

5. Environmental Analysis

5.10 PUBLIC SERVICES

This section of the Draft Supplemental Environmental Impact Report (SEIR) evaluates potential impacts to public services—fire protection and emergency services, police protection, schools, and park services—in areas proposed for land use changes under the Newport Beach General Plan LUE Amendment. Public and private utilities and service systems, such as water, wastewater, and solid waste services and systems, are addressed in Section 5.12, *Utilities and Service Systems*.

The Initial Study (Appendix A) substantiates that impacts associated with other public services (e.g., libraries) would be less than significant. This topic is not addressed in the following analysis.

5.10.1 Fire Protection and Emergency Services

5.10.1.1 ENVIRONMENTAL SETTING

Regulatory Setting

Federal

International Fire Code

The International Fire Code includes specialized technical fire and life safety regulations that apply to the construction and maintenance of buildings and land uses. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire safety requirements for new and existing buildings.

State

California Health and Safety Code

State fire regulations in Sections 13000 et seq. of the California Health and Safety Code include regulations for building standards (also in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

Local

City of Newport Beach Municipal Code

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

- **Chapter 2.20 (Emergency Services):** Addresses preparation and implementation of plans for protection of persons and property in the event of an emergency; the assignment of powers and duties

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to certain City officials; and the coordination of emergency service functions of the City with all other public agencies and affected private persons, corporations, and organizations. An emergency council is established and its members' powers and duties are described. It is the duty of the emergency council to develop and recommend, for adoption by the city council, emergency and mutual aid plans and agreements as well as ordinances, resolutions, rules, and regulations to implement such plans and agreements.

- **Chapter 9.04 (Fire Code):** Adopts the 2010 California Fire Code and the 2009 International Fire Code, which outlines specific fire prevention features to be integrated into new development plans prior to issuance of construction permits.
- **Section 9.04.140 (Very High Fire Hazard Severity Zone):** Identifies areas in the City that are considered a Very High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection. Areas in the zone are required to adhere to additional fire prevention guidelines to minimize susceptibility to fire hazards.
- **Chapter 10.48 (Weed and Rubbish Abatement):** Authorizes the Fire Marshal to declare weeds, dry grass, brush, garden refuse, and all rubbish a public nuisance and fire hazard. Requires property owners who receive a notice to remove and abate the hazard or be charged a nuisance abatement services fee.

City of Newport Beach Emergency Management Plan

The emergency management plan provides guidance for Newport Beach's response to extraordinary emergency situations from natural disasters, technological incidents, and national security emergencies (Newport Beach 2011). This plan determines the actions to be taken by the City to prevent disasters where possible; to reduce the vulnerability of residents to any disasters; to protect citizens from the effects of disasters; to respond effectively to the actual occurrence of disasters; and to provide for recovery in the aftermath of an emergency.

Existing Conditions

The Newport Beach Fire Department (NBFD) provides fire protection services for the entire City of Newport Beach. As an "all risk" fire department, NBFD is responsible for reducing loss of life and property from fire, medical, and environmental emergencies, such as hazardous material problems, beach rescues, traffic accidents, cliff rescues, high rise incidents, wildland fires, major flooding, disaster operations, etc. Automatic aid is received as from the cities of Costa Mesa, Huntington Beach, and Laguna Beach and the Orange County Fire Authority.

The department is divided into three divisions: Fire Operations, Life Safety Services, and Marine Operations.

- **Fire Operations Division** provides fire suppression and emergency medical services from NBFD's eight fire stations throughout the City. The division is the sole provider of paramedic services for the City and houses ambulances at Fire Stations 2 (Lido), 3 (Fashion Island), and 5 (Corona Del Mar).

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- **Life Safety Services Division** provides emergency preparedness, fire prevention education, life safety code enforcements, fire inspections, vegetation management, and plan check services for new construction projects. The division works in conjunction with the City's Community Development Department and Building Division to ensure that all new construction and remodels comply with building and fire codes—including adequate emergency access and onsite fire protection measures—before construction permits are issued. The division is also responsible for fire safety inspections of schools, care facilities, hospitals, and similar institutions. The City requires all businesses to be inspected annually for adherence to the fire and life safety codes.
- **Marine Operations Division** protects beach visitors on Newport Beach's 6.2 miles of ocean and 2.5 miles of bay beaches with preventative actions and medical assistance. Lifeguards provide customer and safety services to visitors on the beach, boardwalk, and piers and in the ocean.

Fire Stations, Staffing, and Equipment

The NBFD has eight fire stations throughout the City, each with a corresponding district that encompasses the immediate geographical area around the station. The circulation challenges of Upper Newport Bay results in more fire stations per population than typical in order to maintain adequate response times throughout the City. Aside from the fire stations, NBFD has a lifeguard headquarters building, a lifeguard substation, a junior lifeguard facility (in the summer), and 38 lifeguard towers.

The front line apparatus includes 8 fire engines (one at each station), 2 aerial ladder trucks, 3 paramedic vans, 3 lifeguard rescue boats, 8 lifeguard patrol units, and 3 command vehicles. NBFD can put 3 additional reserve paramedic vans into service if needed.

Table 5.10-1 lists the eight fire stations, locations, equipment, and staffing and Figure 5.10-1, *Fire, Police, and School Locations*, shows where they are in the City. There have been no changes to NBFD staffing, facilities, or equipment since the adoption of the 2006 General Plan, with the exception of one less full-time employee.

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Table 5.10-1 Newport Beach Fire Stations

Station	Location	Equipment	Daily Staffing
Station 1	Balboa Peninsula 110 E. Balboa Boulevard	1 Fire Engine	1 Captain 1 Engineer 1 Firefighter Paramedic
Station 2	Lido 475 32nd Street	1 Fire Engine 1 Ladder Truck 1 Paramedic Van	2 Captain 2 Engineer 4 Firefighter 2 Firefighter Paramedics
Station 3	Fashion Island 868 Santa Barbara Drive	1 Fire Engine 1 Ladder Truck 1 Paramedic Van	2 Captain 2 Engineer 3 Firefighter 2 Firefighter Paramedics 1 Battalion Chief
Station 4	Balboa Island 124 Marine Avenue	1 Fire Engine	1 Captain 1 Engineer 1 Firefighter Paramedic
Station 5	Corona Del Mar 410 Marigold	1 Fire Engine 1 Paramedic Van	1 Captain 1 Engineer 1 Firefighter 2 Firefighter Paramedics
Station 6	Mariners 1348 Irvine Avenue	1 Fire Engine	1 Captain 1 Engineer 1 Firefighter Paramedic
Station 7	Santa Ana Heights 20401 Acacia Street	1 Fire Engine	1 Captain 1 Engineer 1 Firefighter
Station 8	Newport Coast 6502 Ridge Park Road	1 Fire Engine	1 Captain 1 Engineer 1 Firefighter Paramedic

Source: Kitch 2013.

As of 2013, NBFD has 147 full-time employees, including 117 full-time firefighters and 13 full-time lifeguards (Kitch 2013). Furthermore, NBFD staffs approximately 200 seasonal employees (primarily lifeguards during the summer months) to provide 24-hour protection and response to the City's residents and visitors. On a typical summer day, there will be 39 firefighters, seven lifeguards, and 70 seasonal lifeguards on duty (NBFD 2013).

NBFD level of service takes into account dynamic variables, such as service demand levels, call stacking and queues, automatic aid agreements with other agencies, and the ability of the fire department to change or modify its service delivery model to mitigate potential increased demands in the future (Kitch 2013).

Statistics and Response Times









In 2012, the Fire Operations Division responded to 9,471 incidents, categorized by response type in Table 5.10-2.

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Figure 5.10-1

Fire, Police, and School Locations

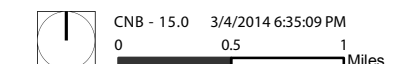


-  Police Department
-  Fire Stations
-  Schools
-  City Boundary
- Unified School Districts**
-  Irvine School District
-  Laguna Beach School District
-  Newport-Mesa School District
-  Santa Ana School District

Note:
The City of Newport Beach Planning Area is surrounded by other developed areas of the cities of Huntington Beach, Costa Mesa, Irvine, and unincorporated areas of Orange County. Directly adjacent to the City's boundaries include Banning Ranch to the northeast, the John Wayne Airport and residential homes to the north, University of California, Irvine along the northeast, Bommer Canyon Community Park to the east, and Crystal Cove State Park to the south.



Land Use Element Update
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Table 5.10-2 Nbfd Fire Operations Division 2012 Responses

Response Type	Incidents
Fire Operations Division	
Fires	126
Medical Aid	6,686
Hazardous Materials	154
Other Emergencies	776
Nonemergency Service	684
Other	1,045
TOTAL	9,471

Source: Kitch 2013.

Nbfd’s response time objective for a priority incident requiring full personal protective equipment is 5 minutes and 20 seconds 90 percent of the time. For priority incidents not requiring full personal protective equipment, the performance objective is 5 minutes 90 percent of the time. Currently, the City-wide average response time for priority incidents is 5 minutes and 44 seconds 90 percent of the time (Kitch 2013). Nonpriority call response times are unavailable; however, the overall average response time for all fire stations based on 2012 data is 6 minutes, 36 seconds. According to Nbfd, there are no deficiencies in the level of fire protection service currently provided to the City, and no plans for additional fire stations.

Insurance Service Office Rating

Currently, the Nbfd has a Class 2 ISO rating. ISO ratings are a numerical grading from one to ten, that is, from best to worst. The rating is based on analysis of various fire department elements—fire-suppression delivery system, fire dispatch, water supply, number of fire hydrants, available equipment, type of training, personnel, etc. Insurance rates are based on the ISO rating. With a Class 2 ISO rating, Nbfd is considered a high-quality fire department.

Funding

Funding for Nbfd comes primarily from the City’s general funds. Additionally, the fire department generates fees for various fire, life safety, and marine operations services that are budgeted each year to partially offset department expenses. This revenue paid 20.6 percent of Nbfd’s total 2013/2014 fire budget; City general funds subsidized the other 79.4 percent.

5.10.1.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- FP-1 Result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the

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construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.

5.10.1.3 ENVIRONMENTAL IMPACTS

2006 General Plan EIR

According to the 2006 General Plan EIR, buildout of the 2006 General Plan would have a less than significant impact on fire services. To support the needs of future growth, the General Plan includes policies that ensure development would only occur with the provision of adequate infrastructure (Policy LU 3.2). Thus, fire staffing and facilities would expand commensurately to serve the needs of new development and maintain current response times. Policy S6-18 of the General Plan Safety Element and Chapter 9.04 of the City's municipal code require all new developments to comply with all applicable federal, state, and local regulations governing fire protection services, such as adequate fire and emergency access, fire flows, and number of fire hydrants. The California Fire Code outlines construction standards for new structures and remodels, road width and configuration design requirements, and minimum fire flow and water main rates. In addition, all significant new development would be subject to the City's environmental review process, which includes project-specific CEQA review.

General Plan LUE Amendment (Proposed Project)

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.10-1: In comparison to the 2006 General Plan, development in accordance with the General Plan LUE Amendment would introduce new structures and 2,798 additional residents into the Newport Beach Fire Department service boundaries, potentially increasing the requirement for fire protection facilities and personnel. [Threshold FP-1]

Impact Analysis:

Buildout of the proposed project would allow an increase of 1,729 residential units, which would increase the City's population by up to 2,798 additional residents more than buildout of the 2006 General Plan.

NBFD indicates that there are no existing deficiencies in the level of fire protection service currently provided to the City. Furthermore, NBFD states that the proposed changes within the General Plan LUE Amendment are minor and incremental in scope relative to overall NBFD service demand levels. Therefore, increases in service demand would not have substantial impact on NBFD's ability to adequately serve Newport Beach (Kitch 2013).

As stated in the 2006 General Plan EIR, all new development in accordance with the proposed project would be required to comply with the existing International Fire Code and California Fire and Building Codes found within the California Health and Safety Code. In addition, Chapter 10.48 of the City's municipal code authorizes the Fire Marshal to regulate weed and rubbish abatement within the City to reduce potential fire hazards from dry grasses, brush, garden refuse, etc. Furthermore, the project does not propose any land use

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or development capacity changes to areas within the City's Very High Fire Hazard Severity Zone, which would require further fire protection features. By complying with these federal, state, and local regulations, adequate fire and emergency safety elements would be integrated into new developments, thereby reducing the risk for fire hazards within the City. Thus, Nbfd would be able to continue providing a high level of service with its existing staff, equipment, and facilities.

If Nbfd were to experience a greater demand for service that would not be adequately supported with existing staff and equipment, Nbfd would be able to hire more personnel and expand facilities with funds generated from specific revenue streams as explained above and also from the City's General Funds that would grow proportionally with new development in the City through increased property and sales tax revenue. Thus, impacts from the proposed project would be less than significant.

5.10.1.4 RELEVANT GENERAL PLAN POLICIES

Existing Policies

Recreation Element (R)

Goal R 8 Provision of Marine Recreation Facilities: Provision and maintenance of marine recreation related facilities that enhance the enjoyment of the City's natural resources.

- **R 8.4 - Marine Safety:** Provide for marine safety such as lifeguards, harbor patrol, police, traffic, and parking enforcement.

New and/or Modified Policies

The proposed General Plan LUE Amendment includes the following new and/or revised policies that are relevant to fire protection services. The proposed changes are shown in underlined/~~strikeout~~ for new and eliminated text, respectively. The goal for a revised policy is provided, even if the goal itself is unchanged.

Goal LU 2 A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, promote public health, and protect its important environmental setting, resources, and quality of life.

- **LU 2.8 - Adequate Infrastructure:** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, technology cabling and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).
- **LU 6.1.1 - Adequate Community Supporting Uses:** Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, ~~schools~~, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach's residents and businesses.

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5.10.1.5 EXISTING REGULATIONS

- International Fire Code
- California Health and Safety Code
- City of Newport Beach Municipal Code
 - Chapter 2.20 (Emergency Services)
 - Chapter 9.04 (Fire Code)
 - Section 9.04.140 (Very High Fire Hazard Severity Zone)
 - Chapter 10.48 (Weed and Rubbish Abatement)

5.10.1.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

After adoption of new and modified policies and implementation of regulatory requirements, the following impacts would be less than significant: 5.10-1.

5.10.1.7 MITIGATION MEASURES

Impacts are less than significant and mitigation measures are not required.

5.10.1.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required and impacts would remain less than significant.

5.10.2 Police Protection

5.10.2.1 ENVIRONMENTAL SETTING

Regulatory Setting

Local

City of Newport Beach Municipal Code

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

- Chapter 12.16 (Enforcement and Obedience): Authorizes officers of the Police Department to enforce all street traffic laws.

Existing Conditions

The Newport Beach Police Department (NBPD) provides police services, crime prevention and investigation, community awareness programs, and traffic control to the entire City of Newport Beach. All law enforcement agencies in Orange County provide mutual aid to one another. The primary agencies providing aid to the City would be the Orange County Sheriff's Department and the Costa Mesa Police

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Department. Police headquarters are at 870 Santa Barbara Drive (see Figure 5.10-1, *Fire, Police, and School Locations*). The department is divided into four divisions: Chief of Police, Patrol and Traffic, Support Services, and Detective Division.

Staffing and Equipment

Since the adoption of the 2006 General Plan, the NBPD has decreased its staff from 280 to 277 personnel, which currently includes 1 Chief, 1 Deputy Chief, 1 Captain, 8 Lieutenants, 22 Sergeants, 1 Support Services Administrator, 103 full-time sworn officers, and 78 full-time civilian personnel. In addition to full-time personnel, NBPD also staffs 9 sworn reserve officers, 20 nonsworn officers, and 33 volunteers, totaling 62 seasonal and part-time staff (Margulieux 2013).

Table 5.10-3 shows NBPD’s change in equipment inventory since preparation of the 2006 General Plan EIR.

Table 5.10-3 NBPD Equipment Inventory Change

2006 General Plan	Existing Conditions
• 27 Marked Patrol Units	• 31 Marked Patrol Units
• 34 Unmarked Vehicles	• 49 Unmarked Vehicles
• 3 Prison Transport Vans	• 2 Prison Transport Vans
• 14 Motorcycles	• 16 Motorcycles
• 3 All-Terrain Vehicles	• 2 K-9 Units
• 3 Helicopters	• 9 Bicycles
• 3 K-9 Units	• 4 Trailers
• 15 Bicycles	

Source: City of Newport Beach 2006 General Plan EIR; Margulieux 2013.

Currently, there are no specific plans for expansion of police facilities, staff, or equipment inventory.

Statistics and Response Times

The crime statistics reports for 2012 are shown in Table 5.10-4.

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Table 5.10-4 NBPB Crime Statistics for 2012

Offense Type	Incidents
Criminal Homicide	1
Forcible Rape	11
Robbery	27
Assault	503
Aggravated	67
Simple	436
Burglary	454
Residential	240
Commercial	105
Garage	109
Larceny-Theft	1,630
Petty Theft	705
Grand Theft	244
Burglary/Theft from Motor Vehicle	681
Grand Theft Auto	106
Arson	6
TOTAL	2,738

Source: NBPB 2012.

In addition to crime statistic reports, NBPB also records its incoming calls using a computer-aided dispatch (CAD). The CAD categorizes calls by five priority-type levels:

- E. Emergency: In progress violent crimes, potentially life threatening calls requesting a code 3 response
- 2. Violent crime just occurred: Property crimes in progress, domestic violence, etc.
- 3. Property crimes just occurred.
- 4. Routine calls: Parties, noise disturbances, reports, etc.
- 5. Animal Control Officer and Parking Control Officer calls/status.

Table 5.10-5 classifies the 91,932 events recorded by the NBPB CAD for 2012. The average event response times by priority type are also listed.

Table 5.10-5 2012 CAD Events and Response Times

Priority Type	Events	Response Time
E	232	2 minutes, 20 seconds
2	17,197	4 minutes, 51 seconds
3	24,254	7 minutes, 25 seconds
4	15,548	12 minutes, 8 seconds
5	34,701	4 minutes 29 seconds
Total Events/Average Response Time	91,932	6 minutes, 15 seconds

Source: Margulieux 2013.

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NBPD's goal response time for emergency calls is immediate and never over five minutes. For nonemergency calls, the goal response time is within 15 minutes or less when resources are available (Margulieux 2013). Given the response times in Table 5.10-5, NBPD is responding to all calls within the prescribed goal response time and adequately serving the City's needs.

Funding

Funding for NBPD comes primarily from the City's general funds. In addition, NBPD generates revenue from various police services. These two sources of funding provide NBPD with adequate staffing, equipment, and facilities to give the City a high level of service.

5.10.2.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- PP-1 Result in a substantial adverse physical impact associated with the provisions 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 police protection services.

5.10.2.3 ENVIRONMENTAL IMPACTS

2006 General Plan EIR

According to the 2006 General Plan EIR, buildout of the 2006 General Plan would have a less than significant impact on police services. In order to maintain acceptable levels of service, the 2006 General Plan includes policies to ensure adequate law enforcement is provided as the City experiences future development (Policy LU 2.8). Furthermore, to maintain the ratio of 1.7 officers per 1,000 residents (148 officers and 85,120 residents) at the time the 2006 General Plan EIR was prepared, NBPD would have had to provide an additional 53 officers upon 2006 General Plan buildout. Maintaining NBPD's ratio of 0.60 nonsworn personnel per sworn officer would result in the addition of 32 nonsworn personnel. The addition of 85 police personnel would require NBPD to expand police facilities. However, since NBPD did not have near-term plans for expansion of police facilities, staff, or equipment inventory, it was speculative to determine whether a new substation would be considered. Furthermore, all new development of police facilities would be subject to the City's project-specific environmental review under CEQA. Thus, impacts were determined to be less than significant.

General Plan LUE Amendment (Proposed Project)

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

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Impact 5.10-2: In comparison to buildout of the 2006 General Plan, the proposed project would introduce new structures and 2,798 additional residents into the Newport Beach Police Department service boundaries, thereby potentially increasing the requirement for police protection facilities and personnel. [Threshold PP-1]

Impact Analysis: Development in accordance with the General Plan LUE Amendment would allow 1,729 additional residential units, which would increase the City's population by up to 2,798 additional residents compared to the population buildout of the 2006 General Plan EIR.

As stated above, NBPD currently staffs 145 sworn officers (including higher level officers and reserve officers). Based on the City's 2013 population estimate of 86,436 residents, the current ratio of officers to residents is 1.7 sworn officers per 1,000 residents (DOF 2013). In order to maintain the ratio at the buildout of the proposed project (which would increase the City's population by up to 2,798 new residents more than the 2006 General Plan), NBPD would have to provide an additional 5 sworn officers upon buildout. NBPD does not have near-term plans for expansion of police facilities, staff, or equipment inventory. Though an increase in population and structures, whether residential or commercial, would require an increase in police presence, the department states that the proposed project would not have an adverse impact on its existing level of service. Furthermore, not knowing the exact types and locations of new structures makes it difficult to determine how much, if any, additional police facilities, personnel, or equipment would be needed.

As development occurs in accordance with the proposed project, property and sales tax revenue would grow in rough proportions and provide more funding for the City's general funds, which would allocate funding to NBPD as necessary to ensure the department has enough facility space, personnel, and equipment to maintain a high-quality level of service for its residents. NBPD would also be able to use revenue generated from various police services for necessary improvements. Thus, impacts from the proposed project on NBPD's level of service would be less than significant.

5.10.2.4 RELEVANT GENERAL PLAN POLICIES

Existing Policies

Existing General Plan policies detailed in Section 5.10.1.4 for fire protection are also applicable to police protection services.

New and/or Revised Policies

New and/or revised LUE policies detailed in Section 5.10.1.4 for fire protection are also applicable to police protection services.

5.10.2.5 EXISTING REGULATIONS

- City of Newport Beach Municipal Code Chapter 12.16 (Enforcement and Obedience)

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5.10.2.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon adoption of new and revised policies and implementation of regulatory requirements the following impacts would be less than significant: 5.10-2.

5.10.2.7 MITIGATION MEASURES

Impacts are less than significant and mitigation measures are not required.

5.10.2.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required and impacts would remain less than significant.

5.10.3 School Services

5.10.3.1 ENVIRONMENTAL SETTING

Regulatory Setting

State

California State Assembly Bill 2926: School Facilities Act of 1986

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

California Senate Bill 50

Senate Bill (SB) 50, passed in 1998, provides a comprehensive school facilities financing and reform program and enables a statewide bond issue to be placed on the ballot. Under the provisions of SB 50, school districts are authorized to collect fees to offset the costs associated with increasing school capacity as a result of development and related population increases. The funding goes to acquiring school sites, constructing new school facilities, and modernizing existing school facilities. SB 50 establishes a process for determining the amount of fees developers would be charged to mitigate the impact of development on school districts from increased enrollment. According to Section 65996 of the California Government Code, development fees authorized by SB 50 are deemed to be “full and complete school facilities mitigation.”

Under this legislation, there are three levels of developer fees that may be imposed upon new development by the governing school district. Level I fees are assessed based upon the proposed square footage of residential, commercial/industrial, and/or parking structure uses. Level II fees require the developer to provide one-half of the costs of accommodating students in new schools, and the state provides the remaining half. To qualify for Level II fees, the governing board of the school district must adopt a School Facilities Needs Analysis and meet other prerequisites in accordance with Section 65995.6 of the California Government Code. Level III

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fees apply if the state runs out of bond funds, allowing the governing school district to impose 100 percent of the cost of school facility or mitigation minus any local dedicated school monies on the developer.

Local

City of Newport Beach Municipal Code

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

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

Existing Conditions

Students in Newport Beach are served by Newport-Mesa Unified School District, Santa Ana Unified School District, and Laguna Beach Unified School District. Figure 5.10-1, *Fire, Police, and School Locations*, shows the three district boundaries and school locations serving the City.

Newport-Mesa Unified School District

Newport-Mesa Unified School District (NMUSD) has a current enrollment of 21,966 students (2013–2014 academic year), with a total capacity of 25,033 students. Table 5.10-6 provides the districtwide capacities and enrollments for the 2013–2014 academic year. Note that there are two high school categories because Corona del Mar High School and Costa Mesa High School offer classes for grades seven through twelve rather than nine through twelve. Overall, NMUSD has available capacity in all grade levels as of this academic year.

Table 5.10-6 Newport Mesa Unified School District Overall Capacity (2013–2014)

School Grade Levels	Total Capacity	2013–2014 Enrollment	Remaining Capacity
Elementary Schools (Grades K–6)	12,112	11,770	342
Intermediate Schools (Grades 7–8)	2,348	1,770	578
High Schools (Grades 7–12)	5,072	4,313	759
High Schools (Grades 9–12)	5,501	4,113	1,388
TOTAL	25,033	21,966	3,067

Source: Zareczny 2014.

School funding comes predominantly from federal, state, and local contributions, such as business and personal income taxes, sales tax, property tax, etc. NMUSD charges Level I developer impact fees pursuant to SB 50. As of February 2014, residential development fees are \$1.84 per square foot, and commercial development fees are \$0.30 per square feet (Zareczny 2014).

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Santa Ana Unified School District

Santa Ana Unified School District (SAUSD) covers approximately 24 square miles and encompasses portions of the cities of Santa Ana, Irvine, Costa Mesa, Newport Beach, and Tustin and unincorporated Orange County. The district currently has 53,493 students in grades K–12 (2012–2013 academic year).

The SAUSD schools that serve students in the City of Newport Beach are listed in Table 5.10-7 and shown in Figure 5.10-1. Table 5.10-7 shows that James Monroe Elementary and Century High School still have remaining capacity for additional students, but McFadden Intermediate School is over capacity by 447 students.

Table 5.10-7 Santa Ana Unified School District Schools Serving Newport Beach (2013–2014)

School Name	Location	Current Permanent Capacity*	2013–2014 Enrollment	Remaining Capacity
James Monroe Elementary School (Grades K–5)	417 E. Central Avenue Santa Ana, CA 92707	566	454	112
McFadden Intermediate (Grades 6–8)	2701 S. Raitt Street Santa Ana, CA 92704	1,014	1,461	(447)
Century High School (Grades 9–12)	1401 S. Grand Avenue Santa Ana, CA 92705	2,155	1,873	282
TOTAL		3,735	3,788	(56)

Source: Mears 2013; SAUSD 2013.

* Permanent building capacity only. Does not include relocatable classrooms.

SAUSD is funded primarily by federal and state grant programs, or local and state taxes. In particular, the State School Facility Program (SFP) was first implemented in 1998 and offers state funding in the form of per pupil grants, with supplemental grants for site development, site acquisition, and other project-specific costs (SAUSD 2013). SAUSD receives funding from SFP’s various programs, including New Construction, Critically Overcrowded Schools Program, Overcrowding Relief Grant Program, Modernization, and the Career Technical Education Program.

Measure G, a \$200 million general obligation bond, was passed in June 2008 (SAUSD 2013). Funds from Measure G are being used to replace relocatable classrooms, construct new facilities, renovate existing facilities, and provide funding for other SAUSD facility needs.

In addition to these funds, SAUSD also charges Level I developer impact fees, pursuant to SB 50. New residential construction projects greater than 500 square feet are charged a fee of \$3.20 per square foot, and new commercial or senior housing construction projects are charged a fee of \$0.51 per square foot (SAUSD 2013).

Laguna Beach Unified School District

Laguna Beach Unified School District (LBUSD) provides school services to the southern portion of Newport Beach. This area is primarily open space, but there are areas of residential development in the Newport Ridge and Newport Coast communities. LBUSD offers two elementary schools (K–5), one middle

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school (6–8) and one high school (9–12). Table 5.10-8 details the LBUSD schools and their enrollment in the 2013–2014 academic year.

Table 5.10-8 LBUSD Schools Serving Residents from the City of Newport Beach

School	Location	Academic Year 2013–2014 Enrollment
Top of the World Elementary School (Grades K–5)	21601 Tree Top Lane Laguna Beach, CA 92651	655
El Morro Elementary School (Grades K–5)	8681 North Coast Hwy Laguna Beach, CA 92651	562
Thurston Middle School (Grades 6–8)	2100 Park Avenue Laguna Beach, CA 92651	806
Laguna Beach High School (Grades 9–12)	625 Park Avenue Laguna Beach, CA 92651	989

Source: Soto 2013.

According to LBUSD, the district does not calculate school capacities; however, it does aim to maintain an acceptable number of students per classroom in all grade levels. Currently, all of LBUSD’s schools are operating within capacity and do not have any shortages of classrooms, athletic and recreational facilities, or other resources.

LBUSD funding comes predominantly from federal and state grant programs, or local and state taxes. Per SB 50, LBUSD charges a fee of \$2.05 per square foot of new development.

Private Schools

The City of Newport Beach is home to 16 private schools, offering residents a variety of school options for their children. The private schools vary in the grade levels served; inclusively, they provide education from preschool through grade twelve. These schools are all privately funded and are not associated with the above school districts.

5.10.3.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

SS-1 Result in a substantial adverse physical impact associated with the provisions 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 school services.

5.10.3.3 ENVIRONMENTAL IMPACTS

2006 General Plan EIR

The 2006 General Plan EIR analyzed school capacity in Newport-Mesa Unified School District, Santa Ana Unified School District, and Laguna Beach Unified School District, comparing existing enrollment to

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projected enrollment at 2006 General Plan buildout. At buildout, the student population in the City was estimated to increase by approximately 6,230 students, using the assumption that approximately 20 percent of potential increase in population would represent children attending grades K through 12. The increase in student population would potentially exceed the capacity of NMUSD and SAUSD. LBUSD would not surpass enrollment capacity because it had an excess of 394 seats along with an above-average pupil-to-teacher ratio, which allows LBUSD to increase class sizes to accommodate more students if needed.

The 2006 General Plan included goals and policies to address capacity issues for NMUSD and SAUSD. Specifically, Policy LU 6.1.1 ensures the provision of adequate school facilities to serve the needs of residents, and Policy LU 6.1.2 allows for the development of new public and institutional facilities within the City provided that the use and development facilities are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure. Buildout would likely require construction of new school facilities; however, the EIR concluded that compliance with 2006 General Plan policies would reduce impacts to less than significant.

General Plan LUE Amendment (Proposed Project)

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.10-3: Development in accordance with the proposed General Plan LUE Amendment would generate an estimated 437 additional students in the Santa Ana Unified School District and 124 additional students in the Newport-Mesa Unified School District. These additional students could impact the districts' school capacities. [Threshold SS-1]

Impact Analysis: Development in accordance with the proposed project would allow for an increase in residential units, which would increase the City's population by up to 2,798 more residents than buildout of the 2006 General Plan.

Private Schools

As part of the General Plan LUE Amendment, the project proposes an increase of 14,244 square feet for Harbor Day School (Map Reference No. 12 in Figure 3-8, *Harbor View Area Proposed Changes*). The additional facility space would accommodate an additional 72 students in Newport Beach. Although the additional school capacity may serve Newport Beach students, the significance threshold (see SS-1) focuses on governmental services. Therefore, privately funded schools are not included in determining the potential project impact on school services.

Laguna Beach Unified School District

LBUSD provides school services to residents of the southern portion of Newport Beach adjacent to the City of Laguna Beach. Of the subareas proposed for change, only Newport Coast Center, Newport Coast Hotel, and Newport Ridge are within the LBUSD boundary. Newport Coast Center and Newport Coast Hotel are proposed for a decrease in commercial square footage and hotel rooms. These decreases in development capacity would have no impact on student population growth and therefore would have no impact on LBUSD's enrollment capacity.

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Newport Ridge is proposed for a decrease in development of 356 dwelling units. By decreasing allowable residential development in Newport Ridge, fewer residents, including students in grades K through 12, would move into homes in the Newport Ridge area. Anticipated student generation for the LBUSD under the General Plan LUE Amendment would be reduced in comparison to the adopted General Plan.

Santa Ana Unified School District

Of the subareas proposed for land use or development capacity changes, four subareas fall within SAUSD’s boundary: The Hangars, UAP Companies, Lyon Communities, and Saunders Properties (see Figure 3-4, *Airport Area Proposed Changes*).

The amendment proposes development of up to 11,800 square feet of retail on The Hangars property and up to 148,000 square feet of Congregate Care use on the UAP Companies property. The retail and congregate care development proposed on these properties would not house any student residents in grades K through 12. Thus, the proposed change to The Hangars and the UAP Companies property would not impact SAUSD’s facilities or enrollment.

The General Plan LUE Amendment would allow up to 329 dwelling units on the Saunders Properties and 850 dwelling units on the Lyon Communities property. Additional residential units could also be developed as density bonus units; Saunders Properties and Lyon Communities have density bonuses of up to 115 and 297 dwelling units, respectively. Combined, the 1,591 dwelling units allowed on these two properties would have an impact on SAUSD’s facilities and enrollment capacities. Table 5.10-9 shows an estimated student generation (K–12) from the additional 1,591 dwelling units in the SAUSD service area. The estimates use student generation rates specific to SAUSD and are based on general, City-wide dwelling unit developments. These student generation rates are used by school districts to estimate the number of students generated by new development in order to determine whether or not existing school facilities would be adequate for future student enrollment.

Table 5.10-9 Projected Student Population in SAUSD

Grade Level	Student Generation Rate	Proposed Project Buildout	Estimated Buildout Generated Students
K–6	0.153	1,591 DUs	244
7–8	0.0646		103
9–12	0.0561		90
Project Total			437
Existing District Enrollment*			3,788
Total District Enrollment + Project			4,225
Total District Capacity			3,735
Remaining Capacity			(490)

Source: Mears 2013; SAUSD 2013.

* Existing SAUSD district enrollment only includes James Monroe Elementary School, McFadden Intermediate, and Century High School, which would serve the student population within the Airport Area.

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According to Table 5.10-9, the student population resulting from the development of up to 1,591 dwelling units in the SAUSD service area would exceed the overall capacities of SAUSD schools serving the student population in the Airport Area.

As stated above, new developments are required to pay development impact fees pursuant to SB 50 to offset the costs associated with increasing school capacity as a result of development and related population increases. SAUSD fees are \$3.20 per square foot of residential development and \$0.51 per square foot of commercial development, and would be collected at the time building permits are issued for commercial, industrial, and residential projects. The State Legislature has declared that the payment of school impact fees constitutes full mitigation for the impacts of new development, per Government Code Section 65995. Since future projects in accordance with the General Plan LUE Amendment would be required to pay SB 50 impact fees, each project would mitigate the impacts associated with its activities, and impacts to SAUSD would be less than significant.

Newport-Mesa Unified School District

Newport Center/Fashion Island is the only area proposed for dwelling unit capacity changes within the NMUSD school service area—up to 500 multifamily units are proposed. Table 5.10-10 shows an estimated student generation (K–12) from an additional 500 dwelling units in accordance with the General Plan LUE Amendment.

Table 5.10-10 Projected Student Population in NMUSD

Grade Level	Student Generation Rate	Proposed Project Buildout	Estimated Buildout Generated Students
K-6	0.131	500 DUs	66
7-8	0.037		19
9-12	0.078		39
Project Total			124
Existing District Enrollment			21,966
Total District Enrollment + Project			22,090
Total District Capacity			25,033
Remaining Capacity			2,943

Source: Zareczny 2014.

According to Table 5.10-10, in comparison to the 2006 General Plan, buildout of the proposed project would generate 124 more students within the NMUSD district boundary. Using NMUSD's current capacity and enrollment, NMUSD would have substantial capacity to accommodate 2,943 additional students beyond those generated from buildout of the proposed project.

In addition, NMUSD charges \$1.84 per square foot of residential development and \$0.30 per square foot of commercial development pursuant to SB 50 and would collect these fees from individual developers. Furthermore, Chapter 19.48 (School Sites and Fees) of the City's municipal code may require, as a condition of approval, dedication of land within a subdivision development for the construction of elementary and high schools necessary to ensure that residents of the subdivision have adequate public school service. Impacts to NMUSD would remain less than significant.

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In conclusion, impacts from implementation of the General Plan LUE Amendment on school services in the Newport-Mesa Unified School District, Santa Ana Unified School District, and Laguna Beach Unified School District would be less than significant.

5.10.3.4 RELEVANT GENERAL PLAN POLICIES

Existing Policies

Recreation Element (R)

Goal R 5 Joint Use Facilities: Maximized use of the community's recreational resources by coordinating with the agencies responsible for non-city recreational facilities and open space.

- **R 5.1 - Non-City Facilities and Open Space:** Utilize non-City recreational facilities and open space (e.g., Newport-Mesa Unified School District, county, and state facilities) to supplement the park and recreational needs of the community. Maintain the use of existing shared facilities, and expand the use of non-city facilities/amenities where desirable and feasible.
- **R 5.2 - School Districts:** Expand and maintain existing joint use agreements with Newport-Mesa Unified School District for use of facilities that will enhance the provision of parks and recreational facilities for residents.

New and/or Modified Policies

New and/or modified LUE policies detailed in Section 5.10.1.4 for fire protection are also applicable to school services.

5.10.3.5 EXISTING REGULATIONS

- California State Assembly Bill 2926: School Facilities Act of 1986
- California Senate Bill 50
- City of Newport Beach Municipal Code, Chapter 19.48 (School Sites and Fees)

5.10.3.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon adoption of new and modified policies and implementation of regulatory requirements the following impacts would be less than significant: 5.10-3.

5.10.3.7 MITIGATION MEASURES

Impacts are less than significant and mitigation measures are not required.

5.10.3.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required and impacts would remain less than significant.

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5.10.4 Parks

5.10.4.1 ENVIRONMENTAL SETTING

Regulatory Setting

State

Quimby Act

The Quimby Act (California Government Code Section 66477) was established by the California Legislature in 1965 to provide parks for the growing communities in California. The act authorized cities and counties to adopt ordinances addressing parkland and/or fees for residential subdivisions for the purpose of providing and preserving open space and recreational facilities and improvement. The Quimby Act sets a statewide standard of 3 acres of parkland for every 1,000 residents, unless the city adopts a higher standard not to exceed 5 acres per 1,000 residents. The act also specifies acceptable uses and expenditures of the generated revenue.

California Public Park Preservation Act

The primary instrument for protecting and preserving parkland is California's Public Park Preservation Act of 1971. Under the Public Resources Code, cities and counties may not acquire any real property that is in use as a public park for any nonpark use unless compensation, land, or both, are provided to replace the parkland acquired. This ensures no net loss of parkland and facilities.

Local

City of Newport Beach Municipal Code

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

- **Chapter 11.04 (Parks, Park Facilities, and Beaches):** Outlines the City's policy to allow maximum public use of public parks, park facilities, and beaches subject to rules and regulations necessary for administration and maintenance.
- **Chapter 19.52 (Park Dedications and Fees):** Intended to provide the City with the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park and/or recreational purposes in conjunction with the approval of new residential development.
- **Section 19.52.040 (Parkland Standard):** States that the City's park dedication standard shall be five acres per thousand population.
- **Section 19.52.070 (Fee in Lieu of Dedication):** Computes the fee by multiplying the fair market value per acre times the acreage of land that would otherwise be dedicated pursuant to Section 19.52.050.

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Existing Conditions

The City of Newport Beach offers approximately 659.26 acres of developed parks and 90.4 acres of active beach, totaling 749.66 acres (Levin 2013). The parks range from less than an acre to more than 300 acres, and offer various amenities and recreational activities such as playgrounds, sports fields, picnic areas, barbecue pits, community centers, and an aquatic center. The City has multiuse trails for hiking, biking, and equestrian activities. Park and community center facility reservations are also available.

Parks and Recreational Facilities

Per Section 19.52.040 of the municipal code, Table 5.10-11 shows the required and existing park acreages and any deficits or surplus of parkland by service area in the City. These service areas were created by the City's Recreation Department for the purpose of determining whether particular geographical areas were deficient in parks and recreational facilities and to identify acquisitions or improvements that would provide residents with equal recreational opportunities. According to the table, the City as a whole exceeds the standard acreage by 323.56 acres of park and beach area. However, a number of areas in the City have a deficit in available park and beach acreages.

Table 5.10-11 City of Newport Beach Parkland Acreages

Service Area	2010 Population	Park Acres Needed	Existing Park Acres	Existing Beach Acreage	Combined Park and Beach Acreage	Deficit (-) Surplus (+)
West Newport	12,592	63.0	9.1	34	43.1	-19.9
Balboa Peninsula	4,220	21.1	6.7	44	50.7	+29.6
Newport Heights/Upper Bay	13,797	69.0	50.2	0	50.2	-18.8
Santa Ana Heights	3,167	15.8	7.5	0	7.5	-8.3
Lower Bay	2,991	15.0	0.1	0	0.1	-14.9
Balboa Island	2,756	13.8	0.3	1	1.3	-12.5
Eastbluff	6,580	32.9	71.0	0	71.0	+38.1
Big Canyon	3,437	17.2	39.16	0	39.16	+21.96
Newport Center	3,715	18.6	28.5	0	28.5	+9.9
Corona Del Mar	8,247	41.2	23.9	11.4	35.3	-5.9
Harbor View	12,787	63.9	353.5	0	353.5	+289.6
Newport Coast	10,928	54.6	69.3	0	69.3	+14.7
TOTAL	85,217	426.1	659.26	90.4¹	749.66	+323.56

Source: Census 2010; Levin 2013.

¹ Includes beach area where active recreation takes place (i.e., typically within 100 feet of the water). In addition, there are 174 acres of passive beach open space, 136 acres of open space land in the Upper Bay Ecological Reserve, and an undetermined amount of water open space in the Upper Bay and Newport Harbor.

Subsequent to the adoption of the 2006 General Plan, the following parks were developed. The new parkland acreages are reflected in Table 5.10-11 in their respected service area:

- Balboa Peninsula: Miramar Park (0.11 acres), Lake Street Park (0.07 acres)
- Santa Ana Heights: Mesa Birch Park (0.70 acres)
- Newport Center: Civic Center Park (9.45 acres)

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- Harbor View: Upper Buck Gully (254 acres)
- Newport Coast: Coastal Peak Park (11.17 acres)

In addition, the Newport Coast Community Center was renovated and reopened in 2007 and offers a variety of adult and youth recreation classes. The center has meeting/conference rooms, banquet rooms, a kitchen, gymnasium, and outdoor patio available to the public for use.

Aside from the parks and recreational facilities in the City, Crystal Cove State Park in Laguna Beach and Bommer Canyon Community Park in Irvine are directly adjacent to the City's southeastern boundary, and these additional recreational amenities are accessible to the City's residents. Crystal Cove State Park has 3.2 miles of beach and 2,400 acres of backcountry wilderness, popular for hiking, mountain biking, and horseback riding (Crystal Cove State Park 2012). Its offshore waters are designated an underwater park and offer scuba and snorkeling recreational activities as well. Bommer Canyon Community Park, a former cattle camp, is a 15-acre facility with picnic tables, barbecue pits, stage areas, horseshoe pits, a sand volleyball court, fire rings, and open space (Irvine). The park can also be reserved for company picnics, weddings, campouts, and parties.

Parkland Standard

As stated in Section 19.52.040 of the municipal code, Newport Beach's parkland standard is 5 acres per 1,000 residents. Currently, the City provides 749.66 acres of park and beach amenities. As a result, the park-to-population ratio—based on the City's estimated 2013 population of 86,436 (DOF 2013)—is 8.67 acres of parkland per 1,000 residents.

Facility Funding

Funding for parks and recreational facilities for the City comes primarily through general funds (property tax revenues), building excise tax funds, and grant funds. Additionally, Chapter 19.52 of the municipal code outlines a park fee imposed on all dwelling unit developments if the project site is unsuitable for park development or the developer decides to pay the fee rather than dedicate land towards future park expansion. The fee is determined by Section 19.52.070 (Fee in Lieu of Dedication) and will be used solely for the acquisition, development, improvement, and maintenance of public parks and recreational facilities in the City, as designated in the City's annual capital improvement program.

5.10.4.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

PS-1 Result in a substantial adverse physical impact associated with the provisions 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 park services.

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5.10.4.3 ENVIRONMENTAL IMPACTS

2006 General Plan EIR

The 2006 General Plan EIR found that there was an existing deficit of approximately 38.8 acres of combined park and beach acreage citywide, with 7 of the 12 service areas experiencing the deficit. An increase in population in accordance with buildout of the 2006 General Plan would potentially generate a higher demand on recreational facilities. The 2006 General Plan includes goals and policies to address the potential increase in demand and accelerated deterioration of existing facilities. Goal R 2 requires the maintenance and preservation of existing parks and recreation facilities. More specifically, Policy R 2.1 promotes the City's Park Dedication Fee Ordinance, which requires new development to pay fees or dedicate land as parkland. Policy R 2.2 protects public parkland from nonrecreational uses, requiring in-kind replacement of any parkland lost through governmental action. Goal R 1 strives to provide adequate park and recreational facilities to existing and future residents of the City. Specifically, Policy R 1.1 requires future development to dedicate land or pay in-lieu fees to maintain a minimum of five acres of parkland per 1,000 residents, per Section 19.52.040 (Parkland Standard) of the City's municipal code. Policy R 1.4 requires park fees to be updated regularly for new residential developments, and Policy R 1.5 promotes development of incentives for private projects to provide usable open space to the public. High-density residential developments on parcels eight acres or larger are required to provide onsite recreational amenities per Policy R 1.3. Lastly, Policy R 1.10 provides additional park and recreational facilities that meet the needs as identified by direct feedback from residents, analysis of trends, and observation by City staff. The 2006 General Plan EIR concludes that these goals and policies would ensure that increased demand from the larger population would not significantly accelerate the deterioration of existing recreational facilities, and new parks and facilities would be constructed to meet the needs of the growing population.

Based on the 2006 General Plan EIR, future development of parks and recreational facilities to meet the parkland ratio of five acres per 1,000 residents may adversely impact the existing environment. For example, lighted sports fields may cause light and glare impacts in communities, biological habitats may be impacted, or hydrology and drainage may be altered due to new park development. Nevertheless, significant new development would be subject to the City's environmental review process, which includes project-specific environmental review under CEQA. Thus, future provisions of new or improved parks and recreational facilities would not result in substantial adverse impacts and would be less than significant.

General Plan LUE Amendment (Proposed Project)

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.10-4: Buildout in accordance to the proposed General Plan LUE Amendment would generate 2,798 additional residents that would potentially increase the demand of existing park and recreational facilities. [Threshold PS-1]

Impact Analysis: Development in accordance with the proposed project would allow for an increase of 1,729 residential units, which would increase the City's population by up to 2,798 more residents than buildout of the 2006 General Plan.

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The additional 2,798 residents estimated at buildout of the proposed project would require the dedication of 14 acres of parkland or the contribution of in-lieu fees for the development of future public recreation facilities to meet demands generated by the project's residential population (Section 19.52.040 of the City's Municipal Code). The City's current parkland ratio is 8.67 acres per 1,000 residents. Because the General Plan LUE Amendment does not designate any additional parkland within the City, the population increase would decrease the parkland ratio to 8.40 per 1,000 residents, which is still substantially higher than the required parkland and indicates that all City residents are within the vicinity of available Newport Beach's parks, beaches, and recreational facilities. Furthermore, as stated above, Crystal Cove State Park in Laguna Beach and Bommer Canyon Community Park in Irvine offer additional beach, backcountry wilderness, and other recreational amenities directly southwest of Newport Beach.

According to the 2006 General Plan EIR, the City had a deficit of 38.8 acres at that time. With development of new parks as outlined in the 'Parks and Recreational Facilities' subsection of Section 5.10.4.1 above, the City now has an overall surplus of 323.56 acres (see Table 5.10-11). However, a closer look at Table 5.10-11 shows that a number of individual service areas still lack adequate parkland—West Newport (-19.9 acres), Newport Heights/Upper Bay (-18.8 acres), Santa Ana Heights (-8.3 acres), Lower Bay (-14.9 acres), Balboa Island (-12.5 acres), and Corona Del Mar (-5.9 acres). Therefore, although the City offers adequate parkland and recreational facilities to the overall city, some areas do not have as many amenities as others. According to the City's Recreation Superintendent, the City is currently lacking in existing parks and recreational facilities, and the proposed project would increase parkland demand. In order to address this issue looking forward, all future residential developers would be required to dedicate land and/or pay in-lieu fees to provide park or recreational facilities in conjunction with residential developments, per Chapter 19.52 of the City's municipal code. By doing so, existing deficiencies as noted in Table 5.10-11 would not be resolved; however, future residential developers would be required to dedicate parkland or pay fees in lieu thereof to ensure the 5 acres per 1,000 residents standard is met for future residences consistent with the General Plan LUE Amendment. Thus, impacts from the proposed project on existing parkland would remain less than significant.

Impacts to Newport Center/Fashion Island Area

This amendment would allow for the development of up to 500 multifamily dwelling units in the Newport Center/Fashion Island area, which would potentially increase demand for park and recreational facilities. However, because the Newport Center service area currently exceeds the City's parkland standard by 9.9 acres and future residential development would be required to comply with the standard, new developments would have a less than significant impact on existing parks and recreational facilities.

Impacts to the Airport Area

The Airport Area does not have any existing parkland because there are currently no residential developments in the area. The proposed project would allow for the development of up to 329 regular dwelling units and 115 density bonus units on Saunders Properties, 850 regular dwelling units and 297 density bonus units on Lyon Communities, and a land use designation for Congregate Care use on UAP Companies property, all of which are in the Airport Area. Future residents in the Airport Area would most likely use existing park facilities in the closest service areas—Santa Ana Heights, Eastbluff, and Big Canyon. According to Table

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5.10-11, Santa Ana Heights has a deficit of 8.3 acres; however, Eastbluff and Big Canyon have substantial surpluses of 38.1 and 21.96 acres, respectively. In addition, future residential developments in the Airport Area would be required to comply with the same policies outlined in the 2006 General Plan EIR to address potential park and recreation facilities.

In addition, as stated above, Chapter 19.52 of the municipal code requires parkland dedication or payment of in-lieu fees for all new developments, which would ensure park and recreation facilities are simultaneously developed with residential dwelling units in the Airport Area. Thus, impacts related to parks and recreational facility demands in the Airport Area would be less than significant.

Furthermore, the new and/or revised land use policies proposed under the General Plan LUE Amendment and listed below in Section 5.10.4.4 would also ensure the availability and maintenance of City parkland. Thus, impacts on the demand of existing park and recreational facilities within Newport Beach would be less than significant.

5.10.4.4 RELEVANT GENERAL PLAN POLICIES

Existing Policies

Harbor and Bay Element (HB)

Goal HB 1: Preservation of the diverse uses of the Harbor and the waterfront that contribute to the charm and character of Newport Bay, and that provide needed support for recreational boaters, visitors, and residents.

- **HB 1.1 - Preservation and Enhancement of Water-Dependent and Related Uses:** Preserve and enhance the following uses that contribute to the diversity and charm of Newport Bay, and the balance among them:
 - Water-dependent and water-related recreational activities such as boating, sailing, wind surfing, fishing, kayaking, rowing, paddle boarding, and swimming.
 - Water dependent and water-related commercial activities such as passenger/sightseeing boats, passenger-fishing boats, boat rentals and sales, entertainment boats, boat/ship repair and maintenance, and harbor maintenance facilities.
 - Water-enhanced commercial uses such as restaurants and retail stores.
 - Water-related public recreation and education areas and facilities such as beaches, piers, view parks and nautical museums and related public areas providing access to, and views of, Newport Harbor.
 - Coastal residential communities.

Goal HB 6: Provision and maintenance of public access for recreational purposes to the City's coastal resources (Goal R9).

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- **HB 6.1 - Provision of Public Coastal Access:** Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay, and acquire additional public access points to these areas and provide parking, where possible.

Recreation Element (R)

Goal R 1 Provision of Facilities: Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.

- **R 1.1 - New Residential Subdivisions:** Require developers of new residential subdivisions to provide parklands at five acres per 1,000 persons, as stated in the City's Park Dedication Fee Ordinance, or to contribute in-lieu fees for the development of public recreation facilities meeting demands generated by the development's resident population, as required in the City's Park Dedications Fees Ordinance.
- **R 1.2 - High-Density Residential Developments:** Require developers of new high-density residential developments on parcels eight acres or larger, to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City's Park Dedications and Fees Ordinance. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities can also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay the City of Newport Beach cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City's Park Dedications and Fees Ordinance.

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

- **R 1.3 - Park Fee Update:** Update the park fee assessed to new residential development in lieu of dedicating park land on a regular basis.
- **R 1.4 - Density Bonuses:** Consider development of incentives such as density bonuses for private commercial, office, and other developments to provide usable open space such as rooftop courts, pocket parks, public plazas, jogging trails, and pedestrian trails.
- **R 1.5 - Parkland Acquisition Criteria:** Use the following criteria when considering acquisition for parkland:
 - a. City's identified current and projected needs for recreation and sports facilities
 - b. City's needs for recreation facilities based on location of existing facilities

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- c. The preservation of natural resources, historic and cultural areas
 - d. Ease of accessibility
 - e. Usability of proposed parklands considering topography and other landform constraints
 - f. Consistency with established parks and recreational facility Goal
 - g. Fiscal impact on General Fund for any immediately needed refurbishments and on-going maintenance
 - h. The existence of a deficiency in a particular Service Area
- **R 1.6 -Surplus School Site Suitability:** In the event that surplus school sites become available for parkland acquisition, site desirability should be evaluated using the following criteria:
 - a. Does the school site currently provide recreational facilities that have been identified to meet local or community-wide needs?
 - b. Are other public lands in the vicinity of the school site inadequate to meet the identified existing or foreseeable needs of the community for recreation or open space purposes?
 - c. Is the school site a more economical or otherwise more feasible alternative than other parcels which are available as potential sites in the area?
 - **R 1.7 - Private Parkland:** Coordinate with the appropriate home owners association to conduct City recreation programs on private parkland.
 - **R 1.8 - Passive Parks:** Use underutilized City rights-of-way located on Ocean Boulevard and Bayside Drive in Corona del Mar as passive parks that are accessible for public use.
 - **R 1.9 - Priority for Facility Provision:** Provide additional park and recreation facilities that meet the needs as identified by direct feedback from residents, analysis of future trends, and through observations by Recreation and Senior Services staff, as shown in Figure R2.

Parks

1. Newport Center Service Area: Develop Newport Center Park as a passive park
2. West Newport Service Area: Develop Sunset Ridge Park, an active park with playfields, picnic areas, a playground, and other facilities
3. Newport Coast Service Area: Develop an active park located at the end of Ridge Park Road; and develop a community center and a gymnasium
4. Santa Ana Heights/Airport Commercial Service Area: Develop a pocket park in Santa Ana Heights

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5. West Newport Service Area: In the Banning ranch area develop an active community park of 20 to 30 acres with consideration of night lighting
6. Balboa Peninsula Service Area: Develop the Marina Park site for marine and/or recreational facilities

Recreation Facilities

1. Complete the Santa Ana Heights and Newport Coast Community Centers in a manner that allows the provision of a variety of recreational programs while meeting the needs of the community
 2. Renovate the Oasis Senior Center to continue to function as a multipurpose senior center that meets the needs of the senior population
 3. Renovate the existing recreation facilities to ensure they are a safe environment and offer quality programs and services
- **R 1.10 - Update of Priority for Facility Provision:** Review the list of identified community park and recreation needs on a regular basis, and update them as priorities for facilities change.
 - **R 1.11 - Update of Priority Usage:** Review policies regularly for priority usage of facilities to ensure fair and balanced assignments. Priority hierarchy shall be weighted for programs that are inclusive in nature and provide for the recreational enrichment of community's youth, adults, groups, and businesses. Scheduling shall be done in a manner that accommodates both the needs of organized activities as well as casual use by residents. Consideration shall also be given to the proper maintenance and revitalization of facilities when scheduling programs and activities.

Goal R 2 Maintenance and Preservation: Maintenance and preservation of existing parks and recreation facilities.

- **R 2.1 - Enhancement of Facilities:** Use funding from the City's Park Dedication Fee Ordinance to enhance existing parks and recreation facilities.
- **R 2.2 - Preservation of Public Parkland:** Protect public parkland from non-recreational uses; any loss of parkland through governmental action shall be replaced in-kind.
- **R 2.3 - Preservation of Public Beaches:** Preserve all public beaches for public only purposes.

Goal R 5 Joint Use Facilities: Maximized use of the community's recreational resources by coordinating with the agencies responsible for non-city recreational facilities and open space.

- **R 5.1 - Non-City Facilities and Open Space:** Utilize non-City recreational facilities and open space (e.g., Newport-Mesa Unified School District, county, and state facilities) to supplement the park and recreational needs of the community. Maintain the use of existing shared facilities, and expand the use of non-city facilities/amenities where desirable and feasible.

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- **R 5.2 - School Districts:** Expand and maintain existing joint use agreements with Newport-Mesa Unified School District for use of facilities that will enhance the provision of parks and recreational facilities for residents.
- **R 5.3 - New Joint-Use Agreements:** Develop additional long-term, joint-use agreements with other public and private agencies to assure recreation facilities for future generations.
- **R 5.4 - Maintenance of Existing Facilities:** Maintain existing joint use of facilities for City-operated recreational programs on City-owned properties that are used for other purposes, as needed.
- **R 5.5 - Public Facilities:** Design public facilities to incorporate recreational elements such as children's play areas, rooftop courts, pocket parks, and usable public plazas.
- **R 5.6 - New Joint-Use Facilities:** Explore use of government-owned surplus or remnant parcels for public park use.

Goal R 6 Provision of Coastal Recreational Opportunities: Protection and enhancement of a wide-range of recreational opportunities along the coast and beaches.

- **R 6.1 - Protection of Recreational Opportunities:** Protect recreational opportunities along the coast and beaches from nonrecreational uses. Where feasible, expand and enhance recreational opportunities along the coast and beaches.
- **R 6.2 - Interagency Coordination:** Cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, and Orange County to protect, expand, and enhance opportunities for recreational activities at county and state beaches and parks.
- **R 6.3 - Recreational Commercial Uses:** Allow recreational commercial uses in commercial areas adjacent to beaches and the bay.

New and/or Modified Policies

The proposed General Plan Land Use Element Amendment includes the following new and/or amended policies that are relevant to park services. The proposed changes are shown in underlined/strikeout text for new text and eliminated text, respectively. The goal for a revised policy is provided, even if the goal itself is unchanged.

Goal LU 1: A unique, primarily residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors ~~through the recognition that Newport Beach is primarily a residential community.~~

- **LU 1.3 - Natural Resources:** Protect the natural setting that contributes to the character and ~~identify~~ identity of Newport Beach and the sense of place it provides for its residents and visitors. Preserve

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designated open space resources, beaches, harbor, bays, channels, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.

Goal LU 2: A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, promote public health, and protect its important environmental setting, resources, and quality of life.

- **LU 2.8 - Adequate Infrastructure:** Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, technology cabling and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

Goal LU 6.15: A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.

- **LU 6.15.10 - Regulatory Plans [specific to Airport Area (ICDP)]:** Require ~~the development of a~~ regulatory plan for each residential village, ~~which shall containing~~ a minimum of 10 acres, developed in conformance with the Integrated Concept Development Plan (ICDP) to establishing a design theme and standards for buildings and site work (such as landscaping lighting, walls/fencing, signage and other, common areas and comparable elements); plan coordinate the location and phasing of buildings, new parks, streets, and pedestrian ways, infrastructure and other facilities; set forth a strategy to accommodate neighborhood serving commercial uses and other amenities; establish pedestrian and vehicular connections with adjoining land uses; and ensure compatibility with office, industrial, and other nonresidential uses.

5.10.4.5 EXISTING REGULATIONS

- Quimby Act (California Government Code Section 66477)
- California Public Park Preservation Act of 1971 (Public Resource Code Sections 5400–5409)
- City of Newport Beach Municipal Code
 - Chapter 19.52 (Park Dedications and Fees)
 - Chapter 11.04 (Parks, Park Facilities, and Beaches)

5.10.4.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon adoption of new and modified policies and implementation of regulatory requirements the following impacts would be less than significant: 5.10-4.

5.10.4.7 MITIGATION MEASURES

Impacts are less than significant and mitigation measures are not required.

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5.10.4.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are required and impacts would remain less than significant.

5.10.5 References

- “About the Park.” 2012. *Crystal Cove State Park*. <http://www.crystalcovestatepark.com/about-the-park/about-the-park.html>.
- Department of Finance (DOF). 2013, May. E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change – January 1, 2012 and 2013. <http://www.dof.ca.gov/Research/demographic/reports/estimates/e-1/view.php>.
- Irvine, City of. Bommer Canyon. http://www.cityofirvine.org/cityhall/cs/openspace/bommer_canyon.asp.
- Kitch, Kevin (assistant chief). 2013, December 13. Questionnaire Response. Newport Beach Fire Department.
- Levin, Sean (recreation superintendent). 2013, December 11. Questionnaire Response. City of Newport Beach Recreation Department.
- Margulieux, Heather (community service officer). 2013, December 16. Questionnaire Response. Newport Beach Police Department.
- Mears, Jessica (facilities planner). 2013, December 2. Questionnaire Response. Santa Ana Unified School District.
- Newport Beach, City of. 2011. City of Newport Beach Emergency Management Plan. Prepared by Newport Beach Fire Department. <http://www.newportbeachca.gov/Modules/ShowDocument.aspx?documentid=11179>.
- Newport Beach Fire Department (NBFD). 2013. Fire Department. <http://www.newportbeachca.gov/index.aspx?page=58>.
- Newport Beach Police Department (NBPD). 2012. Citywide Statistics – 2012 Crime Statistics Report. http://www.nbpd.org/crime/statistics/crime_by_year.asp?Year=2012.
- Santa Ana Unified School District (SAUSD). 2013, January. Facilities Master Plan. <http://www.sausd.us/cms/lib5/CA01000471/Centricity/Domain/113/Title%20Page%20and%20Table%20of%20Contents.pdf>.