

Costa Mesa gets court order to keep Fairview Developmental Center from use as coronavirus quarantine site



Costa Mesa filed Friday for a temporary restraining order against state and federal agencies to try to stop plans to use the Fairview Developmental Center at 2501 Harbor Blvd. to house and quarantine people with the COVID-19 virus. The order was granted Friday night. (File Photo)

By Faith E. Pinho, Hillary Davis Feb. 21, 2020 | 8:34 PM

A federal judge Friday night granted the city of Costa Mesa's request for a temporary restraining order to stop a possible plan by state and federal agencies to use the Fairview Developmental Center to house and quarantine people with the [coronavirus](#).

The city filed for the order Friday afternoon against several defendants, including the U.S. Department of Health and Human Services, Department of Defense, Air Force, Centers for Disease Control and Prevention, the state of California and its Office of Emergency Services and Department of General Services, and the Fairview Developmental Center.

The restraining order from U.S. District Judge Josephine Staton prevents transportation of anyone infected with or exposed to the coronavirus to Costa Mesa before a hearing scheduled for 2 p.m. Monday at the federal courthouse in Santa Ana.

“This highly communicable and deadly disease has no known vaccination or cure and has [killed thousands](#),” the city’s filing in District Court stated. “The plaintiffs now seek to prevent Costa Mesa from becoming ground zero to a state and potentially nationwide public health crisis caused because the state and federal governments have not sought to include local officials and emergency personnel in the planning and execution of their efforts.”

The City Council held an emergency closed session Friday afternoon, when it voted unanimously to file for the injunction.

The city sought to prevent transporting people infected with the COVID-19 virus to Costa Mesa “until an adequate site survey has been conducted, the designated site has been determined suitable for this purpose, all necessary safeguards and precautions have been put in place, and the public and local government have been informed of all efforts to mitigate risk of transmission of the disease.”

Any California residents diagnosed with the coronavirus at Travis Air Force Base, a quarantine site in Northern California, would be sent to Fairview, according to a statement made in court documents by Costa Mesa’s emergency services manager, Jason Dempsey. If they needed hospital care, they would be taken to an Orange County hospital.

Fairview Developmental Center is the “only site under consideration,” Mayor Katrina Foley said.

Jim Acosta, acting administrator of the California Office of Emergency Services’ Southern Region, told Dempsey on Thursday in an email included in the court documents that the Fairview Developmental Center “was selected because no military installations will be used ... [and] state-owned properties with these characteristics are few and in condition to handle this.”

Patients could be arriving as early as Sunday or Monday, Foley said.

“We need to continue to protect the security and safety of our community,” she said. “And we felt that filing an injunction was the only way to halt the process because it seemed to be steamrolling forward.”

Kate Folmar of the California Health and Human Services Agency said in an email Friday night that “Fairview Developmental Center is under consideration as a potential location.”

“We are working closely with the federal government and local partners to assess possible locations only for fellow Californians who have tested positive for novel coronavirus, received necessary medical care and need an appropriate place to spend the remainder of their federal quarantine,” Folmar said. “Housing these individuals in a single facility for the remainder of their quarantine will help ensure public health and safety.”

Representatives of the California Office of Emergency Services, the Orange County Emergency Management Division and the county Health Care Agency called Dempsey at 5:45 p.m. Thursday, according to Dempsey's statement. They told him the buildings at Fairview would be cleaned up by Sunday in order to place 30 to 50 infected people, according to the declaration.

Dempsey notified the council, which held the emergency closed session.

"I think our biggest concern is that we're being left out of the discussion in terms of what the plan is," Foley said. "We don't know how many people. We don't know the level of illness. We don't know how long. We don't know what the treatment regime will be. We don't know whether people will be allowed to come and go."

Folmar said in her email that "it is imperative that federal, state and local government work together to identify an appropriate location. ... If any California site is chosen, we ensure that there will be onsite health services and extensive security provided by the federal government."

Newport Beach Mayor Will O'Neill said his city likely would file a brief supporting Costa Mesa.

"FDC is a dilapidated, unstaffed and currently vacant facility," Dempsey said in his declaration, noting that the center, at 2501 Harbor Blvd., is about 200 yards from residential neighborhoods. "It was not intended to house individuals infected with a highly contagious and deadly disease."

There are 10 confirmed cases of COVID-19 in California, according to the [state Department of Public Health](#). But five people who were evacuated from the Diamond Princess cruise ship in Japan and transported to Travis Air Force Base have tested positive, the U.S. Centers for Disease Control and Prevention said, bringing the [total number of confirmed cases](#) in California to 15.

Evacuees from China, where the coronavirus originated, have been quarantined at U.S. military bases, including three in California.

Jennifer Keller, an attorney for the city, said Friday evening that it is hard to reconcile how Fairview could be suitable for coronavirus quarantine when it had recently been deemed unfit for a [homeless shelter](#) without extensive improvements.

State officials declared the site "not suitable" for a homeless shelter in a call Feb. 5, City Attorney Kimberly Hall Barlow said in a court document Friday.

"All the city of Costa Mesa wants is some accountability," Keller said.

The city's legal action came after weeks of Costa Mesa officials touting a positive working relationship with the state. In January, Foley and other city officials visited the governor's office and the Department of General Services in Sacramento to discuss the future of Fairview, among other things. City Manager Lori Ann Farrell Harrison later said the meeting was "good" and "very collaborative."

In 2015, then-Gov. Jerry Brown announced plans to [close Fairview](#), which has historically served people with intellectual and mental disabilities, as part of a wider plan to transition people out of institutional-style housing into smaller, more integrated communities.

In September, the City Council formed an [ad hoc committee](#) to work with state officials about the property. A month ago, the committee presented at a council meeting its ideal [vision for Fairview](#): a mixed-income community complete with houses, businesses and plentiful open space.

Since Fairview is a state-owned property, it is technically outside the city's jurisdiction.