

## 4.12 Public Services

This section describes existing public services for the project area and identifies and addresses potential Project impacts related to the following services:

- Fire protection (City of Newport Beach),
- Police protection (City of Newport Beach),
- Public schools (Santa Ana Unified School District), and
- Library services (City of Newport Beach).

### 4.12.1 FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

#### **Regulatory Setting**

##### ***California Fire Code***

The 2016 California Fire Code (California Code of Regulations Title 24 Part 9) sets forth requirements including those for building materials and methods pertaining to fire safety and life safety, fire protection systems in buildings, emergency access to building, and handling and storage of hazardous materials.

##### ***City of Newport Beach Fire Code***

The 2016 California Fire Code sets forth requirements including those for building materials and methods pertaining to fire safety and life safety, fire protection systems in buildings, emergency access to buildings, and handling and storage of hazardous materials. The City adopted the 2016 California Fire Code with certain amendments, additions, and deletions, as Chapter 9.04 of the Newport Beach Municipal Code.

##### ***Newport Beach Fire Department Fire Prevention Guidelines and Standards***

The Newport Beach Fire Department (NBFD) Life Safety Division has set forth certain Fire Prevention Guidelines and Standards, including guidelines and standards for fire flow, fire access, building construction, flammable and combustible liquids, and fire protection systems (NBFD, 2017).

##### ***General Plan Safety Element***

The primary goal of the General Plan Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Safety Element recognizes and responds to public health and safety risks that could cause exposure to the residents of Newport Beach. Implementation of City, County, and State emergency response and mutual aid plans enables the community to avert or minimize impacts to the extent practical and feasible; implementation of these plans also allows restoration of the City in a timely manner after a catastrophic event. This General Plan element specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning. As discussed below, the type and location of hazards have been identified in the Safety Element as have policies and programs to minimize impacts. The Project's consistency with applicable General Plan goals and policies is provided in Section 4.9, Land Use and Planning, of this EIR.

## 4.12.2 ENVIRONMENTAL SETTING

Fire Hazard Severity Zones (FHSZs) are mapped by the California Department of Forestry and Fire Protection (CAL FIRE) as set forth in PRC 4201-4204 and Government Code 51175-89. FHSZs are categorized fire protection within a Federal Responsibility Area under the jurisdiction of a federal agency, a State Responsibility Area (SRA) under the jurisdiction of CAL FIRE, or within a Local Responsibility Area under the jurisdiction of a local agency. CAL FIRE is responsible for fire protection within SRAs, found in 56 counties in California, and provides a variety of emergency services in 36 counties (CAL FIRE, 2017). The City does not have any SRA zones and a portion of the City in a Local Responsibility Area.<sup>1</sup> A portion of the City is classified as a Very High Fire Hazard Severity Zone (VHFHSZ) and the remainder is classified as a Non-VHFHSZ. The project site is in an area classified as a Non-VHFHSZ. The General Plan Wildfire Hazards map identifies that the site is designated as low/no fire susceptibility.

The City is a participant in Metro Net, a multi-city dispatch center covering the cities of Huntington Beach, Newport Beach, and Fountain Valley in South Orange County and multiple cities in North Orange County. The City of Newport Beach has individual mutual aid agreements with cities including Irvine, Costa Mesa and Huntington Beach, and the Orange County Fire Authority. Together, all fire agencies provide personnel to any emergency. The closest emergency response unit is dispatched to the emergency, regardless of jurisdictional boundary for any fire or large emergency response with multiple units. Other emergency responses (e.g., medical aids, minor spills, public assist) are with mutual aid agreements usually set up with reciprocal coverage in other areas.

The Newport Beach Fire Department (NBFD) provides fire protection services for the City. Fire and building inspections are provided by the Building Division of the Community Development. The NBFD is divided into four divisions: Administration, Fire Operations, Emergency Medical Services, and Marine Operations. The Fire Operations Division is the largest of the four divisions. The NBFD has eight fire stations located throughout the City in eight districts that encompass the immediate geographical area around the station (Newport Beach Fire Department [NBFD], 2017a). The NBFD currently employs 134 full-time employees, including 114 fire suppression personnel (33 firefighter/paramedics) (NBFD, 2017c). The NBFD staffs its fire stations 24 hours a day with three, 48-hour shifts. Fire Department daily staffing, per shift, includes 1 Battalion Chief, 10 Fire Apparatus Engineers, 10 Fire Captains, 10 Paramedic/Firefighters, and 6 Firefighters. The front-line apparatus currently serving the City includes 8 Fire Engines, 2 Aerial Ladder Trucks, and 3 Paramedic Rescue Ambulances (NBFD, 2017a). The department has the capability of putting in three additional reserve ambulances in service if needed.

The following three stations are within five miles of the project site:

**Station No. 7: Santa Ana Heights.** This station is located at 20401 Acacia Street, approximately 1.3 miles southwest of the site. Fire Station 7 is the primary station that provides the first response to the Airport Area.

**Station No. 3: Fashion Island.** This station is located at 868 Santa Barbara Drive, approximately 3.3 miles southwest of the site.

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<sup>1</sup> CAL FIRE, 2007. Orange County FHSZ Map. [http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps\\_orange](http://www.fire.ca.gov/fire_prevention/fhsz_maps_orange)

**Station No. 6: Mariners.** This station is located at 1348 Irvine Avenue, approximately 3.4 miles southwest of the site.

NBFD's response time objective for a priority incident requiring full personal protective equipment is less than 5 minutes and 20 seconds, 90 percent of the time. For priority incidents not requiring full personal protective equipment, the performance objective is less than 5 minutes, 90 percent of the time. The average response time for fire units is 4 minutes and 22 seconds (NBFD, 2017b). The response time objectives are goals, not mandatory.

As the City has grown, the NBFD has experienced increased medical response calls for service, which now account for approximately 80 percent of all calls received. The increase in requests can be attributed in part to an aging population evidenced by demographic data provided by the Census Bureau.

Equipment and staffing funding for NBFD comes primarily from the City's general funds. However, a property excise tax in Chapter 3.12 of the City of Newport Beach Municipal Code funds public improvements that include fire stations and equipment. Additionally, the fire department generates fees for various fire, life, safety, and marine operations that are budgeted each year to partially offset department expenses.

### 4.12.3 THRESHOLDS OF SIGNIFICANCE

The following significance criteria is from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact to public services is it would:

**Threshold 4.12-1** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.

### 4.12.4 ENVIRONMENTAL IMPACTS

The Proposed Project would allow for the development of 260 residential condominiums with associated parking structures, 3,000 sf of ground-floor retail uses, a 1.17-acre public park, a free-standing parking structure, and the reconfiguration of some of the existing surface parking areas. As discussed in Section 4.11, *Population and Housing*, the Project has the potential to generate 580 residents and create 7 new permanent employment opportunities. This may result in increased demand for service from the NBFD.

The additional population anticipated with the Proposed Project could potentially affect NBFD's response time to the project site. Currently, a paramedic unit would be dispatched from Fire Station 3 (Fashion Island), which is the closest paramedic unit to the site. In order to maintain appropriate level of service to the site and surrounding area, a rescue ambulance with patient transport and advanced life support (ALS) capabilities is required at Fire Station 7, which is the closest fire station to the project site (NBFD, 2017c). Fire Station 7 has the physical capacity to house a paramedic rescue ambulance unit and would be able to address the additional service demand. The Proposed Project would be subject to the City of Newport Beach Property Excise Tax, as set forth in its Municipal Code (§ 2.12 et seq.) for public improvements and

facilities associated with the City's Fire Department, public libraries, and public parks (SC 4.12-1). In addition to the ambulance unit and its appurtenant equipment, the paramedic rescue ambulance unit requires six firefighters that are cross-trained as paramedics to ensure the unit is available 24 hours a day. Implementation of MM 4.12-1, which would require that the fire paramedic unit be operational at Fire Station No. 7 before occupancy of the Project, would ensure appropriate levels of service to the Airport Area within required response times.

Given the proximity of the project site to Fire Station 7, Santa Ana Heights Fire Station (1.8 mile), and with implementation of SC 4.14-1 and MM 4.12-1, Nbfd would continue to maintain its service response goals and provide adequate staffing. Therefore, increases in service demand generated by the Proposed Project would not have a substantial impact on Nbfd's ability to adequately serve the project site. Therefore, the Project can be adequately served with existing City fire and emergency medical services, as well use of fire and emergency medical services provided through the City's mutual aid agreements with adjacent jurisdictions, the latter as needed.

All new development would be required to comply with the existing International Fire Code and California Fire and Building Codes in the California Health and Safety Code. In addition, Chapter 10.48 of the City's municipal code authorizes the Fire Marshal to regulate weed and rubbish abatement in the City to reduce potential fire hazards from dry grasses, brush, garden refuse, etc. The Project would comply with the Nbfd's Fire Prevention Guidelines and Standards. By complying with these federal, State, and local regulations, adequate fire and emergency safety elements would be integrated into the Project, thereby reducing the risk for fire hazards.

The Fire Department's operating budget is generated through tax revenues. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Additionally, the Applicant would be required to pay the City's Property Excise Tax (Municipal Code § 3.12) established for public improvements and facilities associated with the Nbfd, public libraries, and public parks. The Project would also generate property taxes for the City's General Fund, which provides Nbfd with funding. Therefore, impacts from the Proposed Project would be less than significant.

**Impact Summary:**     ***Less Than Significant With Mitigation.*** With compliance with SC 4.14-1 and implementation of MM 4.14-1, the Project can be adequately served from existing fire stations in the City.

#### 4.12.5 CUMULATIVE IMPACTS

As discussed above, recent growth in the Airport Area has resulted in an increase in medical response calls. The additional population anticipated with the Uptown Newport Project, the proposed Koll Center Residences Project, and others in the area would contribute to the need for an additional paramedic rescue ambulance (Nbfd, 2017c). Fire Station 7, which is the closest fire station to the Proposed Project, has the physical capacity to house a paramedic rescue ambulance unit and would be able to address the additional service demand. In addition to the rescue ambulance with patient transport and advanced life support (ALS capabilities), the paramedic rescue ambulance unit requires six firefighters that are cross-trained as paramedics to ensure the unit is available 24 hours a day. Implementation of MM 4.12-1 would ensure appropriate level-of-service to the Airport Area within required response times.

The Project assumes the provision of fire protection services is based on a combination of existing fire services, the use of mutual aid, the payment of Property Excise Tax (SC 4.12-1), and compliance with mitigation identified in the EIR. Additionally, the Project Applicant, the sponsors of all past projects since the passage adoption of the Property Excise Tax, all present projects, and reasonably foreseeable future projects, would be required to pay the excise tax. Tax-base expansion from development of the Proposed Project as well as past, present, and reasonably foreseeable future projects would generate funding for fire protection services.

Consistent with the findings of the City of Newport Beach General Plan EIR, development projects would generate residents which could place burdens on public services potentially resulting in significant impacts to service providers. However, payment of fees and the implementation of required mitigation on a project-by-project basis would reduce impacts to a less than significant level and no cumulative impacts would result.

## 4.12.6 MITIGATION PROGRAM

### **Project Design Features**

No project design features have been identified by the Applicant.

### **Standard Conditions and Requirements**

- SC 4.12-1** Prior to the issuance of a building permit for the construction of residential and commercial uses, the Applicant shall pay the required Property Excise Tax to the City of Newport Beach, as set forth in its Municipal Code (§ 2.12 et seq.) for public improvements and facilities associated with the City of Newport Beach Fire Department, the City of Newport Beach Public Library, and City of Newport Beach public parks.
- SC 4.12-2** Prior to City approval of individual development plans for the Project, the Applicant shall obtain Fire Department review and approval of the site plan in order to ensure adequate access to the project site.

### **Mitigation Measures**

- MM 4.12-1**
- a. Prior to the issuance of a building permit for the first residential unit(s), the Applicant, or any successors in interest, shall provide payment to the City of Newport Beach for the Project's pro-rata share of the cost for purchasing and equipping a new rescue ambulance with patient transport and advanced life support (ALS) capabilities to be located at Santa Ana Heights Fire Station No. 7.
  - b. The Applicant, or any successors in interest, shall participate, on a pro-rata basis, in any City-approved funding program for the additional six firefighter/paramedic personnel to staff the new paramedic unit. The funding program may be a community facilities district or other funding program. Prior to the issuance of a building permit for the first residential unit(s), the Applicant, or any successors in interest, shall execute a written agreement with the City of Newport Beach to participate in such a funding program.

- c. Prior to the issuance of a certificate of occupancy for the first residential unit(s), a rescue ambulance with patient transport and advanced life support (ALS) capabilities shall be located and operational at the Santa Ana Heights Fire Station No. 7.

#### 4.12.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of the Mitigation Program set forth in this section, potential impacts to fire protection and emergency services would be less than significant.

#### 4.12.8 LAW ENFORCEMENT SERVICES

##### **Regulatory Setting**

There are no federal, State, or local regulations related to police protection that are applicable to this Project.

##### **Environmental Setting**

###### ***Newport Beach Police Department***

The Newport Beach Police Department (NBPD) enforces local, State, and federal laws and provides police service to the City. The NBPD provides emergency police response, non-emergency police response, routine police patrol, traffic violation enforcement, traffic accident investigation, animal control, and parking code enforcement. The NBPD's mission is to:

- Respond positively to the Community's needs, desires and values and in so doing be recognized as an extension and reflection of those we serve.
- Strive to provide a safe and healthy environment for all, free from violence and property loss resulting from criminal acts, and injuries caused by traffic violators.
- Manage inevitable change and welcome the challenge of future problems with creative solutions, which are financially prudent and consistent with Community values.

The NBPD has mutual aid agreements with the surrounding cities, and the Orange County Sheriff's Department to provide organized interagency assistance and cooperation during local police incidents.

NBPD headquarters is located at 870 Santa Barbara Drive, approximately 3.3 miles southwest of the project site. The site is in the Patrol Division designated as Area 3 (NBPD, 2017a). According to the General Plan EIR, the NBPD employs 249 personnel, including a chief, a deputy director, 2 deputy chiefs, 8 lieutenants, 24 sergeants, 137 sworn officers, 80 civilian personnel, and 32 seasonal and part-time personnel. NBPD has four divisions: patrol/traffic, support services, detectives, and chief of police (Short, 2017)." At this time, there are no specific plans for expansion of police facilities or addition of staff or equipment inventory.

With a population of 84,915 residents (Department of Finance, 2017), the ratio of officers to residents is approximately 1.6 sworn officers per 1,000 residents. NBPD's goal response time for emergency calls is 4 minutes. On average, 3,000 emergency calls are received each month, with an average of 98 percent

answered within 10 seconds. Approximately 75,000 calls are dispatched every year, and the average police response time to emergency calls is just over 3 minutes (Short, 2017).

Funding for NBPD comes primarily from the City's General Fund. In addition, NBPD generates revenue from various police services, such as penalty fees or service request fees. These sources of funding provide NBPD with adequate staffing, equipment, and facilities to provide the City a high level of police services.

### **Thresholds of Significance**

The following significance criteria is from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact to public services is it would:

**Threshold 4.12-2** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.

### **Environmental Impacts**

#### ***Construction-related Impacts***

During development, construction may require services from the NBPD in the cases of trespassing, theft, and vandalism. Provision of private security, provided by the Applicant, in construction areas within the project site would reduce the need for police protection services. With these services, short-term, construction-related impacts would be less than significant.

#### ***Operational Impacts***

Policy LU 2.8 of the General Plan provides that only land uses that can be adequately supported by the City's public services should be accommodated. Project implementation would introduce new residential, retail, and recreational uses and increase population in the City. Buildout of the Proposed Project has the potential to generate 580 residents (see Section 4.11, *Population and Housing*). Based on the City's current ratio of officers to residents (which is 1.6 officers per 1,000 residents), implementation of the Project would result in the demand for less than one additional police officer. It should be noted that the ratio of 1.6 officers per 1,000 residents is not an established standard. No planning generation factors are used by the NBPD to determine the effects of non-residential development.

Although the project site is currently surface parking for the existing office buildings, the NBPD currently provides police services to the Koll Center Newport. The demand for police services would not be substantially increased by the introduction of the proposed residential and commercial uses. As previously discussed, the NBPD does not have any immediate or future plans to expand police facilities. Although the Project would incrementally increase demand for the City's police protection services, this demand would not require the construction of new facilities, nor would it require the expansion of existing facilities that would result in physical environmental impacts. The City is almost fully built out, with most new development occurring as infill development or redevelopment. Residential development on the project site has been taken into account in long-range planning efforts undertaken by agencies such as the NBPD.

The Police Department's operating budget is generated through tax revenues, penalties and service fees, and allowed government assistance. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Tax-base expansion from development of the Proposed Project would generate funding for the police protection services. Implementation of SCs 4.12-3 and 4.12-4 related to site security and building and site safety design recommendations would ensure adequate police protection services can be provided to the project site. Therefore, the Project's impact on police protection services would be less than significant.

**Impact Summary:**     ***Less Than Significant.*** The Project can be served by the NBPD without any adverse effects on police services.

### **Cumulative Impacts**

NBPD's operating budget is primarily generated through tax revenues and fees collected from penalties and requested services. Increased property and sales tax from cumulative projects would increase the City's General Fund in rough proportion to population increases, providing funding for any improvements necessary to maintain adequate police protection facilities, equipment, and/or personnel. Consequently, although the cumulative demand for police services would incrementally increase over time, the addition of new officers and equipment to serve the demand is not likely to result in any significant adverse cumulative impacts associated with the construction of new facilities or the alteration of existing facilities. Moreover, should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA review. Consistent with the findings of the City of Newport Beach General Plan EIR, no cumulative impacts would result.

### **Mitigation Program**

#### ***Project Design Features***

No project design features have been identified by the Applicant.

### **Standard Conditions and Requirements**

**SC 4.12-3**     Prior to issuance of building permits, the City of Newport Beach Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the Project plans. The Applicant shall prepare a list of project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the Project prior to initiating the building plan check process.

**SC 4.12-4**     Prior to the issuance of the first grading permit and/or action that would permit site disturbance, the Applicant shall provide evidence to the City of Newport Beach Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the Police Department and the Public Works Department, to be instituted during the grading and construction phase of the Project.

***Mitigation Measures***

No mitigation measures are required to reduce impacts to law enforcement services.

**Level of Significance After Mitigation**

The Proposed Project's impact on law enforcement services would be less than significant.

**4.12.9 SCHOOLS****Regulatory Setting*****California State Assembly Bill 2926: School Facilities Act of 1986***

To assist in providing school facilities to serve students generated by new development, Assembly Bill (AB) 2926 was enacted in 1986 and authorizes a levy of impact fees on new residential, commercial, and industrial development. The bill was expanded and revised in 1987 through the passage of AB 1600, which added Sections 66000 et seq. to the Government Code. Under this statute, payment of impact fees by developers serves as CEQA mitigation to satisfy the impact of development on school facilities.

***Senate Bill 50***

Senate Bill (SB) 50 (1998), which is funded by Proposition 1A, limits the power of cities and counties to require mitigation of developers as a condition of approving new development and provides instead for a standardized fee. SB 50 generally provides for a 50/50 State and local school facilities match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available; whether the school district is eligible for State funding; and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of moveable classrooms in use.

California Government Code Sections 65995-65998 sets forth provisions to implement SB 50. Specifically, in accordance with Section 65995(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities." The applicable school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Pursuant to Government Code Section 65995(i), "A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable."

California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

***Santa Ana Unified School District***

In accordance with SB 50, the construction of new schools requires a school district to match State funds. The local match is typically provided by such funds as developer fees, local general obligation bonds, and/or Mello-Roos Community Facilities District (CFD) (special taxes that can be levied on property owners of newly constructed homes within a CFD). The Santa Ana Unified School District (SAUSD) participates in the State funding program actively and also received School Facility Program funding under the modernization, overcrowding relief, and critically overcrowded grant categories since 2003. It should be noted that State funding eligibility varies with projected enrollment growth compared to the number of existing seats in the district.

In 2008, residents within the boundaries of the SAUSD passed local Measure G authorizing the sale of \$200 million in general obligation bonds. Measure G funds are used by SAUSD to repair and construct classrooms and facilities. It is the second general obligation bond in SAUSD. Measure C was passed by the SAUSD voters in November 1999 and authorized the sale of \$145 million in general obligation bonds. Measure C funds were used by the SAUSD for modernization and new construction projects district-wide.

***City of Newport Beach Municipal Code***

The municipal code identifies land use categories, development standards, and other general provisions that ensure consistency between the City's General Plan and proposed projects. The following provision from the municipal code focuses on school services impacts:

- Chapter 19.48 (School Sites and Fees): Requires developers to dedicate to school district a portion of their subdivision to construct the schools necessary to maintain adequate public school services. The City may also impose fees or dedication requirements on new residential subdivisions to provide interim school facilities to alleviate overcrowding caused by new residential development.

**Environmental Setting**

The project site and surrounding area is within the boundaries of the SAUSD. The SAUSD has 62 schools: 37 elementary schools, 9 intermediate schools, 7 high schools, 3 alternative high schools, 1 special school, and 5 charter schools. SAUSD covers a 24-square mile district that includes a majority of the City of Santa Ana and parts of Newport Beach, Costa Mesa, Tustin, and Irvine and has an enrollment of approximately 56,000 students as of 2016 (SAUSD, 2017).

The Project would be served by Monroe Elementary, McFadden Intermediate, and Century High School.

- Monroe Elementary (Kindergarten [K] through 5<sup>th</sup> grades) is located at 417 East Central Avenue, approximately 3.3 miles north of the project site. The school had a pupil-teacher ratio of just over 23 students to 1 teacher in the 2014-2015 school year and served 439 students in the 2015–2016 school year (Ed-Data, 2016a).
- McFadden Intermediate School (grades 6-8) is located at 2701 South Raitt Street, approximately 3.6 miles northwest of the project site. The school had a pupil-teacher ratio of 24 students to 1 teacher in the 2014-2015 school year and served 1,328 students in the 2015-2016 school year (Ed-Data, 2016b).

- Century High School (grades 9-12) is located at 1401 South Grand Avenue, approximately 4.4 miles north of the project site. The school had a pupil-teacher ratio of 19 students to 1 teacher in the 2014-2015 school year and served 1,883 students in the 2015-2016 school year (Ed-Data, 2016c).

**Thresholds of Significance**

The following significance criteria is from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact to public services is it would:

**Threshold 4.12-3** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for public school facilities.

**Environmental Impacts**

Student generation rates are used by school districts, including SAUSD, to estimate the number of students generated by new development in order to determine whether existing school facilities would be adequate for future student enrollment. As identified in *Table 4.12-1*, using these student generation rates, the proposed 260-unit residential development would introduce approximately 29 students into the attendance area of SAUSD.

School Level	Single-Family Attached Units	Number of Proposed Units	Students Potentially Generated by the Project
Elementary School	0.0620	260	16
Intermediate School	0.0229	260	6
High School	0.0251	260	7
<b>Total</b>	n/a	n/a	<b>29</b>

Source: Santa Ana Unified School District, 2017.

*Table 4.12-2* shows the current available capacity of SAUSD schools that would serve the students generated by the Project.

School	Current Capacity	Current Permanent Capacity	Available Seats	Students Potentially Generated by the Project	Can Accommodate the Students?
Monroe Elementary	374	519	145	16	Yes
McFadden Intermediate	1,271	1,386	115	6	Yes
Century High	1,840	1,890	50	7	Yes

Source: Santa Ana Unified School District, 2017.

The Proposed Project is anticipated to generate 16 elementary students, 6 intermediate students, and 7 high school students (Table 4.12-1). Based on current enrollment figures and available capacity (Table 4.12-2), the three schools that would serve potential student generated by the Project would be able to accommodate the additional 29 students.

School funding comes predominantly from federal, State, and local contributions, such as business and personal income taxes, sales tax, property tax, etc. In accordance with Government Code Section 65995, the SAUSD requires all new development to pay fees to help offset the impacts to school facilities from new residential, commercial, and industrial development. The current developer fee is \$0.56/sf of Commercial/Industrial development, and \$3.48/sf of residential development. The fees would be collected by SAUSD at the time of issuance of building permits

As stated in Government Code Section 65995(h), "The payment or satisfaction of a fee, charge, or other requirement levied or imposed ...are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization ...on the provision of adequate school facilities." Payment of these fees would offset impacts from increased demand for school services associated with development of the Proposed Project by providing an adequate financial base to construct and equip new and existing schools. Overall, SAUSD would be able to provide adequate school facilities for the projected student residents of the Project, and payment of impact fees would ensure that impacts are offset and remain less than significant.

**Impact Summary:**        ***Less Than Significant.*** Compliance with mandated fee program would preclude significant impacts to the SAUSD.

### **Cumulative Impacts**

The Applicant, the sponsors of all past projects since the passage of SB 50, all present projects, and reasonably foreseeable future projects would be required to pay school impact fees established to offset potential impacts on school facilities. Payment of these fees is considered to be full and complete mitigation of school impacts. Therefore, although the Project and other past, present, and reasonably foreseeable future projects could result in additional students and the need for additional facilities, payment of the fees mandated under SB 50 is the mitigation measure prescribed by the statute, and payment of the fees is deemed full and complete mitigation. The cumulative public services impact of the Project, considered with past, present and reasonably foreseeable future projects, with respect to schools, would be less than significant.

### **Mitigation Program**

#### ***Project Design Features***

No project design features have been identified by the Applicant.

#### ***Standard Conditions***

**SC 4.12-5**        Pursuant to Section 65995 of the California Government Code, the Applicant shall pay developer fees to the Santa Ana Unified School District at the time building permits are

issued; payment of the adopted fees would provide full and complete mitigation of school impacts.

**SC 4.12-6** New development shall be subject to the same General Obligation bond tax rate as already applied to other properties within the Santa Ana Unified School District for Measure G (approved in 2008) and Measure C (approved in 1999) based upon assessed value of the residential and commercial uses.

### ***Mitigation Measures***

No mitigation measures are required to reduce impacts to schools.

### **Level of Significance After Mitigation**

With implementation of the Mitigation Program set forth in this section, potential impacts to schools would be less than significant.

## **4.12.10 LIBRARY FACILITIES**

### **Regulatory Setting**

#### ***City of Newport Beach Municipal Code***

The City of Newport Beach Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the City's General Plan and proposed development projects. The following provision focuses on library services:

#### **Chapter 3.12 (Property Development Tax)**

Funds public improvements and facilities consisting of fire stations and fire-fighting equipment, public City libraries and public City parks, which cannot be met by the ordinary revenues of the City. The excise tax is imposed upon the construction and occupancy of residential, commercial and industrial units or buildings in the City.

### **Environmental Setting**

The Newport Beach Public Library provides library services to the City with four branches and a concierge service building where patrons can drop off and pick up books on hold and search the library catalog. Library services provided at each branch include wireless internet, printing, interlibrary loans, home-bound service, computer training classes, and book clubs for children, teens, and adults. Branch locations are listed in *Table 4.12-3*.

<b>Newport Beach Public Library</b>	<b>Address</b>	<b>Driving Distance to Project Site</b>
Central Library	1000 Avocado Avenue, Newport Beach	4.4 miles
Mariners Branch	1300 Irvine Avenue, Newport Beach	4.4 miles
Balboa Branch	100 East Balboa Boulevard, Balboa	9.3 miles
Corona Del Mar Branch	420 Marigold Avenue, Corona Del Mar	5.3 miles
Newport Coast Community Center (conciierge service)	6401 San Joaquin Hills Road, Newport Coast	5.2 miles
OASIS Senior Center (conciierge service)	801 Narcissus Avenue, Newport Beach	5.2 miles

The Central Library and Mariners Branch Library are closest to the project site. The Central Library is 71,000 sf and has amenities such as student and children programs, passport services, a credit union, and a café. The Mariners Branch Library is 15,000 sf and includes a full-service library with public computers and internet access, a Children's Room, Teen area, and meeting room. Upgrades to expand the Corona Del Mar Branch are proposed.

**Thresholds of Significance**

The following significance criteria is from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact to public services is it would:

**Threshold 4.12-4** Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for library services.

**Environmental Impacts**

The Project is anticipated to include 580 residents, thereby incrementally increasing the demand for City library services. Although future Project residents would be expected to primarily use the Central and Mariners Branch Libraries, they would have access to all four libraries within The City’s library system (Table 4.12-3). The existing library space, collections, and programs provided are considered adequate for the existing residents, and the proposed residential development would have a nominal impact on library services. The City’s library system would continue receiving funding for library facilities and resources through the City’s General Fund; the property excise tax per Chapter 3.12 of the City’s municipal code (\$0.21 per square foot of gross floor area); and library activities, such as fines, facility rentals, passport photo/execution fees, and grants and private donations. Overall, Project impacts to library services would be less than significant.

**Impact Summary:** *Less Than Significant.* SC 4.12-1 applies to the Project. Library services can be provided to the Project without significantly impacting existing and planned development within the City.

### 4.12.11 CUMULATIVE IMPACTS

Based on the EIR's significance criteria, cumulative impacts would result if the Project, in combination with past, present, and reasonably foreseeable future development, would require the construction of library facilities or the alteration of existing library facilities that could cause significant environmental impacts. The Proposed Project would not create a need for new or expanded library facilities. The Applicant, the sponsors of all past projects since the passage adoption of the Property Excise Tax as set forth in the Newport Beach Municipal Code (§ 3.12 et seq.), all present projects, and reasonably foreseeable future projects would be required to pay the excise tax established for public improvements and facilities associated with the Nbfd, public libraries, and public parks. Therefore, as new developments within the City occur, property and sales tax would increase in rough proportion and contribute to an increase in the City's General Fund and consequently a larger allocation of funds towards library services. Overall, cumulative impacts on library services would be less than significant.

#### **Mitigation Program**

##### ***Project Design Features***

No project design features have been identified by the Applicant.

##### ***Standard Conditions and Requirements***

SC 4.12-1 is applicable.

##### ***Mitigation Measures***

No mitigation measures are required to reduce impacts to library facilities.

#### **Level of Significance After Mitigation**

The Project's impact on libraries would be less than significant.

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