LOCAL AGENCIES AND COMMITTEES

Letter 4

HOAG MP DSEIR 11-07

COMMENTS

To: James Campbell
Planning Department
City of Newport Beach

20 November 2007

From: Environmental Quality Affairs Committee (EQAC)

Subject: DSEIR Hoag Memorial Hospital Presbyterian Master Plan Update, SCH No. 1991071003, September 2007

EQAC is pleased to submit the following comments regarding the subject DSEIR. We hope that these comments will assist you in optimizing the proposal project for maximum benefit to the City of Newport Beach on the entire Hoag Hospital service community.

1.0 Executive Summary

Pg. 1-4, top paragraph refers to a need to amend the Development Agreement to provide for "an increase in the public benefits....and eliminate unnecessary references." Please identify these "unnecessary" references. 1

Pg. 1-6 under Noise asserts that "the project would not result in significant project-specific exceedences", but that "roadway noise would exceed the 65 CNEL along roadway surrounding Hoag". How is this statement consistent with: 1) the requirement on pg. 1-3 to exempt loading and unloading of delivery vehicles from applicable noise standards and 2) that all mitigation measures under impacts 3.4.1 to 6 assert that all noise impacts are mitigated to no impact or less than significant? 2

Pg. 1-8 says that comments were received from Newport Beach Townhouses Home Owners Association on the IS/NOP. However, no such communication can be found in Appendix A. Please explain? 3

Pg. 1-16, mitigation measure 104 allows trucks doing excavation and concrete pours from 1 September to 1 June to operate up to 25 trips/hr. This seems high. Is there a City ordinance or guideline allowing such high levels of truck traffic? 4

Pg. 1-21 Impact 3.2-5 refers to City of Newport Beach General Plan. It should be stated that the 2006 version of the Updated General Plan is applicable. 5

Development Assumptions and page 3.2-11 where it states: "As previously noted, no site – specific development projects are proposed as part of the proposed master plan update project").

This type of generalized advanced planning makes it difficult for the decision makers to decide where and how much parking should be located in specific locations on the upper campus to accommodate this increased development. If the increased development consists of office buildings for use by employees of the hospital, without any probable visitation by outsiders to those particular offices, then one formula for parking availability could be calculated. But, if the use involved out-patient surgery and medical offices where numerous patients were being seen throughout the day and released throughout the day, then substantially greater parking would be needed in the upper campus to provide for these people.D

The DSEIR does not contain enough information on parking to determine whether sufficient parking will be provided at the upper campus. EQAC is concerned about potential impacts from insufficient parking (e.g., air quality) because page 3.2-5 shows that the upper campus generates 11,312 daily trips and the lower campus 2,676 daily trips.

In fact. EQAC is concerned that the DSEIR lacks upper and lower campus parking plans needed to accommodate future patients, visitors, vendors, delivery vehicles and employees. In view of this, meaningful impacts and mitigation cannot be evaluated.

At 3.2-32 the report indicates that parking impacts will be less than significant, but this conclusion cannot be supported without the information requested above.

19 cont.

Volume II Appendix C - Traffic Report

Page 18 indicates that the project would generate 3,342 daily trips on a typical weekday and because of the modification between space being allocated to the upper campus and the lower campus, the reduction in traffic for the lower campus would be 7,693 fewer trips per day. Then at page 18 it makes a statement that indicates that the project would result in an overall net reduction of trips of 4,351 fewer daily trips "when compared against conditions without the project."

All that was stated above in the text has got to be incorrect because when one looks at table 6 the project trip generating estimates it shows the total daily trips now existing are 13,988 and that the daily trips in the future with the addition of the project would total 22,801 daily trips.

But then again, page 21 and Table 7 show a net overall reduction of trips of 1,787 fewer daily trips when you compare the conditions that would occur without the project being built.

20

Fewer daily trips seems inconsistent with the proposed growth. 20 cont.

Air Quality and Human Health Risk

Short-term changes in air quality will result from construction, particularly dust particles and motor vehicle emissions. Measurements will exceed SCAQMD's thresholds of significance. Potential human health implications will result. Particulate matter is not measured at the Costa Mesa station, which is 4 miles from Hoag. The nearest monitoring site is in Mission Viejo. Please explain the process of predicting Newport Beach conditions based on measurements 15 miles away. 21

Long- term changes will result from more motor vehicle traffic, particularly at Placentia and Superior (Vol.1, p.3.3-20) and the addition of three generators to the three already operating at the cogeneration facility. According to this DEIR, the emissions from motor vehicles will decrease from those already approved for the original development. "This is due to the projected reduction in hospital vehicle trips". It is stated that if the full 225,000 square feet are transferred, there will be fewer trips between the upper and lower Hoag campus. (Vol. II, p. 27, Appendix D, pg.27 and Vol.I.p.3.3-20). Also, it is stated that "because of projected reductions in vehicle emissions associated with more stringent (future) standards", air pollution emissions would be lower by the year 2015. (Vol. I. p.3.3-21). Both of these statements are unproven assumptions. Mitigation based on changing habits, with more use of bicycles and buses, is also an unproven assumption (Vol.1, p.3.3-28). How is it known that CO hot spots won't develop and Mitigation Measure 121 is no longer needed? (Vol.1, p.3.3-33) 22

3.4 Noise

Pg. 3.4-3 Does the definition of Ldn contradict itself? Is Ldn penalized or not? 23

Pg. 3.4-5 Where is Lmax defined? Is the LEQ defined on 3.4-3 the same as Leq here? LEQ is defined as 1 hour so why Leq (15 min)? Municipal Code Item G is 10.26.035 not 10.26.35. 24

Pg. 3.4-8 How is it shown that the noise was dominated by traffic noise? Since Leq is average over 1 hour, how could persons walking in the park cause a 20-25% overage? 25

Pg. 3.4-10 This analysis used CNEL (which penalizes its noise readings) to compare to Leq or Lmax (which has no penalty) to show already high noise from the road so that Hoag noise would comparatively be diminished as per Table 3.4.2. This analysis displays a bias. 26

Pg. 3.4-11Please explain how measurements at sites 1, 2 and 3 (not on the property line) can be equated to noise requirements on the property line, as called for in the existing Development Agreement. 27

Noise from grease pit cleaning exceeds the City's noise standard by 30%, and impacts neighboring residents. Although EQAC is aware that this activity is exempt from Municipal Code standards as property maintenance, we request that additional mitigation measures to lessen the impact be explored. 27 cont.

Pg. 3.4-12 "Instantaneous exceedances" – Lmax is the greatest occurrence of noise event, but to say "instantaneous" is an imprecise interpretation that should not be included unless supported by test results quantifying event length. Since the 80 dba Lmax was exceeded 5 times, what were the causes and what were the Lmax values? 28

Para. 5 Last sentence – What was the mechanical equipment noise level? Show a test table. 29

Para. 6 Site 3. Why was the 80 dba Lmax exceeded on the 2nd floor & not the 1st? Please explain. These results are inconsistent. Please tabulate and analyze all test results. 30

Trash removal is the most significant event. Why are no test results shown? 31

Pg. 3.4-27 The Cogen noise levels reportedly "are in compliance", but we don't know what time of day the tests were taken. Also, the site of test 2&3 appears improper (when compared to EXH 2-3) by almost 50 ft. (estimate) and all tests at the property line appear to have failed the noise limits (the first 2 tests weren't even with a fully operational Cogen and are not relevant to this SEIR). Adding a 4th cooling tower appears to cause levels higher than even at sites 2 & 3. Finally Para. 6 states that "Cogen facility is already permitted and no further approvals are needed". This flies in the face of Pg. 1- 4 whereby Cogen appears to need a subsequent supplemental EIR based on item 3 of CEQA 2116 or 15162 based on 10% overage from start of being fully operational and will worsen with an additional cooling tower. 32

Pg. 3.4-28 Conclusion under Significant Impact is wrong. Cogen noise is now, and will be, significant. 33

Pg. 3.4-32 Mitigation Measures, MM3.4-2 and 3 are proposed to replace MM41. These replacement MM's call for compliance noise testing at the property line, which is proper. However, Loading Dock testing (pg. 3.4-10) and Cogen testing (pg. 3.4-12) were not done at the property line. What assurances are there that the property line testing will be done in compliance with the relevant MM's? Why does MM 3.4-3 not specify measurements at the property line? Also, MM 112 refers to work hours different from those shown on pg. 3.4-17. Which are the allowable hours per NB Municipal Code? 34

Pg. 3.4-34 Para.5 asserts that a 25 ft. wall is not feasible and would not be supported by the residents. Is engineering and/or financial analyses available to show this lack of feasibility? Are residents' statements of non-support included in 35

the SEIR? The SEIR states that there is currently a "dense vegetative landscaping barrier" in this area. Is this approach partially successful? If so, has a combination of wall and dense vegetation been considered for mitigation? 35 cont.

Pg. 3.4-35 Para.1, sentence 5. Please provide analysis showing that the loading dock cover wouldn't provide 8 db's of noise reduction. 36

The report discusses several noise sources that EQAC believes require further analysis, with a focus on mitigation for the benefit of residents adjacent to the property. 37

3.4 Aesthetics

Aesthetics – The Upper Campus has a height limit of 235 above mean sea level (msl). The Upper Campus Midrise Zone, which includes the area close to existing condominiums, can be built to a height of 140 feet above msl.

According to the draft document, the impact of future development will "be less than significant". Vol.I-p.3.5-2. However, buildings of 235 feet, visible from neighborhoods to the east, such as the Holmwood/Beacon Street area, will contribute to a cumulative impact of further limiting the view. Vol. I, p.3.5-11. Also, buildings of 140 feet will contribute to longer periods and more shade to the Villa Balboa condos. Vol. I, p.3.5-8, p3.5-2. 38

On the lower campus, construction trailers "have been present for a number of years and would continue to be present". This appears to be a permanent construction zone. Is this use allowable? Do the trailers need to be on site continuously? Can the aesthetic impact of the trailers be mitigated? Vol. I, p.3.5-3 39

4.0 Alternatives to Proposed Project

The proposed project has been identified to have significant, unavoidable impacts on Land Use and Transportation/Circulation. Although much work is planned to mitigate those impacts, the residential communities on the West (Villa Balboa and Versailles) will be permanently and unalterably harmed if the proposed project is allowed to progress as proposed. In the face of such impacts, the proponent chose to evaluate only one mid-range reallocation alternative – not to alleviate impacts, but for "informational purposes". 40

It is important that a much more aggressive alternate be considered and analyzed – one that would directly deal with the significant permanent negative impact on the West residential community. This alternative would be consistent with the long-term plans (pg. 3.1-15) for: 41

a) Upper Campus oriented primarily toward emergency, acute and critical care (predominantly in-patient).

Letter 4 City of Newport Beach Environmental Quality Affairs Committee
November 20, 2007

Response 1

The summary of the Development Agreement amendment commencing on page 1-3 and continuing to page 1-4 of the Draft EIR has been modified and is incorporated into the Final EIR as follows:

- ***Development Agreement Amendment:*** As a part of the project, the Applicant is requesting a Development Agreement Amendment to allow up to 225,000 sf of authorized development to be transferred from the Lower Campus to the Upper Campus. Noise generated at Hoag would be governed by the City's Noise Ordinance except as otherwise noted. An amendment to the Development Agreement would also provide for an extension of the term, an increase in the public benefits through the payment of a proposed Development Agreement fee of $3 million for City public works improvements, designation of the City as the point of sale for major hospital equipment purchases and, allow for a one-time waiver of the administrative fee for the issuance of health care revenue bonds~~, and eliminate unnecessary references~~. Although not a party to the original Development Agreement, the California Coastal Commission (CCC) would review and approve the Development Agreement.

Response 2

Page 1-6 provides a summary of the environmental topics identified in the 1992 Hoag Hospital Master Plan Certified Final Environmental Impact Report No. 142 (Final EIR No. 142) as significant, unavoidable adverse impacts. It notes that the Master Plan would not result in significant project-specific exceedances of noise thresholds; however, it would contribute to significant unavoidable cumulative noise impacts. Roadway noise would exceed the 65 Community Noise Equivalency Level (CNEL) along roadways surrounding Hoag. Thus, the 1992 EIR identified at Hoag would cumulatively contribute to significant noise levels on public streets.

As a part of the currently proposed Master Plan Update, the Applicant is requesting that within the loading dock area, delivery vehicles and the loading and unloading of delivery vehicles be exempt from any applicable noise standards. This request for an exemption from loading dock activities is not related to the findings of the 1992 EIR with respect to cumulative impacts on public roadways.

With respect to Impacts 3.4-1, 3.4-2, 3.4-3, 3.4-5, and 3.4-6, the Master Plan Update EIR states that there would either be no significant impact or the impact could be mitigated to a less than significant level. With respect to Impact 3.4-4, the EIR 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.

Impact 3.4.1 is summarized to state that construction noise represents a short-term effect on ambient noise levels. Construction activities conducted consistent with the City of Newport Beach Noise Ordinance is not considered a significant impact (see Municipal Code Section 10.28.040 Construction Activity—Noise Regulations).

Impact 3.4-2 is summarized to state that project demolition and construction activities associated with the proposed Master Plan Update Project would generate vibration. This significant impact can be mitigated to a less than significant level with the incorporation of a new measure proposed as a part of the Master Plan Update EIR.

Impact 3.4-3 is summarized to note that the proposed Master Plan Update Project would not result in a project-specific or contribute to a cumulative traffic noise increase along a roadway segment that is adjacent to a noise sensitive land use. Impacts from increases in traffic noise levels due to the proposed Master Plan Update Project were estimated using the traffic projections presented in the in the Linscott, Law & Greenspan traffic study (see Appendix C of the Draft EIR). By comparing the traffic volumes for different scenarios, the changes in noise levels along roadways in the vicinity of Hoag were estimated. To estimate noise level changes due to the proposed Master Plan Update Project, the "with Project" traffic volumes are compared to the "without Project" traffic volumes for Year 2015 and Year 2025. The finding of no project-specific noise impact is consistent with Final EIR No. 142.

Cumulative traffic noise impacts are assessed by comparing traffic noise CNEL increases to existing conditions. This provides the forecasted traffic noise level increases due to the proposed Master Plan Update Project in addition to other projects and general growth anticipated for the area. Final EIR No. 142 identified that buildout of Hoag would not result in any significant traffic noise impacts but would contribute to existing noise level exceedances along five road segments; this incremental addition to cumulative traffic noise impacts was considered a significant and unavoidable cumulative noise impact. The five road segments are: Coast Highway from Superior Avenue to east of Bayside Drive; Balboa Boulevard southeast of Newport Boulevard; Superior Avenue between 15th Street and Placentia; Newport Boulevard between Balboa Boulevard and north of Hospital Road; and Dover Drive north of Coast Highway. The proposed Master Plan Update Project will not increase noise levels along these roadways by more than 0.1 dB and in many cases results in a slight reduction in projected noise levels for the roadways analyzed. However, four roadway segments are projected to have traffic noise level increases of 3 dB or more when compared to existing conditions. These segments are: Hoag Drive south of Hospital Road; Hoag Drive north of West Coast Highway; Tustin Avenue north of West Coast Highway; and Bayside Drive north of East Coast Highway. The proposed Master Plan Update Project is expected to result in a 1 dB or greater increase along all of these segments except Hoag Drive north of West Coast Highway (no contribution). Because the noise standards would not be exceeded, the Project's contribution would not result in a significant cumulative impact along these road segments.

Impact 3.4-4 notes that prior to mitigation, on-site activities could result in significant noise impacts thereby impacting sensitive receptors. Loading dock area activities would generate noise that cannot be mitigated to a less than significant level.

Impact 3.4-5 identifies that prior to mitigation, future on-site land uses could be impacted from traffic noise. The EIR includes measures that are carried forward from Final EIR No. 142 as well as new recommended mitigation measures (MM 3.4-10 and 3.4-11).

Impact 3.4-6, as summarized, notes that the proposed Master Plan Update Project would be considered consistent with the relevant goals and polices of the City's General Plan related to noise.

Response 3

The letter is included in Appendix A of the Draft EIR and follows the letter from the Environmental Quality Affairs Committee.

Response 4

The City does not have guidelines or an ordinance restricting construction-related traffic. Mitigation Measure (MM) 101 requires that Hoag submit a construction phasing and traffic control plan to the City with each grading permit application. In the review of the plan, the City has the ability to identify the number of allowable truck trips. MM 101 states:

> 101. In conjunction with the application for a grading permit, the Project Sponsor shall submit a construction phasing and traffic control plan for each phase of development. This plan would identify the estimated number of truck trips and measures to assist truck trips and truck movement in and out of the local street system (i.e., flagmen, signage, etc.). This plan shall consider scheduling operations affecting traffic during off-peak hours, extending the construction period and reducing the number of pieces of equipment used simultaneously. The plan will be reviewed and approved by the City Traffic Engineer prior to issuance of the grading permit.

Response 5

On July 25, 2006, the City of Newport Beach General Plan 2006 Update was adopted and the Final EIR was certified by the Newport Beach City Council. All references in the Master Plan Update EIR to the General Plan are to the 2006 General Plan.

Response 6

Page 2-2 has been modified and is incorporated into the Final EIR to be consistent with Table 2-2:

> ... Table 2-2 identifies existing land uses on the Upper and Lower Campuses. There is currently 890,005 sf of medical and medical-related uses at Hoag, of which ~~701,856~~ 698,121 sf are inpatient, outpatient, and support uses on the Upper Campus and 188,149 sf of outpatient and support uses on the Lower Campus. Therefore, of the remaining ~~453,233~~ 456,968 sf of approved but not constructed uses, ~~63,493~~ 67,228 sf could be developed on the Upper Campus and 389,740 sf could be developed on the Lower Campus.

Response 7

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). 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.

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 currently allowed on the Upper Campus adjacent to the residences would be in the "Midrise" Zone—a height category 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.

With respect to traffic on West Hoag Drive, the service road 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).

With respect to the loading dock, location of the loading dock adjacent to West Hoag Drive preceded the construction of the adjacent residential communities. The loading dock and the activities that are located within the loading dock area were 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.

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 project alternatives, 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. With respect to precluding intensification of development away from existing residences, the existing Master Plan currently allows this intensification. The

existing Master Plan permits demolition activities and reuse of the Upper Campus in the locations and at the building heights that would occur under the proposed Master Plan Update Project. The Draft EIR acknowledges that greater intensification could occur with the proposed project but this modification is considered less than significant because of Hoag's siting in an urban setting and its existing ability to intensify development on the Upper Campus.

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 and Versailles. Everyone that has acquired property within this area has done so knowing that the property was adjacent to Hoag and fully aware of the daily noise generated.

Response 8

Please refer to Topical Responses 1 and 2.

Response 9

If the commenter is referring to the existing cogeneration facility, please refer to Topical Response 1.

Response 10

General Plan Land Use Element Policy LU 2.4 states "Accommodate uses that maintain or enhance Newport Beach's fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents." Hoag is an existing medical facility that has been located in the City since 1952, and is the largest employee in the City. Additional facilities would be constructed based on the medical needs of the local community and region so that the quality of life for local residents will continue to be enhanced. No additional development has been requested by the Applicant beyond that which was previously approved by the City in 1992.

Response 11

General Plan Land Use Element Policy LU 4.1: Land Use Diagram states "Accommodate land use development consistent with the Land Use Plan..." and references the various General Plan Land Use maps [Figures LU1 through LU15 of the General Plan]. The proposed Master Plan Update Project is consistent with the underlying land use designations for the site (see Draft EIR, page 3.1-16). Policy LU 4.1 is one of many policies addressed in the Draft EIR to implement Goal LU 4.

Response 12

General Plan Land Use Element Goal LU 6.1 states "A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods."

The General Plan Land Element states that "Hoag Hospital is a major activity center that continues to affect development in the area. It generates a strong market for the development of uses that support the hospital's medical activities such as doctors' offices, convalescent and care facilities, medical supply, pharmacy, and similar uses. Retail commercial uses serve medical purposes, as well as nearby residents (see page 3-78).

It should again be noted that Hoag's first hospital was completed in 1952, and the Master Plan that allows for development on the Upper Campus and Lower Campus was approved by the City in 1992. Development on the Upper Campus inclusive of the loading dock area was constructed prior to the construction of any of the Villa Balboa condominiums. Further, no additional development would be permitted under the proposed Master Plan Update. However, up to 225,000 sf of the approved but not constructed square footage on the Lower Campus could be transferred to the Upper Campus. 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 –13).

Response 13

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). 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, and as such, the two uses have been deemed by the City to be compatible in this urban context. Please also refer to Topical Response 3.

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—a height limit 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 responses 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.

With respect to potential reductions in traffic generation and noise, please refer to Sections 3.2 and 3.4, respectively of the Draft EIR. As addressed on page 3.2-13 of the Draft EIR, the proposed reallocation would generate less traffic than development under the existing Master Plan because outpatient uses typically generate more trips than inpatient uses. Therefore, the reallocation of up to 225,000 sf of the greater, trip-generating outpatient uses from the Lower Campus would cause a reduction in Lower Campus trips. Adding that same square footage to the Upper Campus as lesser, trip-generating inpatient use results in an increase in Upper Campus trips, but not as much as the reduction of Lower Campus trips. The net effect of having

some increase in Upper Campus trips, and a major reduction in Lower Campus trips, is an overall decrease in trips for Hoag under the proposed Master Plan Update Project assumptions. This reduction would be dependent on how much square footage is eventually reallocated from the Lower Campus to the Upper Campus. Noise, related to vehicular traffic, may also decrease.

Response 14

Mitigation Measure 23 was a land use measure identified in Final EIR No. 142. It stated:

23. The Project Sponsor shall construct, if feasible and by mutual agreement, and maintain a fence along the common property line west of Upper Campus. The proposed design of the fence shall be reviewed and approved by the City Engineering Department.

From the Versailles condominiums to the tennis courts, there is a wrought iron fence. From the tennis courts south to the end of the Villa Balboa condominiums, there is a chain link fence with green meshing, as well as dense landscaping.

Response 15

Please refer to the response to Comment 7.

Response 16

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 the parking study for use of appropriate methodology and accuracy. Section 3.2 of the Draft EIR addresses this issue, and describes the City's parking-related requirement under Mitigation Measure 32 (see Section 3.2.6 of the Draft EIR, page 3.2-28), which was previously adopted as part of the Final EIR No. 142 and would also apply to the proposed Master Plan Update project. 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 and 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 17

Please refer to the response to Comment 16.

Response 18

Please refer to the response to Comment 17. As identified in the Project Description for the Draft EIR, "...the Applicant is not requesting the approval of any project-specific land uses or

development projects, only the ability to reallocate square footage" (see Draft EIR, page 2-4). 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." Therefore, the City would review the parking study for a site-specific development and determine the adequacy and adjacency of parking.

Response 19

The Draft EIR does not provide information as to future site-specific projects because none are proposed at this time. 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 by the City in 1992 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.

In order to provide an accurate assessment of potential traffic and/or parking 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 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). Please also refer to the response to Comment 16.

Response 20

Table 6 of the Draft EIR traffic study presents trip generation estimates for the project, and Table 7 of the Draft EIR traffic study summarizes trip generation estimates for the project alternative. In both tables, comparisons are made between future scenarios with and without the proposed Master Plan Update Project (or project alternative) to estimate the incremental trips attributable to the Project (or project alternative). The existing scenario, which corresponds to trips currently generated by existing development at Hoag, is not used as basis for comparison in Tables 6 and 7. Hoag's existing trips are inherent in the traffic counts collected at key intersections, and were analyzed as part of existing conditions in the traffic study. An evaluation of existing conditions at Hoag with the proposed reallocation was not necessary since the reallocation is based on an update to the existing Master Plan, not existing development at Hoag. Based on Table 6, comparing the proposed Master Plan Update Project (i.e., future conditions with the "project" or proposed reallocation) against the existing Master Plan (i.e., future conditions without the "project" or proposed reallocation) indicates that the reallocation project would reduce the daily trips in the Lower Campus by 7,693 daily trips. Looking at the combination of both the Upper and Lower Campuses (increase of 3,342 daily trips in the Upper Campus and a decrease of 7,693 daily trips in the Lower Campus, the net effect of the reallocation project is a reduction of 4,351 daily trips for the entirety of Hoag. The same comparisons are made in Table 7, which compares the proposed Master Plan Update Project Alternative (i.e., future conditions with the "project alternative") against the existing Master Plan (i.e., future conditions without the "project alternative").

Response 21

The significance of construction impacts were not determined from the measured air pollutant concentrations at either the Costa Mesa or Mission Viejo Stations. Monitored levels at these stations are presented to document existing air quality conditions in the vicinity of the project. Significance of construction impacts are determined by comparing the daily emissions of pollutants associated with construction with the South Coast Air Quality Management District (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).

One needs to be aware of the distinction between emissions and concentrations. Emissions are a measure of the amount of pollution generated by an activity. That is, the total weight of air pollutants that are emitted into the air during that activity. Concentrations are the amount of pollutant in the air at a specific location which is a measure of how much pollution a person at that location is exposed to. The AAQS are in terms of concentrations and the SCAQMD Regional Thresholds are in terms of emissions. Concentrations are related to emissions but the relationship is not simple. How the emissions are released (e.g., release location(s) and rates) and weather conditions (i.e., wind speed, direction, and variability) affect this relationship.

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 addresses

construction emissions in general and why the emissions from construction activities associated with the project would be likely to exceed the thresholds.

Response 22

The trip generation information used for the emission calculations was provided by the traffic engineer for the project and this data shows a reduction in the number of trips generated by Hoag with the proposed changes to the Master Plan compared to the approved Master Plan. Please refer to the response to Comment 13 regarding trip generation assumptions. With respect to the cogeneration facility, the potential addition of three future cogeneration internal combustion engines would not result in additional traffic. The engineers may be required to serve Hoag under buildout assumptions under either the existing Master Plan or proposed Master Plan Update Project. The location of additional equipment inside the existing facility does not generate vehicular traffic nor require additional employees. Please also refer to Topical Response 1.

Vehicular emission rates were taken from the EMFAC2007 model published by California Air Resources Board (CARB) and used for all air quality planning in California. EMFAC2007 predicts that as older higher polluting vehicles are replaced by newer lower polluting vehicles that comply with more stringent emission standards, emissions from a "fleet average" vehicle will be reduced in the future. This is the reason for reduced vehicular emissions in the future.

If one person rides mass transit or bikes for a trip, the emissions from that trip will be reduced compared to using their personal vehicle for the trip. If it is easier for someone to choose to take mass transit or ride a bike in lieu of a vehicle trip, the more likely they are to do that. The intention of the programs listed on page 3.3-28 is to encourage and make easier the use of lower polluting transportation alternatives. The amount that this choice occurs due to these programs and the amount of pollution reduction that will occur is not known and no quantification of emission reductions is made for this reason.

The discussion on page 3.3-20 presents why no carbon monoxide (CO) hotspots are expected. The SCAQMD was recently declared to be in attainment of the National Ambient Air Quality Standard (NAAQS) for CO. This is based on monitored CO concentrations and modeling at the four worst intersections in the South Coast Air Basin that showed CO concentrations do not exceed the NAAQS near these intersections and will not in the future. Traffic conditions at the intersections potentially impacted by the project would be expected to result in lower CO concentrations than the four worst intersections which were shown by SCAQMD modeling to not exceed the NAAQS for CO. Therefore, CO concentrations at the intersections affected by the project would also not be expected to exceed the NAAQS for CO.

Further, the Master Plan Update Project is only projected to increase peak hour traffic at four intersections. The level of service at all of these intersections for the peak hour period where the volume is projected to increase are LOS C or better. It is generally recognized that intersections with an LOS of C or better do not have the potential to result in CO hot spots. Additionally, the increase in volumes at these intersections is less than five percent, which would not be expected to substantially affect CO concentrations in the vicinity of these intersections.

Response 23

LDN does not penalize noise occurring in the evening hours (7:00 PM to 10:00 PM) as CNEL does. Both LDN and CNEL penalize noise occurring during the nighttime hours (10:00 PM to 7:00 AM).

Response 24

Lmax is not defined; it is the maximum noise level during the measurement period. Leq and LEQ are the same thing and can be measured over any time period. The discussion on page 3.4-3 says, "LEQ can be measured for any time period, but is typically measured for one hour." The City's Noise Ordinance uses a 15 minute Leq. The reference to the Municipal Code Section on page 3.4-5 has been corrected and incorporated into the Final EIR as follows:

> Section 10.26.035, "Exemptions," presents noise sources that are exempt from the provisions of the *Noise Ordinance*.

Response 25

Observations by Mestre Greve Associates, acoustical consultant to the City for the Hoag Master Plan Update Project, during the measurements showed that traffic noise was the dominant source of noise during the measurements. The comments in the paragraph below Table 3.4-2 on page 3.4-8 of the Draft EIR are descriptions of the sounds that were audible during the measurements. Persons walking through the park did not "cause a 20-25% overage." The Draft EIR states (see page 3.4-8) that "Activities of persons in Sunset View Park, generally walking and talking, also contributed to the noise environment along with insects.... Activities of persons in the park, generally walking and talking, also contributed to the noise environment. A person talking relatively close to the sound level meter caused the maximum measured noise level."

Response 26

The measurement information presented in Table 3.4-2 and the paragraph following the table (see page 3.4-8 of the Draft EIR) are the results of short-term daytime noise measurements to document existing daytime noise levels and document noise sources in the project area. There is no direct comparison of the measurement data in Table 3.4-2 with the modeled traffic noise levels in the CNEL metric in terms of determining impacts.

Response 27

The noise measurements were taken in or near outdoor living areas where persons would be exposed to noise and where the City's Noise Ordinance is applicable. These locations are further from the noise sources than the property line and therefore the noise levels at the property line would be somewhat higher than the measured noise levels at Sites 1, 2, and 3.

As addressed in Section 3.4 of the Draft EIR, Item 3.5 of the Development Agreement exempts Hoag from the Noise Ordinance (Section 10.26 of the *Municipal Code*, a Future General Regulation) where the application of the Noise Ordinance would "impair Hoag's ability to develop the Property in accordance with the density, intensity, height and location of development specified in the Master Plan." In most cases, noise generated by activities at Hoag should be able to be mitigated to below the Noise Ordinance limits without impairing the development of the property, and the Noise Ordinance would apply to these cases. There could be some cases where enforcement of the Noise Ordinance would impair the development of the property and would not be applicable in these cases.

Section II "General Notes" item 7 of the *Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations* (Adopted by the City Council, City of Newport Beach, Ordinance No 92-3 May 26, 1992) reads:

> *New mechanical appurtenances on building rooftops and utility vaults, excluding communications devices, on the upper campus shall be screened from view in a manner compatible with building materials. Rooftop mechanical appurtenances or utility vaults shall be screened on the lower campus. Noise shall not exceed 55 dBA at all property lines. No new mechanical appurtenances may exceed the building height limitations as defined in these district regulations.*

This item preempts the HVAC regulations presented in Section 10.26.045 of the Noise Ordinance. Therefore, mechanical equipment at Hoag cannot exceed 55 dBA at the property line under the existing Development Agreement.

With respect to the existing cogeneration facility, the Noise Ordinance regulations apply to this use because this facility is not being considered a mechanical equipment operation that would be regulated by the current Development Agreement. The particular paragraph in the Development Agreement refers to "new mechanical appurtenances on building rooftops and utility vaults" and the cogeneration facility is not consistent with this description. Additionally, the residential areas (Sites 2 and 3) are within 100 feet of the Hoag property line and therefore, would be protected by the Zone 3 – Mixed Use Residential criteria. The noise criterion for Zone 3 is 50 dBA (Leq) during the night and 60 dBA during the day. 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.

With respect to the grease trap, 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.

The City considers grease trap cleaning a property maintenance activity. 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 28

The instantaneous noises discussed included "impact noise such as dropping a tool or other large object or the release of air pressure in the diesel truck brake system." Most people understand the instantaneous nature of an impact noise such as dropping a tool or have heard

air releases from air breaks on large trucks and know that this noise event has a very short duration, a few seconds at most.

The Draft EIR states that the 80 dBA Lmax limit was exceeded three times at both monitoring sites. However, this statement was in error, the limit was exceeded 3 times at only Site 1 with levels of 80.3 dBA, 84.4 dBA, and 80.1 dBA; all three noise events lasted 2 seconds or less. The 80 dBA Lmax limit was not exceeded at Site 2 likely due to increased distance between this site and the noise event.

The last paragraph on page 3.4-11 has been corrected and incorporated into the Final EIR as follows:

> At approximately 9:45 AM... During grease pit cleaning, the 80 dBA Lmax limit was exceeded 3 times at ~~both monitoring sites~~ Site 1 but not at Site 2. In all cases, these were instantaneous exceedances due to an impact noise such as dropping a tool or other large object or the release of air pressure in the diesel truck brake system.

Response 29

The mechanical equipment noise level is discussed on Page 3.4-13 under the heading "Mechanical Equipment." Please refer to the following response to Comment 31 regarding tabulation of test results.

Response 30

The higher noise levels at the second floor monitor were likely due to a vehicle located between the sound source and the first floor monitor acting as a noise barrier. The second floor monitor would "look" over this vehicle to the noise source and no barrier reduction would be experienced at this monitor. Please refer to the following response to Comment 31 regarding tabulation and analysis of test results.

Response 31

Trash removal is the same as removal of the trash compactor from the loading dock area (see the last three sentences of the third full paragraph of page 3.4-12 of the Draft EIR). The last paragraph on the page discusses the noise levels during trash compactor removal.

Much thought and consideration was put into the best way to present the results of the noise measurements. Many hours of noise data were collected and analyzed and it was felt that to present all of this data would be overwhelming and very hard to interpret correctly for most persons. Therefore, the noise levels are summarized in the text along with relevant information about the noise levels.

Response 32

With respect to the cogeneration facility, the site was visited on October 3, 2006, to measure the noise levels from the chiller vents on top of the cogeneration facility building. The generator engines were not yet in operation at the time of the measurements. Noise measurement results were repeated on November 20, 2006, and July 2, 2007. On July 2, 2007, the cogeneration facility was in full operation including the generator engines that are enclosed in the building.

All measurements made at the cogeneration facility were done after 11:00 PM and generally were completed before 2:00 AM. The tests at Sites 2 and 3 were just outside the balconies of

the nearest receptors. The best interpretation of the PC Text and Noise Ordinance is that the Noise Ordinance limits are the controlling limits for the cogeneration facility (see Section 1.4.4 of Appendix F to the Draft EIR). The Noise Ordinance requires noise measurements at the private yard, patio, deck or balcony, which may not necessarily coincide with the property line (see Section 1.3.2 of Appendix F). Sites 1, 4, and 5 are not subject to the Noise Ordinance limits because they are on undeveloped park land (see Section 1.4.4 of Appendix F). The addition of a fourth cooling tower is estimated to 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. However, all the necessary permits have been secured for the cooling tower and this would become a Noise Ordinance compliance issue (see page 3.4-27 of the Draft EIR and Section 2.3.5 of Appendix F, the former which states:

> Previous measurements at the residences of concern have ranged between 46.1 dBA and 49.8 dBA. These levels are below the City's Noise Ordinance limit of 50 dBA for nighttime levels at sensitive receptors. The addition of the fourth cooling tower is expected to raise the overall noise level to between 46.7 and 50.4 dBA. The operation of a fourth cooling tower is not part of the proposed Master Plan Update Project because the cogeneration facility is already permitted and no further approvals from the City are required for this facility to operate. Therefore, the operation of the cogeneration plant becomes a Noise Ordinance compliance issue. That is, the City would need to take measurements once the fourth cooling tower is operational and determine if it is in compliance with the Noise Ordinance. Should the City determine the cogeneration facility is not in compliance, the City would require Hoag to correct the situation to maintain compliance with the Noise Ordinance. The City's Development Agreement with Hoag requires Hoag to provide an annual report to the City stating whether it is compliance with the terms of the Development Agreement.

Response 33

The opinion of the commenter is noted. However, the cogeneration facility is currently in compliance with Noise Ordinance. Please refer to the response to Comment 32. Please also refer to Topical Response 1, Cogeneration Facility.

Response 34

The mitigation monitoring program role is to ensure that all mitigation measures, standard conditions, and project design features are properly implemented and monitored by the City of Newport Beach. Please refer to Section 3.4 of the Draft EIR and the response to Comment 27 which address the appropriate noise regulations for different types of noise.

Proposed Mitigation Measure 3.4-3 states:

> 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.

This flexibility was intentional since the final form of the requirements the City will place on Hoag will be determined by the City's decisionmakers. The follow-up noise measurements should be made in the same location.

With respect to Mitigation Measure 112 from Final EIR No. 142 and as stated on page 3.4-32 of the Draft EIR, the Draft EIR recommends that this measure be replaced with the City's current standard conditions for hours of construction which states:

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.

Response 35

With respect to installing a sound wall at the 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 and Section 3.2.2 of Appendix F identify 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 (Caltrans has set a precedent for freeway soundwall that walls this high are infeasible). The costs would be extremely high (although no specific cost analysis is done); however, cost was not a determinative factor in assessing feasibility. 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. The vegetation provides no acoustical benefit and is, therefore, not noise mitigation.

Response 36

Spreadsheets included as Appendix A to this responses to comments document.

Response 37

The comment is noted; please refer to the preceding responses to noise-related comments.

Response 38

Exhibit 3.5-1h identifies the existing views of Hoag from Beacon Street. Holmwood Drive is perpendicular to Beacon Street. Section 3.5 of the Draft EIR notes that areas with the most direct views of the Upper Campus are land uses located east of Newport Boulevard, which include a mix of residential, commercial, and some industrial uses. Most of these uses back onto Newport Boulevard with views oriented toward the southeast. However, there are locations (primarily residential) that have views across Newport Boulevard toward Hoag. The Upper Campus is prominent in these viewsheds. Residences east of Hoag are physically separated from Hoag by major streets (Newport Boulevard) and their view orientation is generally internal to their respective developments. Views of the Upper Campus would be midrange views. Most

importantly, the maximum building heights would not be modified from currently allowed in the Hoag Master Plan. Buildings of 140 feet above mean sea level (msl) in the Midrise Zone and 235 feet above msl in the Tower Zone in the Upper Campus are permitted by the approved Hoag Master Plan.

With respect to shade and shadow, the analysis in Final EIR No. 142 noted that the existing Master Plan would result in greater morning shade and shadow on the adjacent condominium development because of continued development within the Tower and Midrise Zones. The analysis was conducted using a worst-case condition where both the Tower Zone (up to 235 feet above mean sea level) and Midrise Zone (140 feet above mean sea level) were built out to their maximum allowable height. Final EIR No. 142 identified that the development on the Upper Campus would cast shadows on adjacent land uses. The Versailles and Villa Balboa residential developments (located west of the Upper Campus) were identified as the only sensitive land uses for shade and shadow. Final EIR No. 142 noted that development on the Lower Campus would not cast shadows on other properties because it is at a lower elevation than the adjacent land uses. Final EIR No. 142 identified that Master Plan buildout would increase shadow effects to residential units west of Hoag and concluded that it would not be a significant impact because of the short daily duration of the effect. Shading would only affect a portion of condominiums during the early morning hours and it would not substantially limit solar energy access to the structures.

Even with the proposed transfer of square footage from the Lower Campus associated with the proposed Master Plan Update Project, it is not reasonable to assume that the entire Upper Campus could be built out at maximum height; however, this assumption allows the analysis to consider the impact regardless of the precise location of future buildings. Since the proposed Master Plan Update would not alter the maximum allowable height buildings or the location of boundaries of the Tower and Midrise Zones, these potential impacts would not be different from what was previously addressed in Final EIR No. 142.

Response 39

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 40

Consistent with CEQA, there is no obligation that the Draft EIR considers 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.

Response 41

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. 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. Please also refer to Topical Response 3.

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 another 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.

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.

Response 42

Final EIR No. 142 identified limited biological resources, including wetlands, on the site. As a result of construction of facilities consistent with the Hoag Hospital Master Plan and Final EIR No. 142, those resources have been removed. Mitigation Measures 16 through 20 were associated with the mitigation for the loss of wetland resources on the Lower Campus. The wetland resources were previously removed; Mitigation Measures 16 through 20 were implemented. The obligations of the City and Application for the mitigation of this impact have been fulfilled. There is no need for additional wetland resource mitigation because there are no additional wetland resources at Hoag.

The biological impact assessment prepared in conjunction with Final EIR No. 142 found that the project would impact 1.52 acres of wetlands not dominated by pampas grass. Additionally, the project would impact 1.07 acres of pampas grass that met the criteria for jurisdictional wetlands established within the wetland delineation manuals from the late 1980's published by the U.S. Army Corps of Engineers (USACE). Final EIR No. 142 goes on to indicate that the federal government was considering fundamental changes in the methods of wetland delineation and the types of wetlands that would fall within federal jurisdiction. Off-site mitigation was identified as the preferred method of mitigation; sites in the Upper Newport Bay were being evaluated.

Mitigation Measure 16 of Final EIR No. 142 required further review of federal regulations to determine whether the 1.07 acres if wetlands dominated by pampas grass would also require mitigation. Mitigation Measure 17 required the preparation of a comprehensive restoration and management plan in accordance with applicable law to be reviewed by the USACE, U.S. Fish and Wildlife Service, California Department of Fish and Game (CDFG), and the City. Mitigation Measure 18 necessitated the review and approval of the final wetland mitigation plan through the Coastal Development Permit process with the California Coastal Commission. That final mitigation plan was required to be incorporated as part of all regulatory permits issued by the various resource agencies prior to the City issuing a grading or building permit that would impact the on-site wetlands. Mitigation Measure 19 required that the mitigation plan include the creation of at least an equal amount of wetlands impacted by the project, among other things.

A wetland mitigation plan was prepared, reviewed, and approved in 1994 pursuant to Mitigation Measures 16, 17, 18, and 19. Freshwater wetlands were created in the San Joaquin Freshwater Marsh Reserve in 1995. First and second year coverage standards were reported to have been exceeded. In 1999, after the third year of mitigation monitoring, it was found that coverage by native species exceeded the fifth year standard. Due to the success of the program, the USACE

discontinued monitoring in late 1999 and CDFG discontinued their monitoring requirement in the spring of 2000.

Pursuant to Section 5.4 of the Development Agreement, the success of the wetland mitigation program was to be assessed five years after the conclusion of the CDFG monitoring requirement. In November 2005, Hoag submitted a monitoring report entitled, "Tenth Year Monitoring Report for the Hoag Hospital Mitigation Project: 6.08 acre Freshwater March Creation at the San Joaquin Freshwater March Reserve, Irvine, California." The report, dated November 11, 2005, was prepared by Glenn Lukos Associates, a qualified consulting firm regarding wetlands. The field survey conducted for the report indicated that approximately 99 percent of the site was covered by wetland vegetation with less than 1 percent bare ground and less than 1 percent non-native species. Based upon the success of the mitigation plan and the 10th year monitoring report, the City finds that the mitigation measures have been implemented and that Hoag has complied with provisions of Section 5.4 of the Development Agreement that relates to wetlands mitigation.

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. There are no plant or wildlife species 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 43

The City agrees. The Mitigation Monitoring and Reporting Program will include all project design features, standard conditions, and mitigation measures applicable to the Hoag Master Plan Update Project for all environmental issues including Geology and Soils. Please also refer to Section 6 of the Draft EIR which contains a comprehensive list of the Mitigation Program for the proposed Master Plan Update Project.

Response 44

As a point of clarification, the Master Plan Update Project would allow up to 225,000 sf to be transferred from the Lower Campus to the Upper Campus. The maximum allowable building area on the Upper Campus would be 990,349 sf (if all 225,000 sf are reallocated from the Lower Campus to the Upper Campus) and the maximum allowable building area on the Lower Campus would be 577,889 sf (if no square footage is reallocated). However, in no event could the combined total building areas of both the Upper and Lower Campuses exceed 1,343,238 sf. What this means is that if the Upper Campus develops to the maximum square footage, then the amount of development on the Lower Campus would have to be reduced accordingly. It should be clearly understood that the maximum allowable building area is the 1,343,238 sf. It is not the maximum combined square footage for the Upper and Lower Campuses added together. No additional square footage could be developed beyond that allowed under the existing Master Plan.

Response 45

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.