

January 23, 2025, Planning Commission Item 2 Comments

These comments on a Newport Beach Planning Commission [agenda](#) item are submitted by:

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Item No. 2. NEWPORT IRVINE MEDICAL CENTER (PA2024-0070)

1. There is a discrepancy between the staff report and the draft resolution as to who approved the existing [Use Permit No. UP1939](#).

The staff report, on handwritten page 6, refers to “*Use Permit No. UP1939 (UP1939), approved by the City Council on May 12, 1980.*” But there is no mention of this in the draft resolution. Instead, Section 1.2 says only “*The Planning Commission approved Use Permit No. UP1939 on April 24, 1980*” and Section 4.4 says “*This resolution supersedes Planning Commission Use Permit No. 1939.*”

Review of the April 24, 1980, PC minutes, where this was [Item 8](#) (starting on page 28) indicates the PC did, indeed, by a 3:2 vote (with 2 absent) approve UP1939, retroactively blessing a building under construction over the base height staff could allow. However, the PC’s action was [called up](#) for review by the City Council, where the May 12, 1980, minutes indicate a hearing on UP1939 was held as [Item D.2](#), with a 5:2 majority of the Council voting to “sustain” the PC’s decision, but with an additional stipulation.

2. Section 3.G.1 (handwritten page 31 of the staff report) confusingly says an additional height increase is requested “*to allow glass parapets as exterior-only architectural features.*” However, the project plans on handwritten pages 68 and 69 appear to indicate that much, if not most, of the maximum height features will be constructed not of glass, but of “fiber cement” and “ACP aluminum composite” panels.
3. More importantly, in assessing consistency with the General Plan and Zoning, Fact 3.B.2 on handwritten page 26, mentions that with a final gross floor area of 78,229 square feet the FAR will be 0.55 where a maximum of 0.50 is allowed. Even though that is closer to compliance than it was, isn’t that still a problem?

The [1980 PC staff report](#) indicates the approved UP1939 proposal was for a 75,751 square feet gross area building, as does the April 14, 1980, [environmental notice](#). While that report says a much larger project could have been allowed in 1980, isn’t the existing building now a legally non-conforming structure?

Does that affect the analysis? And how did it get to be larger than allowed by UP1939?

4. Additionally, a number of [conditions](#) were imposed on UP1939, as well as environmental [mitigation measures](#). Since UP1939 is proposed to be superseded, has staff verified all those conditions have been fulfilled and do not need to be carried forward?
5. Among the earlier conditions, it is interesting to note the the applicant was required to acknowledge that the City was working to eliminate jet service at the nearby airport, and to promise not to oppose those efforts.
6. With regard to airport jet noise, the statement in the [Noise and Vibration Analysis](#) (Attachment No. PC 3) that “*Aircraft flyovers may be audible on the project site*” seems quite an understatement. Indeed, being immediately adjacent to the JWA departure path,

this seems a site more likely to be impacted by noise than to generate new noise impacts of its own. In that regard, it would be interesting to know what the anticipated noise level due to those external sources will be in the “new atrium-style lobby” – a question that does not seem to be addressed in the Analysis, other than with a vague promise the structure is required to conform to building codes.

7. More importantly, the Analysis’ conclusion that no significant noise impacts will be created by the future operation of the facility is confusingly stated.

Table N of the Analysis predicts a 1.5 dB increase in traffic noise on “Orchard Drive West of Birch Street,” which it says is insignificant because it is less than 3 dB.

However, General Plan [Policy N 1.8](#) and NBMC [Subsection 20.30.080](#) set a stricter standard when ambient noise levels are high, as they are in this community. The threshold of significance is a 2 dB increase when the ambient CNEL exceeds 60 dB, and a 1 dB increase when the ambient CNEL exceeds 65 dB.

Based on the analyst’s own long-term noise measurements at location LT-2 (see Table H and Figure 3 of the Analysis), the existing CNEL at the sensitive receptor locations along this stretch of Orchard Drive is likely to be close to or exceed 70 dB, which would make a 1.5 dB increase significant.

This is not to say the analyst’s conclusion is wrong, because he or she is predicting the increase in *traffic* noise, alone, and not the increase in the *total* noise with which our code is presumably concerned, and to which the street traffic noise may be a small contributor (given the aircraft operations). But to support the conclusion, I believe the analyst should have reported how much the 1.5 dB increase in traffic noise would change the total noise, and demonstrate that the increase will be less than 1 dB..