

SECTION 1: INTRODUCTION

1.1 - Purpose

The purpose of this Draft Initial Study/Mitigated Negative Declaration (IS/MND) is to identify any potential environmental impacts that would result from implementation of the proposed FirstElement Hydrogen Fueling Dispenser Project (proposed project) in the City of Costa Mesa (City), California. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City has discretionary authority over the proposed project and is the Lead Agency in the preparation of this Draft IS/MND and any additional environmental documentation required for the proposed project. The intended use of this document is to determine the level of environmental analysis required to adequately analyze the project pursuant to the requirements of CEQA and to provide the basis for input from public agencies, organizations, and interested members of the public.

The remainder of this section provides a brief description of the project location and the primary project characteristics. Section 2 includes an environmental checklist that provides an overview of the potential impacts that may result from project implementation, elaborates on the information contained in the environmental checklist, and provides justification for each checklist response. Section 3 contains the List of Preparers.

1.2 - Project Location

The project site is in the northeastern portion of the City of Costa Mesa, in the County of Orange, California (Exhibit 1). Specifically, the site is located at 2995 Bristol Street, on the southwest corner of Baker Street and Bristol Street (Exhibit 2). The site is located approximately 5.8 miles northeast of the Pacific Ocean.

Regional access to the site is provided via the San Diego Freeway (Interstate 405, I-405), which is located 0.5 miles north of the site; California State Route 55 (SR-55), which is located approximately 0.25 miles east of the site, and California SR-73, which is located approximately 0.25 miles west of the site. Local access to the site is provided via Baker Street and Bristol Street.

1.3 - Environmental Setting

The project site (Assessor's Parcel Number 418-162-11) is currently developed as a Chevron gas station (Exhibit 3). The site is a 20,038-square foot lot surrounded by Baker Street and Bristol Street to the north and east and by commercial development to the south and west. The gas station has an existing 1,248-square foot convenience store and nine existing gasoline fuel dispensers. A 14-foot landscaped setback exists on the northern and eastern boundaries of the site, and a 20-foot setback landscaped with shrubs and several trees is located on the southern boundary of the site. The western boundary of the site abuts a row of tall shrubs and trees. The total area of landscaping on the site is 2,261 square feet. There are eight parking stalls. The project site has ongoing ground disturbance due to remediation activities that are currently taking place on the site but are unrelated to the proposed project.

1.3.1 - Site Remediation

According to the GeoTracker database, the site has ongoing remediation due to the presence of a diesel and gasoline discharge from underground storage tanks (UST) at the facility reported on October 25, 1995. Under the authorization of the Santa Ana Regional Water Quality Control Board (RWQCB), a remediation program was implemented to address soil and groundwater contamination at the site. Remediation activities included removal of the substances and pumping and treating groundwater.¹ The on-site remediation equipment was removed in 2017. Monitoring (independent of the proposed project) is ongoing and the UST case is expected to close by December 2021.

1.3.2 - General Plan and Zoning

General Plan

The site is currently designated GC (General Commercial).² The GC designation is intended for a variety of commercial uses, including markets, drug stores, retail shops, financial institutions, service establishments, support offices, theaters, restaurants, hotels and motels, automobile sales, and service establishments. According to the Costa Mesa 2015-2035 General Plan (General Plan) Land Use Map, the site is also within the South Bristol Entertainment & Cultural Arts (SoBECA) Urban Plan area.

The SoBECA Urban Plan sets optional development guidance and encourages a mix of uses within the SoBECA District. Participation in the SoBECA Urban Plan is voluntary. Property owners can elect to develop according to the standards of the zoning or to the guidelines provided in the SoBECA Urban Plan. The SoBECA Urban Plan would not be applicable to this application.

Zoning

As shown on the official Zoning Map, the project site is currently zoned C1–Local Business.³ According to the Zoning Map and described above, the site is also within the SoBECA Urban Plan area.

Existing Surrounding Land Uses

The properties immediately surrounding the site consist of commercial development to the south and to the west, a parking lot to the southwest, and commercial development to the north, east, and northeast across Bristol Street and Baker Street. A residential community, South Court Apartments, is located approximately 190 feet northwest of the site across Baker Street.

1.4 - Project Description

FirstElement Fuel, Inc. (Applicant) has 19 retail hydrogen operating stations throughout California, including an existing station in the City. Hydrogen is a clean fuel that, when consumed in a fuel cell, reacts electrochemically to produce electricity to power the vehicle. The only waste product is water

¹ California State Water Resources Control Board. 2020. GeoTracker. Website: https://geotracker.waterboards.ca.gov/case_summary?global_id=T0605901918. Accessed May 5, 2020.

² City of Costa Mesa. 2016. 2015-2035 General Plan: Land Use Element.

³ City of Costa Mesa. Zoning Map. Website: <https://www.costamesaca.gov/home/showdocument?id=7259>. Accessed May 5, 2020.

vapor.⁴ Most hydrogen fueling stations are located at existing gas stations. The addition of a second hydrogen fueling location in the City would assist in building out the needed infrastructure for zero emission vehicles and assist the City in meeting sustainability goals.

The proposed project would include installation of two self-serve hydrogen fueling dispensers at an existing Chevron gas station and the removal of one existing gasoline dispenser (Exhibit 4). The proposed hydrogen equipment, switch gear, and transformer pad would be installed in the southern portion of the site. Additionally, a 40-foot vent stack would be installed at the northwest corner of the existing convenience store building. Four existing parking stalls would be removed to make room for hydrogen equipment at the southwestern corner of the site. Two new parking spaces would be provided, for a total of six parking stalls at the site, which is a net loss of two parking stalls. The site is required to accommodate a minimum of six parking stalls as conditioned by Planning Application 97-24. The proposed impervious area on-site would increase from 19,973 square feet to 19,992 square feet. The project would not alter the square footage of the existing building, service station, or overall site. It is estimated that no more than 200 cubic yards of soil would be disturbed during construction.

Construction of the proposed project is anticipated to begin in the fall of 2020. The duration of the construction is expected to be 2 months, with a prospective completion date of January 2021. Construction would occur entirely outside of the bird nesting season. Visual simulations depicting the proposed vent stack viewed from surrounding areas are shown in Exhibit 5(a) through 5(f).

1.5 - Required Discretionary Approvals

As mentioned previously, the City has discretionary authority over the proposed project and is the CEQA Lead Agency for the preparation of this Draft IS/MND. To implement the project, the City would need to secure the following permits/approvals:

- Planning Commission adoption of the Initial Study/Mitigated Negative Declaration.
- Conditional Use Permit to install new dispensers at the existing fuel station.
- Variance to increase the allowable height from 30 feet to 40 feet for installation of a vent stack.

1.6 - Intended Uses of this Document

This Draft IS/MND has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project. The Draft IS/MND will be circulated for a minimum of 20 days, during which comments concerning the analysis contained in the Draft IS/MND should be sent to:

⁴ California Air Resources Board (ARB). 2020. Hydrogen Fueling Overview. Website: <https://driveclean.ca.gov/hydrogen-fueling>. Accessed May 6, 2020.

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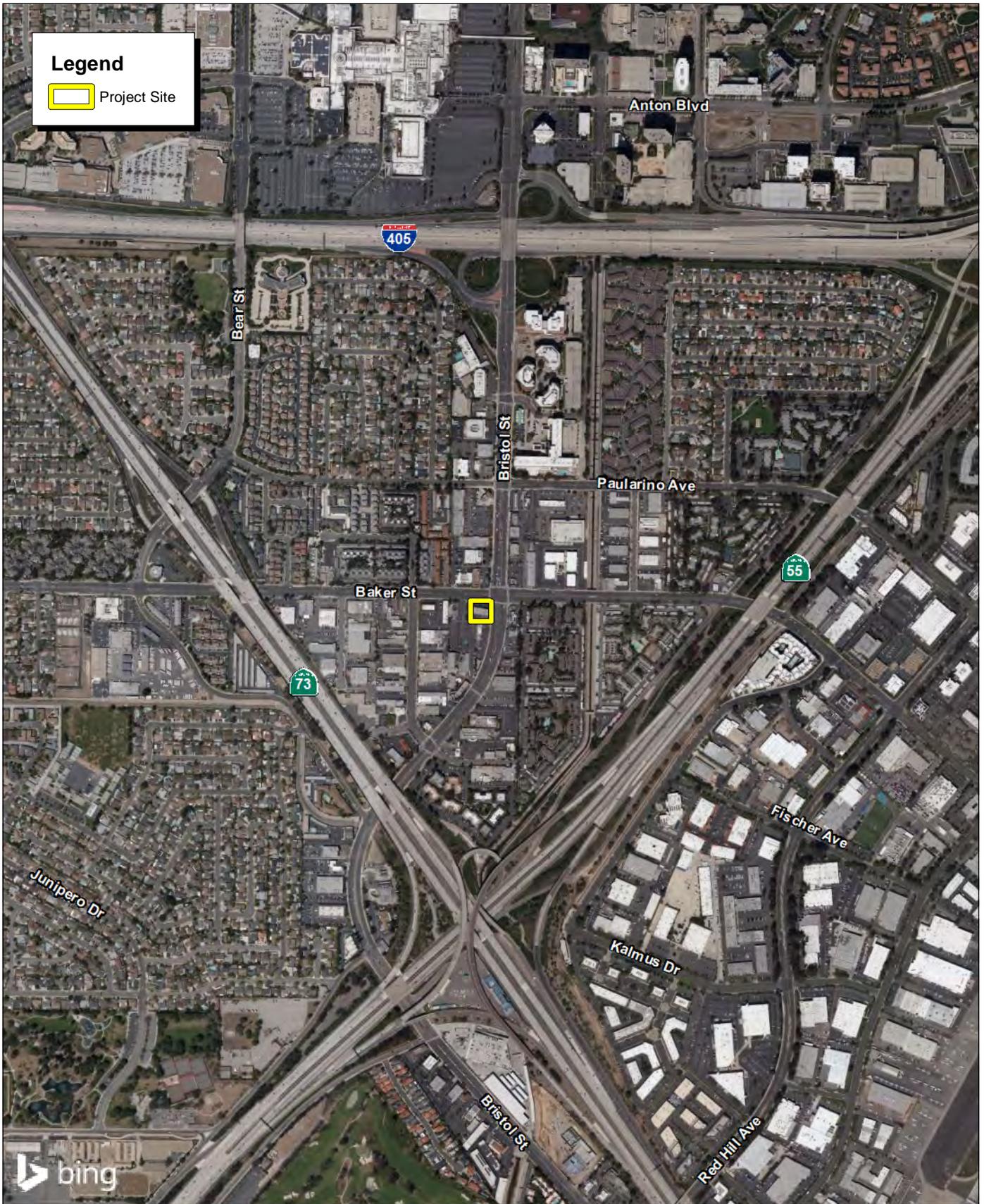


Source: Census 2000 Data, The CaSIL.



Exhibit 1 Regional Location Map

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Source: Bing Aerial Imagery.

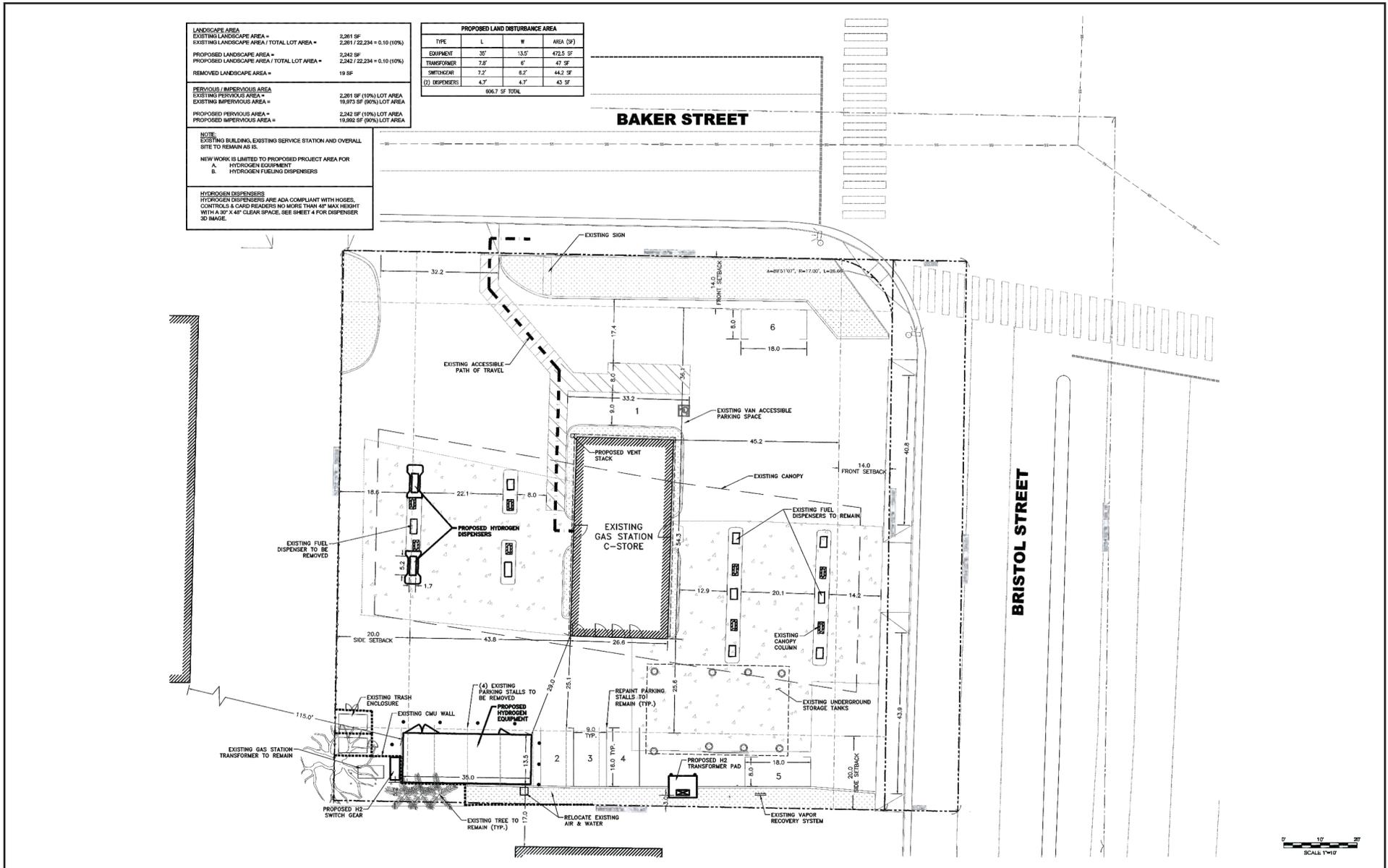
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Exhibit 2 Local Vicinity Map

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LANDSCAPE AREA
 EXISTING LANDSCAPE AREA / TOTAL LOT AREA = 2,261 SF / 22,234 = 0.10 (10%)
 EXISTING LANDSCAPE AREA / TOTAL LOT AREA = 2,261 SF / 22,234 = 0.10 (10%)
 PROPOSED LANDSCAPE AREA / TOTAL LOT AREA = 2,242 SF / 22,234 = 0.10 (10%)
 REMOVED LANDSCAPE AREA = 19 SF

PERVIOUS / IMPERVIOUS AREA
 EXISTING PERVIOUS AREA = 2,261 SF (10%) LOT AREA
 EXISTING IMPERVIOUS AREA = 19,973 SF (90%) LOT AREA
 PROPOSED PERVIOUS AREA = 2,242 SF (10%) LOT AREA
 PROPOSED IMPERVIOUS AREA = 19,992 SF (90%) LOT AREA

NOTES
 A. EXISTING BUILDING, EXISTING SERVICE STATION AND OVERBALL SITE TO REMAIN AS IS.
 B. NEW WORK IS LIMITED TO PROPOSED PROJECT AREA FOR:
 1. HYDROGEN EQUIPMENT
 2. HYDROGEN FUELING DISPENSERS

HYDROGEN DISPENSERS
 HYDROGEN DISPENSERS ARE ADA COMPLIANT WITH HOSES, CONTROLS & CARD READERS NO MORE THAN 48" MAX HEIGHT WITH A 36" X 48" CLEAR SPACE. SEE SHEET 4 FOR DISPENSER 3D IMAGE.

PROPOSED LAND DISTURBANCE AREA

TYPE	L	W	AREA (SF)
EXHIBITION	35'	13.5'	472.5 SF
TRANSFORMER	7.2'	6'	43 SF
STRUCTURE	7.2'	6.2'	44.2 SF
(2) DISPENSERS	4.7'	4.7'	43 SF
806.7 SF TOTAL			

Source: Lars Andersen & Associates, Inc., Civil Engineers - Land Surveyors - Planners, 12/30/2019.



Exhibit 4
 Proposed Site Plan

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Source: FirstElement Fuel, Inc.



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Exhibit 5 Visual Simulation Key Map

CITY OF COSTA MESA
FIRSTELEMENT HYDROGEN FUELING DISPENSER PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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Existing Condition



Proposed Condition

Source: FirstElement Fuel, Inc.

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Exhibit 5a View 1 From 7-Eleven Parking Lot

CITY OF COSTA MESA
FIRSTELEMENT HYDROGEN FUELING DISPENSER PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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Existing Condition



Proposed Condition

Source: FirstElement Fuel, Inc.

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Exhibit 5b
View 2 From El Pollo Loco Parking Lot

CITY OF COSTA MESA
FIRSTELEMENT HYDROGEN FUELING DISPENSER PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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Existing Condition



Proposed Condition

Source: FirstElement Fuel, Inc.

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Exhibit 5c View 3 From The Camp Parking Lot

CITY OF COSTA MESA
FIRSTELEMENT HYDROGEN FUELING DISPENSER PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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Existing Condition



Proposed Condition

Source: FirstElement Fuel, Inc.

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Exhibit 5d
View 4 From The Camp Parking Lot

CITY OF COSTA MESA
FIRSTELEMENT HYDROGEN FUELING DISPENSER PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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Existing Condition



Proposed Condition

Source: FirstElement Fuel, Inc.

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Exhibit 5e View 5 From The West Of The Camp Parking Lot

CITY OF COSTA MESA
FIRSTELEMENT HYDROGEN FUELING DISPENSER PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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Existing Condition



Proposed Condition

Source: FirstElement Fuel, Inc.

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Exhibit 5f View 6 From Across Baker Street

CITY OF COSTA MESA
FIRSTELEMENT HYDROGEN FUELING DISPENSER PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

Environmental Factors Potentially Affected			
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.			
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality	
<input type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources/Tribal Cultural Resources	<input type="checkbox"/> Energy	
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards/Hazardous Materials	
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	
<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input type="checkbox"/> Utilities/Services Systems	
<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance		

Environmental Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: _____ Signed: _____

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.1 Aesthetics <i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

a) Have a substantial adverse effect on a scenic vista?

No impact. The City’s planning area is almost completely urbanized. The City is approximately 1 mile from the Pacific Ocean and sits atop a plateau. The City is surrounded by the San Gabriel Mountains and Santa Ana Mountains to the northeast, views of Upper Newport Bay to the east, and the Pacific Ocean to the west. The City is comprised primarily of residential neighborhoods with several commercial districts and light industrial districts scattered throughout. The City also has open space areas including river-adjacent parks, City parks, and three golf courses.

Scenic vistas are generally defined as areas where natural landscapes form views of unique flora or geologic or other natural features that can be viewed without urban intrusions. The General Plan does not identify any scenic vistas/views, though views of the Santa Ana Mountains play a role in community character. The nearest eligible State Scenic Highway, as determined by the California

Department of Transportation, is California State Route 1 (SR-1), which is approximately 1 mile west of the City.⁵ SR-1 is not visible from the project site.

As described, there are no scenic vistas/views identified by the General Plan located in or visible from the project site, as there are no designated scenic vistas within the City. Therefore, project implementation would have no impact on a designated scenic vista/view.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?

No impact. The project site is not located along a designated State Scenic Highway. Therefore, no impacts would occur with respect to State Scenic Highways.

c) Conflict with applicable zoning and other regulations governing scenic quality?

Less than significant impact. The existing visual character of the City is divided into districts that carry their own unique characteristics. The project site lies within the SoBECA District, consisting of industrial and commercial programmatic spaces that allow unique shopping and dining uses and other destination locations surrounded by residential housing.⁶

The project site is in a highly urbanized area of the City; therefore, this analysis will discuss whether the proposed project would conflict with applicable zoning and other regulations governing scenic quality. The General Plan and Zoning Code designate the site as GC and C1, respectively. According to the Zoning Map, the site is also within the SoBECA Urban Plan area.⁷ The project site land use and zoning designations would not change as part of the project. The proposed project would not significantly alter existing landscaping on-site.

The proposed project would require a variance to increase the allowable height from 30 feet to 40 feet for installation of a hydrogen vent stack at the northwest corner of the existing building. Visual simulations depicting the proposed vent stack are shown in Exhibits 5(a) through 5(f). The vent stack would not have a significant impact on the visual quality of the site or surrounding areas. In addition, the proposed project would not substantially change the existing characteristics of the site. The proposed project would adhere to Standard Condition (SC) 4.1-1, which requires above-ground utility structures to be located outside of the street setback area and screened from street view. As such, the standard review, conditions, and requirements completed during the review process of this Draft IS/MND would reduce conflicts with scenic quality regulations to a less than significant level.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. There are two primary sources of light: light from building interiors, and light from exterior sources (e.g., street lighting, parking lot lighting, building illumination,

⁵ California Department of Transportation. 2019. List of Eligible and Officially Designated State Scenic Highways. July.

⁶ City of Costa Mesa. 2015. 2015-2035 General Plan, Chapter 9: Community Design Element.

⁷ City of Costa Mesa. Zoning Map. Website: <https://www.costamesaca.gov/home/showdocument?id=7259>. Accessed May 5, 2020.

security lighting, and landscape lighting). Existing lighting in the project area includes light from commercial building interiors, security lights, and nearby street lighting. The project site itself currently contains a commercial business that emits light from indoors and overhead lighting at fueling dispensers. The project does not propose any new sources of light.

The proposed project would not create any new or additional sources of lighting at the project site and there would be no impacts from new light sources. The proposed hydrogen equipment could potentially be reflective and create small amount of glare on the project site. However, any potential glare would be away from adjacent roadways and obstructed by the fueling dispensers and existing business. Impacts from new glare would be less than significant.

Standard Conditions

SC-4.1-1 Transformers, backflow preventers, and any other above-ground utility improvements, shall be located outside of the required street setback area and shall be screened from street view, under the direction of Planning staff.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>2.2 Agriculture and Forestry Resources <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No impact. According to the General Plan, the City is 99 percent built out. Agricultural uses comprise 0.9 percent of the established land uses in the City.⁸ According to the California Important Farmland Finder, the site is in an area designated Urban and Built-up Land.⁹ Therefore, no impacts would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The Williamson Act allows county governments to enter contracts with private landowners who agree to restrict parcels of land to agricultural uses or uses compatible with agricultural uses for at least 10 years. The project site and surrounding lands are not zoned for agricultural uses and are not subject to a Williamson Act contract. The project site would be considered unsuitable for agricultural uses or a Williamson Act contract. There are no active Williamson Act contracts within the City.¹⁰ Therefore, no impacts would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No impact. The project site is designated Urban and Built-Up land and is located within the GC designation and zoned C1. The site is not zoned for forest land or timberland¹¹ Therefore, no impacts would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. The project site is designated Urban and Built-Up land and is located within the GC designation and zoned C1. Therefore, the site is not designated or zoned for forest land. The site is developed and paved and does not contain any forest land, which precludes the possibility of converting forest land to non-forest uses. As such, no impacts would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No impact. The project site and surrounding area are currently developed with existing commercial and residential uses. There are no agricultural or forest uses within the project vicinity. Therefore, the proposed project would not convert farmland to nonagricultural uses or forestland to non-forest uses. There would be no impact.

Mitigation Measures

None required.

⁸ City of Costa Mesa. 2015-2035 General Plan, Chapter 2: Land Use Element.

⁹ California Department of Conservation. 2016. California Important Farmland Finder. Website: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed May 13, 2020.

¹⁰ City of Costa Mesa. 2015-2035 General Plan EIR. Website: <http://www.costamesaca.gov/ftp/generalplan2015-2035/Final-EIR.pdf>. Accessed May 13, 2020.

¹¹ City of Costa Mesa. 2015-2035 General Plan, Chapter 2: Land Use Element.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.3 Air Quality <i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.</i> <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than significant impact. The proposed project would replace one gasoline fueling dispenser with two hydrogen fueling dispensers. The project site is within the South Coast Air Basin (SoCAB). The regional agency responsible for air quality within the SoCAB is the South Coast Air Quality Management District (SCAQMD). As of 2018, the area within SCAQMD jurisdiction was designated nonattainment for the State standards on 1-hour and 8-hour ozone, 24-hour and annual respirable particulate matter (PM₁₀), and annual fine particulate matter (PM_{2.5}). The area was also designated extreme nonattainment for federal standards on 1-hour and 8-hour ozone, serious nonattainment for 24-hour and annual PM_{2.5}, and partial nonattainment for lead. The area was designated as maintenance for the federal carbon monoxide (CO), nitrogen dioxide (NO₂), and PM₁₀ standard.¹²

¹² South Coast Air Quality Management District (SCAQMD). 2018. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) Attainment Status for South Coast Air Basin. September. Website: <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/naaqs-caaqs-feb2016.pdf?sfvrsn=14>. Accessed May 27, 2020.

The applicable Air Quality Plan (AQP) is the SCAQMD 2016 Air Quality Management Plan.¹³ According to the SCAQMD CEQA Air Quality Handbook, the proposed project would be consistent with the AQP if the project addresses two main criteria (and associated questions):

Criterion 1

Questions 1 and 2. Would the project result in an increase in the frequency or severity of existing air quality violations? Would the project cause or contribute to new air quality violations?

Answers 1 and 2: The proposed project would not require substantial ground disturbance activities for the proposed underground utilities, and project construction emissions would not likely exceed SCAQMD's criteria with incorporation of the Standard Conditions at the end of this section. The project site is limited to 20,038 square feet and is currently developed. Replacing one gasoline fueling dispenser with two hydrogen dispensers would generate fewer vehicle trips; thus, the proposed project would result in less than significant operational carbon monoxide (CO) and other emissions (see Appendix A for trip generation discussion).¹⁴ Therefore, the proposed project would not increase the frequency or severity of existing air quality violations in the project vicinity. The proposed project would be consistent with the first and second questions of Criterion 1.

Question 3. Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQP?

Answer 3: Given the size and current developed conditions of the project site and that replacing one gasoline fueling dispenser with two hydrogen dispensers would generate fewer vehicle trips, the proposed project would result in less than significant impacts regarding localized and regional pollutant contributions with incorporation of the Standard Conditions at the end of this section.¹⁵ The proposed project would not delay timely attainment of air quality standards or 2016 Air Quality Management Plan (AQMP) emissions reductions. The proposed project would be consistent with the third question of Criterion 1.

Criterion 2

Question 1. Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the 2016 AQMP?

Answer 1: The General Plan Land Use Map indicates that the proposed project is currently designated General Commercial (GC). The proposed project would continue operating as a fueling station, and therefore would be consistent with the General Plan designation and the use analyzed within the General Plan Environmental Impact Report (EIR). Therefore, the proposed project would not

¹³ South Coast Air Quality Management District (SCAQMD). 2017. Final 2016 Air Quality Management Plan. March. Website: <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>. Accessed May 27, 2020.

¹⁴ Kahn, Robert. Founding Principal, RK Engineering Group. Personal communication: e-mail. August 14, 2019.

¹⁵ Ibid.

induce population or create any housing. No additional employees are expected to serve the project. Therefore, the proposed project would be consistent with the first question of Criterion 2.

Question 2. Would the project implement all feasible air quality mitigation measures?

Answer 2: The proposed project would result in less than significant impacts with all applicable air quality Standard Conditions incorporated, and therefore would be consistent with the second question of Criterion 2.

Question 3. Would the project be consistent with the land use planning strategies set forth in the 2016 AQMP?

Answer 3: The project is located within a developed portion of the City with proximity to transit and other commercial uses, therefore the proposed project would not conflict with City land use policies. The proposed project would be consistent with the third question of Criterion 2.

In summary, the proposed project would not result in a significant localized or regional impact on the region's ability to meet State and federal air quality standards. In addition, the proposed project would be consistent with growth forecasts and land use strategies set forth in the 2016 AQMP. Further, consistent with SC 4.3-1, the Applicant shall contact the SCAQMD for potential additional development conditions or permits required by the SCAQMD. Therefore, impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard?

Less than significant impact. If an individual development project generates operational emissions that exceed the SCAQMD recommended daily thresholds, project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants which the SoCAB is in non-attainment. The proposed project is small in nature and the site would continue operating as a fueling station during and following project implementation. The proposed project would not require substantial ground disturbance activities for the proposed underground utilities and would not disturb existing on-site gasoline USTs. The proposed project would comply with Standard Conditions as listed below to mitigate dust emissions during project construction and communicate with the SCAQMD. Finally, the proposed project would generate fewer vehicle trips than existing conditions.¹⁶ Therefore, the proposed project would not likely exceed SCAQMD thresholds during construction or operation, and impacts would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact. Sensitive receptors include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. For CEQA purposes, the SCAQMD considers a

¹⁶ Kahn, Robert. Founding Principal, RK Engineering Group. Personal communication: e-mail. August 14, 2019.

sensitive receptor a location where a sensitive individual could remain for 24 hours, such as residences, hospitals, or convalescent facilities.¹⁷ Commercial and industrial facilities are not included because employees do not typically remain on-site for 24 hours. However, for purposes of assessing the impact of pollutants with 1-hour or 8-hour standards (such as NO₂ and CO), commercial and/or industrial facilities would be considered sensitive receptors. The closest sensitive receptors to the project site are residences approximately 190 feet to the northwest.

Naturally Occurring Asbestos

Asbestos is a fibrous mineral which is both naturally occurring in ultramafic rock (commonly found in central and Northern California) and used as a processed component of building materials. Because asbestos causes several disabling and fatal diseases, such as asbestosis and lung cancer, it is strictly regulated as a building material. In addition, the California Air Resources Board (ARB) approved an Air Toxic Control Measure (ATCM) for construction, grading, quarrying, and surface mining operations to minimize emissions of naturally occurring asbestos (NOA).

The California Department of Conservation, Division of Mines and Geology indicates NOA is not known to occur within Orange County.¹⁸ Therefore, the proposed project would result in no impact from exposure of sensitive receptors to NOA.

Asbestos Containing Materials

In the initial Asbestos National Emission Standards for Hazardous Air Pollutants rule promulgated in 1973 (40 Code of Federal Regulations [CFR] Part 61, Subpart M), a distinction was made between building materials that would readily release asbestos fibers when damaged or disturbed (friable) and those materials that were unlikely to result in significant fiber release (non-friable). The United States Environmental Protection Agency (EPA) has since determined that severely damaged, otherwise non-friable materials can release significant amounts of asbestos fibers. Asbestos has been banned from many building materials under the Toxic Substances Control Act, Clean Air Act, and Consumer Product Safety Act. No buildings would be demolished as part of the project and therefore there would be no impacts to sensitive receptors.

Construction Fugitive Dust

Fugitive dust emissions are primarily associated with earth disturbance and grading activities, and vary as a function of soil silt content, soil moisture, wind speed, acreage of disturbance area, and miles traveled by construction vehicles on- and off-site. The project proposes replacing one gasoline fueling dispenser with two hydrogen fueling dispensers and associated equipment and would involve minimal construction activities. As discussed in Section 2.9(c), a subsurface discharge of diesel and gasoline fuel was detected and reported in 1995. While the current and historical use of the project site may result in contaminated soils, the project site underwent a physical remediation program

¹⁷ South Coast Air Quality Management District (SCAQMD). 2008. Localized Significance Threshold Methodology. July. Website: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>. Accessed May 27, 2020.

¹⁸ California Department of Conservation, Division of Mines and Geology. 2000. A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos. August. Website: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/ofr_2000-002.pdf. Accessed May 27, 2020.

that was considered complete in 2017. Therefore, construction activities involving earth work and excavation would not pose a substantial risk for exposing on-site construction workers and facility patrons to airborne contaminated soils. As determined under in Section 2.9(c), the proposed project, including construction activities, would not create a significant hazard to the public or the environment due to the completion of the remediation program. Furthermore, emissions generated during construction, including fugitive dust emissions, would be minimal in volume and temporary in nature. In addition, SC 4.3-2 through 4.3-5 would further reduce fugitive dust emissions during construction activities. The proposed project's construction-generated fugitive dust impact would therefore be less than significant.

Construction Diesel Particulate Matter

The proposed project would generate diesel exhaust, a source of diesel particulate matter (DPM), during project construction. Diesel particulates are typically exhaust emissions of PM₁₀ or PM_{2.5}. On-site emissions of DPM occur during construction from operation of heavy-duty construction equipment and from vendor trucks that operate on project sites.

The closest sensitive receptors to the project site are the residences located 190 feet northwest. Project construction is anticipated to begin in the fall of 2020 and would last approximately 2 months, with a prospective completion date of January 2021. Moreover, the current methodological protocols required by the SCAQMD and ARB when studying the health risk posed by DPM assume the following: (1) 24-hour constant exposure; (2) 350 days a year; (3) for a continuous period lasting 70 years. Additionally, any on-site emissions would disperse rapidly in the atmosphere and not create a concentrated site-specific impact. Therefore, considering dispersion of emissions and the short time frame of project construction, exposure to DPM is anticipated to be less than significant.

Toxic Air Pollutants

Maximum particulate matter emissions would occur during any site preparation and excavation activities, which require the largest number of heavy-duty diesel equipment. This period is expected to last 2 months and would require minimal earth moving. Particulate matter emissions would decrease for the remaining construction period because construction activities such as installation of fueling dispensers and paving would require less construction equipment. While the maximum DPM emissions associated with earth moving activities would only occur for a portion of the overall construction period, this activity represents the highest DPM emissions for the total construction period. This construction period would represent less than 1 percent of the total 70-year lifetime exposure period commonly used to estimate long-term cancer health risks.

Due to the short exposure period, minimal proposed earth moving, and ongoing implementation of EPA and ARB requirements for cleaner fuels, diesel engine retrofits, and new low-emission diesel engine types, DPM generated by project construction is not expected to create conditions that could result in a significant health risk to sensitive receptors. As a result, impacts would be less than significant.

Operational CO Hotspot

Project trips would contribute to vehicle volumes at existing and future local intersections. Local mobile-source CO emissions and concentrations near roadway intersections are a direct function of traffic volume, speed, and delay. CO transport is extremely limited because it disperses rapidly with distance from a source under normal meteorological conditions. However, under specific conditions, CO concentrations near roadways and/ or intersections may reach unhealthy levels with respect to local sensitive land uses, such as residential units, hospitals, schools, and childcare facilities.

With turnover of older vehicles, introduction of cleaner fuels, and implementation of more stringent emissions control technology, CO concentrations in the SoCAB have steadily declined. Nevertheless, as part of the demonstration of CO attainment for the SoCAB, SCAQMD evaluated potential CO exceedance. As discussed in the 1992 CO Plan, peak CO concentrations in the SoCAB were due to unusual meteorological and topographical conditions, not the impact of particular intersections. In the 1992 CO Plan, SCAQMD performed a CO hotspot analysis for the four busiest intersections in Los Angeles at peak morning and afternoon hours. The busiest intersection, which had traffic volumes of approximately 100,000 vehicles per day, was determined not to generate a CO hotspot even at peak morning and afternoon conditions.

The addition of two hydrogen fueling dispensers would generate up to 332 daily two-way trips. It is estimated that one gasoline fueling dispenser generates 411 daily two-way trips (Appendix A).¹⁹ Therefore, in replacing one gasoline dispenser with two hydrogen dispensers, the project would reduce trips by approximately 79 trips per day. Therefore, the proposed project would not contribute a substantial amount of traffic to existing or future intersections that could result in a CO hotspot, and operational CO impacts would be less than significant.

Conclusion

The proposed project would not expose sensitive receptors to substantial quantities or significant concentrations of asbestos, construction-generated localized criteria pollutant concentrations, construction-generated DPM, operational toxic air contaminants, or CO hotspots. Further, consistent with SC 4.3-1, the Applicant shall contact the SCAQMD for potential additional development conditions or permits required by SCAQMD. Therefore, the proposed project would result in a less than significant impact.

d) Result in other emission (such as those leading to odors) adversely affecting a substantial number of people?

Less than significant impact. Impacts associated with responses to odors result from factors such as frequency, intensity, duration, offensiveness, location, and sensory perception. Odor is typically a warning system that prevents individuals from consuming spoiled food or toxic materials. Odor-related symptoms reported in several studies include nervousness, headache, sleeplessness, fatigue, dizziness, nausea, loss of appetite, stomachache, sinus congestion, eye irritation, nose irritation, runny nose, sore throat, cough, and asthma exacerbation.

¹⁹ Kahn, Robert. Founding Principal, RK Engineering Group. Personal communication: e-mail. August 14, 2019.

The SCAQMD's role is to protect public health from air pollution by overseeing and enforcing regulations. The SCAQMD's resolution activity for odor compliance is mandated under California Health & Safety Code Section 41700 and falls under SCAQMD Rule 402, which states, "[a] person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property."²⁰

The proposed project would replace one gasoline fueling dispenser with two hydrogen fueling dispensers. During construction, various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and not likely be noticeable for extended periods beyond project site boundaries. The potential for diesel odor impacts is therefore less than significant.

Land uses typically associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations; these types of land uses are not located in the project vicinity. The project site is a fueling station, which can be associated with emitting objectionable odors. However, the proposed project itself would not introduce new or additional odor impacts, especially considering hydrogen is odorless. Further, consistent with SC 4.3-1, the Applicant shall contact the SCAQMD for potential additional development conditions or permits required by SCAQMD. Therefore, operational impacts would be less than significant.

Standard Conditions

SC 4.3-1 The Applicant shall contact the South Coast Air Quality Management District (SCAQMD) at phone number 800.288.7664 for potential additional conditions of development or for additional permits required by the SCAQMD.

SC 4.3-2 South Coast Air Quality Management District (SCAQMD) Rule 403 shall be adhered to and ensure the cleanup of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission sources. Particulate matter deposits on public roadways are also prohibited.

All construction contractors shall comply with SCAQMD regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor would implement each of the following:

²⁰ South Coast Air Quality Management District (SCAQMD). 1976. Rule 402: Nuisance. May 7. Website: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>. Accessed May 27, 2020.

- Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
- Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
- Wash mud-covered tires and under-carriages of trucks leaving construction sites.
- Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
- Securely cover loads with a tight-fitting tarp on any truck leaving the construction sites to dispose of debris.

SC 4.3-3 Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day.

SC 4.3-4 Maintain the public right-of-way in a “wet-down” condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

SC 4.3-5 Prior to commencing any construction activity, the Applicant shall prepare, pursuant to paragraph (e)(1) of South Coast Air Quality Management District (SCAQMD) Rule 403.1, and submit to the City a Dust Control Plan which includes, but is not limited to, the following elements:

- The name(s), address(es), and phone number(s) of the person(s) responsible for the preparation, submittal, and implementation of the Dust Control Plan.
- A description of the operation(s), including a map depicting the location of the site.
- A listing of all sources of fugitive dust emissions within the property lines.
- A description of the control measures to be implemented on-site intended for dust suppression. The description of the control measures must be sufficiently detailed to demonstrate that the applicable best available control measures will be utilized and/or installed during all periods of active operations.

- A description of the required contingency control measures (e.g., increased watering) for immediate implementation upon notice of visible dust crossing any property line.

The Applicant shall maintain a complete copy of the approved Dust Control Plan on-site in a conspicuous place at all times and the Dust Control Plan must be provided upon request.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.4 Biological Resources <i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No impact. According to the California Natural Diversity Database and the General Plan, sensitive or protected species of concern may occur within the few remaining natural habitats in the City, such as native grasslands and sage scrub communities.²¹ The project site is currently developed in an urbanized area and does not contain any natural habitats such as native grasslands, sage scrub, or riparian communities. Surrounding areas are also urbanized. The site has been previously graded and disturbed and consists of mostly paved surfaces with some ornamental landscaping and trees. Therefore, the site does not contain suitable habitat for special-status species as identified by the General Plan.

A 20-foot setback landscaped with ornamental shrubs and trees is located on the southern boundary of the site. The proposed project would remove 19 square feet of landscaping from this setback for installation of the proposed hydrogen transformer pad; however, the landscaped area to be affected does not contain suitable habitat for protected species. The western boundary of the site abuts a row of tall shrubs and trees. There are no riparian habitats or other sensitive natural communities located on the project site or surrounding it. The proposed project would not substantially disrupt landscaped areas and does not propose any land uses different from those already existing on-site. Project operation would not introduce new or additional habitat modifications to the project site or surrounding area. Therefore, the proposed project would not have an adverse impact on habitat or special-status species.

c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. The project site is not located on or near State or federally protected wetlands. According to the General Plan, the site is not within the coastal zone boundary.²² The project does not propose any land uses different from those already existing on-site and would therefore not require removal, filling, or hydrological interruption of a protected wetland. Therefore, there would be no impacts on wetlands.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

No impact. The project site contains very little to no vegetation, native habitat, or aquatic habitat areas. Therefore, the site is not well suited for native resident or migratory fish or wildlife species, nor is the site in an established wildlife corridor. A 14-foot landscaped setback exists on the northern and eastern boundaries of the site, and a 20-foot setback landscaped with shrubs and several trees is located on the southern boundary of the site. The western boundary of the site abuts a row of tall

²¹ City of Costa Mesa. 2015. 2015-2035 General Plan, Chapter 6: Conservation Element.

²² City of Costa Mesa. 2015. 2015-2035 General Plan, Chapter 6: Conservation Element, Figure CON-2: Coastal Zones.

shrubs and trees, which would not be affected by the proposed project. In addition, all construction activities would occur entirely outside of the bird nesting season. The proposed project would not impact migratory birds.

The proposed hydrogen equipment would be installed partially on the southwestern corner of the site, and a hydrogen transformer pad would be installed on the southern setback. The project does not propose any land uses different from those already existing on-site and would therefore not affect wildlife or wildlife corridors or impede the use of a wildlife nursery. Project operation would not introduce new or additional impacts to the movement of wildlife or to wildlife corridors or nursery sites. Therefore, there would be no impacts.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No impact. The General Plan's Conservation Element designates natural resources, including biological resources, within the City. According to the General Plan, the nearest biological resource is Del Mesa Park, a 4-acre City park located 0.43 miles northeast of the site at 2080 Manistee Drive.²³ The proposed project would not affect Del Mesa Park. The proposed project would comply with SC 4.4-1 pertaining to trees in the public right-of-way, as well as SC 4.4-2, which intends to prevent any impacts related to potential disturbance of red imported fire ants in the event they are present on-site. Therefore, the proposed project would not conflict with applicable local policies or ordinances and there would be no impacts.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

No impact. According to the General Plan, the project site is not in the vicinity of an area that is subject to the provisions of a conservation plan. The General Plan identifies Fairview Park and Talbert Regional Park as the only areas in the City that are subject to a conservation plan. These two parks are part of the larger natural open space/habitat preservation system immediately adjacent to the Orange County Central/Coastal Subregional Natural Communities Conservation Plan and Habitat Conservation Plan lands.²⁴ Since the proposed project is located more than 3 miles from Fairview Park and more than 4 miles from Talbert Regional Park, the proposed project would not affect these areas. The project would not conflict with any local, regional, or State conservation plans. The project does not propose any land uses different from those already existing on-site. Therefore, there would be no impacts.

Standard Conditions

SC 4.4-1 Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of

²³ City of Costa Mesa. 2015. 2015-2035 General Plan, Chapter 6: Conservation Element, Figure CON-1: Biological Resources.

²⁴ City of Costa Mesa. 2015. 2015-2035 General Plan, Chapter 6: Conservation Element.

trees from the public right-of-way. Conditions of the Parks and Recreation Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months; therefore, the Applicant/Developer is advised to identify all trees affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.

- SC 4.4-2** Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at 714.708.1910 for information.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.5 Cultural Resources and Tribal Cultural Resources				
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Cultural Resources

Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?**

No impact. CEQA Guidelines Section 15064.5 defines a historical resource as a resources listed or eligible for listing in the California Register of Historical Resources (CRHR) or a local register of historic resources, or a resource determined by a lead agency to be historically significant; or a project with an effect that may cause a change in the significance of a historic resource.

The City has gathered a Historical Resources Inventory (HRI) that can be found within the General Plan EIR. The HRI lists 29 significant historic sites within the City, which are eligible for either national, State, or local register listing. The project site is not located on or within the vicinity of any site listed in the City HRI.²⁵

The project site does not contain historic resources as defined in CEQA Guidelines Section 15064.5 and is not listed in the City's HRI. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource. There would be no impacts.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than significant impact with mitigation incorporated. The project site is in an urban and developed area. The proposed project would include ground-disturbing activities such as grading, which could disturb previously unidentified subsurface archaeological resources. However, soils on the site have been previously disturbed, graded, developed, contaminated and remediated, and are currently mostly paved. Furthermore, the proposed project would disturb no more than 200 cubic yards of soils on the site. Additionally, as discussed in Section 2.9(d), a remediation program was implemented at the site under the authorization of the RWQCB to address soil and groundwater contamination. Remediation activities included removing the substances and pumping and treating groundwater.²⁶ Given the highly disturbed condition of the site and the limited area of the ground-disturbing activities that are proposed, no impacts are anticipated.

However, Mitigation Measure (MM) TCR-1 would be implemented during ground disturbing activities and a Tribal Monitor would be on-site to evaluate archaeological resources in the unlikely event that such resources are discovered. Implementation of MM TCR-1 would ensure that impacts to archaeological resources remain less than significant.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less than significant impact. Given the fully developed condition of the site, the potential for project implementation to disturb any human remains is remote. As previously discussed, soils on the site have been previously disturbed, graded, contaminated, and remediated. On-site soils have been subject to extensive disruption, though the proposed project would disturb no more than 200 cubic yards of soils. Given the conditions of the site, no impacts are anticipated. However, in the very unlikely event that human remains are inadvertently discovered during construction, the project would comply with the required protocols pursuant to the State of California Public Resources Health and Safety Code Section 7050.5-7055, which requires that if any human remains are accidentally discovered during excavation of a site, all activities would cease immediately and a qualified Archaeologist and Native American Monitor be contacted immediately. The Coroner would also be contacted pursuant to Sections 5097.98 and 5097.99 of the Public Resources Code relative to Native American remains. If the Coroner determines the human remains are of Native American

²⁵ City of Costa Mesa. 2015. 2015-2035 General Plan EIR, Section 4.5 Cultural Resources, Table CUL-1.

²⁶ California State Water Resources Control Board (State Water Board). 2020. GeoTracker. Website: https://geotracker.waterboards.ca.gov/case_summary?global_id=T0605901918. Accessed May 5, 2020.

descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC would then be required to contact the Most Likely Descendant (MLD) of the deceased Native American, who would then serve as consultant on how to proceed with the remains. These protocols are listed as SC 4.5-1. Compliance with SC 4.5-1 would ensure that project impacts are less than significant.

Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k),**

No impact. Public Resources Code Section 5024.1 establishes the CRHR and defines historical resources criteria, which includes the National Register of Historic Places (NRHP) criteria. The General Plan provides a list of 31 sites in the City that are eligible for NRHP or local register listing. The project site is not located on or within the vicinity of any site listed on that list. Therefore, the proposed project would not have an impact related to historic resources.

- e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less than significant impact with mitigation incorporated. As of July 1, 2015, California Assembly Bill 52 (AB 52) was enacted and expanded CEQA by establishing a formal consultation process for California tribes within the CEQA process. AB 52 specifies that any project that may affect or cause a substantial adverse change in the significance of a tribal cultural resource would require a lead agency to “begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project.” Section 21074 of AB 52 also defines a new category of resources under CEQA called tribal cultural resources. Tribal cultural resources are defined as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and is either listed on or eligible for the CRHR or a local historic register, or if the lead agency chooses to treat the resource as a tribal cultural resource.

In compliance with AB 52, the City distributed letters to Native American tribes that have previously requested notification for AB 52 consultation, notifying each tribe of the opportunity to consult with the City regarding the proposed project. Consultation letters were mailed on May 27, 2020. The tribes have 30 days from receipt of the letter to respond to the City’s consultation invitation.

The project area is fully developed and urbanized, thus the City has determined that there are no known tribal cultural resources present at the project site and the likelihood for unknown tribal resources is very low.

The Gabrieleño Band of Mission Indians Kizh Nation requested consultation on June 26, 2020; City of Costa Mesa Planning staff responded to the request that same day. At the time of this publication, the City is actively coordinating with Andrew Salas, Chairman, and Tribal Government administrative staff. The City's first coordination meeting with Chairman Salas took place by phone on July 9, 2020. As requested by Chairman Salas, MM TCR-1, pertaining to Tribal Monitoring during ground disturbing activities, would be implemented to mitigate impacts to tribal cultural resources or archaeological resources in the unlikely event that such resources are discovered. With the implementation of MM TCR-1, impacts related to tribal cultural resources would be less than significant.

Standard Conditions

SC 4.5-1 If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Mitigation Measures

MM TCR-1 Prior to the commencement of any ground disturbing activity at the project site, the project Applicant shall retain a Native American Monitor approved by the Gabrieleño Band of Mission Indians–Kizh Nation – the Tribe that consulted on this project pursuant to Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) (the “Tribe” or the “Consulting Tribe”). A copy of the executed contract shall be submitted to the City of Costa Mesa Planning and Building Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal Monitor will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated

that all upcoming ground-disturbing activities at the project site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified Archaeologist and Tribal Monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Section 5097.98(d)(1) and (2). Work may continue on other parts of the Project Site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines § 15064.5(f)). If a non-Native American resource is determined by the qualified Archaeologist to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.6 Energy <i>Would the project:</i>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Less than significant impact. Project construction is anticipated to begin in the fall of 2020 and last 2 months, with a prospective completion date of January 2021. Fuel consumed by construction equipment would be the primary energy resource expended over the course of project construction. Project construction would represent a one-time diesel fuel demand and would not require ongoing or permanent commitment of diesel fuel resources. It is assumed that all construction worker trips are from light duty vehicles along area roadways. Vendor and hauling trips during construction would also consume energy.

Construction equipment would conform to ARB regulations and California emissions standards. There are no unusual project characteristics or construction processes that would require use of equipment that would be more energy intensive than equipment used for comparable activities or equipment that would not conform to current emissions standards (and related fuel efficiencies).

The proposed project would utilize construction contractors that practice compliance with applicable ARB regulations regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, the ARB has adopted the ATCM to limit heavy-duty diesel motor vehicle idling to reduce public exposure to DPM and other toxic air contaminants. Idling restrictions and use of newer engines and equipment would result in less fuel combustion and energy consumption.

Additionally, as required by California Code of Regulations Title 13, Section 2449(d)(3), idling times of construction vehicles are limited to no more than 5 minutes, thereby minimizing or eliminating unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Enforcement of idling limitations is realized through periodic site inspections conducted by City building officials, and/or in response to citizen complaints. The proposed project would comply with

the requirements of the 2019 California Energy Code. The proposed project would not result in an inefficient, wasteful, or unnecessary use of energy. Construction energy impacts would be less than significant.

The project does not propose any land uses different from those already existing on-site, and project operations would not introduce new or additional energy impacts. Therefore, there would be no operational energy impacts.

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

No impact. Regarding the State's Energy Plan and Title 24 California Code of Regulations energy efficiency standards, the project is required to comply with the 2019 California Energy Code. Since the City does not currently have a Climate Action Plan, project compliance has been compared to the goals of the ARB Scoping Plan. The Scoping Plan contains measures to reduce the State's emissions. The proposed project would be consistent with applicable strategies of the ARB Scoping Plan to promote zero emission vehicles and make community investments to reduce emissions. Therefore, the proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. While the proposed project would consume fuel and energy during construction (see previous impact discussion), once operational the proposed project would provide alternative fuel and directly contribute to emissions reduction and energy efficiency goals. Therefore, it is reasonable to conclude the proposed project would not conflict with renewable energy or energy efficiency plans and there would be no impacts.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.7 Geology and Soils				
<i>Would the project:</i>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:**

- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Less than significant impact. The site is not located within an Alquist-Priolo Fault-Rupture Hazard Zone established by the State Geologist.²⁷ The closest active fault to the site is the Newport-Inglewood-Rose Canyon Fault, located approximately 5.1 miles to the southwest.²⁸ As such, the proposed project would not expose substantial numbers of people or structures to a significant risk of loss, injury, or death due to rupture of a known fault. Thus, impacts would be less than significant.

- ii) **Strong seismic ground shaking?**

Less than significant impact. As with all areas of southern California, the proposed project would be subject to strong ground shaking associated with seismic activity, especially considering it is approximately 5.1 miles from an active fault. The proposed addition of hydrogen fuel dispensers and associated equipment would not directly or indirectly cause potential substantial adverse effects related to strong seismic ground shaking. Impacts would be less than significant.

- iii) **Seismic-related ground failure, including liquefaction?**

Less than significant impact. Liquefaction describes the behavior where a saturated or partially saturated soil substantially loses strength and stiffness in response to an applied stress, such as strong ground shaking during an earthquake. According to the California Geologic Survey, the site is not located within a liquefaction zone.²⁹ Therefore, impacts would be less than significant.

- iv) **Landslides?**

No impact. The project site is located within the Orange County Coastal Plain, which consists of a relatively flat physiogeographic expression of alluvial fans and floor plains. According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service, the project site is underlain by Myford sandy loam. These soils consist of moderately well drained that form in alluvium derived from sandstone. Slopes range from 2 to 9 percent.³⁰ Therefore, landslides are not anticipated on the project site. The California Geologic Survey illustrates earthquake-induced landslide zones, where there is potential for permanent ground displacements such that mitigation would be required. The project site is not located in an earthquake-induced landslide zone of required investigation.³¹ Therefore, no impacts would occur with respects to landslides.

²⁷ California Department of Conservation. 2019. California Earthquake Hazards Zone Application. April 4. Website: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed May 21, 2020.

²⁸ United States Geological Survey (USGS). U.S. Quaternary Faults. Website: <https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf>. Accessed May 21, 2020.

²⁹ California Department of Conservation. 2019. California Earthquake Hazards Zone Application. April 4. Website: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed May 21, 2020.

³⁰ United States Department of Agriculture (USDA). Natural Resources Conservation Service. 2019. Web Soil Survey. September 16. Website: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed May 21, 2020.

³¹ California Department of Conservation. 2019. California Earthquake Hazards Zone Application. April 4. Website: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed May 21, 2020.

b) Result in substantial soil erosion or the loss of topsoil?

Less than significant impact. During project construction, a portion of the project site may be exposed to soil erosion or loss of topsoil. However, the proposed project would implement the Best Management Practices (BMPs) as discussed in Section 2.10, Hydrology and Water Quality, and use cover during storm events whenever possible to reduce erosion potential. Minimal pervious area would be removed as part of the project, reducing erosion risk. All stormwater flows would be directed to the existing municipal storm drain system on-site and pervious landscaped areas. Therefore, project implementation would have a less than significant impact on soil erosion and/or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than significant impact. As described, the site is relatively flat, with no potential for landslides or slope instabilities. Additionally, as the project site is not in a liquefaction zone, the potential for lateral spreading should be low. The proposed addition of hydrogen fuel dispensers and associated equipment would not expose people or structures to potential substantial adverse effects involving unstable geologic units or soils. Thus, impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No impact. Expansive soils contain significant amounts of clay particles that swell and shrink periodically when exposed to liquid and then dried. The soil located on-site is predominantly sandy and would not exhibit expansion. Therefore, there would be no impacts related to expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No impact. The project does not propose septic tanks or require any wastewater disposal. Therefore, no impacts would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than significant impact. Given the highly disturbed condition of the site, the potential to impact an unidentified paleontological resource is considered low. However, SC 4.7-1 is required in the unlikely event that paleontological resources are discovered during the grading and excavation process. Compliance with SC 4.7-1 will ensure that impacts are less than significant.

Standard Conditions

SC 4.7-1 In the event that paleontological resources are encountered during grading and construction operations, all construction activities shall be temporarily halted or

redirected to permit a qualified paleontologist to assess the find for significance and, if necessary, develop a Paleontological Resources Impact Mitigation Program (PRIMP) for the review and approval by the City prior to resuming excavation activities.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.8 Greenhouse Gas Emissions <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Less than significant impact. Project related greenhouse gas (GHG) emissions would include emissions from direct and indirect sources of carbon dioxide (CO₂), NO₂, and methane. Direct project related GHG emissions include those from construction activities and area sources, while indirect sources include those from electricity consumption. Most project emissions are generated by motor vehicle travel. There are no byproducts or emissions produced during hydrogen fueling. Fugitive hydrogen either reacts in the atmosphere to form water vapor or escapes the atmosphere entirely. Water vapor is the only emission from hydrogen powered vehicles. Though water vapor is a significant GHG, the project would contribute minimal amounts and it would enter the natural water cycle to be regulated by climate, unlike CO₂ emissions or other GHGs of greater concern. Long-term operational GHG impacts are also expected to be less than significant because the project operational land use would not change from the existing land use.

The SCAQMD has prepared recommended GHG significance thresholds for local lead agency consideration.³² The current interim threshold guidance consists of the following tiered approach:

- Tier 1 consists of evaluating whether or not a project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether a project is consistent with a GHG reduction plan.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project’s construction emissions are averaged over 30

³² South Coast Air Quality Management District (SCAQMD). 2010. Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15. September 28. Website: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf). Accessed May 27, 2020.

years and are added to a project's operational emissions. If a project's emissions are under one of the following screening thresholds, then the project's GHG-emissions are considered less than significant:

- All land use types: 3,000 metric tons (MT) of carbon dioxide equivalent (CO₂e) (MT CO₂e) per year.
- Based on land use type: residential: 3,500 MT CO₂e per year; commercial: 1,400 MT CO₂e per year; or mixed use: 3,000 MT CO₂e per year.
- Tier 4 has the following options:
 - **Option 1:** Reduce emissions from business as usual by a certain percentage; this percentage is currently undefined;
 - **Option 2:** Early implementation of applicable AB 32 Scoping Plan measures;
 - **Option 3a:** 2020 target for service population (SP), which includes residents and employees: 4.8 MT CO₂e/SP/year for projects and 6.6 MT CO₂e/SP/year for plans;
 - **Option 3b:** 2035 target: 3.0 MT CO₂e/SP/year for projects and 4.1 MT CO₂e/SP/year for plans.
- Tier 5 involves mitigation offsets for 30 years to achieve the target significance threshold.

The SCAQMD discusses its interim threshold guidance policy objective in the following excerpt:³³

The overarching policy objective with regard to establishing a GHG significance threshold for the purposes of analyzing GHG impacts pursuant to CEQA is to establish a performance standard or target GHG reduction objective that will ultimately contribute to reducing GHG emissions to stabilize climate change. Full implementation of the Governor's Executive Order S-3-05 would reduce GHG emissions 80 percent below 1990 levels or 90 percent below current levels by 2050. It is anticipated that achieving the Executive Order's objective would contribute to worldwide efforts to cap GHG concentrations at 450 ppm, thus, stabilizing global climate.

As described below, staff's recommended interim GHG significance threshold proposal uses a tiered approach to determining significance. Tier 3, which is expected to be the primary tier by which the AQMD will determine significance for projects where it is the lead agency, uses the Executive Order S-3-05 goal as the basis for deriving the screening level. Specifically, the Tier 3 screening level for stationary sources is based on an emission capture rate of 90 percent for all new or modified projects. A 90 percent emission capture rate means that 90 percent of total emissions from all new or modified stationary source projects would be subject to

³³ South Coast Air Quality Management District (SCAQMD). 2008. Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold. October. Website: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf). Accessed May 27, 2020.

some type of CEQA analysis, including a negative declaration, a mitigated negative declaration, or an environmental impact.

Therefore, the policy objective of staff's recommended interim GHG significance threshold proposal is to achieve an emission capture rate of 90 percent of all new or modified stationary source projects. A GHG significance threshold based on a 90 percent emission capture rate may be more appropriate to address the long-term adverse impacts associated with global climate change. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial fraction of future stationary source projects that will be constructed to accommodate future statewide population and economic growth, while setting the emission threshold high enough to exclude small projects that will in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions. This assertion is based on the fact that staff estimates that these GHG emissions would account for less than one percent of future 2050 statewide GHG emissions target (85 MMT CO₂e/yr). In addition, these small projects would be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG inventory.

In summary, the SCAQMD's interim threshold uses the Executive Order S-3-05 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO₂ concentrations at 450 parts per million (ppm), thus stabilizing global climate.

For this project, there would be very minimal GHG emissions. Some water vapor emissions would be associated with the project. Though water vapor is a significant GHG, the proposed project would contribute minimal amounts and it would enter the natural water cycle to be regulated by climate, unlike CO₂ emissions or other GHGs of greater concern. Thus, project impacts related to GHG emissions would be less than significant.

b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. There are currently no adopted local or regional GHG reduction plans applicable to the proposed project. However, as discussed in Section 2.8(a) above, the SCAQMD has prepared recommended interim significance thresholds for GHGs for local lead agency consideration which the proposed project does not exceed.

The Scoping Plan states, "[The State's 2020 and 2030 targets] represent benchmarks, consistent with prevailing climate science, charting an appropriate trajectory forward that is in line with California's role in stabilizing global warming below dangerous thresholds."³⁴ The year 2020 GHG emission reduction goal of AB 32 corresponds with the mid-term target established by Executive Order S-3-05,

³⁴ California Air Resources Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November. Website: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed May 27, 2020.

which aims to reduce California’s fair-share contribution of GHGs in 2050 to levels that would stabilize the climate.

The proposed project would temporarily generate GHG emissions during project construction from construction vehicle exhaust. However, project construction would last only 2 months, so construction vehicle exhaust would be a limited, short-term impact. Additionally, the proposed project would comply with all federal and State regulations on waste removal and recycling of any construction materials to limit GHG emissions, especially concerning the removal of the gasoline fueling dispenser.

The proposed project is not subject to the Scoping Plan’s recommended measures because it is limited to the replacement of one gasoline fueling dispenser with two hydrogen fueling dispensers. Therefore, the project would not conflict with or impede implementation of the Scoping Plan.

The proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for reducing GHG emissions because the project would generate low levels of GHGs. Therefore, impacts would be less than significant.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.9 Hazards and Hazardous Materials				
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Less than significant impact. The proposed project involves limited, temporary demolition and construction activities during which potentially hazardous construction materials may be

encountered. Limited amounts of hazardous materials could be used during the short-term construction of the project, including standard construction materials (e.g., paints and solvents), vehicle fuel, and other hazardous materials. The routine transportation, use, and disposal of these materials must comply with State and local standards and regulations for the handling, storage, and disposal of hazardous substances. Project compliance with the existing State and local procedures that are intended to minimize potential health risks associated with the use or the accidental release of such substances would ensure that impacts associated with the handling, storage, and transport of hazardous materials during construction would be less than significant.

The proposed project would also result in the on-site use of common hazardous materials used for the cleaning and maintenance of the hydrogen dispenser equipment. However, because the project only proposes removal of one gasoline dispenser and installation of two hydrogen dispensers, there would be no substantial increase in the amount of hazardous materials present on-site due to project implementation. Operational impacts would therefore be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than significant impact. Hydrogen is a nontoxic and odorless substance that quickly dissipates. There are no byproducts or toxic substances produced during fueling. Fugitive hydrogen will either react in the atmosphere to form pure water or escape the earth's atmosphere entirely. However, hydrogen is a flammable element; although there is a risk of hydrogen ignition, there are multiple levels of protection to prevent ignition. In the rare event that these protections fail, a vent stack can prevent ignited hydrogen from creating a hazard to the public. The vent stack would be designed in accordance with the recommendations made by the project-specific Safe Venting Report (Appendix B).³⁵ As recommended in the Safe Venting Report, a 40-foot vent stack would be installed as part of the proposed project to ensure that any released hydrogen that is ignited remains under control and at a safe distance (33 feet vertical) from the public. The bottom of the vent stack would be secured with a cement base to provide stable footing. Furthermore, the proposed project equipment is designed to adhere to the National Fire Protection Association Hydrogen Technologies Code, which contains guidelines for the generation, installation, storage, piping, uses, and handling of hydrogen. All safety features and systems are designed into the site plan to maximize safety, including emergency stops, retaining walls, equipment setbacks, and bolsters. The project would also comply with the 2019 California Fire Code as revised by the Costa Mesa Municipal Code regarding hydrogen motor fuel-dispensing stations.³⁶ Adherence to the aforementioned recommendations would ensure that the proposed project would not create hazards to the public or the environment. As such, impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

³⁵ Linde Engineering. 2018. Safe Venting Report. March 5.

³⁶ City of Costa Mesa. Costa Mesa Municipal Code Section 7-15: Amendments to the 2019 California Fire Code.

No impact. The nearest existing public school is Sonora Elementary School, located at 966 Sonora Road, 0.61 miles from the proposed project.³⁷ There are no existing or proposed schools within 0.25 miles of the site. Therefore, the proposed project would not involve emission or handling of hazardous materials within 0.25 miles of an existing or proposed school. There would be no impact.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Less than significant impact. As discussed in Section 1.3.1, the site is listed on the GeoTracker database. The site has since completed a physical remediation program for the presence of a diesel and gasoline discharge from USTs at the facility reported on October 25, 1995. Under the authorization of the RWQCB, a remediation program was implemented to remove soil and groundwater contamination at the site and to pump and treat groundwater.³⁸ The active site remediation was completed and therefore would not create a significant hazard to the public or to the environment or create or exacerbate any hazards. The on-site remediation equipment was removed in 2017. Monitoring (independent of the proposed project) is ongoing and the UST case is expected to close by December 2021.³⁹ Therefore, the proposed project would not exacerbate any hazards to the public or the environment or create any new hazards. Impacts would be less than significant.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

Less than significant impact. The closest airport is the John Wayne Airport, located at 81681 Airport Way in Santa Ana, 0.8 miles east of the site. The site is within the 20,000-foot radius of the airport, which places it within the Airport Influence Area and within the Airport Environs Land Use Plan (AELUP) Notification Area for John Wayne Airport, which imposes a Height Restriction Zone around the airport.⁴⁰ The purpose of the AELUP is to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace.⁴¹ The AELUP imposes height restrictions for buildings, noise contours, and safety standards.

³⁷ Newport-Mesa Unified School District. 2018. Sonora Elementary. Website: http://sonora.nmusd.us/pf4/cms2_site/view_deployment?d=x&theme_id=ib23c1y5o7c9&group_id=1500178972977. Accessed June 2, 2020.

³⁸ California State Water Resources Control Board (State Water Board). 2020. GeoTracker. Website: https://geotracker.waterboards.ca.gov/case_summary?global_id=T0605901918. Accessed May 5, 2020.

³⁹ California State Water Resources Control Board (State Water Board). 2020. GeoTracker – T0+06+01918 Path to Closure Plan FY 12/13 As Of 11/22/2019. Website: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0605901918&cmd=ptcpreport<cp_id=100784. Access May 6, 2020.

⁴⁰ John Wayne Airport, Orange County. 2013. Airport Land use Commission. Website: <https://www.ocair.com/commissions/aluc/docs/jwanotf2008.pdf>. Accessed May 14, 2020.

⁴¹ Airport Land Use Commission (ALUC). 2008. Airport Environs Land Use Plan for John Wayne Airport. Website: http://www.ocair.com/commissions/aluc/docs/jwa_aelup-april-17-2008.pdf. Accessed May 14, 2020.

The AELUP height restriction is 100:1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of John Wayne Airport. For the proposed project, which is nearly 1 mile (5,260 feet) from the nearest point of the nearest runway, the maximum height allowed without prior ALUC approval is 52.6 feet. According to the site plans, the top of the vent stack would be the highest point of the proposed project. The vent stack would be no more than 40 feet, which would comply with the AELUP Height Restriction Zone requirements. Lastly, the proposed project would not expose the public to excessive airport noise. Compliance with the John Wayne Airport AELUP would ensure that impacts associated with safety hazards and excessive noise would be less than significant.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. The Costa Mesa Disaster Plan serves as the City's Emergency Operations Plan (EOP). The EOP provides guidance during emergency situations related to natural disasters, technological incidents, and nuclear defense operations. The EOP analyzes potential large-scale disasters that require a coordinated and immediate response. The EOP considers the City's evacuation routes in its planning. General Plan Safety Element Figure S-9, Public Safety Facilities and Emergency Evacuation Routes, illustrates the City's emergency evacuation routes and indicates that Bristol Street, located adjacent to the eastern side of the site, and SR-73, located 0.25 miles west and southwest of the project site, are designated emergency evacuation routes.⁴² The proposed project does not include any characteristics that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity or along the designated emergency evacuation routes. Therefore, the proposed project would not conflict with an emergency response or evacuation plan. Impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No impact. The project site is in an urbanized area and is not located at an urban-wildland interface. According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site is located outside of the Very High Fire Hazard Severity Zone.⁴³ As such, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. There would be no impacts.

Mitigation Measures

None required.

⁴² City of Costa Mesa. 2015. 2015-2035 General Plan, Chapter 8: Safety Element. Figure S-9: Public Safety Facilities and Emergency Evacuation Routes.

⁴³ California Department of Forestry and Fire Protection (CAL FIRE). 2011. Orange County Very High Fire Hazard Severity Zones in LRA. October. Website: https://osfm.fire.ca.gov/media/6739/fhszl_map30.pdf. Accessed May 14, 2020.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.10 Hydrology and Water Quality				
<i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

Less than significant impact. The proposed project would disturb no more than 200 cubic yards of previously disturbed soil during construction. Under Section 402 of the Clean Water Act, the EPA has established regulations under the National Pollutant Discharge Elimination System (NPDES) program to control direct stormwater discharges. Orange County's NPDES program enforces State mandated water quality regulations that apply to construction projects in the City. These regulations are intended to minimize pollutants and runoff from both construction sites and completed project sites. The County has established requirements that owners, developers, contractors, and builders must meet at each stage of the project development process to achieve compliance. These NPDES requirements have been integrated into the project application/permit approval process and construction site inspection system.

The City has determined that the proposed project is a Non-Priority project, which is required under the Santa Ana RWQCB Municipal Separate Storm Sewer System (MS4) permit to prepare a Non-Priority Project Water Quality Plan (WQP).⁴⁴ The proposed project would be required to submit a Non-Priority Project WQP and implement BMPs to reduce the volume of stormwater runoff generated on the project site as well as improve the quality of runoff that leaves the site. The project specific WQP and BMPs are currently being developed and would be submitted to the Public Services Department for approval prior to issuance of building permits (SC 4.10-1). The BMPs would include site design BMPs, structural source control BMPs, and non-structural source control BMPs. Additionally, BMPs would be inspected and maintained post-construction for proper effectiveness into perpetuity.⁴⁵

The proposed project would also comply with the Construction Runoff Guidance Manual requirements pursuant to the Orange County Stormwater Program. The manual contains additional BMPs pursuant to erosion and sediment control, as well as waste management and pollution control. According to the manual, all projects are required to implement BMPs to prevent pollution, implement a site-specific runoff management plan, prevent discharges, control sediment and erosion, and control stormwater pollutant discharges, among other BMP requirements.⁴⁶

Pursuant to the Costa Mesa Municipal Code, all new development and redevelopment within the City must be undertaken in accordance with the Orange County Drainage Area Management Plan (DAMP), including but not limited to the Development Project Guidance, and any conditions and requirements established by the Development Services Department and the Public Services Department that are reasonably related to the reduction or elimination of pollutants in stormwater runoff from the project site. Prior to the City's issuance of a building permit for the project, the Development Services Department and Public Services Department would review the plans and

⁴⁴ Orange County Public Works. 2017. Water Quality. Website: <https://www.ocpublicworks.com/gov/pw/cd/water.asp>. Accessed June 2, 2020.

⁴⁵ Orange County Stormwater Program. (nd). Non-Priority Project Water Quality Plan (NPP). Website: https://www.waterboards.ca.gov/rwqcb8/water_issues/programs/stormwater/docs/ocpermit/wqmp/2011/Final_Draft_NPP_WQP_3-22-2011.pdf. Accessed June 2, 2020.

⁴⁶ Orange County Stormwater Program. 2012. Construction Runoff Guidance Manual. December. Website: <https://www.costamesaca.gov/home/showdocument?id=9232>. Accessed June 2, 2020.

impose terms, conditions, and requirements, as needed, in accordance with Costa Mesa Municipal Code Section 8-32.⁴⁷ Compliance with the aforementioned regulations and requirements would ensure that the project's impacts to water quality would be less than significant.

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

Less than significant impact. The proposed project would not increase the existing demand for groundwater supplies or interfere substantially with groundwater recharge. According to the General Plan, the project is within the service area of the Mesa Water District (MWD). The MWD operates eight groundwater production wells that pump water from the Orange County Groundwater Basin. This basin is managed by the Orange County Water District (OCWD).⁴⁸

The project site is currently paved with impervious surfaces. Due to the developed nature of the area, the project site does not have the capacity to serve as a significant source for groundwater recharge. The proposed project would incrementally increase the impervious area of the site. The proposed project would not change the existing drainage pattern or affect groundwater recharge of the project site. Project implementation would not substantially deplete groundwater supplies, interfere with groundwater recharge, or impede sustainable groundwater management of the basin. Therefore, impacts would be less than significant.

c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

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

Less than significant impact. The proposed project would result in an incremental increase of impervious surfaces. The proposed project would not alter the square footage of the existing building, service station, and overall site. The additional impervious surfaces would not substantially degrade the existing drainage pattern of the area or result in erosion or siltation on- or off-site. Additionally, the proposed project would implement BMPs pursuant to the WQP required by SC 4.10-1 to reduce erosion. Therefore, the project drainage would not result in substantial erosion or siltation due to project implementation. Impacts would be less than significant.

⁴⁷ City of Costa Mesa. 2020. Costa Mesa Municipal Code, Section 8-32 – Control of urban runoff. Website: http://qcode.us/codes/costamesa/view.php?topic=8-iii-8_32&frames=on. Accessed May 14, 2020.

⁴⁸ City of Costa Mesa. 2015. Costa Mesa 2015-2035 General Plan. Chapter 6: Conservation Element, Figure CON-4: Water Districts. Website: <https://www.costamesaca.gov/home/showdocument?id=34698>. Accessed May 14, 2020.

- (ii) **substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**
- (iii) **create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**
- (iv) **impede or redirect flood flows?**

Less than significant impact. The proposed project would add an additional 19 square feet of impervious surfaces to the project site. This small increase would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The proposed project would not significantly change the amount of runoff water from existing conditions or impede or redirect flood flows.

The proposed project would continue to be served by the City's stormwater drainage system. Construction activities such as demolition and grading could introduce pollutants and sediment into runoff and flow into nearby storm drains. The proposed project would comply with all requirements pursuant to the Construction Runoff Guidance Manual, the WQP, and the Orange County Stormwater Program, and would implement the required BMPs. Therefore, impacts would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than significant impact. The General Plan states that although the City lies approximately 1 mile from the Pacific Ocean and thus is susceptible to flooding from tsunamis, the potential for tsunamis affecting the City is negligible. Additionally, the General Plan states that the absence of any large bodies of water within the City and the location of high bluffs adjacent to Newport Bay reduce the possibility of damage from seiche effects.⁴⁹

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is located in Zone X: Area of Minimal Flood Hazard, which is outside of the 100-year flood zone.⁵⁰ Therefore, the project site is not in an area that is prone to frequent flooding. Thus, the risk of impacts from release of pollutants due to project inundation from floods, tsunamis, or seiche would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No impact. The proposed project would comply with all applicable water quality control plans and groundwater management plans. The project would comply with all RWQCB policies and regulations,

⁴⁹ City of Costa Mesa. 2015. Costa Mesa 2015-2035 General Plan. Chapter 8: Safety Element. Website: <https://www.costamesa.gov/home/showdocument?id=34702>. Accessed May 14, 2020.

⁵⁰ Federal Emergency Management Agency (FEMA). 2009. Flood Insurance Rate Map (FIRM) 06059C0267J. Website: <https://msc.fema.gov/portal/search?AddressQuery=2995%20Bristol%20Street%2C%20Costa%20Mesa%2C%20CA#searchresultsanchor>. Accessed May 14, 2020.

applicable water quality management plans, applicable NPDES requirements, and standard conditions of approval. The proposed project would also comply with all countywide waste discharge requirements contained in Order No. R8-2009-0030 (as amended by Order No. R8-2010-0062), Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region. Therefore, there would be no conflicts or subsequent impacts.

Standard Conditions

SC 4.10-1 Prior to the issuance of a building permit, the Applicant shall submit a Non-Priority Project Water Quality Plan for the Public Services Department's review and approval.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.11 Land Use and Planning				
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

a) Physically divide an established community?

No impact. The physical division of an established community typically refers to the construction of a linear feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local bridge that would impact mobility within an existing community of between a community and an outlying area.

The proposed project is bounded by commercial development to the south and to the west, a parking lot to the southwest, and commercial development to north, east, and northeast across Bristol and Baker Streets. The site is zoned C1 with a land use designation of GC. The site was originally developed for commercial use in 1959 and is currently developed as a gas station. The nearest residential community, South Court Apartments, is 190 feet northwest of the site across Baker Street.

The project does not propose any feature that would divide an established community and would not remove any means of access or impact mobility. Therefore, the proposed project would not physically divide an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than significant impact. The Land Use Element of the General Plan directs long-range development in the City by indicating the location and extent of development to be allowed. The General Plan sets forth land use goals, policies and objectives that guide new development. The General Plan Land Use Map identifies the land use designation of the project site as GC. The GC designation is intended to permit a wide range of commercial uses, which serve both local and regional needs.

The proposed project is consistent with the General Plan Land Use Element policies and objectives, as follows:⁵¹

- **Policy LU-4.6** Incorporate the principles of sustainability into land use planning, infrastructure, and development processes to reduce GHG emissions consistent with State goals.
- **Objective LU-5A** Ensure availability of adequate community facilities and provision of the highest level of public services possible, taking into consideration budgetary constraints and effects on the surrounding area.
- **Policy LU-6.16** Examine options for the development of new infrastructure for new technologies and businesses that use those technologies.
- **Policy LU-7.7** Explore economic and employment opportunities to retain and strengthen the unique industry niches along Bristol and Paularino, in the Westside, on East 17th Street, and throughout North Costa Mesa.

The proposed project is consistent with the existing General Plan land use designation, Land Use Element policies and objectives, and zoning ordinance. The project does not propose any changes to the land use designation or zoning. Furthermore, the proposed project is consistent with the existing land uses of the site, adjacent land uses, and character of the area. Therefore, impacts would be less than significant.

Mitigation Measures

None required.

⁵¹ City of Costa Mesa. 2015. 2015-2035 General Plan, Chapter 2: Land Use Element.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.12 Mineral Resources				
<i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?**

No impact. The project site is not in a mineral resource zone of significant mineral deposits.⁵² The site is fully developed/disturbed by an existing fueling station and associated parking. Thus, the site does not support mineral extraction operations, thereby precluding the possibility of related impacts. No impacts would occur.

- b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

No impact. As stated above, the project site does not contain known significant mineral deposits. The site is fully developed/disturbed by an existing fueling station and associated parking. Thus, the proposed project would not result in the loss of availability of a locally-important mineral resource recovery site. No impacts would occur.

Mitigation Measures

None required.

⁵² California Department of Conservation, Division of Mines and Geology. 1995. Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California: Part III – Orange County.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.13 Noise <i>Would the project result in:</i>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project result in:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less than significant impact. Noise is unwanted sound. Most sounds heard in the environment do not consist of a single frequency, but rather a band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Noise is typically generated by transportation, specific land uses, and ongoing human activity.

The standard unit of measurement of loudness of sound is the decibel (dB). The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. A change of 3 dB is the lowest change that can be perceptible to the human ear in outdoor environments, while a change of 5 dBA is considered the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was derived to relate noise to the sensitivity of humans. The scale gives greater weight to frequencies of sound which the human ear is most sensitive. Furthermore, the A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level

(L_{dn}) and the Community Noise Equivalent Level (CNEL), both of which represent how humans are more sensitive to sound at night.⁵³ In addition, the equivalent continuous sound level (Leq) is the average sound energy of time-varying noise over a sample period and the L_{max} is the maximum instantaneous sound level occurring over a sample period.⁵⁴ Various noise guidelines and standards have been promulgated at the federal, State, and local levels. The City maintains a comprehensive Noise Ordinance, which sets standards for noise levels citywide and provides the means to enforce reduction of obnoxious or offensive noises. The ordinance is designed to control unnecessary, excessive, and annoying sounds generated on a property from impacting an adjacent property and to protect residential areas from noise sources other than transportation.

The Costa Mesa Municipal Code does not specify the noise metric; to utilize the most conservative approach and realistic interpretation of the Code standards, this analysis assumes that the noise metric refers to L_{eq}. The Costa Mesa Municipal Code specifies outdoor and indoor noise limits for sensitive receptors impacted by transportation noise sources and identifies noise criteria for transportation noise sources.

Short-term Construction Impacts

While construction activities present the highest potential for noise impacts, construction noise represents a short-term impact on ambient noise levels. Noise generated by construction equipment, including trucks, concrete mixers, and portable generators, can reach high levels. However, during the City's permissible hours for construction, noise generated by construction activities is exempt from the City's exterior and interior noise limits. As stated in Section 13-279 of the Costa Mesa Municipal Code, permissible hours of construction activities include the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, and the hours between 9:00 a.m. and 6:00 p.m. on Saturdays; construction activities are prohibited on Sundays and the following specified federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.⁵⁵ Project construction would be limited to the hours specified in the Noise Ordinance. Therefore, construction-related noise impacts are considered less than significant.

Long-term Operational Impacts

Section 13-280 and 13-281 of the Costa Mesa Municipal Code establish exterior and interior noise standards for residential receptors. Residential exterior noise levels are limited to 55 dBA between the hours of 7:00 a.m. and 11:00 p.m. and to 50 dBA between the hours of 11:00 p.m. and 7:00 a.m. Residential interior noise levels are limited to 55 dBA between 7:00 a.m. and 11:00 p.m. and to 45 dBA between 11:00 p.m. and 7:00 a.m. The project does not propose any land uses different from those already existing on-site, and project operation would not introduce new or additional stationary or mobile source noise impacts to the surrounding area. Furthermore, the project would

⁵³ L_{dn} is the 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 10 decibels to sound levels occurring between 10:00 p.m. and 7:00 a.m. CNEL is the 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 decibels to sound levels occurring from 7:00 p.m. to 10:00 p.m. and after the addition of 10 decibels to sound levels occurring between 10:00 p.m. and 7:00 a.m.

Source: Harris, Cyril M. 1998. Handbook of Acoustical Measurement and Noise Control.

⁵⁴ The City of Costa Mesa Municipal Code is not technically explicit. Therefore, to utilize the most conservative approach and realistic interpretation of the Code standards, analyses assume that the noise metric refers to L_{eq}.

⁵⁵ City of Costa Mesa. 2020. Costa Mesa Municipal Code Section 13-279: Exceptions for construction. Website: <http://qcode.us/codes/costamesa/?view=desktop>. Accessed May 27, 2020.

continue to comply with the noise performance standards. No additional noise impacts are anticipated from existing surrounding land uses. Therefore, operational noise impacts would not result in a substantial increase in ambient noise levels compared to level existing without the project and this impact would be less than significant.

The City's Noise Ordinance exempts construction activities during permissible hours of construction from the City's exterior and interior noise limits, and project operations would not introduce new or additional noise impacts. Therefore, exposure of persons to noise would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than significant impact. A significant impact would occur if the project would generate groundborne vibration or groundborne noise levels exceeding established standards. Common sources of groundborne vibration include construction activities such as blasting, pile driving, and operating heavy earthmoving equipment. The City has not adopted criteria for groundborne vibration impacts. Therefore, for purposes of determining construction-related vibration impacts, the Federal Transit Administration's (FTA's) Construction Vibration Impact Criteria are utilized. The FTA has established industry accepted standards for vibration impact assessment in its Transit Noise and Vibration Impact Assessment Manual, dated September 2018.

Construction activities involved in the proposed project would not involve heavy construction equipment or other significant sources of groundborne vibration or noise. Therefore, construction activities would not generate groundborne vibration or noise levels that would exceed potential impact thresholds as measured at existing structures in the project vicinity and impacts of short-term construction groundborne vibration on off-site receptors would be less than significant.

Project implementation would not include any permanent sources of vibration that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments. Therefore, operational groundborne vibration impacts would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less than significant impact. John Wayne Airport is the nearest airport located approximately 0.8 miles east of the project site. While aircraft noise is occasionally audible at the project site, due to the distance from area airports and private airstrips and orientation of runways and flight patterns, the project site does not lie within established noise contours of John Wayne Airport, and is not near enough to any other airports to be affected by aviation noise.⁵⁶ Therefore, impacts of aviation noise would be less than significant.

Mitigation Measures

None required.

⁵⁶ John Wayne Airport. 2020. Noise Abatement Program Quarterly Report: October – December 2019. Website: <https://www.ocair.com/reportspublications/AccessNoise/cnelnoisecontours/2018.PDF>. Accessed June 3, 2020.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.14 Population and Housing <i>Would the project:</i>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No impact. A project could induce population growth in an area, either directly (for example, by proposing new homes and/or business) or indirectly (for example, through extension of roads and/or other infrastructure). The existing project site does not provide any permanent housing or contribute directly to the City’s population. The project proposes replacing one gasoline fueling dispenser with two hydrogen fueling dispensers and associated equipment. Therefore, project implementation would not have an impact on population growth.

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

No impact. The project site currently consists of a fueling station with a convenience market and associated parking. The site does not house any residents or contain housing units. Therefore, the proposed project would not have any impacts on existing residents or housing.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.15 Public Services				
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

a) Fire protection?

Less than significant impact. The Costa Mesa Fire & Rescue Department (CMFR) provides fire protection and emergency medical services to the City, which include fire prevention, emergency medical, and hazardous materials management/environmental safety. The CMFR is comprised of three divisions: Fire Administration; Fire/Rescue/Emergency Medical Services; and Fire Prevention/Community Risk Reduction. The CMFR vehicle fleet includes three paramedic assessment units, one paramedic engine company with four personnel, one 100-foot aerial ladder truck company, and one urban search and rescue vehicle.⁵⁷ Eighty-eight sworn personnel respond from six fire stations strategically located within the City.⁵⁸ Depending on the nature, size, and location of the alarm, units from multiple stations will respond. The closest station to the project site is Fire Station 2, at 800 Baker Street, approximately 0.2 miles west of the project site.

The project does not propose new or physically altered fire protection facilities. Project implementation is not anticipated to increase CMFR response times to the project site or surrounding vicinity or require new or the physical alteration of fire protection facilities. The

⁵⁷ City of Costa Mesa. Emergency Services Vehicles. Website: <https://www.costamesaca.gov/city-hall/city-departments/fire-rescue/emergency-services-vehicles>. Accessed May 21, 2020.

⁵⁸ City of Costa Mesa. Fire & Rescue: About. Website: <https://www.costamesaca.gov/city-hall/city-departments/fire-rescue/about>. Accessed May 21, 2020.

project's design would be subject to compliance with the requirements set forth in the 2019 California Fire Code (and all amendments). The CMFR would also be subject to compliance with the fire provisions specified in the 2019 California Building Standards Code (CBC) and all incorporated amendments, and the 2019 International Fire Code. Project plans would be reviewed and approved by the CMFR, ensuring adequate emergency access during construction and operation and compliance with all applicable codes and standards. Compliance with the City's discretionary review process and other requirements would ensure that project implementation would have a less than significant impact on fire protection services.

b) Police protection?

No impact. Costa Mesa Police Department (CMPD) provides police protection services to the City from their headquarters located at 99 Fair Drive. CMPD is composed of three divisions: Administration; Field Operations; and Support Services.⁵⁹ The CMPD is comprised of over 250 full-time positions, including both sworn officers and civilian employees.

The project does not propose new or physically altered police protection facilities. The project proposes replacing one gasoline fueling dispenser with two hydrogen fueling dispensers and associated equipment. Project implementation would not result in an increase in demand for police protection services or response times or require new or the physical alteration of police protection facilities. Compliance with the City's discretionary review process would ensure that project implementation would not result in any impact on police protection services.

c) Schools?

No impact. The project site is within the Newport-Mesa Unified School District. The project does not propose new or physically altered school facilities. The project proposes replacing one gasoline fueling dispenser with two hydrogen fueling dispensers and associated equipment. Project implementation would not result in an increase in demand for school facilities. Thus, no impacts to school facilities would occur.

d) Parks?

No impact. There are over 1,000 acres of open space and parkland in the City.⁶⁰ The project proposes replacing one gasoline fueling dispenser with two hydrogen fueling dispensers and associated equipment. Project implementation would not result in any increase in population or demand for parkland. Only residential projects are subject to City park development fees. Therefore, the proposed project would not have any impact related to parks.

⁵⁹ City of Costa Mesa. Department Divisions. Website: <https://www.costamesaca.gov/city-hall/city-departments/police/department-divisions>. Accessed May 21, 2020.

⁶⁰ RJM Design Group. 2018. City of Costa Mesa Parks, Recreation, and Open Space Master Plan Update. January.

e) **Other public facilities?**

No impact. There are two libraries within the City. The nearest library to the project site is the Mesa Verde Library approximately 2.4 miles west of the project site, at 2969 Mesa Verde Drive. The project proposes replacing one gasoline fueling dispenser with two hydrogen fueling dispensers and associated equipment. Project implementation would not result in any increase in population or demand for library services. New or physically altered library facilities would not be required; therefore, there would be no impacts on library services.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.16 Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

No impact. The proposed project would not include the construction of residential facilities and therefore would not directly or indirectly induce population growth. The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities. Thus, no impacts would occur.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

No impact. The proposed project would not include any recreational facilities or propose the construction or expansion of recreational facilities. The proposed project would include the removal of two gasoline dispensers and the addition of a hydrogen fuel dispenser with associated equipment. No recreational facilities are proposed. In addition, since the proposed project would not construct residential units or induce population growth, the project would not result in the need for new or expanded recreational facilities. The nearest public recreational facility is the Del Mesa Park, located 0.43 miles northeast of the site at 2080 Manistee Drive. The proposed project would not affect this facility or any other recreational facilities in the vicinity of the project. Thus, no impacts would occur.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.17 Transportation <i>Would the project:</i>				
a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

No impact. The addition of two hydrogen fueling dispensers would generate up to 332 daily two-way trips. It is estimated that one gasoline fueling dispenser generates 411 daily two-way trips (Appendix A).⁶¹ Therefore, in replacing one gasoline dispenser with two hydrogen dispensers, the project would reduce trips by approximately 79 trips per day.

The Costa Mesa Master Plan of Streets and Highways and Costa Mesa Active Transportation Plan would not apply to the project as no roadway improvements are proposed or required of such minimal development. No General Plan policies are relevant to the project regarding transportation. The City determined that no traffic impact fees would be required of the proposed project. The proposed project would not conflict with a circulation plan, ordinance, or policy, and therefore there would be no conflict with a program plan, ordinance, or policy addressing the circulation system.

- b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

Less than significant impact. Per CEQA Guidelines Section 15064.3(b)(3), a lead agency may analyze a project's vehicle miles traveled (VMT) qualitatively based on availability of transit, proximity to

⁶¹ Kahn, Robert. Founding Principal, RK Engineering Group. Personal communication: e-mail. August 14, 2019.

destinations, consistency with air quality goals, etc. Land use projects within 0.5 miles of a major transit stop or a stop along a high-quality transit corridor should be presumed to have a less than significant transportation impact. A “major transit stop” is a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequency of service at 15-minute or less intervals during the morning and afternoon peak commute periods. A “high-quality transit corridor” is a corridor with fixed route bus service with service intervals that do not exceed 15 minutes during peak commute hours (Public Resource Code [PRC] §§ 21064.3 and 21155).

Orange County Transportation Authority (OCTA) provides transit services to the City. Route 55 runs near the project site along Baker and Bristol Streets and Route 57/57X runs along Bristol Street.⁶² Both lines operate at less than 15-minute intervals during peak commute periods.⁶³ There are seven stops for Route 55 and six stops for Route 57/57X within a 0.5-mile radius of the project site. As such, the proposed project would have a less than significant impact on VMT.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No impact. The project proposes replacing one gasoline fueling dispenser with two hydrogen fueling dispensers and associated equipment. The project does not propose alteration of existing site access or the existing structure. The proposed project has been approved by the City Transportation Services Manager to ensure the project would not increase hazards due to design features.

On-site hydrogen storage tanks would be refilled twice a week by a delivery truck smaller than standard gasoline delivery trucks. Hydrogen trucks intended to serve the project are equipped with safety and efficiency features beyond those of traditional hydrogen trucks. Therefore, hydrogen storage refilling would not require equipment of incompatible uses compared to existing use. Compliance with standard requirements would ensure that no impacts regarding transportation hazards would occur.

d) Result in inadequate emergency access?

No impact. Existing access to the project site is via existing unsignalized driveways on Bristol and Baker Streets. The project does not propose any new site access points or alterations of existing access. Therefore, there would be no impacts related to emergency access.

Standard Conditions

None required.

⁶² Orange County Transportation Authority (OCTA). 2020. System Map. February 9. Website: <https://www.octa.net/ebusbook/RoutePdf/SystemMap.pdf>. Accessed May 28, 2020.

⁶³ Orange County Transportation Authority (OCTA). 2020. Route & Schedules: Route 55 and Route 57/57X. February 9. Website: <http://www.octa.net/ebusbook/CompleteBusBook.pdf>. Accessed May 28, 2020.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.18 Utilities and Service Systems				
<i>Would the project:</i>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Less than significant impact. The project site would not require new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities. The project site is currently developed as a gas station and is served by existing utilities that are required for the uses of the site. The proposed project would not increase the demand for any of these utilities on-site. The proposed project would continue to be served by the existing utility services and

would not require the relocation or construction of new facilities. Therefore, impacts would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than significant impact. The proposed project would not substantially change the existing uses of the site and would not substantially increase the demand for water. As discussed in Section 2.10(b), Hydrology and Water Quality, the General Plan indicates that the project is within the service area of the MWD. The MWD operates eight groundwater production wells that pump water from the Orange County Groundwater Basin. This basin is managed by the OCWD.⁶⁴ MWD has concluded it can meet the water demands of their customers in normal, single dry, and multiple dry years between 2015 and 2035. The proposed project would continue to utilize the existing infrastructure. Additionally, the project proposes to replace two existing gasoline dispensers with a single hydrogen fuel dispenser. This activity would not increase demand for water. Therefore, impacts would be less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than significant impact. The project site is located in the wastewater service areas of the Orange County Sanitation District (OCSD)⁶⁵ and the Costa Mesa Sanitary District (CMSD).⁶⁶ The CMSD is responsible for collection and transmission of liquid waste to the OCSD for treatment and disposal.⁶⁷ The proposed project would not substantially change the existing uses of the site. Therefore, the proposed project would not create a substantial increase in the existing demand for wastewater disposal such that the wastewater treatment provider would not have adequate capacity to serve the project. The existing building currently connects to existing sewer lines within the City. The proposed project would continue to connect to the existing sewer lines. Therefore, impacts would be less than significant.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

and

e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

⁶⁴ City of Costa Mesa. 2015. Costa Mesa 2015-2035 General Plan. Chapter 6: Conservation Element, Figure CON-4: Water Districts. Website: <https://www.costamesaca.gov/home/showdocument?id=34698>. Accessed May 14, 2020.

⁶⁵ Orange County Sanitation District (OCSD). 2020. Service Area. Website: <https://www.ocsd.com/about-us/general-information/service-area>. Accessed May 18, 2020.

⁶⁶ Costa Mesa Sanitary District (CMSD). 2019. Costa Mesa Sanitary District Service Area Boundary. Website: https://www.cmsdca.gov/images/about_us/sewermap-sm.png. Accessed May 18, 2020.

⁶⁷ Costa Mesa Chamber of Commerce. 2020. Costa Mesa Sanitary District. Website: <http://www.costamesachamber.com/list/member/costa-mesa-sanitary-district-costa-mesa-1413>. Accessed May 18, 2020.

Less than significant impact. The project site would continue to be served by the solid waste facilities and landfills that currently serve the City. These include the Frank R. Bowerman Sanitary Landfill, the Olinda Alpha Sanitary Landfill, and the Prima Deschecha Sanitary Landfill. The project site is located within the CMSD service area boundary for solid waste services.⁶⁸

The proposed project would continue to utilize the existing solid waste services that are currently provided to the gas station. The proposed project would not substantially increase the solid waste generation associated with the operation of the site. However, demolition and construction activities associated with the project would generate construction debris. Due to the proposed project's small scale, and since the City would comply with the existing regulatory framework for reducing solid waste disposal volumes, it is anticipated that the landfills would have the capacity to accommodate the project's construction waste disposal needs. Therefore, impacts would be less than significant.

Mitigation Measures

None required.

⁶⁸ Costa Mesa Sanitary District (CMSD). 2013. Costa Mesa Sanitary District Residential Waste Services. Website: https://www.cmsdca.gov/images/about_us/trashmap-sm.png. Accessed May 18, 2020.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.19 Wildfire				
<i>If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No impact. According to CAL FIRE, the project site is not located within a State Responsibility Area (SRA) or Local Responsibility Area (LRA). The nearest Very High Fire Hazard Severity Zone is an LRA located approximately 3.4 miles to the southeast.⁶⁹ As mentioned in Section 2.9(f), the City adopted an EOP in 2013, which complies with State law. The EOP outlines emergency implementation strategies using a warning system, emergency broadcast system, emergency operations center, and shelter system. Additionally, the City participates in the Standardized Emergency Management System, which is administered by the Governor’s Office of Emergency Services.

The project proposes two new hydrogen fueling dispensers and associated equipment. The project site has existing emergency access points. Therefore, project implementation is not anticipated to

⁶⁹ California Department of Forestry and Fire Protection (CAL FIRE). Fire Hazard Severity Zone Viewer. Website: <https://egis.fire.ca.gov/FHSZ/>. Accessed May 21, 2020.

impair or physically interfere with an adopted emergency response plan. As such, no impacts would occur.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No impact. According to CAL FIRE, the project site is not located within an SRA or LRA. The project site is relatively flat and within a highly urbanized area of the City surrounded by other commercial uses and would not likely to experience wildfire. Therefore, no impacts regarding exacerbating wildfire risks would occur.

Project plans would be reviewed and approved by the Costa Mesa Building and Safety Division and the CMFR, which would require adequate compliance with the City's permit process and Costa Mesa Municipal Code requirements. This would ensure that the project would not expose occupants to pollutant concentrations risks or uncontrolled wildfire spread due to slope, prevailing winds, wildland fires, and other factors. Therefore, no impacts would occur.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than significant impact. The project proposes to install two hydrogen fueling dispensers and associated equipment. Hydrogen is a flammable element; but although there is a risk of hydrogen ignition, there are multiple levels of protection to prevent ignition. In the rare event that these protections fail, a vent stack can prevent ignited hydrogen from creating a hazard to the public. As such, a 40-foot vent stack would be installed as part of the project to ensure that any released hydrogen that is ignited remains under control and at a safe distance from the public. The vent stack would be designed in accordance with the recommendations made by the project specific Safe Venting Report (Appendix B).⁷⁰ Adherence to these recommendations would ensure that the proposed project would not create hazards to the public or the environment. Further, the proposed project would comply with the 2019 California Fire Code as revised by the Costa Mesa Municipal Code regarding hydrogen motor fuel-dispensing stations.⁷¹

The proposed project would not require the installation or maintenance of associated infrastructure that may otherwise exacerbate fire risk or result in ongoing impacts to the environment. The proposed project would be reviewed and approved by the Costa Mesa Building and Safety Division and the CMFR, which would require adequate compliance with the City's permit process and Costa Mesa Municipal Code requirements. As such, these impacts are considered less than significant.

⁷⁰ Linde Engineering. 2018. Safe Venting Report. March 5.

⁷¹ City of Costa Mesa. Costa Mesa Municipal Code Section 7-15: Amendments to the 2019 California Fire Code.

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No impact. According to CAL FIRE, the project site is not located within an SRA or LRA. The project site is comprised of relatively flat parcels located in an urbanized area surrounded by other commercial uses. These conditions preclude the possibility of subjecting people or structures to significant risks related to post-fire slope instability and landslides. Therefore, there would be no impact.

Mitigation Measures

None required.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.20 Mandatory Findings of Significance				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

Less than significant impact with mitigation incorporated. As concluded in Section 2.4, Biological Resources, the project site has been developed for several decades and does not contain suitable habitat for special-status species as identified by the General Plan, would not affect wildlife or wildlife corridors or impede the use of a wildlife nursery, would not conflict with local policies and ordinances protecting biological resources, and would not conflict with any local, regional, or State conservation plans. Therefore, the proposed project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

As concluded in Section 2.5, Cultural Resources and Tribal Cultural Resources, the project site does not contain known historically or culturally significant resources, and the site has been previously subject to extensive disruption, making it highly improbable that an archaeological resource is present. However, the proposed project would implement MM TCR-1, as suggested by the Gabrieleño Band of Mission Indians–Kizh Nation, and a Tribal Monitor would be retained to monitor ground-disturbing activities. In addition, the proposed project would comply with the standard conditions pursuant to archaeological resources as well as all required protocols related to tribal cultural resources and historically significant resources. Therefore, project implementation would not eliminate important examples of the major periods of California history. Implementation of MM TCR-1 would ensure that impacts remain less than significant.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Less than significant impact with mitigation incorporated. The proposed project’s impacts are mostly less than significant without mitigation. Standard conditions would be imposed on the proposed project pertaining to project design, procedures to protect air quality, water quality, hydrology, as well as aesthetic, biological, paleontological resources, and minimization of transportation impacts. Compliance with these standard conditions would minimize project impacts and ensure that project impacts remain less than significant. In addition, MM TCR-1 would be implemented to ensure that ground disturbing activities would not impact tribal cultural and archaeological resources.

Because of the anticipated reduction of trips generated by the project, the proposed project would not result in cumulatively considerable impacts related to traffic and circulation. No significant adverse environmental effects on human beings would result, either directly or indirectly, from the proposed project. Cumulatively, the proposed project would not result in any significant impacts that would substantially combine with impacts of other current or probable future impacts. Therefore, the proposed project, in conjunction with other future development projects, would not result in any cumulatively considerable impacts.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less than significant impact. As concluded within these environmental impact analyses and as summarized above, the proposed project would result in less than significant environmental impacts. Project compliance with the specified standard conditions would help ensure that the proposed project’s impacts on human beings are less than significant.

Standard Conditions

All project specific SCs are listed below, as well as in Sections 2.1 through 2.19.

SC-4.1-1 Transformers, backflow preventers, and any other above-ground utility improvements, shall be located outside of the required street setback area and shall be screened from street view, under the direction of Planning staff.

SC 4.3-1 The Applicant shall contact the South Coast Air Quality Management District (SCAQMD) at 800.288.7664 for potential additional conditions of development or for additional permits required by the SCAQMD.

SC 4.3-2 South Coast Air Quality Management District (SCAQMD) Rule 403 shall be adhered to and ensure the cleanup of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission sources. Particulate matter deposits on public roadways are also prohibited.

All construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor would implement each of the following:

- Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
- Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
- Wash mud-covered tired and under-carriages of trucks leaving construction sites.
- Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
- Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.

SC 4.3-3 Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day.

SC 4.3-4 Maintain the public right-of-way in a “wet-down” condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

SC 4.3-5 Prior to commencing any construction activity, the Applicant shall prepare, pursuant to paragraph (e)(1) of South Coast Air Quality Management District (SCAQMD) Rule 403.1, and submit to the City a Dust Control Plan which includes, but is not limited to, the following elements:

- The name(s), address(es), and phone number(s) of the person(s) responsible for the preparation, submittal, and implementation of the Dust Control Plan.
- A description of the operation(s), including a map depicting the location of the site.
- A listing of all sources of fugitive dust emissions within the property lines.
- A description of the control measures to be implemented on-site intended for dust suppression. The description of the control measures must be sufficiently detailed to demonstrate that the applicable best available control measures will be utilized and/or installed during all periods of active operations.
- A description of the required contingency control measures (e.g., increased watering) for immediate implementation upon notice of visible dust crossing any property line.

The Applicant shall maintain a complete copy of the approved Dust Control Plan on-site in a conspicuous place at all times and the Dust Control Plan must be provided upon request.

SC 4.4-1 Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of the Parks and Recreation Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months; therefore, the Applicant/Developer is advised to identify all trees affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.

SC 4.4-2 Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at 714.708.1910 for information.

SC 4.5-1 If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a

determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

SC 4.7-1 In the event that paleontological resources are encountered during grading and construction operations, all construction activities shall be temporarily halted or redirected to permit a qualified paleontologist to assess the find for significance and, if necessary, develop a Paleontological Resources Impact Mitigation Program (PRIMP) for the review and approval by the City prior to resuming excavation activities.

SC 4.10-1 Prior to the issuance of a building permit, the Applicant shall submit a Non-Priority Project Water Quality Plan for the Public Services Department's review and approval.

Mitigation Measures

MM TCR-1 Prior to the commencement of any ground disturbing activity at the project site, the project Applicant shall retain a Native American Monitor approved by the Gabrieleño Band of Mission Indians–Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) (the “Tribe” or the “Consulting Tribe”). A copy of the executed contract shall be submitted to the City of Costa Mesa Planning and Building Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal Monitor will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the project site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified Archaeologist and Tribal Monitor approved by the Consulting Tribe. If the

resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the project site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Section 5097.98(d)(1) and (2). Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines § 15064.5(f)). If a non-Native American resource is determined by the qualified Archaeologist to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

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