

4.13 Recreation

This section describes the availability of and anticipated demand on parks and recreation opportunities in the vicinity of the project site, and identifies and addresses potential Project impacts related to recreational facilities.

4.13.1 REGULATORY SETTING

State

Quimby Act

The Quimby Act of 1975, (California Government Code § 66477), commonly called the “Quimby Act”, allows a city or county to pass an ordinance that requires, as a condition of approval of a subdivision, either the dedication of land, the payment of a fee in lieu of dedication, or a combination of both for park and recreational purposes. It allows a city or county to require a maximum parkland dedication standard of 3 acres of parkland per 1,000 residents for new subdivision development unless the jurisdiction can demonstrate that the amount of existing neighborhood and community parkland exceeds that limit. In accordance with Section 66477, a jurisdiction may establish a parkland dedication standard based on its existing parkland ratio, provided required dedications do not exceed 5 acres per 1,000 persons.

Regional and Local

City of Newport Beach Park Dedication Ordinance (Quimby Ordinance)

Consistent with and as permitted by the Quimby Act, the City has adopted a Park Dedication and Fees Ordinance (*City of Newport Beach Municipal Code*, §§19.52.010–19.52.090). The ordinance requires that a project applicant for a residential subdivision “provide for the dedication of land, the payment of fees in lieu thereof, or a combination of both for park or recreational purposes in conjunction with the approval of residential development.” The City’s park dedication requirement is 5 acres per 1,000 people (Municipal Code § 19.52.040). In-lieu fees are placed in a fund for the provision or rehabilitation of park and recreational facilities that can serve the subdivision. The Park Dedication and Fees Ordinance also provides for credit to be given, at the discretion of the City, for private recreational facilities within a new residential development or for the provision of park and recreational improvements to land dedicated for a public park. The amount of credit granted for private recreational facilities can range from 0 percent to 20 percent of the amount of required land dedication or in lieu fee. In no case would the credit exceed 20 percent.

General Plan Recreation Element

The primary purpose of the Recreation Element is to ensure that “balance between the provision of sufficient parks and recreational facilities are appropriate for the residential and business population of Newport Beach. Specific recreational issues and policies contained in the Recreation Element include parks and recreational facilities, recreational programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access” (Newport Beach 2006a).

The City is divided into 12 service areas with a goal that each geographic area contains adequate parklands and/or recreational opportunities to serve that specific portion of the community. The project site is in

Service Area 4, Santa Ana Heights/Airport Commercial. Service Area 4 is generally bound on the north and west by Campus Drive; on the south by the Upper Newport Bay Regional Park; on the southeast by Bayview Park; and on the east by Jamboree Road; and on the west by the Santa Ana River.

In addition to compliance with the City's Park Dedication and Fees Ordinance, the following policies of the General Plan identify additional development requirements.

Recreation Element

R 1.1 New Residential Subdivisions. Require developers of new residential subdivisions to provide parkland at five acres per 1,000 persons, as stated in the City's Park Dedication Fee Ordinance, or to contribute in-lieu fees for the development of public recreation facilities meeting demands generated by the development's resident population, as required by the City's Park Dedication Fees Ordinance.

R 1.2 High-Density Residential Developments. Require developers of new high-density residential developments on parcels eight acres or larger, to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedications and Fees Ordinance. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities can also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational facilities, the developer shall be required to pay the City of Newport Beach cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedications and Fee Ordinance.

The acreage of on-site open space development with residential projects may be credited against the parkland dedication requirements where it is, for example, accessible to the public during daylight hours, visible from public rights-of-way, and of sufficient size to accommodate recreational use by the public.

Land Use Element

LU 6.15.13 Standards. To provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes, require dedication and improvement of at least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase development in each neighborhood, or ½ acre, whichever is greater, as a neighborhood park. This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area.

In every case, the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall have a minimum dimension of 150 feet. Park acreage shall be exclusive of existing or new rights-of-way, development sites, or setback

areas. A neighborhood park shall satisfy some or all of the requirements of the Park Dedication Ordinance, as prescribed by the Recreation Element of the General Plan.

LU 6.15.14 Location. Require that each neighborhood park is clearly public in character and is accessible to all residents of the neighborhood. Each park shall be surrounded by public streets on at least two sides (preferably with on-street parking to serve the park), and shall be linked to residential uses in its respective neighborhood by streets or pedestrian ways.

LU 6.15.16 Standards. Require developers of multi-family residential developments on parcels 8 acres or larger to provide on-site recreational amenities. For these development, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedication Ordinance and in accordance with the Parks and Recreation Element of the General Plan. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities may also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedication Fee Ordinance.

The acreage of on-site open space developed with residential project may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30 percent of the parkland dedication requirements.

4.13.2 ENVIRONMENTAL SETTING

Regional

The Orange County Parks and Recreation Department (OC Parks) operates and maintains 39,000 acres of regional park facilities and open space. The *Orange County Parks Strategic Plan* (October 2007) notes that regional resources include 32,000 acres in 25 urban and wilderness parks, 7 miles of beaches and coastal facilities, 7 regional historic sites and parks, archeological and paleontological collections, 7,000 acres of open space lands and 230 miles of regional riding and hiking trails. Regional County recreational facilities in the vicinity of the project site include the approximately 1,000-acre Upper Newport Bay Nature Preserve and Ecological Reserve (Back Bay) which is approximately 1.4 mile southwest of the project site. The Back Bay includes the 135-acre Upper Newport Bay Nature Preserve and 752-acre Upper Newport Ecological Reserve. Mason Regional Park is a 345-acre passive recreational park located approximately 1.4 miles southeast of the project site in the City of Irvine¹.

Talbert Regional Park is located approximately 5 miles southwest of the site and includes the 91.5-acre North Talbert Preserve and the 88.5-acre South Talbert Preserve. The Talbert Nature Preserve provides passive and active recreational opportunities. Laguna Coast Wilderness Park is 7,000 acres of wilderness

¹ All distances from the project site are approximations as the crow flies.

area with hiking, mountain bike, and horse bike trails, located approximately 6.5 miles southeast of the site.

The San Joaquin Marsh and Wildlife Sanctuary encompasses approximately 300 acres of coastal freshwater wetlands. Owned by the Irvine Ranch Water District (IRWD), the western boundary of the San Joaquin Marsh is approximately 0.5 mile southeast of the project site. The Upper Newport Bay Nature Preserve is approximately 1.4 miles to the south of the site. Recreational facilities within approximately 1.5 miles of the project site are identified in **Table 4.13-1**.

Table 4.13-1. Recreational Facilities in Project Area					
Name	Type of Park	Location	Distance from Site	Size	Amenities
Within Service Area 4					
Mesa Birch Park	Mini Park ^a	2081 Mesa Dr, Newport Beach	1.3 miles	0.7 acre	Benches, picnic table, water fountain
Bayview Park	Community Park ^b	Mesa Dr and Bay View Ave, Newport Beach	1 mile	2 acres	Barbecues, basketball court, playground
Adjacent to Service Area 4, Outside of the City of Newport Beach					
Upper Newport Bay Regional Park (County facility)	Open Space ^c , View Park ^d	2301 University Dr, Newport Beach	1.4 miles	1,000 acres	Walking/biking trails, views of bay
UC Irvine Arboretum	Open Space	Campus Dr and Jamboree Rd, Irvine	0.2 miles	12.5 acre	Botanic garden and research facility, open to the public
San Joaquin Freshwater Marsh and Wildlife Sanctuary (Managed by UC Irvine)	Greenbelt ^e , Open Space	Campus Dr between Jamboree Rd and University Dr, Irvine	0.5 mile	300 acres	Walking trails, birdwatching
Bonita Creek Park & Community Center	Community Center and Park	3010 La Vida, Newport Beach	1.15 miles	12.4 acres	Athletic fields, community rooms, picnic tables, play equipment
Newport-Mesa Family YMCA	Private Community Center	2300 University Dr, Costa Mesa	1.6 miles	3.7 acres	Fitness Center, Pools, athletic courts
Mason Regional Park (County park)	Regional Park	18712 University Dr, Irvine	1.4 miles	339 acres	Active and passive recreational facilities, trails, lake, picnic tables
Sources: City of Newport Beach, 2017; Google Earth 2017; Newport Beach General Plan Recreation Element, Newport Beach Recreation & Senior Services- Parks and Facilities http://nbgis.newportbeachca.gov/gispub/recreation/facilities/default.aspx ; San Joaquin Marsh http://www.irwd.com/san-joaquin-marsh/san-joaquin-marsh .					

Local

Newport Beach has approximately 450 acres of passive and active parks, 16,234 acres of ocean/bay/harbor, and 237 acres of beach (City of Newport Beach, 2017). The City has an extensive trail system that

has been developed for commuting and recreation. The trail system includes bicycle trails, pedestrian corridors, and equestrian trails.

The City's General Plan categorizes the different types of parks based on size and amenities. The General Plan identifies the following types of parks:

Community Park: Community parks typically include facilities that serve the entire City, including community buildings; parking lots and structures; swimming pools; and facilities for picnicking, active sports, and other facilities.

Mini Park: Most mini parks are less than one acre in size, serve a fairly small service radius of $\frac{1}{4}$ mile and are located within the neighborhood they serve. A few mini-parks are located as urban trail heads along major trails or streets.

Neighborhood Park: Neighborhood parks are between one to eight acres in size, often located adjacent to public schools and serve all ages. A neighborhood park may contain a wide variety of improvements including turf areas, active sports fields and courts, community buildings, play apparatus, picnic facilities, senior centers, youth centers, and aquatic facilities.

View Park: View parks are generally between half an acre to three acres in size and serve the entire City. View parks are parks designed to take advantage of a significant view, often on coastal bluffs to focus upon ocean or bay views.

Greenbelt: Greenbelts primarily exist as passive open space, although some recreational facilities may be included. Greenbelts can be either in public or private ownership.

Open Space: Open space areas, which may or may not be accessible to the general public, are not considered to be public parks. These areas include passive and active open space areas.

Public Beach: Public beaches are characterized by sandy beach areas adjacent to the bay or ocean and often function as neighborhood or community parks due to a lack of other available parks. Typically, a public beach is easily accessible and does not charge an entrance fee. Amenities may include active sports facilities, snack bars, showers, drinking fountains, restrooms, walkways, docks, benches, shade trees, and parking areas. According to the City's General Plan, active beach recreation occurs within approximately 100 feet of the water's edge.

School: Public schools' fields and playground areas are considered part of the recreation system in the City as they serve the general public during weekends and after school.

The project site is in Service Area 4, Santa Ana Heights/Airport Commercial. Figure 4.13-1, *Service Area 4 Recreation and Open Space Plan*, shows the existing and proposed parks within Service Area 4. The General Plan Recreation Element states that Service Area 4 has a park surplus. The area includes the two-acre Bayview Park, the Upper Newport Bay Regional Park, and Mesa Birch Park which provide recreational opportunities for the area. An additional park is proposed in the Santa Ana Heights area. The General Plan notes that this service area has a shortfall for active playfields. Additionally, the population within the service area is expected to increase. The General Plan states "Future development however will be subject

to special provisions that require the provision of on-site recreational amenities, and dedication of land or payment of in-lieu fees.”

4.13.3 THRESHOLDS OF SIGNIFICANCE

The following significance criteria are from the City of Newport Beach Environmental Checklist. The Project would result in a significant impact related to recreation if it would:

Threshold 4.13-1 Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Threshold 4.13-2 Include recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

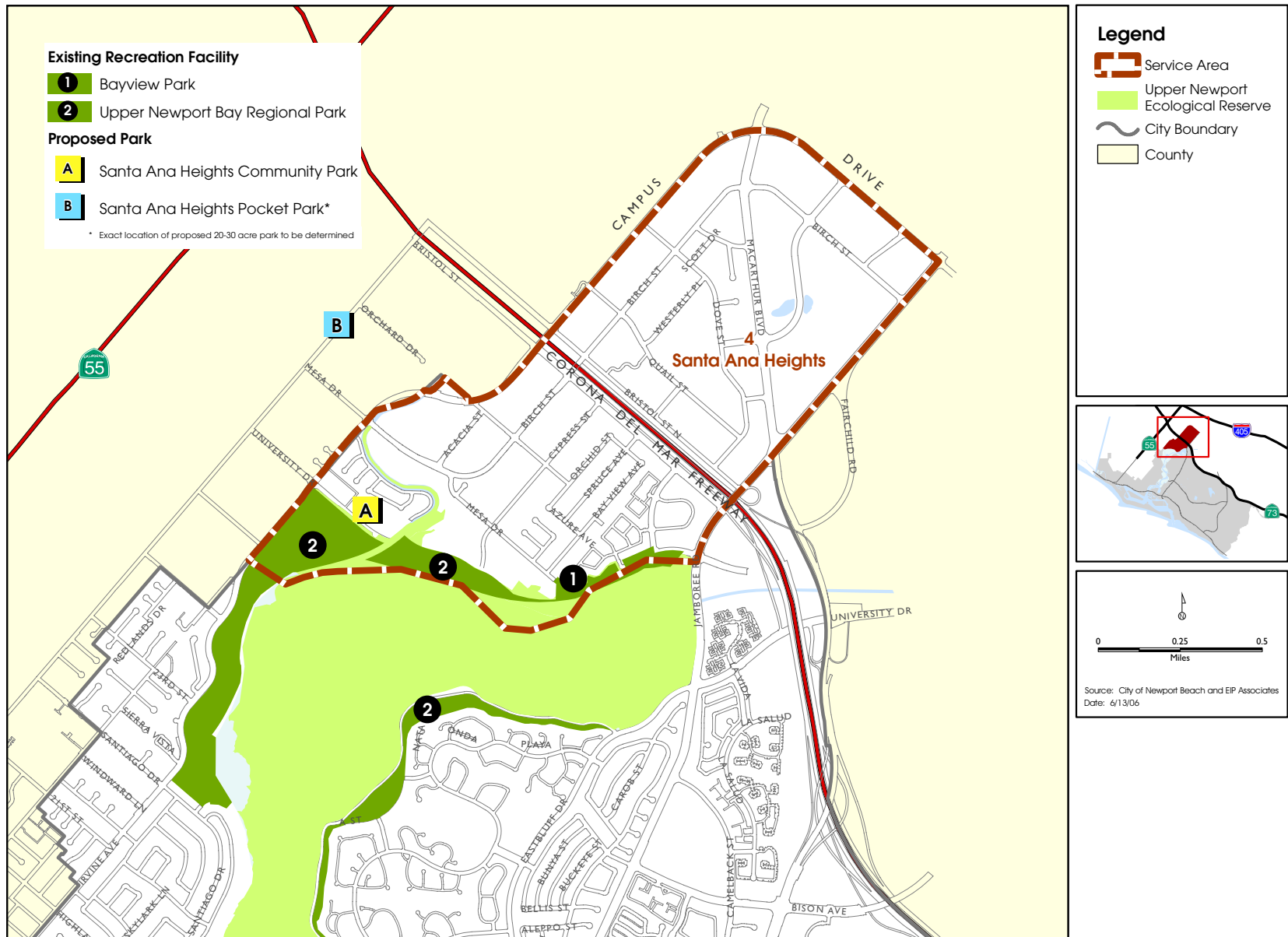
4.13.4 ENVIRONMENTAL IMPACTS

Threshold 4.13-1:	Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
Threshold 4.13-2:	Would the Project include recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project site is a privately-owned property that is used as surface parking for uses within Koll Center Newport. The Proposed Project would allow for the development of 260 multi-family residences. Based on 2016 estimates from the California Department of Finance, the City has an average household size of 2.23 people. Assuming 2.23 persons per dwelling unit, the Proposed Project has the potential to generate 580 new residents. This population increase would result in an increased use of existing City parks and recreational facilities.

In accordance with the City’s parkland dedication requirements of 5 acres per 1,000 residents, the Proposed Project would require approximately 2.92 acres of parkland, assuming the Project generates a population of 580 residents. As allowed by Section 19.52.050 (Determination of Land or Fee) of the City’s Municipal Code, the remaining parkland requirement could be met through the dedication of parkland, payment of in lieu fees, or a combination of both.

General Plan Policy 6.15.13 requires that least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase development in each neighborhood, or ½ acre, whichever is greater, be developed as a neighborhood park. In every case, the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall have a minimum dimension of 150 feet. Park acreage shall be exclusive of existing or new rights-of-way, development sites, or setback areas. General Plan Policy 6.15.16 requires that multi-family developments of eight acres or larger provide on-site recreational amenities.



Source: City of Newport Beach, 2006

FIGURE 4.13-1: Service Area 4 Recreation and Open Space Plan
The Koll Center Residences Project



Based on the requirement of 44 square feet on amenities per dwelling unit, the Proposed Project must provide 11,440 sf of on-site recreational amenities. The policy further notes that on-site open space that is accessible to the public may be credited for up to 30 percent of a project's parkland dedication requirements.

To meet the City's parkland dedication requirements and comply with the General Plan policies, the Proposed Project includes a 1.17-acre public park and public and private open space. The remaining parkland dedication requirement would be 1.73 acres. The Project would also have approximately 1.53 acres of landscaped open space and public and private amenities would include the paseo gardens, podium gardens, and plaza gardens, and private residential balconies.

As described in Section 3.0, *Project Description*, the Project includes a 1.17-acre public park with passive and active recreational areas. Uses within the park may include pickleball courts; gardens and lawn areas; plaza areas with seating; and shade structures. Walkways would be provided within the park and adjacent to the roads. The park would be landscaped with a variety of grasses, trees, shrubs, groundcover, and succulents.

The Project would meet its park dedication requirements through the construction of a public park and the payment of in-lieu fees. The proposed 1.17-acre public park meets the requirement of General Plan Policy LU 6.15.13 of a neighborhood park of at least 8 percent of the total Residential Village Area or one acre in area.

With respect to General Plan Policy 6.15.16, the Project requires 11,440 sf of on-site recreational amenities. Buildings 1, 2, and 3 provide approximately 13,841 sf of indoor open space and 60,008 of outdoor open space. Proposed recreational amenities associated with the indoor and outdoor open space a clubroom, pool, spa, pool deck with shower and restroom, lawn, amenity courtyard, fitness area, and bocce ball courts. The provision of proposed on-site recreational amenities complies with this policy.

As described in Section 3.0, *Project Description*, the Project includes the following landscape themes:

- **Plaza Gardens.** The Plaza Gardens would include four components: Entry Gardens, Stars of the Bay Plaza, The Marsh, and Von Karman Plaza.
 - *Entry Gardens.* The entry gardens are located at the plaza level to provide pedestrian access between buildings. While predominately hardscape, the areas would have landscaping including trees and planters.
 - *Stars of the Bay Plaza.* This plaza area would be adjacent to the spine street. Uses would include seating, a water feature, and enhanced paving. Landscaping would include trees and planters for shrubs, grasses, and groundcover.
 - *The Marsh.* The Marsh would be naturalized landscape areas with plant materials including bamboo, ferns, and grasses. The Marsh would include an elevated walkway and would also serve to treat on-site surface drainage.
 - *Von Karman Plaza.* This plaza would be adjacent to Von Karman Avenue. This area may include a fountain, a shade structure with seating and tables, and bamboo landscaping bamboo. A component of the Marsh would be adjacent to this plaza.

- **Podium Gardens.** The Podium Gardens would be private courtyard areas for the three residential buildings. These areas would include the indoor and outdoor recreational amenities associated with the residences including but not limited to clubroom, pools, spas, dining and seating areas, game courts, and fitness areas.

As previously noted, Service Area 4 has park surplus but a shortfall of playfields. All additional parks and recreational facilities within approximately 1.5 miles of the project site (Table 4.13-1) would be accessible to future project residents. Additionally, the Project would provide park and recreational facilities for residents as well as an on-site public park and public open space areas. Therefore, existing City park and recreational facilities and proposed common and private open spaces implemented as part of the Project would adequately serve future project residents.

Additional funding for the maintenance and construction of new parks and recreation facilities come primarily from the City's General Fund, including property taxes collected from future project residents, and development impact fees collected from project applicants. A funding mechanism is in place to pay for the maintenance and construction of such projects. Additionally, the 1.17-acre park would be public but developed and maintained by the Applicant. Therefore, Project impacts to parks and recreational facilities would be less than significant. With respect to recreational facilities constructed on site as a part of the Project, potential effects are analyzed as a part of the overall impact evaluation for the Project.

Impact Summary: ***Less Than Significant.*** The provision of an on-site public park, common open space, and on-site recreational amenities complies with General Plan policies and park dedication requirements. Impacts would be less than significant.

4.13.5 CUMULATIVE IMPACTS

Although the Proposed Project would introduce more people into the area and generate additional demand for parks and recreational facilities, the Project would provide both public and private open space and recreational amenities on the site, as well as pay in-lieu fees. Therefore, the Project would accommodate the increased recreational demand associated with the Project. As with all residents of and visitors to the City, future Project residents would have access to all public recreational facilities in Newport Beach. Similarly, residents of and visitors to surrounding communities can use public recreational facilities in Newport Beach, and residents of Newport Beach have access to public recreational uses in other jurisdictions. Increased visitation at any off-site park facilities would not be large enough to cause substantial physical deterioration; no significant physical impacts to off-site park and recreation facilities would occur. The Project, therefore, would not combine with cumulative projects to result in a cumulatively significant impact to parks and recreational spaces.

4.13.6 MITIGATION PROGRAM

Project Design Features

No project design features have been identified by the Applicant.

Standard Conditions and Requirements

SC 4.13-1 The Applicant shall comply with the City of Newport Beach Park Dedication and Fees Ordinance (*City of Newport Beach Municipal Code Chapter 19.52*). The City's tentative map review authority shall determine whether land dedication, an in-lieu fee, or a combination of the two shall be required in conjunction with its approval of a tentative map. Land dedications shall be offered at the time of appropriate final map recordation, either on the final map or by separate instrument.

Mitigation Measures

No mitigation measures are required.

4.13.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of the Mitigation Program set forth in this section, the Project would not cause or contribute to significant recreational impacts.

This page intentionally left blank