

## 4.13 PUBLIC SERVICES

### 4.13.1 Introduction

This section assesses the potential impacts on public services that could result from the City of Newport Beach General Plan Housing Implementation Program (Project). Public services are those entities that serve the City's residents, businesses, and community members. For purposes of this analysis, the term "public services" includes fire, police, emergency medical services, public schools, and libraries. Refer to **Section 4.14: Recreation**, which addresses parks and recreation. The analysis is based on existing conditions present in the City as well as applicable federal, State, and local regulations. Potential public service impacts from future development associated with the Project are evaluated at a programmatic level, where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

### 4.13.2 Regulatory Setting

#### Federal

##### *Federal Fire Protection Standards*

The National Fire Protection Association Standard 1710 contains minimum requirements relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by career fire departments. The requirements address functions and objectives of fire department emergency service delivery, response capabilities, and resources. The standards also contain general requirements for managing resources and systems, such as health and safety, incident management, training, communications, and pre-incident planning. The code addresses the strategic and system issues involving the organization, operation, and deployment of a fire department and does not address tactical operations at a specific emergency incident.

##### *Police Services*

There are no applicable federal regulations related to police services.

##### *Schools*

There are no applicable federal regulations related to schools.

##### *Libraries*

There are no applicable federal regulations related to libraries.

#### State

##### *California Penal Code*

All law enforcement agencies within the State of California are organized and operated in accordance with the applicable provisions of the California Penal Code. The Penal Code sets forth the authority, rules of conduct, and training for peace officers. Under State law, all sworn municipal and county officers are State peace officers.

### *California Occupational Safety and Health Administration*

In accordance with California Code of Regulations Title 8 Section 1270 "Fire Prevention" and Section 6773 "Fire Protection and Fire Equipment" the California Occupational Safety and Health Administration has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all fire-fighting and emergency medical equipment.

### *2022 California Fire and Building Codes*

The California Fire and Building Codes address general and specialized fire safety requirements for buildings. Topics addressed in the code include, but are not limited to, fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions to protect and assist first responders, and industrial processes. The City, as stated in the Newport Beach Municipal Code (Municipal Code), currently enforces the latest version of the fire and building codes in Municipal Code Section 9.04.010 and 15.04.010, which incorporates the 2022 California Fire Code and .

### *2022 California Building Code, Chapter 7A*

California Building Code (CBC) Chapter 7A focuses primarily on preventing ember penetration into homes, a leading cause of structure loss from wildfires. This is an important component given that portions of Newport Beach are statutorily designated a Very High Fire Hazard Severity Zone (VHFHSZ).

Fire hazard designations are based on topography, vegetation, and weather, amongst other factors with more hazardous sites including steep terrain, unmaintained fuels/vegetation, and developed areas adjacent to wilderness. Developments situated in VHFHSZ's require fire hazard analysis and application of fire protection measures that have been developed to specifically result in defensible communities.

These codes have been developed through decades of after fire structure "save" and "loss" evaluations to determine what causes buildings to ignite or avoid ignition during wildfires. The resulting fire codes now focus on mitigating former structural vulnerabilities through construction techniques and materials so that the buildings are resistant to ignitions from direct flames, heat, and embers, as indicated in the 2019 CBC (Chapter 7A, Section 701A Scope, Purpose and Application).

### *California Health and Safety Code*

State fire regulations are set forth in California Health and Safety Code Section 13000 et seq. This includes regulations for building standards (as also set forth in the CBC), 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.

### *California 2015 Emergency Services Act*

The State passed legislation authorizing the Office of Emergency Services (OES) to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with this program could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

### *Assembly Bill 2926*

The State of California traditionally has 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 (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 also were 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. Development is required to pay school impact fees in accordance with State regulation. Generally, school impact fees are collected prior to issuance of a building permit.

### *Senate Bill 50*

Senate Bill (SB) 50 (1998), which is funded by Proposition 1A, limits cities and counties' power to require mitigation as a condition of approving new development and instead authorizes school districts to impose fees in amounts limited by law. SB 50 created various methods of generating revenue to pay for school construction and remodeling: State school bond funds, local school bonds, and developer fees. SB 50 provides for three levels of statutory impact fees: Level I, Level II, and Level III. Level I fees are set by law but can be adjusted for inflation. Level II fees require that developers pay for the entire local share of construction costs, which is 50 percent of total construction costs. Level II fees may be imposed by a school district on a yearly basis if certain conditions are met. Level III fees require developers to pay for 100 percent of construction costs and are imposed if the State is no longer allocating bond funds. SB 50 stipulates that if a school district conducts a School Facilities Needs Analysis and meets certain other requirements, it may impose a statutory developer fee that higher than the previously permitted fee.

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

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

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

### *California Government Code, Section 65995(b), and Education Code Section 17620*

Senate Bill (SB) 50 amended CGC Section 65995, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district

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

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

Pursuant to Government Code Section 65995(i), “A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable.” California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

## Local

### *City of Newport Beach General Plan*

The City provides a variety of public services to support residents, businesses, and visitors. According to the Newport Beach General Plan, the Land Use Element describes the importance of public services. The following General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project. Proposed modifications to and the inclusion of new General Plan Land Use policies are identified in **Table 3-14** in **Section 3.0: Project Description** and the Project’s consistency with these goals and policies are provided in **Table 4.10-1** of **Section 4.10: Land Use and Planning**.

### Land Use Element

- 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, and protect its important environmental setting, resources, and quality of life.**
- Policy 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, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).

**Goal LU 3**      **A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.**

**Policy LU 3.2**      **Growth and Change.** Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.

**Goal LU 6.1**      **A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach’s neighborhoods.**

**Policy 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.

*Newport Beach Municipal Code*

**Municipal Code Chapter 3.12: Property Development Tax.** Chapter 3.12 of the Municipal Code identifies that the “rapid development of land in the City of Newport Beach has created a need for public improvements and facilities consisting of fire stations and fire-fighting equipment, public City libraries and public City parks, which cannot be met by the ordinary revenues of the City. The need for such improvements results directly from the increase in density in the City by the development of land that has heretofore been vacant and by construction of additional residential, commercial and industrial units on land heretofore developed.” Therefore, the City imposes an excise tax upon the construction and occupancy of residential, commercial and industrial units or buildings in the City. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds are to be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries and City parks.

**Municipal Code Chapter 9.04: Fire Code.** As set forth in Municipal Code Section 9.04.010, the City adopted the 2022 California Fire Code, which provides regulations and requirements to protect residents and property from fire hazards. Municipal Code Section 9.04.190 requires all new buildings to have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. Municipal Code Section 9.04.110 sets roadway dimensions for fire apparatus access to developments. Municipal Code Section 9.04.270 requires an automatic fire-extinguishing system be installed in all occupancies when the

total building area exceeds 5,000 square feet (465 m<sup>2</sup>) unless more restrictive requirements are required by other provisions of the Code.

**Municipal Code Section 19.48: School Sites and Fees.** Concerning public schools, Municipal Code Section 19.48 enables the City to require land dedication, in lieu fees, or a combination of both from residential developers to address school overcrowding. This Chapter provides a process for determining school overcrowding and developer requirements. Municipal Code Section 19.48 allows the City Council to require subdividers to dedicate land as deemed necessary for elementary school construction.

### 4.13.3 Existing Conditions

#### Fire Protection

Fire protection services in the City are provided by the Newport Beach Fire Department (Fire Department), which is divided into Fire Operations Division, Fire Prevention Division, Emergency Medical Services Division, Lifeguard Operations Division, and Community Emergency Response Team (CERT). The Fire Department provides response to fires, medical emergencies, marine safety, hazardous materials incidents, natural and man-made disasters, automatic and mutual aid assistance to neighboring departments, and related emergencies in an effort to protect life, property, and the environment. In addition, the Fire Department inspects businesses and properties, assists with code enforcement, and conducts public education programs. The Fire Department operates from eight fire stations and three lifeguard headquarters and has 144 full-time and 220 seasonal/part-time employees.<sup>1</sup> The Fire Department's daily staffing, per shift, includes: 1 Battalion Chief, 10 Fire Apparatus Engineers, 10 Fire Captains, 14 Paramedics/Firefighters, and 3 Firefighters. The front line apparatus serving the City daily includes eight fire engines (one at each fire station), two aerial ladder trucks (one on each side of the City), and three paramedic rescue ambulances.<sup>2</sup>

The Fire Department's service area covers a total of 47.9 square miles, including 24 square miles of land, 0.9 square mile of bay, and 23 square miles of ocean.<sup>3</sup> Fire stations are strategically located throughout the City to provide prompt assistance. Each fire station operates within a specific district that comprises the immediate geographical area around the station. Upper Newport Bay (and the circulation challenges it creates) result in Newport Beach having more fire stations per population than typical in order to maintain response times. **Table 4.13-1: Newport Beach Fire Stations** identifies the fire stations in the City. In the case of additional fire response need, the Fire Department can request additional mutual aid assistance from other fire departments throughout Orange County. The average response time is less than five minutes.

---

<sup>1</sup> Newport Beach Fire Department. (2022). *Annual Report 2022*. Retrieved from: <https://www.newportbeachca.gov/home/showpublisheddocument/73479/638233917062970000>. Accessed on January 4, 2024.

<sup>2</sup> City of Newport Beach. *Fire Operations Division*. <https://newportbeachca.gov/government/departments/fire-department/fire-operations-division>. Accessed January 4, 2024.

<sup>3</sup> City of Newport Beach. *Fire Department Fact Sheet*. [www.newportbeachca.gov/home/showpublisheddocument/61911/636734647708530000](http://www.newportbeachca.gov/home/showpublisheddocument/61911/636734647708530000). Accessed January 4, 2024.

| <b>Name</b> | <b>Street Address</b>                        | <b>Location Area</b> |
|-------------|--|----------------------|
| Station 1   | 110 E. Balboa Boulevard, Newport Beach       | Balboa Peninsula     |
| Station 2   | 2807 Newport Boulevard, Newport Beach        | Lido                 |
| Station 3   | 868 Santa Barbara Drive, Newport Beach       | Fashion Island       |
| Station 4   | 124 Marine Avenue, Newport Beach             | Balboa Island        |
| Station 5   | 410 Marigold Avenue, Corona del Mar          | Corona del Mar       |
| Station 6   | 1348 Irvine Avenue, Newport Beach            | Mariners             |
| Station 7   | 20401 Southwest Acacia Street, Newport Beach | Santa Ana Heights    |
| Station 8   | 6502 Ridge Park Road, Newport Beach          | Newport Coast        |

### Police Protection

The Newport Beach Police Department (Police Department), the Orange County Sheriff Department, and the Costa Mesa Police Department provide police services to the City. The Police Department is located at 870 Santa Barbara Drive, and provides citywide services in crime prevention and investigation, community awareness programs, and other services such as traffic control. The Police Department is separated into four divisions: Office of the Chief, Patrol and Traffic, Support Services, and Detectives. As of 2022, the Police Department employed a total of 234 personnel.<sup>5</sup> The Police Department serves four geographical areas:

- Area 1 includes Balboa Peninsula, Bay Island, Lido Isle, Cannery Village, Newport Isle, and part of West Newport.
- Area 2 includes Newport Shores, Newport Terrace, Newport Crest, Versailles, Villa Balboa, Park Lido, Newport Heights, Cliffhaven, Bayshores, Castaways, Westcliff, Dover Shores, Harbor Highlands, Baycrest, and Santa Ana Heights.
- Area 3 includes Eastbluff, Bonita Canyon, Big Canyon, Newport Center, Harbor Cove, Bayside Village, Island Lagoon, Park Newport, Promontory Point, and Balboa Island.
- Area 4 includes Corona del Mar, Newport Coast, Spyglass Hill, and the Harbor View Homes.

A majority of Banning Ranch is served by the North Operations Division of the Orange County Sheriff’s Department. The nearest Sheriff’s station is located at 550 North Flower Street in the City of Santa Ana.

### Schools

Newport Beach is served by three public school districts: Newport-Mesa Unified School District, Santa Ana Unified School District, and Laguna Beach Unified School District. The Newport-Mesa Unified School District provides educational services to the cities of Newport Beach and Costa Mesa, and other unincorporated areas of Orange County. It serves the majority of the City and has 32 schools including 22 elementary schools, 2 intermediate programs, 2 middle/high schools (grades 7-12), 2 high schools (grades 9-12), and 4 alternative schools/programs.<sup>6</sup> Of these, two pre-schools, six elementary schools, one

<sup>4</sup> City of Newport Beach. *Fire Stations*. <https://newportbeachca.gov/government/departments/fire-department/fire-operations-division/fire-stations>. Accessed January 4, 2024.

<sup>5</sup> City of Newport Beach. *City of Newport Beach California Annual Budget Fiscal Year 2023-24*. <https://www.newportbeachca.gov/government/departments/finance/city-budget-salary> (accessed October 2, 2023).

<sup>6</sup> Newport-Mesa Unified School District. *Facts at a Glance*. <https://web.nmusd.us/factsataglance>. (accessed March 2023).

intermediate school, and two high schools are located in Newport Beach. **Table 4.13-2: School District School Enrollment** lists all the school facilities for the Newport-Unified School District, as well as applicable schools for the Santa Ana and Laguna Beach school districts.

| <b>Table 4.13-2: School Districts School Enrollment</b> |               |  |                                       |                                  |
|---|---------------|--|---------------------------------------|----------------------------------|
| <b>School</b>   | <b>Grades</b> | <b>Address</b>                               | <b>Student Enrollment<sup>1</sup></b> | <b>Site Capacity<sup>2</sup></b> |
| <b>Newport-Mesa Unified School District</b>             |               |  |                                       |                                  |
| <b>Elementary Schools</b>                               |               |  |                                       |                                  |
| Adams   | K-6           | 2850 Clubhouse Road, Costa Mesa              | 353                                   | 603                              |
| Andersen  | K-6           | 1900 Port Seabourn Way, Newport Beach        | 245                                   | 545                              |
| California  | K-6           | 3232 California Avenue, Costa Mesa           | 363                                   | 478                              |
| College Park  | K-6           | 2380 Notre Dame Road, Costa Mesa             | 488                                   | 627                              |
| Davis Magnet School                                     | K-6           | 1050 Arlington Drive, Costa Mesa             | 518                                   | 840                              |
| Eastbluff   | K-6           | 2627 Vista Del Oro, Costa Mesa               | 326                                   | 439                              |
| Harbor View   | K-6           | 900 Goldenrod Avenue, Costa Mesa             | 306                                   | 642                              |
| Kaiser  | 3-6           | 2130 Santa Ana, Costa Mesa                   | 517                                   | 1,006                            |
| Killybrooke   | K-6           | 3155 Killybrooke Lane, Costa Mesa            | 391                                   | 541                              |
| Lincoln   | K-6           | 3101 Pacific View Drive, Corona del Mar      | 311                                   | 764                              |
| Mariners  | K-6           | 2100 Mariners Drive, Costa Mesa              | 474                                   | 816                              |
| Newport Coast   | K-6           | 6655 Ridge Park Road, Costa Mesa             | 410                                   | 760                              |
| Newport   | K-6           | 1327 West Balboa Boulevard, Costa Mesa       | 305                                   | 674                              |
| Newport Heights   | K-6           | 300 East 15 <sup>th</sup> Street, Costa Mesa | 433                                   | 714                              |
| Paularino   | K-6           | 1060 Paularino Avenue, Costa Mesa            | 352                                   | 556                              |
| Pomona  | K-6           | 2051 Pomona Avenue, Costa Mesa               | 330                                   | 692                              |
| Rea   | K-6           | 661 Hamilton Street, Costa Mesa              | 322                                   | 900                              |
| Sonora  | K-6           | 966 Sonora Road, Costa Mesa                  | 381                                   | 558                              |
| Victoria  | K-6           | 1025 Victoria Street, Costa Mesa             | 296                                   | 518                              |
| Whittier  | K-6           | 1800 Whittier Avenue, Costa Mesa             | 494                                   | 827                              |
| Wilson  | K-6           | 801 Wilson Street, Costa Mesa                | 363                                   | 723                              |
| Woodland  | K-2           | 2025 Garden Lane, Costa Mesa                 | 427                                   | 550                              |
| <b>Middle Schools</b>                                   |               |  |                                       |                                  |
| Ensign  | 7-8           | 2000 Cliff Drive, Newport Beach              | 989                                   | 1,433                            |
| TeWinkle  | 7-8           | 3224 California Street, Costa Mesa           | 532                                   | 915                              |
| <b>High Schools</b>                                     |               |  |                                       |                                  |
| Back Bay/Monte Vista                                    | 9-12          | 390 Monte Vista Avenue, Costa Mesa           | 134                                   | 428                              |
| Corona del Mar  | 7-12          | 2101 Eastbluff Drive, Newport Beach          | 2,091                                 | 2,828                            |
| Costa Mesa  | 7-12          | 2650 Fairview Road, Costa Mesa               | 1,755                                 | 2,245                            |
| Early College   | 9-12          | 2990 Mesa Verde Drive East, Costa Mesa       | 212                                   | 400                              |
| Estancia  | 9-12          | 2323 Placentia Avenue, Costa Mesa            | 1,153                                 | 2,295                            |
| Monte Vista Independent Study                           | 7-12          | 1003 Presidio Square, Costa Mesa             | 199                                   | n/a                              |
| Newport Harbor  | 9-12          | 600 Irvine Avenue, Newport Beach             | 2,270                                 | 3,206                            |

| <b>Table 4.13-2: School Districts School Enrollment</b>  |               |                                       |                                       |                                  |
|--|---------------|---------------------------------------|---------------------------------------|----------------------------------|
| <b>School</b>  | <b>Grades</b> | <b>Address</b>                        | <b>Student Enrollment<sup>1</sup></b> | <b>Site Capacity<sup>2</sup></b> |
| <b>Newport-Mesa Unified School District Total</b>  |               |                                       | <b>15,271</b>                         | <b>25,317</b>                    |
| <b>Santa Ana Unified School District</b>   |               |                                       |                                       |                                  |
| <b>Elementary School</b>   |               |                                       |                                       |                                  |
| James Monroe   | K-5           | 417 East Central Avenue, Santa Ana    | 250                                   | 550 <sup>3</sup>                 |
| <b>Middle School</b>   |               |                                       |                                       |                                  |
| McFadden Institute of Technology   | K-8           | 2701 South Raitt Street, Santa Ana    | 1,063                                 | 2,065 <sup>3</sup>               |
| <b>High School</b>   |               |                                       |                                       |                                  |
| Century  | 9-12          | 1401 South Grand Avenue, Santa Ana    | 1,708                                 | 3,744 <sup>3</sup>               |
| <b>Laguna Beach Unified School District</b>  |               |                                       |                                       |                                  |
| <b>Elementary School</b>   |               |                                       |                                       |                                  |
| El Morro   | K-5           | 861 North Coast Highway, Laguna Beach | 423 <sup>4</sup>                      | unknown                          |
| <b>Middle School</b>   |               |                                       |                                       |                                  |
| Thurston   | 6-8           | 2100 Park Avenue, Laguna Beach        | 520 <sup>4</sup>                      | unknown                          |
| <b>High School</b>   |               |                                       |                                       |                                  |
| Laguna Beach   | 9-12          | 625 Park Avenue, Laguna Beach         | 888 <sup>4</sup>                      | unknown                          |
| Sources:   |               |                                       |                                       |                                  |
| 1. California Department of Education. 2021-22 Enrollment by Grade Report. Dataquest Website <a href="https://dq.cde.ca.gov/dataquest/dqcensus/EnrGrdLevels.aspx?cds=3066597&amp;agglevel=district&amp;year=2021-22">https://dq.cde.ca.gov/dataquest/dqcensus/EnrGrdLevels.aspx?cds=3066597&amp;agglevel=district&amp;year=2021-22</a> |               |                                       |                                       |                                  |
| 2. Horrell, Lori, Newport-Mesa Unified School District, personal communication, April 21, 2023.  |               |                                       |                                       |                                  |
| 3. City of Santa Ana General Plan Updated Draft PEIR. Pages 5.14-33-5.14-34.   |               |                                       |                                       |                                  |
| 4. Laguna Beach Unified School District 2023-24 Ten Year Facilities Master Plan.   |               |                                       |                                       |                                  |

Several private schools are also located either within City limits or in the local area and available to the City’s residents for educational services. Those located in Newport Beach include Carden Hall (K–8), Harbor Day School (K–8), Our Lady Queen of Angles (K–8), St. Andrews Presbyterian (K–8), Newport Christian School (K–6), Newport Montessori School (K–2) and Tutor Time Child Care/Learning Center (K) and Sage Hill School (9–12).<sup>7</sup>

The Airport Area is within the boundaries of the Santa Ana Unified School District. The Santa Ana Unified School District has 57 schools including 32 elementary schools, 8 intermediate schools, 7 high schools, 4 educational options secondary schools, 3 early childhood education programs, 1 dependent charter governed by SAUSD, 1 child development center, and 1 deaf and hard of hearing regional program K-6.<sup>8</sup> Schools in the Santa Ana Unified School District that serve the Airport Area are Monroe Elementary School, McFadden Institute of Technology Intermediate School, and Century High School.<sup>9</sup>

The eastern part of Newport Coast is served by the Laguna Beach Unified School District. The Laguna Beach Unified School District has one high school: Laguna Beach High School; one middle school: Thurston

<sup>7</sup> Sage Hill School has submitted entitlements for the construction of a new middle school and gymnasium building within the existing Sage Hill campus which would create additional capacity for students.

<sup>8</sup> Santa Ana Unified School District. (2021). Facts at a Glance 2021-2022. Retrieved from: [Quick Facts / District Overview \(sausd.us\)](https://www.sausd.us/QuickFacts/DistrictOverview).(accessed March 2023).

<sup>9</sup> Santa Ana Unified School District. *School Site Locator*. <http://apps.schoolsitetlocator.com/?districtcode=82311>.(accessed October 2023).

Middle School; and two elementary schools: El Morro Elementary School and Top of the World Elementary School.<sup>10</sup> The nearest elementary school to the Newport Coast Area is El Morro located at 8681 N. Coast Highway.

### Libraries

The Newport Beach Public Library System services the City with four public library branches and three book pick up and drop off facilities at local community centers. **Table 4.13-3: Library Facilities** shows more detailed information about the library facilities serving the community. The library system branches serve all regions within the City, with Crean Mariners Branch Library in the north, Central Library and Corona del Mar Branch Library to the east, and Balboa Branch Library serving the southern communities.

| Facility                       | Services   | Location                                   |
|--------------------------------|--|--|
| Central Library                | Library Branch   | 1000 Avocado Avenue, Newport Beach         |
| Balboa Library                 | Library Branch   | 100 East Balboa Boulevard, Balboa          |
| Crean Mariners Library         | Library Branch   | 1300 Irvine Avenue, Newport Beach          |
| Corona del Mar Library         | Library Branch   | 410 Marigold Avenue, Corona del Mar        |
| Newport Coast Community Center | Concierge Service only (drop off books, pick up holds, search the library catalogue) | 6401 San Joaquin Hills Road, Newport Coast |
| OASIS Senior Center            | Concierge Service only (drop off books, pick up holds)                               | 801 Narcissus Avenue, Corona del Mar       |
| Marina Park                    | Concierge Service only (drop off books, pick up holds)                               | 1600 West Balboa Boulevard, Newport Beach  |

Source: Newport Beach Public Library. *Hours and Locations*. <https://www.newportbeachlibrary.org/about/hours-and-locations>. (accessed December 2023).

#### 4.13.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines, Appendix G*. Impacts to public services would be significant if the Project would:

- Result in substantial adverse physical impacts associated with the provision of 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
  - police protection
  - schools
  - libraries

Potential impacts to park and recreational facilities are addressed in **Section 4.14: Recreation**.

<sup>10</sup> Laguna Beach Unified School District. *About*. <https://www.lbusd.org/about>. (accessed March 2023).

### 4.13.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether the proposed Project, including future development facilitated by the 2021-2029 Housing Element, would result in impacts concerning public services. The evaluation was based on reviewing the regulations and determining their applicability to future housing development on housing site throughout the City.

As addressed in this Program EIR, the impact analysis is conservative because it accounts for additional housing units as a buffer to address future “no net loss” to preclude the need to identify replacement sites during 6th Cycle implementation. Therefore, this Program EIR conservatively analyzes a total development capacity of 9,914 units including future development capacity of up to 9,649 units on 247 housing sites, 25 units associated with pipeline projects, and 240 accessory dwelling units (ADUs). Further, this EIR analysis does not consider any loss of existing on the ground development which may be displaced to accommodate 9,914 housing units.

### 4.13.6 Project Impacts and Mitigation

**Threshold 4.13-1:**      **Would the Project result in substantial adverse physical impacts associated with the provision of 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 fire protection?**

The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Of the 247 housing sites, all are developed/occupied by structures except 21 sites. Fire protection services are provided to the currently developed sites and in the surrounding area of the vacant sites.

Future housing development facilitated by the proposed Project and the resulting population growth of approximately 21,811 persons (see **Section 4.12: Population and Housing**). When combined with the year 2023 population of 83,411 persons, the City is forecast to grow to a total population of 105,222 persons by 2040. This would represent an approximate 26.1 percent increase over 2023 conditions. SCAG forecasts the City’s population will grow to 92,000 persons through the RTP/SCS horizon of 2045. Project implementation would result in 105,222 persons and generate a population growth rate that is approximately 14.4 percent greater than SCAG’s forecast population projections for the City.

Given SCAG’s use of growth projections for regional planning and modeling purposes, and the local jurisdictions’ obligations to comply with State Housing laws including RHNA, SCAG agrees that potential exceedances may not be used to impede a local jurisdiction’s compliance with the 6<sup>th</sup> Cycle RHNA requirements or to assess impacts of a plan or project under CEQA. Accordingly, the forecast population growth generated by the future housing development facilitated through Housing Element implementation would not be classified as unplanned growth, but rather would accommodate growth.

The General Plan EIR notes that increased development could require additional fire stations, relocation of stations, and/or additional equipment. These changes are associated with the introduction of housing in previously non-residential areas of the City such as the Airport Area, undeveloped properties such as

Banning Ranch, and an overall population growth. Therefore, future housing development would incrementally increase the demand for fire protection and emergency services in the City and could generate the need for new fire protection facilities, the construction of which may result in significant environmental impacts.

The Fire Department's operating budget is generated through tax revenues. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. New development would be subject to Municipal Code Section 3.12 (Property Development Tax), which imposes an excise tax upon the construction and occupancy of each residential unit, commercial unit, industrial unit, and mobile home park in the City per square foot of gross floor area for all classes of new construction, including any area in a building designed for the parking of vehicles. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds would be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries and City parks.

General Plan policies require that adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements. Projects would need to demonstrate that adequate fire protection services can be provided for new housing and continue to be provided for existing land use. Therefore, fire staffing and facilities would be expanded commensurately to serve the needs of new development.

At the program-level of review, the Project would not result in a need for expanded or newly constructed facilities, and impacts associated with fire services would be less than significant. Should construction of new facilities be required in the future, each would undergo site-specific environmental analysis, as applicable.

**Impact Summary:** **Less Than Significant Impact.** The Project would not result in substantial adverse physical impacts associated with the provision of 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 fire protection services.

|                          |  |
|--------------------------|--|
| <b>Threshold 4.13-2:</b> | <b>Would the Project result in substantial adverse physical impacts associated with the provision of 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?</b> |
|--------------------------|--|

The proposed Project would not directly construct new housing, but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Of the 247 housing sites, all are developed/occupied by structures except 21 sites. Police protection services are provided to the currently developed sites and in the surrounding area of the vacant sites. A portion of the Banning Ranch site is within the boundaries of the Sheriff's Department.

With a total personnel of 237 employees, approximately 100 are sworn police officers. The remaining personnel includes a chief, a deputy director, deputy chiefs, lieutenants, sergeants, sworn officers, civilian personnel, and seasonal and part-time personnel. Based on a 2023 population of 83,411 persons, the ratio of officers to 1,000 residents is approximately 1.2. Based on the City's current ratio of officers to residents, implementation of the Project with 21,811 persons would result in the demand for approximately 26 additional police officers. It should be noted that the ratio of 1.2 officers per 1,000 residents is not an established standard. Although the Project would not immediately increase population, it is assumed that future development would permanently increase population and the demand on existing police services.

The Police Department's operating budget is generated through tax revenues, penalties and service fees, and allowed government assistance. Facilities, personnel, and equipment expansion and acquisition are tied to the City budget process and tax-base expansion. Tax-base expansion from future housing development would generate funding for the police protection services.

General Plan policies require that adequate public services and infrastructure be provided as new development occurs. For example, compliance with Land Use Element Policies LU 2.8 and LU 3.2 require that land uses can be adequately supported by public services, transportation, and utility infrastructure. All future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning the secondary effects of population growth, including but not limited to the need for public service improvements. Projects would need to demonstrate that adequate police protection services can be provided for new housing and continue to be provided for existing land use. Therefore, police staffing and facilities would be expanded commensurately to serve the needs of new development.

Therefore, the proposed Project would have no immediate impacts on police protection services. At the program-level of review, the Project would not result in a need for expanded or newly constructed facilities, and impacts associated with police services would be less than significant. Should construction of new facilities be required in the future, each would undergo site-specific environmental analysis, as applicable.

**Impact Summary:** **Less Than Significant Impact.** The project would not result in substantial adverse physical impacts associated with the provision of 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.

|                          |  |
|--------------------------|--|
| <b>Threshold 4.13-3:</b> | <b>Would the Project result in substantial adverse physical impacts associated with the provision of 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 schools?</b> |
|--------------------------|--|

Population growth resulting from future housing associated with the proposed Project would increase the number of students within Newport-Mesa Unified School District and Santa Ana Unified School Districts. With respect to the Laguna Beach Unified School District, none of the housing sites are within the boundaries of this school district and would therefore not be affected by the proposed Project.

Student generation rates are used by school districts to estimate the number of students generated by new development in order to determine whether existing school facilities would be adequate for future student enrollment. **Table 4.13-4: Student Generation** identifies the potential number of students generated by future housing development, which would occur in the Newport-Mesa Unified School District and in the Santa Ana Unified School District.

| <b>Table 4.13-4: Student Generation</b>   |                          |   |  |
|---|--------------------------|---|--|
| <b>School Level</b>   | <b>Multi-Family Rate</b> | <b>Number of Proposed Units<sup>1</sup></b> | <b>Students Potentially Generated by the Project</b> |
| <b>Newport-Mesa Unified School District</b>   |                          |   |  |
| Elementary School (K-5)   | 0.097                    | 8,496                                       | 824  |
| Intermediate School (6-8)   | 0.028                    | 8,496                                       | 238  |
| High School (9-12)  | 0.066                    | 8,496                                       | 561  |
| <b>Subtotal</b>   | --                       | --  | <b>1,623</b>   |
| <b>Santa Ana Unified School District</b>  |                          |   |  |
| Elementary School (K-5)   | 0.1937                   | 7,409                                       | 1,435  |
| Intermediate School (6-8)   | 0.1111                   | 7,409                                       | 823  |
| High School (9-12)  | 0.1427                   | 7,409                                       | 1,058  |
| <b>Subtotal</b>   | --                       | --  | <b>3,316</b>   |
| <b>Total</b>  | --                       | --  | <b>4,939</b>   |
| Notes:  |                          |   |  |
| 1. The number of proposed units does not take into account the 240 ADUs. The ADUs could be developed throughout the City; thus, there was no way to determine which school district would support these students. |                          |   |  |
| Source: Newport-Mesa Unified School District; Santa Ana General Plan Update Program EIR, 2022.  |                          |   |  |

As shown in **Table 4.13-2**, schools in the Newport-Mesa Unified School District and Santa Ana Unified School District are currently operating below maximum capacity and have space to accommodate additional students. Due to the available capacity within the two school districts, new students generated as a result of future development would not result in overcrowding.

Additionally, future development would be required to comply with General Plan Policy LU 6.1.1, which accommodates the provision of adequate school facilities within Newport Beach in order 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.

Furthermore, the State of California is responsible for the funding of public schools. California Government Code Sections 65995-65998 set forth provisions to implement SB 50 and limits the City's discretion to mitigate for development's impact on schools. As stated in Government Code Section 65995(h), "The payment or satisfaction of a fee, charge, or other requirement levied or imposed ...are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization ...on the provision of adequate school facilities." Payment of these fees would offset impacts from increased demand for school services associated with development of the proposed Project by providing an adequate financial base to construct and equip new and existing

schools. These fees would be required for all new development and are based on the size and use characteristics of any future project.

In summary, the Project would allow for an increase in residential development in the City, with certain areas, likely to result in more residential development than others. This development will most likely lead to an increased demand for school services to address the increase in school-aged children. However, due to the existing capacities within Newport-Mesa Unified School District, it is expected that the increase in school-aged children could be accommodated within existing school facilities. If new facilities would need to be constructed at a future date to accommodate increased demand on schools, further environmental review separate from the EIR prepared would be required as project-specific plans are developed to determine which school districts and schools' specific development proposals would have the potential to impact. All new school or other educational development would be subject to the respective school district's review process, which may include project-specific environmental review under CEQA.

**Impact Summary:** **Less Than Significant Impact.** The Project would not result in substantial adverse physical impacts associated with the provision of 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 schools.

|                          |  |
|--------------------------|--|
| <b>Threshold 4.13-4:</b> | <b>Would the Project result in substantial adverse physical impacts associated with the provision of 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 libraries?</b> |
|--------------------------|--|

The City is served by the Newport Beach Public Library System, which consists of four public library branches and three book pick up and drop off facilities at local community centers. Future housing development facilitated by the Project would generate population growth, which could incrementally increase the demand for library services at the Newport Beach Library System's facilities.

All new private development facilitated by the Project would be subject to the City's development review process which includes project-specific review. New development would also be required to comply with Municipal Code Section 3.12 (Property Development Tax), which imposes an excise tax upon the construction and occupancy of each residential unit, commercial unit, and industrial unit. Per Municipal Code Section 3.12.110 (Disposition of Proceeds – Funds Created), all tax proceeds would be used for acquiring, building, improving, expanding, and equipping City fire stations, City libraries and City parks.

As previously mentioned, development facilitated by the Project would occur incrementally over time and as market conditions allow. Similarly, the tax proceeds from future development would be collected over time, allowing library improvements and expansions to occur as needed. If new facilities would need to be constructed at a future date to accommodate increased demand on libraries, further environmental review separate from the EIR prepared would be required as project-specific plans are developed to determine which specific development proposals would have the potential to impact. Any new library development would be subject to the City's development review process which includes project-specific environmental review. Therefore, it is anticipated that the increased demand would not be substantial or such that it would warrant construction of a new facility.

**Impact Summary:**      **Less Than Significant Impact.** The Project would not result in substantial adverse physical impacts associated with the provision of 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 libraries.

#### 4.13.7 Cumulative Impacts

Based on the EIR's significance criteria, cumulative impacts would result if the Project, in combination with past, present, and reasonably foreseeable future development, would require the construction of fire, police, school or library facilities or the alteration of existing facilities that could cause significant environmental impacts.

The Project assumes the provision of fire protection services is based on a combination of existing fire services, the use of mutual aid, the payment of Property Excise Tax, and compliance with General Plan policies. Future housing site applicants and applicants of past projects since the passage adoption of the Property Excise Tax would be required to pay the excise tax. Tax-base expansion from implementation of the Proposed Project as well as past, present, and reasonably foreseeable future projects would generate funding for fire protection services. Should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA review.

The Police Department's operating budget is primarily generated through tax revenues and fees collected from penalties and requested services. Increased property and sales tax from implementation of the Project as well as other cumulative projects would increase the City's General Fund in rough proportion to population increases, providing funding for any improvements necessary to maintain adequate police protection facilities, equipment, and/or personnel. Consequently, although the cumulative demand for police services would incrementally increase over time, the addition of new officers and equipment to serve the demand is not likely to result in any significant adverse cumulative impacts associated with the construction of new facilities or the alteration of existing facilities. Should any new or altered facilities be required in the future, these facilities would be subject to separate CEQA review.

The Newport-Mesa Unified School District and Santa Ana Unified School District are currently operating below maximum capacity and have space to accommodate additional students. Additionally, since the passage of SB 50, development applicants have and been required to pay school impact fees established to offset potential impacts on school facilities. While there is adequate capacity to support additional students generated as a result of future development, payment of these fees is also considered to be full and complete mitigation of school impacts. Therefore, although future housing site projects and other past, present, and reasonably foreseeable future projects could result in additional students and the need for additional facilities, payment of the fees mandated under SB 50 is the mitigation measure prescribed by the statute, and payment of the fees is deemed full and complete mitigation. The cumulative public services impact of the Project, considered with past, present and reasonably foreseeable future projects, with respect to schools, would be less than significant.

Based on the EIR's significance criteria, cumulative impacts would result if the Project, in combination with past, present, and reasonably foreseeable future development, would require the construction of library facilities or the alteration of existing library facilities that could cause significant environmental impacts. Future housing site applicants as well applicants of past projects since the passage adoption of the Property Excise Tax as set forth in the Newport Beach Municipal Code (§3.12 et seq.) are required to

pay the excise tax established for public improvements and facilities associated with the libraries. Any new library development constructed to accommodate future increased demands would be subject to the City's environmental review process which includes project-specific environmental review. Therefore, as new developments within the City occur, property and sales tax would increase in rough proportion and contribute to an increase in the City's General Fund and consequently a larger allocation of funds towards library services. Overall, cumulative impacts on library services would be less than significant.

#### 4.13.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City's development review process, which may include review pursuant to CEQA, and would be assessed on a case-by-case basis for potential effects concerning public services. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

#### General Plan Policies

See **Section 4.13.2: Regulatory Setting** for complete policy text.

- Policy LU 2.1
- Policy LU 2.8
- Policy LU 3.2
- Policy LU 4.1 (proposed modification)
- Policy LU 6.1.1
- Policy LU 6.1.2
- Policy LU 6.1.4
- Policy LU 6.2.5
- Policy S 6.7
- Policy S 6.9

#### Mitigation Measures

No additional mitigation is required.

#### 4.13.9 Level of Significance After Mitigation

Impacts related to public services would be less than significant.

#### 4.13.10 References

City of Newport Beach (2006). *City of Newport Beach General Plan – Land Use Element*. Retrieved from: [https://www.newportbeachca.gov/PLN/General\\_Plan/04\\_Ch3\\_LandUse\\_web.pdf](https://www.newportbeachca.gov/PLN/General_Plan/04_Ch3_LandUse_web.pdf). Accessed October 3, 2023.

City of Newport Beach (2006). *City of Newport Beach General Plan – Safety Element*. Retrieved from: [https://www.newportbeachca.gov/PLN/General\\_Plan/12\\_Ch11\\_Safety\\_web.pdf](https://www.newportbeachca.gov/PLN/General_Plan/12_Ch11_Safety_web.pdf). Accessed October 3, 2023.

City of Newport Beach (2021). *City of Newport Beach Municipal Code*. Retrieved from: <https://www.codepublishing.com/CA/NewportBeach>. Accessed October 3, 2023.

City of Newport Beach. *Fire Operations Division*. Retrieved from: <https://newportbeachca.gov/government/departments/fire-department/fire-operations-division>. Accessed January 4, 2024.

City of Newport Beach. *Fire Department Fact Sheet*. Retrieved from:  
[www.newportbeachca.gov/home/showpublisheddocument/61911/636734647708530000](http://www.newportbeachca.gov/home/showpublisheddocument/61911/636734647708530000).  
Accessed January 4, 2024.

City of Newport Beach. *Fire Stations*. Retrieved from:  
<https://newportbeachca.gov/government/departments/fire-department/fire-operations-division/fire-stations>. Accessed January 4, 2024.

City of Newport Beach. *Fire Prevention Division*. Retrieved from:  
<https://www.newportbeachca.gov/government/departments/fire/fire-prevention-division>.  
Accessed January 4, 2024.

City of Newport Beach. *City of Newport Beach California Annual Budget Fiscal Year 2023-24*. Retrieved  
from: <https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=2912988&dbid=0&repo=CNB>.  
Accessed October 3, 2023.

Newport Beach Public Library. *Hours and Locations*. Retrieved from:  
<https://www.newportbeachlibrary.org/about/hours-and-locations>.

City of Newport Beach. *Newport Beach Demographics and Statistics*. Retrieved from:  
<https://www.newportbeachca.gov/i-am-a/visitor/about-newport-beach/demographics-and-statistics>.