, that is where the new buildings go up.

There is not any mention of plans for senior living, low income, biking accommodations, and new parks. I don't mean "sports fields".

Neither the city council, the planning commission, or the purposed draft address the following:

- Increased parking issues
- Air pollution and greenhouse gas emissions
- Increase noise pollution from construction, cars, and high buildings creating canyons of pollution/noise.
- Increase water usage
- Increase need for fire and police Please keep in mind, the crime rate in Costa Mesa if now at **33%.**
- Increase in traffic. Right now it is impossible to travel in Costa Mesa at certain times of the day without running into a traffic jam.
- The negative impact of this unbridled building on the citizens' quality of life 1

This unchecked building phase that the government of Costa Mesa is forcing upon the citizens of Costa Mesa has got to STOP.

There are new houses going up at the end of my street right now. When I look at the houses, they do not have any yards, they are two story, and there is not any parking for the owners/guests. Can you explain where the children of these homeowners are going to play? Where are going to park? The architecture does not fit with the neighborhood. Who is the architect for these projects??? The new apartments and homes going up all over town looks like a five-year-old designed them. They are all square boxes.

Thank you for your attention to this matter.

Elaine Dethefsen

April 18, 2016 (city general plan draft eir)

City Council and Staff:

The following are my comments regarding the Draft Environmental Impact Report. Please make them part of the public record.

A very detailed Draft EIR still leaves several important issues in need of additional research and serious consideration.

WATER:

The draft EIR mentions several probable impacts of future development. I will focus on two where the problems are obvious to any educated layman: **" necessity for additional water resources**" and impact on "groundwater recharge by **increasing impervious surfaces that could hinder percolation of drainage into subsurface aquifers**." 1

Unfortunately, what was hoped to be a short-term drought is now seen as a likely long-term arid period. Several articles have recently been published warning that "Even when the epic drought ends,...California will still be losing water" (Jay Miglietti, Senior water scientist at NASA JPL. *L.A. Times,* April 16, 2016).

Unfortunately, the reduction of permeable surfaces is already common in permitted developments with first, reduced required setbacks, and then additional variances and the allowance of rooftop decks as "open space." These practices must be stopped. In addition, any further reduction of permeable surfaces must not be permitted. The increased high density construction proposed in the draft general plan must not be allowed.

"Necessity for additional water resources" is painfully obvious. Our water district has done an outstanding job managing our resources through engineering and through encouraging conservation by residents resulting in Costa Mesa meeting its goal of a 20% reduction. The EIR duly recognizes these efforts.

However, *it is an unacceptable premise that additional technological advances and sacrifice on the part of residents will increase* to accommodate the increased population invited through the General Plan draft. Many residents have risen to the challenge. However, questions such as "Why should I take shorter showers in order to bring in excessive new population?" are increasingly voiced. There is no justification for a statement that more of the same, following the already substantial cutbacks, will reduce water consumption enough to accommodate this increasing population. 1

In order to claim "less than significant impacts" the city is obligated to **provide proof** through additional studies, and not just general statements. Among other studies**, average water usage per residence should be tallied, and the additional water cuts necessary per family based on the number of additional residences projected should be published. Current residents deserve to know what this increased density means in terms of less water for their families.**

In addition, credible projections for possible additional state-wide shortages must be researched and considered.

RESIDENTIAL DENSITY AND RESPECT FOR CITY RESIDENTS:
Current residents have spoken clearly that we wish to maintain the suburban atmosphere of Costa Mesa. Years ago, density and height limitations were discussed at length and maintenance of low-rise building south of the 405 was affirmed.

More recently, a couple years ago, the city held a "Great Outreach," inviting families from all over the city. Two outcomes which should be honored but have been ignored are notable: 2

1. Speakers—most of whom had not spoken in a public forum before--lined up to say, essentially, "Leave the Westside alone."
2. A presentation of building types among which the attendees were supposed to choose was presented in a meeting room. The choices for style and density were, essentially choices between "bad" and "worse." Eventually there was a general rebellion on the part of the attendees saying that **none of the choices were acceptable**. Since that request for public opinion, however, the city councilmen have ignored the will of the people and approved development far worse that the worst that the presenters had to offer.

ELIMINATION OF LOW-INCOME HOUSING VIA HARRASSMENT OF MOTEL OWNERS
While addition of low-income housing is a difficult problem, the current push for elimination of such housing is unconscionable. Developers are often given incentives and/or variances to tear down modest low-rise housing and put in the crowded, intrusive developments I mentioned above. 3

Even worse, through a concerted effort of harassment of motel owners and persistent demonizing of the motels and their residents, the limited amount of last-resort housing is being diminished. It's important to note that this housing is available through mutual agreements between the residents and the private business owners, with no demands for additional taxation or city interference. Besides the elimination of this mutually and privately agreed upon decision, the city is also interfering in private enterprise in a most unseemly manner.

Until and unless reasonable alternatives become available, the current private-sector solutions should absolutely be encouraged.

PARKING:
Despite the repeated protestations by councilmen that "Costa Mesa" has the tightest parking requirements in the county, it is obvious that parking issues are serious and getting worse. 4

We regularly hear requests in Council meetings for resident permit only parking. Excessive and increasing overflow parking is intruding on many neighborhoods and interfering with the "quiet enjoyment" of our homes and neighborhoods. This problem could be easily addressed, but the councilmen turn a deaf ear, and continue to make the problem worse. Sufficient resident and guest parking could easily be required of all new development—based on current parking needs

and habits—not those of 20 years ago. Appropriate studies and inclusion in the general plan can easily be accomplished if the council heeds the demands of the public 4

In areas where excessive parking is already a problem, the city has some obligation to develop creative solutions. "Mitigation" is already sorely needed. Increase of this problem is inexcusable and avoidable.

AIR QUALITY:

Air quality seems to be an area where significant impacts are acknowledged. While hard for a resident to see or quantify, it is extremely important. Air pollution is obviously diminished with increased traffic and idling at overburdened intersections. Reduction of the density which many residents are objecting to can help to protect our air quality. 5

Thank you for your attention, and a special thank you to city staff members who work so hard to meet competing demands.

Tamar Goldmann

COMMENT O-7

From: Reggie Mundekis
Sent: Monday, April 18, 2016 8:32 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Subject: General Plan EIR Comment

Please incorporate the following information into the EIR for the new General Plan.

Pg4.5-3 and 4.5-4, Table CUL-1 City of Costa Mesa Historic Resources Inventory, Footnote 1 regarding #26 –The house formerly located at 2529 Santa Ana Ave, the Huscroft House, is listed as "relocated to a temporary location at the Orange County Fairgrounds until a permanent locations can be determined." This house is no longer at the Orange County Fairgrounds. 1

Thank you,

Reggie Mundekis

COMMENT I-8

From: Corinne Stover
Sent: Monday, April 18, 2016 11:32 AM
To: ARMSTRONG, GARY <GARY.ARMSTRONG@costamesaca.gov>; GREEN, BRENDA <brenda.green@costamesaca.gov>; FLYNN, CLAIRE <CLAIRE.FLYNN@costamesaca.gov>; rdickson.cmpc@gmail.com; twsesler@gmail.com; colinkmccarthy@yahoo.com; sandranian@yahoo.com; aventrue@ca.rr.com
Subject: Development Planning

April 18, 2016

From: Corinne P. Stover

To: Cary Armstrong
City of Costa Mesa Development Department

Two-hundred forty-one years ago, Paul Revere rode through the countryside warning his countrymen, "The British are coming!" (According to poet Henry Wadsworth Longfellow, anyway.)

On this April 18th, your Costa Mesan "countrymen/women" hope to impress upon the Planning Department Planning Commission the need for a close look at what is being developed in this city. 1

In a time of severe drought, the concept "less is more" applies to a need for being qualitative about development.

it is not feasible to continue building quantitatively, filling available areas with apartments! In my opinion, the live-work concept was not thoroughly "vetted" for Costa Mesa. The developer, thinking it a good idea, did not plan funding for a monitoring system for compliance!

The Environmental Impact Report (EIR) is not meant to stymie development. It gives parameters for quality development.
Isn't that why we have criteria for compliance? Isn't it fitting for developers and planners to think first to accommodate compliance, rather than plan for modifications?

Where is quality when projects continually provoke modification? This is what I see happening in Costa Mesa: minimize area between buildings, let 2nd floors overhang lower floors, rooftops as "open space."

To paraphrase Longfellow, "The *Developers* are here!" This countrywoman wants our city's growth to be smart, waterwise, design-worthy, and allow for more mobility. Compliance begins and ends in the development department, equipped with all the concerns of its constituents from Summer, 2013. There were no hammers at those meetings! "The man with a hammer walks in search of a nail."

Copies: Brenda Green
Claire Flynn
Planning Commissioners:
Robert Dickson, Jr.,
Tim Sesler,
Colin McCarthy
Stephan Andranian
Jeff Matthews

COMMENT I-9

From: Beth Morley
Sent: Tuesday, April 19, 2016 1:43 PM
To: General Plan <GeneralPlan@ci.costa-mesa.ca.us>
Cc: GREEN, BRENDA <brenda.green@costamesaca.gov>; ARMSTRONG, GARY <GARY.ARMSTRONG@costamesaca.gov>
Subject: Opposed to the General Plan Ammendments

To All~
I am very concerned, as well as opposed to the proposed General Plan Amendments. I am a 30 year resident on the West side of Costa Mesa. My specific objections is the lack of mitigation that the impact of housing density, noise and air pollution, lack of open space, enormous traffic congestion and scarcity of water will create. 1

PLEASE the draft Environmental Impact Report General Plan Amendments need to be REWRITTEN!

Thank you for your consideration~

Beth Morley

From: William Harader
Sent: Monday, April 18, 2016 9:57 AM
To: General Plan <GeneralPlan@ci.costa-mesa.ca.us>
Subject: Comments to the DEIR associated with General Plan update

The changes to certain parts of the City by proposed General Plan Amendments are not acceptable because of the impacts those changes will have on C.M.residents. Those impacts are the following:

Additional density that does not bring more homeownership opportunities to the City, but instead brings more apartments.

Need for height limitations on buildings south of 405 freeway; 1

Displacement of residents as a result of redevelopment of selected properties without a plan to provide replacement housing;

No plan to provide affordable housing for seniors and low income residents;

No concrete plan to add walkability and bikeability to the City;

Increased parking issues;

Lowering the level of service at 21 intersections in the City to the level of congestion experienced at NB Blvd. and 17th St.;

Increased air pollution and greenhouse gas emissions;

Increased air noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads;

Inability to provide new parks and open space to keep up with substantial deterioration of existing facilities by the increase in use due to increase in population; and

No plan to address the scarcity of water sources.

There are virtually none of the alternatives offered by the City to mitigate these impacts. The alternatives do not address protecting the health, safety, and quality of life of the residents. The Draft Environmental Impact Report needs to be rewritten to address the concerns of residents to acquiring more open space, maintaining neighborhood character, bikeability and walkability of public streets, safe and efficient traffic circulation, increasing homeownership to balance the ratio between homeownership to rental housing, and providing for more affordable housing. 2

Thank you for your consideration.

William C. Harader

From: Laurene Keane
Sent: Monday, April 18, 2016 3:10 PM
To: General Plan <GeneralPlan@ci.costa-mesa.ca.us>; GREEN, BRENDA <brenda.green@costamesaca.gov>; ARMSTRONG, GARY <GARY.ARMSTRONG@costamesaca.gov>
Subject: General plan draft EIR resident comment- please add to the report and make part of the public record.

To Whom it May Concern:
Re: Draft EIR General plan-Costa Mesa

The following are my comments to the Draft Environmental Impact Report. Please make them part of the public record.

The changes to certain parts of the City by the proposed General Plan Amendments are unacceptable to me because of the impacts those changes will have on the residents.

The impacts that concern me are as follows: 1

- **Additional density that does not bring more homeownership opportunities to the City, but instead brings more apartments;**
- **Loss of height limitations on buildings south of the 405 freeway;**
- **Displacement of residents as a result of redevelopment of selected properties without a plan to provide replacement housing;**
- **No plan to provide affordable housing for seniors and low and very-low income residents;**
- **No concrete plan to add walkability and bikeability to the City;**
- **Increased parking issues;**
- **Lowering the level of service at 21 intersections in the City to the level of congestion experienced at Newport Boulevard and 17th Street;**
- **Increased air pollution and greenhouse gas emissions;**
- **Increased noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads;**
- **Inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to increase in population; and**
- **No plan to address the scarcity of water sources.**

None of the alternatives offered by the City mitigate these impacts. The alternatives do not address protecting the health, safety and quality of life of the residents. The Draft Environmental Impact Report needs to be rewritten to address the concerns of the residents, including acquiring more open space, maintaining neighborhood character, bikeability and walkability of public streets, safe and efficient traffic circulation, increasing homeownership to balance the ratio between homeownership to rental housing, and providing for more affordable housing. 2

I have attended many meetings where residents have voiced their concerns, and offered suggestions I would like to see included in the General plan.

Thank you for your consideration.
Laurene Keane
Costa Mesa Resident

From: Lisa Lawrence |
Sent: Monday, April 18, 2016 12:51 PM
To: General Plan <GeneralPlan@ci.costa-mesa.ca.us>
Cc: ARMSTRONG, GARY <GARY.ARMSTRONG@costamesaca.gov>; GREEN, BRENDA <brenda.green@costamesaca.gov>
Subject: Draft environmental impact report

To whom it may concern,

The changes to certain parts of the City by the proposed General Plan Amendments are unacceptable because of the impacts those changes will have on the residents. Those impacts are as follows:

- Displacement of residents as a result of redevelopment of selected properties without a plan to provide replacement housing; 1
- No plan to provide affordable housing for seniors and low and very-low income residents;
- No concrete plan to add walkabilityand bikeability to the City;
- Increased parking issues;
- Lowering the level of service at 21 intersections in the City to the level of congestion experienced at Newport Boulevard and 17th Street;
- Increased air pollution and greenhouse gas emissions;
- Increased noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads;
- Inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to increase in population; and
- No plan to address the scarcity of water sources.

Thank you for your consideration,

Sincerely,

Lisa Lawrence

The following are my comments to the Draft Environmental Impact Report. Please make them part of the public record.

The changes to certain parts of the City by the proposed General Plan Amendments are unacceptable because of the impacts those changes will have on the residents. Those impacts are as follows:

- Additional density that does not bring more homeownership opportunities to the City, but instead brings more apartments;
- Loss of height limitations on buildings south of the 405 freeway; 1
- Displacement of residents as a result of redevelopment of selected properties without a plan to provide replacement housing;
- No plan to provide affordable housing for seniors and low and very-low income residents;
- No concrete plan to add walkability and bikeability to the City;
- Increased parking issues;
- Lowering the level of service at 21 intersections in the City to the level of congestion experienced at Newport Boulevard and 17th Street;
- Increased air pollution and greenhouse gas emissions;
- Increased noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads;
- Inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to increase in population; and
- No plan to address the scarcity of water sources.

None of the alternatives offered by the City mitigate these impacts. The alternatives do not address protecting the health, safety and quality of life of the residents. The Draft Environmental Impact Report needs to be rewritten to address the concerns of the residents including acquiring more open space, maintaining neighborhood character, bikeability and walkability of public streets, safe and efficient traffic circulation, increasing homeownership to balance the ratio between homeownership to rental housing, and providing for more affordable housing. 2

Thank you for your consideration.

Judy Lindssay

From: Ralph Taboada
Sent: Monday, April 18, 2016 12:01 PM
To: General Plan <GeneralPlan@ci.costa-mesa.ca.us>
Cc: GREEN, BRENDA <brenda.green@costamesaca.gov>; ARMSTRONG, GARY <GARY.ARMSTRONG@costamesaca.gov>
Subject: GP Draft EIR

I have many concerns about the draft EIR. I do not believe it adequately addresses the following:

1. -- loss of height limitations on buildings especially south of the 405 freeway
2. -- no plan for replacement housing for residents displaced by redevelopment of selected properties
3. -- no plan to provide affordable housing for seniors and low and very low income residents
4. -- no concrete plan to add walkability and bikeability to the City
5. -- lowering of level of service at 21 intersections in the City to the level of congestion experienced at Newport Blvd and 17th Street.
6. -- additional density that does not bring more homeownership opportunities to the City but instead brings in more apartments
7. -- increased noise levels as a result of the canyon effect created by tall buildings
8. -- inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to increase in population
9. -- increased air pollution and greenhouse gas emissions
10. -- no plan to address the scarcity of water resources

1

The EIR needs to be revised because it does not address protecting the health, safety, and quality of life of Costa Mesa residents. The draft needs to be revised because it does not address the concerns of residents such as acquiring more open space, maintaining neighborhood character, bikeability and the walkability of public streets.

Thank you
Ralph Taboada

RECEIVED
CITY CLERK
16 APR 19 AM 8:27
CITY OF COSTA MESA
BY SH

April 18, 2016

Re: Environmental Impact Report
General Plan Amendments

CC: Brenda Green, City Clerk
Gary Armstrong , Development Dep.

The following are my comments to the Draft Environmental Impact Report. Please make them part of the public record.

The changes to certain parts of the proposed General Plan Amendments are unacceptable because of the impact those changes would have on residents. Those impacts are as follows: 1

Additional density that does not bring more home ownership opportunities to the City, but instead brings more apartments

Loss of height limitations on buildings south of the 405 freeway

Displacement of residents as a result of the development of selected properties without a plan to provide replacement housing.

Environmental Impact Report
General Plan Amendments

No plan to provide affordable housing for seniors and low and very low income residents. 1

No concrete plan to add walk ability and bike ability to the City
Increased parking issues

Lowering the level of service at 21 intersections in the City to the level of the congestion experience at Newport Boulevard and 17th Street

Increased air pollution and greenhouse gas emissions

Increased noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads

Inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to the increase in population

No plan to address the scarcity of water sources

None of the alternatives offered by the City mitigate these impacts. The alternatives do not address protecting the health, safety and quality of life of the residents. 2

The Draft Environment Impact Report needs to be rewritten to address the concerns of the residents including acquiring more open space and maintaining the neighborhood character 1

the concerns of the residents including acquiring more open space and maintaining neighborhood character

Public streets need to be made safer with walk ability and bike ability as well as efficient traffic circulation

Increasing home ownership to balance the ratio with rental housing and providing more affordable housing

Thank you for your consideration.

James Locker

James Locker

From: Anna Vrska
Sent: Monday, April 18, 2016 4:29 PM
To: General Plan <GeneralPlan@ci.costa-mesa.ca.us>
Cc: GREEN, BRENDA <brenda.green@costamesaca.gov>; ARMSTRONG, GARY <GARY.ARMSTRONG@costamesaca.gov>
Subject: Draft EIR Comments

Good Afternoon,

The following are my comments to the Draft Environmental Impact Report. Please make them part of the public record.

The changes to certain parts of the City by the proposed General Plan Amendments are unacceptable because of the impacts those changes will have on residents. Those impacts are:

- Additional density that does not bring more homeownership opportunities to the City, but instead brings more apartments;
- Loss of height limitations on buildings south of the 405 freeway; 1
- Displacement of residents as a result of redevelopment of selected properties without a plan to provide replacement housing;
- No plan to provide affordable housing for seniors and low and very-low income residents;
- No concrete plan to add walkability and bikeability to the City
- Increased parking issues;
- Lowering the level of service at 21 intersections in the City to the level of congestion experienced at Newport Boulevard and 17th Street;
- Increased air pollution and greenhouse gas emissions;
- Increased noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads;
- Inadequate protective measures for biological and archeological resources at Fairview Park;
- Inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to increase in population; and
- No plan to address the scarcity of water sources.

None of the alternatives offered by the City mitigate these impacts. The alternatives do not address protecting the health, safety and quality of life of the residents. 2

The Draft Environmental Impact Report needs to be rewritten to address the concerns of the residents including acquiring more open space, maintaining neighborhood character, bikeability and walkability of public streets, safe and efficient traffic circulation, increasing homeownership to balance the ratio between homeownership to rental housing, and providing for more affordable housing.

Thank you.

Anna Vrska

RECEIVED
CITY CLERK

16 APR 19 AM 8:27

CITY OF COSTA MESA
BY EH

April 18, 2016

Re: Environmental Impact Report
General Plan Amendments

CC: Brenda Green, City Clerk
Gary Armstrong , Development Dep.

The following are my comments to the Draft Environmental Impact Report. Please make them part of the public record.

The changes to certain parts of the proposed General Plan Amendments are unacceptable because of the impact those changes would have on residents. Those impacts are as follows: 1

Additional density that does not bring more home ownership opportunities to the City, but instead brings more apartments

Loss of height limitations on buildings south of the 405 freeway

Displacement of residents as a result of the development of selected properties without a plan to provide replacement housing.

Environmental Impact Report
General Plan Amendments

No plan to provide affordable housing for seniors and low and very low income residents. 1

No concrete plan to add walk ability and bike ability to the City
Increased parking issues

Lowering the level of service at 21 intersections in the City to the level of the congestion experience at Newport Boulevard and 17th Street

Increased air pollution and greenhouse gas emissions

Increased noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads

Inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to the increase in population

No plan to address the scarcity of water sources

None of the alternatives offered by the City mitigate these impacts. The alternatives do not address protecting the health, safety and quality of life of the residents. 2

The Draft Environment Impact Report needs to be rewritten to address the concerns of the residents including acquiring more open space and maintaining the neighborhood character 1

the concerns of the residents including acquiring more open space and maintaining neighborhood character

Public streets need to be made safer with walk ability and bike ability as well as efficient traffic circulation

Increasing home ownership to balance the ratio with rental housing and providing more affordable housing

Thank you for your consideration.

Beverly Tazelaar

Beverly Tazelaar

RECEIVED
CITY CLERK
16 APR 19 AM 8:27
CITY OF COSTA MESA
BY GP

April 18, 2016

Re: Environmental Impact Report
General Plan Amendments

CC: Brenda Green, City Clerk
Gary Armstrong , Development Dep.

The following are my comments to the Draft Environmental Impact Report. Please make them part of the public record.

1

The changes to certain parts of the proposed General Plan Amendments are unacceptable because of the impact those changes would have on residents. Those impacts are as follows:

Additional density that does not bring more home ownership opportunities to the City, but instead brings more apartments

Loss of height limitations on buildings south of the 405 freeway

Displacement of residents as a result of the development of selected properties without a plan to provide replacement housing.

Environmental Impact Report
General Plan Amendments

No plan to provide affordable housing for seniors and low and very low income residents.

1

No concrete plan to add walk ability and bike ability to the City
Increased parking issues

Lowering the level of service at 21 intersections in the City to the level of the congestion experience at Newport Boulevard and 17th Street

Increased air pollution and greenhouse gas emissions

Increased noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads

Inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to the increase in population

No plan to address the scarcity of water sources

None of the alternatives offered by the City mitigate these impacts. The alternatives do not address protecting the health, safety and quality of life of the residents. 2

The Draft Environment Impact Report needs to be rewritten to address the concerns of the residents including acquiring more open space and maintaining the neighborhood character 1

the concerns of the residents including acquiring more open space and maintaining neighborhood character

Public streets need to be made safer with walk ability and bike ability as well as efficient traffic circulation

Increasing home ownership to balance the ratio with rental housing and providing more affordable housing

Thank you for your consideration.

Janice Kressin

Janice Kressin

From: Georgette Quinn
Sent: Monday, April 18, 2016 6:33 AM
To: MONAHAN, GARY <GARY.MONAHAN@costamesaca.gov>; RIGHEIMER, JIM <JIM.RIGHEIMER@costamesaca.gov>; FOLEY, KATRINA <KATRINA.FOLEY@costamesaca.gov>; GENIS, SANDRA <SANDRA.GENIS@costamesaca.gov>; Mayor <Mayor@costamesaca.gov>
Subject: General Plan Amendments

Hello, I am concerned about the fact that the city council is making changes to our city without listening to the residents. We could accept change if the changes took into consideration the of making Costa Mesa a city that is livable to all. Not just cramming in wherever you can high density housing that will bring in the following impacts:

- Additional density that does not bring more homeownership opportunities to the City, but instead brings more apartments; 1
- Loss of height limitations on buildings south of the 405 freeway;
- Displacement of residents as a result of redevelopment of selected properties without a plan to provide replacement housing;
- No plan to provide affordable housing for seniors and low and very-low income residents;
- No concrete plan to add walkability and bikeability to the City;
- Increased parking issues;
- Lowering the level of service at 21 intersections in the City to the level of congestion experienced at Newport Boulevard and 17th Street;
- Increased air pollution and greenhouse gas emissions;
- Increased noise levels as a result of the canyon effect created by tall buildings and sound attenuating walls on arterial roads;
- Inability to provide new parks and open space to keep up with the substantial deterioration of existing facilities by the increase in use due to increase in population; and
- No plan to address the scarcity of water sources.

None of the alternatives offered by the City mitigate these impacts. The alternatives do not address protecting the health, safety and quality of life of the residents. The Draft Environmental Impact Report needs to be rewritten to address the concerns of the residents including acquiring more open space, maintaining neighborhood character, bikeability and walkability of public streets, safe and efficient traffic circulation, increasing homeownership to balance the ratio between homeownership to rental housing, and providing for more affordable housing. 2

Thank you for your consideration.

Georgette M. Quinn OHST

PH-1

April 11, 2016

TO: ROBERT L. DICKSON, JR. Chair, Costa Mesa Planning Commission

JEFF MATHEWS, Vice Chair, Costa Mesa Planning Commissioner

STEPHAN ANDRANIAN, Costa Mesa Planning Commissioner

COLIN MCCARTHY, Costa Mesa Planning Commissioner

TIM SESLER, Costa Mesa Planning Commissioner

As per Page 9 of the Planning Commission's agenda for tonight's meeting, I read, "The Draft EIR and Technical Appendices will be available for review and comment for 45 [forty-five] days commencing March 4, 2016 at 8:00 am and ending on April 18, 2016 at 5:00 pm.

Costa Mesa's Office of the City Clerk provided me with a CD that has the large PDF of the Proposed General Plan, the Draft EIR and all Technical Appendices. I was intending to further study this material and submit comments all during this coming week. 1

On Page 14 of tonight's agenda, I read "...Costa Mesa Planning Commission hereby recommends...PASSED AND ADOPTED this 11th day of April, 2016."

I request that you not pass Item 1 of tonight's agenda. Please respect the citizens of Costa Mesa by following the letter of the law and providing us with the full 45-day period in which to submit our comments.

Respectfully submitted,

Flo Martin,

49-year resident of Costa Mesa, CA

Received
City of Costa Mesa
Development Services Department

APR 11 2016

PH-1

RECEIVED
CITY CLERK
16 APR 11 AM 10:37
CITY OF COSTA MESA
BY SH counter

To: Mrs. Brenda Green, City Clerk

RE: Planning Commission 04/11/16

Public Hearing, item 1

Date: 04/11/2016

I am filing an objection to the above item. The comments and public input is, according to your documents, open for one more week. I question the ability to cut short the time for residents to make comments and submit emails and letters. Hopefully, this was a typographical error and will be corrected, forthwith. 1

Mary Spadoni

Sincerely,

Mary Spadoni

PH-1

COLGAN, JULIE

Subject: Violation of process of CEQA

From: C B
Sent: Monday, April 11, 2016 4:38 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>; DUNN, MICHAEL <MICHAEL.DUNN@costamesaca.gov>; HATCH, THOMAS <THOMAS.HATCH@costamesaca.gov>
Subject: Violation of process of CEQA

Attn: Tom Hatch

City Manager/CEO of Costa Mesa
Brenda Green-City Clerk of Costa Mesa

Hello,

I am writing to voice my objection to what I believe a gross violation of due process of the California Enviromental Quality Act-CEQA.

Listed as notice on the planning commission agenda for April 11, 2016:

> Agenda notice for tonights Planning Commission:
>
> Approve by adoption of Planning Commission Resolutions for the following actions:
> 1. Recommend that the City Council certify Draft Environmental Impact Report (DEIR) – SCH No. 2015111068 and;
> 2. Recommend that the City Council adopt 2015-2035 General Plan
>
> http://www.costamesaca.gov/index.aspx?page=1966

The DEIR cannot certify and/or adopt the General Plan prior to the close of the comment period, which was noticed as March 4 2016 through April 18 2016.

> "The General Plan and Draft Environmental Impact Report and Technical Appendices are available for review and comment for 45 days commencing March 4, 2016 at 8:00 am and ending on April 18, 2016 at 5:00 pm. Written comments on the Draft EIR must be submitted by April 18, 2016 by 5:00 pm to the City of Costa Mesa."

1

Please correct this error and clarify to the public that a mistake has been made. I also suggest that the comment period be extended as result of this error in notification.
Thank you,
Cindy Black

From: **Brian Burnett**
Subject: Costa Mesa General Plan Update Draft EIR Comments And Questions
Date: April 16, 2016 at 12:39 AM
To: generalplan@costamesaca.gov

The following are questions, comments, and requests regarding the Costa Mesa General Plan Update Draft EIR:

1. The city has surveys of confirmed observations that prove the endangered California Gnatcatcher is in the park. Local park users, photographers, amateur biologists, and professional biologists have pictures and coordinates of them. There are also confirmed observations of nesting pairs.

Where are the surveys including breeding surveys for California Gnatcatchers?

Why were the surveys including breeding surveys not included for California Gnatcatchers?

There needs to be a California Gnatcatcher survey that includes a breeding season survey.

2. There is no mention of Burrowing Owls past 2006 in the draft EIR yet there have been confirmed observations and pictures of them in the park up until 2016.

Where are the surveys including breeding surveys for the Burrowing Owls?

Why were surveys including breeding surveys not included for the Burrowing Owls?

There needs to be a Burrowing Owl survey that includes a wintering and breeding season survey.

3. The city has inadvertently or purposely destroyed or degraded Southern Tarplant, Vernal Pool, Burrowing Owl, Riverine, Riparian, and other habitat over the years.

Where is the study to shows the effects of this inadvertent or purposeful destruction or degradation of habitat in Fairview Park?

There needs to be a study of past destruction and degradation of the park and what it's effects were.

4. The city knows about a nesting pair of Northern Harriers in Fairview Park. They have been residents in the park for quite some time.

Where are the surveys including breeding surveys for the Northern Harriers?

Why were surveys including breeding surveys not included for the Northern Harriers?

There needs to be a survey including a breeding survey for Northern Harriers.

5. The city had contractors restore numerous large sections of the rare, endangered, and protected Southern Tarplant over the years in Fairview Park. There status has been confirmed many times over the years and would only not be in the park unless the plants were purposely destroyed.

Where are the surveys for Southern Tarplant?

Why were surveys for Southern Tarplant not included?

6. Fairview Park has some of the last coastal vernal pools in California. Vernal Pool 1 is the largest coastal vernal pool west of the Mississippi. Despite their federally protected status, they have been degraded by the city of Costa Mesa either inadvertently or purposely over the years.

Where are the surveys that document the destruction of this habitat?

Where are the surveys that document the current status of the vernal pools and their recommendations to restore them?

Where are the management plans to protect the vernal pools for future generations?

Where is the correspondence from the USFWS regarding the vernal pools?

There needs to be surveys that document previous destruction or degradation of the vernal pools to help prevent anymore destruction or degradation in the future.

There needs to be surveys to document the current status of the vernal pools East and West of Placentia Avenue.

7. Where is the rare or endangered plant survey?

Why is there no rare or endangered plant survey?

There needs to be an endangered plant survey

There needs to be an endangered plant survey.

8. Where is the vegetation mapping?

Why is there no vegetation mapping?

9. Where is the long term maintenance plan?

Why is there no long term maintenance plan?

10. Where is the entomological survey?

Why is there no entomological survey?

11. Where is the herpetological survey?

Why is there no herpetological survey?

12. Where is the pacific chorus frog survey?

Why is there no pacific chorus frog survey?

13. Where is the spade foot toad survey?

Why is there no spade foot toad survey?

14. Where is the biological inventory survey?

Why is there no biological inventory survey?

15. Where are the surveys including breeding surveys for the Yellow Breasted Chat?

Why were surveys including breeding surveys not included for the Yellow Breasted Chat?

16. Where is the trap door spider survey?

Why is there no trap door spider survey?

17. Where are the surveys including breeding surveys for all of the other rare, of concern, special status, or endangered species?

Why were surveys including breeding surveys not included for all of the other rare, of concern, special status, or endangered species?

From: **Brian Burnett**
Subject: Costa Mesa General Plan Update Draft EIR Comments And Questions II
Date: April 16, 2016 at 12:47 AM
To: generalplan@costamesaca.gov

The previous email with comments, questions, and requests for the General Plan Update Draft EIR were regarding Fairview Park in Costa Mesa.

HAMILTON BIOLOGICAL

April 18, 2016

Ms. Claire Flynn
Assistant Development Services Director
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92626

SUBJECT: COMMENTS ON CITY OF COSTA MESA GENERAL PLAN UPDATE DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Flynn,

On behalf of Hamilton Biological, Inc., I provide these comments on the Draft EIR for the City of Costa Mesa's General Plan Update. I submit these comments out of my own concern for the City and its natural resources. I am a professional biological consultant with 28 years of experience working primarily in Orange County and surrounding jurisdictions. In 1994, I planned and initiated the volunteer restoration of coastal sage scrub in the canyon near the entrance to Fairview Park, and in 1995 I prepared the biological resources section of the original Fairview Park Master Plan. Since then, I have remained interested in the biological resources of Fairview Park and the wider lower Santa Ana River ecosystem. My comments address Section 4.4, Biological Resources. I am qualified to provide this review, having prepared the biological resources section for numerous CEQA documents throughout Orange County and the wider region, and also having reviewed many such documents; my Curriculum Vitae is attached.

PAGE 4-4.1: SOURCES OF INFORMATION

The DEIR lists several sources of information consulted. For plants, primary sources of occurrence information should be the Consortium of California Herbaria and Calflora:

http://ucjeps.berkeley.edu/consortium/

http://www.calflora.org/

The consortium provides a consolidated list of plant specimens collected all over the state, and maps of the locations can be accessed through Calfora. Calflora also accepts photo-documented records and maps their locations. The DEIR does cite Calflora in the accounts of special-status species recoded in Fairview Park, but Calflora and the Consortium should also have been consulted for the lists of plant species reported to have

316 Monrovia Avenue — Long Beach, CA 90803 — 562-477-2181 — robb@hamiltonbiological.com

"confirmed observations" in Table 4.4-3 of the DEIR. As discussed subsequently, several entries are questionable.

For bird records (Table 4.4-5), it is standard for CEQA documents to utilize the eBird data base as a source of basic distribution information:

http://ebird.org/

The eBird web page provides vetted, updated records of bird species recorded in various parts of Costa Mesa, including Fairview Park and many other locations. Some records in eBird may be questionable in spite of vetting, meaning that the biologist preparing the CEQA document should have adequate experience to know which records are suspect. Nevertheless eBird must be consulted for any CEQA document that attempts to assemble a reasonably complete bird species list in a city the size of Costa Mesa.

It is not clear whether the Fairview Park Master Plan and its supporting biological documents were actually consulted as part of the descriptions of plant and wildlife species known or expected to occur in Costa Mesa. The tables of species do not reflect what is contained in the Master Plan. For example, a report prepared for the City by LSA Associates, Inc., dated June 28, 2007, entitled, "Update to the Biological Constraints and Information for the Fairview Park Master Plan, City of Costa Mesa, County of Orange, California," contains a considerable amount of information that is inconsistent with the information contained in the General Plan Update DEIR. The letter is available online:

http://www.ci.costa-mesa.ca.us/fairviewpark/docs/Fairview-Park-Biological-Survey.pdf

This letter is referred to hereafter as (LSA 2007).

Table 4-4.1: Plants of Grassland Communities

This table indicates various plant species with very limited distributions in Orange County as having been confirmed as being present in Costa Mesa. To my knowledge, most of them are very unlikely to have been recorded in Costa Mesa in modern times, if ever. Questionable species include Desert Needlegrass (*Achnatherum speciosum*), Redskinned Onion (*Allium haematochiton*), and Southwestern Beardgrass (*Andropogon glomeratus*), but many others are similarly unlikely to have been recorded in Costa Mesa. At the same time, Table 4-4.2 is missing numerous common plant species known to occur in Costa Mesa (e.g., Ripgut Brome *Bromus diandrus* and Short-podded Mustard *Hirschfeldia incana*). Additionally, many plant species names are misspelled or represent older names no longer in use (e.g., "*Hemixonia Parryi* ssp. *Australis*" should be *Centromadia parryi* ssp. *australis*). It is requested that the EIR preparer review Table 4-4.1 against the distributional and taxonomic information available through Calflora/Consortium of California Herbaria, as well as the Fairview Park Master Plan and supporting biological reports. Species not known from Costa Mesa should be removed, all species that have been recorded in Costa Mesa should be added, and taxonomy and spelling should be

carefully reviewed in order for Table 4-4.1 to provide a valid reference. As it stands, this table is far more confusing than it is useful.

TABLES 4-4.1, 4-4.2, 4-4.3

These tables indicate that various plant species have been confirmed as being present, but that seem to me very unlikely to have been recorded in Costa Mesa in modern times, if ever. Questionable species include Desert Needlegrass (*Achnatherum speciosum*), Red-skinned Onion (*Allium haematochiton*), Southwestern Beardgrass (*Andropogon glomeratus*), and Chocolate Lily (*Fritillaria biflora*), Big-leaf Maple (*Acer macrophyllum*), Sword Fern (*Polystichum munitum*), Canyon Live Oak (*Quercus chrysolepis*), and California Bay Laurel (*Umbellularis californica*), but several others are similarly unlikely to have been recorded in Costa Mesa. At the same time, these tables are missing numerous common plant species known to occur in these communities in Costa Mesa (e.g., Ripgut Brome *Bromus diandrus* and Short-podded Mustard *Hirschfeldia incana*). Additionally, many plant species names are misspelled or represent older names no longer in use (e.g., "*Hemixonia Parryi* ssp. *Australis*" should be *Centromadia parryi* ssp. *australis*). It is requested that the EIR preparer review these tables against the distributional and taxonomic information available through Calflora/Consortium of California Herbaria, as well as the Fairview Park Master Plan and supporting biological reports. In order for these tables to provide valid reference information, species not known from Costa Mesa should be removed, species that have been recorded in Costa Mesa should be added, and taxonomy and spelling should be carefully reviewed.

In addition, vernal pools represent one of the most important plant communities found in Costa Mesa. Therefore, either Table 4-4.1 should be expanded to include vernal pool plants in addition to grassland plants, or another table should be provided to include vernal pool plants.

PAGE 4-4.5: LEAST BELL'S VIREO

This page states, "Least Bell's vireo (*Vireo bellii pusillus*) which inhabits riparian and terrestrial fields, shrubland, chaparral, and woodlands." This is not an accurate description of the plant communities used by this listed species, which in the City of Costa Mesa is limited to patches of riparian scrub and woodland habitat.

The EIR should specify where in Costa Mesa the Least Bell's Vireo has been found in recent years. This is true of all special-status species discussed in the EIR.

PAGES 4-4.5, 4-4.9: BURROWING OWL

Page 4-4.5 states, "The burrowing owl is a wild indigenous species of predatory bird that uses abandoned rodent burrows for nests. It is currently on the Audubon Society Blue List of rare birds and is a California Species of Special Concern." To the best of my knowledge, the National Audubon Society has not maintained its "Blue List" for many

years, and it is questionable whether the "Blue List" ever had any regulatory relevance for CEQA. At this point, it is inappropriate to cite the "Blue List" in a CEQA document.

Page 4-4.9 states, "Although most burrowing owl breeders are migratory, both locally and long distance, Southern California populations are generally considered resident." If the EIR preparer is aware of Burrowing Owls being resident in Fairview Park, or elsewhere in Costa Mesa, the source of this information should be disclosed. It is my best understanding that this owl presently occurs only as a migrant and winter visitor (e.g. LSA 2007).

Page 4-4.8: Belding's Savannah Sparrow

This page states, "Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) is one of few species of birds that reside year-round in coastal salt marshes of Southern California. It inhabits coastal salt marshes from Santa Barbara south through San Diego County. It nests in pickleweed (*Salicornia virginica*) on and about the margins of tidal flats. Locally it is known from the Santa Ana River mouth." Do any Belding's Savannah Sparrows actually occur within the City of Costa Mesa, or are they limited to nearby areas, such as the Santa Ana River mouth?

Page 4-4.5: Coast Horned Lizard

This page refers to the "Coast horned lizard (*Phrynosoma loronatum*)", which is currently known as Blainville's Horned Lizard (*Phrynosoma blainvillii*). I am unaware of any records of this reptile from Costa Mesa during modern times, and would be surprised to find it, even in Fairview Park. On what basis is it reported as occurring anywhere in the City, even rarely?

Table 4.4-4: Amphibians, Reptiles, and Mammals

Questions and comments:

- As a general comment, listing species in alphabetical order makes it difficult for biologists to review the lists. It would be greatly preferable to organize tables according to the standard scientific order.

- The San Diego Black-tailed Jackrabbit (*Lepus californicus bennetti*) is a California Species of Special Concern (although not so indicated in the table). I observed this hare in the lower Santa Ana River area during the early 1990s but have not seen one there in more than 20 years. It was not reported during biological surveys completed in 2005 and 2006 (LSA 2007). Are there any recent records from Costa Mesa?

- The Desert Woodrat (*Neotoma lepida*) is a California Species of Special Concern, not so indicated in the table.

- When was the last time a Long-tailed Weasel was recorded in Costa Mesa?
- The Coast Patch-nosed Snake is a California Species of Special Concern, not so indicated in the table.
- On what basis is the Western Terrestrial Garter Snake (*Thamnophis elegans*) a "confirmed observation"? The range of this species does not include Orange County.
- Why is there no mention of the Southwestern Pond Turtle (*Actinemys pallida*)?

TABLE 4.4-5: BIRDS

Questions and comments:

- The Cactus Wren (*Campylorhynchus brunneicapillus*) appears to have been extirpated from the lower Santa Ana River ecosystem, including Fairview Park, within the past decade. LSA (2007) did not report any sightings from Fairview Park, and the last bird was recorded at nearby Banning Ranch in 2009. Unless the EIR preparer is aware of recent records, this species should be presumed extirpated.
- Why is there no mention of the Coastal California Gnatcatcher (*Polioptila californica californica*) anywhere in the DEIR? This federally threatened species has been repeatedly documented in various parts of Fairview Park over a period of many years. Does Costa Mesa include any designated Critical Habitat for the gnatcatcher?
- The Northern Harrier (*Circus cyaneus*), a California Species of Special Concern, has been documented in Fairview Park (e.g., LSA 2007, eBird data).
- The Yellow-breasted Chat (*Icteria virens*), a California Species of Special Concern, has been documented in Fairview Park (e.g., LSA 2007).
- On what basis does the DEIR claim that the Black-chinned Sparrow (*Spizella artogularis*) has been observed in Costa Mesa?

PAGE 4-4.11: SOUTHERN COASTAL SALT MARSH

The DEIR discusses this plant community, but fails to identify where in Costa Mesa it occurs. Where does it occur?

PAGE 4-4.11: SENSITIVE COMMUNITIES NOT DISCUSSED

The DEIR fails to mention coastal sage scrub, coastal bluff scrub, vernal pools, riparian scrub, and native grasslands, all natural communities of special interest that occur in Costa Mesa.

CONCLUSION

The Biological Resources section of the DEIR shows no indication that the EIR preparer has meaningful familiarity with the natural communities present in the City of Costa Mesa, or the special-status species known/potentially present there. The section is poorly organized, rife with errors, and provides little effective guidance on how decision-makers in the City should move forward to achieve some of the overarching goals in the document, such as, "Carefully balance natural lands, habitat, and protection of multiple species with the need to accommodate development." To achieve such a goal, the EIR should provide detailed and reliable information on the resources present in the City, the locations where they are found, and the planning framework needed to conserve important populations. Unfortunately, the DEIR falls far short of that goal. It would be preferable that the DEIR be revised to provide the requisite information in readable form, but beyond that perhaps the FEIR can correct some of the more egregious errors contained in the DEIR.

Sincerely,

Robert A. Hamilton
President, Hamilton Biological, Inc.

Attachment: Curriculum Vitae

Robert A. Hamilton

President, Hamilton Biological, Inc.

Expertise

Endangered Species Surveys
General Biological Surveys
CEQA Analysis
Population Monitoring
Vegetation Mapping
Construction Monitoring
Noise Monitoring
Open Space Planning
Natural Lands Management

Education

1988. Bachelor of Science degree in Biological Sciences, University of California, Irvine

Professional Experience

1994 to Present. Independent Biological Consultant, Hamilton Biological, Inc.

1988 to 1994. Biologist, LSA Associates, Inc.

Permits

Federal Permit No. TE-799557 to survey for the Coastal California Gnatcatcher and Southwestern Willow Flycatcher

MOUs with the California Dept. of Fish and Game to survey for Coastal California Gnatcatcher and Southwestern Willow Flycatcher

California Scientific Collecting Permit No. SC-001107

Robert A. Hamilton has been providing biological consulting services in southern California since 1988. He spent the formative years of his career at the firm of LSA Associates in Irvine, where he was a staff biologist and project manager. He has worked as an independent and on-call consultant since 1994, incorporating his business as Hamilton Biological, Inc., in 2009. The consultancy specializes in the practical application of environmental policies and regulations to land management and land use decisions in southern California.

A recognized authority on the status, distribution, and identification of birds in California, Mr. Hamilton is the lead author of two standard references describing aspects of the state's avifauna: *The Birds of Orange County: Status & Distribution* and *Rare Birds of California.* Mr. Hamilton has also conducted extensive studies in Baja California, and for seven years edited the Baja California Peninsula regional reports for the journal *North American Birds.* He served ten years on the editorial board of *Western Birds* and regularly publishes in peer-reviewed journals. He is a founding member of the Coastal Cactus Wren Working Group and in 2011 updated the Cactus Wren species account for *The Birds of North America Online.* Mr. Hamilton's expertise includes vegetation mapping. From 2007 to 2010 he worked as an on-call biological analyst for the County of Los Angeles Department of Regional Planning. From 2010 to present he has conducted construction monitoring and focused surveys for special-status bird species on the Tehachapi Renewable Transmission Project (TRTP). He is a former member of the Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC).

Mr. Hamilton conducts general and focused biological surveys of small and large properties as necessary to obtain various local, state, and federal permits, agreements, and clearances. He also conducts landscape-level surveys needed by land managers to monitor songbird populations. Mr. Hamilton holds the federal and state permits and MOUs listed to the left, and he is recognized by federal and state resource agencies as being highly qualified to survey for the Least Bell's Vireo. He also provides nest-monitoring services in compliance with the federal Migratory Bird Treaty Act and California Fish & Game Code Sections 3503, 3503.5 and 3513.

Board Memberships, Advisory Positions, Etc.

Coastal Cactus Wren Working Group (2008–present)

Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC) (2010–2014)

American Birding Association: Baja Calif. Peninsula Regional Editor, North American Birds (2000–2006)

Western Field Ornithologists: Associate Editor of Western Birds (1999–2008)

California Bird Records Committee (1998–2001)

Nature Reserve of Orange County: Technical Advisory Committee (1996–2001)

California Native Plant Society, Orange County Chapter: Conservation Chair (1992–2003)

Professional Affiliations

American Ornithologists' Union

Cooper Ornithological Society

Institute for Bird Populations

California Native Plant Society

Southern California Academy of Sciences

Western Foundation of Vertebrate Zoology

Mr. Hamilton monitors noise as it relates to nesting or roosting birds using an advanced Quest SoundPro unit that can provide second-by-second logging of noise levels at the nest; this allows documentation of the varying sound pressure levels that nesting birds are exposed to during construction and evaluation of any effects associated with different levels. He is an expert photographer, and typically provides photo-documentation and/or video documentation as part of his services.

Drawing upon a robust, multi-disciplinary understanding of the natural history and ecology of his home region, Mr. Hamilton works with private and public land owners, as well as governmental agencies and interested third parties, to apply the local, state, and federal land use policies and regulations applicable to each particular situation. Mr. Hamilton has amassed extensive experience in the preparation and critical review of CEQA documents, from relatively simple Negative Declarations to complex supplemental and recirculated Environmental Impact Reports. In addition to his knowledge of CEQA and its Guidelines, Mr. Hamilton understands how each Lead Agency brings its own interpretive variations to the CEQA review process.

Representative Project Experience

From 2010 to present, working on-call for ICF International and Forde Biological Consulting, Mr. Hamilton has (a) conducted focused surveys and noise monitoring for Southwestern Willow Flycatcher, Least Bell's Vireo, California Gnatcatcher, and Burrowing Owl, (b) conducted nesting bird surveys, and (c) monitored construction, for the Tehachapi Renewable Transmission Project (TRTP). This large, complex project involves replacing 175 miles of transmission lines from the California deserts, over the San Gabriel Mountains, and east to San Bernardino County. Mr. Hamilton has received various forms of specialized training and is very familiar with Southern California Edison's FRED system (Field Reporting Environmental Database). He has served as a "lead biologist" for nesting birds, listed passerine species, and Burrowing Owls, and has helped to prepare the annual reports on the focused survey efforts as well as conducting many of the surveys. Mr. Hamilton has also participated in discussions with state regulators concerning the methods and results of focused surveys.

Insurance

$3,000,000 professional liability policy (Hanover Insurance Group)

$2,000,000 general liability policy (The Hartford)

$1,000,000 auto liability policy (State Farm)

Other Relevant Experience

Field Ornithologist, San Diego Natural History Museum Scientific Collecting Expedition to Central and Southern Baja California, October/November 1997 and November 2003.

Field Ornithologist, Island Conservation and Ecology Group Expedition to the Tres Marías Islands, Nayarit, Mexico, 23 January to 8 February 2002.

Field Ornithologist, Algalita Marine Research Foundation neustonic plastic research voyages in the Pacific Ocean, 15 August to 4 September 1999 and 14 to 28 July 2000.

Field Assistant, Bird Banding Study, Río Ñambí Reserve, Colombia, January to March 1997.

References

Provided upon request.

From 2012 to 2014, under contract to Cooper Ecological Monitoring, Mr. Hamilton collaborated with Dan Cooper on *A Conservation Analysis for the Santa Monica Mountains "Coastal Zone" in Los Angeles County*, and worked with Mr. Cooper and the County of Los Angeles to secure a certified Local Coastal Program (LCP) for 52,000 acres of unincorporated County lands in the Santa Monica Mountains coastal zone. The work involved synthesizing large volumes of existing baseline information on the biological resources of the study area, evaluating existing land use policies, and developing new policies and guidelines for future development within this large, ecologically sensitive area. A coalition of environmental organizations headed by the Surfrider Foundation selected this project as the "Best 2014 California Coastal Commission Vote" (http://www.surfrider.org/images/uploads/2014CCC_Vote_Chart_FINAL.pdf).

In 2010, under contract to CAA Planning, served as principal author of the *Conservation & Management Plan for Marina del Rey, Los Angeles County, California*. This comprehensive planning document has two overarching goals: (1) to promote the long-term conservation of all native species that exist in, or that may be expected to return to, Marina del Rey, and (2) to diminish the potential for conflicts between wildlife populations and both existing and planned human uses of Marina del Rey (to the benefit of humans and wildlife alike). After peer-review, the Plan was accepted by the Coastal Commission as an appropriate response to the varied challenges posed by colonial waterbirds and other biologically sensitive resources colonizing urban areas once thought to have little resource conservation value.

From 2007 to 2010, under contract to Sigma Engineering (now EORM), Mr. Hamilton worked as an on-call analyst for the County of Los Angeles Department of Regional Planning. This work involved reviewing biological technical reports, impact/mitigation analyses, landscape plans, and other environmental documents submitted to the County by project proponents, and preparing CEQA documents. Mr. Hamilton worked on more than 20 projects during this time.

From 2002 to 2005, under contract to the City of Orange, prepared the Biological Resources section of a hybrid Supplemental EIR/Draft EIR for the 6,900-acre Santiago

Hills II/East Orange Planned Community project in central Orange County. This complicated document covered one proposed development area that already had CEQA clearance, but that required updating for alterations to the previously approved plan, and a much larger area that was covered under an existing Natural Communities Conservation Plan (NCCP). The SEIR/EIR was certified in November 2005.

From 1995 to 2001, worked with study-design specialists and resource agency representatives to develop a long-term passerine bird monitoring program for the 37,000-acre Nature Reserve of Orange County, and directed its implementation with subsequent contract work. Tasks included (1) annual monitoring of 40 California Gnatcatcher and Cactus Wren study sites, (2) oversight of up to 10 constant-effort bird banding stations from 1998 to 2003 under the Monitoring Avian Productivity and Survivorship (MAPS) program, and (3) focused surveys for the Cactus Wren, and detailed mapping of cactus scrub habitat, across the NROC's coastal reserve in 2006 and 2007.

Third Party Review of CEQA Documents

Under contract to cities, conservation groups, homeowners' associations, and other interested parties, have reviewed EIRs and other project documentation for the following projects:

- The Ranch at Laguna Beach (resort, City of Laguna Beach)
- Banning Ranch (residential/commercial, City of Newport Beach)
- Sunset Ridge Park (city park, City of Newport Beach)
- The Ranch Plan (residential/commercial, County of Orange)
- Southern Orange County Transportation Infrastructure Improvement Project (Foothill South Toll Road, County of Orange)
- Gregory Canyon Landfill Restoration Plan (proposed mitigation, County of San Diego)
- Montebello Hills Specific Plan EIR (residential, City of Montebello; 2009 and 2014 circulations)

- Cabrillo Mobile Home Park Violations (illegal wetland filling, City of Huntington Beach)
- Newport Hyatt Regency (timeshare conversion project, City of Newport Beach)
- Lower San Diego Creek "Emergency Repair Project" (flood control, County of Orange)
- Tonner Hills (residential, City of Brea)
- The Bridges at Santa Fe Units 6 and 7 (residential, County of San Diego)
- Villages of La Costa Master Plan (residential/commercial, City of Carlsbad)
- Whispering Hills (residential, City of San Juan Capistrano)
- Santiago Hills II (residential/commercial, City of Orange)
- Rancho Potrero Leadership Academy (youth detention facility/road, County of Orange)
- Saddle Creek/Saddle Crest (residential, County of Orange)
- Frank G. Bonelli Regional County Park Master Plan (County of Los Angeles)

Contact Information

Robert A. Hamilton
President, Hamilton Biological, Inc.

316 Monrovia Avenue
Long Beach, CA 90803

562-477-2181 (office, mobile)

robb@hamiltonbiological.com
http://hamiltonbiological.com

Selected Presentations

Hamilton, R. A. and D. S. Cooper. Nesting Bird Policy: We Can Do Better. 2016. 20-minute multimedea presentation delivered at The Wildlife Society Western Section Conference in Pomona, 26 February.

Hamilton, R. A. Six Legs Good. 2012-2014. 90-minute multimedia presentation on the identification and photography of dragonflies, damselflies, butterflies, and other invertebrates, given at various Audubon Society chapter meetings and similar gatherings.

Hamilton, R. A. 2012. Identification of Focal Wildlife Species for Restoration, Coyote Creek Watershed Master Plan. Twenty-minute multimedia presentation given at the Southern California Academy of Sciences annual meeting at Occidental College, Eagle Rock, 4 May. Abstract published in the Bulletin of the Southern California Academy of Sciences No. 111(1):39.

Hamilton, R. A., and Cooper, D. S. 2009-2010. Conservation & Management Plan for Marina del Rey. Twenty-minute multimedia presentation given to different governmental agencies and interest groups.

Hamilton, R. A. 2008. Cactus Wren Conservation Issues, Nature Reserve of Orange County. One-hour multimedia presentation for Sea & Sage Audubon Society, Irvine, California, 25 November.

Hamilton, R. A., Miller, W. B., Mitrovich, M. J. 2008. Cactus Wren Study, Nature Reserve of Orange County. Twenty-minute multimedia presentation given at the Nature Reserve of Orange County's Cactus Wren Symposium, Irvine, California, 30 April 2008.

Hamilton, R. A. and K. Messer. 2006. 1999-2004 Results of Annual California Gnatcatcher and Cactus Wren Monitoring in the Nature Reserve of Orange County. Twenty-minute multimedia presentation given at the Partners In Flight meeting: Conservation and Management of Coastal Scrub and Chaparral Birds and Habitats, Starr Ranch Audubon Sanctuary, 21 August 2004; and at the Nature Reserve of Orange County 10th Anniversary Symposium, Irvine, California, 21 November.

Publications

Hamilton, R. A. 2014. Book review: The Sibley Guide to Birds, Second Edition. *Western Birds* 45:154–157.

Cooper, D. S., R. A. Hamilton, and S. D. Lucas. 2012. A population census of the Cactus Wren in coastal Los Angeles County. *Western Birds* 43:151–163.

Hamilton, R. A., J. C. Burger, and S. H. Anon. 2012. Use of artificial nesting structures by Cactus Wrens in Orange County, California. *Western Birds* 43:37–46.

Hamilton, R. A., Proudfoot, G. A., Sherry, D. A., and Johnson, S. 2011. Cactus Wren (*Campylorhynchus brunneicapillus*), *in* The Birds of North America Online (A. Poole, ed.). Cornell Lab of Ornithology, Ithaca, NY.

Hamilton, R. A. 2008. Cactus Wrens in central & coastal Orange County: How will a worst-case scenario play out under the NCCP? *Western Tanager* 75:2–7.

Erickson, R. A., R. A. Hamilton, R. Carmona, G. Ruiz-Campos, and Z. A. Henderson. 2008. Value of perennial archiving of data received through the North American Birds regional reporting system: Examples from the Baja California Peninsula. *North American Birds* 62:2–9.

Erickson, R. A., R. A. Hamilton, and S. G. Mlodinow. 2008. Status review of Belding's Yellowthroat *Geothlypis beldingi*, and implications for its conservation. Bird Conservation International 18:219–228.

Hamilton, R. A. 2008. Fulvous Whistling-Duck (*Dendrocygna bicolor*). Pp. 68-73 *in* California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California (Shuford, W. D. and T. Gardali, eds.). Studies of Western Birds 1. Western Field Ornithologists, Camarillo, CA, and California Department of Fish and Game, Sacramento, CA.

California Bird Records Committee (R. A. Hamilton, M. A. Patten, and R. A. Erickson, editors.). 2007. Rare Birds of California. Western Field Ornithologists, Camarillo, CA.

Hamilton, R. A., R. A. Erickson, E. Palacios, and R. Carmona. 2001–2007. *North American Birds* quarterly reports for the Baja California Peninsula Region, Fall 2000 through Winter 2006/2007.

Hamilton, R. A. and P. A. Gaede. 2005. Pink-sided × Gray-headed Juncos. *Western Birds* 36:150–152.

Mlodinow, S. G. and R. A. Hamilton. 2005. Vagrancy of Painted Bunting (*Passerina ciris*) in the United States, Canada, and Bermuda. *North American Birds* 59:172–183.

Erickson, R. A., R. A. Hamilton, S. González-Guzmán, G. Ruiz-Campos. 2002. Primeros registros de anidación del Pato Friso (*Anas strepera*) en México. Anales del Instituto de Biología, Universidad Nacional Autónoma de México, Serie Zoología 73(1):67–71.

Hamilton, R. A. and J. L. Dunn. 2002. Red-naped and Red-breasted sapsuckers. *Western Birds* 33:128–130.

Hamilton, R. A. and S. N. G. Howell. 2002. Gnatcatcher sympatry near San Felipe, Baja California, with notes on other species. *Western Birds* 33:123–124.

Hamilton, R. A. 2001. Book review: The Sibley Guide to Birds. *Western Birds* 32:95–96.

Hamilton, R. A. and R. A. Erickson. 2001. Noteworthy breeding bird records from the Vizcaíno Desert, Baja California Peninsula. Pp. 102-105 *in* Monographs in Field Ornithology No. 3. American Birding Association, Colorado Springs, CO.

Hamilton, R. A. 2001. Log of bird record documentation from the Baja California Peninsula archived at the San Diego Natural History Museum. Pp. 242–253 *in* Monographs in Field Ornithology No. 3. American Birding Association, Colorado Springs, CO.

Hamilton, R. A. 2001. Records of caged birds in Baja California. Pp. 254–257 *in* Monographs in Field Ornithology No. 3. American Birding Association, Colorado Springs, CO.

Erickson, R. A., R. A. Hamilton, and S. N. G. Howell. 2001. New information on migrant birds in northern and central portions of the Baja California Peninsula, including species new to Mexico. Pp. 112–170 *in* Monographs in Field Ornithology No. 3. American Birding Association, Colorado Springs, CO.

Howell, S. N. G., R. A. Erickson, R. A. Hamilton, and M. A. Patten. 2001. An annotated checklist of the birds of Baja California and Baja California Sur. Pp. 171–203 *in* Monographs in Field Ornithology No. 3. American Birding Association, Colorado Springs, CO.

Ruiz-Campos, G., González-Guzmán, S., Erickson, R. A., and Hamilton, R. A. 2001. Notable bird specimen records from the Baja California Peninsula. Pp. 238–241 *in* Monographs in Field Ornithology No. 3. American Birding Association, Colorado Springs, CO.

Wurster, T. E., R. A. Erickson, R. A. Hamilton, and S. N. G. Howell. 2001. Database of selected observations: an augment to new information on migrant birds in northern and central portions of the Baja California Peninsula. Pp. 204–237 *in* Monographs in Field Ornithology No. 3. American Birding Association, Colorado Springs, CO.

Erickson, R. A. and R. A. Hamilton, 2001. Report of the California Bird Records Committee: 1998 records. *Western Birds* 32:13–49.

Hamilton, R. A., J. E. Pike, T. E. Wurster, and K. Radamaker. 2000. First record of an Olive-backed Pipit in Mexico. *Western Birds* 31:117–119.

Hamilton, R. A. and N. J. Schmitt. 2000. Identification of Taiga and Black Merlins. *Western Birds* 31:65–67.

Hamilton, R. A. 1998. Book review: Atlas of Breeding Birds, Orange County, California. *Western Birds* 29:129–130.

Hamilton, R. A. and D. R. Willick. 1996. The Birds of Orange County, California: Status and Distribution. Sea & Sage Press, Sea & Sage Audubon Society, Irvine.

Hamilton, R. A. 1996–98. Photo Quizzes. *Birding* 27(4):298-301, 28(1):46-50, 28(4):309-313, 29(1): 59-64, 30(1):55–59.

Erickson, R. A., and Hamilton, R. A. 1995. Geographic distribution: *Lampropeltis getula californiae* (California Kingsnake) in Baja California Sur. *Herpetological Review* 26(4):210.

Bontrager, D. R., R. A. Erickson, and R. A. Hamilton. 1995. Impacts of the October 1993 Laguna fire on California Gnatcatchers and Cactus Wrens. *in* J. E. Keeley and T. A. Scott (editors). Wildfires in California Brushlands: Ecology and Resource Management. International Association of Wildland Fire, Fairfield, Washington.

Erickson, R. A., R. A. Hamilton, S. N. G. Howell, M. A. Patten, and P. Pyle. 1995. First record of Marbled Murrelet and third record of Ancient Murrelet for Mexico. *Western Birds* 26: 39–45.

Erickson, R. A., and R. A. Hamilton. 1993. Additional summer bird records for southern Mexico. *Euphonia* 2(4): 81–91.

Erickson, R. A., A. D. Barron, and R. A. Hamilton. 1992. A recent Black Rail record for Baja California. *Euphonia* 1(1): 19–21.