

*Debbie and Ed Stevens
1120 Sea Lane
Corona Del Mar, CA 92625*

April 29, 2009

Mr. Jaime Murillo
Associated Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915

Dear Mr. Murillo:

We appreciate the opportunity to comment on the Notice of Preparation/Initial Study (NOP/IS) for the proposed Newport Beach City Hall and Park Development Plan. As residents of Corona Del Mar and Harbor View Hills, we have closely followed the proposed development of City Hall and the Park.

We are happy to see that the scope of the EIR is broad and will evaluate the impacts of City Hall development on aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. Our specific comments and concerns are outlined below.

1. Aesthetics

Because of the existing scenic quality of the site, aesthetic impacts to both public and private views are critical, including light and glare. The current City Hall design appears to protect the view plane and we support this design. Any changes from the design of City Hall that does not protect the view plane would result in significant aesthetic impacts. The potential aesthetic impacts to both public and private views must be addressed. The NOP/IS states that "Although no significant unavoidable impacts related to light and glare are anticipated, this topic will be addressed in the EIR . ." It is premature to conclude in the NOP/IS that no significant unavoidable impacts to light and glare will occur, especially when no justification was provided as to why no light and glare impacts are expected. The development of the library created significant light and glare impacts into the adjacent neighborhood. The proposed project includes an expansion of the library, new City Hall building and associated structures, and a new parking structure adjacent to MacArthur. The details of the development and what will be included was being debated at the City Council meeting as late as April 14, 2009 and will continue to be debated. The decisions regarding the specifications of the

development that is included as part of the project can dramatically affect environmental impacts. For example, the details of the parking structure (e.g., height, screening, treatment on the roof of the structure, etc.) are critical to analyzing the aesthetic and light/glare impacts. All of these factors need to be analyzed as part of the EIR.

2. Air Quality

The air quality impacts of the proposed project are a concern to nearby residential areas. Construction emissions must be calculated and their related health impacts must be evaluated, particularly impacts associated with particulates, including diesel particulate emissions. It is inappropriate to use default assumptions in models such as URBEMIS to estimate construction emissions because the construction of City Hall is different than an average 90,000 square foot commercial building because of the amount of grading that is being proposed. Default URBEMIS assumptions would not account for the amount of grading and would under estimate project emissions. A construction schedule that accounts for the various types of construction equipment must be developed and emissions for each phase of construction activities must be calculated.

The NOP/IS indicates that traffic emissions associated with operation of the City Hall will be calculated. Not only traffic emissions but emissions from other sources at the project site must also be calculated, e.g., landscaping activities, electricity generation, and natural gas use. Emissions from non-routine activities also must be included. The architects designing the City Hall and park site have talked about holding community events at City Hall and that the “great lawn” could accommodate about 2,000 people. Air quality impacts associated with such community events must also be addressed.

Greenhouse gas emissions and their potential impacts on climate change must be evaluated for both the construction and operational phases of the proposed project in order for the proposed project EIR to be adequate.

Both air quality impacts and their related public health impacts need to be addressed in the EIR.

4. Hazards and Hazardous Materials

While the EIR can incorporate the conclusions of a Phase I Environmental Site Assessment, the EIR must also address the impacts of hazardous materials used at the site, e.g., natural gas, pesticides, and any other types of hazardous materials that may be present.

The EIR should consider the potential impacts associated with emergency response at and adjacent to the site due to an increase in traffic in the vicinity of the new City Hall particularly during peak hour traffic.

5. Hydrology and Water Quality

The NOP/IS indicates that hydrology and water quality will be evaluated but does not mention the potential impacts of ground water intrusion on the new buildings. Ground water intrusion was a problem with the development of the existing library and is also a potential problem with the proposed City Hall and related structures which are proposed adjacent to the existing library.

6. Noise

We are very concerned about noise impacts during both construction and operation activities associated with the City Hall and park development. The EIR must address construction noise impacts and noise impacts associated with the operation of the City Hall and related facilities. Noise impacts must include non-routine community events at City Hall and not just day-to-day activities.

7. Population and Housing

The NOP/IS indicates that the proposed City Hall structure would replace an existing City Hall structure and is not expected to result in an increase in City employees. This is not an accurate statement as the proposed City Hall has been designed to be larger and include more space than what the City currently needs, so it has been designed to handle growth. This fact was discussed at the City Council meeting on April 14, 2009, as Councilman Henn questioned the need for additional building space. Therefore, the impacts of the full build out and operation of City Hall need to be included. All environmental resources in the EIR also need to consider impacts at full build out and operation including aesthetics, air quality, noise, population and housing, public services, recreation, transportation/traffic, and cumulative impacts.

8. Recreation

The construction of City Hall at the proposed location would minimize the availability of land for use as a park and loss of open space. These impacts on recreation should be considered.

9. Transportation and Traffic

Traffic impacts are a big concern because of the existing traffic problems primarily at the San Joaquin/Avocado/MacArthur intersection. Traffic impacts must be addressed for construction and operation activities, including routine City operations, as well as non-routine community events, which could generate more people and traffic than routine operations. Also, transportation impacts must consider the full buildout of the City Hall.

10. Cumulative impacts

The EIR needs to address cumulative impacts, especially related to air quality, noise and traffic. The City has approved additional building in Fashion Island, some of which is currently under construction, which will generate additional development, noise, traffic, air quality impacts, etc., than currently exist. Per CEQA Guidelines, Section 15130(1) a list of past, present, and probable future projects producing related or cumulative impacts must be considered in order to provide an adequate discussion of significant cumulative impacts.

11. Alternatives

The EIR must address feasible alternatives including the no project alternative (CEQA Guidelines Section 15126.6). The environmental impacts of the no project alternative are required to be addressed (CEQA Guidelines, Section 15126.6(e)) to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. In the case of the current project, the no project alternative would be to leave City hall at its existing location. Another feasible alternative is to redevelop the existing City hall site. A number of feasible sites for City Hall have been considered including several locations in the Fashion Island area, including the 500 Block of Avocado (with access off San Nicolas) and on Santa Barbara east of the police station. All of these alternatives must be considered as they are all feasible alternatives (CEQA Guidelines, Section 15126.6(f)(2)) and may potentially reduce significant impacts (e.g., traffic and aesthetics) associated with the proposed project.

The City and EIR consultants indicated at the NOP Scoping meeting on April 22, 2009 that one alternative that was being considered was the "less grading alternative." We do not support this alternative. It is doubtful that this alternative would reduce any significant environmental impacts and, therefore, should not be evaluated. Per the CEQA Guidelines "(t)he alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project" (CEQA Guidelines, Section 15126.6(f)). It is likely that the less grading alternative will result in significant aesthetic and light and glare impacts.

J. Murillo
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We request that the above comments be incorporated into the Draft EIR. Please notify us when the Draft EIR is available for review as we look forward to reviewing the Draft EIR. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Debra Bright Stevens". The signature is written in a cursive, flowing style.

Debra Bright Stevens