



5.12 PUBLIC SERVICES AND UTILITIES

Public services addressed in this section include fire protection, police protection, schools, parks/recreation, and libraries. The utilities and service systems analysis includes water, wastewater (sewer), solid waste, natural gas, electricity, and telephone. This section discusses existing conditions, which provide the necessary baseline information. Criteria by which an impact may be considered potentially significant are provided, along with a discussion of impacts pursuant to Appendix G of the *CEQA Guidelines*. Mitigation measures are identified to avoid or lessen potential impacts, where necessary.

This section is based upon information from public service and utility agencies; refer to [Appendix 11.9, *Utility Correspondence*](#). Additional references include the *City of Newport Beach 2010 Urban Water Management Plan* (June 2011), *2009 Sewer System Management Plan* (July 2009), the *City of Newport Beach General Plan* (General Plan), and the *Newport Beach Municipal Code* (Municipal Code).

5.12.1 EXISTING SETTING

FIRE PROTECTION¹

The Newport Beach Fire Department (NBFD) provides fire protection services to the City of Newport Beach. NBFD is comprised of three divisions: Fire Operations, Life Safety Services, and Marine Operations Divisions. The Fire Operations Division provides fire suppression and emergency medical service from eight fire stations within the City. Facilities also include a lifeguard headquarters building, a lifeguard substation, a Junior Lifeguard facility during the summer, and 38 lifeguard towers. The Life Safety Services Division provides community education and preparedness, emergency planning, life safety code enforcement, fire inspections, vegetation management, and plan check services. The Marine Operations Division provides lifeguarding services along 7.1 miles of ocean beach.

The City's fire stations house eight Fire Engines, two Fire Trucks with ladders, and three Paramedic Ambulances. The NBFD currently employs 150 full-time and 200 seasonal employees to provide 24-hour protection and response to the City's residents and visitors. NBFD also has mutual aid agreements with County cooperators as well as the California Master Mutual Aid agreement(s).²

The City of Newport Beach has adopted the response time goals contained in National Fire Protection Association (NFPA) 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*, which recommends that, "the fire departments fire suppression resources shall be deployed to provide for the arrival of an engine company within a 240-second travel time to 90 percent of the incidents as established in Chapter 4." Other objectives identified in NFPA 1710 include:

- a. Alarm handling time to be completed in accordance with (Section) 4.1.2.3.

¹ City of Newport Beach, *Fire Department*, <http://www.newportbeachca.gov/index.aspx?page=58>, accessed December 9, 2013.

² Written Correspondence with Kevin Kitch, Assistant Chief, Life Safety Services Division, Newport Beach Fire Department, January 14, 2014.



- b. 80 seconds for turnout time for fire and special operations response and 60 seconds turnout time for emergency medical services (EMS response).
- c. 240 seconds or less travel time for the arrival of the first arriving engine company at a fire suppressions incident and 480 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppressions incident.
- d. 240 seconds or less travel time for the arrival of a unit with first responder with automatic external defibrillator (AED) or higher level capability at an emergency medical incident.
- e. 480 seconds or less travel time for the arrival of an advanced life support (ALS) unit at an emergency medical incident, where this service is provided by the fire department provided a first responder with AED or basic life support (BLS) unit arrived in 240 seconds or less travel time.

Based on these recommendations, the Nbfd response objectives are as follows:

- First Due Responses requiring Personal Protective Equipment – less than 5 minutes, 20 seconds, 90 percent of the time;
- First Due Responses without Personal Protective Equipment – less than 5 minutes, 90 percent of the time;
- Advanced Life Support Responses requiring Personal Protective Equipment – less than 9 minutes, 20 seconds, 90 percent of the time;
- Advanced Life Support Responses without Personal Protective Equipment – 9 minutes, 90 percent of the time;
- Effective Response Force requiring Personal Protective Equipment – less than 9 minutes, 20 seconds, 90 percent of the time.³

The average response time for all fire units is four minutes and 31 seconds.⁴ The system's design accounts for fewer Paramedic Ambulances and expects a nearby Fire Engine or Truck Company to arrive on scene first to initiate basic medical care prior to the arrival of the Paramedic team. The Newport Beach Fire Department's current ISO CCR is 2, with no anticipated change in this classification.⁵

Fire Station No. 2, located within the project site at 475 32nd Street, currently serves the site and Lido area of the City. This station is staffed by two captains, two engineers, three firefighters, and two firefighter paramedics for each shift; refer to Table 5.12-1, Existing Fire Stations. The average response time for Fire Station No. 2 is 4 minutes 58 seconds. In addition to Fire Station No. 2,

³ Written Correspondence with Kevin Kitch, Assistant Chief, Life Safety Services Division, Newport Beach Fire Department, January 14, 2014.

⁴ City of Newport Beach, *Fire Department*, <http://www.newportbeachca.gov/index.aspx?page=58>, accessed December 9, 2013.

⁵ Written Correspondence with Kevin Kitch, Assistant Chief, Life Safety Services Division, Newport Beach Fire Department, January 14, 2014.



there are three stations located in the vicinity of the project site which could respond to emergencies.

**Table 5.12-1
Existing Fire Stations**

Fire Station	Location	Equipment	Personnel/Manpower	Distance to Project Site (miles)
Fire Station No. 2	475 32 nd Street	1 Engine 1 Ladder 1 Paramedic Unit	2 Captains 2 Engineers 3 Firefighters 2 Firefighter Paramedics	0.1
Fire Station No. 1	110 East Balboa Boulevard	1 Engine	3 Persons	1.9
Fire Station No. 6	1348 Irvine Avenue	1 Engine	3 Persons	3.0
Fire Station No. 3	868 Santa Barbara Drive	1 Battalion Chief	1 Person	3.6

Source: Written Correspondence with Kevin Kitch, Assistant Chief, Newport Beach Fire Department, January 14, 2014.

The Nbfd also handles incidents associated with hazardous materials. The Nbfd's goal is to protect the public health and the environment throughout the City from accidental releases and improper handling, storage, transportation, and disposal of hazardous materials through coordinated efforts of regulation, management, emergency response, enforcement, and site mitigation oversight. In case of a hazardous materials emergency, a mutual aid hazardous materials response team is requested from one of the County's four hazardous materials response provider agencies.

POLICE PROTECTION

The Newport Beach Police Department (Nbfd) is responsible for providing general law enforcement to the City of Newport Beach. The Nbfd is located at 870 Santa Barbara Drive, which is approximately 3.5 miles from the project site. The Nbfd is comprised of four divisions: Chief of Police, Patrol and Traffic, Support Services, and Detective Divisions and provides services in crime prevention and investigation, community awareness programs, and other services such as traffic control. The Nbfd employs a total of 219 personnel, including 141 sworn personnel.

With 141 sworn officers and a population of approximately 86,436 persons, the Nbfd currently maintains a ratio of 1.7 officers per 1,000 residents. The Nbfd's benchmark for response to emergency calls is immediate and never over five minutes. The goal response time for non-emergency calls is within 15 minutes or less when resources are available. Anything held over 45 minutes is to have a Watch Commander's approval. In 2013, on average 7,703 calls for services were received per month with an average response time of 2 minutes and 32 seconds. The current staffing levels are adequate for the population served, but the current facility is dated. The Nbfd has outgrown its facility and is in preliminary discussions to build a new facility in the near future.⁶

⁶ Written correspondence with Heather Margulix, Newport Beach Police Department, January 9, 2014.



The average response time to the project area is approximately 1 minute and 19 seconds for emergency calls, 2 minutes and 41 seconds for violent crimes just occurred, 5 minutes and 47 seconds for property crimes just occurred and 7 minutes and 8 seconds for routine calls.⁷

SCHOOLS

Newport-Mesa Unified School District (NMUSD) provides education services to a majority of the City, including the project area. The project site is located within the attendance boundaries of Newport Elementary School, Ensign Intermediate School, and Newport Harbor High School. Table 5.12-2, *School Information*, indicates the name, location, current enrollment, and approximate distance from the project site for the schools currently serving the project area.

**Table 5.12-2
School Information**

School	Location	Distance from Project Site (miles)	Enrollment 2011-2012 School Year
Newport Elementary School	1327 West Balboa Boulevard, Newport Beach	1.6	473
Ensign Intermediate School	2000 Cliff Drive, Newport Beach	1.3	1,159
Newport Harbor High School	600 Irvine Avenue, Newport Beach	1.5	2,507

Source: School Accountability Report Card, Reported Using Data from the 2011-12 School Year.

PARKS AND RECREATION

The Recreation and Senior Services Department consists of the administration, recreation services, and senior services divisions. The department is responsible for the creation, coordination, and implementation of recreational and social opportunities for a diverse population. In addition, the department oversees the use of the City's 73 parks and facilities, beaches, marine habitats, and recreational facilities.

Recreation Programs

The City of Newport Beach offers a variety of recreation programs for all ages. Programs include adult and youth sports leagues, aquatics and swim lessons, recreational classes, workshops, and camps, marine protection programs, senior services, and youth and teen programs.

Parks and Recreation Facilities

There are approximately 620 acres of parkland, including Upper Buck Gully Developed Trail and approximately 90 acres of active recreational beach area within the City. The City has been divided into service areas for the purposes of park planning and to equitably administer parkland dedications and fees provided by residential development. The project site is located within Service Area 1 – West Newport. According to the General Plan, most of West Newport's recreation land is in beaches. Lido Park, located at Via Lido and Lafayette Avenue, and Gateway Park, located at Via

⁷ Ibid.



Lido and Newport Boulevard, are the closest parks to the project site. Lido Park is 0.16 acres and includes benches and bay views. Gateway Park is 0.27 acres and does not include active recreational amenities.

Pursuant to Municipal Code Section 19.52.040, Parkland Standard, the City's park dedication standard for new residential development is 5.0 acres of parkland per 1,000 residents. According to the *City of Newport Beach Environmental Impact Report General Plan 2006 Update* (General Plan EIR), the City has a deficit of approximately 38.8 acres of combined park and beach acreage citywide, with seven of the 12 service areas experiencing a deficit in this combined recreation acreage. The project site is located within Service Area No. 1 (West Newport), which has been identified as being deficient by 21.6 acres. New sports fields within a new community or neighborhood park are identified by the Recreation Element of the General Plan for Service Area No. 1. Service Area No. 2 (Balboa Peninsula), which would also serve the project site due to its proximity, has excess park acreage of 25 acres. However, since adoption of the General Plan, three new parks have been added (Mesa Birch, Civic Center and Coastal Peak) totaling 40.73 acres, resulting in a citywide surplus of approximately 1.5 acres. There are also three parks currently under development: Marina Park, Sunset Ridge, and Corona del Mar Pocket Parks. The City has received Coastal Commission approval for the 13.67-acre Sunset Ridge Park located within Service Area No. 1, which is currently under construction. Marina Park and Sunset Ridge Park would serve the proposed project site. According to the City, there continues to be a deficiency of active sports fields, specifically lit fields, within the City. However, Sunset Ridge Park includes sports fields and would partially meet the needs of the community.⁸

Bikeways and Trails

As depicted on Circulation Element Figure CE4, *Bikeways Master Plan*, there are no bikeways adjacent to the project site. Class I – Off-road Paved bikeways (Bicycle Path) are located along Newport Boulevard, north of Via Lido Drive and along Via Lido Drive east of Lafayette Road. Bicycle paths provide for bicycle travel on a paved right-of-way separated from any street or highway and include sidewalk bikeways adjacent to the street. There are no equestrian or hiking trails within the project area.

PUBLIC LIBRARIES

The Newport Beach Public Library provides library services to the City from of four locations: the Central Library, Mariner's Library, Balboa Branch Library, and Corona Del Mar Branch Library. In addition, Newport Coast Community Center allows for the drop off of books, pick up of holds, and search of the library catalog. Newport Beach Public Library provides a variety of services including, but not limited to, reference services for adults and children, literacy programs, children and teen programs, business sources, passport services, and a media center.

The Newport Beach Public Library assesses their needs on a ratio of books per measure of population. The standard guidelines used for evaluating the acceptable level of service, which are set by the California State Library Office of Library Construction, the Public Library Association, and the American Library Association, are 0.5 square feet of library facility space and 2.0 volumes per

⁸ Written correspondence with Sean Levin, Recreation Superintendent, Recreation and Senior Services, January 13, 2014.



capita. Currently, the Newport Beach Public Library has a total of 287,401 volumes, a total of 96,100 square feet of library facility space, and a population of 86,436 in their legal service area. Therefore, the Newport Beach Public Library is exceeding the acceptable level of service with 1.1 square feet of library facility space and 3.3 volumes per capita.

At this time, the Newport Beach Public Library has no immediate plans to establish or expand new branch libraries. The proposed project site would be served by the Balboa Branch Library, located at 100 E. Balboa Boulevard. The Balboa Branch has 6,000 square feet of library facility space, holds 15,469 volumes and serves a population of 5,372.

WATER

Water service at the proposed project site is provided by the City of Newport Beach. The City provides water service to approximately 13.5 square miles and has two sources of water supply: local groundwater from the Orange County Groundwater Basin, which is managed by the Orange County Water District (OCWD) and imported water from Metropolitan Water District of Southern California (Metropolitan) through Municipal Water District of Orange County (MWDOC)⁹. According to the City of Newport Beach's *2010 Urban Water Management Plan* (UWMP) Groundwater is pumped from four active wells located throughout the City, and imported water is treated at the Diemer Filtration Plant and is delivered to the City through six imported water connections. The City relies on 60 percent groundwater, 37 percent imported water, and 3 percent recycled water.¹⁰ The City uses three water system storage reservoirs: Big Canyon Reservoir, Zone 4 Reservoir, and 16th Street Reservoir. The former Newport Beach City Hall Complex is in close proximity to a large water supply line. A twenty inch water transmission main is located on Newport Boulevard and has adequate capacity to meet the proposed need.¹¹

Groundwater

The water supply resources in Orange County are enhanced by the existence of a large groundwater basin. The Orange County Groundwater Basin (Basin) underlies the north half of Orange County and covers an area of approximately 350 square miles. Local groundwater pumped from the City's wells is managed by the OCWD. The City relies on approximately 10,000 acre-feet of groundwater from the Basin each year, which meets approximately 60 percent of the City's total annual demand.

The Basin is managed by OCWD for the benefit of municipal, agricultural and private groundwater producers. According to the UWMP there are 19 major producers including cities, water districts, and private water companies, extracting water from the Basin serving a population of approximately 2.55 million. During the water year July 2008 to June 2009, total basing production for all agencies was approximately 324,147 acre-feet. Groundwater levels are managed within a safe basin operating range to protect the long-term sustainability of the Basin.

The OCWD does not set specific pumping rights for the Basin but instead annually sets the Basin Production Percentage (BBP) for the Basin. While there is no legal limit as to how much an agency could pump from the Basin, there is a financial deterrent to pumping above the BPP. The BPP has

⁹ City of Newport Beach, *City of Newport Beach General Plan*, adopted July 25, 2006.

¹⁰ Malcolm Pirnie, Inc., *City of Newport Beach 2010 Urban Water Management Plan*, June 2011.

¹¹ Written correspondence with George Murdoch, Utilities General Manager, August 6, 2012.



been set at 62 percent for the July 2010 to June 2011 water year. The OCWD sets the BPP based on groundwater conditions, availability of imported water supplies, and Basin management objectives. The BPP is also a major factor in determining the cost of groundwater production from the Basin for that year.

Recharging water into the Basin through natural and artificial means is essential to support pumping from the Basin. Runoff from local rainfall is the main sources of recharge for the smaller basins and accounts for some of the recharge of the Basin. The amount of runoff recharge is highly variable and can only be estimated. Most of the recharge of the Basin is from Santa Ana River flow that is diverted by the OCWD into recharge basins located in and adjacent to the Santa Ana River and its main Orange County tributary, Santiago Creek. Santa Ana River base flow mainly comprises treated wastewater discharged from treatment plants in Riverside County and San Bernardino County. Thus, about half of the water recharging the aquifer is recycled wastewater.

One of OCWD's primary efforts has been the control of seawater intrusion into the Basin. To address this issue, the OCWD operates a series of injection wells to form a hydraulic barrier to seawater intrusion. The OCWD also constructed Water Factory 21, a plant that treated secondary-treated water from the Orange County Sanitation District (OCSD) to produce purified water for injection. Water Factory 21 was replaced by the Groundwater Replenishment System (GWRS) in 2008.

The GWRS is a cooperative project between OCWD and OCSD that began operating in 2008. It is the largest water purification project of its kind, Phase 1 of the GWRS began operating in 2008 with a capacity of purifying 72,000 acre-feet/year of water. The GWRS provides recharge water for the seawater intrusion barrier as well as to recharge basins in the City of Anaheim.

The City obtains its groundwater from four wells owned and operated by the City and managed by OCWD. The City's wells are located in Fountain Valley at the Dolphin Avenue and Tamura School sites and travel through over 6 miles of the 30-inch Groundwater Transmission Main and from diversions off the Orange County Feeder and East Orange County Feeder No. 2 in Fountain Valley, Huntington Beach, and Costa Mesa. From the wells, the groundwater is conveyed to the 16th Street Reservoir at the City's utility yard, and then to different areas within the City's service boundaries. In addition, a pump station, a treatment facility, and a 3 million gallons reservoir assist in the transmission and treatment effort. The capacity of the City's potable water supply is 104 cubic feet per second. The only constraints affecting groundwater supply to the City are the pumping capacities of the wells and the pumping limitations (BBP) established by OCWD to maintain the groundwater basin.

The City participates in a reclaimed/recycled water program and uses the reclaimed/recycled water for some greenbelts, parkways, golf courses, and other landscape areas for irrigation. This reclaimed/recycled water is wholesaled by OCWD through its Green Acres Project. Recycled water usage meets approximately 3 percent of the City's water demand.¹²

¹² Malcolm Pirnie, Inc., *City of Newport Beach 2010 Urban Water Management Plan*, June 2011.



Imported Supply

According to the UWMP imported water represents approximately 37 percent of the City's total water supply. Treated imported water is supplied to the City from the importation and delivery system of the Metropolitan. Metropolitan is the only source of imported water presently available to the City. Water in Southern California is provided through a complex system of infrastructure operated by many different institutional entities. More than 300 public agencies and private companies provide water on a retail basis to approximately 17 million people living in a 5,200 square-mile area. Metropolitan is the primary wholesale provider of imported water for the region. Metropolitan serves 26 member agencies, comprising 14 cities, 11 municipal water districts, and 1 county authority. Metropolitan's member agencies, in turn, serve customers in more than 145 cities and 94 unincorporated communities.

Metropolitan's principal sources of water are provided by the Colorado Aqueduct and the State Water Project System. This water is treated at the Robert B. Diemer Filtration Plant located north of Yorba Linda. Typically, the Diemer Filtration Plant receives a blend of Colorado River water from Lake Mathews through the Metropolitan Lower Feeder and State Water Project water through the Yorba Linda Feeder.

The State Water Project conveys water from Northern California to areas south of the Sacramento-San Joaquin Delta through a series of rivers, canals, reservoirs, aqueducts, and pumping plants. Water from the State Water Project originates at Lake Oroville, located on the Feather River in Northern California, and subsequently flows into the Sacramento-San Joaquin Delta. From the delta, the California Aqueduct transports the water through the Central Valley and into Southern California. This system is owned and operated by the California Department of Water Resources (DWR).

Colorado River water is conveyed from the California-Arizona border to the metropolitan area via the Colorado River Aqueduct (CRA). Its 242-mile journey begins from the intakes at Lake Havasu to the terminal reservoir known as Lake Mathews, located near the City of Riverside. The CRA is owned and operated by Metropolitan.

Imported water supplies are subject to availability. To assist local water providers in assessing the adequacy of local water supplies that relies in whole or in part on Metropolitan imported supply, Metropolitan has provided information concerning the availability of the supplies to its entire service area. This report, entitled *Report on Metropolitan's Water Supplies* (February 11, 2002) (Metropolitan Report), is consistent with Metropolitan's *Regional Urban Water Management Plan* (November 2010) (RUWMP).

In order to assure supply reliability for its service area, Metropolitan has developed its Water Resource Strategy. The key elements of Metropolitan's strategy are:

- *Portfolio of Diversified Supplies.* Metropolitan continues to develop a portfolio of diversified supplies. The diverse water project investments reduce the risk of failure in any single part of the portfolio. Risks stem from cost, quality, or supply availability. It also reduces the potential impact of a severe drought or an emergency such as a major earthquake.



- Supply Reserves to Mitigate Uncertainties. Metropolitan plans to mitigate for supply uncertainties by continuing to secure supplies and build infrastructure improvements that are available in advance of the time of need and can provide backup capabilities. This adaptive management approach creates supply reserves that maintain Metropolitan's flexibility in responding to changes in demand and supply conditions.
- New Rate Structure. Metropolitan's Board of Directors approved a new rate structure in October 2001. The rate structure provides the necessary financing capabilities to support the Integrated Resources Plan (IRP) and strategic planning vision that Metropolitan is a regional provider of services, maintains the reliable delivery of imported water supplies, encourages the development of additional local supplies like recycling and conservations, and accommodates a water transfer market. Through its regional services, Metropolitan ensures a baseline of reliability and quality for imported water deliveries in its service area. By unbundling its full-service water rate, Metropolitan provides greater opportunity for member agencies to competitively manage their supplies and demand to meet future needs in a responsible, cost effective manner.
- Implementing Water Management Programs That Support The Development Of Cost-Effective Local Resources. Metropolitan has established and implemented programs to provide financial incentives to member agencies in the development of local resources. These programs include the Local Project Program (water recycling and groundwater recovery), Conservation Program, and Request-for-Proposal process for ocean desalination projects. These programs are meeting the resource objectives in the IRP.

The status and progress of Metropolitan's efforts in implementing programs to support the development of conservation and local resources management programs are documented in Metropolitan's RUWMP and Metropolitan's Annual Progress Report to the California State Legislature on Achievements in Conservation, Recycling and Groundwater Recharge, dated February 1, 2002.

- Securing Additional Imported Supplies Through Programs That Increase the Availability of Water Delivered Through the Colorado River Aqueduct and the California Aqueduct. Securing additional imported supplies through programs that increase the availability of water delivered through the Colorado River Aqueduct and the California Aqueduct – Metropolitan has implemented several programs to continue the reliable deliveries of water supplies through the Colorado River Aqueduct, the California Aqueduct and the development of in-basin groundwater storage. These efforts include participating in federal and state initiatives such as the California Water Use Plan for the Colorado River, CALFED for the Bay-Delta, and the Sacramento Valley Water Management Agreement. Beyond these initiatives, Metropolitan has acquired additional supplies through cooperative agreements and business partnerships with entities in the Central Valley and within the Colorado River system to implement water transfers, storage, conservation, and land management programs. Finally, in accordance with Metropolitan's IRP and Strategic Plans, Metropolitan and the member agencies have moved ahead in maximizing the use of available water supplies through in-basin groundwater conjunctive use programs.



The establishment of a comprehensive management plan for dealing with periodic surplus and shortage conditions is documented in the RUWMP and Metropolitan Report No. 1150, *Water Surplus and Drought Management Plan*.

Water Transfers

The City relies on Metropolitan for exploring dry year water transfer options with agricultural districts and others statewide. Since groundwater recharge operations are dependent upon purchase of imported water supplies to a certain extent, MWDOC is discussing transfers with other agencies in other parts of the State.

WASTEWATER

According to the General Plan EIR, wastewater service at the project site is provided by the City, which has a service area of approximately 13.5 square miles. The existing collection system for the City consists of over 200 miles of gravity and force flow sewer mains, varying in size from 2 to 42 inches in diameter. Residential and commercial wastewater collected by the City's wastewater collection system is transported, using a system on 20 pump stations, for treatment to the OCSD. In addition, OCSD trunk sewers and force mains also receive sewage flows from Newport Beach sewers at many locations throughout the City. The OCSD trunk sewers, which vary in size from 18 to 42 inches in diameter, reduce the size and number of sewers needed to be build and operated by the City. The OCSD also operates seven pump stations in the City of Newport Beach. The wastewater collection system is connected to a twenty-four inch Orange County sanitation system on Newport Boulevard and is adequate to meet the needs of the proposed project.¹³

Wastewater from the City's sewer system is treated by OCSD. The OCSD is responsible for safely collecting, treating, and disposing of the wastewater generated by the City. OCSD operates two sewage treatment plants, Treatment Plant No. 2 in Huntington Beach, and Reclamation Plant No. 1 in Fountain Valley. A majority of the City's sewage flow is pumped to the OCSD Plant No. 2, while flows from the portion of the City north of the Corona Del Mar 73 Freeway are pumped to Plant No. 1. OCSD Reclamation Plant No. 1 currently maintains a design capacity of 174 million gallons per day and is operating at 52 percent design capacity. Treatment Plant No. 2 maintains a design capacity of 276 million gallons per day and is currently operating at 55 percent design capacity. Therefore, each of the treatment plants serving the City is operating below their design capacity. A 24-inch Orange County sanitation system wastewater collection facility is also located in Newport Boulevard, which conveys raw sewage generated by the existing municipal offices and surrounding development to the treatment facilities.

Wastewater treated by the OCSD is discharged into the ocean through a 120-inch-diameter ocean outfall pipe that extends five miles offshore to a discharge point 180 feet below ocean surface. The treatment levels meet all current State and Federal requirements. OCSD also reclaims up to 10 million gallons of treated wastewater every day, which is sent for further processing and then used for landscape irrigation and for injection into the groundwater seawater intrusion barrier.¹⁴

¹³ Written correspondence with George Murdoch, Utilities General Manager, August 6, 2012.

¹⁴ City of Newport Beach, *City of Newport Beach Environmental Impact Report General Plan 2006 Update*, certified 2006.



SOLID WASTE

The City contracts with CR&R Environmental Services for most residential waste pick-up and several commercial haulers franchised by the City in Newport Beach to collect and dispose of the City's solid waste. According to the Jurisdictional Profile for Newport Beach, the City disposed of approximately 96,951 tons of solid waste in 2011.¹⁵ The solid waste is disposed of at the Frank R. Bowerman Landfill in Irvine. The Bowerman Landfill, which is operated by the Orange County Waste and Recycling (OCW&R), is a 725-acre facility that is operating at a maximum daily permitting capacity of 11,500 tons per day. The landfill has a remaining capacity of 205,000,000 cubic yards and is expected to remain open until 2053.¹⁶

After the solid waste is collected, a portion of it is transported by CR&R to a City-owned transfer station. Refuse is then consolidated and transported to a materials recovery facility where recyclable materials are then sorted from refuse by machines and other methods. The remaining solid waste is then taken to one of the County landfills, in the case of the City, the Frank R. Bowerman Landfill. There are six active, large volume transfer processing facilities that serve the City.

The City has one composting facility, five recycling programs, and six programs specializing in source reductions. Waste reduction programs include:

- Recycling Programs;
- Beverage Container Recycling;
- Used Oil and Oil Filters Recycling;
- Household Hazardous Waste Programs; and
- Improvements to Solid Waste Facilities.

NATURAL GAS

The project site, in addition to the entire City of Newport Beach, is located entirely within the Southern California Gas Company's (SCGC) utility service territory. According to the National Pipeline Mapping System, SCGC has existing gas transmission lines in Santa Ana Avenue.¹⁷ It should be noted that the transmission lines are generally large diameter pipelines that operate at pressures above 200 pounds per square inch (psi) and transport gas from supply points to the gas distribution system. Other distribution lines are located throughout the City right of ways and adjacent to the project site. SCGC's operations are regulated by the California Public Utilities Commission (CPUC) and other State and Federal agencies.

ELECTRICITY

Southern California Edison (SCE), a division of Edison International, currently provides electricity service in the City of Newport Beach, including the proposed project site. Edison facilities include a hydropower and nuclear power facilities and one coal-powered facility: the Big Creek Hydroelectric

¹⁵ CalRecycle, *Jurisdiction Diversion/Disposal Rate Detail for Newport Beach 2011*, www.calrecycle.ca.gov/lgcentral/Reports/DiversionProgram/JurisdictionDiversionDetail.aspx?JurisdictionID=340&Year=2011, assessed December 18, 2013.

¹⁶ CalRecycle, *Facility/Site Summary Details: Frank R. Bowerman Sanitary Landfill*, www.calrecycle.ca.gov/SWFacilities/Directory/30-AB-0360/Detail/, assessed December 18, 2013.

¹⁷ National Pipeline Mapping System website, www.npms.phmsa.dot.gov, accessed December 18, 2013.



Plant, the San Onofre Nuclear Generating Station, and the Mojave Generating Station. The San Onofre nuclear plant has been permanently retired, requiring SCE to increase the ability to import power as well as stabilize and protect the existing grid. SCE maintains and operates transmission and distribution infrastructure to provide purchased power to end users throughout its service area.

According to Forms 1.1a and 1.2 of the California Energy Demand Forecast for 2012-2022, prepared by the California Energy Commission (CEC), it is projected that the demand for energy consumption during 2014 will be 102,578 gigawatt-hours (GWh) and SCE will provide a net energy for load of 102,957 gigawatt-hours (GWh) to its customers.¹⁸ By 2022, demand will be 112,535 GWh and net energy for load is forecasted to increase to 112,384 GWh.¹⁹

It should also be noted that in 2011, SCE delivered 87.34 billion kilowatt-hours (kWh) of electricity and powered a total of:

- 14 million+ people
- 180 cities
- 11 counties
- 50,000 square miles of service area
- 5,000 large businesses
- 280,000 small businesses²⁰

Currently there is very little electricity being utilized or distributed within the project site boundaries. The only electricity being used is for security lighting irrigation controllers for site upkeep, and other miscellaneous use.²¹ The former Council Chambers is occasionally used on a rental basis. Additionally, a trailer is currently being used for temporary lifeguard headquarters while the permanent location is being renovated (the lifeguard headquarters is anticipated to move back to the original site in June 2014). Traffic management equipment is currently located within one building, but will be relocated during the summer of 2014.

TELEPHONE SERVICE

The project site is located within Time Warner Cable's service area. Currently, there are telecommunication facilities to service the area.²²

¹⁸ California Energy Commission. *California Energy Demand 2012-2022 Final Forecast*. Staff Final Report. Publication Number CEC-200-2012-001-CMF, June 2012.

¹⁹ Ibid.

²⁰ Southern California Edison Website, located online at www.sce.com/wps/portal/home/about-us/who-we-are, accessed November 20, 2013.

²¹ Written correspondence with George Murdoch, City of Newport Beach Utilities General Manager, January 13, 2014.

²² Written correspondence with George Murdoch, City of Newport Beach Utilities General Manager, January 13, 2014.



5.12.2 REGULATORY SETTING

FIRE PROTECTION

Fire Code

Chapter 9.04.010 of the Municipal Code states that the City has adopted the 2010 *California Fire Code* (incorporating the 2009 International Fire Code). The *California Fire Code* specifies regulations pertaining to fire or explosion. A copy of the code is on file at City Hall.

City of Newport Beach General Plan

City policies pertaining to fire protection are contained in the Safety Element of the General Plan. These policies include, but are not limited to, the following:

- Policy S 6.1:** Review Adequacy of Infrastructure: Review the adequacy of the water storage capacity and distribution network, in the event of a natural disaster, on a regular basis.

POLICE PROTECTION

California Penal Code

The *California Penal Code* establishes the basis for the application of criminal law enforcement in California.

State Emergency Response/Evacuation Plans

After the 1993 Oakland Fire, the State of California passed legislation authorizing the State's Office of Emergency Services to prepare a Standard Emergency Management System (SEMS) program, which sets four measures by which a jurisdiction handles emergency disasters. By December 1996, each jurisdiction was required to show the Office of Emergency Services that it is in compliance with SEMS through a number of measures, including having an up-to-date emergency management plan, which would include an emergency evacuation plan. Non-compliance with SEMS can result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

The California Office of Emergency Services Coordinates an emergency organizational network of local Emergency Operations Centers (EOC) in the State's cities, regional EOCs within each County, and the California Office of Emergency Services. The Orange County EOC is located in Silverado, California along East Santiago Canyon Road, west of the Santiago Canyon Reservoir. The Orange County EOC website identifies and describes the four phases of Emergency Management:



Mitigation, Preparedness, Response, and Recovery.²³ A County-Wide Emergency Plan, which details emergency protocols in greater detail, is available from the Orange County EOC upon request.

County Emergency Response Tools

The County of Orange has adopted a program called AlertOC, which delivers critical, time sensitive information to Orange County residents and businesses. AlertOC is a mass notification system designed to keep Orange County residents and businesses informed of emergencies and certain community events. By registering with AlertOC, time-sensitive voice messages from the County or City in which one lives or works may be sent to their home, cell or business phone. Text messages may also be sent to cell phones, e-mail accounts and hearing impaired receiving devices.

City Emergency Operations

The City of Newport Beach participates in the Newport Beach Fire Department Community Emergency Response Team (CERT)²⁴, which is responsible for educating Newport Beach citizens about disaster preparedness for hazards that may impact their place of residence or business. The CERT program is a nationally recognized Federal Emergency Management Agency (FEMA) training program designed to improve community preparedness in the event of a disaster.

City of Newport Beach General Plan

City policies pertaining to police protection services are contained in the Implementation Program Element of the General Plan. These policies include, but are not limited to, the following:

- Imp 22.1:** The City of Newport Beach Police and Fire Departments shall maintain, periodically update, and implement their plans for facilities, equipment, and personnel to provide service to the community. On annexation of new areas, police and fire service responsibilities would be transferred to the City. The Police and Fire Departments shall monitor their operations, emergency response times, and number of incidents (rates of crime and fire calls) and periodically review the need to expand existing and/or construct new facilities to assure an acceptable level of service. Physical improvements shall be incorporated in the City's CIP.

²³ Emergency Management Webpage, located at ocsd.org/divisions/fieldops/emb/mgmt, accessed November 7, 2013.

²⁴ City of Newport Beach Community Emergency Response Team (CERT), www.newportbeachca.gov/index.aspx?page=755, accessed December 19, 2013.



SCHOOLS

Assembly Bill 2926

The State of California has traditionally been responsible for the funding of local public schools. To assist in providing facilities to serve students generated by new development projects, the State passed Assembly Bill 2926 (AB 2926) in 1986. This bill allowed school districts to collect impact fees from developers of new residential and commercial/industrial building space. Development impact fees were also referenced in the 1987 Leroy Greene Lease-Purchase Act, which required school districts to contribute a matching share of project costs for construction, modernization, or reconstruction.

Senate Bill 50

Senate Bill 50 (SB 50) and Proposition 1A, both of which passed in 1998, provided a comprehensive school facilities financing and reform program, in part by authorizing a \$9.2 billion school facilities bond issue, school construction cost containment provisions and an eight-year suspension of the Mira, Hart and Murrieta court cases. Specifically, the bond funds are to provide \$2.9 billion for new construction and \$2.1 billion for reconstruction/modernization needs. The provisions of SB 50 prohibit local agencies from denying either legislative or adjudicative land use approvals on the basis that school facilities are inadequate, and reinstates the school facility fee cap for legislative actions (e.g., General Plan amendments, specific plan adoption, zoning plan amendments) as was allowed under the Mira, Hart and Murrieta court cases. According to *Government Code* Section 65996, the development fees authorized by SB 50 are deemed to be “full and complete school facilities mitigation.” These provisions are in effect until 2006 and will remain in place as long as subsequent State bonds are approved and available.

SB 50 establishes three levels of Developer Fees that may be imposed upon new development by the governing board of a school district depending upon certain conditions within a district. Level One Fees are the statutory fees, which can be adjusted for inflation every two years. Level Two Fees allow school districts to impose fees beyond the base statutory cap, under specific circumstances. Level Three Fees come into effect if the State runs out of bond funds after 2006, which would allow school districts to impose 100 percent of the cost of the school facility or mitigation minus any local dedicated school monies. The school fee amounts provided for in *Government Code* Sections 65995, 65995.5 and 65995.7 would constitute full and complete mitigation for school facilities.

In order to accommodate students from new development projects, school districts may alternatively finance new schools through special school construction funding resolutions and/or agreements between developers, the affected school districts, and occasionally, other local governmental agencies. These special resolutions and agreements often allow school districts to realize school mitigation funds in excess of the developer fees allowed under SB 50.



PARKS AND RECREATION

Quimby Act

The Quimby Act, or California Government Code Section 66477, states that the legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, provided certain requirements are met. The Act requires the provision of three acres of park area per 1,000 persons residing within a subdivision, unless the amount of existing neighborhood and community park area exceeds that limit, in which case the City may adopt a higher standard not to exceed five acres per 1,000 residents.

City of Newport Beach Local Coastal Program Coastal Land Use Plan

The City of Newport Beach Coastal Land Use Plan (CLUP) sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its sphere of influence, with the exception of Newport Coast and Banning Ranch. The CLUP addresses land use and development, public access and recreation and coastal resource protection. If there are conflicts between the policies in the CLUP and policies in any element of the City's General Plan, zoning, or any other ordinance, the policies of the CLUP take precedence.

City of Newport Beach General Plan

Recreation Element

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

The City has been divided into service areas for the purposes of park planning and to equitably administer parkland dedications and fees provided by residential development. The project site is located within Service Area 1 – West Newport. According to the General Plan, most of West Newport's recreation land is in beaches. There is a deficit of 21.6 acres, and a need for sports fields within a new community or neighborhood-level park. There is a future park site identified in this service area, Sunset Ridge Park which is designated as an active park to include ball fields, picnic areas, a playground, parking, and restrooms. Sunset Ridge Park is currently under construction, and upon completion, the City's parkland deficit would be reduced to 7.93 acres. Additionally, an active community park (possibly lighted) should be developed in Banning Ranch, regardless of the ultimate development of the site, to accommodate the Service Area and Citywide needs for active sports fields.



City of Newport Beach Municipal Code

Section 10.50.010, Parkland Dedications and Fees

Municipal Code Chapter 19.52, Park Dedication and Fees, provides 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. Newport Beach's park dedication requirement is five acres per 1,000 persons. In-lieu fees are placed in a fund earmarked for the provision or rehabilitation of park and recreation facilities that can serve the subdivision. The park dedication ordinance also provides for credit to be given, at the discretion of the City Council, for the provision of private recreation facilities within a new residential development or for the provision of park and recreation improvements to land dedicated for a public park. If allowed, the private facilities or public improvements are credited against the dedication of land and/or the payment of in-lieu fees. The ordinance is not applicable to non-residential subdivisions and therefore is not applicable to the proposed project.

WATER SUPPLY

Federal

Federal Safe Drinking Water Act of 1974

The Safe Drinking Water Act (SDWA) authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The EPA, states, and water systems then work together to make sure that these standards are met. Originally, SDWA focused primarily on treatment as the means of providing safe drinking water at the tap. The 1996 amendments greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap. SDWA applies to every public water system in the United States. There are currently more than 160,000 public water systems providing water to almost all Americans at some time in their lives.

State of California

Senate Bills 221 and 610

Senate Bills (SB) 221 and 610 were signed into law in 2001 and took effect January 1, 2002. The two bills amended State law to better link information on water supply availability to certain land use decisions by cities and counties. The two companion bills provide a regulatory forum that requires more collaborative planning between local water suppliers and cities and counties. SB 221 and 610 reports are generated and adopted by the public water supplier. SB 610 requires a detailed report regarding water availability and planning for additional water suppliers that is included with the environmental document for specified projects. All projects that meet any of the following criteria require the water availability assessment:



- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel and/or motel having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant or an industrial park planned to house more than 1,000 persons, occupying more than 60 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects specified in this subdivision; or
- A project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project.

While SB 610 primarily affects the Water Code, SB 221 principally applies to the Subdivision Map Act. The primary effect of SB 221 is to condition every tentative map for an applicable subdivision on the applicant by verifying that the public water supplier (PWS) has sufficient water supply available to serve it. Under SB 221, approval by a city or county of certain residential subdivisions requires a written verification of sufficient water supply. SB 221 applies to any subdivision, defined as:

- A proposed residential development of more than 500 dwelling units (if the PWS has more than 5,000 service connections); or
- Any proposed development that increases connections by 10 percent or more (if the PWS has fewer than 5,000 connections).

Based on the requirements of SB 610, the project does not meet the definition of a project per Section 10912 of the Water Code, and as such, SB 610 does not apply to the proposed project. Therefore, a Water Supply Assessment is not required for the project. Based on the requirements of SB 221, written verification of adequate water supply for the project is not required.

Assembly Bill 3030

Assembly Bill (AB) 3030, the Groundwater Management Act, is Section 10750 et seq. of the California Water Code. AB 3030 provides local water agencies with procedures to develop a groundwater management plan so those agencies can manage their groundwater resources efficiently and safely while protecting the quality of supplies. Under AB 3030, the development of a groundwater management plan by a local water agency is voluntary. Once a plan is adopted, the rules and regulations contained therein must also be adopted to implement the program outlined in the plan.



Efficiency Standards

Title 24 of the California Administrative Code contains the California Building Standards, including the California Plumbing Code (Part 5), which promotes water conservation. Title 20 of the California Administrative Code addresses Public Utilities and Energy and includes appliance efficiency standards that promote water conservation. In addition, a number of State laws listed below require water-efficient plumbing fixtures in structures:

- Title 24, California Administrative Code, Sections 25352(i) and (j) address pipe insulation requirements, which can reduce water used before hot water reaches equipment or fixtures. Insulation of water-heating systems is also required.
- Title 20, California Administrative Code, Section 1604(g) establishes efficiency standards that give the maximum flow rate of all new showerheads, lavatory faucets, sink faucets, and tub spout diverters.
- Title 20, California Administrative Code, Section 1606 prohibits the sale of fixtures that do not comply with established efficiency regulations.
- Health and Safety Code, Section 17921.3 requires low-flush toilets and urinals in virtually all buildings.
- Health and Safety Code, Section 116785 prohibits installation of residential water softening or conditioning appliances unless certain conditions are satisfied, and includes the requirement that water conservation devices on fixtures using softened or conditioned water be installed.

Regional Level

2010 Regional Urban Water Management Plan

The RUWMP analyzes past, current, and projected future water supply and demand as they relate to population density, types of water use, water quality, climate, water source availability and reliability, alternate water sources, and potential water shortages. In addition, Metropolitan has developed a strategy to increase water supply and reduce demand through conservation and reduction targets.

Local Level

City of Newport Beach 2010 Urban Water Management Plan

The City's UWMP was prepared in accordance with Division 6, Part 2.6, of the *California Water Code*, Section 10608 through 10657 as last amended by Senate Bill No. 7 (SBX7-7), which became law in November 2009.



City of Newport Beach Municipal Code

City municipal codes pertaining to Landscape Water Use Standards are contained in the City of Newport Beach's Municipal Code Chapter 14.17.030. These codes include, but are not limited to, the following:

- A. For new landscape installation or rehabilitation projects subject to Section 14.17.020, Applicability, the estimated applied water use allowed for the landscaped area shall not exceed the maximum applied water allowance (MAWA) calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water efficient in a manner acceptable to the City, as provided in the design standards.
- B. Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention, as determined and implemented by the City's water conservation ordinance (Chapter 14.16). (Ord. 2010-1 § 1 (part), 2010)

WASTEWATER

Federal Level

National Pollutant Discharge Elimination System

As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality. The City is within the jurisdiction of the Santa Ana RWQCB.

The Municipal Storm Water Permitting Program regulates storm water discharges from municipal separate storm sewer (drain) systems (MS4s). Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The County of Orange (principal permittees), the Orange County Flood District, and the incorporated cities of Orange County within the Santa Ana Region (co-permittees) discharge pollutants from their MS4s. Storm water and non-storm water enter and are conveyed through the MS4 and are discharged to surface water bodies in the Santa Ana Region. These discharges are regulated under countywide waste discharge requirements contained in Order No. R8-2009-0030 (NPDES No. CAS618030, Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and The Incorporated Cities of Orange County within the Santa Ana Region Areawide Urban Storm Water Runoff Orange County), which was adopted on May 22, 2009.



Regional Level

Orange County Sanitation District

OCSO is authorized by the *California Health and Safety Code* to charge a fee for the privilege on connecting (directly or indirectly) to the OCSO's sewage system or increasing the strength or quantity of wastewater attributable to a particular parcel or operation already connected. This connection fee is a capital facility that is imposed in an amount sufficient to construct an incremental expansion of the sewerage system to accommodate a proposed project. Payment of a connection fee is required before a permit to connect to the sewer is issued.

Water Quality Control Plan for the Santa Ana Region

The Santa Ana RWQCB develops and enforces water quality objectives and implementation plans that safeguard the quality of water resources in its region. Chapter 2 of the *Water Quality Control Plan* for the Santa Ana Region outlines policies and regulations for municipal wastewater treatment, disposal, and reclamation. The standards contained within the *Water Quality Control Plan* are designed to provide developers with a uniform approach for the design and installation of adequate systems to control wastewater and wastewater treatment/sewage disposal impacts from the City, and to prevent any potential contamination of groundwater at the discharge site.

Local Level

2009 Sewer System Management Plan

The City of Newport Beach prepared and implemented the *2009 Sewer System Management Plan* in compliance with the State Water Quality Control Board's adopted General Waste Discharge Requirements for the operation of sewage collection systems. The *2009 Sewer System Management Plan* for the City of Newport Beach provides information about wastewater generation, collection, treatment, and disposal. The *2009 Sewer System Management Plan* includes established performance standards, recommended improvements, a capital improvement program (CIP), and a financial analysis for the implementation of necessary improvements.

City of Newport Beach Municipal Code

City municipal codes pertaining to Sanitary Sewers are contained in the City of Newport Beach's Municipal Code Subdivision Improvements Chapter 19.28.070. These codes include, but are not limited to, the following:

- A. Public Sewer Connection Required. All lots intended for building development shall be connected to a public sewer system. No septic tank or cesspools will be permitted. Sewer facilities shall be designed and constructed in accordance with City standards, the applicable provisions of Chapter 14.24 (Sewer Connection, Permits), and the latest revision of the Uniform Plumbing Code. Sewer cleanouts shall be provided to the satisfaction of the City Engineer.



- B. Sewer Easements. Sewer easements shall be provided as required by the City Engineer. No structure shall be placed on any part of such an easement except those structures directly related to the purpose of the easement. (Ord. 2001-18 § 2 (Exh. ZA-1) (part), 2001).

SOLID WASTE

Solid Waste Management and Resource Recovery Act of 1972

The Solid Waste Management and Resource Recovery Act of 1972 is the legislation that addresses solid waste. The California Integrated Waste Management Board (CIWMB), which was created by this Act, was given broad authority related to solid waste handling, disposal, and reclamation. Under this Act, the CIWMB initially (1) created a State solid waste management and resource recovery policy; (2) developed minimum standards for solid waste handling and disposal; and (3) approved county Solid Waste Management Plans (SWMP). The CIWMB was responsible for enforcing the legal provisions dealing with solid waste management and disposal for protecting the environment and public health and safety.

California Integrated Waste Management Act

In 1989, the Legislature adopted the California Integrated Waste Management Act of 1989 (AB 939), in order to “reduce, recycle, and re-use solid waste generated in the state to the maximum extent feasible.” The term “integrated waste management” refers to the use of a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the least adverse impact on human health and the environment. AB 939 established a waste management hierarchy as follows:

- Source Reduction;
- Recycling;
- Composting;
- Transformation; and
- Disposal.

The law also required that each county prepare a new Integrated Waste Management Plan and each city prepare a Source Reduction and Recycling Element (SRRE) by July 1, 1991. The SRRE is required to identify how each jurisdiction will meet the mandatory state waste diversion goal of 50 percent by the year 2000. The Act mandated that California’s 450 jurisdictions (i.e., cities, counties, and regional waste management compacts), implement waste management programs aimed at a 25 percent diversion rate by 1995 and a 50 percent diversion rate by 2000. If the 50 percent goal was not met by the end of 2000, the jurisdiction was required to submit a petition for a goal extension to CalRecycle. SB 2202 made a number of changes to the municipal solid waste diversion requirements under the Integrated Waste Management Act. These changes included a revision to the statutory requirement for 50 percent diversion of solid waste to clarify that local governments shall continue to divert 50 percent of all solid waste on and after January 1, 2000.



CalRecycle

The management of solid waste is governed by regulations established by CalRecycle, which is the new home of California's recycling and waste reduction efforts. Officially known as the Department of Resources Recycling and Recovery, CalRecycle is a new department within the California Natural Resources Agency and administers programs formerly managed by the CIWMB and Division of Recycling. CalRecycle delegates local permitting, enforcement, and inspection responsibilities to Local Enforcement Agencies. In 1997, some of the regulations adopted by the State Water Quality Control Board pertaining to landfills (Title 23, Chapter 15) were incorporated with CIWMB regulations (Title 14) to form Title 27 of the California Code of Regulations.

Per Capita Disposal Measurement Act of 2008

SB 1016, Wiggins, Chapter 343, Statutes of 2008, passed in 2008. It introduced a per capita disposal measurement system that measures the 50 percent diversion requirement using a disposal measurement equivalent. The bill repealed the board's two-year process, requiring instead that the board make a finding whether each jurisdiction was in compliance with the act's diversion requirements for calendar year 2006 and to determine compliance for the 2007 calendar year, and after, based on the jurisdiction's change in its per capita disposal rate. The board is required to review a jurisdiction's compliance with those diversion requirements in accordance with a specified schedule, which is conditioned upon the board finding that the jurisdiction is in compliance with those requirements or has implemented its source reduction and recycling element and household hazardous waste element. The bill requires the board to issue an order of compliance if the board finds that the jurisdiction has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element, pursuant to a specified procedure.

The per capita disposal rate is a jurisdiction-specific index, which is used as one of several "factors" in determining a jurisdiction's compliance with the intent of AB 939, and allows CalRecycle and jurisdictions to set their primary focus on successful implementation of diversion programs. Meeting the disposal rate targets is not necessarily an indication of compliance. Newport Beach's most current Disposal Rate Targets as calculated by CalRecycle are 9.6 pounds per day per Resident and 11.5 pounds per day Per Employee.²⁵

According to the General Plan EIR, waste reduction programs include:

- Recycling Programs;
- Beverage Container Recycling;
- Used Oil and Oil Filters Recycling;
- Household Hazardous Waste Programs; and
- Improvements to Solid Waste Facilities.

City of Newport Beach Source Reduction and Recycling Element

The City adopted a SRRE in January 1992 in accordance with the requirements of the CIWMB. The SRRE demonstrates how the City will meet the mandated diversion goals of 25 percent by January

²⁵ CalRecycle, Jurisdiction Diversion/Disposal Progress Report, www.calrecycle.ca.gov/LGCentral/Reports/Jurisdiction/DiversionDisposal.aspx, accessed December 19, 2013.



1, 1995, and 50 percent on and after January 1, 2000. The SRRE includes various components for solid waste generated in the City, including a waste characterization component, a source reduction component, a recycling component, a solid waste facility capacity component, and an education and public information component, among others. Additionally, the SRRE includes a program for management of solid waste generated within the City that addresses source reduction, recycling, and composting, and environmentally safe transformation and land disposal. The City is required to maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that is disposed of by transformation and land disposal.

City of Newport Beach Municipal Code

Chapter 12.63 of the Newport Beach Municipal Code regulates Solid Waste Management within the City. Articles within Chapter 12.63 contain procedures to ensure that solid waste generators comply with all applicable federal, state, and local protocols and standards.

ELECTRICITY AND NATURAL GAS

The California Public Utilities Commission (CPUC) regulates investor-owned electric power and natural gas utility companies in the State of California. Assembly Bill 1890, enacted in 1996, deregulated the power generation industry, allowing customers to purchase electricity on the open market. Under deregulation, the production and distribution of power that was under the control of investor-owned utilities (e.g., SCE) was decoupled.

All new construction in the State of California is subject to the energy conservation standards set forth in Title 24, Part 6, Article 2 of the California Administrative Code. These are prescriptive standards that establish maximum energy consumption levels for the heating and cooling of new buildings.

The utilization of alternative energy applications in development projects (including the proposed project), while encouraged, is not required as a development condition. Such applications may include installation of photovoltaic solar panels, active solar water heating systems or integrated pool deck water heating systems, all of which serve to displace consumption of conventional energy sources (i.e., electricity and natural gas). Incentives, primarily in the form of state and federal tax credits, as well as reduced energy bills, provide a favorable basis for individual builders, property owners and occupants to install such alternative energy systems.

Title 24

The Energy Efficiency Standards for Residential and Nonresidential Buildings were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. New standards were adopted by the Commission in 2005 as mandated by AB 970 to reduce California's electricity demand. The new standards went into effect on October 1, 2005. The standards emphasize energy efficiency measures that save energy at peak periods and seasons, improve the quality of installation of energy efficiency measures, incorporate recent publicly funded building science research, and collaborate with California utilities to incorporate results of appropriate market incentives programs for specific technologies. In 2010, the California Energy Commission updated Title 24 standards with more stringent requirements. The



2010 Standards are expected to substantially reduce the growth in electricity and natural gas use. Additional savings result from the application of the Standards on building alterations, such as those within Section V (Site Lighting) including Subpart E (Windows), F (Roofs), and S (Mechanical Equipment). These savings are cumulative, increasing as years go by.

Natural Gas

The CPUC regulates natural gas utility service for approximately 10.8 million customers that receive natural gas from Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SCGC), San Diego Gas & Electric Company (SDG&E), Southwest Gas, and several smaller natural gas utilities. The CPUC regulates the California utilities' natural gas rates and natural gas services, including in-state transportation over the utilities' transmission and distribution pipeline systems, storage, procurement, metering and billing.

The majority of California's natural gas customers are residential and small commercial customers referred to as "core" customers, who accounted for approximately 32 percent of the natural gas delivered to California utilities in 2012. Large consumers, like electric generators and industrial customers, referred to as "noncore" customers, accounted for approximately 68 percent of the natural gas delivered by California utilities in 2012. Much of the natural gas used in California comes from out-of-state natural gas basins. In 2012, California customers received 35 percent of their natural gas supply from basins located in the Southwest, 16 percent from Canada, 40 percent from the Rocky Mountains, and 9 percent from basins located within California.

Most of the natural gas transported via the interstate pipelines, as well as some of the California-produced natural gas, is delivered into the PG&E and SCGC intrastate natural gas transmission pipeline systems (commonly referred to as California's "backbone" natural gas pipeline system). Natural gas on the utilities' backbone pipeline systems is then delivered into the local transmission and distribution pipeline systems, or to natural gas storage fields. Some large noncore customers take natural gas directly off the high-pressure backbone pipeline systems, while core customers and other noncore customers take natural gas off the utilities' distribution pipeline systems. The CPUC has regulatory jurisdiction over 150,000 miles of utility-owned natural gas pipelines, which transported 82 percent of the total amount of natural gas delivered to California's gas consumers in 2012.

5.12.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Initial Study Environmental Checklist form used during preparation of the project Initial Study, which is contained in [Appendix 11.1](#) of this EIR. The Initial Study includes questions relating to public services and utilities. The issues presented in the Initial Study Checklist have been utilized as thresholds of significance in this section. Accordingly, a project may create a significant environmental impact if one or more of the following occurs with respect to each category:



PUBLIC SERVICES

- Would the project 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 could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - Fire Protection (refer to Impact Statement PSU-1);
 - Police Protection (refer to Impact Statement PSU-2);
 - Schools (refer to Impact Statement PSU-3);
 - Parks (refer to Impact Statements PSU-4 and PSU-5); and/or
 - Other Public Facilities (refer to Impact Statement PSU-11).

RECREATION

- 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 (refer to Impact Statements PSU-4 and PSU-5); and/or
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (refer to Impact Statement PSU-6).

UTILITIES AND SERVICE SYSTEMS

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (refer to Impact Statement PSU-8);
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects (refer to Impact Statements PSU-7 and PSU-8);
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects (refer to Section 5.11, *Hydrology and Water Quality*);
- Have insufficient water supplies available to serve the project from existing entitlement and resources, and new or expanded entitlement is needed (refer to Impact Statement PSU-7);
- Result in a determination by the wastewater treatment provider, which serves or may serve the project that does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (refer to Impact Statement PSU-8);
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (refer to Impact Statement PSU-9); and/or



- Comply with Federal, State, and local statutes and regulations related to solid waste (refer to Impact Statement PSU-10).

Based on these standards, the effects of the proposed project have been categorized as either a “less than significant impact” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact.

5.12.4 IMPACTS AND MITIGATION MEASURES

FIRE PROTECTION SERVICES

PSU-1 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL FIRE PROTECTION FACILITIES AND PERSONNEL.

Impact Analysis:

Short-Term Impacts

Construction activities have the potential to increase fire hazards on-site. However, the Nbfd works in conjunction with the City’s Planning, Public Works, and Building Departments to ensure that all new construction is in compliance with local and State building and fire codes.²⁶ All projects are required to comply with applicable City, County, and State code and ordinance requirements for fire protection. Furthermore, compliance with the provisions of the California Building Standards Code (*Title 24, California Code of Regulations*) would also be required. This includes plan review of the design details of the architectural, structural, mechanical, plumbing, and electrical systems.

The General Plan Safety Element addresses fire protection in the City, and includes the following Goal and Policies, which are applicable to the proposed project:

- S 6.1: *Review Adequacy of Infrastructure.* Review the adequacy of the water storage and capacity and distribution network, in the event of a natural disaster, on a regular basis.
- S 6.8: *Update Building and Fire Codes.* Regularly update building and fire codes to provide for fire safety design.

Compliance with the provisions of the California Building Standards Code, applicable State, City, and County code and ordinance requirements for fire protection, as well as the General Plan Safety Element would reduce construction related impacts to a less than significant level.

Long-Term Impacts

Nbfd has not indicated any concerns with staffing levels relative to implementation of the proposed project. Fire Station 2 (Lido) is 0.1 miles from the project site and is the closet station from the proposed project. The average response time for Fire Station No. 2 is 4 minutes 58

²⁶ *City of Newport Beach Environmental Impact Report General Plan 2006 Update*, certified 2006.



seconds. In addition to Fire Station No. 2, there are three stations located in the vicinity of the project site that could respond to emergencies. Due to the project's close proximity to Fire Station No. 2 and three other stations, the response time from the nearest fire station (Station No. 2) would be within the current average response time of 4 minutes 58 seconds.

The proposed project would be located on a currently developed site, and would not result in a substantial increase in demand on fire services provided by NBFD. Per the NBFD, the Newport Beach Fire Code (NBFC) requires fire apparatus access roads for every facility, building, or portion of a building. Required access roads must extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story. More than one fire apparatus access road can be required to mitigate for limited access factors. Based upon a preliminary review of the conceptual site plan, the NBFD has stated that all of the fire apparatus access road requirements, including the new access location on Via Oporto, would be met without the use of a 32nd Street access. Additionally, project implementation would close an existing driveway across the project site that provides access to the adjacent Via Lido Plaza shopping center from 32nd Street. Historically this access point to Via Lido Plaza was gated and was used only by large delivery trucks. NBFD has evaluated the permanent closure of this driveway and it will not affect emergency access as adequate fire access to Via Lido Plaza is provided from Newport Boulevard, Via Lido and private parking areas accessed by two existing vehicular driveways. Access to all portions of Via Lido Plaza would be met by either public roadways such as Newport Boulevard and Via Lido or by private roadways off of Finley Avenue and Via Lido.²⁷ As such, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

POLICE PROTECTION SERVICE

PSU-2 PROJECT IMPLEMENTATION WOULD NOT RESULT IN THE NEED FOR ADDITIONAL POLICE PROTECTION FACILITIES AND PERSONNEL.

Impact Analysis:

Short-Term Impacts

During the construction associated with implementation of the Lido House Hotel, police service requirements on the project site have the potential to increase over existing demands as a result of both increased persons and the presence of buildings and equipment on the project site.

The daytime population would increase due to the presence of construction workers on the project site. This increase in daytime population would vary due to the type of construction activities being conducted (i.e., demolition, grading, infrastructure improvements, or construction of structures).

There is a potential for increased calls for service to the project site as a result of the increased number of persons at the project site. Due to the presence of building materials, construction and

²⁷ Written Correspondence with Kevin Kitch, Assistant Chief, Life Safety Services Division, Newport Beach Fire Department, January 2, 2014



related temporary office buildings, the potential for vandalism and theft is also greater; thereby, increasing the NBPD's calls for service demands for emergency services. The NBPD has indicated that calls for police service can be accommodated by existing staff levels; thus police staffing levels would remain the same, resulting in less than significant impacts.²⁸

Slow-moving construction related traffic on adjacent roadways could reduce optimal traffic flows and could impact police services by delaying emergency vehicles traveling through the area. However, potential traffic impacts would be short-term and would cease upon project completion. Construction-related traffic would not result in a significant impact on police services or traffic flows. Therefore, short-term construction-related police impacts would be less than significant.

Long-Term Impacts

The NBPD has the responsibility to provide general law enforcement, including traffic control and enforcement for the City and to the project site. The NBPD has indicated that implementation of the proposed project would not require the expansion of police facilities or services, and that adequate services exist to serve the project site.²⁹ Therefore, impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCHOOLS

PSU-3 THE PROJECT WOULD BE REQUIRED TO COMPLY WITH APPLICABLE SCHOOL FEE REQUIREMENTS.

Impact Analysis: The Project does not propose new or physically altered school facilities. However, project implementation would increase the on-site development, which could indirectly result in increase in enrollment within the NMUSD. As discussed in Section 6.3, *Growth-Inducing Impacts*, the proposed project could result in population growth associated with the proposed 130-room hotel (consisting of some employees and their families that would relocate to the City, of which a portion would attend local schools). As noted above, the combined current enrollment of the schools serving the project area is 4,139 as of 2012.

In order to maintain adequate classroom seating and facilities standards, individual development projects would be required to pay statutory fees in place at the time to NMUSD in order to compensate for the impacts of development on school capacities. According to NMUSD, proposed commercial projects are responsible for school facility fees at \$0.30 per square foot.³⁰

Pursuant to SB 50, payment of fees to the School Districts is considered full mitigation for project impacts, including impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could

²⁸ Written correspondence with Heather Margulix, Newport Beach Police Department, January 9, 2014.

²⁹ Ibid.

³⁰ Newport-Mesa Unified School District, *NMUSD Developer Fees*, <http://web.nmusd.us/developervees>, accessed February 17, 2014.



cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. Therefore, project applicants would be required to pay the statutory fees, so that space can be constructed, if necessary, at the nearest sites to accommodate the impact of project-generated students, reducing impacts to a less than significant level.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PARKS AND RECREATION

Parkland Demand

PSU-4 IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT REQUIRE NEW PARKLAND, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS.

Impact Analysis: The proposed 130-room hotel does not include any residential land uses and would not directly increase the demand for park facilities. The proposed project includes public open spaces consisting of pedestrian plazas, landscape areas, and other amenities to be located along Newport Boulevard and 32nd Street. The proposed project also provides recreational amenities (i.e. pool and possibly a workout room, etc) for hotel guests. The proposed project would create approximately 75 new employees, where some may relocate to the City. However, this small potential increase in resident population is not expected to substantially increase demand for park facilities. Project implementation is not expected to require new or physically altered park facilities, the construction of which could cause significant environmental impacts.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impacts to Existing Recreational Facilities

PSU-5 PROJECT IMPLEMENTATION WOULD NOT INCREASE THE USE OF EXISTING RECREATIONAL FACILITIES, CAUSING THEIR PHYSICAL DETERIORATION.

Impact Analysis: Although to project would include guests who are expected to visit existing recreational facilities, project implementation would not involve residential development, thus, would not induce substantial population growth through new residential development. The proposed Lido House Hotel includes 130 rooms and would not lead to deterioration of existing facilities. Therefore, the project would not generate a significant demand for park facilities through new residential development. Additionally, project implementation would not generate a significant demand for park facilities as a result of the new employees. By nature, the work place would offer the new employees minimal opportunity for use of the City's existing recreational facilities. Additionally, the project includes public open spaces consisting of pedestrian plazas, landscape areas, and other amenities to be located along Newport Boulevard and 32nd Street, as described above. Additionally, the proposed project provides recreational amenities (i.e. pool and possibly a workout



room, etc.) for hotel guests. Municipal Code Section Chapter 19.52 (Park Dedications and Fees) indicates that the dedication of land and/or the payment of in lieu fees for park or recreational purposes are required for residential development. As the project does not include residential development, fees or land dedication would not be required. Therefore, the project would not result in impacts associated with the need for new or physically altered park facilities.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impacts from Proposed Recreational Facilities

PSU-6 THE PROJECT PROPOSES RECREATIONAL FACILITIES, WHICH WOULD NOT ADVERSELY IMPACT THE ENVIRONMENT.

Impact Analysis: The project proposes public open spaces consisting of pedestrian plazas, landscape areas, and other amenities to be located along Newport Boulevard and 32nd Street, as described above. The proposed project also provides recreational amenities (i.e. pool and possibly a workout room, etc.) for hotel guests. The environmental impacts associated with these proposed recreational facilities are analyzed throughout this EIR. As concluded in Sections 5.1 through 5.12, implementation of the passive open space use would result in less than significant impacts, with mitigation incorporated, resulting from construction of the proposed public open spaces and landscaped areas. The proposed project would not result in significant and unavoidable impacts related to the passive open space. Therefore, a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WATER SERVICES

PSU-7 PROJECT IMPLEMENTATION WOULD NOT SIGNIFICANTLY INCREASE THE DEMAND FOR WATER SUCH THAT NEW ENTITLEMENTS OR RESOURCES ARE NEEDED.

Impact Analysis:

Short-Term Water Demand

The proposed project would be located on a currently developed site, which has a previous demand for water associated with the site. The construction activities that would create a demand for water include watering soil for fugitive dust control, adding water to backfill material, spraying concrete, painting, and equipment and site cleanup, among others. The UWMP states that the City's water demand was 16,645 acre-feet in 2010. Construction activities are temporary in nature, do not require substantial amounts of water, and would not result in an increase in water demand that would require new entitlements or resources. As such, construction activities would result in a less than significant impact on the existing water supply and infrastructure.



Long-Term Water Demand

Project implementation would result in a long-term water demand for operational uses, for hotel uses and landscaping. Operation of the project would create a total potable water demand of approximately 9,135 gallons per day (gpd) on an average day which equates to 10 acre-feet per year.³¹ The project site would connect the proposed water pipelines to an existing 20-inch water transmission main located within Newport Boulevard.

The City anticipates it would be able to accommodate the proposed project's demand for potable water services in combination with other water demands throughout the City with existing water supplies during normal, single-dry, and multiple-dry water years, as the water demand associated with development of the project site has been considered in the UWMP.³² Based on the UWMP, the project's water demand represents 0.06 percent³³ of the projected normal, single-dry, and multiple-dry years water supply demand for the City. As the UWMP indicates that available groundwater and imported sources would be sufficient to serve the City through 2035, the project's water demand would be met. Additionally, a preliminary evaluation of the potential water consumption at the site analyzed a development scenario that would use 55.4 acre feet per year and determined that the City could accommodate the additional demand.³⁴ Therefore, as the as the City would have the necessary infrastructure and water supply to accommodate the proposed project potential impacts to water demand, water supplies, and infrastructure would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WASTEWATER SERVICES

PSU-8 PROJECT IMPLEMENTATION COULD RESULT IN SIGNIFICANT IMPACTS TO WASTEWATER SERVICES.

Impact Analysis:

Short-Term Wastewater Generation

During all phases of construction, a private contracted vendor would provide and maintain portable toilets at the construction site. Typically, one 68-gallon portable toilet is provided for every ten persons at the construction site. The contracted vendor would empty the portable toilets once per week and dispose of the waste off-site. Construction personnel would generate a negligible amount of wastewater. Therefore, no measurable wastewater flows are anticipated and the existing wastewater capacity would not be constrained during project construction. In addition, no disruption of wastewater service is expected to occur as a result of construction activities.

³¹ Refer to the CalEEMod outputs in Appendix 11.4, *Air Quality/Greenhouse Gas Emissions Data*.

³² Malcom Pirnie, Inc., *City of Newport Beach 2010 Urban Water Management Plan*, June 2011.

³³ Percentage obtained by dividing the 2010 *Urban Water Management Plan's* water demand projections by the project's total water demand.

³⁴ Written correspondence from the City of Newport Beach Municipal Operations Department, August 6, 2012.



Therefore, construction activities would result in a less than significant impact on wastewater service and infrastructure.

Long-Term Wastewater Generation

Project implementation would result in a long-term wastewater generation from the proposed 130-room hotel. The wastewater collection system for the project site is connected to a 24-inch Orange County sanitation system on Newport Boulevard. A preliminary evaluation of the potential wastewater generation at the site analyzed a development scenario that would have a similar intensity as the proposed project and determined that the infrastructure could accommodate development on the project site.³⁵

Additionally, a preliminary evaluation of the potential water consumption at the site analyzed a development scenario determined that the City could accommodate the additional demand.³⁶ It is anticipated that wastewater from the proposed project site would be treated at Reclamation Plant No. 2, located in Huntington Beach. Treatment Plant No. 2 maintains a design capacity of 276 million gallons per day (mgd) and currently treats on average a flow of 129 mgd.³⁷ Currently Plant No. 1 and Plant No. 2 are operating at 53 percent and 47 percent of design capacity, respectively. Increased wastewater flows from the proposed project can be accommodated within the existing design capacity of the plant. Therefore, the proposed project would not require, nor would it result in, the construction of new wastewater treatment or collection facilities or the expansion of existing facilities other than those facilities to be constructed on site that could cause significant environmental effects. As such, impacts regarding wastewater associated with project implementation would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOLID WASTE

Solid Waste Generation

PSU-9 IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT GENERATE SOLID WASTE THAT EXCEEDS THE PERMITTED CAPACITY OF THE LANDFILL SERVING THE CITY.

Impact Analysis: The proposed project would generate approximately 47 tons of solid waste per year.³⁸ CR&R Environmental Services currently provides solid waste collection services to residential uses in the project area, and would have the ability to serve the project site as they are one of 32 solid waste collection service providers presently franchised by the City to service commercial property. The operator of the hotel could contract with CR&R or any other commercial franchise

³⁵ Ibid.

³⁶ Ibid.

³⁷ Orange County Sanitation District, *Facts and Key Statistics*, <http://www.ocsd.com/Home/ShowDocument?id=10685>, accessed February 18, 2014.

³⁸ CalRecycle, *Service Sector: Estimated Solid Waste Generation and Disposal Rates*, <http://www.calrecycle.ca.gov/wastechar/wastegenrates/Service.htm>, accessed February 17, 2014.



solid waste collection service provider. As earlier indicated, the Frank R. Bowerman landfill in Irvine is a 725-acre facility that is operating at a maximum daily permitting capacity of 11,500 tons per day. The landfill has a remaining capacity of 205,000,000 cubic yards and is expected to remain open until 2053.³⁹ Additionally, citywide recycling programs would apply to the proposed project which would reduce the amount of solid waste sent to the Frank R. Bowerman landfill. The City's 2006 (most recent year available) diversion rate was 60 percent⁴⁰, and is anticipated to currently be 60 percent at minimum. The increase in solid waste from the project would have a limited impact upon the existing and projected landfill capacity of the Frank R. Bowerman landfill. Impacts with regards to solid waste would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Compliance with Statutes and Regulations

PSU-10 THE PROJECT WOULD BE SUBJECT TO STATE AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE.

Impact Analysis: AB 939 requires that local jurisdictions divert at least 50 percent of all solid waste generated by January 1, 2000. SB 2202 clarified that local governments shall continue to divert 50 percent of all solid waste on and after January 1, 2000. SB 1016 introduced a per capita disposal measurement system that measures the 50 percent diversion requirement using a disposal measurement equivalent. For the 2012 reporting year, Newport Beach's per Resident Disposal Rate was 6.0 pounds per day and Per Employee Disposal Rate was 7.6 pounds per day, which were less than the City's Disposal Rate Targets of 9.6 pounds per day per Resident and 11.5 pounds per day per Employee. Notwithstanding, the proposed project would be required to comply with the City's SRRE for diverting solid waste. Compliance with the SRRE would reduce the volume of solid waste ultimately disposed of at a landfill. Additionally, compliance with the SRRE would be in furtherance of increasing the City's Resident and Employee pounds per day rates) and meeting AB 939's 50 percent diversion requirement. Continued compliance with the SRRE would ensure that the proposed project would comply with the statutes and regulations related to solid waste. Therefore, less than significant impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

OTHER PUBLIC FACILITIES

PSU-11 THE PROJECT WOULD NOT RESULT IN SIGNIFICANT IMPACTS TO OTHER PUBLIC FACILITIES.

³⁹ CalRecycle, *Facility/Site Summary Details: Frank R. Bowerman Sanitary Landfill*, www.calrecycle.ca.gov/SWFacilities/Directory/30-AB-0360/Detail/, assessed December 18, 2013.

⁴⁰ CalRecycle, *Jurisdiction Diversion/Disposal Rate Detail for the City of Newport Beach*, <http://www.calrecycle.ca.gov/LGCentral/reports/diversionprogram/JurisdictionDiversionDetail.aspx?JurisdictionID=340&Year=2006>, accessed April 9, 2014.



Impact Analysis:

Libraries

Population growth associated with the proposed project would result in additional library visitors to the Balboa Branch Library. However, the proposed project would not result in a negative impact to the library.⁴¹ Implementation of the proposed project would not result in the need for additional library personnel or facility expansion. Therefore, impacts to libraries would be less than significant.

Electricity

The project site has been previously developed and is currently served by infrastructure providing electricity to existing uses, the location of SCE facilities may create the need for transmission and/or service infrastructure to be relocated prior to site excavation and project construction. SCE would update existing facilities or add new facilities in the City based upon specific requests for service from end users. Financial responsibility for any updates or additional facilities would be in accordance with SCE's rules and tariffs. All new development that requires new electricity lines to be installed would be required to pay applicable fees assessed by SCE to extend electricity lines to serve the specific project site.

Based on the California Emissions Estimator Model (CalEEMod) assumptions for SCE, the 130-room hotel associated with implementation of the proposed project would require 1,905 MWh of electricity per year. In comparison to SCE's annual electricity output, the project-related electricity demand would represent an insignificant portion of the existing demand. Due to the relatively small electricity demand of the proposed project, it is anticipated that SCE would be able to handle the new load(s) in both time and quantity.

Although the proposed project would create additional demands on electricity, these demands are well within the service capabilities of SCE. Thus, the proposed project would not create additional demands on electricity or infrastructure that exceed the capacity of the utilities serving the site. Therefore, impacts would be less than significant in this regard.

Natural Gas

The project site is located within a previously developed urbanized area of the City currently served by SCGC through existing natural gas infrastructure. Development of the project would require new infrastructure/gas main extensions would be required to pay any applicable fees assessed by SCGC necessary to accommodate the specific project. Based on the CalEEMod assumptions, the proposed project would require 18.5 kiloBritish Thermal Units (kBTU) of natural gas.

SCGC has gas facilities in the area of the proposed project. Thus, gas service to the proposed project can be provided from existing gas mains in several locations, and the service will be in accordance with the SCGC's policies and extension rules on file with the CPUC when contractual agreements are made. Natural gas service provided would be required to comply with all policies and extension rules of SCGC when contractual arrangements are made with the development applicant. SCGC would not allow new development projects to connect to existing gas mains unless

⁴¹ Written correspondence with Tim Hetheron, MLS, Library Services Director, Newport Beach Public Library, January 7, 2014.



the system could maintain adequate service and supply to existing customers and meet the anticipated demands of the project requesting service.

Although the proposed project would create additional demands on natural gas supplies and distribution infrastructure, these demands are well within the service capabilities of SCGC. Thus, the proposed project would not create additional demands on natural gas supplies and infrastructure that exceed the capacity of the utilities serving the site. Therefore, impacts would be less than significant in this regard.

Telephone Services

The project site is located within Time Warner Cable's service area. The project site has been previously developed and is currently served by infrastructure providing telephone service to the site. Telephone services would be provided to the project site once the Applicant fulfills the terms and conditions of Time Warner Cable's tariff rule schedules such as Rule Number 34 and Secondary Demarcations on file with the CPUC. The Applicant would also be required to provide conduit in the development area. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.12.5 CUMULATIVE IMPACTS

Table 4.1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

FIRE PROTECTION SERVICES

● PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL FIRE PROTECTION FACILITIES AND PERSONNEL.

Impact Analysis: All of the cumulative projects would be in Nbfd's jurisdiction. These projects propose additional residential and commercial uses that would require fire protection services from Nbfd. These projects would be required to comply with all applicable laws, ordinances, and development codes related to fire protection and emergency services. Nbfd has indicated that implementation of the proposed project would not require the expansion of fire protection facilities or services, and that adequate services exist to serve the project site. Additionally, development of the cumulative projects would occur within previously developed areas within the City that are already served by the Nbfd. It is anticipated that existing Nbfd fire protection services would be adequate to serve the proposed project as well as the cumulative projects within Nbfd's jurisdiction. Therefore, overall cumulative impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.



Level of Significance: Less Than Significant Impact.

POLICE PROTECTION SERVICES

- **PROJECT IMPLEMENTATION WOULD NOT RESULT IN THE NEED FOR ADDITIONAL POLICE PROTECTION FACILITIES AND PERSONNEL.**

Impact Analysis: All of the cumulative projects would be in the NBPD's jurisdiction. These projects propose additional residential and commercial uses that would require police protection services from the NBPD. These projects would be required to comply with all applicable laws, ordinances, and development codes related to police protection services. It is anticipated that existing police services would be adequate to serve the proposed project due to the types of uses proposed. As service level needs increase due to increased population or other factors affecting the community, the City would determine whether or not additional police staff is needed. Therefore, overall cumulative impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCHOOLS

- **THE PROJECT WOULD BE REQUIRED TO COMPLY WITH APPLICABLE SCHOOL FEE REQUIREMENTS.**

Impact Analysis: As discussed above, in order to maintain adequate classroom seating and facilities standards, individual development projects would be required to pay statutory fees in place at the time to NMUSD in order to compensate for the impacts of development on school capacities. Therefore, the Applicant, as well as the applicants of cumulative projects would be required to pay the appropriate school facility fees. Thus, cumulative impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PARKS AND RECREATION

- **IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT REQUIRE NEW PARKLAND, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS.**
- **PROJECT IMPLEMENTATION COULD INCREASE THE USE OF EXISTING RECREATIONAL FACILITIES, CAUSING THEIR PHYSICAL DETERIORATION.**
- **THE PROJECT PROPOSES RECREATIONAL FACILITIES, WHICH WOULD NOT ADVERSLY IMPACT THE ENVIRONMENT.**



Impact Analysis: Development associated with implementation of the proposed project and related cumulative projects would increase demand on parks and recreation facilities. Based on the projects identified in Table 4-1, *Cumulative Projects List*, cumulative development would result in residential, commercial, and office uses. The project proposes public open spaces consisting of pedestrian plazas, landscape areas, and other amenities to be located along Newport Boulevard and 32nd Street.

The project does not include residential uses and would not directly increase the demand for park facilities. Therefore, the project's contribution to impacts involving parkland demand would not be cumulatively considerable and cumulative impacts to parks and recreational facilities would be less than significant. Moreover, each related cumulative project would be analyzed on a project-by-project basis, in order to confirm compliance with Section 19.52 (Park Dedications and Fees) of the City's Municipal Code. Individual projects would be required to set forth the payment of fees or dedication of land which would ensure potential impacts associated with parkland demand are less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WATER SERVICES

- **PROJECT IMPLEMENTATION WOULD NOT SIGNIFICANTLY INCREASE THE DEMAND FOR WATER SUCH THAT NEW ENTITLEMENTS OR RESOURCES ARE NEEDED.**

Impact Analysis:

Short-Term Water Demand

Construction of the proposed project and the cumulative projects identified in Section 4.0, *Basis for Cumulative Analysis*, would create a demand for water during each project's construction period. The construction activities that would create a demand for water include watering soil for fugitive dust control, adding water to backfill material, spraying concrete, painting, and equipment and site cleanup, among others for each construction project. As previously noted, the City anticipates it would be able to accommodate the project's water demand with existing water supplies. Due to the limited amounts of water typically required during construction, it is also anticipated that the City would also have the ability to accommodate the short-term water demands of cumulative projects during construction. As such, construction activities would result in a less than significant cumulative impact with regards to water supply.

Long-Term Water Demand

Project implementation would result in a long-term water demand for operational uses, for residential units and landscaping. Operation of the project would create a total potable water demand of approximately 9,135 gpd on an average day.⁴² The project site would connect to an

⁴² Refer to the CalEEMod outputs in Appendix 11.4, *Air Quality/Greenhouse Gas Emissions Data*.



existing 20-inch water transmission main pipeline located within Newport Boulevard. The City anticipates it would be able to accommodate the proposed project's demand for potable water services in combination with other water demands throughout the City with existing water supplies during normal, single-dry, and multiple-dry water years, as the water demand associated with development of the project site has been considered in the UWMP.⁴³ Based upon the UWMP, the project's water demand represents 0.06 percent⁴⁴ of the projected normal, single-dry, and multiple-dry years water supply demand for the City. The cumulative projects within Newport Beach are not anticipated to demand a substantial amount of water and each project would be located at sites with existing water demand. As the UWMP indicates that available groundwater and imported sources would be sufficient to serve the City through 2035, the proposed project and the cumulative projects' water demand would be met. It should be noted that according to the UWMP, the City's water demand has decreased by about five percent while population has increased by 1.5 percent in the last five years. This illustrates the City's proactive efforts in promoting water use efficiency. The City is projecting a flattening demand trend in the next 25 years despite a projected 11 percent population growth. Impacts to water supply would not be cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WASTEWATER SERVICES

● PROJECT IMPLEMENTATION WOULD RESULT IN A LESS THAN SIGNIFICANT IMPACT TO WASTEWATER SERVICES.

Impact Analysis:

Short-Term Wastewater Generation

Construction of the proposed project and the cumulative projects would generate wastewater during each project's construction period. As previously noted, OCSD would be able to accommodate wastewater generation during construction associated with the proposed project. It is also anticipated that OCSD would be able to serve the cumulative projects located in Newport Beach. Additionally, the proposed project and cumulative projects would be required to comply with the wastewater treatment requirements of the Santa Ana RWQCB. As such, construction activities would result in a less than significant cumulative impact with regards to wastewater generation.

Long-Term Wastewater Generation

Cumulative projects proposed within the City would increase demand on existing wastewater facilities maintained by the City and OCSD. The project's proposed sewer pipelines would connect to an existing 24-inch sewer pipeline located in Newport Boulevard. Due to the minimal increase in wastewater flows from the project to OCSD's Treatment Plant No. 1 or No. 2, it is anticipated that existing facilities could serve the proposed project's wastewater generation, with consideration of OCSD's existing capacity and the improvements identified in the City's *2009 Sewer System Management*

⁴³ Malcom Pirnie, Inc., *City of Newport Beach 2010 Urban Water Management Plan*, June 2011.

⁴⁴ Percentage obtained by dividing the *2010 Urban Water Management Plan's* water demand projections by the project's total water demand.



Plan. The cumulative projects are also would also result in minimal wastewater generation as they are located on sites that currently generated wastewater. The proposed project as well as cumulative projects would be required to comply with wastewater treatment requirements of the Santa Ana RWQCBs. The project and cumulative projects would also be required to pay applicable sewer connection fees to OCSD as required by OCSD Ordinance No. OCSD-31.

The geographic area for the cumulative analysis for wastewater treatment is defined as the City and OCSD service territory. Within its service area, OCSD uses United States Census Bureau population information with population projections as well as current land use and build out or zoned land use to project current and future wastewater flows. Because OCSD projects that its existing and planned wastewater treatment capacity would be sufficient to accommodate the growth forecasted within its service area, development that is generally consistent with this forecast can be adequately served by OCSD facilities. In addition, OCSD existing facilities have capacity to accommodate past, present, and reasonably foreseeable projects, including those listed in [Section 4.0](#). As described above, the proposed project would not contribute wastewater that would exceed the service capacity of OCSD. Therefore, the proposed project would not significantly contribute to or cause cumulative impact to wastewater services. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOLID WASTE

- **IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT GENERATE SOLID WASTE THAT EXCEEDS THE PERMITTED CAPACITY OF THE LANDFILL SERVING THE CITY.**
- **THE PROJECT WOULD BE SUBJECT TO STATE AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE.**

Impact Analysis: As stated above, the proposed project would generate approximately 47 tons of solid waste per year. The cumulative projects would generate solid waste during their construction periods and during project operations, which could impact the capacity of the local landfills. However, implementation of City and County recycling measures would partially address landfill capacity issues by diverting additional solid waste, both at the source of generation and through recovery and consolidation. All cumulative development within the project vicinity and Orange County would be required to comply with all applicable Federal, State, and local statutes and regulations related to solid waste, including AB 939. There is no cumulative impact related to compliance with applicable regulations.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



OTHER PUBLIC FACILITIES

● THE PROJECT WOULD NOT RESULT IN SIGNIFICANT IMPACTS TO OTHER PUBLIC FACILITIES.

Impact Analysis:

Libraries

As described above, the proposed project would not result in a negative impact to the library.⁴⁵ Development of the cumulative projects could result in additional library visitors to the Newport Beach Public Library. The Newport Beach Public Library assesses their needs on a ratio of books per measure of population. The Public Library is exceeding the acceptable level of service with 1.1 square feet of library facility space and 3.3 volumes per capita. Additionally, the General Plan EIR concluded compliance with General Plan policies would address future impacts to libraries and that potential impacts would be less than significant. Therefore, cumulative impacts to libraries would be less than significant, and the project's cumulative contribution would not be considerable.

Electricity

As previously noted, the project-related electricity demand (1,905 MWh) would represent an insignificant portion of the existing demand of electricity per year in comparison to SCE's annual electricity output. Further, SCE delivered approximately 15.01 billion kWh of renewable energy to customers in 2012, which equates to approximately 19.9 percent of the energy SCE delivers to customers.⁴⁶ It is anticipated that SCE would also be able to serve the electricity demands of the cumulative projects; however, this would be determined on a project-by-project basis during the CEQA processes. Although the proposed project and cumulative projects would create additional demands on electricity and distribution infrastructure, these demands are anticipated to be well within the service capabilities of SCE. Thus, cumulative impacts to electricity or would be less than significant.

Natural Gas

As previously noted, the proposed project would result in a relatively low demand of natural gas, and it is anticipated that SCGC would be able to meet both the project and other customer demand. It is anticipated that SCGC would also be able to serve the natural gas demands of the cumulative projects; however, this would be determined on a project-by-project basis during the CEQA processes. Although the proposed project and cumulative projects would create additional demands on natural gas and distribution infrastructure, these demands are anticipated to be well within the service capabilities of SCGC. Thus, cumulative impacts would be less than significant in this regard.

⁴⁵ Written correspondence with Tim Hetherton, MLS, Library Services Director, Newport Beach Public Library, January 7, 2014.

⁴⁶ Southern California Edison, *Renewable Energy*, <https://www.sce.com/wps/portal/home/about-us/environment/renewable-power/>, accessed April 9, 2014.



Telephone Services

The related cumulative projects as well as the proposed project are within Time Warner Cable's service area. The Applicant would be required to fulfill the terms and conditions of Time Warner Cable's tariff rule schedules such as Rule Number 34 and Secondary Demarcations on file with the CPUC. The Applicant would also be required to provide conduit in the development area. It is anticipated that these same standard procedures would also be followed by cumulative projects. Therefore, no cumulative impacts to telephone services would result.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.12.6 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant unavoidable impacts related to public services and utilities have been identified following implementation of the specified mitigation measures.