

CALIFORNIA COASTAL COMMISSION  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

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August 25, 2005  
September 14-16, 2005

**RECORD PACKET COPY****STAFF REPORT: MATERIAL AMENDMENT**

**APPLICATION NO.:** 5-93-253-A2

**APPLICANT:** HOAG Memorial Hospital Presbyterian

**AGENT:** Peri Muretta

**PROJECT LOCATION:** 1 Hoag Drive (Lower Campus site of Hoag Memorial Hospital Presbyterian), City of Newport Beach (County of Orange)

**DESCRIPTION OF PROJECT**

**PREVIOUSLY APPROVED:** Mass grading plan consisting of 387,100 cubic yards of cut to accommodate future expansion of Hoag Hospital. The first phase of the mass-grading plan included 30,300 cubic yards of cut and 400 cubic yards of fill. The proposed grading included grading for and dedication of a 0.28-acre public, bluff top linear view park and a 0.52-acre public, bluff top view park. Also proposed was a 4.56-acre off-site mitigation program to create 0.75 acres of wetland and enhance 3.81 acres of wetland to compensate for the loss of 1.52 acres of on-site wetlands.

**DESCRIPTION OF AMENDMENT**

**PREVIOUSLY APPROVED:** Modify Special Conditions No. 10, 11 and 13 such that plans for each phase of the grading project would be submitted prior to commencement of each phase of grading rather than prior to issuance of the coastal development permit.

**DESCRIPTION OF PROPOSED AMENDMENT:** The project will consist of: 212,000 cubic yards of grading, construction of retaining walls up to a maximum 30-feet high, construction of parking areas and access roads, installation of support utilities, installation of landscaping, demolition of an existing Child Care Center and construction of a new 11,890 square foot Child Care Center.

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**SUMMARY OF STAFF RECOMMENDATION:**

The applicant proposes development on the Lower Campus site of Hoag Hospital Presbyterian. The primary issues addressed in the staff report involve scenic resources, water quality, public access and geology. Staff is recommending **APPROVAL OF THE AMENDMENT TO COASTAL DEVELOPEMNT PERMIT NO. 5-93-253** subject to the following **Eight (8) Special Conditions** requiring: 1) conformance with prior conditions; 2) submittal of a retaining wall visual treatment plan; 3) adherence to construction best management practices; 4) submittal of location of debris disposal site; 5) submittal of a Water Quality Management Plan (WQMP); 6) submittal of a revised landscaping plan; 7) submittal of written conformance regarding hauling grading export; and 8) submittal of geotechnical conformance.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

**PROCEDURAL NOTE:**

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- \*2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The current proposal is a material change to the underlying permit. Therefore, pursuant to Section 13166 of the Commission's regulations, the Executive Director is referring this application to the Commission.

**LOCAL APPROVALS RECEIVED:** Approval In Concept #0518-2005 from the City of Newport Beach dated March 2, 2005.

**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach Certified Land Use Plan; *Development Agreement between the City of Newport Beach and Hoag Hospital* approved by the Coastal Commission on February 15, 1994; *Hoag Hospital Presbyterian Planned Community Development Criteria and District Regulations* (included in Development Agreement); Hoag Hospital Master Plan Environmental Impact Report; Coastal Development Permit No.: 5-93-253-[Hoag], 5-93-253-A1-[Hoag], 5-95-204-[Hoag], 5-99-102-[Hoag]; *Preliminary Geotechnical Investigation of Retaining Wall, Parking Lot and Childcare Center, Hoag Hospital Lower Campus Newport, California* prepared by Lowney Associates dated February 2005; Letter to Peri Muretta from Commission staff dated April 7, 2005; and Letter from Peri Muretta to Commission staff dated May 2, 2005.

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**EXHIBITS**

1. Vicinity Map
2. Existing Site Plan
3. Proposed Site Plan

## I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL

The staff recommends that the Commission make the following motion and adopt the following resolution:

**Motion:** *I move that the Commission approve Coastal Development Permit Amendment No. 5-93-253-A2 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of majority of the Commissioners present.

### **Resolution to Approve Permit Amendment No. 5-93-253-A2:**

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

## **II. SPECIAL CONDITIONS**

### **1. Prior Conditions**

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit No. 5-93-253 and 5-93-253-A1 remain in effect. All standard and special conditions previously imposed under Coastal Development Permit No. 5-93-253 and 5-93-253-A1 apply equally to the amendment.

### **2. Retaining Wall Visual Treatment Plan**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a visual enhancement plan for the proposed retaining wall that is designed to soften, through selective placement of architectural elements and vegetation, the visual impact of large expanses of wall that would be visible from public vantage points. The plan shall provide for the adequate planting of shrubs, vines, and occasional trees, selectively placed to soften the visual impact of the approved retaining wall from significant vantage points.
- B.** The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### **3. Construction Best Management Practices**

The applicant shall comply with the following construction-related requirements:

- A.** Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity shall be implemented prior to the on-set of such activity;
- B.** No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- C.** Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- D.** Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris, which may

be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;

- E. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- F. A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines;
- G. All BMPs shall be maintained in a functional condition throughout the duration of the project;

4. **Location of Debris Disposal Site**

Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

5. **Water Quality Management Plan (WQMP)**

- A. Prior to issuance of the coastal development permit, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:
  - 1. Post-development peak runoff rates and average volumes shall not exceed pre-development conditions;
  - 2. Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters;
  - 3. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible;
  - 4. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized;
  - 5. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.

6. Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash and debris, vehicular fluids, particulates such as brake pad dust (heavy metals), and fertilizers) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner;
7. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
8. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season;
9. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
10. It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.
11. Parking Lot:
  - (a) The WQMP shall provide for the treatment of runoff from parking lots using appropriate structural and non-structural BMPs. At a minimum this must include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals, hydrocarbons), sediments, and floatables and particulate debris.
  - (b) The applicant shall regularly sweep the parking lot at a minimum on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.
  - (c) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used;

- (d) The applicant shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.
- (e) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15<sup>th</sup> each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season.
- (f) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
- (g) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

**B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**6. Landscaping Plan**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a final landscape plan prepared by a licensed landscape architect that includes the following:

1. The plan shall demonstrate that:
  - (a) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.
  - (b) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Use of primarily native plant species is encouraged.

2. The plan shall include, at a minimum, the following components:
- (a) Two (2) full size copies of A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
  - (b) A schedule for installation of plants.

- B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. **Traffic Control Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit in writing, subject to the review and approval of the Executive Director:

A written agreement stating that no grading export hauling will occur during the weekend and holidays and during the peak beach use, starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend, of any year.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. **Conformance with Geotechnical Report**

- A. All final design and construction plans, including foundation, grading and drainage plans, shall be consistent with all recommendations contained in the following geotechnical report: *Preliminary Geotechnical Investigation of Retaining Wall, Parking Lot and Childcare Center, Hoag Hospital Lower Campus Newport, California* prepared by Lowney Associates dated February 2005.

- B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.



- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### **III. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

#### **A. LOCATION, PROJECT DESCRIPTION AND BACKGROUND**

##### **1. Project Location**

The project site, which is approximately 20 acres in size, is located at 1 Hoag Drive (Lower Campus site of Hoag Memorial Hospital Presbyterian) in the City of Newport Beach, County of Orange (Exhibit #1). The City of Newport Beach Land Use Plan (LUP) designates use of the site for Government, Educational, and Institutional Facilities and the proposed project adheres to this designation. It is not located between the sea and the first public road, but is located within the Coastal Zone. The project site is located on a terrace adjacent to and inland of West Coast Highway, between Superior Avenue and Newport Boulevard (State Route 55). Located to the north and above the project site on an elevated portion of land are a bluff top linear view park and a bluff top view park (Sunset View Park). The project site is currently developed with a Parking Structure that has 396 parking spaces (CDP# 5-96-118), a 65,000 square foot Cancer Center (CDP# 5-86-866), an 80,180 square foot Support Services Building (CDP# 5-96-118), a 23,657 square foot Cogeneration Building (CDP# 5-02-235), a 7,590 square foot Child Care Center (5-86-866-A3), and a parking lot (CDP# 5-95-204 and CDP# 5-99-102).

##### **2. Amendment Description**

The proposed project will take place upon 8 acres of the 20 acre site project site (Lower Campus site of Hoag Memorial Hospital Presbyterian) and will consist of the following: 212,000 cubic yards of grading (106,000 cubic yards of cut, 100 cubic yards of fill and 105,900 cubic yards of export), construction of retaining walls (approximately a total of 27,000 square feet, up to a maximum 30-feet high) with a 3.5-foot high low safety cable fence located on top of the retaining walls, construction of parking areas and access roads, installation of support utilities, installation of landscaping, demolition of an existing Child Care Center and construction of a new 11,890 square foot Child Care Center (Exhibits #2-3). The project will be completed in four (4) phases:

##### **Phase 1**

The 1<sup>st</sup> phase will consist of grading and construction of the building pad for the new Child Care Center. Development of the pad will require excavation and export of existing soils and installation of a retaining wall, which will be a maximum height of 30-feet. Following construction of the structural portion of the wall, the exterior of the wall will be provided with an architectural finish. An access road, drop-off area and a 19 parking space Child Care staff parking area will also be constructed.

## Phase 2

The 2<sup>nd</sup> phase will consist of construction of the new Child Care Center and grading of the northern-half of the project site. Grading will consist of excavation and export of existing soils to match the grade to the east and south. The retaining wall with a maximum height of 30-feet that was constructed in the 1<sup>st</sup> phase will be extended west to the existing Cogeneration facility area and an access ramp to the Cogeneration facility along the retaining wall will be constructed. The graded areas will be developed with 196 parking spaces by asphalt paving and striping and will also include landscaping.

The new Child Care Center will be one-story and consist of 11,890 square feet. The center will be staffed by 48 individuals and will provide for a maximum of 152 children of Hoag Hospital employees.

## Phase 3

The 3<sup>rd</sup> phase will consist of relocation of the Child Care center operations to the new facility and demolition of the existing Child Care Center followed by grading of the area between the new Child Care Center and the existing Hoag Cancer Center (this area will be left as a graded area for future construction). Grading will consist of excavation and export of existing soils to match the surrounding grade. The retaining wall with a maximum height of 30-feet that was constructed in the 1<sup>st</sup> phase will be extended along the northern boundary of the area from the existing Child Care Center until it matches into the existing crib wall northwest of the Hoag Cancer Center. A portion of the graded areas will be hydroseeded for erosion control.

## Phase 4

The 4<sup>th</sup> and final phase will consist of construction and striping of the road paralleling the south boundary and construction of additional parking north of this road and matching into the parking constructed during phase 2. Construction trailers in the area will be moved to the north near the retaining wall. Following paving, landscaping will be added along the road and parking areas.

## **B. SCENIC RESOURCES**

Section 30251 of the Coastal Act states, in relevant part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

The project site is located along West Coast Highway, which is a scenic corridor. The proposed development such as the new Child Care Center and the maximum 30-foot high retaining wall will be visible from West Coast Highway. Therefore, efforts to soften and enhance views of the project site should take be taken. The proposed maximum 30-foot high retaining wall that is located along the northern length of the project site is approximately 1,125 feet long (Exhibit #3).

This size and length of this retaining wall will make it a very visible feature located on the project site; therefore, efforts to visually improve this feature are necessary. The applicant has stated that following construction of the structural portion of the wall, the exterior of the wall will be provided with an architectural finish. However, details regarding the visual treatment were not submitted. A mix of architectural features such as faux boulders and landscaping should be used to enhance the view of this large and long retaining wall. Thus, the Commission imposes **Special Condition No. 2**, which requires the applicant to submit a visual treatment plan for the retaining wall that shows how the exterior features of the proposed retaining wall will be softened and enhanced through a mix of architectural elements and landscaping elements.

The use of appropriate landscaping can soften and enhance views of the project site. Any landscaping used though should only consist of native or non-native drought tolerant plants, which are non-invasive. The applicant has submitted a landscaping plan for the site and a more thorough discussion regarding landscaping on site will be found in Section II. C of the staff report.

Located to the north and above the project site on an elevated portion of land are a bluff top linear view park and a bluff top view park (Sunset View Park). Construction of the proposed project will not affect the bluff top view parks as the proposed Child Care Center, which will be approximately 14-feet high, will be below the height of the proposed maximum 30-foot high retaining wall that is also below the bluff top parks. Therefore, no views from the bluff top parks will be adversely impacted by the proposed project.

The originally approved permit allowed a total of 387,100 cubic yards of cut to accommodate future expansion of Hoag Hospital. Although that quantity of grading was approved, far less (112,270 cubic yards) has actually taken place. The proposed amendment identifies a total of 106,000 cubic yards of cut. Combining past grading, plus the currently proposed grading totals 218,270 cubic yards of cut. This total still does not exceed the 387,100 cubic yards of cut previously approved. Therefore, the proposed 106,000 cubic yards of cut does not exceed the total amount of cut approved in the original permit and does require any additional landform alteration than was previously approved.

### **Conclusion**

To minimize visual impacts, the Commission has imposed **Special Condition No. 2** which requires the applicant to submit a visual treatment plan for the retaining wall that shows how the exterior features of the proposed retaining wall will be softened and enhanced through a mix of architectural elements and landscaping elements. Only as conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

### **C. WATER QUALITY AND THE MARINE ENVIRONMENT**

The protection of water quality is an important aspect of the Coastal Act. Water from the project site and parking lot will flow onto the City of Newport Beach's storm drain system and will ultimately drain to the Pacific Ocean. Recent beach closures occurring throughout Orange County, including those in Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30232 of the Coastal Act states:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

1. **Construction Impacts to Water Quality**

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **Special Condition No. 3** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible. In order to prevent impacts to coastal waters, **Special Condition No. 4** requires that all demolition and cut material debris be disposed of at a legal site. Choice of a site within the coastal zone shall require an amendment to this permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is legally required.

## 2. Post-Construction Impacts to Water Quality

The proposed development will result in urban runoff entering the recently approved storm water system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering the storm water system. In this case, the site drains a parking lot, paved walkways, landscaped areas and a new building. Therefore, the primary post-construction water quality concerns associated with the proposed project include grease, motor oil, heavy metals, trash, pesticides and fertilizer.

The proposed development would result in the discharge of storm water into the storm water conveyance system. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters in Newport Beach.

The proposed project is new development, which affords an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality. The currently proposed project drains a 215 parking space area, paved walkways, landscaped areas and a new building. As such, appropriate measures must be taken to assure that adverse affects on water quality are minimized. The applicant has stated that all paved areas associated with the proposed project will have catch basins fitted with filters to deal with post-construction runoff. In addition, Hoag Hospital provides for the periodic cleaning of paved parking lot surfaces and routine inspection of clean-out of on-site catch basins. While these measures are being proposed to deal with post construction water quality, additional measures are necessary. Therefore, it is necessary to impose **Special Condition No. 5**, which requires that the applicant submit a Water Quality Management Plan (WQMP). The Water Quality Management Plan shall meet water quality goals such as use of appropriate structural and non-structural BMP's designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site and that runoff from all roofs, parking areas, maintenance areas and driveways shall be collected and directed through a system of structural BMP's and/or gravel filter strips or other vegetated or media filter devices. In addition, this Water Quality Management Plan shall incorporate measures that reduce water quality impacts resulting from the parking lot, vehicle and equipment service and maintenance areas.

Any landscaping used on site should only consist of native or non-native drought tolerant plants, which are non-invasive. The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.caleppc.org/>) and California Native Plant Society ([www.CNPS.org](http://www.CNPS.org)) in their publications. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating

Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>. The applicant has submitted a landscape plan for the project site and Commission staff has reviewed the plan. Commission staff has determined that a number of plants listed on the landscaping plan are invasive (i.e. *Lampranthus spectabilis* (ice plant), *Pennisetum Setaceum* (fountain grass), and *Schinus Molle* (California Pepper). Therefore, the Commission is imposing **Special Condition No. 6**, which requires submittal of a revised landscape plan, which only consists of native or non-native drought tolerant plants, which are non-invasive.

### **Conclusion**

To minimize the adverse impacts upon the marine environment, **Four (4) Special Conditions** have been imposed. **Special Condition No. 3** requires the applicant to adhere to construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris and also requires the applicant to incorporate Best Management Practices effective at mitigating pollutants of concern. **Special Condition No. 4** requires the applicant to dispose all demolition and construction debris at an appropriate location. **Special Condition No. 5** requires the applicant to submit a Water Quality Management Plan. **Special Condition No. 6**, which requires the applicant to submit a revised landscape plan, which only consists of native or non-native drought tolerant plants, which are non-invasive. Only as conditioned, the Commission finds that the proposed project is consistent with Section 30230, 30231 and 30232 of the Coastal Act.

### **Regional Water Quality Control Board (RWQCB)**

The proposed project will require dewatering and the applicant has obtained approval from the RWQCB for this activity.

### **D. PUBLIC ACCESS**

Section 30252 of the Coastal Act states in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by...*

*(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.*

The subject site is located at the intersection of west Coast Highway and Newport Boulevard. Coast Highway is a major beach access road. Coast Highway runs parallel to the coast throughout Orange County. In the subject area, Coast Highway feeds into both Newport Boulevard and Balboa Boulevard, which both provide access to the Balboa Peninsula. Many visitor destinations are located on the peninsula including miles of public ocean beaches, access to Newport Harbor, the Newport and Balboa Piers, the boardwalk, and the Balboa Fun Zone. Also, ferry access from the Balboa Peninsula to Balboa Island is available.

In addition, to the amenities available on the Balboa Peninsula, Coast Highway provides access to visitor amenities along Coast Highway in Newport Beach including restaurants, sailing

facilities, and more. In addition, to the many attractions available as destinations via Coast Highway, a drive along Coast Highway is a visitor experience in itself. Views of the coast are available from much of Coast Highway in Orange County.

# **1. Parking and New Development**

As described previously, the City of Newport Beach attracts visitors year round due to its unique recreational opportunities, large harbor and marina facilities, and its coastal amenities. To make sure that the public can enjoy these amenities, public parking must be made available. Therefore, development, such as the proposed, should provide adequate parking on site so that no public parking spaces are taken up by patrons to the proposed development. The immediate project vicinity consequently experiences high vehicular volumes during the summer months and a lack of public parking discourages visitors from coming to the beach and other visitor-serving activities in the coastal zone. The lack of parking would therefore have an adverse impact on public access. Therefore, all development must, as a consequence, provide adequate on-site parking to minimize adverse impacts on public access.

The proposed project will result in the loss of 466 existing parking spaces and the creation of 215 parking spaces. There is also an existing 396 space parking structure on-site that will not be changed by the proposed project. The existing 466 parking spaces were excess parking spaces not associated with any specific development. Of the proposed new 215 parking spaces, 19 will be for the new Child Care Center, while the remaining parking spaces will be for excess parking not associated with any specific development. In order to evaluate the proposed parking situation, the parking will be analyzed according to the *Hoag Hospital Presbyterian Planned Community Development Criteria and District Regulations*, which was included in the *Development Agreement between the City of Newport Beach and Hoag Hospital* that approved by the Coastal Commission on February 15, 1994.

Currently located onsite are a Parking Structure that has 396 parking spaces, a 65,000 square foot Cancer Center, an 80,180 square foot Support Services Building, a 23,657 square foot Cogeneration Building, a 7,590 square foot Child Care Center, and a parking lot. A new 11,890 square foot Child Care Center will replace the existing Child Care Center with the proposed project. Using the *Hospital Presbyterian Planned Community Development Criteria and District Regulations*, the following parking for these uses would be required: Cancer Center would require 130 parking spaces; Support Services Building would require 81 parking spaces; and the new Child Care Center would require 12 parking spaces for a total of 223 parking spaces. Parking onsite for the existing Cogeneration facility would not be necessary. The parking structure and proposed parking lot will provide a total of 511 parking spaces and the required on site parking for the uses is 223 parking spaces, which results in an excess of 278 parking spaces. Therefore, as proposed, the parking is consistent with the *Hoag Hospital Presbyterian Planned Community Development Criteria and District Regulations*, which was included in the *Development Agreement between the City of Newport Beach and Hoag Hospital* that approved by the Coastal Commission on February 15, 1994.



## 2. Construction Traffic

The proposed project includes 212,000 cubic yards of grading (106,000 cubic yards of cut, 100 cubic yards of fill and 105,900 cubic yards of export). The 105,900 cubic yards of export is a significant amount and will require a large number of truck trips. As stated previously, West Coast Highway provides access to visitor amenities along Coast Highway in Newport Beach. Since the location of the proposed project is in an area that experiences high vehicular volumes during the summer months and also serves as a main access way for the public to come and enjoy the visitor and recreational facilities, the hauling of grading export must not hinder public access to the coast. Therefore, the Commission finds that it is necessary to impose **Special Condition No. 7**, which requires the applicant to submit a written agreement stating that no grading export hauling will occur during the weekend and holidays and during the peak beach use, starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend, of any year.

## 3. Bluff Top View Parks

Located to the north and above the project site on an elevated portion of land are a bluff top linear view park and a bluff top view park (Sunset View Park). Construction of the proposed project will not impact access to these bluff top view parks. Access to these parks will be made available at all times. Therefore, no public access impacts upon the bluff top parks will occur with the proposed project.

## Conclusion

In order to ensure access to the beach is not hindered during the peak summer season, the Commission finds that it is necessary to impose **Special Condition No. 7**. **Special Condition No. 7** requires the applicant to submit a written agreement stating that no grading export hauling will occur during the weekend and holidays and during the peak beach use, starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend, of any year. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30252 of the Coastal Act.

## E. GEOLOGY

Section 30253 of the Coastal Act states:

*New development shall:*

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

To assess the geologic feasibility of the project, the applicant submitted the following report:  
*Preliminary Geotechnical Investigation of Retaining Wall, Parking Lot and Childcare Center,*



*Hoag Hospital Lower Campus Newport, California* prepared by Lowney Associates dated February 2005. In preparing the report, Lowney Associates reviewed existing information of the site, explored subsurface conditions, evaluated subsurface soils, evaluated the physical and engineering properties of the subsurface soils, conducted engineering analysis to evaluate site earthwork, retaining wall options, Child Care Center foundation and pavements, and prepared this report containing their findings, conclusions and recommendations. The report determined the following: the proposed retaining walls would extend below perched water; the on-site siltstone has a moderate to very high expansion potential; subsurface materials are severely corrosive at this site; natural gasses are present at the site and the project site has a high potential for earthquake induced strong ground motions during its lifetime. In order to adequately deal with these conditions, the report includes certain recommendations for the proposed development, such as: dewatering of the site; special provisions for slabs-on-grade and rigid flat works; conventional continuous and/or isolated spread footings foundation for the Child Care Center; soil nail system for the retaining walls; and measures to be applied for protection of the permanent retaining structures.

In order to assure that risks are minimized, the geotechnical consultant's final recommendations must be incorporated into the design of the project. Therefore, the Commission imposes **Special Condition No. 8**, which requires the applicant to submit, for the review and approval of the Executive Director, final design and construction plans reviewed and signed by the geotechnical consultant indicating that the recommendations contained in the geotechnical report have been incorporated into the design of the proposed project. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act, which requires that geologic risks be minimized and that geologic stability be assured.

#### **F. LOCAL COASTAL PROGRAM**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The certified LUP was updated on January 9, 1990. The City currently has no certified implementation plan. Therefore, the Commission issues CDP's within the City based on the development's conformance with the Chapter 3 policies of the Coastal Act. The LUP policies may be used for guidance in evaluating a development's consistency with Chapter 3.

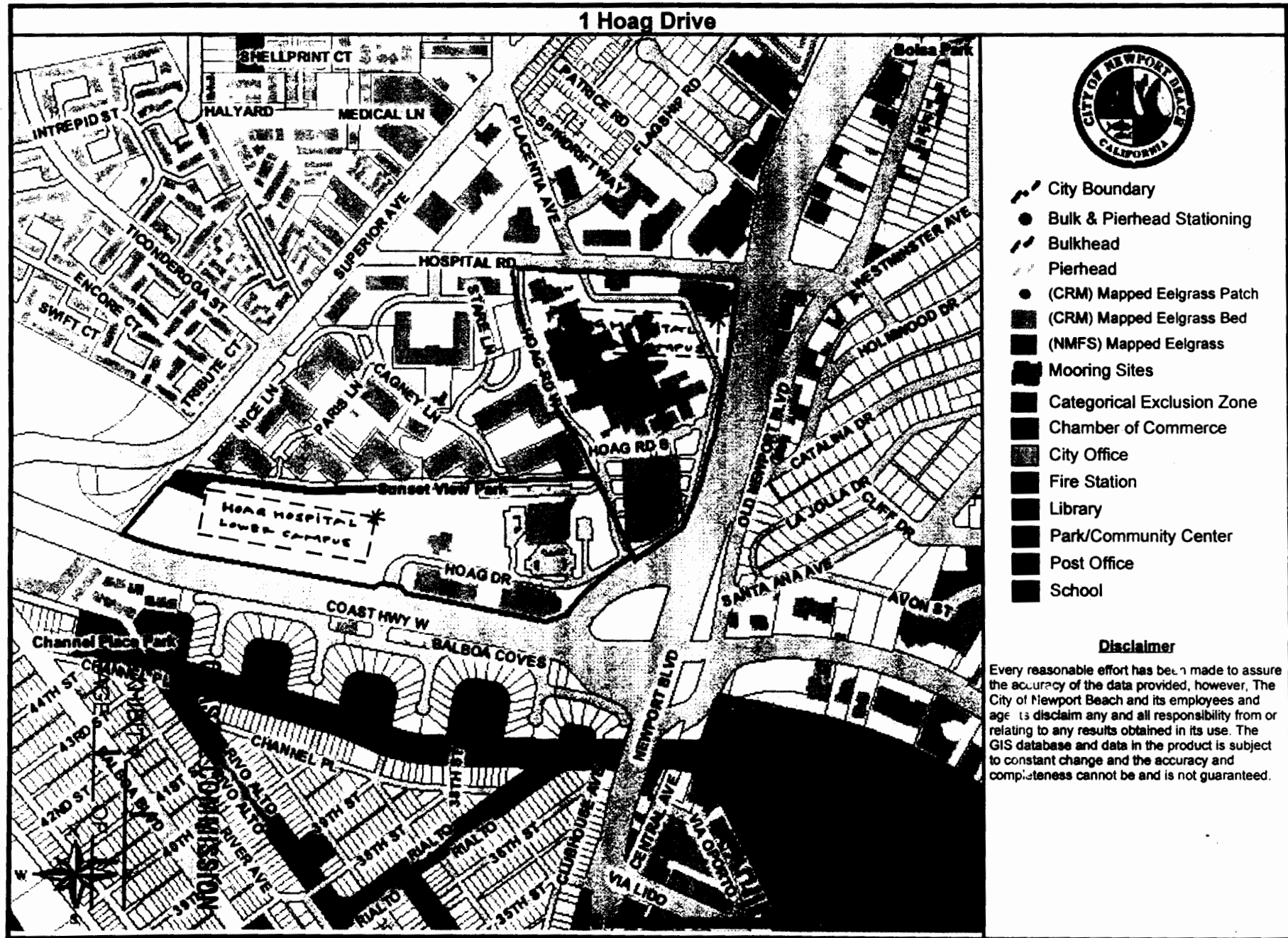
The proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

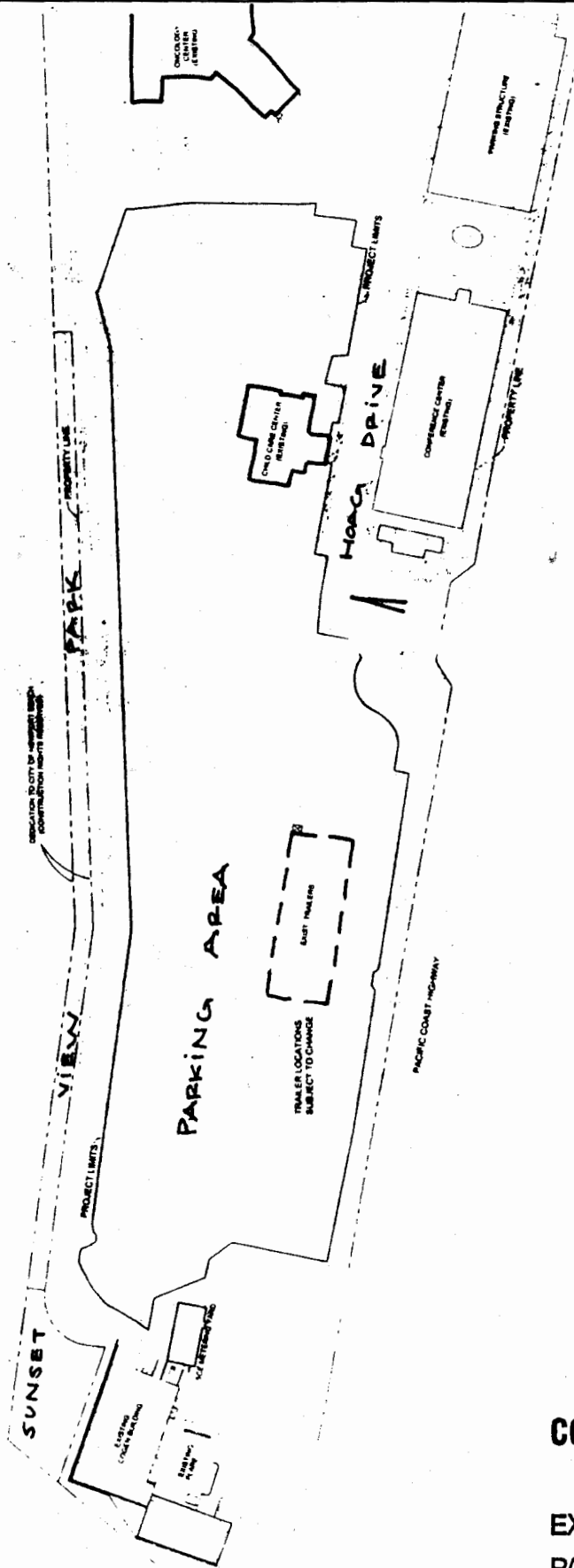
**G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project is located in an urbanized area. Development already exists on the subject site. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The conditions also serve to mitigate significant adverse impacts under CEQA. The **Eight (8) Special Conditions** imposed are: 1) conformance with prior conditions; 2) submittal of a retaining wall visual treatment plan; 3) adherence to construction best management practices; 4) submittal of location of debris disposal site; 5) submittal of a Water Quality Management Plan (WQMP); 6) submittal of a revised landscaping plan; 7) submittal of written conformance regarding hauling grading export; and 8) submittal of geotechnical conformance.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



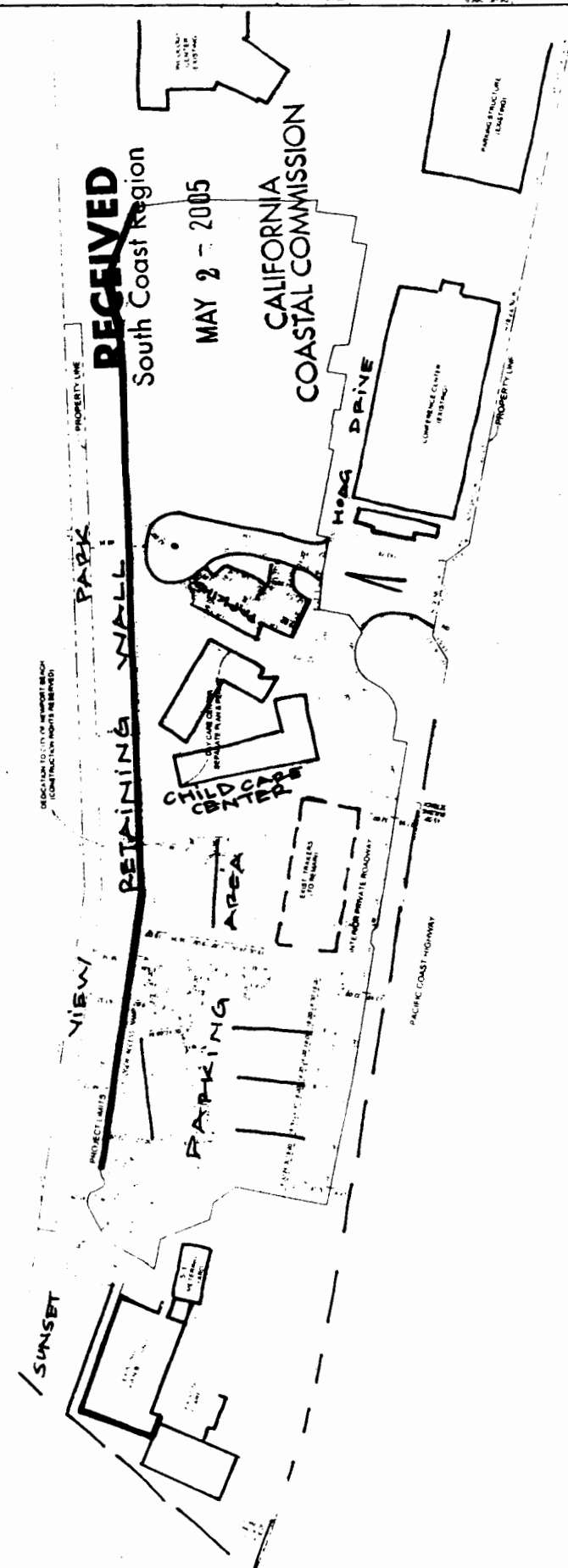


# EXISTING SITE PLAN

COASTAL COMMISSION

EXHIBIT # 2  
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REFERENCES  
1. HOAG HOSPITAL - LOWER CAMPUS  
2. HOAG HOSPITAL - UPPER CAMPUS  
3. HOAG HOSPITAL - LOWER CAMPUS  
4. HOAG HOSPITAL - UPPER CAMPUS  
5. HOAG HOSPITAL - LOWER CAMPUS  
6. HOAG HOSPITAL - UPPER CAMPUS  
7. HOAG HOSPITAL - LOWER CAMPUS  
8. HOAG HOSPITAL - UPPER CAMPUS  
9. HOAG HOSPITAL - LOWER CAMPUS  
10. HOAG HOSPITAL - UPPER CAMPUS



PROPOSED SITE PLAN

COASTAL COMMISSION

EXHIBIT # 3

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