INDIVIDUALS AND ORGANIZATIONS

Letter 5

November 5, 2007

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Subject: Hoag Memorial Hospital Presbyterian Master Plan Amendment
Draft Supplemental Environmental Impact Report
(State Clearinghouse No. 1991071003)

Dear Mr. Campbell,

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report ("Draft SEIR") for the Hoag Memorial Hospital Presbyterian ("Hoag Hospital") Master Plan Amendment ("Project"). These comments are submitted on behalf of the Villa Balboa Community Association.

I. Summary.

Hoag Hospital is situated on an approximately 38-acre site and consists of two planning areas: the Upper Campus and the Lower Campus. The Villa Balboa community is located adjacent to the Hoag Hospital site, adjoining the eastern boundary of the Upper Campus. Sunset View Park is a linear park that extends along much of the northern boundary of the Lower Campus. This narrow park separates Hoag Hospital from the Villa Balboa and Versailles at the Bluff condominium complexes.

The City of Newport Beach ("City") and Hoag propose to amend the Master Plan for Hoag Hospital adopted in 1992. The project will entail amendment of the Newport Beach General Plan, Planned Community text, and the 1994 Development Agreement so as to permit the reallocation of up to 225,000 square feet of development from Hoag Hospital's Lower Campus to the Upper Campus, to allow substantially increased noise levels at the Hoag Hospital boundaries, and other amendments to the Planned Community regulations not specified in the Draft SEIR.

As discussed in greater depth below, the Project violates the 1994 Development Agreement and the Draft SEIR violates the California Environmental Quality Act ("CEQA"). Both must be rejected. 1

II. The Proposed Project Violates the 1994 Development Agreement Provisions Recorded Against the Hoag Hospital Property for the Benefit of the Adjoining Villa Balboa Community.

Hoag Hospital is subject to a Development Agreement that the City entered into with Hoag for the express purpose of protecting the adjacent Villa Balboa community from the adverse impacts associated with the present proposal to amend the Master Plan. Section 1.6 of the Development Agreement shows the intent of the City and Hoag to protect the interest of adjacent property owners, stating that ***"[t]his Agreement . . . provides assurance to adjoining property owners that limits on the height of the structures and amount of development as specified in the Master Plan and this Agreement will remain in full force and effect for a period of twenty –five years."*** (Development Agreement, p. 2.) The Development Agreement further acknowledges the intent to protect Villa Balboa residents in Section 8.1: ***"The City and Hoag agree that . . . the Master Plan and this Agreement confer benefits on the public and nearby residents by imposing long term restrictions on the height, amount and location of development [of the Project] as well as the public improvements described in Section 8.2."*** (Development Agreement, pp. 13-14.) The Villa Balboa residents are third party beneficiaries of the Development Agreement. 2

Section 6.5(b) of the Development Agreement goes on to state that ***"[t]he City Council shall not approve, and Hoag shall not request, any amendment to the provisions of the Master Plan or this Agreement that would increase the maximum permitted gross floor area or the maximum permitted building height (within any lettered building envelope) above that established by the Master Plan as of the Effective Date of this Agreement. This subsection shall prevail over any conflicting ordinance, resolution, policy or plan adopted by the City Council."*** (Development Agreement, pp. 11-12.). This provision prohibiting the City and Hoag from increasing the permitted gross floor area above that established by the Master Plan was added to the adopted 1994 version of the Development Agreement as the result of negotiations between the City, Hoag, and the Villa Balboa community to address the community's concerns with the potential impacts of Hoag Hospital. The provision was absent from earlier versions of the Development Agreement that preceded those negotiations, including the draft agreement circulated as Appendix N to FEIR No. 142. 3

Villa Balboa has detrimentally relied on the Development Agreement's unconditional, 25-year restriction on the height, amount and location of development established by the Master Plan and did not legally challenge the then-proposed expansion project. The Draft EIR attempts to side-step the Development Agreement's 25-year prohibition by characterizing the current Project as an allowable "reallocation" of the maximum allowable floor area established by the Development Agreement (Draft EIR, p. 1-3), as though the location of allowable development on the Project site was not fixed by the Development Agreement. However, common sense and the above-quoted language of Section 8.1 reveal the Draft EIR's erroneous characterization of the Development Agreement. 4

Additionally, the public comments and response section of the 1992 FEIR No. 142 evidence that Villa Balboa residents protested the then-proposed expansion of Hoag Hospital. (FEIR No. 142, Master Plan EIR Response to Comments, pp. 67, 177, 348, 384.) The Villa Balboa Community Association specifically requested limits on the allowable development at the Project site. At that time, the City, in its response to comments on the 1992 FEIR, 5

determined that transferring square footage from the Lower to the Upper Campus would cause the precise impacts that Villa Balboa wanted to avoid – increased use of the service road and increased density on the western portion of the Upper Campus. In the end, the City and Hoag amended the terms of the proposed Development Agreement to fix the "amount and location" of development on the Project for a 25-year period in order to address the nearby residents' concerns. (Development Agreement, Section 8.1, pp. 13-14.)

5 cont.

As neighboring property owners, the Villa Balboa community is a third party beneficiary of the Development Agreement and has standing to enforce the Development Agreement's 25-year prohibition provision. California law permits a third party beneficiary, such as Villa Balboa, to enforce the terms of a contract made for its benefit. The California Civil Code states: "A contract, made expressly for the benefit of a third person, may be enforced by him at any time before the parties thereto rescind it." (Civ. Code § 1559.) The contract need not identify the party by name to confer such a third party benefit. It is sufficient if the claimant belong to a class of persons for whose benefit it was made. (*Principal Mutual Life Ins. Co. v. Vars, Pave, McCord & Freedman* (1998) 65 Cal. App. 4th 1469, 1485-86.) A third party may qualify as a contract beneficiary where the contracting parties must have intended to benefit that individual, an intent which must appear in the terms of the agreement. (*Id.*) ***In their capacity as a third party beneficiary, the Villa Balboa community objects to the Project as a violation of the Development Agreement that was recorded against the Hoag Hospital property for the community's benefit.***

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III. The Draft SEIR Violates CEQA by Failing to Adequately Discuss Impact Areas.

A. General Comments on Impact Analyses.

At the outset, we note several general comments related to the environmental analysis, or lack thereof, contained within the Draft SEIR.

First, the Draft SEIR fails to provide a full analysis of several potential impact areas, including:

- Views
- Aesthetics
- Air Quality
- Land Use
- Noise
- Traffic/Circulation

The Draft SEIR also fails to address several potential impact areas at all, including:

- Earth Resources
- Hydrology/Water Quality
- Water Supply
- Biological Resources
- Cultural Resources
- Public Health and Safety
- Public Services and Utilities

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- Recreation land use and planning

7 cont.

When the Final EIR was certified in 1992, the City imposed numerous project features and mitigation measures on the prior expansion of Hoag Hospital, many of which have not been carried out. The previous CEQA analysis did not consider the effect of these unmitigated, adverse impacts of the prior expansion of Hoag Hospital. In light of the multitude of changes to the circumstances surrounding implementation of the Project, as well as new information since the certification of the original EIR (including Hoag's operational history), a full review of these impact areas must be performed.

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Additionally, the cumulative impacts analyses in all impact areas evaluated throughout the Draft SEIR improperly rely on the outdated Final EIR. The Draft SEIR fails to evaluate significant changes in laws, currently-available information and data, and changed circumstances that render the prior EIR hopelessly outdated.

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B. <u>The City Must Prepare A Subsequent Environmental Report Rather than A Supplemental Report</u>.

1. <u>A Subsequent EIR is Required</u>.

The Draft SEIR document is a 15-year-old "Program EIR" (EIR No. 142) certified by the City of Newport Beach in 1992. Soon after the Program EIR was certified, the City acknowledged that further environmental review would proceed by way of "subsequent" environmental documentation. As stated in Section 3.3 of the Development Agreement Between the City of Newport Beach and Hoag Memorial Hospital Presbyterian, approved under Ordinance 94-B, dated February 14, 1994:

> Hoag acknowledges that the EIR [EIR NO. 142] is a "Program EIR." The EIR analyzes the impacts of construction phased over time and, pursuant to CEQA, the City is under a continuing obligation to analyze Hoag's requests for Project Specific Approvals to ensure the environmental impacts associated with the request were fully addressed in the EIR. **Subsequent environmental documentation is required** if this analysis reveals environmental impacts not fully addressed in the program EIR, identifies new impacts, or concludes the specific request is not consistent with the project described in the EIR. Hoag acknowledges the right and obligation of the City and Coastal Commission or its successor agency to impose additional conditions as the result of the **subsequent** environmental analysis required by CEQA. [*Emphasis added.*]

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The Development Agreement does not call for "supplemental" environmental documentation, or even the more generic "additional" documentation, but indicates that "subsequent" environmental documentation is required. This is consistent with Public Resources Codes Section 21166 and Section 15162(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA) which require an additional EIR if:

> (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

10 cont.

It is only when only minor additions or changes to a previous EIR are required to address an altered situation, a supplemental EIR may be prepared containing the information necessary to make the previous EIR adequate (14 C.C.R §15163). However, if substantial changes in the project or a substantial increase in the severity of effects are involved, requiring new analyses or major revisions of a previous EIR, a subsequent EIR must be prepared (14 C.C.R. §15162). While supplemental and subsequent EIRs are very similar, a Subsequent EIR tends to stand on its own, whereas a Supplemental EIR makes greater reliance on the previously certified document, in this case a fifteen-year-old EIR.

C. **Substantial Changes to Noise Impacts.**

The Project will result in allowing substantial changes in the severity of noise impacts, requiring additional environmental documentation in accordance with Section 15162(a), above. Specifically, as stated in the Draft SEIR (p. 2-5):

> The existing Planned Community Text (PC Text) provides that mechanical equipment noise generated from Hoag not exceed 55 decibels (dB) at all Hoag property lines.... Instead, noise generated at Hoag would be governed by the City's Noise Ordinance except as otherwise provided in paragraphs 1 and 2 below and as depicted on Exhibit 2-5.

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- Change in the text (Appendix B, V.L, p.16) to stipulate that noise control measure "should" be incorporated, as opposed to measures that "shall" be required (existing text, p. 19). 41

- Numerous changes to allowable signage, which would increase the numbers of signs, increase the square footage of previously allowed signs, and increase the height of previously allowed signs (Appendix B, VI, p.19,20) described merely as "clarification and updating" in Section 2.0, Project Description (p. 2-5,6). This could potentially result in increased impacts on visual factors. 42

- Changes in parking requirements (Appendix B, VII, p.21), reallocating parking requirements for support services to other uses. This is noted as consistent with Planning Commission Resolution No. 1542 (Appendix B, p. 21, footnotes No. 1,3). However, the Planned Community text may only be amended by adoption of an ordinance by the City Council. 43

Failure to identify the Project in its entirety will result in a faulty analysis, which will fail to address all potential impacts of the proposed project.

In addition, the Draft SEIR does not utilize a consistent approach as to what constitutes "the Project." In some cases it is appropriately addressed as all future development which would occur under the proposed Master Plan, whereas other cases, such as the traffic analysis, treat the project as merely any change resulting from arranging square footage that would exist anyway. The EIR must clearly indicate the full impact that would result from all future development that would occur under the amended Master Plan. 44

Further, the project description lists the Coastal Commission among the Responsible Agencies that will be using the SEIR in their decision-making, but fails to identify the approvals that will be required of the Coastal Commission. (Draft SEIR sec. 2.6.2, p 2-8.) The approvals of all of the other Responsible Agencies are specified. CEQA requires that the project description must include a list of the approvals for which the EIR will be used. (CEQA Guidelines sec. 15124(d)(1)(B).) It is not sufficient to list the Coastal Commission as a responsible agency without specifying the approvals that the Coastal Commission will consider. The omission of the Project's Coastal Commission approvals is particularly troubling to Villa Balboa. As discussed below, Hoag has failed to obtain, or even apply for, the Coastal Commission permits necessary to comply with mitigation measures imposed by FEIR No. 142 to screen the view of the cogeneration plant from the adjoining Sunset View Park and residences. Furthermore, Hoag is currently out of compliance with its current permit from the California Coastal Commission. The SEIR must require Hoag to pursue the approvals necessary to implement the previously-imposed mitigation measures requiring Coastal Commission permits; and not simply relieve Hoag of these mitigation obligations. 45

V. The Draft SEIR Utilizes An Unstable Baseline.

As stated in Guidelines Section 15125 (a) and reiterated in the Draft SEIR (p.3-1): 46

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published... from both a local and regional perspective. This environmental

setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

Accordingly, the Draft SEIR presents total air emissions from existing development at Hoag (Tables 3.3-5, 10) as compared to anticipated future emissions from Hoag under the existing (Tables 3.3-11,12) and proposed Master Plan (Tables 3.3-13,14). One can clearly see the impact that will occur due to the development provided with the proposed Project, and what impact would occur due to development without the project. Significance is determined by comparison of total emissions from new development to SCAQMD thresholds. 46 cont.

By contrast, the analysis of localized air quality impact spots due to project operations merely compares development with the proposed amendments to development with the existing Master Plan. Similarly, the traffic analysis compares the development with the proposed plan to development with the existing Master Plan (Tables 3.2-6,7). Significance is determined by the difference in Intersection Capacity Utilization (ICU) between future conditions under buildout of the existing Master Plan and amended plan. Thus, even if trafficvehicle trips to be generated by future development under the amended plan would bring traffic to a screeching halt, it is not considered significant if congestion would be no worse than that generated by buildout under the existing Master Plan, (environmental Planning. The analysis provided in the Draft SEIR is similar to the approach rejected by the appellate court in Environmental *Planning and Information Council v. County of El Dorado* (3d.Dist 1982) 131 Cal.App.3d.350 [182 Cal.Rptr. 317]. 47 48

> The comparisons utilized in the EIRs can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts which would result. There are no extensive, detailed evaluations of the impacts of the proposed plans on the environment in its current state. Accordingly, the EIRs fail as informative documents.

VI. <u>The Draft SEIR Discussion of Cumulative Impacts is Inadequate</u>.

In accordance with Section 15130(b) of the CEQA Guidelines, the following elements are necessary to an adequate discussion of significant cumulative impacts (Guidelines Sec. 15130(b)):

> (1) Either
> (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
> (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluate regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.
> (2) When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the

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One is left to speculate as to what portion of that volume may be due to existing or future development at Hoag. 92 cont.

The Draft SEIR merely presents future traffic scenarios comparing traffic with the existing Master Plan to the amended plan, omitting any comparison to conditions without the plan. Due to growth in the fifteen years since EIR No. 142 was certified in 1992, it may well be that development under the existing Master Plan when added to development which has occurred since 1992 or is anticipated to occur in the near future would result in a significant impact on traffic not previously identified in EIR No. 142. 93

The Draft SEIR must clearly indicate distribution of trips for existing development at Hoag, for development projected under the existing Master Plan, and for development under the proposed amendment. The Draft SEIR must also present data clearly indicating what portion of the ICU at each location is due to development at Hoag under the existing Master Plan and under the proposed plan. Absent this information, it is impossible to review what assumptions were made regarding trip distribution and whether those assumptions were reasonable. 94

The Draft SEIR indicates that the proposed plan would reduce traffic impacts when compared to the existing plan, due to the lower projected trip generation. However, it is impossible to determine whether the proposed plan reduces a significant impact from future development at Hoag to an insignificant level, reduces a significant impact but not to an insignificant level, or merely reduces an impact which is insignificant to begin with. It is not enough to present the results of a fifteen year old traffic study which found no impact (p. 3.2-1). As discussed above, conditions in the surrounding area have changed significantly, and additional traffic at an intersection which would have functioned well in 1992 could now be at gridlock. 95

In addition, the following comments and questions regarding transportation and circulation must be addressed:

1. (p. 3.2-3) What "related projects" were included in the analysis of future traffic conditions? Related projects must be identified. 96
2. (p. 3.2-4) Extension of 19th Street across the Santa Ana River would be extremely costly, is subject to numerous environmental constraints, and is opposed by the Cities of Huntington Beach and Costa Mesa, the two cities where any extensionroadway and bridge construction would connect. There is a high likelihood that the extension/bridge would never be constructed. Therefore the EIR must present traffic analyses without this element in the 2025 as well as the 2015 scenario. 97
3. (p. 3.2-5) The 77,864 square foot conference center is listed as a support use, generating no external trip ends. In the past, the center was used for functions attended by numerous individuals coming from off-site locations. Unless that is no longer the case, it cannot be assumed that the conference center will not generate any trip ends at all and the traffic study must be revised to reflect trip generation from visitors to the conference center. 98
4. (p. 3.2-6) The levels of service (LOS) presented for intersections along West Coast Highway west of the hospital appear optimistic, both in light of actual experience 99

and the City's insistence that a bridge at Nineteenth Street/Banning Avenue is needed to relieve pressure on West Coast Highway. LOS in this location should be verified. } 99 Cont.

5. (p. 3.2-7) Likewise, the LOS B represented at Superior Avenue and 17th Street appears extremely optimistic and defies actual experience in which one must commonly sit through more than one light cycle. LOS at this location must be verified. } 100

6. (p. 3.2-7) How many parking spaces are currently occupied or blocked by the portable building in the south parking lot? How long will the building remain? How is the placement of modular buildings in parking areas regulated? In light of Hoag's current and historic long-term use of modular buildings, they should be subject to the same design standards as any other permanent structure on the Project site. } 101

7. (p. 3.2-7) How many parking spaces are currently set aside for valet parking only, and unavailable for self-parking? Where are these spaces located? } 102

8. (p. 3.2-7) What will be the effect of reserving five percent of total parking spaces for carpools on the availability of parking for visitors? } 103

9. (p. 3.2-7) Hoag now shuttles employees from the newly-acquired Superior facility to the Hoag campus. This also generates many daily trips not heretofore addressed. How many total individuals, both visitors and employees, are typically shuttled each day from parking lots on the Lower Campus to areas on the Upper Campus? And from the Superior facility to the Hoag facility? Would this be considered conveniently located parking, as called for in the general plan? } 104

10. (p. 3.2-10) The EIR must address how the anticipated square footage by use was derived. } 105

11. (p. 3.2-10) What is the basis for the assumption that 120,498 additional square feet will be devoted to support services on the upper Campus? } 106

12. (p. 3.2-10) Why would the proposed amendment increase the proportion of square feet devoted to support increase to nearly twenty percent of all development, up from sixteen percent existing and just ten percent projected under the existing Master Plan? The high apportionment of development to support tends to depress anticipated traffic generation and associated impacts. } 107

13. (p. 3.2-13) The Draft SEIR states that the lower trip generation is due to the lower amounts of traffic generated by in-patient uses over out-patient uses. At the same time, trip generation in the Draft SEIR assumes a much greater assignment of future development to support, which is projected to generate no traffic at all. Isn't that the major factor in the reduction in anticipated traffic? } 108

14. (Exhibit 3.2-7,8) The EIR must show what portion of the peak hour traffic volumes at each location is due to implementation of the existing Master Plan. } 109

15. (p. 3.2-14,15) Table 3.2-6 must indicate what portion of the total future ICU is contributed by development under the existing Master Plan and what portion of the total future ICU is contributed by development under the proposed plan, not just present the difference in total ICU between the existing and proposed plans at various locations. 110

16. (Exhibit 3.2-9,10) The EIR must show what portion of the peak hour traffic volumes at each location is due to implementation of the proposed Master Plan. 111

17. (Exhibit 3.2-11,12) The EIR must show what portion of the peak hour traffic volumes at each location is due to implementation of the existing Master Plan and what portion is due to trips generated elsewhere. 112

18. (p. 3.2-17,18) Table 3.2-7 must indicate what portion of the total future ICU is contributed by development under the existing Master Plan and what portion of the total future ICU is contributed by development under the proposed plan, not just present the ICU difference between the existing and proposed plans. 113

19. (Exhibit 3.2-13,14) The EIR must show what portion of the peak hour traffic volumes at each location is due to implementation of the proposed Master Plan. 114

20. (p. 3.2-19) What is the basis for the statement that the proposed Master Plan update would not result in a 0.01 or greater increase in ICU for intersections that currently exceed or are projected to exceed level of service standards? The EIR must present the contribution to total ICU represented by development under the proposed Master Plan at each critical location, as well as contribution to total ICU provided by the existing Master Plan. 115

21. (p. 3.2-23) How can it be stated that the project would not interfere with any emergency response plan or evacuation plan when numerous intersections would function at unacceptable levels of service in the future (Tables 3.2-6,7), with some unknown portion of the traffic at the congested locations to be generated? The EIR must identify evacuation routes for the general area, for people living and working at nearby locations outside Hoag, not just evacuation for its own facility. 116

22. (p. 3.2-22) While existing turn pockets and Hoag Drive/ Hospital Road may be sufficient at some locations, the left turn pocket for Hag Drive eastbound to Placentia/Hoag Drive northbound often backs up such that vehicles must wait through two and three cycles to complete a left turn. Many of the vehicles waiting originate at Hoag Drive West. This must be addressed in the EIR. 117

23. (p. 3.2-23) The EIR must address how the use of valet parking affects parking availability. 118

24. (p. 3.2-23) The EIR must address how use of parking areas for placement of modular buildings affect available parking. 119

25. (p. 3.2-26) Will a shuttle to Lower Campus parking still be required upon full completion of the Master Plan? Isn't this an indication that parking is not 120

convenient, contrary to Policy CE 7.1.1?

120 cont.

E. Air Quality and Health Risk.

This health risk assessment in the Draft SEIR presents significant data and conclusions, without presenting intervening processes and assumptions. Detailed information for various pieces of equipment is presented, followed by detailed health risk, but no intervening calculations of total emissions or methodology is presented, such as total emissions included in the analysis or dispersion modeling. There is merely a leap from individual equipment specifications to overall health risk for the developed facility.

The largest portion of anticipated air emissions is from vehicles. An underestimation of vehicle traffic would also affect estimates of air emissions. The section does not address impacts due to cumulative development specifically, although it does address conformity with the adopted Air Quality Management Plan, not in a stated context of cumulative impacts. However, the approach taken is a comparative approach, whereby emissions due to the proposed Project are presented as a very small portion of basin wide emissions, as opposed to the combined approach mandated by CEQA. The rationale for considering cumulative impacts in combination is well summed up in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, as follows:

> The point is not that, in terms of ozone levels, the proposed Hanford project will result in the ultimate collapse of the environment into which it is to be placed. The significance of an activity depends upon the setting. (Guidelines, § 15064, subd. (b).) The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the … problems in this air basin...
>
> Appellants… contend in assessing significance the EIR focuses upon the ratio between the project's impacts and the overall problem, **contrary to the intent of CEQA**.[emphasis added]

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The court then quoted Selmi's *Judicial Development of CEQA*, as follows:

> "One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming threatening dimensions only when considered in light of the other sources with which they interact. Perhaps the best example is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem.
>
> "CEQA has responded to this problem of incremental environmental degradation by requiring analysis of cumulative impacts. ..
>
> "This judicial concern often is reinforced by the results of cumulative environmental analysis; the outcome may appear startling once the nature of the cumulative impact problem has been grasped." (*Selmi, Judicial Development of CEQA* (1984) 18 U.C. Davis L.Rev. 197, 244, fn. omitted.)

The court continued:

> We agree with the foregoing assessment of a cumulative impacts analysis. We find the analysis used in the EIR and urged by GWF avoids analyzing the severity of the problem and allows the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling. Under GWF's "ratio" theory, the greater the overall problem, the less significance a project has in a cumulative impacts analysis. We conclude the standard for a cumulative impacts analysis is defined by the use of the term "collectively significant" in Guidelines section 15355 and the analysis must assess the collective or combined effect of energy development. The EIR improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality.

121 cont.

Thus, the Draft SEIR improperly minimizes project impacts by a comparison to basin wide emissions. The comparison is all the more unreasonable when one considers that the basin is a non-attainment area for both ozone and particulates.

In addition, the following comments and questions regarding air quality and health risk must be addressed:

1. (p. 3.3-1) The Draft SEIR indicates that emissions for the cogeneration plant were calculated at the maximum permitted emissions for the units. However, the permit included in Appendix A indicates that a maximum of 52 pounds of NOx, 93 pounds of CO, 50 pounds of ROG, 18 pounds of particulates, and 1 pound of SOx would be emitted each day, whereas the EIR shows 49.5 pounds, 73.2 pounds, 49.5 pounds, 14.9 pounds, and 0.0 pounds respectively. This discrepancy must be resolved in light of the proposed two-fold increase in the number of generator engines. — 122

2. (p. 3.3-16) As stated in EIR No. 142 (p. 4-189), the gas emitted on-site is considered "dirty", containing high levels of natural contaminants, such as sulfur. However, Table 3.3-5 indicates that no sulfur will be emitted due to electricity generation using the "dirty" methane. Does the facility clean the gas before use or are scrubbers utilized after combustion? Is the calculation based on the actual quality of the gas that is burned on-site or on typical "clean" gas provided by an outside supplier? Analyses must be based on actual on-site conditions. — 123

3. (p. 3.3-14, 23) As stated on the SCAQMD web site, "current work on the Handbook has rendered these chapter and appendices titles obsolete". Thus, it is necessary to utilize empirical data, as opposed to an average in an "obsolete" document. Because Hoag is a single facility, gathering data as to residences of employees and patients, at least on a general basis, would not be unduly burdensome, and a trip length reflecting actual circumstances at Hoag should be used. — 124

4. (p. 3.3-19) Although the localized significance of air quality impacts is discussed and the likelihood of an impact is identified for construction activities, no basis is provided for that conclusion. The EIR must explain how the conclusion was reached. — 125

5. (p. 3.3-20) The analysis of operational impacts addresses localized impacts only in terms of carbon monoxide hot spots due to congested traffic, yet the Project site includes numerous point sources of air emissions, such as the cogeneration plant and generators. In addition, loading docks with a concentration of diesel vehicles may also result in unhealthful air in a localized area. The EIR must include an LST investigation of these on-site pollution sources. 126

6. (p. 3.3-27) Table 3.3-17 compares emissions due to implementation of the amended plan to basin wide emissions as a means of determining AQMP conformity. This improperly dismisses the significance cumulative impacts on air quailty, as discussed above. 127

7. (p. 3.3-27) The Draft SEIR addresses project emissions in terms of the localized area. However, vehicle trips associated with the facility may originate many miles away, and emissions generated at the project site move inland. 128

8. (p. 3.3-31, MM36) Won't analysis of mechanical equipment on a phase by phase basis lead to piecemeal analysis? 129

9. (p. 3.3-33) How does the analysis show that no CO hot spots will occur? No such analysis is included in the Draft SEIR. 130

10. (p. 3.3-35, MM3.3-2, 3) Once measures to reduce emissions are incorporated into contract specifications, who will enforce the measures? How can the city maintain jurisdiction to ensure implementation of what will be a contract between two private parties? 131

11. The EIR must also address emissions due to cars cruising the parking garage or idling at the end of a row, waiting for a parking space as now commonly occurs at Hoag. 132

12. What assumptions were made regarding the percent of project traffic that would result from trucks or other diesel burning vehicles? 133

13. The EIR must examine impacts associated with increased signage permitted under the proposed amendment. 134

F. Noise.

It is the policy of the state, as declared in the California Environmental Quality Act, to take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and ***freedom from excessive noise*** [emphasis added] (P.R.C. § 21001(b)). Existing local regulations regarding noise have not been enforced, with great detriment to the surrounding public, including but not limited to the Villa Balboa and neighboring Versailles Communities. Now, rather than enforce the regulations, the City is proposing to reduce or eliminating the existing noise regulations, with greater detriment to the adjoining park and nearby residences. This is a significant adverse, but avoidable, impact. 135

Mitigation measures are discussed that could reduce the noise impacts to the adjoining properties (enclosing the loading dock, installing a sound wall at the Project boundary, installing balcony barriers at adjacent properties, and upgrading windows in nearby residences (Draft SEIR pp. 3.4-34, 35)). However, the measures are not included among the mitigation measures proposed for the Project. There is no information in the Draft SEIR that would justify rejecting any of the measures as infeasible. As discussed above, CEQA requires that all of these measures must be included among the Project's mitigation, though they may only reduce Project impacts rather than "completely mitigate" them.

While we endorse the implementation of all suggested mitigation measures we are concerned that no measures will be implemented, based on the proven history of failure to control noise in the past and present-day. The Villa Balboa community is concerned that Hoag has chosen to locate all of the noisiest functions on the site (i.e. loading docks, grease traps, box crusher, cogeneration plant, etc.) adjacent to existing residential areas instead of internally or closer to major streets. In order to mitigate and minimize the Project's adverse noise impacts on the surrounding public and adjoining residences, we respectfully request that Hoag and the City consider moving the various noise-generating functions elsewhere as the site redevelops, and prohibit siting new noise-generating activities in close proximity to the adjacent park and residences. 136

In addition, the following questions and comments must be addressed:

1. (p. 3.4-5) The Draft SEIR presents only one of the explanatory notes in the Newport Beach Municipal Code for the table in Section 10.25.025 A. It should also be noted that section 10.25.025 E states as follows: 137

   > If the measurement location is on boundary between two different noise zones, the ***lower*** noise level standard applicable to the noise zone shall apply [emphasis added].

   The Draft SEIR fails to comply with this standard.

2. (p. 3.4-6) Who would determine whether Hoag's ability to develop the property according to the development agreement would be impaired by compliance with a new regulation? Would the public be afforded an opportunity to comment? 138

3. (p.3.4-9, Table 3.4-3) Noise on West Hoag Drive should also be analyzed, taking into consideration the grade of the road and the high percentage of truck traffic. 139

4. (p. 3.4-10) Noise should also be analyzed at the tennis courts west of the subject property. 140

5. (p. 3.4-11) The Draft SEIR states that noise during pumping "is almost four times greater", but it should be stated that noise is generally perceived to be four times greater, while sound energy is almost 100 times greater. 141

6. (p. 3.4-12, 24) Is grease trap maintenance considered a property maintenance activity city wide? Is grease trap maintenance also permitted to exceed basic noise limits in other areas of the City such as Balboa Island and Old Corona del Mar? 142

7. (p. 3.4-12) When was it determined that grease trap maintenance would be considered property maintenance? Who made the determination? 143

8. (p. 3.4-12) The noise analysis must also consider backup bells on trucks, and the annoyance factor created. 144

9. (p. 3.4-12) During the time measurements were taken, did the grease trap maintenance equipment and trash compactor ever operate simultaneously? What noise level was/would be produced? 145

10. (p. 3.4-12) During the time measurements were taken, did the sterilizer, grease trap maintenance equipment and trash compactor ever operate simultaneously? What noise level was/would be produced?

11. What is the maximum equipment that was operated simultaneously during the time noise measurements were taken? 146

12. (p. 3.4-13) How is it that after all this time, mechanical equipment at Hoag still fails to meet Planned Community standards and code requirements? Is this type of exceedance common throughout the City? What is being done to address the problem? 147

13. (p. 3.4-14) The Draft SEIR incorrectly states that the Mixed Use Residential standard should be applied to residential uses within 100 feet of the Hoag property. The two sites do not represent true mixed use as is designated by the General Plan for areas near the Airport or along Mariners' Mile. Hoag Hospital is not a commercial use, but is designated as Private Institutions (p. 3.1-4) and is a not-for-profit hospital (p. 2-2). It is thus inappropriate to apply a noise standard designed for mixed use areas where residential and commercial properties adjoin. Rather, Section 10.25.025 E should apply as follows: 148

> If the measurement location is on boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply.

The applicable standards would be those for Noise Zone I, which is 50 dBA at night and 55 dBA during the day. Prior noise studies conducted at the Hoag Hospital site failed to measure noise at the property lines and were conducted during periods when the cogeneration plant generators were not in operation. The conditions under which the required noise studies are to be conducted must be specified in the mitigation measures in order to better ensure their enforceability.

14. (p. 3.4-14) It is not reasonable to assume that no noise impact will occur on the adjacent public park land simply because no noise ordinance limit applies to the public parks. The EIR must address noise impacts on both passive and active portions of the planned and existing park. This must include noise exposure for vulnerable children. 149

15. (p. 3.4-14) How did the expansion of the cogeneration facility become "completely 150

permitted" absent environmental review? How many other projects with potentially significant cumulative impacts have been permitted on a piecemeal basis with little or no public review of potential impacts ? 150 cont.

16. (p. 3.4-14) Could the City not specify in the Planned Community text at this time that expansion of the cogeneration plant is not a permitted use? Could the City not specify that a cogeneration plant is not a permitted use at all, rendering the existing plan nonconforming? 151

17. (p. 3.4-14) It is not correct to state that the City would have the right to require noise mitigation for the cogeneration plant only if violations to the noise ordinance were to occur. The City has the right to require mitigation any time an impact could occur in conjunction with a discretionary decision. This approach would prevent mitigation of a plethora of impacts, with noise levels in excess of 100 dBA deemed acceptable in a public park simply because no ordinance specifically applied. Noise from the cogeneration plant may constitute a nuisance and create an adverse impact on the public park without specifically violating the noise ordinance. This impact must be mitigated. 152

18. (p. 3.4-19) It is not clear what Table 3.4-5 represents. Does it present a comparison of noise levels with buildout under the existing Master Plan with the amended plan or does it present a comparison of noise levels between existing development at Hoag and development under the proposed amendment? If the former, then the latter should be presented in the EIR. This must be clarified. 153

19. (p. 3.4-22) Residential buildings front on Via Lido within a very short distance of Newport Boulevard. What is the projected noise level at that location? 154

20. (p. 3.4-23) What other projects were considered in projecting future noise levels? 155

21. (p. 3.4-23) The discussion of cumulative traffic noise impacts appears to be based on a comparison of buildout under the existing Master Plan to buildout under the proposed plan. Is this true? Wouldn't either project contribute to cumulative impacts? 156

22. (p. 3.4-24) It is not reasonable to conclude that noise impacts due to grease pit cleaning are not significant, no matter how loud, simply because the activity is exempt from the City's noise ordinance. It is more appropriate to consider to what extent the level of noise would disturb normal conversation and quiet enjoyment of one's property in the nearby homes. 157

23. (p. 3.4-25) The Association wholeheartedly supports the assertion that noise exceeding set limits due to both the rooftop equipment mounted on the Ancillary Building and the HVAC equipment located on the third floor of the West Tower should be corrected prior to issuance of any additional building permits for projects on the Upper Campus, though it prefers that noise in excess of set limitations be corrected immediately. 158

24. (p. 3.4-25) The suggested noise study addressing new kitchen fans should be 159

conducted as a part of this environmental process, not addressed on a piecemeal basis later. 159 cont.

25. (p. 3.4-26) Though precise noise levels cannot be calculated until specific fans are selected, mitigation measures should specify maximum screening and limit selection of fans to those that would not exceed noise limits or that could be mitigated to create no more than acceptable levels of noise, i.e. 50 dB at the residential uses. 160

26. (p. 3.4-26) Inasmuch as mitigation of air handler noise is deemed feasible, mitigation must be required. 161

27. (p. 3.4-27) Have noise levels changed at all since 1991? How much? What change would be considered "substantial"? 162

28. (p. 3.4-27) How is it that development at Hoag would increase by over fifty percent in the future, but activity and noise at the loading dock would remain the same? 163

29. (p. 3.4-27) Wouldn't exempting loading dock activities from any noise limitation just exacerbate noise? Wouldn't eliminating any limit also eliminate any incentive to reduce noise. Various mitigation measures have been suggested, which could result in significant reduction, but they have been dismissed without further investigation as to feasibility (pp. 3.4-34-35). Further investigation of mitigation measures must be pursued, including meeting with nearby residents to verify whether or not the proposed measures which would involve alteration to residential properties or provision of sound barriers at the property line would be acceptable and feasible from their standpoint. 164

30. (p. 3.4-27) Are loading docks exempt from noise limitations anywhere else in the City? Are loading docks at Westcliff Plaza or Eastbluff Center exempt? What about Albertsons in Corona del Mar? 165

31. (p. 3.4-27) Operation of a fourth cooling tower should be examined in this EIR. In what way is it "permitted"? Have building permits been issued? What other approvals were granted? With what environmental review? 166

32. (p. 3.4-27) What other equipment would be added to the cogeneration plant? With what impact? 167

33. (p. 3.4-28) What measures will be taken to reduce noise in outdoor areas where visitors congregate to wait for their cars to be returned by valet parking? 168

34. (p. 3.4-30) The Draft SEIR fails to acknowledge that the proposed Planned Community text amendment would result in failure to enforce the noise standards shown in Table N, not due to lack of awareness of the situation or negligence, but as a matter of policy, contrary to General Plan Policy N 1.1. 169

35. (p. 3.4-30) The Draft SEIR fails to acknowledge that the proposed project would result in failure to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources contrary to General Plan Policy N 4.1. 170

36. (p. 3.4-30) The Draft SEIR fails to acknowledge that the proposed project would fail to enforce the noise ordinance, but would create new, project-specific exemptions contrary to General Plan Policy N 4.6. 171

37. (p. 3.4-30) At a minimum, all listed mitigation measures must be adopted and implemented. In addition, suggested measures regarding screening and sound walls in the area of the loading docks must be pursued and relocation of the loading dock must be considered. 172

38. Mitigation measures should include a restriction on the hours of operation of noise-generating activities on the Lower Campus adjacent to the park and residences, including the childcare center and cogeneration plant. 173

G. **Aesthetics.**

The proposed Project expansion at Hoag Hospital, including but not limited to the expansion of the industrial-looking cogeneration plant, will have significant adverse impacts to the adjoining park, Pacific Coast Highway, and nearby residences. Hoag has not complied with existing mitigation measures required to screen the view of its facilities, and there is no reason to believe that it will comply with the mitigation measures proposed for the pending Project. 174

1. (p. 3.5-2) EIR No. 142 indicated that in winter up to fifty percent of Building B and large portions of Building A in Versailles on the Bluff would be in shadow at 9 am, with some units in shadow nearly all morning. Portions of each building are shown to be in shadow up until 9 am for most of the year. This is not the "early morning" for most people. Solar energy access is not relevant to the discussion of aesthetics, but should be discussed as part of energy considerations. 175

2. (Exhibits following p. 3.5-2) Views across the site from city parkland west of Superior must also be presented. 176

3. (p. 3.5-7) The EIR must address view impairment due to operation of the cogeneration plant, including steam and stack gases/heat flare. This affects not only views from the Villa Balboa residential development but views from designated Public View Points (General Plan Figure NR 3) immediately north of the site, and from the recently acquired park land west of Superior. 177

4. (p. 3.5-7) The EIR must address how increased demand for heating, cooling, and other power demands would increase activity at the cogeneration plant leading to increased impairment of views. 178

5. (p. 3.5-8) No analysis of shade and show has been provided for the Avalon assisted living project north of Hoag in either EIR No. 142 or the pending Draft SEIR. This must be provided. Lack of sunlight can contribute to depression, a common problem in the ailing elderly. 179

6. (p. 3.5-9) The Draft SEIR fails to address how public views would be affected by the cogeneration plant nor offers any means to protect or even reduce view impairment due to the cogeneration plant, contrary to Policy NR 20.3. 180

7. (p. 3.5-10) The Draft SEIR fails to address how public views would be affected by the cogeneration plant nor offers any means to protect or even reduce view impairment due to the cogeneration plant, contrary to Policy LU 1.6. The SEIR mitigation measures should require visual screening of the building and rooftop through the use of landscaping or other architectural device. 181

8. (p. 3.5-12) Contrary to MM 46, the cogeneration plant does not give the appearance of a "clean rooftop", nor of anything clean at all. Visual screening of the facility must be provided. 182

9. The SEIR must also address potential measures to mitigate visual impact of cooling tower condensate plume and rooftop exhaust stack plumes from the cogeneration plant. These include replacement of the current cooling towers, as well as measures proposed by Steve Paliska, consultant to Villa Balboa, for retrofitting plant facilities. 183

10. In response to requests made by the Villa Balboa Community Association's Hoag Hospital Liaison Committee, Hoag has committed to re-institute the use of story poles on all building projects with potential to obstruct ocean views from the adjacent park and residences. The SEIR should document this commitment in the form of a mitigation measure. 184

11. The SEIR should include mitigation measures requiring Hoag to remove or screen a range of items in the construction stating areas on the Lower Campus, including trash bins, outhouses, debris, trailers, etc., that are visible from the adjoining park, Pacific Coast Highway, and nearby residences. 185

12. The SEIR should include mitigation measures requiring Hoag to keep its trees trimmed consistent with the height limitations set forth in the Planned Community Development Document. 186

13. The SEIR should include mitigation measures requiring Hoag to remove the illegal and unsightly bluff top fence and replace it with a fence that will not be visible from the Sunset View Park, adjoining residences, and residences across Superior. In the Lower Campus zone, there is to be no building above the height of the existing slope. (PCD Text, 1992, p. 14, ¶ 4.) 187

14. Villa Balboa has informed the City and Hoag about the adverse impacts to the adjoining park and residences resulting from Hoag's stadium-style lighting recently installed in the Lower Campus parking lot, including light obstructing views of the ocean and evening sky from the public park, and interfering with privacy by illuminating the interior of nearby residences. The mitigation measures should restrict the lighting to amber-colored, lower-intensity bulbs, directed down and shielded from the adjoining park and residences. (Final EIR No. 142, Vol. 7, p. A-17, ¶ 44.) 188

H. **Project Alternatives.**

The Draft SEIR considers only one alternative, which would allow the reallocation of some lesser amount of square footage, but would still include increases in the allowable noise 189

environment. The EIR must consider an alternative which would allow the reallocation of buildable area, as requested by Hoag, but maintain noise limits consistent with Newport Beach Noise Zone I for adjacent residences and existing agreements and Planned Community regulations, whichever is quieter. The EIR must consider an alternative which would relocate major noise generators elsewhere on the site, away from residential uses. 189 cont.

I. **Growth Inducement.**

1. The EIR must examine housing demand that would be created by additional development at Hoag Hospital, taking into consideration the cost of available housing and anticipated income profile of future employees. 190

2. Additionally, the EIR must examine how adoption of the proposed exemptions to the noise ordinance will set a precedent for other, additional exemptions and increased noise elsewhere in the city. 191

X. **Impact Areas Improperly Omitted from Examination in the Draft SEIR.**

A. **Hydrology/Water Quality.**

As discussed above, significant changes have occurred with regard to both regulation of water quality and urban runoff and available technology. Total Maximum Daily Loads ("TMDLs") have been developed in the Newport Bay Watershed by the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), and United States Environmental Protection Agency (USEPA), Region 9 for both Upper and Lower Newport Bay, which are impaired water bodies (Clean Water Act § 303(d)). The EIR must address how development under the proposed amendment would affect the ability to meet adopted TMDLs. 192

The EIR must also examine how the project would comply with California Regional Water Quality Control Board, Santa Ana Region Order No. R8-2002-0011, NPDES No. Case 618033, and the Orange County Drainage Area Management Plan which require the retention, treatment, or infiltration of urban runoff produced from a 24-hour, 85th percentile storm event, which is approximately .75 inches of rainfall. The rule and plan apply to all new development or substantial redevelopment and are designed to mitigate impacts of urban runoff. 193

EIR No. 142 contemplated nothing more sophisticated than vacuuming of parking lots to address urban runoff. The EIR must address water quality impacts and feasible mitigation in light of current regulations and technology, such as use of filter packs or treatment wetlands for the removal of various residues in stormwater runoff. 194

B. **Geology.**

Researchers working at the University of California at Irvine have documented of a new blind thrust fault traversing Newport Beach which was not and could not have been examined in EIR No. 142. The EIR must examine this fault. 195

The EIR must examine geologic hazards, particularly ground rupture, in the light of the following excerpt (p. 2-32) from the Hazards Assessment Study prepared by Earth Consultants International in 2003 as part of the background reports for the General Plan Update: 196

Converse Consultants (1994) found a small fault, the West Mesa fault, near the western terminus of West 16th Street, while conducting a geologic study and grading for a filtration water plant (see Plate 2-2). The West Mesa fault trends between 5 and 30 degrees west of north, and is interpreted to have moved in the last 11,000 years, making it active. Earth Consultants International (1997) then trenched south of the Converse (1994) exposure in an attempt to find the southern continuation of this fault, but the fault was not found, suggesting that the fault is not laterally extensive. However, Earth Consultants International (1997) did find another small active fault about 600 feet to the south of the Converse study that strikes 50 degrees west of north, roughly parallel to the regional trend of the Newport- Inglewood fault. In the exposure, the fault had 12 to 18 inches of vertical separation, extended upward into the E and Bt soil horizons, and was therefore interpreted to have ruptured at least once in the last 11,000 years, probably co-seismically with movement on the main Newport-Inglewood fault.

Further, in reviewing previous work in the Newport Mesa area, Earth Consultants International (1997) concluded that a narrow fault zone mapped by The Earth Technology Corporation (1986) was not conclusively shown to be inactive. This fault zone trends 5 to 12 degrees west of north, similar to the orientation of the fault exposed by Converse (1994). All of these faults in the eastern portion of the mesa are not considered seismogenic (earthquake-producing) because of their small separations, narrow width, and non-ideal orientations. The separation seen on these faults probably resulted from seismic slip during an earthquake on a strand of the Newport-Inglewood fault farther to the south. Nevertheless, several inches of ground offset could cause severe damage to overlying structures. Consequently, although the hazard from primary surface rupture on these small faults is possibly low, building setbacks from these faults are appropriate.

196 cont.

Contrary to assertions on Page 1-11 of the Draft SEIR, General Plan Safety Element Figure S2 maps a portion of the Hoag site as subject to liquefaction and landslides. Villa Balboa has informed Hoag that, in conjunction with Hoag's recent excavation in the bluff area and construction of the retaining wall within the Lower Campus, cracks have developed in the bike path along Villa Balboa's western boundary and within some Villa Balboa residences. The Villa Balboa Community Association is currently investigating the matter. Information about the cracks and deterioration of the concrete bike path must be disclosed, evaluated and mitigated in the EIR to avoid significant geotechnical impacts to the park and residences adjoining the Project.

197

C. **Recreation.**

The EIR must address the effect the project would have on the adjacent bike trail, Sunset View Park and on the about-to-be-developed Sunset Ridge Park, specifically how the project would affect noise levels on the bike trail and in the parks, and how any increase in demand for cogeneration operations would affect views and noise levels for bicyclists and visitors to both parks.

198

D. **Utilities.**

The SEIR must address how the reallocation of allowable development may affect specific infrastructure elements such as water and sewer lines and address available capacity

199

taking into account growth that has occurred in the fifteen years since EIR No. 142 was certified. Additionally, the SEIR must provide sufficient information about total Project water demands to determine whether a water supply assessment is required as part of the SEIR pursuant to Water Code section 10910, et seq., which took effect in January 2002. 199 cont.

XI. Conclusion.

As currently proposed, the Project violates the terms of the Development Agreement recorded against the Hoag site for the benefit of the Villa Balboa property, among others. Even if the City and Hoag could move forward with the Project over the community's objection (which they cannot), the Draft EIR is inadequate to meet the requirements and fulfill the purposes of CEQA. The Draft EIR must be re-circulated in order that the public and decision makers may be fully informed of the impacts of the proposed project. 200

From the information presented thus far, we are concerned that the ultimate result of any Project approval will be the imposition of further unmitigated impacts on the public and nearby residences, including but not limited to impacts on noise and views. Representatives of the Villa Balboa Community Association, the Villa Balboa Hoag-Liaison Committee, have met with representatives of Hoag on approximately 25 occasions during the past year but have continuously been frustrated by the lack of progress in the negotiation process designed to reach agreement on issues presented herein. It is the consensus of the Villa Balboa Hoag-Liaison Committee that much of the negotiation process may have occurred absent good-faith intentions of Hoag representatives and personnel since most of the agreed upon mitigations have not been completed and a number of the issues raised by the Committee have simply not been addressed. Based upon Hoag's performance since EIR No. 142 was certified, it is evident that without the City's active involvement in monitoring and enforcing the restrictions and mitigation measures imposed on the Hoag Hospital operations, a negotiated solution cannot occur. 201

Thank you for this opportunity to comment on the proposed Project and the Draft SEIR. We request to be notified of all further proceedings and opportunity for public involvement in connection with the Project.

Respectfully submitted,
JACKSON DEMARCO TIDUS PETERSEN & PECKENPAUGH

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Attorneys for Villa Balboa Community Association

cc: Newport Beach City Council Members (w/encls.)

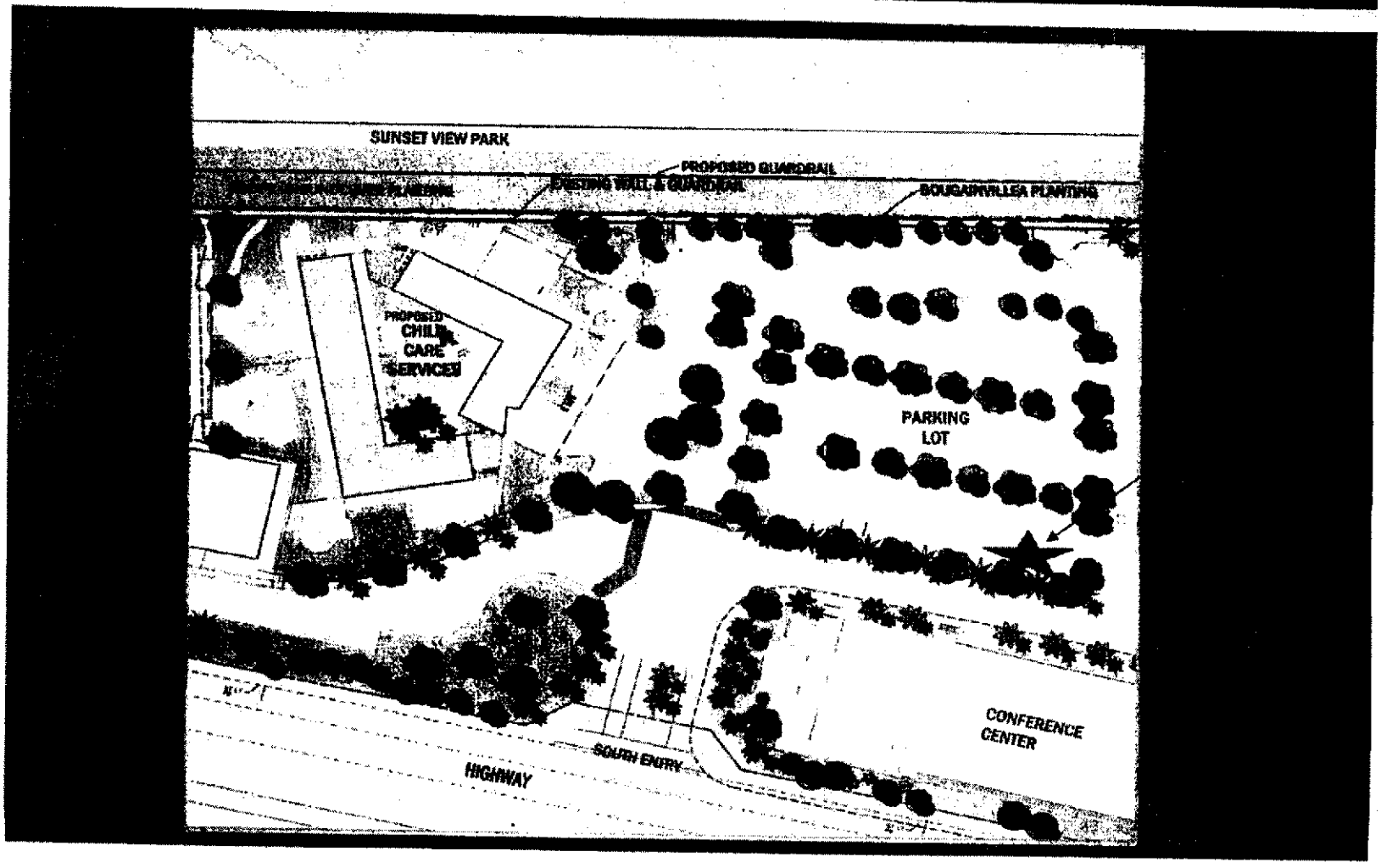
Hoag Hospital - Villa Balboa HOA Community Meeting

Villa Balboa Community Center

March 14, 2007

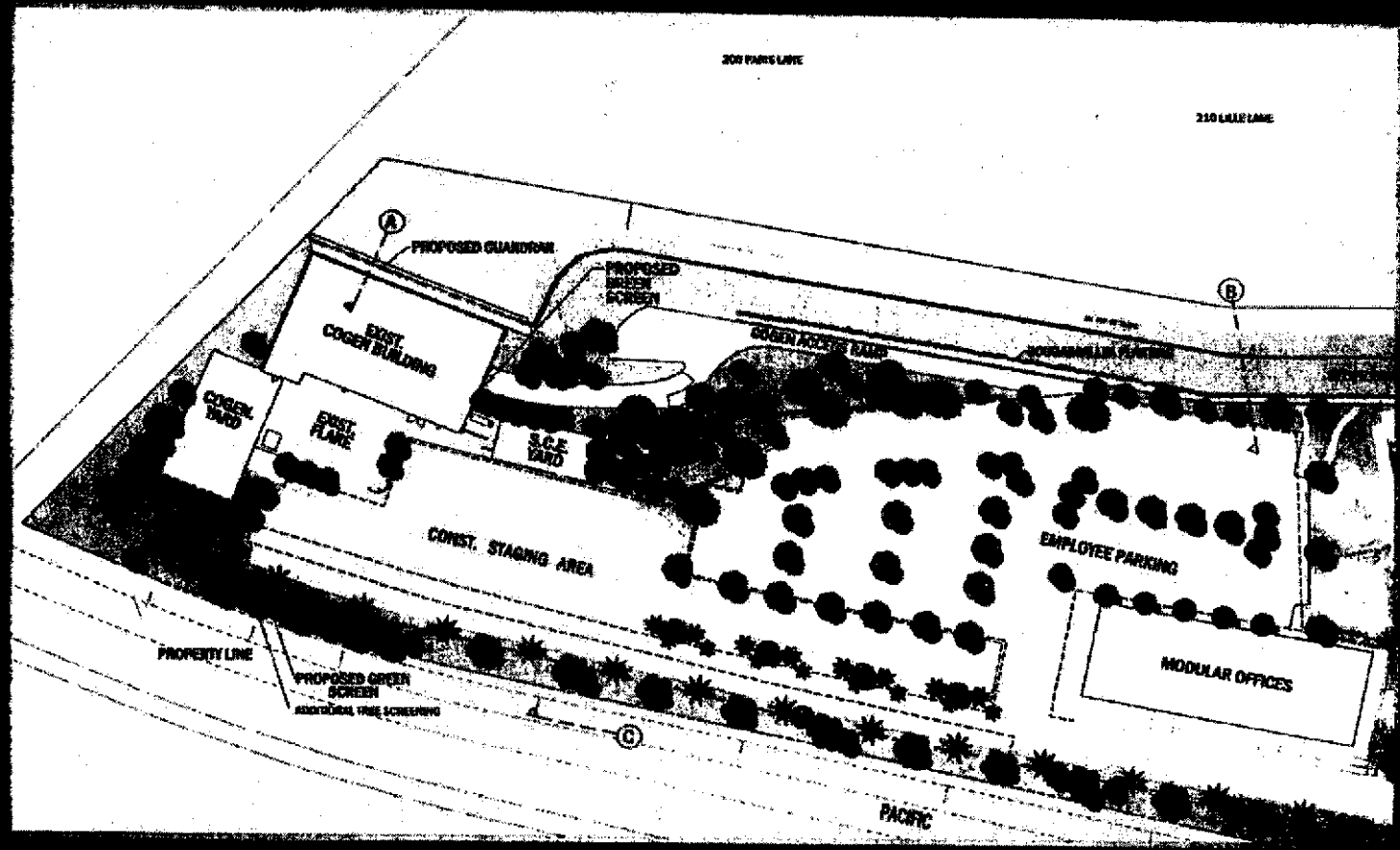
Landscape Plan – Childcare Facility

HOAG HOSPITAL



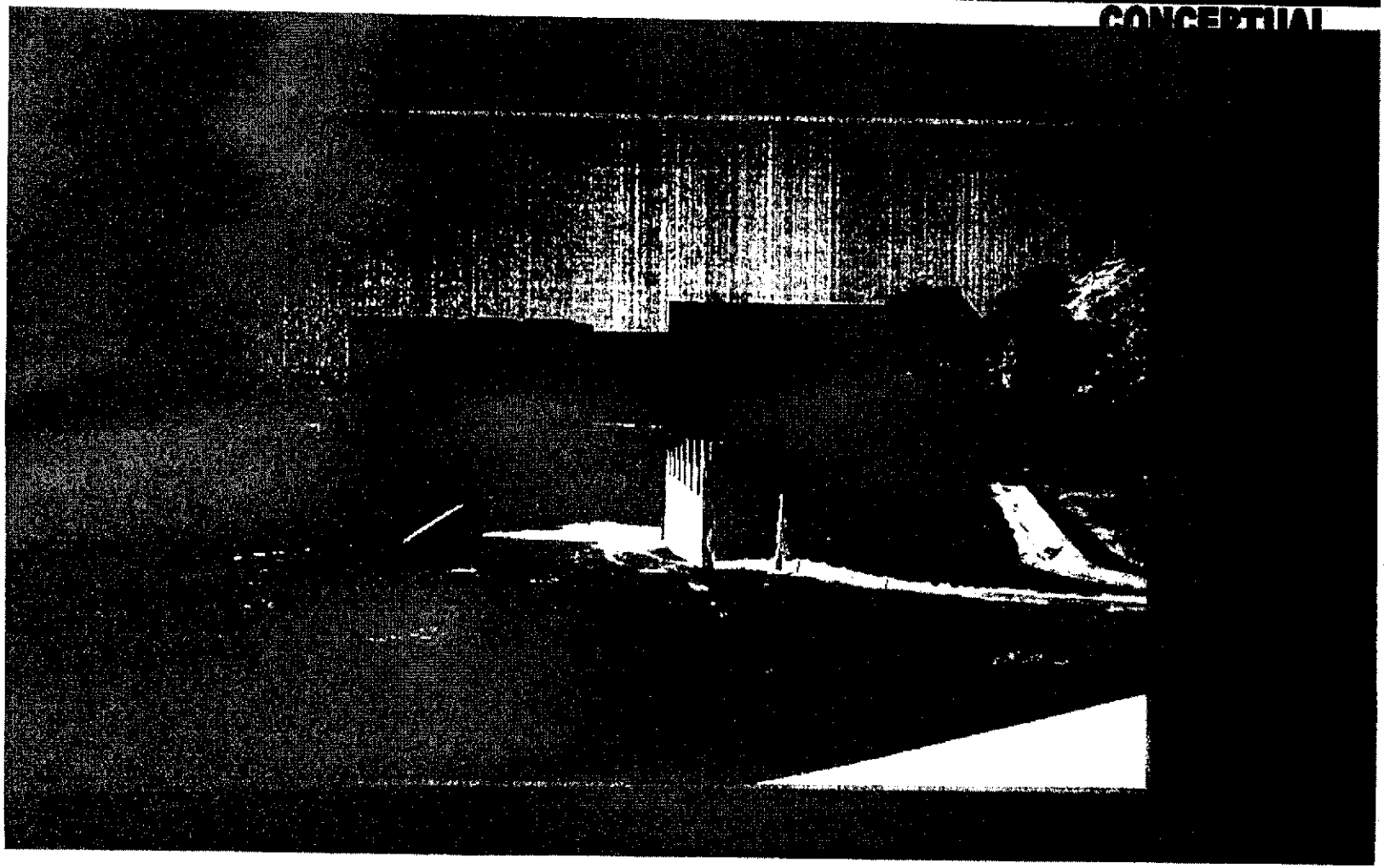
Construction Staging & Landscape Screening

HOAG HOSPITAL

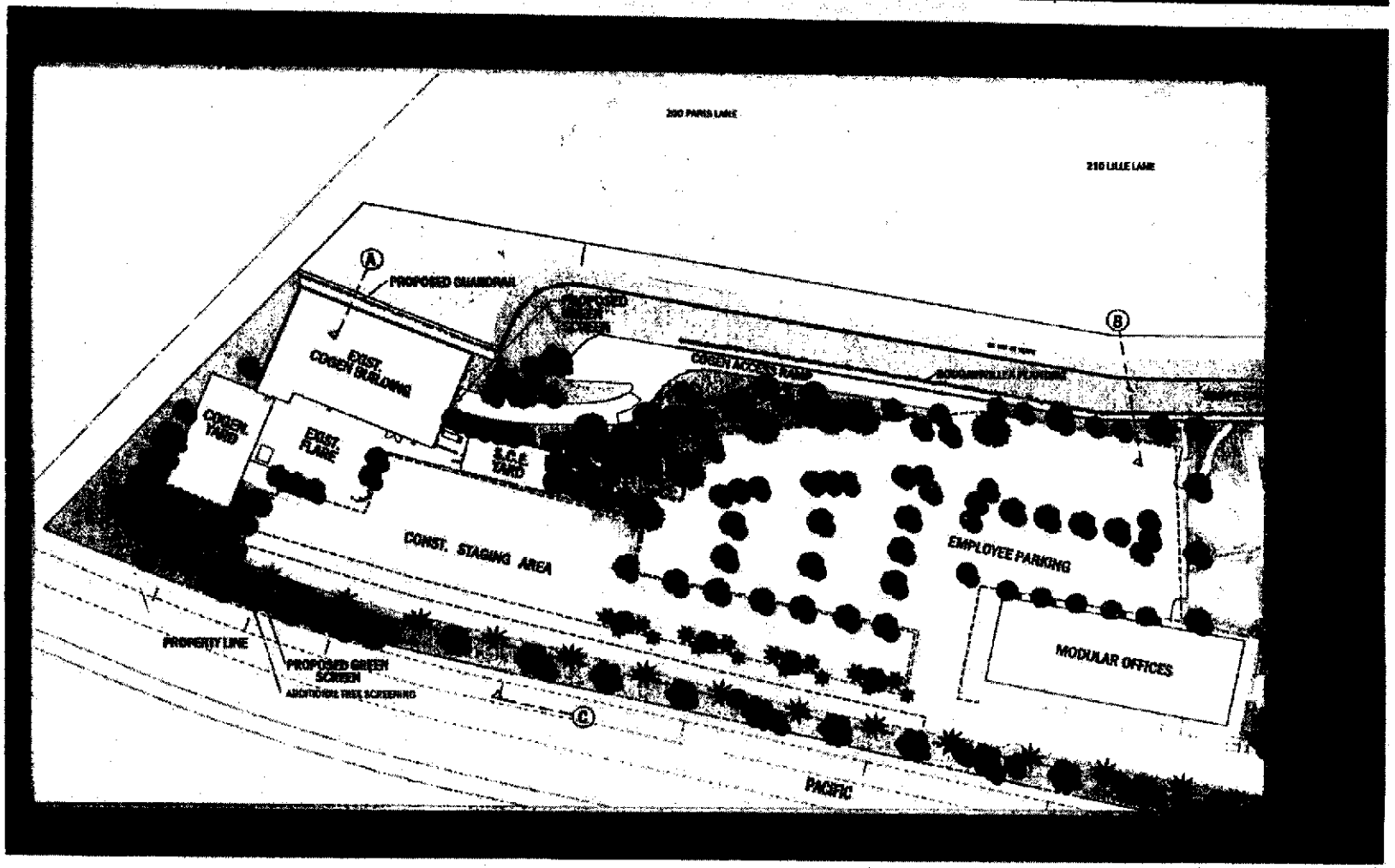


Co – Gen Green Wall

HOAG HOSPITAL



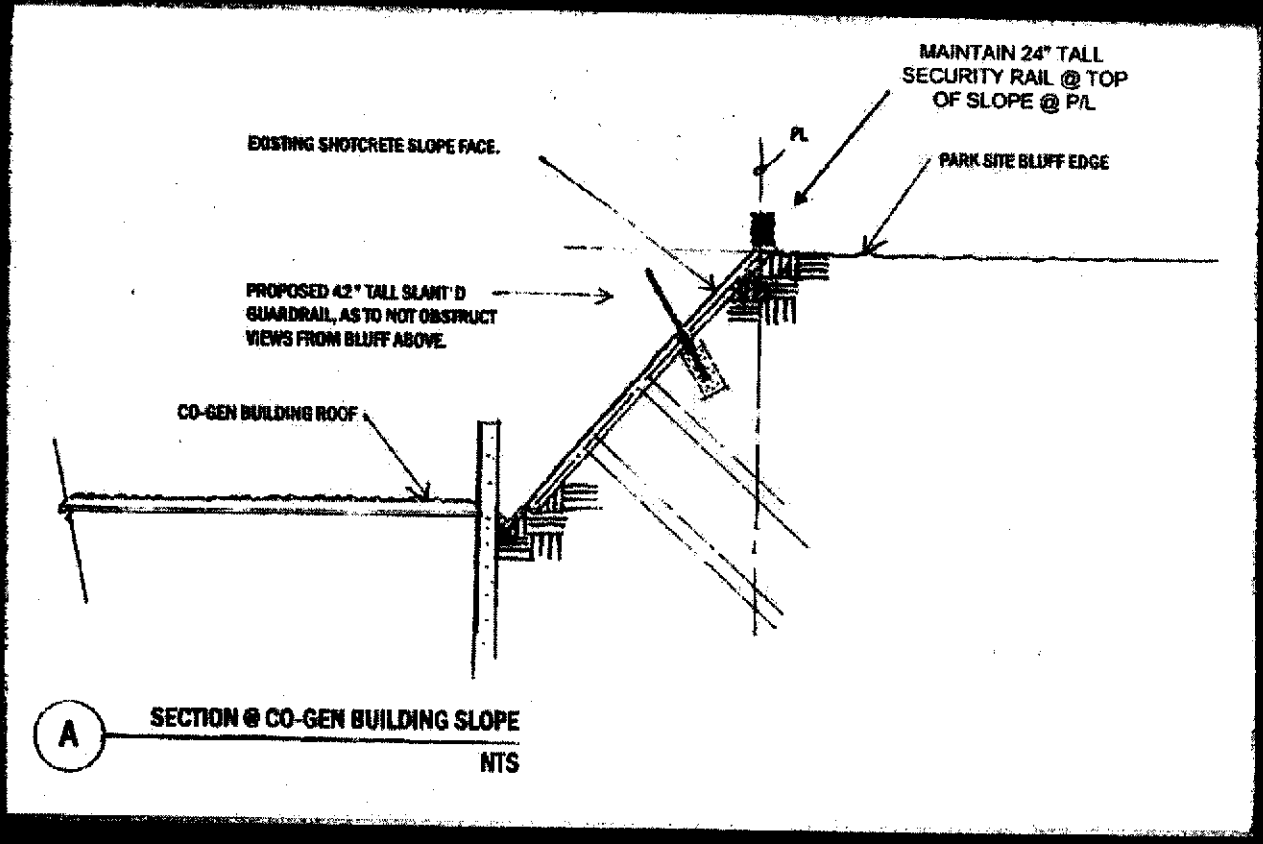
Co-Gen Screening



Sunset View Park Fence

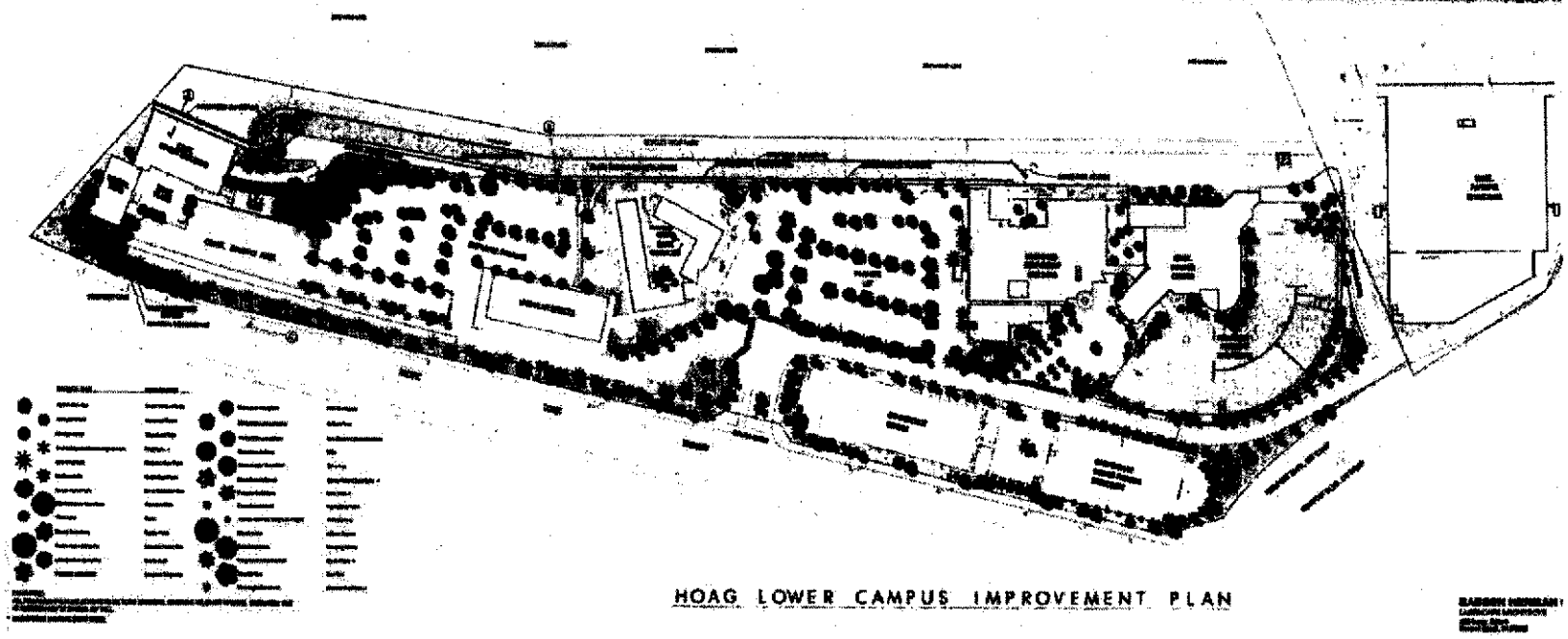
HOAG HOSPITAL

CONCEPTUAL



Lower Campus Site Plan

HOAG HOSPITAL



Report on Possible Avenues of Mitigation for Cooling Tower Condensed Water Plumes and Engine Exhaust Plumes - Hoag Co-Generation Facility

August 13, 2007

Thermal Mechanism of a Cooling Tower

The purpose of a cooling tower is to mix air and water, thus transferring the latent heat of vaporization of part of the water to the air with which it is mixing. Keeping in mind the 1000 BTU latent heat of vaporization, one pound of water evaporated in the tower will cool 1000 pounds of water 1 degree F. Normally the "approach" in a tower is about 10 degrees, meaning the temperature of the leaving water will be about 10 degrees below the wet bulb temperature of the incoming air (for a discussion of key concepts and definitions related to this report, please see the supplemental section at the end of this report).

Essentially, the transfer of heat from the incoming water by evaporation of a portion of the water requires no external power except perhaps for a pump to lift the water to the top of the tower. The difference in temperature between the top of the tower and the open bottom of the structure creates a draft, moving air up through the tower. This passive method is used in very large cooling towers, such as those installed in nuclear power plants that are not sited near a large source of natural cooling water. In smaller towers, fans are installed to maximize airflow. However, the addition of a fan is strictly to reduce the size of the installation, as opposed to any effect on the thermodynamic water/air heat interchange.

Exiting the top of the cooling tower is a mixture of water vapor and air saturated to approximately 10 degrees below the measured wet bulb temperature. If the temperature of the air into which the water vapor is mixing (an air jet mixing with still air will form about a 30 degree cone) is below the dew point, the heat from the water vapor will be transferred to the air thus condensing the water vapor back into liquid water. The super cooled water vapor stays mixed with the air until it reaches a dust or salt particle on which the molecules of water condense and collect until they are visible as fog particles. This creates the condensate plume visible to those in proximity to the tower. Given the undesirable aesthetic effects associated with such plumes, a range of plume abatement technologies has been developed and deployed when cooling towers are located near residential or other scenically sensitive locations. For the Hoag cooling towers, the normal coastal onshore air flow, which is often cool, moist, and laden with salt, often

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amplifies the plume formation as compared to what might occur at a hotter, drier inland location.

The installation configuration of the Hoag cooling towers just below the level of the lower campus bluff causes the exit plume to be essentially at ground level with respect to the adjacent dwellings and the View Park, thus increasing the visual impact on occupants and visitors as well as an elevated level of relative humidity. Whereas a normal installation, with both the cooling towers and the dwellings at ground level, would cause the plume discharge to be 20 to 40 feet above grade. In addition, a draft tube and a somewhat more energetic fan could be installed which would throw the plume even higher above the residents. Unfortunately the configuration of the tower, which is below the bluff on which the dwellings and park are located, precludes this approach.

Cooling Tower Condensate Plume - Mitigation Methods

The goal of the mitigation measures discussed herein is to eliminate the visible condensate plume under the widest possible range of atmospheric and operational conditions in the most efficient manner possible. A partial mitigation effort is unlikely to resolve the aesthetic issues associated with the plumes, and will likely cause the issue to continue simmering in the community.

Absent replacing the current cooling towers with a design specifically engineered for plume abatement, retrofitting the towers and modifying operational parameters is second best option. Several methods for addressing the plume have been proposed by various parties, and are discussed briefly below. Please note that, given that the plant's location close to the ocean, which is highly conducive to plume formation, and given the range of operational conditions affecting the cooling towers, a composite solution, involving two or more mitigation techniques will likely be needed to achieve optimum results. Determining the ideal combination of techniques will require additional study of atmospheric and operational factors as well as operational testing.

The list of mitigation techniques discussed below is intended to address the methodologies already proposed by the firms retained by Hoag for this purpose. It also includes a proposal offered by Marley Cooling Towers, the manufacturer of the towers used by Hoag. Additional methods may be feasible, and would require additional research to develop.

Adding A Heating Coil to the Tower Discharge: The Marley Cooling Tower Division of SPX Cooling Technologies offers an option wherein the tower cells are fitted with a heating coil utilizing all or part of the incoming hot condenser water. Subsequently the condenser water is discharged into the basin of the tower cell and further cooled. The Marley technical staff has addressed the present undesirable plume generation and only needs the weather data existing at the site when the plume is present. The weather parameters are required as well as the condenser water temperatures in order to determine the heat exchanger coil's required thermal capacity. Apparently this approach to plume abatement is offered by Marley Cooling Tower as a catalog enhancement to the type of

towers used at the Hoag facility. It is therefore somewhat surprising that this approach has not previously been suggested. In any case, given that this is an established technology developed by the manufacturer for plume abatement, this approach offers a number of advantages. Also, this method could easily be combined with load shifting to optimize abatement when atmospheric conditions are most conducive to plume formation.

Adding Radiant Heat to the Discharge: A schematic proposal developed by Bock Engineering addresses the fact additional heat needs to be added to the water vapor/air mix to raise the level of heat in the water vapor/air mix above the dew point. This means there will be very little, if any, condensed liquid water in the plume to nucleate as visible droplets of water. From a general thermodynamic and psychometric standpoint, this method is sound. Recording instrumentation will need to be deployed to fill in the lack of local psychometric data enough to develop a prototype for one cell, or even ½ of a cell with a barrier to prevent mixing of the plumes during the evaluation period. The use of dew point instrumentation, as Bock proposed, is the preferred method of control. This method could be combined with one or more of the other methods discussed herein.

Modifying Operational Parameters - Load Shifting through In House Modifications: There is an additional cooling tower on the central plant loop located remotely from residents (on the Hoag upper campus) that is piped to accept water now being cooled by the co-generation plant cooling towers. Since the plume phenomena is at a maximum during periods of cool, moist air conditions, it may be possible to shift part of the operational load to the upper campus during these periods, since the chiller loads are much reduced under these same conditions. To divert the water would require some capacity controls on the pumps (probably variable frequency drives (VFDs) and controls for water temperature and flow rate). This approach would best be utilized in combination with one or more of the other mitigation methods discussed herein to maximize plume abatement under the conditions during which the plume is most evident (i.e. when the atmosphere is cool at or below the dew point and the relative humidity is also high).

Syska Hennessy Proposals: Several methods of water vapor formation were discussed in the report prepared by Syska Hennessy. It is not fully understood from the report how the water vapor may be controlled, since the amount of water vapor generated is in direct proportion to the heat that must be absorbed by the latent heat of vaporization of a portion of the water, thus creating the water vapor. It is the condensation of this vapor, under certain atmospheric conditions, that is the problem.

Some of the proposed scenarios include adjusting the tower entering and or leaving water temperatures. Since one pound of water contains approximately 1000 BTU latent heat and one pound of liquid water contains only one BTU per one-degree delta T, the effect upon tower plume operation by revising water process flow temperatures is unclear.

Cogeneration Engine Exhaust Stacks - Mitigation Methods

Exhaust stacks from the presently installed cogeneration plant engines discharge exhaust gas plumes that are unsightly, and which are clearly visible from the View Park and residences that sit atop the bluff. The reported temperature of the exhaust is about 400 degrees, although from the appearance of the discharge, the temperature appears greater than that reported. The temperature is maintained at 400 F or above because the water formed as a result of burning fuel will condense at a lower temperature. This condensate is corrosive to steel.

Two alternatives are presented. One is to cool the exhaust in an inline heat exchanger condensing the water. The second method is to introduce a counter current water spray. In both cases non-corroding materials will be required and the effluent will require a discharge to sanitary. If the pH is above the waste discharge permit, neutralization or dilution may be required. Either presented solution should allow for mitigation of the exhaust plumes with minimal operational effect and at reasonable cost.

An alternate solution that might be implemented in isolation, or in combination with the methods proposed above, would be to redirect the current exhaust stacks so the effluent is not visible to those on the bluff above.

Additional Scientific Background on Cooling Tower Plumes - Partial History of Heat

Heat has always been with us, however until the 15th Century, the measurement of heat had been lost in antiquity. At that time a person with the last name of Fahrenheit filled a graduated glass tube with an open column of mercury containing a reservoir at the bottom. He then placed the bulb in ice and water and the scale measured 32. Subjecting the bulb to boiling water gave a reading of 212 on the scale. This measurement of temperature worked well for the scientific community until France came up with the Centigrade system (since renamed as Celsius) making it easier to count on ones fingers. In the Celsius system 0 degrees is freezing and 100 degrees is boiling, making Celsius 5/9th F minus 32.

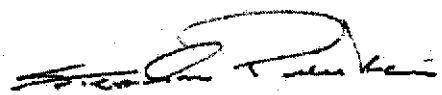
Since we use the Fahrenheit system and the English system of weights and measures, one British Thermal Unit (BTU) equals the heat necessary to heat one pound of water one degree F. Since this is a relatively small unit, a MBTU (1000 BTU) is often used as a quantity of heat.

Most materials have a freeze/melt point and a condense/vaporize temperature. Also in the equation is latent heat of fusion (freezing) and latent heat of vaporization (boiling). For water, the latent heat of freezing is 44 BTU/LB, which means 44 BTU must be removed from the water per pound of ice. The latent heat of vaporization is about 1000 BTU/LB for water, which is fortunate because many industrial processes benefit from the fact that steam heat is far more efficient in transporting heat than is hot water.

One element is required to transfer heat from one entity to another entity. There must be a difference in temperature between the heater and the acceptor of the heat, usually known as a delta T or an "approach" (there is no such thing as cold – only a lack of heat).

Additional concepts relevant to the discussion at hand are the "dry bulb" and "wet bulb" temperatures. The dry bulb temperature is the temperature without including the effect of moisture in the air. The wet bulb temperature is called that because in the early times there existed a device known as a sling psychrometer, which was composed of two thermometers attached together with a chain. One of the thermometers had a wet cloth jacket and was spun around. Water would evaporate from the moving thermometer thus lowering the temperature below the dry bulb. This then became a measurement of how much more water the air may absorb before it becomes saturated (100% Relative Humidity) and is known as a wet bulb temperature.

The last concept is the "dew point." The dew point is the temperature of a surface on which water will condense, such as one sees with a glass of ice water. This temperature is also related to the wet bulb and is a measure of how much additional water the air can absorb. Measurement of the dew point was considered somewhat unwieldy, because it requires a refrigeration capability to induce the formation of dew (i.e. condensed water), however: modern electronic instrumentation has eliminated the need for refrigeration. .



Stephen Paliska P. E.
M-12751 Expires 09/30/09
Newport Engineering Consultants

One Hoag Drive PO Box 6100
Newport Beach CA 92658-6100
949/764-HOAG(4624)
www.hoaghospital.org

September 27, 2007

Mr. Dick Runyon, Co-Chair
Villa Balboa-Hoag Hospital Liaison Committee
200 Paris Lane, #208
Newport Beach, CA 92663

Dear Dick:

In follow up to our meeting on Monday, I wanted to share with you the full report by Abe Oshana of Optimum Systems Solutions, Inc. (OSS). As we discussed OSS was retained by Hoag Hospital to review mitigation options proposed for the Co-Generation Plant on Hoag Hospital's lower campus. Included as Exhibit D in the report is the letter from Air Treatment Corporation, the supplier to Marley, the cooling tower manufacturer. Air Treatment Corporation acknowledges the availability of some of the shelf components for reducing water vapor discharge but states that none of them have ever become a project, so there is no guaranty of 100% mitigation.

Thank you for the time you and the other members of your committee spent with Mr. Oshana and the members of Hoag's Community Relations team. We hope that we were able to convey the considerable time and effort Hoag has dedicated to evaluate and respond to the concerns you and your neighbors have expressed. We understand that your committee may not be completely pleased with what you learned about why we must disagree with your position on methods for eliminating the cooling towers water condensation vapor. We trust you will find this information helpful in understanding the justification for the conclusions we have reached. We hope you will continue to work with us to identify reasonable measures to minimize the impacts of the hospital operations on our neighbors.

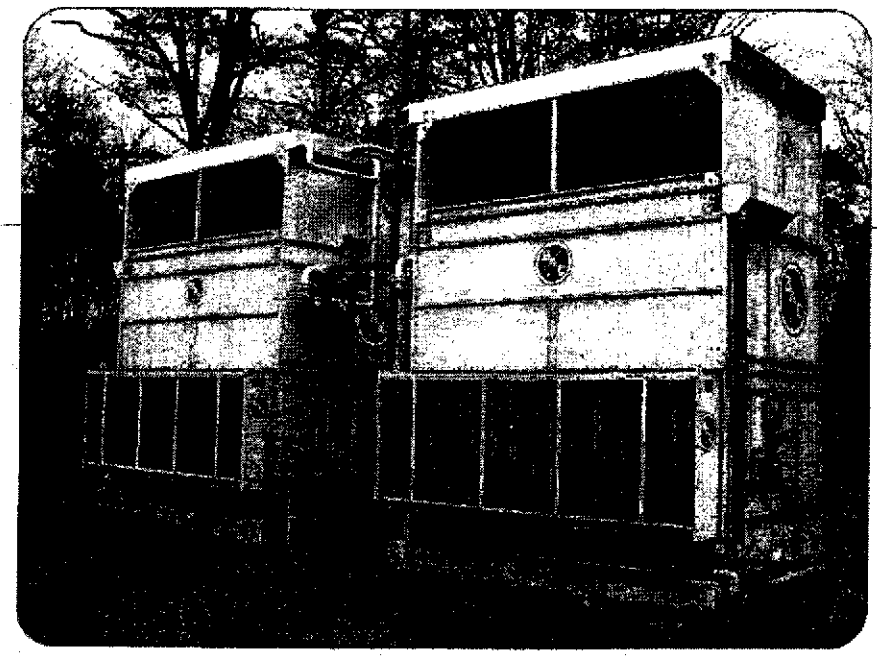
As always, please call me if you have any questions or concerns.

Sincerely,

Debra Legan
Vice President
Marketing and Corporate Communications

HXV

Closed Circuit Hybrid Cooling Towers



Product Detail

HXV

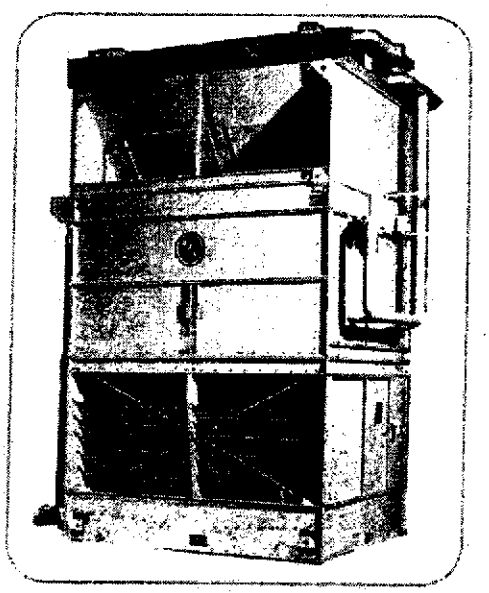
HXV Closed Circuit Hybrid Cooling Towers

Single Cell Capacity:
160 – 305 Nominal Tons
480 – 915 gpm at 95°F/85°F/78°F

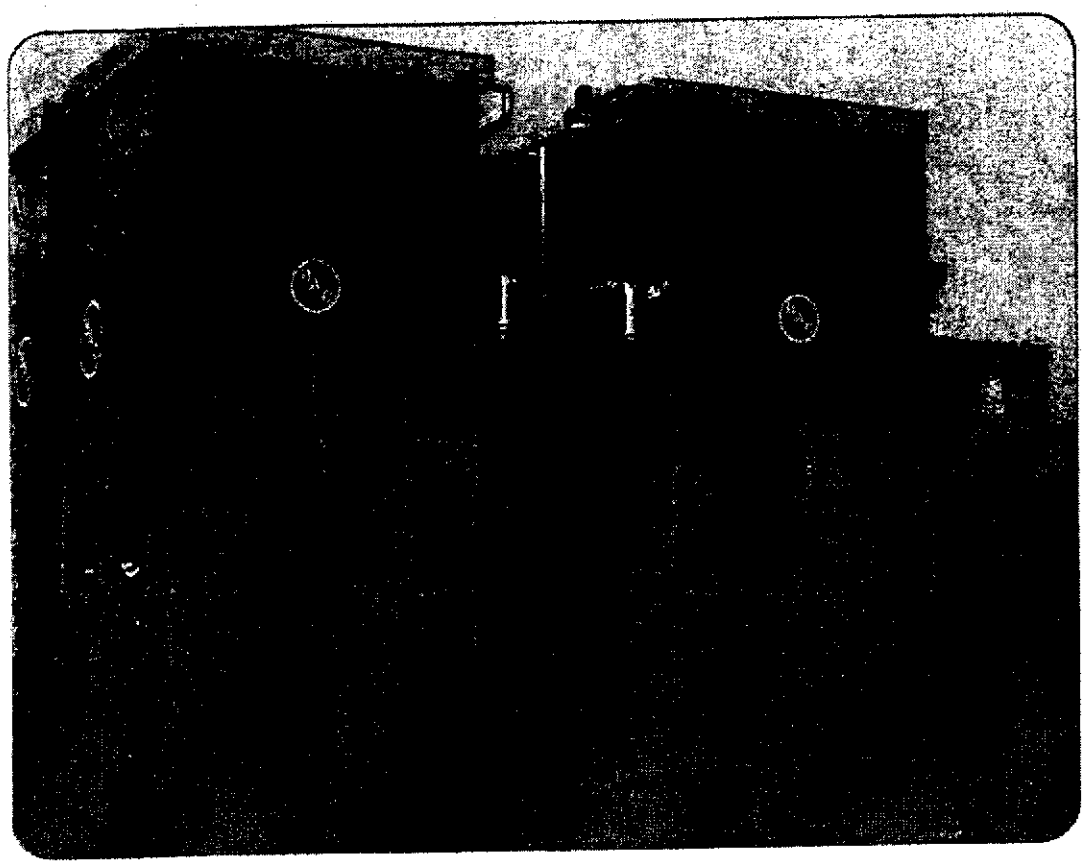
HXV Closed Circuit Hybrid Cooling Towers deliver fully rated thermal performance over a wide range of flow and temperature requirements. Distinct advantages of the HXV include plume abatement, significant water savings over traditional water-cooled equipment, and its suitability for high temperature cooling (>180°F). Standard design features satisfy today's environmental concerns, minimize installation costs, maximize year-round operating reliability, and simplify maintenance requirements.

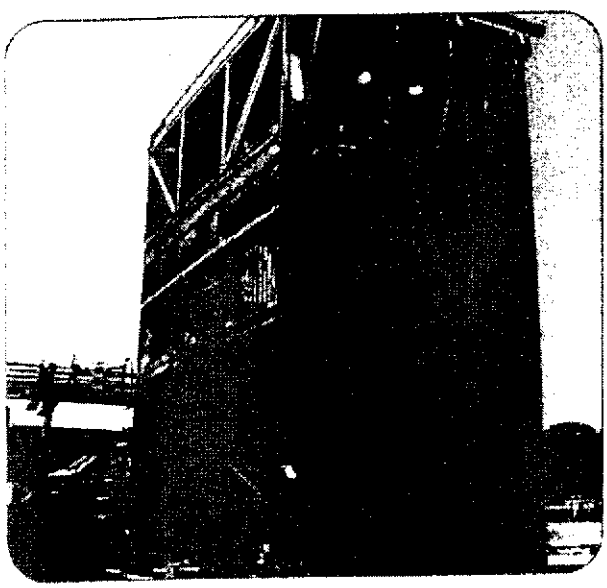
HXV Closed Circuit Cooling Towers

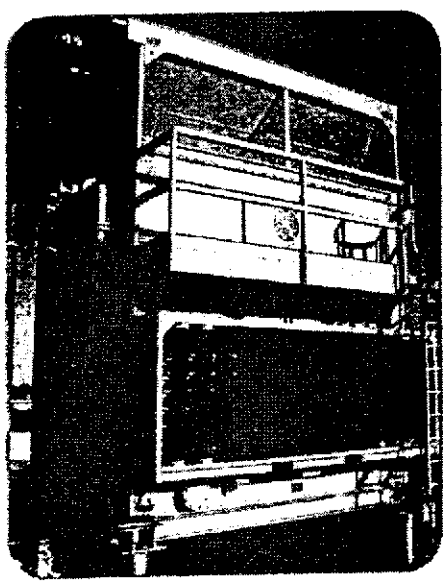
- **Plume abatement**
- **Maximum water savings**
- **High temperature cooling (>180°F)**
- **Low energy consumption**
- **Low installed cost**
- **Easy maintenance**
- **Reliable year-round operation**
- **Long service life**
- **ASME B31.5 compliant prime surface coil**
- **Five-year warranty on mechanical equipment**



Closed Circuit Cooling Towers







...because temperature matters

Benefits

Plume Abatement

The HXV offers a combination of sensible, adiabatic, and evaporative heat transfer to significantly reduce any plume that may occur with conventional evaporative cooling equipment. During the coldest times of the year, when the potential for visible discharge is greatest, the HXV operates 100% dry, completely eliminating plume.

Maximum Water Savings

Water savings are achieved throughout the year with each of three different operating modes of the HXV. In some areas, the water cost savings alone can pay for the equipment in as little as two years!

- At peak conditions in the "dry/wet" operating mode, a significant amount of heat is removed by sensible heat transfer, providing reduced water consumption versus conventional evaporative cooling
- When the heat load and/or ambient temperatures drop, water consumption is further reduced in the "adiabatic" operating mode
- Water consumption is totally eliminated in the "dry" operating mode

See page E71 for details on operating modes.

High Temperature Cooling

The finned dry coil tempers the incoming fluid, allowing higher inlet water temperatures than traditional closed circuit cooling towers.

Low Energy Consumption

The HXV provides heat rejection at the lowest possible energy input and maintenance requirements via:

- High efficiency, low horsepower axial fans
- Closed loop cooling, which minimizes process fouling
- Patented combined flow technology, which reduces evaporation directly off the coil, minimizing the potential for scaling and fouling
- Parallel flow of air and spray water, which eliminates scale-promoting dry spots
- Variable Frequency Drives
- ENERGY-MISER® Fan System available (see page E65 for details)

Low Installed Cost

- **Support** — All models mount directly on parallel I-beams and ship complete with motors and drives factory-installed and aligned.
- **Modular Design** — Units ship in three pieces to minimize the size and weight of the heaviest lift, allowing for the use of smaller, less costly cranes.

Easy Maintenance

- **Access** — Hinged access doors on each end wall and a standard internal walkway provide easy access to the unit interior.

Access door

- **Spacious Interior** — Provides easy access to the cold water basin, drift eliminators, fan drive system and the prime surface coil.

Drift eliminators can be removed for access to the prime surface coil

Reliable Year-Round Operation

- **BALTIDRIVE® Power Train** — Backed by a five-year fan drive and motor warranty, the BALTIDRIVE® Power Train utilizes special corrosion-resistant materials of construction and state-of-the-art technology to ensure ease of maintenance and reliable year-round performance.
- **Separate Air Inlet Louvers** — Reduce the potential for scale build-up and damaging ice formations at the air/water interface by providing a line of sight from the outside of the unit into the fill.

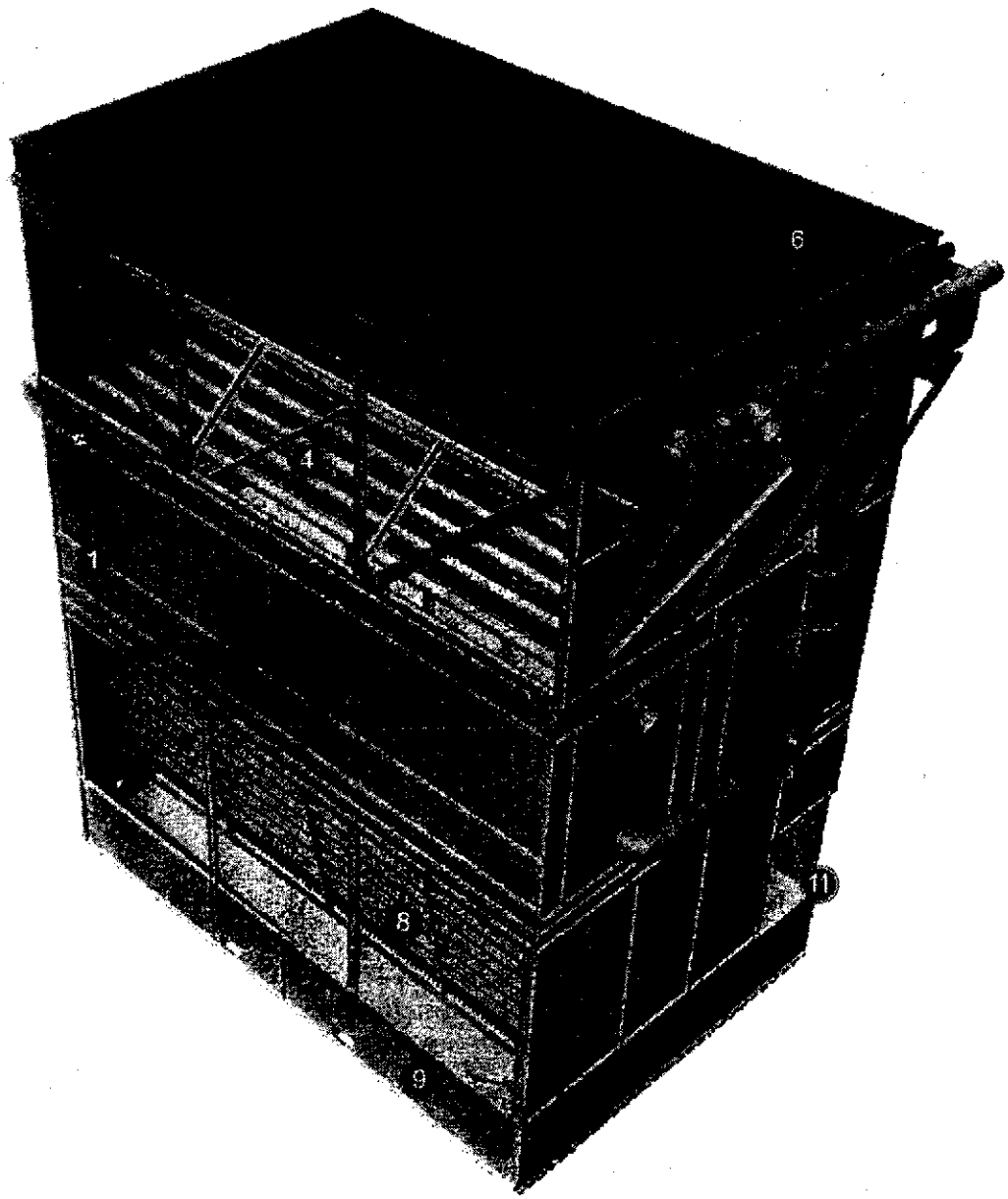
B.A.C. FAN DRIVE 5 YEAR WARRANTY

Long Service Life

Materials of Construction — Various materials are available to meet the corrosion resistance, unit operating life, and budgetary requirements of any project (see page E63 for construction options).

Construction Details

HXV



1 Heavy-Duty Construction

- G-235 (Z700 metric) hot-dip galvanized steel panels

2 BALTIDRIVE® Power Train (Not Shown)

- Premium quality, solid-backed, multi-groove belt
- Corrosion resistant cast aluminum sheaves
- Heavy-duty bearings (280,000 hour average life)
- Cooling tower duty fan motor
- Five-year motor and drive warranty

3 Low HP Axial Fan(s) (Not Shown)

- Quiet operation
- Corrosion resistant aluminum

4 Water Distribution System

- Overlapping spray patterns ensure proper water coverage
- Large orifice, non-clog nozzles

5 Prime Surface Coil (Not Shown)

- Continuous serpentine, steel tubing
- Hot-dip galvanized after fabrication (HDGAF)
- Pneumatically tested at 375 psig
- Sloped tubes for free drainage of fluid
- ASME B31.5 compliant
- When required, orders shipping into Canada are supplied with a CRN

6 Dry Finned Coil

- Copper tubing with high density aluminum fins
- Pneumatically tested at 320 psig
- Sloped tubes for free drainage of fluid

7 BACross® Wet Deck Surface with Integral Drift Eliminators (Not Shown)

- Polyvinyl chloride (PVC)
- Impervious to rot, decay and biological attack
- Flame spread rating of 5 per ASTM E84-77a

8 FRP Air Inlet Louvers

- Corrosion resistant
- UV resistant finish
- Maintenance fre

9 Cold Water Basin

- Sloped cold water basin for easy cleaning
- Suction strainer with anti-vortex hood
- Adjustable water make-up assembly
- Integral internal walkway

10 Recirculating Spray Pump (Not Shown)

- Close coupled, bronze fitted centrifugal pump
- Totally enclosed fan cooled (TEFC) motor
- Bleed line with metering valve installed from pump discharge to overflow

11 Hinged Access Doors

- Inward swinging door on each end wall

Custom Features and Options

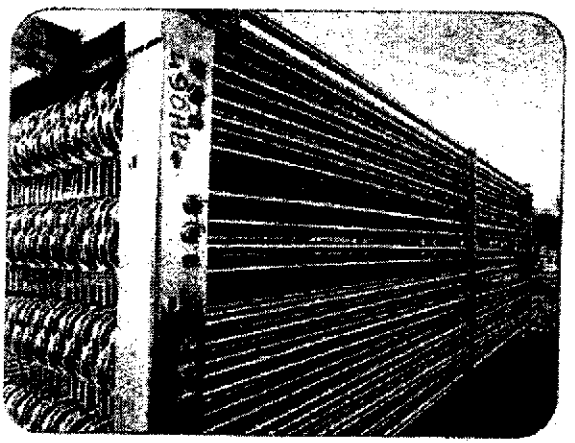
Construction Options

- **Standard Construction:**
  Steel panels and structural elements are constructed of heavy-gauge G-235 hot-dip galvanized steel. Inlet louvers are constructed of UV resistant, fiberglass reinforced polyester (FRP).
- **Optional BALTIBOND® Corrosion Protection System:**
  The BALTIBOND® Corrosion Protection System, a hybrid polymer coating used to extend equipment life, is applied to all hot-dip galvanized steel components of the closed circuit hybrid cooling tower (excluding heat transfer coils).
- **Optional Stainless Steel Cold Water Basin:**
  A Type 304 stainless steel cold water basin is available. Seams between panels inside the cold water basin are welded. The basin is leak tested at the factory and welded seams are provided with a five year leak-proof warranty.
- **Optional Stainless Steel Construction:**
  Steel panels and structural elements are constructed of Type 304 stainless steel. Seams between panels inside the cold water basin are welded. The basin is leak tested at the factory and welded seams are provided with a five-year leak-proof warranty.

See page J4 for more details on the materials described above.

Prime Surface Coil Configurations

- **Standard Serpentine Coil:**
  The standard cooling coil is constructed of continuous lengths of all prime surface steel, hot-dip galvanized (outside surface) after fabrication (HDGAF). The coil is designed for low pressure drop with sloping tubes for free drainage of fluid. Each coil is pneumatically tested at 375 psig (2586 kPa) and is ASME B31.5 compliant.

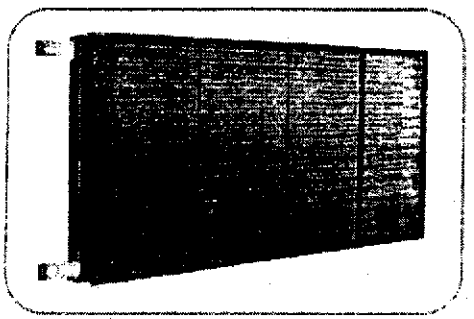


- **Stainless Steel Coil:**
  Coils are available in Type 304 stainless steel for specialized applications. The coil is designed for low pressure drop with sloping tubes for free drainage of fluid. Each coil is pneumatically tested at 375 psig (2586 kPa) and is ASME B31.5 compliant.

- **Optional ASME "U" Stamp Coil:**
  This coil is manufactured and tested in accordance with the ASME Boiler and Pressure Vessel Code, Section VIII, Division I, and bears the ASME "U" stamp. ASME coils are hot-dip galvanized (outside surface) after fabrication (HDGAF). The coil is designed for low pressure drop with sloping tubes for free drainage of fluid. Each coil is pneumatically tested at 375 psig (2586 kPa).

Other coil configurations are available for specific applications. Contact your local BAC Representative for details.

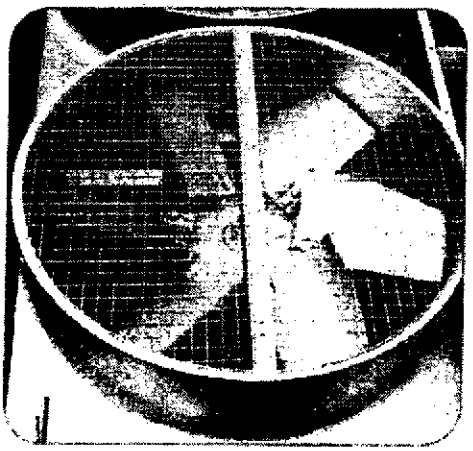
Dry Finned Coil Configurations



The standard finned coil on the HXV unit has 6 rows and is available in 1-1/2 serpentine and triple serpentine arrangements. The serpentine arrangement indicates the way in which these rows are circuited internally, and influences the process fluid velocity (the smaller the serpentine, the higher the flow velocity) and the total fluid pressure through the unit (the smaller the serpentine, the higher the finned coil pressure drop). Hence, the unit flow and pressure drop allowance must be taken into account when the finned coil serpentine is selected to obtain the most suitable HXV selection. Consult your local BAC Representative for selection assistance.

Note: *The dry finned coil is available in alternate materials of construction to meet specific application requirements.*

Fan Drive System



The fan drive system provides the cooling air necessary to reject unwanted heat from the system to the atmosphere. The standard fan drive system on all models is the exclusive BALTIDRIVE® Power Train. This BAC engineered drive system consists of a specially designed powerband and two cast aluminum sheaves located on minimum shaft centerline distances to maximize belt life. A cooling tower duty fan motor, custom engineered for BAC to provide maximum performance for cooling tower service, is provided and backed by BAC's comprehensive five-year motor and fan drive warranty.

Custom Features and Options

ENERGY-MISER® Fan System

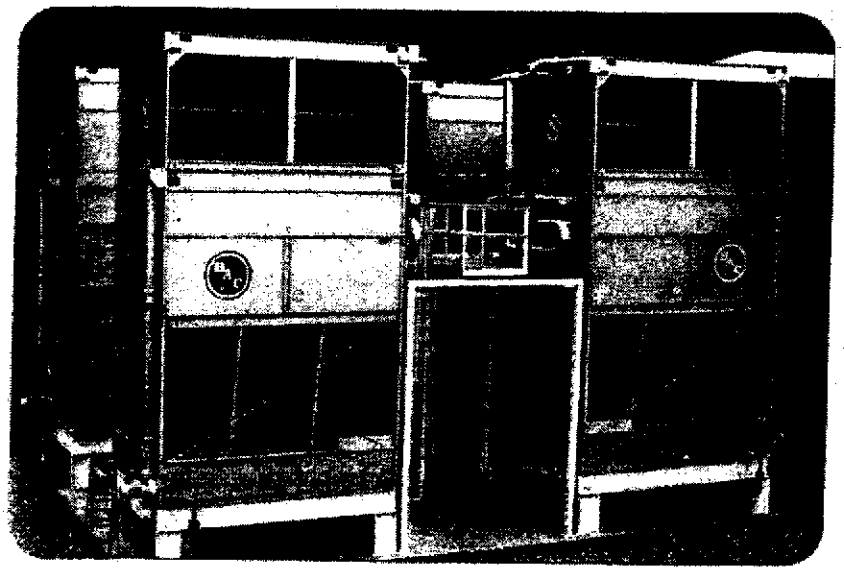
The ENERGY-MISER® Fan System consists of two standard single-speed fan motor and drive assemblies. One drive assembly is sized for full speed and load, and the other is sized approximately 2/3 speed and consumes only 1/3 the design horsepower. This configuration allows the system to be operated like a two-speed motor, but with the reserve capacity of a standby motor in the event of failure. As a minimum, approximately 70% capacity will be available from the low horsepower motor, even on a design wet-bulb day. Controls and wiring are the same as those required for a two-speed, two-winding motor. Significant energy savings are achieved when operating at low speed during periods of reduced load and/or low wet-bulb temperatures.

Independent Fan Operation

Models HXV-64X and Q64X are provided with one fan motor driving two fans as standard. Models HXV-66X and Q66X are provided with two fan motors driving three fans as standard. The Independent Fan option consists of one fan motor and drive assembly for each fan to allow independent operation, providing an additional step of fan cycling and capacity control.

Low Sound Operation

The low sound levels generated by HXV Closed Circuit Hybrid Cooling Towers make them suitable for installation in most environments. For extremely sound sensitive installations, factory designed, tested and rated sound attenuation is available for both the air intake and discharge.



Accessories

External Service Platforms

For external service, louver face and access door platforms can be added to the unit when purchased or as an aftermarket item. Safety cages and safety gates are also available. All components are designed to meet OSHA requirements.

Internal Ladder

For access to the motor and drive assemblies, an internal ladder is available.

Internal Service Platforms

For access to the motor and drive assemblies, an internal ladder and upper service platform with handrails is available. Safety gates are available for all handrail openings. All components are designed to meet OSHA requirements.

Vibration Cutout Switch

A factory mounted vibration cutout switch is available to effectively protect against equipment failure due to excessive vibration of the mechanical equipment system. BAC can provide either a mechanical or solid-state electronic vibration cutout switch in a NEMA 4 enclosure to ensure reliable protection. Additional contacts can be provided to activate an alarm.

Vibration Cutout Switch

Basin Heaters

Although most HXV units will operate dry in the winter, basin heaters are available for freeze protection when required. Basin heaters prevent freezing of the water in the cold water basin when the unit is idle. Factory-installed heaters, which maintain +40°F (4.4°C) water temperature, are a simple and inexpensive way of providing such protection.

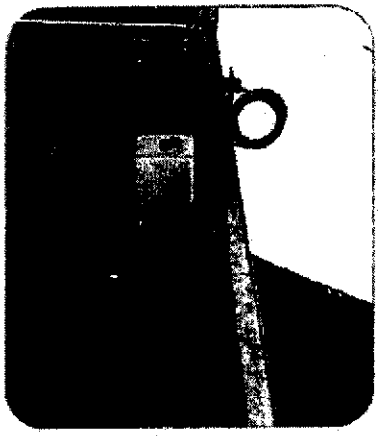
Heater Sizing Data

	0°F (-17.8°C) AMBIENT HEATERS		-20°F (-28.9°C) AMBIENT HEATERS	
MODEL NUMBERS	No. of HEATERS	kW per HEATER	No. of HEATERS	kW per HEATER
HXV-64X, Q64X	1	12	1	16
HXV-66X, Q66X	1	16	1	21

Accessories

Electric Water Level Control Package

The electric water level control replaces the standard mechanical makeup valve when a more precise water level control is required. This package consists of a conductance-actuated level control mounted in the basin and a solenoid activated valve in the make-up water line. The valve is slow closing to minimize water hammer.

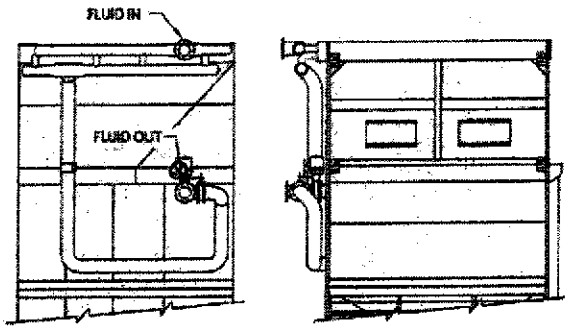


Electric Water Level Control Package

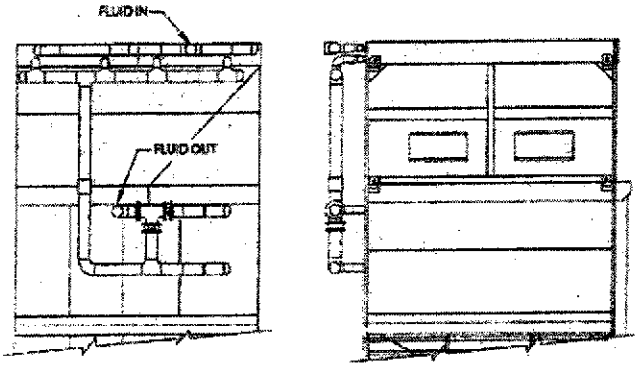
Flow Control Package

A flow control package is available to provide maximum plume control and water savings. This package consists of a temperature sensor, a 3-way flow control valve arrangement with actuator, and all connecting piping. 3-way flow control valve arrangement shown below for single prime surface and double prime surface coil connections.

Single Prime Surface Coil Connections



Double Prime Surface Coil Connections



Extended Lubrication Lines

Extended lubrication lines are available for lubrication of the fan shaft bearings. Grease fittings are located inside the plenum area next to the access door.

Grease fittings at the access door & bearings with the extended lubrication line option

High Temperature Wet Deck

Optional high temperature wet deck material is available for high entering fluid temperatures.

Air Inlet Screens

Wire mesh screens can be factory-installed over the inlet louvers to prevent debris from entering the tower.

Basin Sweeper Piping

Basin sweeper piping provides an effective method of preventing debris from collecting in the cold water basin of the tower. A complete piping system, including nozzles, is provided in the tower basin for connection to side stream filtration equipment (by others).

Basin Sweeper Piping

Design and Performance of Optimized Air-Cooled Condenser at Crockett Cogeneration Plant

Bill Powers, P.E., Powers Engineering

Pat Morris, Crockett Cogeneration

Ralph Wyndrum, P.E., Marley Cooling Technologies, Inc.

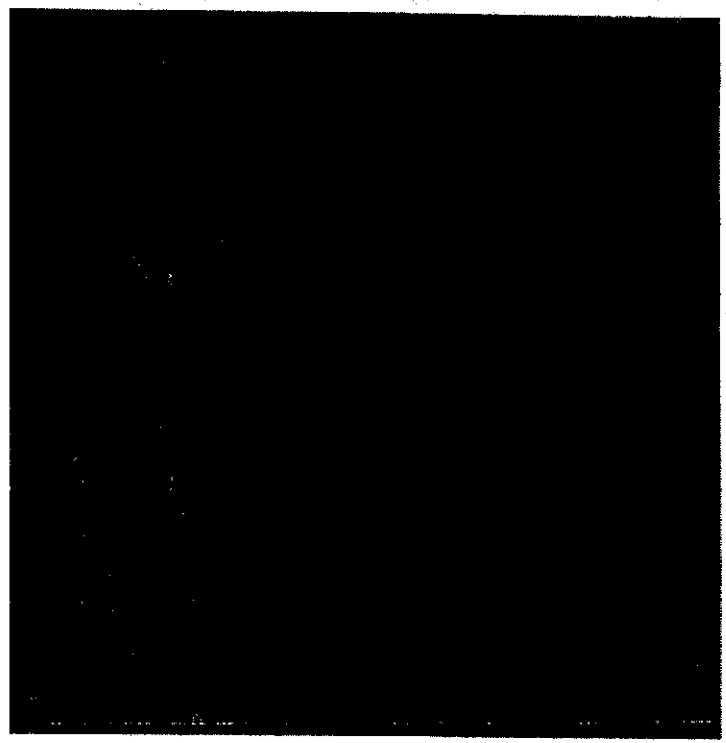
Plume Abatement Function

Courtesy of Marley Cooling Technologies, Inc.

Two cells to right are operating in standard wet tower mode.

Next two cells have damper 100% open (max. plume abate).

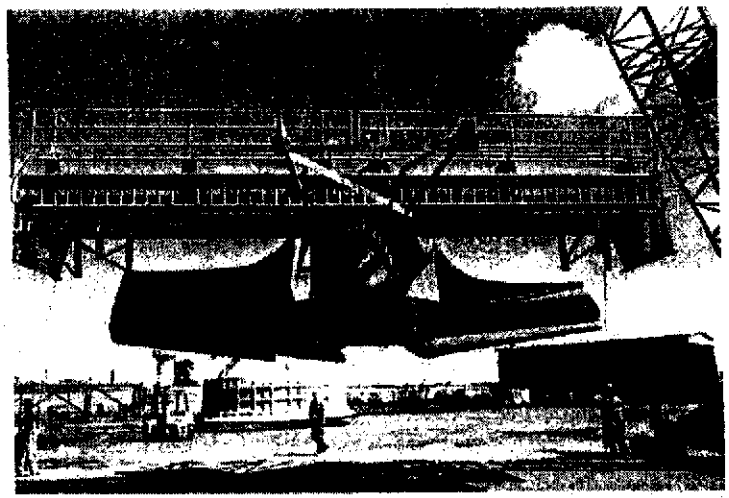
Next three cells have dampers open 25%.



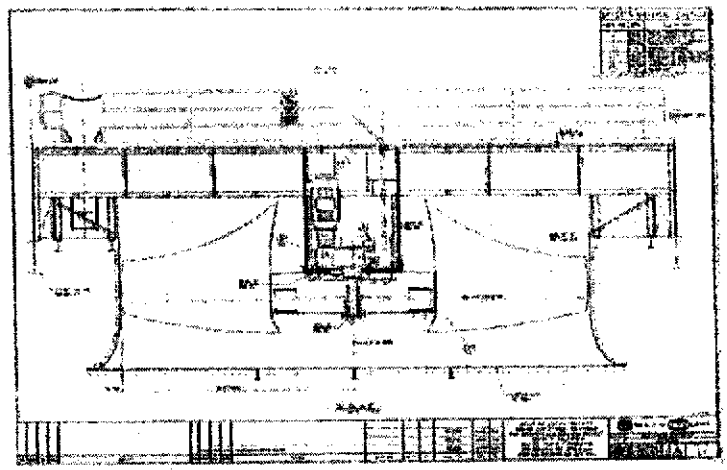
Noise Reduction Measures

Courtesy of Marley Cooling Technologies, Inc.

Ultra-low noise fans



Gear motor enclosures



Letter 5 Jackson DeMarco Tidus Petersen Peckenpaugh
November 5, 2007

Response 1

Detailed responses to comments made by the commenter are provided below.

Response 2

Pursuant to CEQA Guidelines §15088(a), a lead agency must evaluate and provide written responses to comments received on environmental issues arising from the public review of draft CEQA documents including EIRs. There is no such obligation under CEQA to respond to comments that do not address environmental issues. The suggestion that the Villa Balboa residents are third-party beneficiaries of the Development Agreement is not an environmental issue requiring any response. However, in an effort to set the record straight and clarify the law, the following information is provided by the City will address this comment.

There is no basis in either law or fact supporting the stated position that the Villa Balboa residents are third-party beneficiaries of the Hoag Development Agreement. The comment suggests that the express purpose of the Development Agreement entered into between Hoag and the City of Newport Beach was to protect the adjacent Villa Balboa community from adverse impacts associated with the present proposal to amend the Master Plan. In reality and in fact, a development agreement is a voluntary agreement entered into between a real property owner/applicant and a city or county to vest a property owner's/applicant's development rights and thus creates greater certainty in the development process. In exchange, the property owner/applicant typically provides to the city or county additional community benefits over and above what could normally be required by the city or county.

The State enacted development agreement legislation in 1979 in an attempt to mitigate the impact of a 1976 California Supreme Court decision in *Avco Community Developers, Inc. v. South Coast Regulatory Commission,* 17 Cal. 3d. 785, in which the California Supreme Court affirmed the common law vested rights rule that prohibits an owner from claiming a vested right to build out a project unless it has obtained a building permit, performed substantial work, and incurred substantial liabilities in good faith reliance upon the permit. As noted by the State legislature in adopting the development agreement legislation, one of the primary purposes was to provide "assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development." (See Cal. Govt. Code §65864(b).)

Under the development agreement legislation; (1) any city or county may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property (Cal. Govt. Code §65865(a)); (2) a development agreement is enforceable only by parties to the development agreement (Cal. Govt. Code §65865.4); (3) a development agreement may only be amended by mutual consent of the parties to the agreement or their successors-in-interest (Cal. Govt. Code §65868); (4) a development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes (Cal. Govt. Code §65865.2); and (5) a development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirement for subsequent discretionary actions shall not prevent development of the land for

the uses and to the density or intensity of development set forth in the agreement (Cal. Govt. Code §65865.2). The City's Development Agreement with Hoag includes all the provisions noted above and identifies public benefits to be provided to the community by Hoag in exchange for the vesting of their development rights.

The recitals section of the update to the Development Agreement identifies the primary purposes of the Development Agreement. These include: (1) enabling Hoag to better adapt to the ever-changing health care needs of those residents within its service area by authorizing design parameters of new or additional facilities in a manner that will allow Hoag to respond to rapid changes in technology and delivery systems (i.e., the flexibility of the Master Plan); (2) establishing limits on the amount and height of permitted development as well as ensuring compliance with conditions on the density, location, and timing of construction to minimize, to the extent feasible, any environmental impacts of Hoag's proposed expansion (i.e., ensure that Hoag complies with the terms of the Master Plan and mitigation program contained in the EIR); and (3) imposing exactions, such as dedication of property, construction of public improvements in the installation of landscaping which, when considered in conjunction with the public services provided by Hoag, benefit the general public (i.e., the public benefits).

Recital 1.6 notes that the Development Agreement is consistent with the purpose and intent of the State and local laws authorizing development agreements in that it represents comprehensive planning, provides certainty in the approval of subsequent projects subject to compliance with the conditions, reduces the economic costs of development by providing assurances to Hoag that it may generally proceed with projects in accordance with existing regulations, and provides assurance to adjoining property owners that limits on the height of structures and the amount of development as specified in the Master Plan and the Development Agreement will remain in full force and effect to March 23, 2019.

The commenter suggests that the Development Agreement, as a result of providing assurances to adjoining property owners regarding limits on the height of structures and the amount of development, designates adjoining property owners as third-party beneficiaries under the Development Agreement. Why the "adjoining property owners" are limited to Villa Balboa residents is not made clear in the comment letter.

The commenter goes on to state that Section 8.1 of the Development Agreement further supports the intent to protect Villa Balboa and confer third-party beneficiary status on the Villa Balboa residents. Section 8.1 is titled "Public Benefits." As noted above, all development agreements contain certain key sections. These include: (1) the duration of the agreement; (2) the permitted uses of the property; (3) the density or intensity of use; (4) the maximum height and size of the proposed buildings; (5) provisions for reservation and dedication of land for public purposes; (6) conditions, terms, restrictions and requirements for subsequent discretionary approvals; and (7) specific public benefits provided in consideration of the vested development rights given. Section 8 of the Development Agreement identifies the "public benefits" of: (1) enabling Hoag to construct facilities in accordance with the Master Plan; (2) of public improvements that would result from the overall development agreement; and (3) the restrictions on development contained in the Master Plan. The Development Agreement indicates that these benefits are conferred on the public and nearby residents. The commenter has inaccurately construed the conferral of benefits on the "public and nearby residents" as establishing third-party beneficiary status for Villa Balboa.

The idea of a third-party beneficiary status for any outside party is further refuted by development agreement law. As noted above, a development agreement may only be entered into between a city or county on the one hand and a person or persons having a legal or equitable interest in real property for the development of the property (see Cal. Govt. Code

§65865(a)). Villa Balboa does not fall into either of these categories and therefore is not an entity that could be a party to this Development Agreement.

Finally, in order to qualify as a third-party beneficiary under general contract law in California, the contract either needs to specifically state that a particular entity is a third-party beneficiary of the contract or the following needs to be established: (1) proof of the contracting parties' intent to benefit the third-party gleaned from reading the contract as a whole in light of the circumstances under which it was entered, and (2) proof that the promise the third-party seeks to enforce was actually made to the third-party personally or to a class of which he is a member—a literal contract interpretation that would result in a benefit to the third-party is not enough to entitle that party to demand enforcement (see *Neverkovec v. Fredericks*, 74 Cal. App. 4th 337 (1999)). None of the factors above are present in this instance; therefore, Villa Balboa is not entitled to third-party beneficiary status to the Development Agreement.

Response 3

The City acknowledges that the Development Agreement contains the language referenced in the comment letter as Section 6.5(b) that places a limit on maximum gross floor area for the Master Plan and maximum height limits for the buildings. This provision was not added to the 1994 version of the Development Agreement as a result of negotiations between the City, Hoag, and the Villa Balboa community, as suggested by the commenter. This provision was contained in the original 1992 Development Agreement between the City and Hoag, and was done in an effort to provide assurances to the community that the project would comply with the maximum permitted gross floor area and the maximum permitted building heights defined in the Master Plan. In other words, the City was simply exercising its police power to provide certain assurances to the surrounding community. The commenter notes that the draft Development Agreement contained as an exhibit to the 1992 EIR did not contain the referenced language. That is correct. The Development Agreement included as an exhibit was an early version of the Development Agreement as it appeared prior to final negotiations with the City.

The proposed revisions to the Master Plan and the amendment to the Development Agreement assessed in the Draft EIR do not allow for an increase in the maximum permitted gross floor area or the maximum permitted building heights from those set forth in the Development Agreement.

Response 4

The commenter suggests that the restriction in Section 6.5(b) of the Development Agreement prohibiting the City Council from approving and Hoag from requesting any amendment to the Master Plan or the Development Agreement that would increase the maximum permitted gross floor area or the maximum permitted building height (within any lettered building envelope) above that established by the Master Plan is violated by the proposed Master Plan Amendment that would allow for a reallocation of square footage from the Lower Campus to the Upper Campus. It is unclear from the comment exactly how such a transfer from one portion of the project site to another portion of the projects site would constitute such a violation. The language of the Development Agreement is clear and only restricts an increase in the maximum permitted gross floor area or the maximum permitted building height (within any lettered building envelope) above that established by the Master Plan. The Master Plan established a maximum permitted gross floor area of 1,343,238 sf and building heights within three designated building zones. Neither the gross floor area, building heights, nor building envelopes are proposed to be changed.

Of note is that Section 8.1 of the Development Agreement cited by the commenter contains a general discussion of public benefits, and is not controlling on this issue, nor does it support the commenter's argument. Rather, Section 6.5(b) is controlling because it contains restrictions on development at Hoag.

Response 5

The City acknowledges that Villa Balboa residents protested the then-proposed expansion of Hoag Hospital in 1992 and requested limits on the allowable development at the project site. The commenter suggests that the City, in its response to comments on the 1992 Final EIR No. 142, determined that transferring square footage from the Lower to the Upper Campus would cause the impacts that Villa Balboa wanted to avoid—increased use of the service road and increased density on the western portion of the Upper Campus.

The City did not make that determination, but indicated, in addressing a proposed alternative suggested by Villa Balboa, that the Villa Balboa alternative, which would have reallocated much of the proposed development for the Lower Campus to the Upper Campus, would not result in any substantial environmental benefits but, would likely have the same significant impacts as the expansion project proposed in Final EIR No. 142. Under CEQA, the only alternatives that are to be included in an EIR are those that would result in a substantial decrease in potential environmental impacts (see CEQA Guidelines §15126.6(a)). The commenter suggests that the City and Hoag, based on the City's response to the Villa Balboa comment in 1992, amended the terms of the Development Agreement to fix the amount and location of development on the project for a 25-year time period in order to address the residents concerns. The City is not aware of any facts in the record supporting this position.

Any language in the Development Agreement to address public concerns were made by the City acting as a "city," and not the City and Hoag intending to make Villa Balboa a third-party beneficiary of the Development Agreement. There is specific language in the Development Agreement related to the maximum permitted gross floor area and maximum permitted building height and neither is proposed to be change. Also, as noted in the response to Comment 4, the commenter's reliance on Section 8.1 of the Development Agreement is incorrect; the provision does not affect development at Hoag.

Response 6

The commenter's reliance on the referenced case is misplaced. In that case, a partnership and its individual partners had entered into a lease with the owner of a building. The lease contained specific provisions subordinating the lease to existing and future liens on the property and providing that if the building were sold or lost in foreclosure, the partnership would attorn to the owner's successor and be bound by a new lease on the same terms as the existing lease. The plaintiff lender loaned money to the owner that was secured by a deed of trust on the property. After plaintiff foreclosed, the partnership took the position that the foreclosure extinguished the lease and they vacated the property. The trial court ruled, and the appellate court affirmed, that the lender was an intended third-party beneficiary under the lease because of the specific language in the attornment provision that was designed to take effect upon foreclosure and was specifically enforceable by the owner's successor. The lender was the owner's successor so clearly fell into the category of those that could enforce the attornment provision. A third-party may qualify as a contract beneficiary only where the contracting parties must have intended to benefit that individual and such intention must appear in the terms of the agreement. The fact that a third-party may incidentally benefit by enforcement of the terms of an agreement between two other parties does not mean the third-party is a beneficiary under the agreement. Such status must be clearly intended and be clearly manifested in the language of the agreement.

Unlike the facts in the referenced case, there is no evidence in the Development Agreement between the City and Hoag of intent to grant Villa Balboa, or any other entity or individual, third-party beneficiary status. The City does not consider Villa Balboa a third-party beneficiary of the Development Agreement. Please also refer to the response to Comment 2.

Response 7

The City respectfully disagrees with the commentor and feels that the Draft EIR provides a full analysis of all potential impacts from the proposed Master Plan Update Project. Those areas identified in the comment and not addressed in the Draft EIR were all addressed in Final EIR No. 142. The commenter is directed to the Initial Studies contained in Appendix A of the Draft EIR for a more thorough discussion of the rationale for not including certain analyses in the Draft EIR.

Response 8

The comment is vague in that it does not identify or discuss any specific mitigation measures, project features, changed circumstances, or new information that should prompt additional review according to the commenter. With one exception, Hoag has complied with all applicable project features and mitigation measures identified in Final EIR No. 142. Mitigation measure 41 contained in Final EIR No. 142 and reprinted on page 3.4-32 of the Draft EIR relates to mechanical equipment at Hoag and requires that the noise from the exhaust fan at the West Tower (which was assessed as part of Final EIR No. 142 and found to be exceeding 55 dBA) be reduced to "acceptable levels" and that noise from new mechanical equipment be "mitigated in accordance with applicable standards." The applicable standards in this instance would be the 55 dBA as measured at the Hoag property line set forth in the PC Text. It is acknowledged in the Draft EIR at page 3.4-25 that rooftop equipment on the Ancillary Building and equipment on the third floor of the West Tower do not meet the 55 dBA PC Text limitation. Hoag has continued to explore various options and implement various mechanisms to achieve the required noise limit and the City has closely monitored their activities over the past number of years. The Draft EIR discusses in detail plans for these particular areas designed to reduce noise levels not only to within the 55 dBA limitation contained in the current PC Text but also to within the new noise limitations included as part of the proposed Master Plan Update Project (see Draft EIR, page 3.4-25–26). Mitigation Measure 41 from Final EIR No. 142 is to be replaced by new Mitigation Measures 3.4-2 and 3.4-3 (Draft EIR, page 3.4-34) to ensure that the proposals to reduce existing and future noise from mechanical equipment on the Ancillary Building and West Tower is reduced to within the new noise limitations incorporated into the proposed Master Plan Update Project. With the replacement of Mitigation Measure 41 from Final EIR No. 142 with new Mitigation Measures 3.4-2 and 3.4-3, mechanical equipment noise would be mitigated. Please also refer to Topical Response 3.

The City is not aware of any other project features or mitigation measures that have not been carried out. If the commenter is aware of any, they need to identify them.

Lastly, any alleged failure to implement mitigation measures from Final EIR No. 142 does not trigger the need to prepare a subsequent (as opposed to a supplemental) EIR; see further responses to comment 10, below. All issues requiring full analysis in the Draft EIR due to their potential to have significant effects on the environment were analyzed fully in the Draft EIR. (See also the Initial Studies for the proposed Master Plan Update Project, included as Appendix A of the Draft EIR.)

Response 9

Please refer to Topical Response 2. The City disagrees with the comment and believes that Final EIR No. 142 is not outdated and also believes that the Draft EIR has appropriately taken into account currently available information and data, changes in laws, and changes in circumstances in preparing the Draft EIR. It should be noted that new information and changed circumstances do not invalidate a prior programmatic EIR. Changed circumstances only become relevant if they are substantial and would require revisions in the prior EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (see CEQA Guidelines §15162(a)(2)). There is no evidence offered by commenter that either of these exist. For new information to be relevant, it must be information that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified and must show one of the following: (1) the project will have one or more significant effects not discussed in the previous EIR; (2) significant effects previously examined will be substantially more severe than shown in the previous EIR; (3) mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents declined to adopt the mitigation measure or alternative (see CEQA Guidelines §15162(a)(3)). The commenter has not offered any information demonstrating that any of these circumstances exist.

Response 10

Please refer to Topical Response 2. This comment suggests either a misunderstanding regarding the use of Subsequent and Supplemental EIRs under CEQA or is an overreaching argument. The use of the term "subsequent environmental documentation" in the Hoag Development Agreement is not determinative of the type of environmental document required for the Master Plan Update Project. The term "subsequent environmental documentation" is not a term defined in CEQA or elsewhere. It is simply an acknowledgement that Final EIR No. 142 for the Master Plan was a program EIR and that subsequent, (i.e., future environmental documentation) is required if future project-specific approvals identify environmental impacts not fully addressed in the program EIR.

The Development Agreement states the law but is not predetermining the type of environmental documentation that would be required. Such a determination can only be made when a particular project or project modification moves forward. At that time, the lead agency looks at a proposed project or modification and, depending on whether a subsequent discretionary approval will/will not lead to new impacts, will determine whether the discretionary action needs to be accompanied by: (1) a Subsequent EIR; (2) a Supplemental EIR; (3) an Addendum; (4) a Negative Declaration; or (5) no further documentation (see CEQA Guidelines §§15162, 15163, and 15164).

The commenter suggests that the document required for the proposed project is a Subsequent EIR rather than a Supplemental EIR. The commenter's primary support for this position is the argument addressed above (i.e., the 1994 Development Agreement uses the term "subsequent environmental documentation" and this must mean that a Subsequent EIR is required). There is no support for such a position.

An additional argument put forth by the commenter is that a Subsequent EIR is required if substantial changes in the project or a substantial increase in the severity of effects are involved

requiring new analysis or major revisions of a previous EIR. This is a correct statement of the law but it is important to realize that it is not the substantial changes in the project or a substantial increase in the severity of effects that are involved in the project that triggers the need for a Subsequent versus a Supplemental EIR. Rather, it is whether the changes in the project or the increase in the severity of effects require major revisions of a previous EIR or minor additions or changes to make the previous EIR adequate (see California Public Resources Code §21166 and CEQA Guidelines §15163(a)). If the former, then a Subsequent EIR is appropriate. If the latter, a Supplemental EIR is appropriate. This is a critical distinction because the commenter appears to assume that if a proposed project results in substantial changes to the previously approved project or substantial increases in the severity of impacts, this would mandate the preparation of a subsequent rather than a supplemental EIR. As noted above, this is an incorrect reading of the law. The critical factor that determines whether to prepare a Subsequent or Supplemental EIR is whether or not the changes in the project or the increase in the severity of effects would require major revisions to the previous EIR.

This position is supported by resources agency comments accompanying CEQA Guidelines §15162. That comment reads: "A supplement to an EIR may be distinguished from a subsequent EIR by the following: a supplement augments a previously certified EIR to the extent necessary to address the conditions described in Section 15162 and to examine mitigation and project alternatives accordingly. It is intended to revise the previous EIR through supplementation. A subsequent EIR, by contrast, is a complete EIR which focuses on the conditions described in Section 15162."

While several judicial decisions have addressed the need or lack thereof for a Subsequent or Supplemental EIRs in various circumstances, none have specified which of the two kinds of documents should be prepared in a given situation. In this case, the City as the lead agency determined that the appropriate vehicle for addressing the relevant conditions described in Section 15162 was preparation of a Supplemental EIR. This Supplemental EIR includes the minor additions and changes necessary to make the previous EIR adequate. The City feels there is substantial evidence in the record to support this decision.

Response 11

The comment suggests that approval of the project will result in allowing substantial changes in the severity of noise impacts and would result in a significant increase in noise in the adjacent condominiums and Sunset View Park. The technical analysis prepared for the Draft EIR does not support this conclusion. Rather, the noise levels from Hoag to the adjoining properties are not anticipated to substantially change in any area along the project boundary other than the possibility of an increase in the frequency of noise at the loading dock as a result of a potential increase in the number of truck deliveries. The Draft EIR identifies that existing loading dock activities exceed the Noise Ordinance limits on a regular basis. While more delivery truck visits to the loading dock could occur with the buildout of the Master Plan, it is likely that increased deliveries would be accommodated through larger loads in a similar number of trucks. An increase in the number of trucks is not expected to result in an increase in noise levels generated by the loading dock but would instead increase the frequency of high noise levels generated by truck activity. Activities in the loading dock area currently and will continue to exceed the noise limits contained in the Noise Ordinance. The proposed Master Plan Update Project contains exemption language to address this issue. Within the loading dock area, delivery vehicles and the loading and unloading of delivery vehicles are proposed to be exempt from any applicable noise standards and other loading dock area noise would be subject to limits of 70 dB (daytime) and 58 dB (nighttime). The impact would not be substantially greater than identified in Final EIR No. 142. Please also refer to Topical Response 3.

As a point of clarification to the commentor, truck noise, related loading, and unloading noise, and grease pit cleaning were never subject to the 55 dBA noise restriction contained in the PC Text. That noise restriction only applies to mechanical appurtenances located on building rooftops and utility vaults (see Draft EIR, page 3.4-7). Existing and proposed noise limits were identified in Section 3.4 of the Draft EIR and are provided below:

Noise Source	Current Limit (dBA)	Proposed Limit (dBA)
Mechanical Equipment at West Tower & Ancillary Building	55 Leq[a]	70 Leq (Day)/58 Leq (Night)
Loading Dock (delivery vehicles and the loading/unloading ops.)	60 Leq 80 Lmax[b]	Exempt
Loading Dock (non-delivery operations)	60 Leq 80 Lmax[b]	70 Leq (Day)/58 Leq (Night)
Grease Trap	Exempt	Exempt
Cogeneration Plant (nearest residence)	60 Leq (Day)/50 Leq[b] (Night)	60 Leq (Day)/50 Leq (Night)

[a] Existing Development Agreement
[b] Based on Mixed Use Residential standard contained in Noise Ordinance

Hoag is currently exempt from the City of Newport Beach's Noise Ordinance where application of the Noise Ordinance would impair the development of the hospital's property (see Draft EIR, page 3.4-6). The proposed Master Plan Update Project would remove this exemption. In place, the Applicant is requesting a modification from those noise standards only at the loading dock. The modification at the loading dock area is based on extensive noise studies and analysis of potential mitigation measures that indicate there are no feasible CEQA mitigation measures to reduce potential noise at the loading dock below the modified levels indicated. In other words, there is no significant increase in noise as a result of the proposed Master Plan Update Project, but rather a modification in the applicable noise standards to reflect consistency with the City's Noise Ordinance and a modification to that Noise Ordinance to reflect existing noise levels at the loading dock following implementation of all feasible mitigation measures. As discussed at length in the Draft EIR (pp. 3.4-24–27), most of the noise generating activities in the loading dock area are expected to not change significantly from those noise levels measured as part of the Final EIR No. 142 or are expected to be less than existing conditions (e.g., rooftop equipment at the Ancillary Building and West Tower) due to application of feasible mitigation measures imposed as part of the Draft EIR. The Master Plan Update EIR also includes new mitigation measures to address noise levels at the loading dock. Please refer to MM 3.4-4 (truck deliveries); MM 3.4-5 (sound absorption panels in the loading dock); MM 3.4-6 (relocation and enclosure of the trash compactor); and MM 3.5-7 (posting of "No Idling" signs). Topical Response 3 also identifies a new Project Design Feature proposed to address noise from the loading dock area.

As a point of clarification to the commenter, Final EIR No. 142 did not identify 55 dBA at the Hoag property line as the threshold between significance and insignificance. The 55 dBA was a mechanical appurtenance standard imposed by the PC Text and not the 1992 EIR. Final EIR No. 142 required that: "Prior to the issuance of a grading and/or building permit, the project sponsor shall demonstrate to the City that existing noise levels associated with the on-site exhaust fan are mitigated to acceptable levels. Similarly, the project sponsor shall demonstrate that all noise levels generated by mechanical equipment associated with the Master Plan are mitigated in accordance with applicable standards." Final EIR No. 142, page 4-135 (Mitigation Measure 8-3 renumbered as Mitigation Measure 41 and reprinted in the Draft EIR, page 3.4-32).

The assumption is that the applicable standard for mechanical equipment associated with the Master Plan was the standard (55 dBA) contained in the PC Text.

Please refer to the response to Comment 10 regarding why a Supplemental EIR is the appropriate CEQA documentation. Please also refer to the response to Comment 8 regarding the Mitigation Program in Final EIR No. 142.

Response 12

The Draft EIR, inclusive of the noise study (Appendix F of the Draft EIR) and proposed noise mitigation measures, did analyze all potential noise impacts of the proposed Master Plan Update Project. As addressed in the Draft EIR, all noise impacts can be mitigated to a level that is less than significant with the exception of the loading dock. The Draft EIR on page 3.4-37 states "The proposed changes to the Development Agreement could eventually result in higher noise levels at the nearby residences (compared to existing conditions). Mitigation measures are recommended and it has been determined that no other feasible mitigation exists that would reduce impacts from the loading dock area to below the limits contained in the City's Noise Ordinance. Modification of the Development Agreement, as proposed, will allow noise to exceed the Noise Ordinance criteria in the vicinity of the loading dock area, even after application of the feasible mitigation measures discussed above; therefore, the proposed changes must be identified as resulting in significant and unavoidable adverse impacts." Please also refer to Topical Response 3.

Response 13

There are no unmitigated noise impacts from Final EIR No. 142 except for noise from specific fans at the Ancillary Building and West Tower; noise from these sources has been fully mitigated as discussed in the Draft EIR. Mitigation Measure 41 has been replaced with Mitigation Measures 3.4-2 and 3.4-3.

The particular measures discussed by the commenter were not determined to be feasible mitigation measures and were thus not required to be included in the list of noise mitigation measures for the Draft EIR. The Court of Appeal in *Los Angeles Unified School District v. City of Los Angeles,* 58 Cal. App. 4th 1019 (1997), stated the following: "[A]n EIR need not analyze every imaginable alternative or mitigation measure; its concern is with feasible means of reducing environmental effects.

"With respect to enclosing the loading dock, the Draft EIR acknowledges that such an enclosure would not effectively address the significant noise impact in the loading dock area; specifically the enclosure would only have a minimal reduction effect on noise at the nearby residences and would not bring the loading dock area into compliance with the City's Noise Ordinance. The City is not required to adopt mitigation measures that would not substantially reduce or avoid impacts. Cal. Pub. Res. Code §§21002, 21100; *see also, Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors,* 91 Cal. App. 4th 342, 365 (2001) (holding that an EIR need not propose adoption of mitigation measures that would not effectively address a significant impact).

With respect to installing a sound wall at the property boundary between the loading dock and the Villa Balboa Condominiums, the sound wall would need to be 25.5 feet in height. The Draft EIR identifies that a soundwall could be constructed along Hoag's westerly property line to reduce noise levels at the residences but not at the height needed to fully mitigate the existing impact. The geometry in this area is not favorable for its construction. Hoag's property is lower than the residential property and therefore, the soundwall would, in effect, be constructed in a hole. The wall would need to be 25.5 feet high to provide the 8 dB noise reduction to bring the

loading dock noise into compliance with the Noise Ordinance. A 25.5 foot high soundwall is not feasible. Further, such a sound wall would have aesthetic impacts from the height of the wall, elimination of views for residents adjacent to the wall, and the removal of mature landscaping. Thus, a soundwall of the necessary height not only would be infeasible to implement but have significant effects.

With respect to enclosure of the balconies and/or upgraded windows at the adjacent residences, the Draft EIR identifies two measures that could be implemented to reduce noise impacts, but would not bring the loading dock noise into compliance with the Noise Ordinance. These actions were not identified as recommended mitigation measures in the Draft EIR because they would be subject to homeowner and Homeowner Association approvals and it cannot be guaranteed that this permission would be granted. Because the City cannot forcibly impose the barriers on residents, off-site attenuation at private residences was not considered feasible mitigation. Further, window upgrades result in a noise reduction only if the windows are in the closed position. The indoor Noise Ordinance criteria are applied with the windows in the open position, and no benefit would occur with the windows open.

Subsequent to the completion of the public review period for the Draft EIR, the City has met with Hoag to address noise measures. While the City acknowledges that owners of the Villa Balboa condominiums affected by loading dock-related noise may not desire modifications to their condominiums and as such it is appropriate that the EIR not identify off-site noise attenuation measures as mitigation, Hoag has agreed to provide window and sliding door upgrades to owners of the affected units. As such, the following is recommended by the City to be incorporated into the Final EIR as a Project Design Feature:

> Within six months following approval of the Master Plan Update Project by the City of Newport Beach and the expiration of any appeals, statute of limitations or referendum periods for challenging any of the Project approvals, the Applicant shall offer a window/sliding glass door upgrade (dual pane windows) program to the owners of the residents (Owners) living at 260 Cagney Lane, Newport Beach, in units 102, 103, 104, 105, 202, 203, 204, 205, 302, 303, 304, and 305; and 280 Cagney Lane, Newport Beach in units 102, 103, 104, 105, 202, 203, 204, 205, 302, 202, 204, and 305 pursuant to the following provisions and guidelines: (i) in order to participate in the program and receive new windows/sliders, each Owner must provide written notice to the Applicant within 14 days following receipt of the proposed program from Applicant, that Owner wants to participate in the program; (ii) failure to respond within such time period shall mean the Owners desires not to participate; (iii) only those windows/sliders that do not already have dual pane glass will be replaced; (iv) the replacement windows/sliders will be installed by a third-party contractor as part of one overall program pursuant to a contract between the Villa Balboa Homeowners Association (Association) and such third-party contractor selected by the Association; (v) the Association shall provide the Applicant with a written estimate from the contractor stating that the total cost of the replacement program and obtain Applicant's written approval of such work prior to executing a contract with the contractor; (vi) the total cost of the window/slider replacement and related patch-up work to be reimbursed by the Applicant to the Association for the replacement and related for all Owners shall not exceed the sum of $150,000.000; and (vii) provided the Applicant receives the reimbursement request from the Association within 60 days following completion of the work, the Applicant shall reimburse the Association for the cost of the window/slider replacement work within 30 days of the Applicant's receipts of a final receipt or bill from the Association evidencing that the window/slider replacement work was completed pursuant to the approved estimate.

On the loading dock, Hoag will be installing acoustic panels to reduce reflective noise. Noise that happens near or on the loading dock could be reduced by 3 dB at the residences with the acoustic panels. The box crusher will either be enclosed or a new box crusher will be installed; the expected noise reduction from this source would be 20 to 25 dB (not overall noise). With regard to the commenter's suggestion that noise mitigation is needed for parks in the vicinity of Hoag, mitigation is not needed because park areas are not subject to any City Noise Ordinance limits (see Draft EIR, page 3.4-14).

Response 14

The cogeneration facility is not part of the proposed Master Plan Update Project; it is an existing land use. Please refer to Topical Response 1. Any inferences in the comment that the existence of the cogeneration facility triggered the need to have prepared a different type of environmental assessment document than the Draft EIR is fully addressed in the response to Comment 10.

Response 15

With respect to the comment requesting the preparation of a subsequent EIR, please refer to the response to Comment 10 and Topical Response 2.

The commenter's concern regarding the adequacy of local wastewater treatment and the proposed project's potential impact on water quality is misplaced. The proposed Master Plan Update Project does not include any specific plans for buildings, but rather involves the reallocation of previously entitled square footage from the Lower Campus to the Upper Campus. Reallocating square footage would not result in an increase the anticipated demand on wastewater treatment systems.

There are no "changed circumstances" regarding the treatment of wastewater "so substantial, as to "require major revisions in the environmental impact report." *See A Local & Regional Monitor v. City of Los Angeles*, 12 Cal. App. 4th 1173, 1803 (relatively minor changes in circumstances, or those changes that do not cause any significant impacts other than those already contemplated by the EIR, do not require preparation of a subsequent EIR). Final EIR No. 142 discussed that sewer services for Hoag's facilities are provided by the City's Utilities Department and Sanitation District No. 5 (see Final EIR No. 142, pages 4-203 and 4–04)..A 30-inch sewer line continues to exist within West Coast Highway in the vicinity of the project site. The Initial Studies (included as Appendix A to the Draft EIR) address this issue, referencing the 30-inch sewer line and noting Final EIR No. 142's identification of the potential need to expand the existing 15-inch City sewer trunk main. Future buildout of Hoag's facilities per the amended Master Plan will use this existing and operational sewer line; therefore impacts would not be different than assessed in Final EIR No. 142.

The Orange County Sanitation District's 301(h) waiver (related to water quality of wastewater discharged from Orange County Sanitation District facility) is not applicable to the proposed Master Plan Update Project. Any concerns regarding water quality of wastewater discharges should be directed to the City's Utility Department and/or to Orange County Sanitation District as the Applicant is not governed by the waiver nor does the Applicant hold any NPDES permits that are governed by such a waiver program. Commenter's statements regarding wastewater quality in this context are outside the scope of the Draft EIR and are not related to any of the thresholds of significance used by the City to assess impacts of the proposed project. Further, the proposed Master Plan Update Project will have a less than significant impact on wastewater facilities.

The commenter's statements regarding Total Maximum Daily Loads (TMDLs) are noted. However, the commenter's opinion that the TMDLs applicable to Newport Bay endow urban runoff impacts with greater significance is not supported by the comment. Dependant upon the particular TMDL under consideration, urban runoff may or may not have been determined by the applicable regulatory agencies to be a substantial contributor to impacts to Newport Bay. Additionally, the comment appears to imply that existing TMDLs would apply directly to Hoag. Implementation of TMDLs for Newport Bay takes place through inclusion in permits and/or implementation of specific programs. For discharges of urban runoff, such as what would flow from Hoag, implementation of TMDLs for Newport Bay is carried out by the City through the public storm drain permit (Santa Ana Regional Water Quality Board Order No. R8-2002-0010/NPDES Permit No. CAS618030 (NPDES Permit)). The NPDES Permit incorporates the TMDLs and charges the permittees, including the City of Newport Beach, with ensuring that discharges from public storm drain systems to impaired waters, such as Newport Bay, comply with the TMDLs. Hoag is not a permittee of the NPDES Permit. The Santa Ana Regional Water Quality Board, the County of Orange, nor the City has imposed TMDL-related obligations directly on Hoag; rather, meeting TMDLs is a City obligation through the NPDES Permit. The fact that TMDLs have been adopted since certification of the Final EIR No. 142 does not trigger the need to prepare a subsequent EIR as obligations to meet TMDLs do not apply directly to the Master Plan Update Project.

In order to discharge their obligations under the NPDES Permit, NPDES permittees adopted the Drainage Area Management Plan (DAMP), which contains a program to require treatment of urban runoff from certain new development and significant redevelopment projects. (Please note that the DAMP replaces the proposed Storm Water Master Plan referenced in Final EIR No. 142.) The following is offered to clarify the Applicant's obligations under the DAMP program. The City of Newport Beach has adopted a Local Implementation Plan (LIP) to implement the DAMP within the City. Per the LIP, future buildout under the proposed Master Plan Update Project assumptions must adhere to project-specific requirements of the LIP; these requirements are imposed upon developments within the City through the City's Municipal Code Section 14.36.040. Pursuant to the requirements of the City's LIP, the following requirements would be imposed by the City to future construction activities meeting the definitions of either "new development" or "significant redevelopment" in the LIP:

- Prior to the issuance of any grading or building permits, the Applicant shall be required to submit to the City for review and approval a Project Water Quality Management Plan (WQMP) that:
  - Discusses regional or watershed programs (if applicable);
  - Addresses Site Design Best Management Practices (BMPs) (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
  - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP;
  - Incorporates Treatment Control controls as defined in the DAMP (which generally require that projects infiltrate filter or treat the volume of runoff produced from a 24-hour 85h percentile storm event);
  - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs;

- Identifies the entity that will be responsible for long-term operation and maintenance of the treatment Control BMPs; and

- Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

- Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the Applicant shall be required to:

  - Demonstrate that all structural BMPs described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications;

  - Demonstrate that the Applicant is prepared to implement all non-structural BMPs described in the Project WQMP;

  - Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers;

  - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

The concept of the LIP is that through requirements that projects implement site design, source control, and treatment controls, these controls work in concert to ensure water quality issues for a particular project are sufficiently addressed such that adverse impacts on downstream waters are avoided (see City of Newport Beach, Local Implementation Plan, page 7.II-1). Through adherence to the City Code and the LIP, the City has required Hoag to prepare and implement WQMPs for projects at Hoag and will continue to require the implementation of new WQMPs or amendment to existing WQMPs for future development. By adherence to applicable laws, water quality impacts from build out of the proposed Master Plan Update Project would be less than significant as concluded in the Initial Studies (included as Appendix A of the Draft EIR).

Additionally, water quality impacts from buildout of the Master Plan Update were determined to be less than significant in Final EIR No. 142 primarily due to adherence to the then-proposed regulatory program entitled the "Storm Water Master Plan" (see Final EIR No. 142, page 4-18). As stated above, the Storm Water Master Plan has been replaced by the DAMP and the LIP. Therefore, water quality impacts would continue to remain less than significant through implementation of the current water quality regulatory programs. Because water quality impacts were determined to be less than significant, mitigation measures suggested by the commenter are not necessary but will be forwarded to the decisionmakers for consideration.

The treatment controls referenced by the commenter will be required by the City to be implemented through the WQMP program for new development projects at Hoag. Filter packs are a type of treatment device that will be considered for each individual future development project at Hoag in compliance with the LIP's requirements governing the selection of treatment devices.

Response 16

The City assumes that the commenter is referencing the San Joaquin Hills blind thrust fault. This fault is addressed in the City of Newport Beach 2006 General Plan Safety Element which states:

> The City of Newport Beach is located in the northern part of the Peninsular Ranges Province, an area that is exposed to risk from multiple earthquake fault zones. The highest risks originate from the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, each with the potential to cause moderate to large earthquakes that would cause ground shaking in Newport Beach and nearby communities. Earthquake-triggered geologic effects also include surface fault rupture, landslides, liquefaction, subsidence, and seiches. Earthquakes can also lead to urban fires, dam failures, and toxic chemical releases, all man-related hazards.

The City's Emergency Management Plan (July 15, 2004) notes that:

> The San Joaquin Hills Fault is considered to be an active fault, running parallel to the coastline. The fault roughly extends from John Wayne Airport at the northeast end to the I-5/I-405 freeway connection. Initial research shows the San Joaquin Hills Fault capable of generating a 7.1 magnitude earthquake. The most important feature, though, is that the San Joaquin Hills Fault is a thrust fault, meaning that the motion it generates will be stronger and more violent than the motion caused by any of the other faults affecting Newport Beach...

The University of California, Irvine 2007 Long Range Development Plan Draft EIR (August 2007) states:

> Recent research has identified the San Joaquin Hills blind thrust fault in Orange County. A blind thrust fault is a fault hidden under the uppermost layers of the Earth's crust so there is no direct evidence of it on the ground; when the fault slips, however, it can produce large and significant uplifts, potentially damaging homes and roads. The San Joaquin Hills fault is a blind thrust fault accommodating the uplift and growth of the coastal regions of Orange County from Seal Beach to Dana Point. The exact location of this fault in unknown; however, it is probably connected to the offshore Newport-Inglewood fault that comes ashore in Newport Beach and continues north to Los Angeles. Evidence suggests that the San Joaquin Hills fault broke 200 to 300 years ago, indicating that it would be unlikely to happen again for another several hundred years. Based on GIS data from the City of Irvine, the highest intensity ground-shaking from this fault is anticipated to occur across southern Irvine, which is where the campus is located.

From the Village Entrance Project Draft EIR, City of Laguna Beach, 2006:

> Recent studies suggest that an active blind thrust fault system underlies the San Joaquin Hills. The San Joaquin Hills fault lies under the site at a depth of about 9 miles. This postulated blind thrust fault is believed to be a faulted anticlinal fold, subparallel to the Newport-Inglewood fault zone but considered a distinctly separate seismic source.
>
> The San Joaquin Hills are rising at an estimated average rate of 0.21 to 0.27 meters per 1,000 years. The recency of movement and Holocene slip rate of this fault are not known. However, the fault has been estimated to be capable of a Magnitude 6.8 to 7.3 earthquake. This estimation is based primarily on coastal geomorphology and age-dating of marsh deposits that are elevated above the current coastline.
>
> The San Joaquin Hills thrust fault is not exposed at the surface and does not present a potential surface fault rupture hazard. However, the San Joaquin Hills Thrust is an

active feature that can generate future earthquakes. The CGS estimates an average slip rate of 0.5 millimeters per year and a maximum Magnitude of 6.6 for the San Joaquin Hills Thrust.

The San Joaquin Hills Thrust has been postulated to be an on-shore extension of the Oceanside and Thirty-mile Bank Thrusts, a blind thrust system identified in the California Borderlands, offshore of the Orange County and the San Diego County coastline. This thrust system is believed to extend to at least the United States/Mexican border on the south. The offshore thrust system has been identified through detailed mapping of sea floor scarps, local uplift on marine terraces, and structural modeling. The 1986 Magnitude 5.3 Oceanside Earthquake has been attributed to the Oceanside Thrust.

Like other blind thrust faults in the Los Angeles area, the Oceanside and Thirtymile Bank Thrusts are not exposed at the surface and do not present a potential surface fault rupture hazard. The CGS does not consider the Oceanside and Thirtymile Bank Thrusts to be separate seismic sources from the San Joaquin Hills. (Sources: Grant, L. B., Ballenger, L. J., and Runnerstrom, E. E., 2002, *"Coastal Uplift of the San Joaquin Hills, Southern Los Angeles Basin, California, by a Large Earthquake Since A. D. 1635", Bulletin of the Seismological Society of America,* Vol. 92, No. 2, pp. 590-599. *Report of Geotechnical Evaluation/Proposed Village Entrance Project April 12, 2006;* Grant, L. B., Mueller, K. J., Gath, E. M., and Munro, R., 2000, *"Late Quaternary Uplift and Earthquake Potential of the San Joaquin Hills, Southern Los Angeles Basin, California: Reply" Geology, Vol. 28, No. 4, p384;* Grant, L. B., Mueller, K. J., Gath, E. M., Cheng, H., Edwards, R.E., and Munro, R., 1999, *"Late Quaternary Uplift and Earthquake Potential of the San Joaquin Hills, Southern Los Angeles Basin, California" Geology, Vol. 27, p. 1031-1034.)*

Consequently, information about the San Joaquin Hills blind thrust fault does not represent new information. Data about this blind thrust fault has been known by and taken into consideration by the City as a part of citywide emergency preparedness and citywide planning efforts, inclusive of the Hoag site. Please also refer to the response to Comment 10 and Topical Response 2.

Response 17

Please refer to the response to Comment 10 and Topical Response 2. The Draft EIR addresses potential air quality impacts of both the existing approved Hoag Master Plan and the proposed Master Plan Update Project using currently adopted South Coast Air Quality Management District significance thresholds for criteria pollutants, including but not limited to ozone and PM2.5. Please see Section 3.3, Air Quality, of the Draft EIR.

Section 3.3 states:

Final EIR No. 142 was certified in 1992, prior to the publication of SCAQMD's *CEQA Air Quality Handbook* in 1993 and the significance thresholds presented in the handbook. Final EIR No. 142 found that construction emissions would result in significant, unavoidable impacts. The EIR found no significant impacts to long-term, project emissions associated with carbon monoxide (CO), nitrogen oxides (NOx), or reactive organic gases (ROG). However, it should be noted that the project-related CO, ROG, and NOx emissions presented in Final EIR No. 142 exceed the significance thresholds which were subsequently published in SCAQMD's *CEQA Air Quality Handbook* (1993). The analysis in Final EIR No. 142 compared project

emissions with regional emissions for the basin and Source Receptor Area 18 (the SCAQMD-designated area within which Hoag is located), and concluded that since the project represented such a small portion of regional emissions, the project did not result in a significant impact. Final EIR No. 142 did determine, however, that development of the Master Plan in conjunction with present and future projects would have a significant unavoidable cumulative impact on regional air quality.

The findings of the Draft EIR are consistent with the findings of Final EIR No. 142 when using the SCAQMD thresholds. Both the existing Hoag Master Plan Project and the proposed Hoag Master Plan Update Project would result in air pollutant emissions that exceed SCAQMD's construction thresholds. Short-term construction air quality impacts would be significant even with mitigation incorporated resulting in a significant unavoidable adverse impact.

Significance of construction impacts are determined by comparing the daily emissions of pollutants associated with construction with the SCAQMD Regional Thresholds presented in Table 3.3-8 of the Draft Master Plan Update EIR or with the Localized Significance Thresholds (LST) recommended by the SCAQMD. The Regional Thresholds are pollution emission rates, which, if exceeded, are considered to be regionally significant in terms of the region attaining the Ambient Air Quality Standards (AAQS). The SCAQMD LSTs are emission thresholds to ensure that an activity does not cause concentrations at nearby sensitive receptors to exceed the AAQS or to cause a significant increase in concentrations for pollutants where the AAQS is exceeded without the activity. The SCAQMD performed dispersion modeling using typical weather patterns to correlate emissions with concentrations and establish the emission thresholds. These values and a review of the LST emission thresholds determined by SCAQMD were used as the basis as the discussion for the likelihood of an impact.

The SCAQMD LSTs are emission thresholds to ensure that an activity does not cause concentrations at nearby sensitive receptors to exceed the AAQS or to cause a significant increase in concentrations for pollutants where the AAQS is exceeded without the activity. The SCAQMD performed dispersion modeling using typical weather patterns to correlate emissions with concentrations and establish the emission thresholds.

As discussed in the Draft EIR, there are no specific construction projects proposed and, therefore, no information to calculate emissions from construction activities associated with the Master Plan Update Project. The discussion on Pages 3.3-18 and 3.3-19 of the Draft EIR under the Short-term Construction Impacts: Regional Air Quality Impacts heading addresses construction emissions in general and why the emissions from construction activities associated with the project would be likely to exceed the thresholds.

The proposed Master Plan Update Project could generate fewer pollutant emissions than would occur with the already-approved Master Plan because of trip reductions associated with the proposed Master Plan Update Project. The amount of reduction would be dependent on the amount of square feet reallocated from the Lower Campus to the Upper Campus. Therefore, compared to the long-term air quality impacts associated with the existing Master Plan, the proposed Master Plan Update Project's impacts could be reduced. However, consistent with the findings of Final EIR No. 142 for the existing Hoag Master Plan Project, the proposed Master Plan Update Project's operations would result in emissions of CO, VOC, and NOx, which would exceed the SCAQMD-established operational phase thresholds. The proposed mitigation measures would reduce these impacts, but not to a level considered less than significant.

Response 18

Please refer to the response to Comment 10 and Topical Response 2. The Draft EIR was prepared and takes into consideration the current growth projections for Orange County which are coordinated by the Center for Demographic Research and developed in conjunction with the County of Orange and cities within Orange County. These projections, known a the Orange County Projections (OCP) are also used by SCAG and the SCAQMD for regional planning programs, such as the Air Quality Management Plan, the Regional Transportation Plan, and Regional Growth Management Element. OCP-2006 has been approved by the local jurisdictions and adopted by the Orange County Council of Governments and SCAG as the official growth projections for the County. The Draft EIR also addresses the proposed Master Plan Update's with respect to the General Plan 2006 Update and the City's Local Coastal Plan.

The City acknowledges that the Draft EIR addresses updated population and policy data that was not known and could not have been known at the time the EIR was certified, the EIR analysis does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects with respect to growth projections, the General Plan, or the Local Coastal Plan. The proposed Master Plan Update Project would not allow for any additional development beyond that already permitted by the adopted Hoag Master Plan.

Response 19

Please also refer to the response to Comment 10 and Topical Response 2. Each of these projects has been taken into consideration, as applicable, in the analysis found in the Draft EIR. For example, as addressed on page 3.2-4 of the Draft EIR, the Master Plan Update traffic study was prepared using the current City of Newport Beach Transportation Model (NBTM). The NBTM "Constrained" network was used for 2015 analysis and the City's "Buildout" network (also known as the City's currently adopted "General Plan Baseline" network) was used for 2025 analysis. The NBTM was used for the City's General Plan Update. The primary study area of the NBTM is generally bound by the Brookhurst Street/Santa Ana River on the west, Adams Avenue/Baker Street/Campus Drive/SR-73 on the north, Crystal Cove State Park on the east, and the Pacific Ocean on the south. The NBTM includes cumulative regional growth including growth within and outside of the City. This includes traffic from neighboring jurisdictions. These projections include all reasonably foreseeable and probable future projects in the region. Therefore, the traffic analysis has accounted for cumulative traffic impacts. With respect to air quality, the Draft EIR air quality analysis was based on the traffic analysis which takes into account regional growth. With respect to "other impacts," the Draft EIR addressed the applicable cumulative study areas for the applicable environmental topics. For example, a development such as the Seacliff Village Shopping Center located more than 7 miles from Hoag would not have a noise impact on Hoag and Hoag would not have a noise impact on the shopping center. The distance between the two sites would not cumulatively contribute to noise impacts.

Please also refer to the subsequent response to Comment 49.

Response 20

Please refer to the response to Comment 10 and Topical Response 2. With respect to the Sunset Ridge Park Site located west of Superior Avenue, the General Plan Recreation Element identifies the site as a future active park. The City has been pursuing the development of a park on either side of Superior Avenue, west of the Hoag Lower Campus since the early 1990s. The proposed park site consists of two parcels; a 15-acre parcel west of Superior Avenue and a 2-acre parcel East of Superior Avenue located along West Coast Highway. The parcels were purchased by the State of California many years ago for the Coastal Freeway, which was

abandoned by the State many years ago. In April 2005, the Newport Beach City Council retained RJM Design Group for the preparation of a master plan for the development of the proposed Sunset Ridge Park. Later in 2005, the City purchased the smaller parcel from the State for $175,000 dollars. In September 2006, the City purchased the larger parcel for $5 million dollars. Although the final amenities to be placed in the park are yet to be determined, the park may consist of sports fields, tot lots, skate parks, natural and passive park areas, restroom buildings, parking lots, lighting, and perhaps a pedestrian bridge to connect the two sites. The park development will require a considerable amount of grading, drainage improvements, and perhaps an access road connecting westbound Coast Highway to the site through the adjacent Banning Ranch property. Planning and design of the park is ongoing and park development will require environmental review pursuant to CEQA as a separate project. Development of this park is not related to the Hoag Master Plan project; however, funds paid to the City by Hoag as a result of the proposed amendment of the Development Agreement may be used by the City to improve the future park. The future development of the Sunset Ridge Park does not represent a new significant impact that must be addressed in the Draft EIR for the Master Plan Update Project.

Response 21

Please also refer to the responses to Comments 10 and 19 and Topical Response 2. The extension of 19th Street across the Santa Ana River has been assumed in the City of Newport Beach General Plan and the Orange County Master Plan of Arterials and Highways, and therefore should be included in the NBTM forecasting assumptions for Year 2025 conditions (referred to as the City's adopted "Buildout" or "General Plan Baseline" network, as described in Section 5.1.2 of the Draft EIR traffic study). For Year 2015 conditions, the NBTM "constrained" network was used. The constrained network does not assume the 19th Street bridge connection, as stated in Section 5.1.2 of the Draft EIR traffic study.

Response 22

The City concurs that adequate parking must be provided. The City currently requires and will continue to require that a parking study be provided and approved by the City Traffic Engineer for each individual building project at Hoag to determine the specific parking requirements for that project. The City reviews each parking study for use of appropriate methodology and accuracy. Section 3.2 of the Draft EIR addresses this issue. Hoag is required to provide all parking on the site in surface lots, subterranean parking structures, and/or aboveground parking structures. For Upper Campus land uses, surface parking lots are provided for the James Irvine Surgery Center and for the Emergency Care Unit. Two parking structures are provided for hospital visitors, physicians, and employees. Parking on the Lower Campus is provided in surface lots and in one parking structure. Parking requirements are based on building types and the area allocated for land use function, as set forth in the PC Text (see Table 3.2-11 of the Draft EIR). The City determines parking needs based upon building type and the area allotted to specific functions. Any area that is calculated as part of the total floor area limitation is included in the gross floor area to determine the parking requirement. Because adequate parking is required to be provided now and in the future as a condition of project-specific development projects, the Draft EIR determine that no significant impacts are expected associated with the provision of on-site parking at Hoag. This would also be true for existing parking conditions at Hoag.

Response 23

The form of environmental documentation used to assess impacts from the proposed Master Plan Update Project is appropriate. A subsequent EIR requested by the commenter is not necessary. Please refer to Topical Response 2.

Response 24

Final EIR No. 142 was certified by Resolution 92-43 as adequate by the City of Newport Beach on May 11, 1992; the Final EIR was not subject to litigation and therefore stands as an adequate CEQA document for the Hoag Master Plan.

While the commenter refers to "numerous" mitigation measures (as not being implemented), the commenter cites only 3 of the 124 mitigation measures in Final EIR No. 142. With respect to the commenter's general statements regarding implementation of mitigation measures and reliance on the analysis contained in Final EIR No. 142, please refer to the responses to Comments 8 10 discussing how mitigation measures from Final EIR No. 142 have been implemented and why the form of documentation presented by the Draft EIR is appropriate. With regard to the three specific mitigation measures referenced in the comment, the three measures are either proposed to be replaced or as having been implemented:

MM 112. The Project Sponsor shall ensure that construction activities are conducted in accordance with Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner that produces loud noises that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or any holiday.

Rationale for Deletion: Mitigation Measure 112 was adopted as part of Final EIR No. 142. This measure has been superseded by the City's standard condition for hours of construction. The City's standard condition is as follows:

SC 3.4-1 During construction, the Applicant shall ensure that all noise-generating activities be limited to the hours of 7:00 AM to 6:30 PM on weekdays and 8:00 AM to 6:00 PM on Saturdays. No noise-generating activities shall occur on Sundays or national holidays in accordance with the City of Newport Beach Noise Ordinance.

MM 114. Rooftop mechanical equipment screening on the emergency room expansion shall not extend closer than fifteen feet from the west edge of the structure and no closer than ten feet from the edge of the structure on any other side.

Rationale for Deletion: Mitigation Measure 114 was adopted as part of Final EIR No. 142 and has been implemented as a part of the two-story emergency care unit in 1994. That facility has been constructed and all rooftop equipment was placed according to the setback limitations in the mitigation measure (i.e., no close than 15 feet from the west edge and no closer than 10 feet from any edge of the structure). Because the facility has been constructed, the mitigation measure is no longer required. Additionally, City approved

Ancillary Renovation projects include added Sound/Site equipment screening to the entire west facing wall of the adjacent ancillary building.

MM 115 Noise from the emergency room expansion rooftop mechanical equipment shall not exceed 55 dBA at the property line.

Rationale for Deletion: Mitigation Measure 115 was adopted as part of Final EIR No. 142 and has been implemented. The mitigation measure limits noise from rooftop mechanical equipment on the emergency room expansion to 55 dBA at the Hoag property line. The emergency room expansion facility has been constructed and the equipment in this vicinity has not been identified as exceeding the 55 dBA limitation imposed as part of the mitigation measure (see Draft EIR, page 3.4-13). Thus, since the equipment has been installed and is in conformance with the mitigation measure, the measure is no longer necessary. Additionally, City approved Ancillary Renovation projects include added Sound/Site equipment screening to the entire west facing wall of the adjacent ancillary building.

It should again be noted, only mitigation measures that have been successfully implemented would no longer be applied to the Hoag Master Plan Update Project. All other mitigation measures, project design features, and standard City conditions would be applicable. As addressed in the Draft EIR and in these responses to comments, the City is requiring additional and/or modified measures (including noise-related measures) where modified measures can be more successfully implemented. Please also refer to Topical Response 3 which identifies a new proposed Project Design Feature related to noise attenuation. With respect to noise, these measures are repeated below from Section 3.4 of the Draft EIR:

Additional Mitigation Measures to Reduce Impacts of the Proposed Master Plan Update Project

Construction Activities

MM 3.4-1 Prior to the initiation of vibration-generating demolition and construction activities, the Hoag Construction Project Manager shall notify building/department representatives that these activities are planned. This notification will allow for the relocation of vibration-sensitive equipment in portions of buildings that could be affected.

The Hoag construction staff shall work with the Project Contractor to schedule demolition and construction activities that use heavy equipment and are located within 50 feet of buildings where vibration-sensitive medical procedures occur, such that demolition and construction activities are not scheduled concurrent with sensitive medical operations. A system of communications would be established between selected vibration-sensitive uses/areas and Construction Managers so that noise or vibration which would affect patient care or research activities can be avoided.

On-Site Activities: Mechanical Equipment

MM 3.4-2 The final plans for heating, ventilation, and air conditioning (HVAC) equipment for the Ancillary Building and West Tower shall be submitted to the City for review and approval. The plans shall be reviewed by an Acoustical Engineer to ensure that they will achieve 58 dBA (Leq) at the property line adjacent to the loading dock area. These plans need to be

submitted within six months of the certification of the *Hoag Memorial Hospital Presbyterian Master Plan Update Final Supplemental EIR* (SEIR). If Hoag does not pursue the redesign of the HVAC systems for the Ancillary Building and West Tower, Hoag shall submit within six months of the certification of the Final SEIR a plan to the City that details how Hoag will bring the current equipment into compliance with the 58 dBA nighttime noise limit when measured at the property line adjacent to the loading dock area.

MM 3.4-3 Prior to issuance of building permits for any project that includes HVAC equipment, an acoustical study of the noise generated by the HVAC equipment shall be performed and a report that documents the results shall be submitted. This report shall present the noise levels generated by the equipment and the methodology used to estimate the noise levels at nearby residential uses or property boundary, as applicable; the report will also demonstrate that combined noise levels generated by all new HVAC equipment does not exceed the applicable Development Agreement limits. This study shall be reviewed and approved by the City prior to issuance of building permits. After installation of the equipment, noise measurements shall be performed and provided to the City that demonstrates compliance with applicable noise level limits.

<u>On-Site Activities: Loading Dock</u>

MM 3.4-4 Truck deliveries to the loading dock area are restricted to the hours of 7:00 AM to 8:00 PM. It is noted that special situations may arise that require delivery outside of these hours.

MM 3.4-5 Sound absorption panels on the east wall of the loading dock shall be installed. Approximately 450 square feet of absorptive panels shall be used to cover major portions of the back wall of the loading dock area. The Noise-Foil panels by Industrial Acoustics or a panel with an equivalent or better sound rating shall be used.

MM 3.4-6 The trash compactor shall be relocated within the loading dock. The trash compactor and baler shall be enclosed in a three-sided structure. The walls shall be concrete block or similar masonry construction. The roof shall be lightweight concrete roof or a plywood surface with concrete tiles; a built-up roof with 5' 5" of insulation on the inside would be an acceptable alternative. The open side shall face away from the residents. Doors may be on the side of the enclosure facing the residents, but must be closed when the baler or compactor are operating. The compactor and baler should only be operated between the hours of 7:00 AM and 7:00 PM.

MM 3.5-7 "No Idling" signs shall be posted in the loading dock area and any area where the trucks might queue.

<u>On-Site Activities: Grease Trap</u>

The grease trap operation is exempt from noise regulations. However, the following measure is recommended:

MM 3.5-8 Grease trap cleaning operations shall be limited to Saturday between the hours of 11:00 AM and 3:00 PM.

On-Site Activities: Cogeneration Facility

The operation of the fourth cooling tower at the cogeneration facility could result in an exceedance of the Noise Ordinance.

MM 3.5-9 Upon installation of the fourth cooling tower at the cogeneration facility, additional noise measurements shall be performed to determine compliance with the City's Noise Ordinance. The measurements shall be made and a report submitted to the City within three months of commencement of operations of the fourth cooling tower. If a violation is noted, the problem must be corrected and a second set of measurements submitted to the City showing compliance within one year of commencement of operations of the fourth cooling tower.

On-Site Land Uses

MM 3.4-10 Prior to the issuance of building permits for any Hoag patio use proposed to be located closer to the roadway then the 65 CNEL contour distance shown in Table 3.4-7, a detailed acoustical analysis study shall be prepared by a qualified Acoustical Consultant and a report shall be submitted to the City for review and approval. The Acoustical Analysis Report shall describe and quantify the noise sources impacting the area and the measures required to meet the 65 CNEL exterior residential noise standard. The final building plans shall incorporate the noise barriers (wall, berm, or combination wall/berm) required by the analysis and Hoag shall install these barriers prior to issuance of a Certificate of Occupancy.

MM 3.4-11 Prior to issuance of building permits, a detailed acoustical study using architectural plans shall be prepared by a qualified Acoustical Consultant and a report shall be submitted to and approved by the City for Hoag buildings that are proposed to be located closer to the roadway than the 65 CNEL contour distance shown in Table 3.4-7 and for office buildings that are proposed to be located closer to the roadway than the 70 CNEL contour distance (Table 3.4-7). This report shall describe and quantify the noise sources impacting the building(s); the amount of outdoor-to-indoor noise reduction provided by the design in the architectural plans; and any upgrades required to meet the City's interior noise standards (45 CNEL for hospital uses and 50 CNEL for office uses). The measures described in the report shall be incorporated into the architectural plans for the buildings and implemented with building construction.

Response 25

Under CEQA Guidelines §15088(a), the lead agency must evaluate comments on environmental issues received from those who reviewed the draft EIR and must prepare a written response to such comments. This comment does not raise any environmental issues and thus does not constitute a comment under CEQA to which a response must be provided. However, in order to correct some of the misstatements made in this comment, the City will respond with clarifying information.

The commenter states that the City has never conducted an annual review of Hoag's compliance with the Development Agreement (i.e., the Development Agreement have gone unreviewed by the City for 16 years). This statement by the commenter is inaccurate; the City has conducted formal reviews but they have not been conducted annually. The last formal annual review was conducted on June 28, 1999. Pursuant to the terms of the Development Agreement, the City is supposed to review Hoag's good faith substantial compliance with the Development Agreement at least once every 12 months (see Development Agreement Section 5.1). The annual review is to include a detailed report of compliance with the various conditions and mitigation measures contained within the Mitigation Monitoring Plan. The lack of an annual review shall not constitute or be asserted by the City as Hoag's default (see Development Agreement Section 5.7).

Although the City has not requested or set a formal annual review proceeding since 1999, the City has required Hoag to submit project status reports; reports have been provided to the City for the period of January 1, 1999 through December 31, 2003, the period January 1, 2004 through June 30, 2006, and the period July 1, 2006 through April 30, 2007. In its last submittal, Hoag requested that the City conduct a formal annual review. In response, the City determined that it would be in the best interest of all parties and the public for the formal annual review to be conducted concurrently with or soon following the review and consideration of the Draft EIR for the proposed Master Plan Update Project and the entitlements related thereto. Despite the lack of formal annual reviews, the public record contains the various project status reports as well as City-prepared documents verifying compliance with applicable mitigation measures.

These materials verify that the only applicable mitigation measure and/or condition of approval which has not been achieved is the PC Text provision restricting noise levels from mechanical equipment to 55 dBA at the property line adjacent to the loading dock. As noted previously in the response to Comment 11, both the City and Hoag have been working over the past number of years to implement all feasible mitigation in an effort to reduce noise to the applicable standards. Based on the analysis and findings contained in the Draft EIR, it has been established that there is no feasible mitigation measure to reduce the noise from mechanical appurtenances at the loading dock below the standard adopted in 1992. Therefore, a revised mitigation measure is proposed and the environmental impact analysis related to that revised mitigation measure has been fully disclosed in the Draft EIR. Please refer to Topical Response 3, the response to Comment 8 regarding enforcement of mitigation measures, and to the response to Comment 10, above regarding the form of CEQA document.

Response 26

Prior to the construction of any project, the City requires Hoag to submit all appropriate plans for review which includes the details for rooftop equipment and how it will be incorporated into the design of the roof of each facility.

Response 27

Please refer to the response to Comment 8, regarding the implementation of mitigation measures from Final EIR No. 142.

Hoag has obtained more than one Coastal Development Permit (CDP) from the California Coastal Commission. The commenter fails to identify which CDP is related to its allegations; furthermore, the commenter has not provided any specific details to support the statement of non-compliance. However, the City has confirmed that the Coastal Commission approvals authorized the removal of 212,000 cubic yards (cy) of soil from the Lower Campus in conjunction with the retaining wall project and that no more than 108,918 cy have been removed

to date. In addition, all landscape plans related to this same project were submitted and approved by the Coastal Commission.

Response 28

Please refer to the responses to Comments 26 and 27.

Response 29

The Draft EIR's statement that "West Coast Highway is not a designated State Scenic Highway" is accurate. A "State Scenic Highway" is a formal designation made by the California Department of Transportation (Caltrans) pursuant to California Street and Highways Code Section 260, *et. seq.* Although certain stretches of Route 1 located in Santa Barbara, Monterey, San Luis Obispo, and San Mateo counties have been so designated, no portion of Route 1 in Orange County (Route 1 is known as West Coast Highway in the City of Newport Beach in the vicinity of Hoag) has ever been designated as a State Scenic Highway.

Please refer to the response to Comment 27. Application No. 5-93-252-A2 to the CCC was a request by Hoag to grade, construct retaining walls up to 27 feet high, construct parking areas and access roads, install support utilities and landscaping, demolish the child care center and construct 12,672 sf child care center at One Hoag Drive (entrance to Hoag at West Coast Highway). The permit was approved on September 14, 2005. The project is a component of the Hoag Master Plan. The City's Certified Coastal Land Use Plan does not use the terminology of "scenic corridor." Relevant policies of the Coastal Land Use Plan are addressed in the Draft EIR for Hoag. The relevance of a partial quote in an approved permit to implement a portion of the existing Hoag Master Plan is unclear.

Response 30

The commenter is directed to responses to Comments 26, 27, 28, and 30, related to discussions on how all aesthetic mitigation measures have been implemented and how commenter is mistaken in its assertions related to the scenic designation status of West Coast Highway. No additional analysis in the Draft EIR is necessary.

Response 31

Please refer to Topical Response 1. The cogeneration facility is an approved and constructed project and as such, the Draft EIR need not analyze aspects of this existing facility. Thus, the commenter's statements related to the alleged "plume" generated by the cogeneration facility are not relevant to the Draft EIR.

Response 32

Commenter's statements regarding potential "mitigation" for alleged visual impacts of the cogeneration facility are not relevant to the Draft EIR. Please refer to Topical Response 1. The cogeneration facility is an existing facility and not part of the proposed Master Plan Update Project, thus, there are no potential significant impacts related to the cogeneration facility and no mitigation measures for the cogeneration facility that were required to be analyzed as part of the Draft EIR.

Response 33

Please refer to Topical Response 1 and the responses to Comments 31 and 32. Discussions between Villa Balboa residents and Hoag regarding potential enhancements to the cogeneration facility have been conducted as a matter of community relations and not within the context of either CEQA or the Draft EIR.

Response 34

Please refer to Topical Response 1 and the responses to Comments 31 and 32.

Response 35

The comment suggests that the project description is incomplete because it does not provide information as to the site-specific projects that would be implemented in the future as a part of the Master Plan. Pursuant to CEQA Guidelines Section 15124, an EIR must include a general description of a project's technical, economic, and environmental characteristics, but need not supply extensive detail beyond that needed for evaluation and review of the environmental impact. The project description clearly describes the proposed project's technical and environmental characteristics in the way that allows for the evaluation and review of potential environmental impacts. The Master Plan for Hoag has been approved and was subject to extensive environmental analysis under the Final EIR No. 142. The proposed Master Plan Update Project does not allow for any new construction over that already approved by the original Master Plan. It simply allows flexibility for Hoag such that up to 225,000 sf of already authorized development in the Lower Campus could be transferred to the Upper Campus. After fully describing this, the Draft EIR then analyzes all of the potential significant impacts that could result if the maximum amount of square footage were transferred. Neither Final EIR No. 142 nor the Draft EIR provides information as to specific use or configuration of this 225,000 beyond what has already been described in the Master Plan. Any square footage moved from the Lower Campus to the Upper Campus will still be restricted by the project's mitigation measures, conditions of approval, and design criteria as set forth in Final EIR No. 142 as supplemented in the Draft EIR.

Further as discussed in CEQA Guidelines §15168, "Use of the program EIR also enables the Lead Agency to characterize the overall program as the project being approved at that time. Following this approach when individual activities within the program are proposed, the agency would be required to examine the individual activities to determine whether their effects were fully analyzed in the program EIR. If the activities would have no effects beyond those analyzed in the program EIR, the agency could assert that the activities are merely part of the program which had been approved earlier, and no further CEQA compliance would be required. This approach offers many possibilities for agencies to reduce their costs of CEQA compliance and still achieve high levels of environmental protection." This Master Plan Update EIR is consistent with the approach used by the City and the State to address projects subject to the existing Master Plan for Hoag.

Response 36

The intent of the proposed Master Plan Update Project is to provide flexibility for Hoag (see Draft EIR, page 4-3). The commenter notes this but then states that this is somehow contrary to the use of a traffic study which makes specific assumptions regarding future uses. In order to provide an accurate assessment of potential traffic impacts related to the proposed Master Plan Update Project, it was necessary to make certain assumptions regarding future uses (see Draft EIR, page 3.2-11). These assumptions regarding future uses were developed in coordination

with the Applicant and are based on present thinking and not on final decisions regarding specific projects. This is the best information available at the time the Draft EIR was prepared. To the extent future uses are proposed which differ from these assumptions, the City would require Hoag to prepare a traffic analysis prior to building construction to confirm that the proposed use falls within the scope of the authorized traffic limits authorized for the project (see Draft EIR, pages 3.2-27 and –28, Mitigation Measure 25). As clearly stated in the Draft EIR and these responses to comments, the Applicant is not proposing to complete a transfer now. Rather, the Applicant is creating the flexibility that would allow for such a transfer at a future date should such a transfer facilitate decisions regarding future development on this project site.

Response 37

Table 1, Building Area Statistical Analysis, in the PC Text is proposed for revision to be consistent with the development limits stipulated in the City's 2006 General Plan. The City's General Plan, approved November 7, 2006, eliminated the use of floor area ratios in reference to development limits at Hoag. Figure LU-8 in the General Plan refers the reader to the Anomaly Table, Table LU-2, to determine the precise development limits. Hoag's Upper Campus, Anomaly Number 56 in the Table LU-2, has a development limit of 765,349 sf for the Upper Campus and the Lower Campus; Anomaly Number 57 in Table LU-2 has a development limit of 577,889 sf. Changing the PC Text in this manner is not a substantial change since the change simply reflects the revised information presented in the General Plan (a conformity change) and does not remove a cap on development. Rather, the change from floor area ratio numbers to square footage numbers reflects a change in calculation methods. As is stated in the Draft EIR, the proposed Master Plan Update Project will not change the overall development cap for Hoag; the proposed project would allow a reallocation of development allowances within the overall cap (see Draft EIR, page 2-4).

Response 38

The commenter suggests that the Draft EIR's Project Description is inadequate because it did not specifically identify a proposed modification to the PC Text to allow for an urgent care facility (rather than an emergency care facility) and suggests that this modification would have significant traffic impacts. The Newport Beach traffic model used to conduct the traffic analysis does not distinguish between emergency care facilities at a hospital and urgent care facilities; thus, for traffic purposes, there is no distinction between the two types of facilities. Traffic impacts would be no different per the traffic methodology used for the Draft EIR between an emergency care facility and urgent care facility.

Response 39

Please refer to the response to Comment 35 regarding the appropriateness of the level of specificity provided in the Draft EIR. The commenter suggests that the failure to identify the specific development projects now violates CEQA because it would result in piecemealing and would constitute a failure to analyze potential environmental impacts as early as possible in the planning process. This suggestion is inaccurate. Rather than pursuing individual approvals of individual buildings on a building-by-building basis, which would constitute piecemealing, the Applicant proposed a master plan for the entire site so that the City could programmatically analyze the whole of the action. The Hoag Master Plan was approved in 1992 and was accompanied by a certified EIR (Final EIR No. 142). The proposed Master Plan Update Project is a modification to the original master plan that provides for additional flexibility in the location of buildings within the entirety of the project site. This programmatic level approach is not only appropriate but also encouraged under CEQA in an effort to look at the whole of an action as

early as possible in the planning process (see *e.g.,* California Public Resources Code § 21003.1; 14 California Code of Regulations §15004(b)).

With respect to the calculation of square footage, the Applicant requested a modification to the definition of "Entitlement, Gross Floor Area" as defined in the PC Text. The requested modifications are identified below (requested additions are in underline and requested deletions are in strike through):

> Entitlement, Gross Floor Area: Any area of a building, or portion thereof, including the surrounding exterior walls, but excluding:
>
> 1. Area of a building utilized for stairwells and elevator shafts on levels other than the first level of a building in which they appear;
>
> 2. Area of a building and/or buildings which ~~measures less than 8 feet from finished floor to ceiling and is~~ are not for general or routine occupancy, such as interstitial or mechanical occupancies;
>
> 3. ~~As applied to new construction permits issued on or after August 13, 2002,~~ aArea of a building used specifically for base isolation and structural system upgrades directly related to requirements of governmental agencies and is not for general or routine occupancy; and
>
> 4. ~~As applied to new construction permits issued on or after August 13, 2002,~~ eEnclosed rooftop mechanical levels not for general or routine occupancy.

The Draft EIR analyses did not assume the requested revisions to Items 3 and 4 as they were not supported by the City's Planning Department staff. The Applicant has withdrawn the request to modify Items 3 and 4. With respect to Item 2, there are no existing areas of Hoag that are currently affected by this proposed modification with the exception of the recently completed Women's Pavilion.

Response 40

The current planned need for additional square footage on the Upper campus is to add additional in-patient critical care capabilities for the community. This includes the need for additional and larger operating rooms and procedural suites to accommodate new technology as well as critical care patient rooms and the wide range of support functions necessary to provide in-patient care for the most critically ill.

Response 41

The City is requiring all noise measures to be required and, thus, wording in the PC Text will use the word "shall" rather than "should."

Response 42

The commenter requests clarification of proposed PC Text changes related to signage and asserts that such changes will have significant aesthetic impacts. The updates to the sign policy clarify the definitions of buildings and provided added detail. The prior sign program provided less specificity on sign height and square footage requirements. None of the proposed changes related to signage will significantly affect aesthetics. Nevertheless, Appendix B to the Responses to Comments document includes a redlined comparison of the prior and proposed

PC Text and the prior and proposed Development Agreement. Proposed changes to the PC Text related to signage are summarized below:

- Clarification that wayfinding signage may be needed in multiple locations on a building or a portion of a building, depending on its openings and purposes. Signs are currently permitted for wayfinding purposes and there is flexibility as to what may be needed on each building depending on the use and access to a particular building. Restrictions pertain to size and illumination.

- Clarify that there are two primary entrances to the hospital, the main entrance and the emergency room entrance, each of which will require signage that may need to be freestanding for wayfinding purposes. The limitation on these entrance signs is restricted to a maximum of 8 feet with a maximum sign area to not exceed 70 sf. For the purposes of the signage program, there are main building entrances to the hospital, the Main Entrance in the Women's Pavilion and the Emergency Room. Secondary building entrances shall not exceed a maximum height of 9 feet and a total of 50 square feet in size. The prior signage program did not contain size and height restrictions.

- Allowance for wayfinding signage for vehicular and pedestrian directional purposes to include the possibility for a triple sided sign at appropriate intersections, with restrictions on the size and font needs based upon the speed of traffic, setbacks from road and viewing distance. Height limitations are also proposed to be modified for these particular signs from 8 feet to 11 feet and the number of potential signs is revised from a potential of 35 to a potential of 50. There are no limitations for the number of signs.

- One donor recognition signage would be permitted at the exterior of each building, not to exceed 175 sf in size.

- A clarification of the already-approved signage for the East Tower building, noting that signage may be allowed on hospital towers one on each elevation, with a maximum sign area of 275 sf, and that no signage facing west (toward the Villa Balboa property line) may be illuminated.

- Clarification that the Lower Campus secondary buildings shall be allowed two building mounted identifying signs but shall adhere to current requirements which do not allow them to face Villa Balboa property.

- Allowance for each parking structure to have one identifying sign above each entrance and exit, with a maximum area of 30 sf.

The aesthetic impacts of the modifications to signage provisions in the PC Text will not create significant aesthetic impacts as signs are within the building height limits established for Hoag, are or will be within the shadow of the buildings, and provisions are provided to ensure that signs are not mounted or lit facing the adjacent Villa Balboa residential neighborhood. Conclusions reached on pages 3.5-6 and 3.5-7 of the Draft EIR regarding off-site views of Hoag will not be altered by the proposed edits to the PC Text regarding signage and the project will continue to have a less than significant aesthetic impact as stated on page 3.5-8 of the Draft EIR.

Response 43

The Draft EIR includes a reference to Appendix B within the project description, which is the draft amended PC Text request by Hoag. Despite the fact that Appendix B is not an

"underline/strikeout" version of the document, the commenter correctly indicates that Hoag has requested that several of the parking ratios be changed. Specifically, the parking ratios for outpatient services at 2.0 spaces/1,000 sf, support at 1.0 spaces/1,000 sf, administrative at 4.0 spaces/1,000 sf and inpatient at 1.25 spaces per 1,000 sf are proposed to be modified to be outpatient services at 2.31 spaces/1,000 sf, support at 0 spaces/1,000 sf, administrative at 5.3 spaces/1,000 sf and inpatient at 2.35 spaces per 1,000 sf. The commenter correctly indicates that the footnote reference to these proposed parking ratios is Traffic Study No. 2001-001 approved by the Planning Commission through the approval of Resolution No. 1542. The reference cited is correct. The commenter also correctly indicates that a Planned Community text may only be amended by the adoption of an ordinance by the City Council. The Hoag Memorial Hospital Presbyterian Planned Community Criteria and District Regulations (PC Text) was adopted by the City Council by Ordinance No. 92-3. Amending an ordinance requires the adoption of a subsequent ordinance, which is exactly how the proposed amendment of the PC Text would be officially adopted should the City Council choose to take such an action. Appendix B of this responses to comments document includes the existing and proposed PC Text in redline/strikeout format.

The approval of a traffic study pursuant to the Traffic Phasing Ordinance is required for phases subsequent to Phase I, prior to the issuance of building permits for subsequent phases pursuant to Mitigation Measure 25 identified in Final EIR No. 142. Traffic Study No. 2001-001 was a traffic study prepared and approved in accordance with the Traffic Phasing Ordinance pursuant to this programmatic mitigation measure for Phase II, which was the construction of the Women's Pavilion. Included in the traffic study was a study of appropriate parking ratios as required by Mitigation Measure 27 in Final EIR No. 142. This mitigation measure requires the preparation of such a study prior to the issuance of building or grading permits for Phases II and III. The traffic and parking study was reviewed and approved by the City Traffic Engineer and the parking ratios identified were used to evaluate the adequacy of parking associated with the construction of Phase II. When Traffic Study No. 2001-001 was approved by the Planning Commission, the PC Text was not modified to reflect the parking ratios identified in the traffic and parking study. At this time, Hoag is requesting that the parking ratios in the PC Text be amended such that they area consistent with the parking ratios identified in Traffic Study No. 2001-001, which was previously approved by both the City Traffic Engineer and Planning Commission. The Traffic Engineering Division of the Public Works Department has not indicated that the suggested changes to the parking ratios are inappropriate or would result in inadequate parking. It should be noted that a reevaluation of the parking ratios is not required at this time; however, it will be required prior to the issuance of building or grading permits for each subsequent phase of construction pursuant to Mitigation Measure 27. The City reviews each parking study for use of appropriate methodology and accuracy.

Response 44

The proposed Master Plan Update Project is clearly defined in the Draft EIR Project Description section. The Project is not, as suggested by the comment, all future development which would occur under the proposed Master Plan. Rather, it is any change resulting from transferring up to 225,000 sq. ft. of future development from the Lower to the Upper Campus (as well as modification of noise limitations). The comment suggests that the EIR must clearly indicate the full impact that would result from all future development that would occur under the amended Master Plan. This statement is unclear. If the comment is intended to require the EIR to assess all impacts that would result from all future development under the Master Plan, it is an incorrect statement. The full impact of development was appropriately addressed in Final EIR No. 142. The Draft EIR need only address any additional impacts that would result from the Project's modification of the Master Plan. If the statement is meant to say that the EIR must identify the

full impact that would result from the proposed project's modifications then the statement is correct and the Draft EIR in fact has done this.

Response 45

As stated in Section 6.5 of the Development Agreement, the California Coastal Commission (CCC) must approve amendments to the Development Agreement until such time as the Local Costal Program has been certified. Because the Local Costal Program is not yet fully certified within the City of Newport Beach, the CCC will have authority to approve the amendment to the Development Agreement incorporated as part of the proposed Master Plan Update Project. It is for this reason that the CCC is listed as a responsible agency in the Draft EIR.

With regard to commenter's statements regarding alleged failures of the Applicant to apply for Coastal Development Permits for certain activities on the Lower Campus, please refer to the responses to Comment 26 and 27. With respect to implementation of mitigation measures from Final EIR No. 142, please refer to the response to Comment 8.

Response 46

The commenter suggests that CEQA Guidelines mandate a baseline for analysis in the Draft EIR that is the physical environmental conditions as they exist at the time the Notice of Intent for the Draft EIR was prepared. CEQA Guidelines §15125(a) clarifies that the "environmental setting" is intended to mean the environmental conditions as they exist at the time the Notice of Preparation is filed. This gives the lead agency greater certainty regarding the setting which must be described. The subsection goes on to provide that normally (emphasis added) the environmental setting describes the baseline conditions against which the significance of any physical change in the environment that may occur as a result of the project will be measured. However, the CEQA Guidelines quoted by the commenter do not mandate such a baseline. Because there is an already-certified EIR for the Hoag Master Plan, the Draft EIR need only address incremental changes resulting from a modification of the previously-approved project. Case law supports this conclusion.

In the case of Fairview Neighbors v. County of Ventura (70 Cal. App. 4th 238 (1999)), the issue before the court was the proper baseline for use in a 1993 EIR when a 1976 EIR had assessed full buildout of the project and the 1993 EIR was assessing an amendment to the previously-approved project—a situation nearly identical to that addressed in the Draft EIR. The court concluded that a fully operational mine—as assessed in the 1976 EIR—was the appropriate environmental baseline for purposes of comparison in the 1993 EIR. In response to mine expansion opponents seeking to have the project's traffic impacts compared to existing physical conditions in the 1990s instead of the maximum traffic impacts analyzed in 1976, the court held that the "[1993] EIR appropriately assumes the existing [baseline] traffic impact level to be the traffic generated when the mine operates at full capacity pursuant to the entitlement previously permitted [and assessed in the 1976 EIR]." Id. page 242–43. The court further added: "[d]iscussing the possible environmental effects of the project based on actual [current physical] traffic counts would have been misleading and illusory..." Id. (emphasis added).

In any event, the Draft EIR does analyze air emission and traffic impacts based on current conditions and apply current SCAQMD thresholds of significance. The same analysis is performed for the original Master Plan and the Updated Master Plan and the results compared to determine any difference in impacts. Thus, the Draft EIR properly used an environmental baseline that compares air emission and traffic impacts as a result of reallocating a maximum of up to 225,000 sf from the Lower Campus to the Upper Campus with the air emission and traffic

impact analysis for the entire Hoag Master Plan as previously assessed in the Final EIR No. 142.

With regard specifically to air emissions, Final EIR No. 142 concluded that the existing Master Plan, would not result in significant air quality impacts and that it was in conformance with the then applicable regulatory standard, the Air Quality Management Plan. However, Final EIR No. 142 found that the Master Plan, when considered in conjunction with future projects in the region, would exacerbate regional air quality (see Final EIR No. 142, page 4-114). As such, Final EIR No. 142 concluded that this incremental addition to cumulative air quality degradation was a significant unavoidable impact. Similarly, and although the Master Plan Update Project in and of itself will result in lower emission levels then contemplated in the existing Master Plan, the Draft EIR concludes that the Master Plan Update would still result in unavoidable air emission impacts per the new regulatory standards represented by SCAQMD thresholds that were not in existence at the time that Final EIR No. 142 was certified. Accordingly, the Draft EIR analyzes air emissions consistent with the methodology used in Final EIR No. 142.

Response 47

Please refer to the response to Comment 46.

Response 48

With regard to the baseline analysis in the Draft EIR, please refer to the response to Comment 46. Regarding traffic impacts specifically, the *Fairview* analysis also applies contrary to commenter's assertion that "significance is determined by the difference in Intersection Capacity Utilization under future conditions." This traffic study assesses the potential traffic impacts of the proposed Master Plan Update Project to determine if the reallocation of square footage from the Lower Campus to the Upper Campus changes the impact conclusions from Final EIR No. 142. It is again important to note that the Hoag Master Plan Update EIR supplements Final EIR No. 142 and is not a stand-alone CEQA document. For this reason, each environmental topical section summarizes the findings of Final EIR No. 142 and that the impact analysis addresses and compares the existing, approved development for Hoag to the proposed modifications. In that context, the Master Plan Update EIR does not state that the Project would have no traffic impacts. Rather, it states: "Final EIR No. 142 found that all traffic impacts could be mitigated to a level considered less than significant. No new significant traffic impacts have been identified associated with the proposed Master Plan Update Project. Consistent with the conclusions of Final EIR No. 142, the Project's contribution and all project-specific cumulative traffic, circulation, and parking impacts can be mitigated to a level considered less than significant" (see page 3.2-32).

Response 49

The commenter erroneously states that cumulative impact analyses in the Draft EIR are inadequate for failing to follow methodologies outlined in the CEQA Guidelines for such analyses. It should first be noted that as a supplemental EIR, the Master Plan Update Draft EIR need only discuss "the information necessary to make the previous EIR adequate for the project as revised" (see CEQA Guidelines §15163(b)). Final EIR No. 142 contained a complete discussion of cumulative impacts for development of the Hoag Master Plan (see Final EIR No. 142, page 5-1–10). The Draft EIR need only discuss those areas where implementation of the proposed project might modify conclusions reached in Final EIR No. 142. The Draft EIR did this. The commenter implies that only a cumulative impact analysis using a list of projects would be sufficient for the Draft EIR; however, the CEQA Guidelines cited in the comment allow for multiple methods of analysis, not solely the "list" method. As is discussed further, below, the

cumulative analyses provided in the Draft EIR, are appropriate and consistent with the methodologies required of CEQA.

To illustrate, the traffic analysis included a discussion of cumulative traffic impacts (Draft EIR, pages 3.2-13 through –18). The traffic analysis used the City's traffic model in order to complete the analysis (see Appendix C of the Draft EIR which includes the traffic study). The City's traffic model (prepared for the City's General Plan 2006 Update) accounts for regional and citywide growth. Thus, use of the City's traffic model as a basis for conducting traffic analysis follows CEQA Guideline methodology (§1530(b)(1)(B)) and thus, potential cumulative traffic impacts are fully addressed in the Draft EIR. Because cumulative noise and air quality analyses are tied directly to traffic in the region surrounding Hoag, the use of the City's traffic model is also relevant to the cumulative analysis of these two substantive areas. Thus, the cumulative air quality analysis contained on pages 3.3-20 through –25 of the Draft EIR uses projections in a planning document related to a General Plan as the air quality projections are linked to the City's traffic model. Likewise, the cumulative noise impact discussion contained on page 3.4-23 of the Draft EIR is also sufficient as it also ties directly to the cumulative traffic analysis based upon the City's traffic model.

For potential cumulative aesthetic impacts, the Draft EIR addressed such impacts on page 3.5-11. As is stated in the Draft EIR, cumulative impacts for aesthetics are linked directly to proximity and viewsheds, and there are no projects in the vicinity of Hoag (see General Plan 2006 Update for surrounding land uses) that would contribute to a change in the urban character of the area.

The findings of cumulative impacts have not changed since Final EIR No. 142. Final EIR No. 142 did not identify any significant cumulative aesthetics impacts associated with the adoption of the *Hoag Hospital Master Plan.* It did identify, however, that the project would have a positive effect through the development of the linear and consolidated public view park along the northern perimeter of the Lower Campus. This provided the public with views of the ocean, Newport Bay, and Catalina Island which were not previously available.

The proposed Master Plan Update Project is located in an urbanized area. The development is consistent with the development in the surrounding developed area. When evaluating cumulative aesthetic impacts, a number of factors must be considered. For a cumulative aesthetic impact to occur, the proposed elements of the cumulative projects would need to be seen together or in proximity to each other. If the projects were not proximate to each other, the viewer would not perceive them in the same viewshed. Therefore, even though the related projects may be identified as changing the visual character of their project areas, since they are not proximate to Hoag, they would not contribute to a cumulative aesthetic impact. There are no other projects in the local vicinity that would contribute to a significant adverse change in the visual character of the area. The City of Newport Beach General Plan Update EIR, Aesthetics and Visual Quality analysis, uses several significance criteria including "Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?" The General Plan EIR identifies that development under the General Plan Update could change the visual character of portions of the City (see page 4.1-17) and finds that the impact on the visual character of the developed urban areas would be less than significant (see 4.1-19). The General Plan EIR finds all aesthetic impacts to be less than significant with the exception of the potential development of Banning Ranch. Therefore, the proposed Master Plan Update Project would not contribute to a cumulative aesthetic impact.

Significant impacts with regard to land use generally result from inconsistencies with adopted land use plans. The Draft EIR contains specific consistency analyses regarding the proposed project's consistency with the City's General Plan and the goals and policies contained therein

(see Draft EIR, pages 3.1-15 through –18). The General Plan contains all of the land use assumptions for the build out of the City, and acknowledges the urban nature of the area surrounding Hoag as well as the institutional nature of Hoag in several instances (see e.g., City of Newport Beach General Plan, page 3-63, Figure LU1, Figure LU-8, and Figure LU-9). As is concluded in the Draft EIR, the proposed project is consistent with the General Plan (see Draft EIR, page 3.1-18) and thus cumulative land use impacts are also less than significant. The following narrative has been provided as clarification to page 3.1-18 and is included in the Final EIR as follows:

3.1.5 CUMULATIVE PROJECTS IMPACT ANALYSIS

The findings of cumulative impacts have not changed since Final EIR No. 142. The proposed Master Plan Update Project is located in an urbanized area. The development is consistent with the development in the surrounding developed area. Significant impacts with regard to land use generally result from inconsistencies with adopted land use plans and land use incompatibility. The City of Newport Beach General Plan contains all of the land use assumptions for the build out of the City, and acknowledges the urban nature of the area surrounding Hoag as well as the institutional nature of Hoag. As is concluded in the Draft EIR, the proposed project is consistent with the General Plan and as stated in Final EIR No. 142, "there are no impacts associated with other reasonably foreseeable projects" (see page 5-7).

As a point of clarification, the reference to "related projects" and "other projects" on pages 3.2-3 and 3.4-23 of the Draft EIR cited by the commenter refers to those projects accounts for in the City's traffic model, which was used as a basis for analysis of traffic impacts in the Draft EIR. As addressed on page 3.2-4 of the Draft EIR, the Master Plan Update traffic study was prepared using the current City of Newport Beach Transportation Model (NBTM). The NBTM "Constrained" network was used for 2015 analysis and the City's "Buildout" network (also known as the City's currently adopted "General Plan Baseline" network) was used for 2025 analysis. The NBTM was used for the City's General Plan Update. The primary study area of the NBTM is generally bound by the Brookhurst Street/Santa Ana River on the west, Adams Avenue/Baker Street/Campus Drive/SR-73 on the north, Crystal Cove State Park on the east, and the Pacific Ocean on the south. The NBTM includes cumulative regional growth including growth within and outside of the City. This includes traffic from neighboring jurisdictions. These projections include all reasonably foreseeable and probable future projects in the region. Therefore, the traffic analysis has accounted for cumulative traffic impacts.

Response 50

The cumulative analysis conducted for the Hoag Health Center project is not binding upon the Draft EIR for the Master Plan Update. The implication that the Draft EIR is bound to use the methodology and the specific list of cumulative projects identified in the Hoag Health Center analysis is incorrect. Please refer to the response to Comment 49 for a discussion of how the Draft EIR appropriately analyzes potential cumulative impacts for the proposed Master Plan Update Project.

Response 51

The commenter suggests that numerous mitigation measures contained language whereby they would only be implemented if feasible or possible or would be mitigated by future studies and that this constitutes a failure to provide assurance of fully enforceable mitigation. First, all of the mitigation measures and the standard condition referenced are from the 1992 Final EIR No. 142 and not the Draft EIR. Whether they are fully enforceable may have been an issue to address in

1992 but the time to address such issues is long past. The question to be addressed with regard to the Draft EIR is whether additional mitigation measures or standard conditions necessary mitigate any new impacts from the Master Plan update project are fully enforceable. The commenter fails to identify any new mitigation measures that fall short of the fully enforceable standard.

Additionally, with regard to those mitigation measures and the standard condition cited by the commenter and alleged to be lacking because they rely on further study, these measures are sufficient under CEQA as they each have distinct performance standards associated with them (e.g., city traffic standards for future traffic phasing ordinance analyses; city noise standards for future noise analyses, and standards from the Illuminating Engineering Society of North America for future lighting analyses). Because of these performance standards inherent in the mitigation measures/standard condition, the fact that these measures/condition rely on future studies does not make them inadequate for CEQA purposes. *Endangered Habitats League v. County of Orange*, 131 Cal. App. 4th 777 (2005) (finding that mitigation measures that relied upon future studies were sufficient given the inclusion of performance criteria).

Response 52

The commenter suggests that the paragraph in the Draft EIR which states that "any PDF or mitigation measure and timing thereof, which will have the same or superior result and will have the same or superior effect on the environment, may be approved and/or substituted at the discretion of the City. The City of Newport Beach Planning Department, in conjunction with any appropriate agencies or City departments, shall determine the adequacy of any proposed "environmental equivalent/timing..." (see Draft EIR, page 3-3). The commenter suggests that this language is wholly contrary to the purposes of CEQA. What the commenter failed to do was include the rest of the last sentence in its quote and the rest of that paragraph is critical in determining its consistency with CEQA; the remainder of the paragraph on page 3-3 of the Draft EIR is: "and, if determined necessary, may refer said determination to the Planning Commission and City Council." What this last provision indicates is that if the City determines it appropriate to substitute an approved mitigation measure with a new measure that it considers equivalent to or superior to the old mitigation measure, it may do so in a manner consistent with the law. If the law requires that this determination be made by the Planning Commission or the City Council, then that is the process that will be pursued. Existing case law holds that the elimination of mitigation measures from a previously certified EIR is legally allowed provided the governing body states a legitimate reason for deleting the mitigation measures and supports this which substantial evidence in the record (see *Napa Citizens for Honest Government. v. Napa Bd. of County Supervisors*, 91 Cal. App. 4th 342, 2001). While some have suggested that the replacement of one mitigation measure for another should be subject to the same process, most feel that is unnecessary and that a city planning department has the authority to make such determination. The language in the Draft EIR does not preclude either approach and the City will make that determination based on the facts before it at the time.

Response 53

As noted by the commenter, the CEQA Guidelines provide that a project description must include a statement of objectives sought by the proposed Master Plan Update Project. This statement of objectives should include the underlying purpose of the project. The commenter then makes the statement that an agency cannot define its objectives in unreasonably narrow terms. The commenter's statements regarding "unreasonable narrow" terms are vague; however, the proposed Master Plan Update Project has a clear statement of project objectives as is required under CEQA. One of the primary objectives of the proposed modification to the Hoag Master Plan is to allow the possible transfer of up to 225,000 sq. ft. of development from

the Lower Campus to the Upper Campus in order to allow greater flexibility for the hospital in locating it future medical facilities. The commenter suggests that this is an unreasonably narrow objective. The reality is that the transfer of square footage is the primary objective of the requested action so to define it otherwise makes no sense. The commenter is concerned that this objective precludes any alternatives except the proposed Master Plan Update Project. CEQA Guidelines §15126.6(a) states that "an EIR shall describe a range of reasonable alternatives to the project...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...." Thus, inclusion of the transfer of square footage as a project objective does not exclude alternatives that fail to meet that particular objective, and the project objectives are, not unreasonably narrow.

Response 54

The commenter notes that when an EIR incorporates by reference all or portions of another document which is a matter of public record, such other document shall be made available to the public for inspect at a public place or public building. We agree. The commenter then states that the Draft EIR incorporated by reference the Final EIR No. 142 and thus it must state where that Final EIR No. 142 will be available for inspection. Actually, the Draft EIR did not incorporate by reference Final EIR No. 142. The page referenced by the commenter in support of this conclusion states that the Draft EIR incorporates by reference the findings and recommendations of Final EIR No. 142. In any event, Final EIR No. 142 is available at the City of Newport Beach for inspection and has been since it was certified in 1992.

Response 55

Although the administrative fee imposed by the City for issuing health care facility revenue bonds is not an environmental impact within the purview of CEQA, the following is offered to provide an understanding of the revenue bond fee.

Pursuant to provisions set forth in the State of California Constitution, the Internal Revenue Code, the Newport Beach City Charter, and the Newport Beach Municipal Code, the City has the authority to issue bonds with the proceeds used to fund payment of the costs of acquiring, construction, or rehabilitating health care facilities and equipment. In 1984, 1992, 1996, 1999, 2005, and 2007 the City issued health care facility revenue bonds for the benefit of Hoag Memorial Hospital Presbyterian. The City acts as the conduit in issuing the bonds and incurs no issuance costs, financial responsibility, or liability. In the past, the City has imposed a revenue bond fee of $200,000 to be paid by Hoag as consideration for the City using its health care facility revenue bond authority. Pursuant to the terms of the Amendment to Development Agreement No. 5 between Hoag Memorial Hospital Presbyterian and the City of Newport Beach, Hoag will pay to the City a Development Agreement fee of $3 million.

Response 56

In compliance with CEQA, the City does not have a legal obligation to consider any alternatives in this Master Plan Update EIR since it is supplementing an existing EIR that already had a detailed alternatives analysis. A Supplemental EIR need only focus on those portions of the prior EIR that require minor additions and modifications. In any event, an EIR need contain only a range of reasonable alternatives that could feasibly accomplish most of the basic objectives of the project or could avoid or substantially lessen one or more of the significant effects. The Draft EIR acknowledges that the only area for which noise exceeds the City Noise Ordinance at neighboring receptor sites is in the vicinity of the loading dock. Numerous efforts have been made over the past few years to come up with feasible mitigation that could reduce noise in this

location to applicable standards. No feasible mitigation has been developed that can accomplish this, but a number of other measures have helped reduce the noise in this location and all of this have been, or will be, implemented. Please refer to Topical Response 3. The loading dock and the noise generated from that loading dock preceded the development of Villa Balboa or any other neighboring residential project. Everyone that has acquired property within this area has done so knowing that the property was adjacent to a hospital and fully aware of the daily noise generated.

The loading dock and the activities that are located within the loading dock area have been so located to support the materials management functions of Hoag. Shipments, for example, are received on the Upper Campus closest to the primary medical uses to avoid transportation redundancies in transporting essential supplies (including medical supplies, pharmaceuticals, transplantable devices, food, and linens) from the Lower Campus to the Upper Campus where these supplies are used. The entrance to the loading dock in its present location provides for the least amount of shared traffic with passenger cars that use the two main entrances to Hoag on West Coast Highway and Hospital Road. Related to traffic, the current loading dock location does not conflict with Emergency traffic whereas relocation to any other roadway could conflict with ambulance, paramedic, and fire traffic, jeopardizing patient health and safety. Also, the current loading dock location is proximate to existing hospital paths and the building network of corridors such that relocation would require significant reconfiguration of the physical plant and would significantly adversely affect operations. Relocation of the loading dock to the Lower Campus would also conflict with the State of California Office of Statewide Health Planning and Development (OSHPD) mandates due to the distance to the primary hospital facilities. Finally, any relocation of the loading dock or its essential activities (e.g., box crusher) would require major demolition and construction of new facilities (both new loading dock facilities and facilities that would have to be rebuilt elsewhere to accommodate a new loading dock)—this in and of itself would be a project subject to CEQA review and would have its own environmental impacts, and as such, is not appropriate mitigation for the proposed Master Plan Update Project.

Last year, Hoag had over 334,000 patient visits with nearly 30,000 of those patients requiring overnight stays in the hospital. To properly and efficiently care for that high number of people, Hoag's infrastructure is complex. All areas of Hoag (both clinical and non-clinical) are supported by the infrastructure under street level and outside of the public's view, which is in turn supported by the shipping and receiving docks. To realign this system would require a full redesign of the campus layout, which dates back to the original footprint, built in 1952, and continued through the major expansion with the West Tower including the docks and core underground passageways in 1974 and the most recent addition of the Women's Pavilion in 2005. This basement or service level infrastructure consists of everything from food storage and preparation, linen storage and distribution management, sterile supply storage and processing, medical equipment storage and distribution management, pharmacy and laboratory storage and processing, medical record storage and management among other services for the patients, physicians, and clinical staff. Short of demolishing the Upper Campus and redesigning the entire campus, moving the loading docks to another location is not feasible.

With respect to balcony enclosures and window upgrades on private property, please refer to Topical Response 3.

Response 57

The commenter suggests that the project description must identify all changes to the PC Text and Development Agreement but does not cite any provisions in CEQA requiring this. In fact, in CEQA Guidelines §15124 it specifically states that the description of the project should not supply extensive detail beyond that needed for evaluation and review of the environmental

impact. The Draft EIR provided more than enough detail to evaluate and review the potential environmental impacts. In any event, attached as Appendix B are the existing and proposed PC Text and Development Agreement.

Response 58

Page 2-1 has been modified and incorporated into the Final EIR as follows:

West

- ~~West Hoag Drive~~
- Villa Balboa and Versailles at the Bluff Condominiums
- Superior Avenue
- Additional multi-family development west of Superior Avenue

Response 59

Section 2.0, Project Description, of the EIR is not an impact analysis section. Please refer to Sections 3.1 through 3.5 of the EIR which addresses the impacts of the proposed Master Plan Update Project.

Response 60

The comment suggests that portable buildings used during construction and temporarily located on the Lower Campus are not portable or temporary and should be accounted for as permanent facilities. Per City regulations, the construction-related buildings are temporary as they are "readily transportable;" each of the subject buildings is easily movable without the use of housemoving or similar equipment, but rather can be moved by attaching trailer-type wheels directly to the frame of the building or can be carried on a typical motor vehicle (see Newport Beach Municipal Code §20.03.030). Because construction projects have been ongoing at Hoag for the past several years, the construction-related buildings have been located on the Lower Campus for some time. However, the time duration does not change the nature of these buildings from temporary to permanent. As such, the City considers the construction-related buildings to be temporary structures.

With regard to efforts to improve the appearance of these temporary buildings during the construction phase, the construction trailers on the Lower Campus are used by contractors working on a number of facility projects on Hoag's main campus. The number of trailers varies depending on the level of construction activity. The trailers are being consolidated in one location near the west end of the Lower Campus. Hoag has provided stringent guidelines to its contractors to keep the area orderly and to not store equipment or supplies on the roof of the trailers.

Hoag has also increased the landscaping in the Lower Campus. As summarized by Hoag:

- Installed five, 48-inch box evergreen screen trees and new irrigation in November 2007 to screen/soften the views of the west end of the cogeneration facility.

- Submitted plans to the California Coastal Commission (CCC) for permission to install three, 48-inch box evergreen screen trees and new irrigation to provide added screening of the cogeneration facility area with an estimated installation of May 2008 pending CCC approval.

- Submitted plans to the CCC to attach a green, metal screen lattice structure and plant flowering vines to cover the green screen on the east wall of the cogeneration facility in order to provide additional screening and softening of specific views of the cogeneration facility with an estimated installation of May 2008, pending CCC approval.

- Installed additional shrubs, groundcover, and new irrigation system to the slope behind the cogeneration facility upon completion of the retaining wall project in November 2007 to provide added visual quality and erosion control.

- Installed 24 trees, shrubs, and ground cover plantings and new water conserving irrigation system on the cogeneration facility in November 2007 to provide added visual quality screening and erosion control as part of completing the Lower Campus retaining wall project.

- Installed eight, 24-inch box evergreen screen trees in November 2007, at the base of the west parking lot to screen and soften views of the retaining wall.

- Installed twelve, 36-inch box flowering trees and four fan palm trees and irrigation system at end islands in the west parking lot in November 2007, to provide increased shade and visual enhancement to the parking area, with additional parking area trees to be installed in the future as construction needs in the area are completed.

- Installed 550 bougainvillea shrubs in November 2007, as part of the Lower Campus retaining wall project, for color and to soften of views along the top of the retaining wall.

- Requested an Approval In Concept (AIC) from the City of Newport Beach to re-grade the north slope above the retaining wall to allow shrubs, ground cover, and a new irrigation system to enhance visual quality, safety, and erosion control. To be installed in January 2009 pending City and CCC approval.

- Installed 17 trees, shrubs, groundcover, and new irrigation system in December 2007 around the new Child Care Center to provide added visual quality, parking area screening and building drop-off and entry area definition.

- Replace trees, shrubs, and groundcover and enhance planting areas as part of the Lower Campus utility upgrade project to improve and unify Hoag landscaping along the West Coast Highway frontage after utilities are installed. Installation tentatively scheduled for December 2009, pending City AIC and CCC approval.

- Install approximately 870 linear feet of green screen lattice along the West Coast Highway frontage to screen views of the west parking lot and cogeneration facility from West Coast Highway. This landscape project is in preliminary design with installation tentatively scheduled for December 2009 pending City AIC and CCC approval.

- Hydroseeding of native groundcover including coastal wild flowers and grass, as well as irrigation system installed in December 2007 for erosion control and enhanced visual quality.

Response 61

All uses shown for the Lower Campus in Table 2-2 on page 2-3 of the Draft EIR are identifiable on Figure 2-4. For the Upper Campus, all of the identified uses are identified on the map;

however, some were so small as to not be labeled on Figure 2-4. To clarify the issue, the following is offered to help the commenter locate uses discussed in Table 2-2 on Figure 2-4:

- Inpatient usage refers to the Upper Campus, primarily the current West Tower, East Tower, and Chemical Dependency Unit. This is a reference to the care of any patients who remains at Hoag over a 24-hour period.
- The Cardiac Services building is mainly used for outpatient cardiac rehabilitation and is seen on the map adjacent to the West Building, along West Hoag Drive across from 260 Cagney Lane.
- The MRI waiting area is a small addition to the Ancillary Building seen on the map as a small box between the West Building and the North Building.
- The Emergency Generator Addition is adjacent to the power plant at the corner of Hospital Road and West Hoag Drive.

Response 62

Please refer to the response to Comment 42 related to signage issues. With respect to landscaping issues, the commenter requests clarification of proposed PC Text changes related to landscaping suggesting that such changes will have significant impacts. None of the proposed changes related to landscaping would significantly affect the environment (inclusive of aesthetics) as identified in the Draft EIR analysis. However, the City has provided the redlined comparisons of the prior and proposed PC Text and the prior and proposed Development Agreement as Appendix B to this responses to comments document. Changes to the PC Text proposed by the Applicant related to landscaping are summarized below:

- Requirements related to 15 gallon trees have been changed to require 24-inch box trees.
- Requirements for 1 gallon shrubs have been upgraded to 5 gallon shrubs.
- An allowance for grouping of trees has been included where it would add interest and variety to the landscaping.
- A maintenance clause was added to require cultivation as necessary to maintain the landscaping and to note that there will be a scheduled annual maintenance program.

Response 63

The comment requests information regarding the proposed term of the extension of the Development Agreement. Whether the term of the Development Agreement is extended has not bee determined but does not affect the CEQA adequacy of the Master Plan Update EIR.

Response 64

General Plan and zoning land use maps have been provided and are included as Appendix C to the responses to comments document.

Response 65

With respect to General Plan LU 5.1.2, it should first be noted that Hoag is not located in a residential neighborhood as addressed in LU 5.1 and 5.1.2. Hoag (as a nonresidential land use) is contiguous to Villa Balboa and Versailles condominium complexes. Villa Balboa is a four-story condominium complex with 22.7 dwelling units per acre (du/ac). This would be considered by the City to be either a Medium Density or Multifamily Residential designation. The Medium Density Residential (RMD) District allows up to approximately 22 dwelling units per gross acre, including single-family (attached and detached), two-family, and multi-family. The Multifamily Residential (MFR) District allow for medium-to-high density residential development up to approximately 36 dwelling units per gross acre, including single-family (attached and detached), two-family, and multi-family development. The Versailles is 43.2 du/ac. As previously addressed in this responses to comments document and in the Draft EIR, the proposed Master Plan Update Project would not allow for any increase in height of structures or modifications to the height zones than is currently permitted in the existing Hoag Master Plan and which was considered during the City's preparation of the 2006 General Plan Update.

Response 66

No additional development is proposed as a part of the Master Plan Update. Final EIR No. 142 examined this issue in detail and there is nothing in the proposed Master Plan Update Project that would change that analysis. Please also refer to Section 5, Growth-Inducing Impacts of the Proposed Project, which addresses population, housing, and employment.

Response 67

General Plan Circulation Element Policy 4.1.2, Transit Services for Special Need Populations, states "Support efforts to increase accessible transit services and facilities for the elderly, disabled, and other transportation disadvantaged persons. *(Imp 16.8)"* The General Plan Implementation Program No. 16.8, Provide Public Transportation, states "The City shall continue to operate local demand-responsive transit service within the City to ensure mobility and accessibility for the City's citizens, especially the elderly. The City shall also work with the Orange County Transportation Authority for countywide bus service that will guarantee regional and local travel options. The City should encourage the development of additional public transportation services and facilities such as park-and-ride facilities, and look for opportunities to support the upgrade and enhancement of existing services."

While the implementation program assumes that the provision of transit service is the responsibility of the City, it should be acknowledged that Hoag does fund transit service in the City of Newport Beach. The *Hoag Memorial Hospital Presbyterian Community Benefit Report 2006,* filed with the State of California, states with respect to senior transportation:

> The department of Community Medicine has partnerships with seven local programs for senior citizens, to provide transportation services for their participants. These organizations offer everything from congregate meals to health screening, and educational and social activities for their participants. In providing transportation services for seniors, we assist them in their efforts to sustain good mental and physical health, and to maintain their independence. The seniors use the transportation services to attend doctors appointments, shop and do errands, and participate in group social activities. The seven senior centers served area: Adult Day Services of Orange County; Costa Mesa Senior Health; Huntington Beach Senior Center; Irvine Adult Day Center; Jewish Community Senior Center; Oasis Senior Center; and South County Senior Center. (See page 26 of report.)

Appendix C of the report estimates the number of senior transportation passenger trips at 144,326 for fiscal year 2006 at a cost of $477,743.

Response 68

The City concurs that adequate parking must be provided. As such, Section 3.2 of the Draft EIR addresses this issue. Hoag is required to provide all parking on the site in surface lots, subterranean parking structures, and/or aboveground parking structures. For Upper Campus land uses, surface parking lots are provided for the James Irvine Surgery Center and for the Emergency Care Unit. Two parking structures are provided for hospital visitors, physicians, and employees. Parking on the Lower Campus is provided in surface lots and in one parking structure. Parking requirements are based on building types and the area allocated for land use function, as set forth in the PC Text (see Table 3.2-11 of the Draft EIR). The City determines parking needs based upon building type and the area allotted to specific functions. Any area that is calculated as part of the total floor area limitation is included in the gross floor area to determine the parking requirement. The City requires that a parking study be provided and approved by the City Traffic Engineer for each individual building project at Hoag to determine the specific parking requirements for that project. Each parking study is reviewed for use of appropriate methodology and accuracy. Because adequate parking is and would continue to be required to be provided as a condition of project-specific development projects, the Draft EIR determine that no significant impacts are expected associated with the provision of on-site parking at Hoag. As such, the Project is consistent with General Plan Policy CE 7.11 as addressed on page 3.2-26 of the Draft EIR.

Response 69

Hoag has a full time landscape maintenance staff that works with Hoag's Campus Maintenance Manager to minimize landscape water use and consumption as well as monitoring any excess runoff on a regularly scheduled basis. Sprinklers heads are grouped to control valves with area separations based on slope and sun/shade exposure. The primary delivery system for landscape irrigation at Hoag is conventional spray irrigation. However, Hoag also uses drip irrigation systems where ease of access and plant requirements is best suited for drip applications. I Central or equivalent irrigation controllers are utilized for new projects. Classified as a "smart" controller, they are eligible for water conservation rebates from the Metropolitan Water District and operate multiple programs using daily weather data scheduling adjustments received automatically with an internal Intranet communication modem. Irrigation controllers also operate a flow sensor and master valve for high-flow shut down capability sensitive to detect a broken or missing sprinkler head. Pop-up sprinklers include factory installed check valves to prevent low head drainage after shut down.

Response 70

With regard to water resource issues, please refer to the response to Comment 15. The comment implies that water quality issues should have been addressed in detail in the Draft EIR; however, as concluded on page 39 of the Initial Study prepared for the Draft EIR, water quality issues will be less than significant with implementation of the proposed Master Plan Update Project. Furthermore, water quality impacts from build out of the Master Plan were determined to be less than significant in Final EIR No. 142 primarily due to adherence to the then-proposed regulatory program entitled the "Storm Water Master Plan." Final EIR No. 142, page 4-18. This prior regulatory program has been replaced by the county-wide Drainage Area Management Plan and the City's Local Implementation Plan, imposing additional water quality requirements on development at the Hoag Campus. Thus, water quality impacts will continue to remain less than significant through implementation of the current water quality regulatory

programs and water quality may improve over that contemplated in Final EIR No. 142 due to the imposition of new water quality requirements through the Local Implementation Plan. Thus, water quality issues were not required to be discussed in the Draft EIR and the commenter's implications to the contrary are in error.

Nevertheless, the following discusses the specific land use policies discussed in the comment:

- Water pollution prevention is the primary goal of the City's Local Implementation Plan (LIP) of the county-wide Drainage Area Management Plan (see response to comment 15, above) and compliance with the goal will be achieved through implementation of WQMPs in accordance with City regulations. Model WQMP page 7.II-1 (included as an appendix to the City's LIP).

- As discussed in response to Comment 15, a WQMP will be required to be implemented for each specific future building project at Hoag as per City regulations. Site design and source control requirements are included in the City's LIP and must be discussed in any WQMPs prepared for specific building projects at Hoag. Model WQMP at 7.II-2 (included as an appendix to the City's LIP).

- Site design and source control requirements are included in the City's LIP and must be discussed in any WQMPs prepared for specific building projects at Hoag. Model WQMP page 7.II-2 (included as an appendix to the City's LIP).

- Reduction of runoff is a key element of the LIP and will be implemented as part of development of individual WQMPs for future building projects at Hoag. (Model WQMP page 7.II-14–15 (included as an appendix to the City's LIP).

- Cleaning of parking lots and private streets is already required via Mitigation Measure 11 (Draft EIR page 6-23) and will be included as a part of future WQMPs to be implemented at Hoag (Model WQMP page 7.II-21 (included as an appendix to the City's LIP)).

- Minimization of impervious surfaces is a site design control that must be considered in development of future WQMPs for Hoag. Model WQMP page 7.II-15–16 (included as an appendix to the City's LIP).

- As discussed above, in response to comment 15, TMDLs applicable to Newport Bay are not directly applicable to Hoag, but rather are being implemented by the City of Newport Beach through its LIP.

Response 71

General Plan Natural Resources Element Policy 10.9, Development on Banning Ranch, states "Protect the sensitive and rare resources that occur on Banning Ranch. If future development is permitted, require that an assessment be prepared by a qualified biologist that delineates sensitive and rare habitat and wildlife corridors. Require that development be concentrated to protect biological resources and coastal bluffs, and structures designed to not be intrusive on the surrounding landscape. Require the restoration or mitigation of any sensitive or rare habitat areas that are affected by future development *(Imp 2.1, 14.7, 14.11, 14.12)*." The proposed Master Plan Update Project would not affect potential future development of Banning Ranch. The referenced policy requires biological surveys to be conducted on the Banning Ranch site as a part of the evaluation of potential future development on that site.

Response 72

Implementation of the proposed Master Plan Update Project would not allow for any additional square footage beyond that currently permitted by the existing approved 1992 Master Plan for Hoag. No changes to the boundaries of Hoag are proposed. As such, the proposed project would not eliminate any open space or adversely affect existing open space. Final EIR No. 142 identified limited biological resources, including wetlands, on the site, and evaluated biological resources in a cumulative context. As a result of construction of facilities consistent with the Hoag Hospital Master Plan and Final EIR No. 142, on-site resources have been removed.

Additionally, on February 23, 2005, a qualified Biologist from BonTerra Consulting conducted a field review of Hoag to evaluate on-site resources. The findings were that Hoag is a developed site that supports minimal decorative landscaping. It supports habitat that is of low value for wildlife. No plant or wildlife species are expected to occur at Hoag that are considered sensitive at either the federal, State, or local level. Hoag is not part of any wildlife movement corridor. There are no riparian or wetland habitats or any other environmentally sensitive habitat areas.

Response 73

General Plan Natural Resources Element Policy 20.1 is addressed in the Draft EIR; the commenter is directed to page 3.5-9 of the Draft EIR. The existing *Hoag Hospital Master Plan* provided for the protection of ocean views, which would be considered a significant scenic resource, by the dedication of the linear park along the northern edge of the Lower Campus. The General Plan identifies multiple public viewpoints within the park. With the implementation of the approved development on the Lower Campus, views from the park would change, although ocean views would be protected because of height limitations on the Lower Campus. The proposed Master Plan Update Project would result in less development on the Lower Campus because square footage approved for the Lower Campus would be transferred to the Upper Campus. As previously noted, the park area was dedicated as a condition of the Master Plan. Therefore, it was understood that views would be altered. The Project is consistent with this policy. Please also refer to the response to Comment 72.

Response 74

General Plan Natural Resources Element Policies 20.2 and 20.4 are addressed in the Draft EIR; the commenter is directed to page 3.5-9 of the Draft EIR. As discussed in the response to Comment 74 for Policy NR 20.1, the Master Plan provided for the dedication of the view park, which provides for public views of the ocean. The development criteria for the Lower Campus provide for protection of those views. Therefore, the proposed Master Plan Update Project would not conflict with this policy. With respect to Policy 20.4, the development criteria provide for a building setback from all public streets, and landscaping has been provided at Hoag. The landscaping helps to minimize visual impacts by softening the view of the development. Hoag maintains the landscaping on the site. Landscaping within public right-of-way, including berms and slopes, is maintained by the responsible jurisdiction (Caltrans is the responsible jurisdiction for West Coast Highway and the City of Newport Beach is the responsible agency for other local roads).

Response 75

The aesthetic impacts of signage would be less than significant. Sign would be provided within the building height limits established for Hoag, are or will be within the shadow of the buildings, and provisions are provided to ensure that signs are not mounted or lit facing the adjacent Villa Balboa residential neighborhood.

Response 76

Noise generated at Hoag would be governed by the Noise Ordinance with two exceptions: (1) noise limits adjacent to the loading dock area would be increased; (2) delivery vehicles and the loading and unloading of delivery vehicles would be exempt from noise standards. Mitigation is required to minimize noise from stationary noise sources.

The comment relates to noise levels from stationary sources and implies that such sources will not be controlled in such a way to protect sensitive receptors consistent with the City's Noise Ordinance. The City's Noise Ordinance will be applied throughout Hoag with modifications only in the vicinity of the loading dock. Within the loading dock area, as was described above in response to Comment 11, all feasible mitigation measures have been or will be implemented to provide the most protection to off-site sensitive receptors from excessive noise. Please also refer to Topical Response 3. Policy N 4.1 cited by the commenter relates to stationary sources. As described in greater detail on pages 3.4-24-26 and 3.4-27, stationary sources at Hoag either already meet limitations in the City's Noise Ordinance or will be mitigated to achieve noise levels meeting or better than the proposed modified Noise Ordinance limitations described in the Draft EIR. In this way, the goal of Policy N. 4.1 will be fulfilled by the Master Plan Update Project.

Response 77

With regard to water resource issues, please refer to the response to Comment 15. Also refer to the response to Comment 70 regarding reasons why water quality issues were not required to be discussed in detail in the Draft EIR.

Notwithstanding the above, the following discusses the specific Local Coastal Program policies discussed in the comment:

- As discussed above, in response to comment 15, TMDLs applicable to Newport Bay are not directly applicable to Hoag, but rather are being implemented by the City of Newport Beach through its Local Implementation Plan (LIP), which, in turn, implements the City's obligations under the county-wide Drainage Area Management Plan.

- Water pollution prevention is the primary goal of the City's LIP and compliance with the goal will be achieved through implementation of WQMPs in accordance with City regulations. Model WQMP page 7.II-1 (included as an appendix to the City's LIP).

- Reduction of runoff is a key element of the LIP and will be implemented as part of development of individual WQMPs for future building projects at Hoag. (Model WQMP page 7.II-14–15 (included as an appendix to the City's LIP).

- Minimization of impervious surfaces and minimization of directly connected impervious surfaces are site design controls that must be considered in development of future WQMPs for Hoag. Model WQMP page 7.II-15–16 (included as an appendix to the City's LIP).

- Site design and source control requirements are included in the City's LIP and must be discussed in any WQMPs prepared for specific building projects at Hoag. Model WQMP page 7.II-2 (included as an appendix to the City's LIP).

- As discussed in response to comment 15, above, a WQMP will be required to be implemented for each specific future building project at Hoag as per City regulations.

These WQMPs will include treatment controls meeting the design standards stated in the LIP. Model WQMP page 7.II-34–35 (included as an appendix to the City's LIP). Water quality during construction will be controlled via a Storm Water Quality Management Plan as per Mitigation Measure 14 (Draft EIR, page 6-24).

Response 78

The Lower Campus in its entirety and 0.21 acre of the Upper Campus are within the coastal zone. The LCP Land Use Plan designates these areas as "Public Facilities." The Public Facilities designation is "intended to provide public and quasi-public facilities, including educational institutions, cultural institutions, government facilities, libraries, community centers, hospitals, religious institutions, and utilities" (page 2-4). No changes in land use are proposed in the Lower Campus, only the ability to transfer a maximum of 225,000 sf of development to the Upper Campus. Because the CCC approved the existing Master Plan, the proposed Master Plan Update is considered consistent with this LCP policy.

Existing building height restrictions would continue to preserve these views. Therefore, the proposed Master Plan Update Project would not conflict with this policy. The development criteria in the PC Text also provide building envelopes, height restrictions, setbacks, and landscape requirements.

With respect to landscaping, etc. on the Lower Campus, the following information has been provided by Hoag to the City address the issue. Hoag has:

- Installed five, 48-inch box evergreen screen trees and new irrigation in November 2007 to screen/soften the views of the west end of the cogeneration facility.

- Submitted plans to the California Coastal Commission (CCC) for permission to install three, 48-inch box evergreen screen trees and new irrigation to provide added screening of the cogeneration facility area with an estimated installation of May 2008 pending CCC approval.

- Submitted plans to the CCC to attach a green, metal screen lattice structure and plant flowering vines to cover the green screen on the east wall of the cogeneration facility in order to provide additional screening and softening of specific views of the cogeneration facility with an estimated installation of May 2008, pending CCC approval.

- Installed additional shrubs, groundcover, and new irrigation system to the slope behind the cogeneration facility upon completion of the retaining wall project in November 2007 to provide added visual quality and erosion control.

- Installed 24 trees, shrubs, and ground cover plantings and new water conserving irrigation system on the cogeneration facility in November 2007 to provide added visual quality screening and erosion control as part of completing the Lower Campus retaining wall project.

- Installed eight, 24-inch box evergreen screen trees in November 2007, at the base of the west parking lot to screen and soften views of the retaining wall.

- Installed twelve, 36-inch box flowering trees and four fan palm trees and irrigation system at end islands in the west parking lot in November 2007, to provide increased shade and visual enhancement to the parking area, with additional parking area trees to be installed in the future as construction needs in the area are completed.

- Installed 550 bougainvillea shrubs in November 2007, as part of the Lower Campus retaining wall project, for color and to soften of views along the top of the retaining wall.

- Requested an Approval In Concept (AIC) from the City of Newport Beach to re-grade the north slope above the retaining wall to allow shrubs, ground cover, and a new irrigation system to enhance visual quality, safety, and erosion control. To be installed in January 2009 pending City and CCC approval.

- Installed 17 trees, shrubs, groundcover, and new irrigation system in December 2007 around the new Child Care Center to provide added visual quality, parking area screening and building drop-off and entry area definition.

- Replace trees, shrubs, and groundcover and enhance planting areas as part of the Lower Campus utility upgrade project to improve and unify Hoag landscaping along the West Coast Highway frontage after utilities are installed. Installation tentatively scheduled for December 2009, pending City AIC and CCC approval.

- Install approximately 870 linear feet of green screen lattice along the West Coast Highway frontage to screen views of the west parking lot and cogeneration facility from West Coast Highway. This landscape project is in preliminary design with installation tentatively scheduled for December 2009 pending City AIC and CCC approval.

- Hydroseeding of native groundcover including coastal wild flowers and grass, as well as irrigation system installed in December 2007 for erosion control and enhanced visual quality.

- Landscaping of the new Child Care Center has been completed.

- The Lower Campus retaining wall has been completed and landscaped.

- The cogeneration facility was painted a buff/tan tone in September 2007, a color more consistent with existing buildings on the Hoag Lower Campus.

- Per the approved CCC Coastal Development Permit issued in 2002 for the cogeneration facility, all the required landscaping was installed. In addition, at the request of the Villa Balboa, as noted above, Hoag installed five, 48-inch box evergreen screen trees and new irrigation in November 2007 to screen and soften the views of the west end of the facility.

Response 79

The Heart and Vascular Institute is located in a one-story structure immediately west of the West Building. Uses within the Ancillary Building include radiology, imaging, and the emergency room.

Response 80

The former Child Care Center has been vacated. The City understands that Hoag is considering plans to convert that existing space in to an outpatient imaging facility to support the needs of cancer and neuroscience patients.

Response 81

Please refer to Appendix B of this responses to comments document.

Response 82

There is no particular schedule or anticipated timeframe for review of site-specific developments. Each development will be reviewed at the time that Hoag determines to move forward with a project and submits appropriate applications. The commenter asks how the City will avoid segmentation of project review. The comment suggests a misunderstanding of segmentation under CEQA. Segmentation occurs when individual portions of a larger project move forward through individual CEQA processes such that the overall impact of the entire project is not examined. However, just the opposite has occurred because the entire Hoag Master Plan project was reviewed and analyzed in Final EIR No. 142 from a programmatic level. Subsequent to that, each particular building has and will continue to move forward through the review process and the City will ensure that each proposed building is consistent with the Master Plan and that there are no new impacts that were not previously addressed. This is the process envisioned by CEQA.

Response 83

Noise limitations are established by the City of Newport Beach and any modifications or exemptions from such limitations are assessed by the City at the time that such requests are made. The fact that other areas of the City may or may not be subject to the same or similar noise limitations as Hoag is not relevant to the Draft EIR as it has no bearing on any potential environmental affects of the proposed project.

Response 84

The fact that other loading docks in the City may or may not be exempted from noise regulations and whether any such docks are located adjacent to residential areas is not relevant to the Draft EIR as it does not relate to any potential environmental affects of the proposed Master Plan Update Project.

Response 85

The commenter questions the conclusion in the Draft EIR that "the aesthetic and noise impacts of the project would not increase of differ from the facts set forth in Final EIR No. 142" (see Draft EIR, page 3.1-13). The commenter feels that this conclusion is not possible when Final EIR No. 142 was predicated on noise levels not to exceed 55 dB at the property line and did not address impacts associated with cogeneration facility. First, noise from the cogeneration facility is not an issue with regard to the proposed project; refer to Topical Response 1. Second, the noise study prepared for the Draft EIR demonstrates that the cogeneration facility does not violate any applicable noise standards and is consistent with the applicable provisions of the City Noise Ordinance. Third, the noise levels that were not to exceed 55 dB at the property line were only those related to mechanical appurtenances as has been discussed in detail in response to Comment 11. With the implementation of various additional features around the mechanical appurtenances, the overall noise levels at the property line are less now than they were in 1992 and will be less in the future when additional noise attenuation devices are installed (see Draft EIR, page 3.4-24–26).

Response 86

The commenter questions the conclusion in the Draft EIR which states that implementation of development on the Upper Campus as proposed with the Master Plan Update Project would have no greater or different land use effect than the existing Master Plan, and therefore would not have a significant project impact. The commenter suggests that the appropriate environmental setting from which to determine any impact is the baseline physical conditions and then states that as compared to the baseline condition implementation of the updated Master Plan would have a significant impact. If the commenter is suggesting that the baseline for the Draft EIR is the physical environmental conditions as they exist at the time the Notice of Preparation for the Draft EIR was published, then the commenter is incorrect. The baseline environmental setting is normally established when the Notice of Preparation is published. However, when a project already has a certified EIR and a supplemental EIR is prepared to address any incremental changes resulting from a modification to the approved project, the focus of the environmental impact analysis is whether there is any incremental increase in impacts above that already analyzed in the prior EIR. In essence, the baseline becomes the prior approved project. Please also refer to the response to Comment 46.

Response 87

The Draft EIR evaluates the proposed project's relationship to adjacent land uses and proposes, where feasible, appropriate mitigation to assure compatibility (see Draft EIR, pages 3.1-12 and 3.1–13). Please also refer to Topical Response 3. It should be noted that the Upper Campus of Hoag inclusive of the loading dock area were constructed prior to the construction of any of the Villa Balboa condominiums. However, the Draft EIR does acknowledge that "Final EIR No. 142 found that the project will result in a significant and unavoidable land use impact on residential units located directly adjacent to the western building of the Upper Campus. Although building setback limits are more stringent than City Code, the placement of hospital buildings closer to residential units located to the west of the Upper Campus was identified as a significant impact when considered in combination with other impacts such as shade and shadow and noise impacts in this location. Consistent with the conclusions of Final EIR No. 142, the Master Plan Update EIR finds that the proposed Master Plan Update Project will also result in significant impacts to existing residential development west of the Upper Campus. The proposed amendment would not alter or make these impacts more severe. Therefore, while the Project would cause a significant unavoidable land use impact, it would not constitute a new impact. No other significant land use impacts have been identified.

The Draft EIR and Final EIR No. 142 address land use compatibility between Hoag and the residential areas adjacent to Hoag by specifically addressing building heights, use of the service road in the loading dock vicinity, and noise levels. The building heights allowed on the Upper Campus adjacent to the residences are of the "Midrise" Zone that are more sensitive to the adjacent communities because it mandates lower heights than the Tower Zone at the center of the Upper Campus (see Final EIR No. 142, page 3-14). Implementation of the proposed Master Plan Update Project would not change the height restrictions. The service road on the western edge of the Upper Campus has restricted hours (gated from 8:00 PM to 7:00 AM) to minimize activity near residences (see Final EIR No. 142, page 4-60). The City will continue to require this restriction (see Draft EIR, page 3.4-35). Please also refer to the response to Comments 8 and 11.

As described on page 3.1-17 of the Draft EIR, the proposed Master Plan Update Project is considered consistent with the General Plan Land Use Element policy cited by the commenter, in part, through the compliance with the implementation program developed by the City to implement this land use policy. Additionally, as new buildings are proposed and reviewed by the

City, the General Plan policy ensures that Hoag work with the City such that future Hoag development consider its relationship to the adjacent residential areas, mitigate impacts to the extent feasible, and thereby addressing compatibility.

Response 88

With respect to the Air Quality Management Plan, please refer to Section 3.3, Air Quality, of the Draft EIR. With respect to population, housing, and employment, please refer to Section 5.0, Growth-Inducing Impacts of the Proposed Project. With respect to water quality management, please refer to the responses to Comments 15, 70, and 77.

Response 89

The City reviews all plans for project-specific approvals for compliance with applicable PC Text regulations, mitigation measures, and project design features. If a particular project requires permits from the Office of Statewide Health Planning and Development (OSHPD) as opposed to the City of Newport Beach, this compliance review is done by the Planning Department in advance of Hoag submitting the plans to OSHPD.

Response 90

As discussed on page 3.2-11 of the Draft EIR, support services do generate traffic. The City determined that trips generated by support services are the same trips accounted for in other land use categories, and are considered to be internal trips within Hoag that would not be additive at the key intersections located outside of Hoag. Based on this consideration, traffic generation for the support services category would not translate to a net reduction in Hoag's tripmaking potential, nor would it result in an underestimation of project-generated trips at the key intersections analyzed in the study.

Existing support services (142,328 sf) comprise 16 percent of the existing total square footage (886,270 sf) of Hoag. The Master Plan Update Project presumed an additional 125,211 sf of support uses, yielding a total of 267,539 sf of support facilities assumed under future conditions with the Master Plan Update. The 267,539-sf total for support services corresponds to 20 percent of the 1,343,238 sf of permitted development at Hoag. Therefore, the assumed size and land use designations pertaining to support services under the proposed Master Plan Update are fairly consistent with the existing mix of uses at Hoag. The increase from 16 percent under existing conditions to 20 percent presumed in the future for support services is due to the anticipated need for increased space to accommodate advancing technology in the delivery of health care, and to ensure the proper utilization of related supplies and equipment.

The assumptions regarding future uses were developed in coordination with the Applicant and are based on present thinking, not on final decisions regarding specific projects, and on the best information available at the time the Draft EIR was prepared (see response to Comment 19). To the extent future uses are proposed which differ from these assumptions, the City would require Hoag to prepare a traffic and/or parking analysis prior to building construction to confirm that the proposed use falls within the scope of the authorized traffic limits authorized for the project (see Draft EIR, pages 3.2-27 and –31, Mitigation Measures 25, 32, 34, 38, and 33).

Response 91

Based on the findings of the traffic impact evaluation and level of service comparisons between traffic scenarios, the proposed Master Plan Update Project (i.e., reallocation of up to 225,000 sf

of medical uses from the Lower Campus to the Upper Campus) would not cause cumulative impacts nor worsen cumulative impacts.

As indicated on Table 3.2-6 of the Draft EIR, with or without development of the proposed Master Plan Update Project, LOS E is projected under Year 2015 conditions at the following six intersections: Balboa Boulevard-Superior Avenue/West Coast Highway, Newport Boulevard/Hospital Road, Newport Boulevard southbound off-ramp/West Coast Highway, Newport Boulevard/18th Street-Rochester Street, and Newport Boulevard/19th Street. Table 3.2-7 of the Draft EIR indicates that under Year 2025 conditions with or without the Master Plan Update Project, LOS E or LOS F is projected at the following six intersections: Riverside Avenue/West Coast Highway, Bay Shore Drive-Dover Drive/West Coast Highway, Newport Boulevard southbound off-ramp/West Coast Highway, Newport Boulevard/17th Street, Newport Boulevard/18th Street-Rochester Street, and Newport Boulevard/19th Street. Because LOS E/F is expected to occur without development of the project, the deficient levels of service are considered "cumulative impacts" and are project-specific impacts. Furthermore, the Master Plan Update Project would not worsen these cumulative deficiencies, and is expected to maintain or improve the levels of service at the six intersections under both Year 2015 and Year 2025 conditions, as indicated on Tables 3.2-6 and 3.2-7 of the Draft EIR.

It should also be noted that based on Orange County Congestion Management Plan (CMP) guidelines, the LOS E projected at the Newport Boulevard southbound off-ramp/West Coast Highway intersection under Year 2015 and Year 2025 conditions is not considered deficient.

Response 92

The level of service analyses and traffic impact evaluation conducted for the Draft EIR were focused to evaluating traffic conditions under existing (2007) conditions, Year 2015 conditions without and with the proposed Master Plan Update Project, and Year 2025 conditions without and with the proposed Master Plan Update Project, and identifying the incremental effect of the proposed reallocation of square footage (not existing development at Hoag, nor implementation of Hoag's existing Master Plan, which were evaluated in Final EIR No. 142 and subsequent TPO studies) on those traffic conditions.

Table 3.2-2 of the Draft EIR presents the levels of service at the 24 key intersections under existing (2007) conditions. The trips currently generated by Hoag are inherent in the existing traffic volumes (illustrated on Exhibits 3.2-3 and 3.2-4 of the Draft EIR) that were used in the level of service calculations. It is not possible to isolate existing Hoag-generated traffic volumes from the actual counts collected at each study intersection. An evaluation of existing conditions at Hoag with the proposed reallocation (i.e., Master Plan Update Project) was not necessary since the reallocation is based on an update to the existing Master Plan, not existing development at Hoag.

The "Existing Master Plan" columns of Table 3.2-6 and 3.2-7 of the Draft EIR present the levels of service for cumulative (without the proposed Master Plan Update Project) conditions under Year 2015 and Year 2025, respectively. Based on the City's adopted General Plan traffic model (Newport Beach Traffic Model/NBTM), the future trips expected to be generated by development of Hoag's existing Master Plan were assigned to the street system, and are inherent in the model forecasts (shown on Exhibits 3.2-7, 3.2-8, 3.2-11, and 3.2-12 of the Draft EIR) used in the level of service calculations. The traffic distribution pattern for Hoag presumed in NBTM is illustrated on Figure B-1 in Appendix B of the Draft EIR traffic study. The future trips generated by the existing Master Plan, and the incremental effect of those existing Master Plan trips on future traffic conditions (i.e., LOS differences), were evaluated in the Phase II TPO and

Phase III TPO studies completed in 2001 and 2005, respectively, since the Final EIR No. 142 was certified in 1992.

The "Proposed Master Plan Update Project" columns of Table 3.2-6 and 3.2-7 of the Draft EIR present the levels of service for cumulative plus project conditions under Year 2015 and Year 2025, respectively. The future trips generated by development of Hoag's proposed Master Plan Update were assigned to the street system by using NBTM, and are included in the "with project" traffic volumes presented on Exhibits 3.2-9, 3.2-10, 3.2-13, and 3.2-14 of the Draft EIR and used in the level of service calculations. As indicated previously, the traffic distribution pattern for Hoag is illustrated on Figure B-1 in Appendix B of the Draft EIR traffic study. Exhibits 3.2-5 and 3.2-6 of the Draft EIR isolate and illustrate the Master Plan Update/project-generated trips at each of the 24 key intersections during the AM and PM peak hours, respectively. As indicated on Tables 3.2-6 and 3.2-7 of the Draft EIR, the proposed reallocation of square footage would not worsen cumulative deficiencies, and is expected to maintain or improve the levels of service at the 24 key intersections under both Year 2015 and Year 2025 conditions. Tables 3.2-6 and 3.2-7 of the Draft EIR further indicate that, based on the application of City of Newport Beach and City of Costa Mesa significant traffic impact criteria, the reallocation project is not expected to cause any significant traffic impacts under Year 2015 and Year 2025 conditions.

Mitigation measures have been established (see Draft EIR, pages 3.2-27 and –31, Mitigation Measures 25, 32, 34, 38, and 33) to address traffic/parking impacts associated with future site-specific projects that may be proposed. The proposed Master Plan Update's assumptions regarding future uses were developed in coordination with the Applicant and are based on present thinking, not on final decisions regarding specific projects, and on the best information available at the time the Draft EIR was prepared (see response to Comment 19). To the extent future uses are proposed which differ from these assumptions, the City would require Hoag to prepare a traffic and/or parking analysis prior to building construction to confirm that the proposed use falls within the scope of the authorized traffic limits authorized for the project.

Mitigation measures have been established (see Draft EIR, pages 3.2-27 and –31, Mitigation Measures 25, 32, 34, 38, and 33) to address traffic/parking impacts associated with future site-specific projects that may be proposed. The proposed Master Plan Update Project assumptions regarding future uses were developed in coordination with the Applicant and are based on present thinking, not on final decisions regarding specific projects, and on the best information available at the time the Draft EIR was prepared (see response to Comment 19). To the extent future uses are proposed which differ from these assumptions, the City would require Hoag to prepare a traffic and/or parking analysis prior to building construction to confirm that the proposed use falls within the scope of the authorized traffic limits authorized for the project.

Response 93

Please refer to the response to Comment 92 for a detailed discussion of future traffic scenario comparisons and TPO studies that were completed since certification of Final EIR No. 142 in 1992, and specific mitigation measures that have been established to address traffic/parking impacts associated with future site-specific projects that may be proposed.

Response 94

Please refer to the response to Comment 92 for a detailed discussion of project traffic distribution and assignment that were obtained using the City's adopted General Plan model (NBTM).

Response 95

Please refer to the response to Comment 92 for a detailed discussion of future traffic scenario comparisons and TPO studies that were completed since the Final EIR No. 142 certification in 1992, and specific mitigation measures that have been established to address traffic/parking impacts associated with future site-specific projects that may be proposed.

Response 96

Because the City's adopted General Plan traffic model (NBTM) was used as basis for the future traffic forecasts, the full buildout of the City, as identified in the new General Plan, has been assumed and accounted for in the traffic study. Please refer to the response to Comment 19.

Response 97

The extension of 19th Street across the Santa Ana River has been assumed in the City of Newport Beach General Plan and the Orange County Master Plan of Arterials and Highways, and therefore should be included in the NBTM forecasting assumptions for Year 2025 conditions (referred to as the City's adopted "Buildout" or "General Plan Baseline" network, as described in Section 5.1.2 of the Draft EIR traffic study). For Year 2015 conditions, the NBTM "constrained" network was used. The constrained network does not assume the 19th Street bridge connection, as stated in Section 5.1.2 of the Draft EIR traffic study.

Response 98

The building known as the Conference Center primarily houses administrative support staff for the business operations of Hoag. Finance, Marketing, Information Technology, Human Resources, Purchasing, and Fund Development functions that occupy the top three floors of the four-story building. The bottom level houses the OB Education department and six meeting rooms. These rooms are primarily used during business hours for internal meetings and educational classes with staff walking from other parts of the campus for the meetings. One exception is a limited number of breast feeding consultations during the day in one classroom which averages two to eight women throughout the day. In the evenings, between 6:00 PM and 10:00 PM, the rooms are used for community education classes averaging 10 to 30 people per class. On some weekends, the rooms are used for larger community education and support groups with anywhere from 60 to 120 attendees.

Based on the type of activities held at the Conference Center during business hours (primarily internal meetings and educational classes for Hoag staff), the trips generated by these activities are "internal trips" that occur within Hoag, and are the same trips generated by the inpatient and outpatient uses at Hoag that have been accounted for in the analysis of AM and PM peak hour conditions in the Draft EIR traffic study. The weekday breastfeeding consultations and weekend community education classes occur outside of the time periods evaluated in the traffic impact study (i.e., AM and PM peak commute hours on a typical weekday). The weeknight community education classes are held during the months of September through November, do not generate trips during the AM peak hour, and do generate inbound trips during the PM peak hour. The existing traffic generated by the Conference Center are inherent in the traffic counts collected for the study, and were therefore included in the detailed analysis of traffic conditions and project impact evaluation.

Response 99

The AM and PM peak period traffic counts, existing intersection geometry, and existing level of service calculations for the three key intersections along West Coast Highway located west of Hoag Drive (at Orange Street, Prospect Street, and Superior Avenue-Balboa Boulevard) were reviewed and verified to be generally consistent with prior counts, geometry, and level of service calculations. It should be noted that the traffic counts were collected during typical commute hours on a typical weekday, not during peak conditions/summer season (when there could be more beach-related traffic along West Coast Highway).

Response 100

The AM and PM peak period traffic counts, existing intersection geometry, and existing level of service calculations for the Superior Avenue/17th Street intersection were reviewed and verified to be generally consistent with prior counts provided by the City of Costa Mesa, geometry, and level of service calculations.

Response 101

The net parking spaces gained to the south parking structure after the trailers are removed (and a new ramp and elevator are installed in 2008) will be 21 spaces. Approximately the same number of spaces would be displaced in the lower parking area to accommodate the relocated trailers. The construction trailers are considered temporary structures; please refer to the response to Comment 60.

Response 102

The number and location of valet spaces at Hoag are as follows:

North (Dolphin) Parking Structure: 80
South Parking Structure: 37
Cancer Center Front Lot: 8
Emergency Room Lot: 15

Response 103

The City is assuming the commenter is referring to Mitigation Measure 38 from Final EIR No. 142 which states as proposed for modification:

38. Prior to the issuance of ~~grading and~~ building permits for each Master Plan development, the Project Sponsor shall provide evidence that site plans incorporate the site development requirements of Ordinance No. 91-16, as appropriate, to the Traffic Engineering Division and Planning Department for review and Planning Commission approval. Requirements outlined in the Ordinance include:

    a. A minimum of five percent of the provided parking at new facilities shall be reserved for carpools. These parking spaces shall be located near the employee entrance or at other preferred locations.

    b. A minimum of two bicycle lockers per 100 employees shall be provided. Additional lockers shall be provided at such time as demand warrants.

c. A minimum of one shower and two lockers shall be provided.

d. Information of transportation alternatives shall be provided to all employees.

e. A rideshare vehicle loading area shall be designated in the parking area.

f. The design of all parking facilities shall incorporate provisions for access and parking of vanpool vehicles.

g. Bus stop improvements shall be coordinated with the Orange County Transportation Authority, consistent with the requirements of Mitigation Measure 30 ~~required for developments located along arterials where public transit exists or is anticipated to exist within five years~~.

h. The exact number of each of the above facilities shall be determined by the City during review of ~~grading and~~ building permit applications for each development project. The types and numbers of facilities required of the project will reflect the content of the Ordinance at the time that a permit application is deemed complete by the Planning Department.

Rationale: Mitigation Measure 38 was adopted as a part of Final EIR No. 142. A revision to item 'g' is proposed to cross reference Mitigation Measure 30, which pertains to bus turnouts. The siting and design of bus turnouts is within the joint jurisdiction of the Orange County Transportation Authority (OCTA) and the City.

First, it should be noted that this measure has been applicable to Hoag since adoption of the Master Plan in 1992. Second, as noted in the measure, the applicable requirements are to be implemented; valet parking is one of nine requirements. Third, employee parking is provided in a separate lot from visitor parking and would therefore not affect visitor parking. Fourth, as previously addressed in these responses to comments, the City requires a parking study for each project and reviews the study for accuracy and appropriate methodology.

Response 104

Hoag has shuttle service connecting the main campus to the Hoag Health Center Newport Beach, with stops at the Lower Campus and Upper Campus in its route to transport physicians and staff to the two Hoag facilities. Presently, Hoag has two shuttles per hour between the hours of 7:00 AM and 7:00 PM; Hoag has proposed to the City to increase the number of shuttle to four per hour in a 20-passenger van. The shuttles can only be used by physicians who have office at the Hoag Health Center and patients at Hoag Hospital, and by Hoag staff. The shuttle will also be available to patients visiting physicians at the Hoag Health Center who require medical services (e.g., lab work, x-rays, medical test) at Hoag Hospital. The shuttles are provided as a convenience for physicians, staff, and patients and serve to minimize personal vehicle trips between the two facilities and not, as the commenter has suggested, because of the lack of parking.

While no trip or parking credit was provided in the traffic and parking studies prepared for the Master Plan Update Project, eliminating personal vehicle trips from the roadways would have a beneficial effect. With respect to the Upper and Lower Campuses, Hoag previously used an eight-seat golf cart to transport persons between the Upper and Lower Campuses. All trips were on private roadways within Hoag. The golf cart is no longer used. The shuttle includes the Upper and Lower Campuses and the Hoag Health Center. As with the golf cart, the shuttle uses internal roadways while at Hoag.

Response 105

Please refer to the response to Comment 39.

Response 106

Please refer to the response to Comment 90.

Response 107

Please refer to the response to Comment 90.

Response 108

Please refer to the response to Comment 90.

Response 109

Please refer to the response to Comment 92 for a detailed discussion of future traffic scenario comparisons, TPO studies that were completed since certification of Final EIR No. 142 in 1992, and project traffic distribution and assignment that were obtained using the City's adopted General Plan model (NBTM).

Response 110

Please refer to the response to Comment 92 for a detailed discussion of future traffic scenario comparisons, TPO studies that were completed since the EIR No. 142 certification in 1992, and project traffic distribution and assignment that were obtained using the City's adopted General Plan model (NBTM).

Response 111

Please refer to the response to Comment 92.

Response 112

Please refer to the response to Comment 92.

Response 113

Please refer to the response to Comment 92.

Response 114

Please refer to the response to Comment 92.

Response 115

Please refer to the response to Comment 92.

Response 116

Please refer to the response to Comment 92 for a detailed discussion of future traffic scenario comparisons, and project-related LOS differences. As required by the California Vehicle Code

(Section 21806, Authorized Emergency Vehicles), motorists must yield the right-of-way to emergency vehicles. Specifically, motorists are required to pull to the right side of the road and stop to allow an emergency vehicle to pass. If required, drivers of emergency vehicles are trained to use center turn lanes, or travel in the opposing through lanes to pass through crowded intersections. Thus, the respect entitled to emergency vehicles and driver training allow emergency vehicles to negotiate typical street conditions in urban areas. Furthermore, Hoag satisfies federal, State, and local requirements related to emergency/evacuation plans.

Response 117

Based on logical travel routes to and from the project, it is unlikely that a significant number of project trips would use the eastbound left turn lane at Hoag Drive/Hospital Road. The commenter states that many of the waiting vehicles originate at Hoag Drive West. However, Hoag Drive West is a minor driveway that serves mostly facility maintenance, delivery, and outbound ambulance traffic. Most staff, patients, and visitors would access Hoag through the Hoag Drive/Hospital Road entrance. As shown in Figure 5 of the Access and On-Site Circulation Analysis, the west driveway is forecast to serve a nominal number project trips. Most of the traffic using the eastbound approach of Hoag Drive/Hospital Road is ambient traffic that is already on the roadway system. It is not necessary for the Project to mitigate the effects of existing traffic volumes.

Response 118

Hoag provides valet parking service at the main entrance, south entrance and the Cardiac Outpatient facility on West Road to ensure that the physically challenged, weak, or elderly patients and visitors have easy access to hospital facilities. By setting aside parking spaces for the valet service, Hoag is better able to accommodate the parking needs of those with the greatest need of assistance. Valet parking typically improves the availability of on-site parking by 5 to 25 percent.

Response 119

Relocating the modular buildings from the south parking structure to the Lower Campus surface level parking area provides for an increase in 21 available parking spaces closer to the Upper Campus facilities accessed by patients and visitors and reduce the same amount on the Lower Campus only needed for overflow employee and contractor parking.

Response 120

Please refer to the response to Comment 104. Hoag plans to continue the shuttle between the Lower Campus, Upper Campus, and the Hoag Health Care Center.

Response 121

The intervening processes and assumptions are presented in the technical reports included in the Appendix of the Draft EIR. The impact of the project was determined by comparing the projected changes in emissions with the SCAQMD Significance Thresholds (see Tables 3.3-10, 3.3-12, 3.3-14, and 3.3-15 and the discussion of Impact 3.3-13). This concludes that while the modification of the Master Plan would result in lower emissions that the approved Master Plan, the development of the Master Plan would result in a significant unavoidable impact.

The comparison of the project's emission with the basin wide emissions are provided to give context to the project's emissions and as one part of the argument that the project will not cause an increase in the frequency of severity of the violations of the AAQS in the region.

As stated in Section 3.3.1 of the Draft EIR, "Final EIR No 142 did determine, however, that development of the Master Plan in conjunction with present and future projects would have a significant and unavoidable cumulative impact on regional air quality." The changes to the project do not change this conclusion.

Response 122

The daily emission rates presented in the "Notice of Intent to Issue "Permit to Construct and Operate" Pursuant to Rule 212" in Appendix A of the Draft EIR lists emissions from three natural gas fired internal combustion engines and one natural gas/fuel oil fired boiler. The emissions presented in Table 3.3-5 under the "On-Site Electrical Generation" are for the three natural gas fired internal combustion engines only. The boiler emissions were indirectly included in the "Natural Gas Consumption" emissions and are based on the SCAQMD CEQA Handbook methodology that converts the square feet of building space to determine usage of natural gas and emission factors based on the amount of natural gas used.

During the investigation of this issue, Mestre Greve Associates identified an error in the spreadsheet to calculate emissions that underestimated the CO emissions from the generator engines by 2 pounds per day per unit. This error slightly affects the CO emissions presented in Tables 3.3-5, 3.3-6, 3.3-10, 3.3-11, 3.3-12, 3.3-13, 3.3-14, 3.3-15, and 3.3-17 of the Draft EIR but it does not change the conclusions of the analysis or significance findings. The corrections are included in Section 4 of this responses to comments document and incorporated into the Final EIR.

Response 123

The generator emissions were calculated using the limits given in the permits to operate for these units. These documents did not contain limits for SOx emissions and the emissions were assumed to be minimal and listed as zero. Based on the Notice of Intent to Issue in Appendix A discussed in the response to Comment 122, the maximum daily emissions of SOx from the generators is 0.33 pounds per day per unit (with the worst-case assumption that the boiler has no SOx emissions). Resulting in 1 pound per day of emissions under existing conditions (with three units) and 2 pounds per day in the future (with six units). This would change the SOx emissions presented in Tables 3.3-5, 3.3-6, 3-3.10, 3.3-11, 3.3-12, 3.3-13, 3.3-14, 3.3-15, and 3.3-17 but it does not change the conclusions of the analysis or significance findings. The corrections are included in Section 4 of this responses to comments document and incorporated into the Final EIR.

Response 124

The full quote from the SCAQMD website is:

> "This webpage previously had listed names of the proposed chapters and appendices for the revised Handbook. However, current work on the Handbook has rendered these chapter and appendices titles obsolete and, therefore, they have been removed from the webpage. Proposed chapters and appendices currently under consideration will be posted when drafts are available."

With the full quote it is apparent that they are talking about the revised Handbook that has been in development for several years now. The SCAQMD notes that emission factors and trip generation rates in the 1993 Handbook are obsolete at http://aqmd.gov/ceqa/oldhdbk.html, however, there is no discussion that the trip lengths provided in the handbook are obsolete. There is no reason that the trip lengths from the 1993 CEQA Handbook are invalid.

Response 125

Potential emissions from construction activities are discussed on pages 3.3-18 and 3.3-19 of the Draft EIR under the Short-term Construction Impacts: Regional Air Quality Impacts heading. The SCAQMD LSTs are emission thresholds to ensure that an activity does not cause concentrations at nearby sensitive receptors to exceed the AAQS or to cause a significant increase in concentrations for pollutants where the AAQS is exceeded without the activity. The SCAQMD performed dispersion modeling using typical weather patterns to correlate emissions with concentrations and establish the emission thresholds. These values and a review of the LST emission thresholds determined by SCAQMD were used as the basis as the discussion for the likelihood of an impact.

As discussed in the Draft EIR, there are no specific construction projects proposed and, therefore, no information to calculate emissions from construction activities associated with the Master Plan Update Project. The discussion on Pages 3.3-18 and 3.3-19 addresses construction emissions in general and why the emissions from construction activities associated with the project would be likely to exceed the thresholds.

Response 126

The analysis examined potential changes to air quality impacts due to the development of the Master Plan that could be affected by the reallocation of uses proposed by this project. The reallocation of uses proposed is not expected to significantly affect operations at the loading dock or at the cogeneration plant and localized air quality impacts from these operations were not examined.

Response 127

The significance of the air quality impacts is not dismissed by the comparison of project emissions with basin-wide emissions. The comparison of project emissions to basin wide emissions is only used as one part of the argument that the project will not result in an increase in the frequency or severity of violations of the AAQS. The presentation of this data does not dismiss Impact 3.3-3.

Response 128

The regional emissions analysis presented on pages 3.3-21 through 3.3-25 of the Draft EIR measures the project's impact to the air quality in the region with the region being defined as the South Coast Air Basin. The analysis concludes that the overall development of the Master Plan Update Project would result in a significant regional air quality impact (Impact 3.3-3). Vehicular emissions are modeled based on an average trip length which includes very short trips along with much longer trips. Using the average trip length gives an accurate estimate of the total emissions from all of these trips.

Response 129

Mitigation Measure 36, as proposed for revision (~~Strikeout text~~ is used to show deleted wording) states:

> 36. Prior to the issuance of grading permits for each phase of development, the Project Sponsor shall provide evidence for verification by the Planning Department that the necessary permits have been obtained from the SCAQMD for regulated commercial equipment incorporated within each phase. An air quality analysis shall be conducted prior to each phase of development for the proposed mechanical equipment contained within that phase that identifies additional criteria pollutant emissions generated by the mechanical equipment to be installed in the phase. ~~If the new emissions, when added to existing project emissions could result in impacts not previously considered or significantly change the land use impact, appropriate CEQA documentation shall be prepared prior to issuance of any permits for that phase of development. Each subsequent air quality analysis shall be reviewed and approved by the SCAQMD~~.

Mitigation Measure 36 requires verification of necessary permits from the SCAQMD for regulated equipment and preparation of air quality analysis in accordance with SCAQMD's requirements for stationary source equipment. It further states that if the new emissions result in impacts not previously considered or that will significantly change the land use impact, appropriate CEQA documentation shall be prepared prior to issuance of any permits for that phase of development. This mitigation measure is combining two processes. The SCAQMD would review the data pertaining to the use of regulated equipment. In order for the Applicant to receive the required permit, the project would need to meet the SCAQMD-established standards. It is speculative to know what all mechanical equipment would be necessary for the buildout of the Master Plan at Hoag. The issue pertaining to new significant impacts associated with emissions or land use impacts would not be within SCAQMD's jurisdiction, so to avoid confusion this portion of the mitigation measure is recommended for deletion. The City of Newport Beach would continue to be responsible for ensuring that appropriate CEQA documentation is prepared.

Response 130

Please refer to the discussion on page 3.3-20 of the Draft EIR. An expanded discussion is presented in Section 2.3.1 of the Air Quality Technical Report presented in Appendix D to the EIR.

Response 131

These measures are incorporated within the contractor specifications which are part of the plans and specifications used to issue a grading or building permit and, therefore, the identified measures are conditions of those permits and compliance of those conditions are enforceable by the City's Building or Public Works inspectors and Code Enforcement Officers.

Response 132

The trip length used for the emissions estimate is a start to end trip and would include any movements through a parking garage and are based on average travel speeds which include idling for traffic lights, parking spaces, and congestion. Emissions from these activities are insignificant compared to the total emissions from a vehicle trip and do not occur for all vehicle

trips. Accounting for this activity specifically would be speculative as there is no basis to determine how often this occurs currently and how this would change in the future.

Response 133

On its website, the SCAQMD provides composite emission factors for two vehicle categories passenger/light-duty and medium-/heavy-duty vehicles (e.g., delivery trucks) for use in projects where passenger/light-duty vehicle generate the majority of vehicle trips (http://aqmd.gov/ceqa/handbook/onroad/onroad.html). The regional emission calculations assume 95 percent passenger/light-duty vehicles and 5 percent delivery trucks.

Response 134

There is no reason to believe that increased signage would have any substantial effect on air pollutant emissions. Please also refer to the response to Comment 42 regarding signage and how the proposed modifications to signs at Hoag would not create significant environmental impacts.

Response 135

Please refer to the responses to Comments 8 and 11 with respect to the enforcement of mitigation measures from Final EIR No. 142 and affects on properties adjacent to Hoag. With regard to commenter's suggested mitigation measures, please refer to the response to Comment 13.

The commenter is requesting that the loading dock and its activities be relocated. It should be noted that location of the loading dock preceded construction of the adjacent residential communities. The loading dock and the activities that are located within the loading dock area have been so located to support the materials management functions of the hospital. Shipments, for example, must be received on the Upper Campus nearest to the primary medical uses of the hospital to avoid transportation redundancies in transporting essential supplies (including medical supplies, pharmaceuticals, transplantable devices, food, and linens) from the Lower Campus to the Upper Campus where these supplies are used. Furthermore, entrance to the loading dock in its present location provides for the least amount of shared traffic with passenger cars that use the two main entrances to Hoag on West Coast Highway and Hospital Road; additionally, related to traffic, the current loading dock location does not conflict with Emergency traffic whereas relocation to any other roadway would conflict with ambulance, paramedic and fire traffic, jeopardizing patient health and safety. Also, the current loading dock location is proximate to existing hospital paths and the building network of corridors such that relocation would require significant reconfiguration of the physical plant and would significantly adversely affect hospital operations. Relocation of the loading dock to the Lower Campus would also conflict with the State of California Office of Statewide Health Planning and Development (OSHPD) mandates due to the distance to the primary hospital facilities. Finally, any relocation of the loading dock or its essential activities (e.g., box crusher) would require major demolition and construction of new facilities (both new loading dock facilities and facilities that would have to be rebuilt elsewhere to accommodate a new loading dock)—this in and of itself would be a project subject to CEQA review and would have its own environmental impacts, and as such, is not appropriate mitigation for the proposed Master Plan Update Project.

Regarding commenter's suggestion that grease traps be relocated, the location of the grease traps is proximate to the hospital cafeteria. To be located anywhere else at Hoag would not be physically possible at this time because of the location of sanitary sewer lines.

Regarding commenter's suggestion that the cogeneration facility be relocated, as address in Topical Response 1, the cogeneration facility is an existing facility. Demolition and relocation of the facility (along with the demolition and relocation of other facilities required to move the cogeneration facility) would be a project subject to its own CEQA review and would have its own environmental impacts, and is thus not appropriate for inclusion as mitigation in the Draft EIR.

With regard to the commenter's suggestion that new "noise generating" activities be prohibited proximate to the park and residences to the north and west of Hoag, it is unclear what type of noise generating activities the commenter is addressing. The commenter's letter addresses noise-generating activities including but not limited to conversations between people to vehicular traffic to mechanical equipment. With regard to non-loading dock areas at Hoag, adherence to the City's Noise Ordinance would ensure that significant impacts to adjacent uses are avoided as the City has determined that adherence to the Noise Ordinance is protective of such adjacent uses. With regard to loading dock vicinity noise activities, as is discussed further in response to Comments 11 and 13, above, and 188, below, all feasible mitigation has been provided in this area and all future activities in the area will be required to adhere to the modified limitations imposed as part of the proposed Master Plan Update Project. Please also refer to Topical Response 3 regarding a new proposed Project Design Feature. Thus, prohibitions on new "noise generating" activities are not required as the noise limitations discussed in the Draft EIR will be imposed to protect adjacent uses and to reach the lowest noise levels achievable based upon application of and to reach the lowest noise levels achievable with feasible mitigation.

Response 136

The proposal to modify existing noise regulations is evaluated in the Draft EIR and associated technical report (Section 2.3.6 of Appendix F) and these changes are identified as an unavoidable adverse impact. Enclosing the loading dock and constructing a soundwall were investigated and the feasibility discussed in Section 3.4 of the Draft EIR and on page 54 of Appendix F. Please also refer to the response to Comment 35. Modifications to residences are discussed in Section 3.4 of the Draft EIR and on page 58 of Appendix F. While modifications to off-site private properties are not proposed as CEQA mitigation measures because the City does not have the ability to mandate their implementation, window/sliding door modifications are proposed as a Project Design Feature; please refer to Topical Response 3. However, a redesign of the site plan so that noise generating equipment is not along the residential area is not considered feasible.

Response 137

This fact was understood for the analysis. The following sentence will be added at the end of the paragraph following Table 3.4-1 on page 3.4-6 and incorporated into the Final EIR as follows:

> The City of Newport Beach exterior and interior noise criteria is given in terms of 15 minute Leq and Lmax noise levels. The noise levels specified are those that are not to be exceeded at a property from noise generated at a neighboring property. Noise levels are to be measured with A-weighting and a slow time response. Greater noise levels are permitted during the day (7 AM to 10 PM) than during the nighttime period (10 PM to 7 AM). <u>If the measurement location is on the boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply (Section 10.2.025 E).</u>

Response 138

The City would be the responsible party for compliance with the Development Agreement. The public can provide comments to the City as a part of the City's annual review of the Development Agreement.

Response 139

Traffic volumes for West Hoag Drive were not counted because of the low volumes of vehicular movement on this private roadway. It should also be noted that West Hoag Drive adjacent to residences is closed to vehicular traffic between 8:00 PM and 7:00 AM. It is unlikely that the traffic volume on West Hoag Drive would generate noise levels approaching 65 dB CNEL at adjacent uses.

Response 140

Noise measurements at the tennis courts were not made because the Noise Ordinance specifically identifies private yard, patio, deck, or balcony as locations where noise measurements should be made.

Response 141

The last paragraph on page 3.4-11 has been modified and is included in the Final EIR as follows:

> Therefore, the noise level at Site 1 during the pumping operations is, perceptibly, almost four times greater, and the noise level at Site 2 was more than two times greater than permitted by the Noise Ordinance limit.

Response 142

It was City staff's determination in consultation with the City Attorney that grease trap cleanout is a property maintenance activity. The *Newport Beach Noise Ordinance* is presented in three sections of the *Municipal Code*: Sections 10.26, 10.28, and 10.32. Section 10.28 "Loud and Unreasonable Noise" is what is often referred to as a "Nuisance Ordinance" because it does not contain any specific noise level limits. It prohibits "the making, allowing, creation or maintenance of loud and unreasonable, unnecessary, or unusual noises which are prolonged, unusual, annoying, disturbing and/or unreasonable in their time, place and use are a detriment to public health, comfort, convenience, safety, general welfare and the peace and quiet of the City and its inhabitants." The specific provisions of Section 10.28 were revised substantially by the City in 2001, but the concept of the section was unchanged. Sections 10.28.040 and 10.28.045 regulate construction noise and property maintenance noise. These Noise Ordinance sections limit the hours of these activities to daytime hours. Section 10.32 "Sound Amplifying Equipment" regulates the use of sound amplification equipment and provides for permitting of sound amplification equipment. Loading dock noise and operations in other locations in the City are not applicable to the proposed project.

Response 143

Please refer to the response to Comment 142.

Response 144

The noise measurements measured all sound generated by activity at the loading dock. Backup beepers were not observed to be a substantial source of noise.

Response 145

As addressed in Section 3.4 of the Draft EIR, operation of the sterilizer and trash compactor were never distinctly audible during the measurements of loading dock noise. The noise generated by the grease trap cleaning was much greater than that generated by activity at the loading dock. Therefore, it is likely that the noise generated by the grease trap cleaning would completely dominate and mask any noise generated by the operation of the sterilizer and trash compactor concurrently. However, it is noted that the grease trap is not operated on a daily basis.

Response 146

Noise measurements were made independently of hospital operations and it is not known what equipment was operating. As discussed in Section 3.4, noise generated by the operation of the trash compactor, sterilizer, and box crusher was never distinctly detectable even when it was visually observed that some of this equipment was operating.

Response 147

Whether this type of exceedance is common throughout the City is beyond the scope of the EIR for this project. The City has conducted formal reviews of the Development Agreement but they have not been conducted annually. The last formal annual review was conducted on June 28, 1999. Although the City has not requested or set a formal annual review proceeding since 1999, the City has required Hoag to submit project status reports; reports have been provided to the City for the period of January 1, 1999 through December 31, 2003, the period January 1, 2004 through June 30, 2006, and the period July 1, 2006 through April 30, 2007.

Response 148

The comment is incorrect. For the purposes of the Noise Ordinance, the Noise Ordinance specifically identifies "mixed use residential" as residential units within 100 feet of a commercial property where noise is from said commercial property (see Section 3.4 of the Draft EIR and Section 1.3.2 of Appendix F). Noise measurements summarized in the Draft EIR were taken when the cogeneration facility was operational.

Response 149

The City is not suggesting that the future park site is not subject to any existing noise. However, with regard to the commenter's suggestion that noise mitigation is needed for parks in the vicinity of Hoag, park areas are not subject to any City Noise Ordinance limits (see Draft EIR, page 3.4-14).

Response 150

Please refer to Topical Response 1. Regarding commenter's suggestion that projects at Hoag have been allowed to proceed on a piecemeal basis without environmental review, the City is unaware of any such projects. Final EIR No. 142 examined all potential environmental impacts of the buildout of the Hoag Master Plan, and as such, all prior projects at Hoag, having been

developed consistent with the Master Plan did not proceed in a piecemeal basis, as might have occurred if individual development projects at Hoag had proceeded with individual CEQA review. Please also refer to the response to Comment 82.

Response 151

The commenter is reminded that the cogeneration facility is not a part of the proposed Master Plan Update Project; see Topical Response 1. The cogeneration facility is an existing and fully permitted facility. With regard to the commenter's statements regarding future expansion of the cogeneration facility, as discussed further in Topical Response 1, three additional engines may be located within the existing structure of the cogeneration facility and will require permitting from the South Coast Air Quality Management District.

Response 152

For a general discussion on the cogeneration facility, please refer to Topical Response 1. The Noise Ordinance regulations apply to this use. The noise levels for the cogeneration facility are below the nighttime criteria of 50 dBA contained in the Noise Ordinance. With the current equipment in operation, the noise levels generated by the cogeneration facility are in compliance with the Noise Ordinance at locations 2 and 3. Thus, no mitigation to further reduce noise at the cogeneration facility beyond that already required to meet City Noise Ordinance limitations is required (Draft EIR, page 3.4-36 (Mitigation Measure 3.5-9).

Response 153

Table 3.4-5 in the Draft EIR shows traffic noise level increases for two conditions ("Over Existing" and "Due to Project") for two analysis years (2015 and 2025). The "Over Existing" condition gives the projected traffic noise level changes between existing conditions (i.e.; current traffic noise levels) and future conditions in the year of analysis considering traffic volume changes due to the implementation of the proposed project as well as all other traffic growth projected for the analysis year. The "Due to Project" condition gives the projected difference in the traffic noise level in the year of analysis with and without the project. Without project conditions includes the development of the currently approved Master Plan. The changes in noise levels were calculated using traffic volume data provided by the traffic engineer and reflect the assumptions used to generate the traffic volumes.

Response 154

Based on a walk of the street, there are no residences on Via Lido between Newport Boulevard and Via Oporto which is more than 500 feet from Newport Boulevard and more than a "very short distance." Noise levels cannot be projected at a location that does not exist.

Response 155

Traffic noise levels were calculated using traffic volumes provided by the traffic engineer for the project. As noted in previous responses and as addressed on page 3.2-4 of the Draft EIR, the Master Plan Update traffic study was prepared using the current City of Newport Beach Transportation Model (NBTM). The NBTM includes cumulative regional growth including growth within and outside of the City. This includes traffic from neighboring jurisdictions. These projections include all reasonably foreseeable and probable future projects in the region. Therefore, the noise analysis has accounted for cumulative projects.

Response 156

Cumulative impacts are measured against three criteria all of which must be met for a significant impact to be identified; (1) There must be a clearly discernible increase in traffic noise levels over existing conditions (3 dB or greater), (2) the project must contribute noticeably to this increase (i.e.; the increase due to the project must be 1 dB or greater), and (3) the projected future noise level must exceed the applicable noise criteria (e.g.; 65 CNEL for residents. As discussed in the EIR text there are four segments that satisfy the first criteria (1) Hoag Drive south of Hospital Road, (2) Hoag Drive north of West Coast Highway, (3) Tustin Avenue north of West Coast Highway, and (4) Bayside Drive north of East Coast Highway. All but one of these segments, Hoag Drive north of West Coast Highway, satisfies the second criteria. However, none of the segments satisfy the third criteria and therefore there are no significant cumulative traffic noise impacts. The third criterion does not involve a comparison of conditions with the approved Master Plan and therefore this does not change the finding of no significant cumulative traffic noise impacts.

Response 157

The Noise Ordinance identifies what activities and what noise levels should be acceptable to the community. The comment is correct in that the noise levels generated by the grease pit cleanout would result in the disruption of normal conversation and is sufficiently high to be annoying to the residents while it is in operation.

As is stated on page 3.4-13 of the Draft EIR, noise levels in the vicinity of the loading dock (where the grease trap cleaning operation is also located) have not substantially increased. The Draft EIR acknowledges the high levels of noise that can be generated by grease trap cleaning activities. However, the City considers grease trap cleaning a property maintenance activity. The *Newport Beach Noise Ordinance* is presented in three sections of the *Municipal Code*: Sections 10.26, 10.28, and 10.32. Section 10.28 "Loud and Unreasonable Noise" is what is often referred to as a "Nuisance Ordinance" because it does not contain any specific noise level limits. It prohibits "the making, allowing, creation or maintenance of loud and unreasonable, unnecessary, or unusual noises which are prolonged, unusual, annoying, disturbing and/or unreasonable in their time, place and use are a detriment to public health, comfort, convenience, safety, general welfare and the peace and quiet of the City and its inhabitants." The specific provisions of Section 10.28 were revised substantially by the City in 2001, but the concept of the section was unchanged. Sections 10.28.040 and 10.28.045 regulate construction noise and property maintenance noise. These Noise Ordinance sections limit the hours of these activities to daytime hours. Section 10.32 "Sound Amplifying Equipment" regulates the use of sound amplification equipment and provides for permitting of sound amplification equipment.

Property maintenance occurring between the hours of 7:00 AM and 6:30 PM Monday through Friday or between the hours of 8:00 AM and 6:00 PM on Saturday is exempted from the Noise Ordinance criteria. Therefore, the grease trap cleaning is exempt from the Noise Ordinance limits as long as it occurs during these hours. Property maintenance activities are prohibited on Sundays and federal holidays (see Draft EIR, pages 3.4-11 and -12). Although the grease trap cleaning is exempt from the City's Noise Ordinance because it is a maintenance activity and maintenance occurs during hours stipulated by the Noise Ordinance, the hours for maintenance have already been changed to occur on a Saturday between the hours of 11:00 AM and 3:00 PM.

Response 158

The comment is noted. The City concurs and has been actively working with Hoag to modify existing mechanical equipment.

Response 159

At the time of the preparation of the EIR, the new kitchen exhaust fans had not been specified by the mechanical engineer for Hoag. The replacement of these exhaust fans is not part of the proposed Master Plan Update Project. However, the City is currently working with Hoag to replace and/or modify mechanical equipment.

Response 160

Mitigation Measures 3.4-2 and 3.4.-3 require that Hoag provide a detailed analysis to the City of how the fan noise will be mitigated to meet the noise limits.

Response 161

Mitigation Measures 3.4-2 and 3.4.-3 require that Hoag provide a detailed analysis to the City of how the HVAC, including the air handlers, will be mitigated to meet the noise limits.

Response 162

Noise measurements were made in 1991 near the loading dock. The measurements were not made in the exact same locations or in the same manner and therefore, the results are not directly comparable. However, the noise levels measured in 1991 look similar to the noise levels measured for this assessment.

Response 163

According to Hoag, expansion of the hospital would require that more goods be delivered to Hoag, but that this would not result in a corresponding increase in the number of truck deliveries. A supplier, for example, who currently makes three deliveries per week to Hoag would likely continue to make three deliveries per week with each delivery containing a greater quantity of goods. The proposed Master Plan Update Project does not assume more development than the existing Master Plan.

Response 164

As stated in the Draft EIR, page 3.4-5, noise levels at Hoag are currently exempt from application of the City's Noise Ordinance, inclusive of Table N, to the extent that the noise limitations presented in the Development Agreement and those in the City's Noise Ordinance conflict. As part of the proposed Master Plan Update Project, Hoag is modifying the Development Agreement, of which the PC Text is a part, to self-impose the limitations of the City's Noise Ordinance for the entire campus with the modifications only for the loading dock area. Thus, the noise restrictions contained in the PC Text would be the restrictions enforced by the City. This is entirely within the scope of the Noise Ordinance and its exemption provisions to allow for modified noise limitations for projects such as Hoag. The proposed noise limits which would increase the allowable noise level for the loading dock have been identified as resulting in an unavoidable adverse impact. Mitigation measures were explored and discussed. Please also refer to the response to Comment 136 and Topical Response 3.

Response 165

Please refer to the response to Comment 84.

Response 166

The addition of a fourth cooling tower is not part of the proposed project. However, the noise assessment evaluated this change. The addition of a fourth cooling tower would increase noise levels by 0.6 dB and the resulting noise levels at the residences would be in the range of 46.7 to 50.4 dB. All the necessary permits have been secured for the cooling tower from the City and the State of California Office of Statewide Health Planning and Development (OSHPD). What other approvals have been granted and what environmental review was conducted for the cogeneration facility is beyond the EIR scope.

Response 167

Please refer to Topical Response 1. The City is not aware of any other equipment that would be added to the cogeneration facility that is not addressed in the Master Plan Update EIR.

Response 168

Waiting areas for valet parking are not considered noise sensitive. The people using these areas are only there for a short period of time, and quiet is not a significant concern in these areas.

Response 169

The comment relates to noise levels from stationary sources and implies that such sources will not be controlled in such a way to protect sensitive receptors consistent with the City's Noise Ordinance. The City's Noise Ordinance will be applied throughout Hoag with modifications only in the vicinity of the loading dock. Within the loading dock area, as was described in response to Comment 11, all feasible mitigation measures have been or will be implemented to provide the most protection to off-site sensitive receptors from excessive noise. Please also refer to Topical Response 3. Policy N 4.1 cited by the commenter relates to stationary sources. As described in greater detail on pages 3.4-24-26 and 3.4-27, stationary sources at Hoag either already meet limitations in the City's Noise Ordinance or will be mitigated to achieve noise levels meeting or better than the proposed modified Noise Ordinance limitations described in the Draft EIR. In this way, the goal of Policy 4.1 will be fulfilled by the Master Plan Update Project.

Response 170

As stated on page 3.4-17 and page 3.4-24 of the Draft EIR, construction activities and maintenance activities would be required to be conducted at Hoag in full compliance with hourly limitations on such activities imposed by the City's Noise Ordinance. With regard to other aspects of the proposed Master Plan Update Project's compliance with the City's Noise Ordinance, how the proposed Master Plan Update Project's modifications to the PC Text are within the scope of the Noise Ordinance and enforcement of the noise limitations for the proposed project, the commenter is directed to the response to Comment 168.

Response 171

As addressed on page 3.4-30 of the Draft EIR, the General Plan Noise Element Policy N 4.1 states "Enforce interior and exterior noise standards outlined in Table N3, and in the City's Municipal

Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment. (Imp 7.1)" The Draft EIR acknowledges that the noise generated at Hoag would be governed by the Noise Ordinance with two exceptions: (1) noise limits adjacent to the loading dock area would be increased; (2) delivery vehicles and the loading and unloading of delivery vehicles would be exempt from noise standards. Mitigation is required to minimize noise from stationary noise sources. As noted in the response to Comment 164 and as stated in the Draft EIR, page 3.4-5, noise levels at Hoag are currently exempt from application of the City's Noise Ordinance, inclusive of Table N, to the extent that the noise limitations presented in the Development Agreement and those in the City's Noise Ordinance conflict. As part of the proposed Master Plan Update Project, Hoag is modifying the Development Agreement, of which the PC Text is a part, to self-impose the limitations of the City's Noise Ordinance for the entire campus with the modifications only for the loading dock area. Thus, the noise restrictions contained in the PC Text would be the restrictions enforced by the City. This is entirely within the scope of the Noise Ordinance and its exemption provisions to allow for modified noise limitations for projects such as Hoag. Please also refer to Topical Response 3.

Response 172

The opinions of the commenter are noted and will be taken into consideration by the City's decisionmakers.

Response 173

The cogeneration facility is a 24-hour per day operation supporting Hoag which operates 24 hours per day every day of the year, and limiting the hours of operation is not feasible. The Child Care Center has not been identified as a significant noise source; noise mitigation is not required.

Response 174

The commenter states that the proposed Master Plan Update Project, including but not limited to the expansion of the cogeneration plant, will have significant adverse impacts to the adjoining park, Pacific Coast Highway, and nearby residences. In fact, the proposed project is not an expansion but rather a modification of the prior approved Master Plan and will not allow any increase in height restrictions, gross floor area, or overall development. Final EIR No. 142 addressed the entire Master Plan and any significant impacts from that project. Further, the cogeneration plant is an existing facility; see Topical Response 1.

Response 175

The City of Newport Beach does not have adopted significance criteria for shade and shadow. In a recent CEQA document, the City required that a shade study be prepared to show that "...new development will not add shade to the designated residential areas beyond existing conditions for more than three hours between the hours of 9 AM and 3 PM Pacific Standard Time, or for more than four hours between the hours of 9 AM and 5 PM Pacific Daylight Time (see Addendum to the City of Newport Beach General Plan 2006 Update Final Environmental Impact Report, November 2007). The City of Costa Mesa uses the following significance criteria: Cast shade or shadow onto sensitive uses in adjacent off-site areas for more than two hours between the hours of 10:00 AM and 3:00 PM.

The shade and shadow analysis included in Final EIR No. 142 was based on a worst-case assumption of structures in the Upper Campus built to the maximum height limits established for

the Upper Campus. These height limits do not change with the proposed Master Plan Update Project. Table 4.9.B of Final EIR No. 142 (page 4-176) identifies for the two condominiums buildings in Villa Balboa closest to Hoag the duration of shade under existing conditions and future conditions. Future conditions would be applicable for both the existing and proposed Master Plans.

However, Final EIR No. 142 concluded that this would not be considered a significant impact of the Master Plan because of the short duration during the year; the fact that the shading effects only affect a portion of the structures during the early morning hours; and the fact that the increased shade would not substantially limit solar energy access to the structures (see page 4-179). Since the proposed Master Plan Update would not alter the maximum allowable height buildings at Hoag, these potential impacts would not be different from what was previously addressed. Applying the City of Costa Mesa's significance criteria and the City of Newport Beach's study criteria for a recent Addendum, neither the existing Master Plan nor the proposed Master Plan Update Project would have a significant shade/shadow impact.

TABLE 4.9.B – STRUCTURAL COVERAGE/SHADOW DURATION

Time of Year / Building Condition		Summer Solstice		Equinox		Winter Solstice	
		Existing	Future	Existing	Future	Existing	Future
Building A	8 a.m.	30%	35%	40%	70%	15%	85%
	9 a.m.	5%	8%	15%	20%	5%	35%
	10 a.m.	0%	0%	0%	0%	0%	0%
Building B	8 a.m.	0%	45-50%	0%	25%	1%	3%
	9 a.m.	0%	15%	0%	10%	0%	0%
	10 a.m.	0%	0%	0%	0%	0%	0%

Solar energy access was addressed in the Final EIR No. 142 Air Quality section; for consistency purposes, solar energy access was addressed in the Air Quality section of the Master Plan Update Draft EIR. Final EIR No. 142, page 4-178, states:

> With respect to solar energy access, Buildings A and B are both south facing and therefore well suited for solar energy use. However currently neither building has solar energy systems in place and operating. As indicated by the above analysis, all shade and shadow impacts occur during the 8 a.m. and 9 a.m. hours. The proposed Master Plan project will not result in any impacts following 10 a.m. for any day of the year. Therefore, the project will not impact the solar heating of Building A or B in the critical portion of the day, from 10:00 a.m. through to sunset.

Since the proposed Master Plan Update would not alter the maximum allowable height buildings at Hoag, the proposed project would not impact solar energy access.

Response 176

From the future park site west of Superior Avenue (Sunset Ridge Park), one would see uses including but not limited to the existing multi-family residential development to the north; Superior Avenue and portions of the Villa Balboa condominiums, the parking area at Coast Highway/Superior Avenue, and the Lower Campus including portions of the cogeneration facility to the west.

Response 177

Please refer to Topical Response 1.

Response 178

Please refer to Topical Response 1.

Response 179

The Draft EIR does not analyze shade and shadow impacts at this location since the modifications to the project do not allow for any increases in building heights over what was approved in 1992.

Response 180

Please refer to Topical Response 1.

Response 181

Please refer to Topical Response 1.

Response 182

Please refer to Topical Response 1. Contrary to the comment, the roof of the cogeneration facility is void of any equipment and is a considered a clean roof. The only variation in the roof comes from screens built specifically to enhance the appearance of the heat vents. Landscaping has been installed and additional landscaping plans have been submitted to the California Coastal Commission for approval based on Hoag's discussions with the Villa Balboa Liaison Committee and Councilman Rosansky to improve the aesthetics of the facility. The installation of the additional landscaping will occur following Coastal Commission approval.

Response 183

Please refer to Topical Response 1.

Response 184

The comment suggests that development of the Lower Campus will have adverse impacts on ocean views. Impacts to ocean views with development of the Lower Campus were fully addressed in Final EIR No. 142 and determined to be less than significant. Final EIR No. 142, page 4-185. As all future development on the Lower Campus must comply with already established height restrictions, the Draft EIR appropriately concludes that aesthetic impacts from development of the Lower Campus with the proposed Master Plan Update Project will be less than significant (see Draft EIR, page 3.5-7).

With regard to the use of story poles on new buildings for the Lower Campus where ocean views could be affected, Hoag has never committed to a program by which story poles would be used for all buildings on the Lower Campus. However, at Villa Balboa's request, Hoag had agreed to provide story poles to assist in the community's understanding of the once-proposed Outpatient Building and associated parking structure. These structures were proposed to be adjacent to the Cancer Center. Hoag subsequently eliminated these buildings from

consideration, notified Villa Balboa that the building and parking structure would not be constructed, and has no current plans to revive plans for these facilities.

As discussed in detail on page 3.5-7 of the Draft EIR, there are very specific height requirements for the Lower Campus (PC Text, included as Exhibit 3.1-2 of the Draft EIR) and how height is to be measured. These height limitations are designed to preserve the ocean views from areas above the Lower Campus. Hoag has met all height limit restrictions for all construction on the Lower Campus and would be bound to these same requirements for any future construction. Implementation of the proposed Master Plan Update Project will not modify the height requirements and would have the effect of reducing development on the Lower Campus in comparison to what is already approved with the existing Hoag Master Plan. Thus, impacts to views from areas above the Lower Campus, including Villa Balboa and the adjacent park will be less than significant as concluded in the Draft EIR (p. 3.5-8). Use or not of story poles will not change the impacts conclusions reached in the Draft EIR, and story poles are not required to mitigate any impacts on ocean views.

Response 185

Please refer to the response to Comment 60.

Response 186

At Hoag, 20 trees have been removed and over 50 trees have been trimmed in the last six months. A portion of these trees were trimmed to comply with the required height limits of the Lower Campus, and a portion were trimmed or removed at the request of adjacent residents to the north of the Lower Campus to remove view obstructions from these residences.

Response 187

Hoag is working with the City to determine the best solution for this issue keeping the Villa Balboa residents' requests and the need for security in mind. Initial plans shown to Villa Balboa were denied by the City.

Response 188

While not a part of the proposed Master Plan Update Project, the City is aware of community concerns regarding lighting of the Lower Campus. As such, the following information is provided. Hoag is in the process of redesigning the lighting plan for the Lower Campus to convert all parking area lights to high-pressure sodium. Lighting was installed in summer 2007 on a portion of the Lower Campus proximate to the cogeneration facility and adjacent parking areas. Villa Balboa requested the lighting fixtures be adjusted as they felt the new lighting was too bright. Hoag is in the process of obtaining City approval to replace the 400 metal halide fixtures with 250 watt high pressure sodium fixtures, which provide a monochromatic or amber light source similar to City streetlights. Additionally, the light located on the upper level of the cogeneration facility service road is proposed to be replaced with florescent postlights with motion sensor switching. Once City permitting is obtained for these new fixtures, they will be installed.

Response 189

The commenter suggests that the Draft EIR must consider an alternative that would allow the reallocation of buildable area but maintain noise limits consistent with Newport Beach Noise Zone 1 and must also consider an alternative that would relocate major noise generators

elsewhere on the site. In fact, there is no legal obligation that the Draft EIR consider any alternatives since it is supplementing an existing EIR that already had a detailed alternatives analysis. A Supplemental EIR need only focus on those portions of the prior EIR that require minor additions and modifications. In any event, an EIR need contain only a range of reasonable alternatives that could feasibly accomplish most of the basic objectives of the project or could avoid or substantially lessen one or more of the significant effects. Of the two alternatives mentioned by the commenter, the first, which would allow reallocation but maintain noise limits, does not address the issue. It is not the reallocation of buildable area that creates the situation requiring higher noise limits at the loading dock. The only area for which noise exceeds the City Noise Ordinance at neighboring receptor sites is in the vicinity of the loading dock. Numerous efforts have been made over the past few years to come up with feasible mitigation that could reduce noise in this location to applicable standards. No feasible mitigation has been developed that can accomplish this, but a number of other measures have helped reduce the noise in this location and all of this have been, or will be, implemented. Relocation of the loading dock is not feasible for all the reasons discussed in response to comment 136 above. The loading dock was constructed prior to the development of Villa Balboa and other nearby residential areas. Therefore, noise would have been generated from that loading dock at the time persons moved into the residences.

Response 190

Under the heading Growth Inducement, the commenter suggests that the Draft EIR must examine housing demand that would be created by additional development at Hoag. No additional development proposed as a part of the Master Plan Update. Final EIR No. 142 examined this issue in detail and there is nothing in the proposed Master Plan Update Project that would change that analysis.

Response 191

Under the heading Growth Inducement, the commenter suggests that the Draft EIR must examine how adoption of the proposed exemptions to the Noise Ordinance will set a precedent for other additional exemption and increased noise elsewhere in the City. It is unclear to the City how this issue relates to growth inducement. Growth inducement focuses on situation in which a new project will induce future growth in the area as a result of things such as new roads, new water service, new sewer facilities, new schools, etc. It is unclear how adoption of the proposed modifications to the Noise Ordinance at the loading dock would induce future growth in the area.

Response 192

Please refer to the response to Comment 15 for a discussion generally of water quality issues including issues related to TMDLs. Because compliance with TMDLs is the direct responsibility of the City and because development at Hoag would occur in compliance with City-imposed water quality regulations and programs, implementation of the proposed Master Plan Update Project would not adversely affect the ability of the City to meet its TMDL obligations.

Response 193

Please refer to the response to Comment 15 regarding how water quality treatment as well as other water quality controls required by the Drainage Area Management Plan and the City's Local Implementation Plan would be implemented at Hoag.

Response 194

Please refer to the response to Comment 15. Water quality impacts from the proposed Master Plan Update Project were determined to be less than significant and further discussion in the Draft EIR was not required. Response 15 also addresses how future development at Hoag would comply with currently applicable water quality regulations. With regard to treatment options, treatment devices are determined as part of the design process for Water Quality Management Plans and are dependent, in part, upon site-specific limitations and pollutants to be treated; as such (Model WQMP, page 7.II-35-36 (included as part of the City's Local Implementation Plan), the selection of water quality treatment controls will be selected in the future as WQMPs for specific development projects are designed.

Response 195

Please refer to the response to Comment 16.

Response 196

Please refer to the response to Comment 16.

Response 197

Studies were conducted throughout the progress of Hoag's Lower Campus leveling project. Soil movement measurements were taken prior to, during and after the construction of the retaining wall and no measure of movement was indicated. To the best of the ability to monitor, no correlation was found between the cracks and Hoag's project.

Response 198

Please refer to Topical Response 1.

Response 199

As addressed in Section 1, Executive Summary, of the Draft EIR, the proposed Master Plan Update Project is not expected to have impacts to other public facilities or to utility service as the Project does not propose any additional square footage beyond that currently allowed for the Hoag site. No significant impacts were identified in Final EIR No. 142. All issues related to potential impacts of Hoag on public services and utilities were adequately addressed in Final EIR No. 142. Please also refer to Topical Response 1.

With regard to the commenter's statements about sewer lines, please refer to the response to Comment 15. Regarding the commenter's statement that water supply issues have not been sufficiently addressed and that a water supply assessment is necessary for the proposed project: California Water Code Section 10910, *et. seq.* requires that a water supply assessment be prepared for "projects," as defined under Water Code Section 10912. Under Water Code Section 10912, a "project" is defined as one of the following:

(1) a proposed residential development of more than 500 dwelling units;

(2) a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 sf of floor space;

(3) a proposed commercial office building employing more than 1,000 persons or having more than 250,000 sf of floor space;

(4) a proposed hotel or motel, or both, having more than 500 rooms;

(5) a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 sf of floor area;

(6) a mixed-use project that includes one or more of the projects specified in this subdivision;

(7) a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

The proposed Master Plan Update Project is not a "project" as defined under §10912. The Applicant, Hoag, is seeking the reallocation of up to 225,000 of *already approved* (but not developed) square footage from the Lower Campus to the Upper Campus. Hoag obtained entitlements for more than 500,000 sf of floor space in 1992, and is not seeking any additional square footage. Further, Hoag does not have any applications pending for the development of any structures in connection with proposed reallocation of square footage. Therefore, a water supply assessment is not required or necessary at this time. Additionally, with regard to water supply issues generally, the Initial Studies (included as Appendix A to the Draft EIR) concluded that impacts to water supply would be no different for the proposed project than predicted as part of Final EIR No. 142 which concluded that impacts to water supply from build out of the Hoag Master Plan would be less than significant with the mitigation (see Final EIR No. 142, page 4-209). Given that the Project would reallocate square footage, no additional analysis is required for water supply issues in the Draft EIR.

Response 200

As stated in the response to Comment 2, the City does not consider Villa Balboa to be a third-party beneficiary of the Development Agreement, and as stated in the response to Comment 4, the Development Agreement may be amended as proposed by the Hoag Master Plan Update project. The Draft EIR is sufficient to address all of the environmental impacts of the proposed Master Plan Update Project as explained in the various responses to this comment letter. As addressed in Topical Response 2 and response to Comment 10, the form of the environmental documentation prepared—supplemental EIR—is appropriate and need not be modified or recirculated to comply with CEQA.

Response 201

As part of their Master Planning process, Hoag representatives conducted a series of meetings commencing in 2006 with the Villa Balboa Community Association and the Villa Balboa Hoag-Liaison Committee. As part of that ongoing dialogue, Villa Balboa presented a list of issues and concerns with Hoag's ongoing operations and future plans. While many of these issues are not a part of the proposed Master Plan Update Project, the following information has been provided to the City by Hoag and summarizes Hoag's efforts to address those concerns.

Provide a Comprehensive Site Plan for Lower Campus

- At the commencement of the discussions in 2006, Villa Balboa expressed a concern that Hoag had not provided them with a comprehensive site plan for Lower Campus which

reflected the campus in its "as built" state. Hoag provided a comprehensive site plan for the Lower Campus with each existing building labeled and identified.

Hoag Employee Smoking – Sunset View Park

- Hoag posted a sign at the entrance to the park (adjacent to West Hoag Drive) stating that Hoag employees are not permitted to smoke in this area; existing ashtrays were removed. Hoag Security also patrols the area. Smoking by employees has been on the decrease since the installation of the sign.

Landscaping

- Installed five, 48-inch box evergreen screen trees and new irrigation in November 2007 to screen/soften the views of the west end of the cogeneration facility.

- Submitted plans to the California Coastal Commission (CCC) for permission to install three, 48-inch box evergreen screen trees and new irrigation to provide added screening of the cogeneration facility area with an estimated installation of May 2008 pending CCC approval.

- Submitted plans to the CCC to attach a green, metal screen lattice structure and plant flowering vines to cover the green screen on the east wall of the cogeneration facility in order to provide additional screening and softening of specific views of the cogeneration facility with an estimated installation of May 2008, pending CCC approval.

- Installed additional shrubs, groundcover, and new irrigation system to the slope behind the cogeneration facility upon completion of the retaining wall project in November 2007 to provide added visual quality and erosion control.

- Installed 24 trees, shrubs, and ground cover plantings and new water conserving irrigation system on the cogeneration facility in November 2007 to provide added visual quality screening and erosion control as part of completing the Lower Campus retaining wall project.

- Installed eight, 24-inch box evergreen screen trees in November 2007, at the base of the west parking lot to screen and soften views of the retaining wall.

- Installed twelve, 36-inch box flowering trees and four fan palm trees and irrigation system at end islands in the west parking lot in November 2007, to provide increased shade and visual enhancement to the parking area, with additional parking area trees to be installed in the future as construction needs in the area are completed.

- Installed 550 bougainvillea shrubs in November 2007, as part of the Lower Campus retaining wall project, for color and to soften of views along the top of the retaining wall.

- Requested an Approval In Concept (AIC) from the City of Newport Beach to re-grade the north slope above the retaining wall to allow shrubs, ground cover, and a new irrigation system to enhance visual quality, safety, and erosion control. To be installed in January 2009 pending City and CCC approval.

- Installed 17 trees, shrubs, groundcover, and new irrigation system in December 2007 around the new Child Care Center to provide added visual quality, parking area screening and building drop-off and entry area definition.

- Replace trees, shrubs, and groundcover and enhance planting areas as part of the Lower Campus utility upgrade project to improve and unify Hoag landscaping along the West Coast Highway frontage after utilities are installed. Installation tentatively scheduled for December 2009, pending City AIC and CCC approval.

- Install approximately 870 linear feet of green screen lattice along the West Coast Highway frontage to screen views of the west parking lot and cogeneration facility from West Coast Highway. This landscape project is in preliminary design with installation tentatively scheduled for December 2009 pending City AIC and CCC approval.

- Hydroseeding of native groundcover including coastal wild flowers and grass, as well as irrigation system installed in December 2007 for erosion control and enhanced visual quality.

- Twenty trees have been removed and over 50 trees have been trimmed in the last six months. A portion of these trees were trimmed to comply with the required height limits of the Lower Campus, and a portion were trimmed or removed at the request of adjacent residents to the north of the Lower Campus to remove view obstructions from these residences.

Parking Lot Lighting

- Hoag is in the process of redesigning the lighting plan for the Lower Campus to convert all parking area lights to high-pressure sodium. Lighting was installed in summer 2007 on a portion of the Lower Campus proximate to the cogeneration facility and adjacent parking areas. Villa Balboa requested the lighting fixtures be adjusted as they felt the new lighting was too bright. Hoag is in the process of obtaining City approval to replace the 400 metal halide fixtures with 250 watt high pressure sodium fixtures, which provide a monochromatic or amber light source similar to City streetlights. Additionally, the light located on the upper level of the cogeneration facility service road is proposed to be replaced with florescent postlights with motion sensor switching. Once City permitting is obtained for these new fixtures, they will be installed.

Completion of the Childcare Facility

- Villa Balboa residents expressed concerns regarding the completion of the new Child Care Center and its landscaping and lighting. The new Child Care Center is complete and operational. The landscaping for the center has been installed. The parking lot lighting is consistent with the adjacent lighting of the Lower Campus (high pressure sodium amber fixtures); these lights have been put on timers. Around the Child Care area, the lights come on at 5:30 AM and go off at dawn to accommodate early child care drop-offs. The lights go back on at dusk and turn off at 8:30 PM. Hoag will be installing screens or shields on specific lighting fixtures on the building to reduce the glare.

Completion of the Lower Campus Retaining Wall

- Villa Balboa residents also expressed concerns with the timing of completion of the Lower Campus retaining wall. That wall is now fully constructed and the construction site associated with the construction has been removed.

Ongoing Construction Staging

- Villa Balboa residents have expressed an ongoing concern with the construction staging activities on the Lower Campus. They have also been concerned that the landscaping that was to be part of the Lower Campus has not been completed which contributes to their concerns with the overall appearance of the area. As noted above, the majority of the landscaping has now been completed or is in the process of receiving the necessary permits for completion. The construction areas have been cleaned up and construction trailers will be consolidated in one area adjacent at the west end of the Lower Campus, as feasible. Hoag has also provided stringent guidelines to its contractors to keep the area orderly and to not store equipment or supplies on the roof of the trailers. It should be noted that the use of the Lower Campus for construction staging is a necessary part of Hoag's ongoing operations and may change from time to time.

Cogeneration Facility

- Villa Balboa residents have expressed concerns with the appearance of the cogeneration facility. It should be noted that the cogeneration facility is an existing use which is fully permitted and not a part of the proposed Master Plan Update Project. However, it is noted that Hoag has submitted plans to the CCC to attach a metal green screen lattice structure and plant flowering vines to cover the green screen on the east wall of the cogeneration facility in order to provide additional screening and softening of specific views of the facility. The estimated installation is May 2008, pending CCC approval.

- The cogeneration facility was painted a buff/tan tone in September 2007, a color more consistent with existing buildings on the Hoag Lower Campus.

- Per the approved CCC Coastal Development Permit issued in 2002 for the cogeneration facility, all the required landscaping was installed. In addition, at the request of the Villa Balboa, as noted above, Hoag installed five, 48-inch box evergreen screen trees and new irrigation in November 2007 to screen and soften the views of the west end of the facility.