

## 5. Environmental Analysis

### 5.12 RECREATION

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the proposed project to impact public parks and recreational facilities.

#### 5.12.1 Environmental Setting

##### 5.12.1.1 REGULATORY BACKGROUND

###### State

###### *Quimby Act of 1975*

The Quimby Act of 1975 (California Government Code § 66477) requires the dedication of land and/or fees for public park and recreational purposes as a condition of approval of a tentative map or parcel map. The Quimby Act establishes procedures that can be used by local jurisdictions to provide neighborhood and community parks and recreational facilities and services for new residential subdivisions. It allows cities and counties to require up to five acres of park per every 1,000 residents.

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

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- **Section 19.52.040 (Parkland Standard):** States that the City's park dedication standard shall be five acres per 1,000 residents.
- **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.

#### *City of Newport Beach General Plan Policies*

The Newport Beach General Plan Recreation Element provides guidance to ensure the provision of sufficient parks and recreation facilities that are appropriate for the residential and business population of Newport Beach. The following policy is relevant to potential recreation impacts of the proposed project:

- **Policy R 1.1.** 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.

#### 5.12.1.2 EXISTING CONDITIONS

The City of Newport Beach offers approximately 590 acres of developed parks and recreational facilities and 28.8 acres of active beach (Corona Del Mar Beach and North Star Beach), totaling approximately 619 acres (Detweiler 2016). The parks range in size from less than an acre to more than 200 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, and also has park and community center facilities available. Not included in the above acreage are the beaches fronting the Pacific Ocean and those around the bay and harbor, which provide additional recreational opportunities.

#### **Newport Center Park Service Area Parks**

The City's Recreation Department divides the City into different park service areas. The service areas were created for the purpose of determining whether particular geographical areas within the City are deficient in parks and recreational facilities and to identify acquisitions or improvements that would provide residents with equal recreational opportunities. As shown on Figure 5.12-1, *Newport Center Park Service Area*, the project site is within the Newport Center Park Service Area, which includes Civic Center Park (9.45 acres) and Back Bay View Park (10.49 acres). The Civic Center Park includes amenities such as a 1.23-mile walking trail, a dog park, benches, parking, picnic table, restrooms, and water fountains. The Back Bay View Park provides a view of the bay. The 100-acre Newport Dunes Aquatic Park is also within the Newport Center Park Service Area, but is county property and therefore is not counted toward the City's park acreage. In total, the Newport Center Park Service Area provides approximately 20.0 acres of parkland (see Table 5.12-1)(Detweiler 2016).

Figure 5.12-1 - Newport Center Park Service Area  
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Base Map Source: ESRI, DigitalGlobe, 2016



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**Table 5.12-1 Newport Center Park Service Area Parks**

Park	Acres	Distance to Project Site (miles)	Amenities
<b>City of Newport Beach</b>			
Civic Center Park 100 Civic Center Drive	9.45	0.9	Walking Trail, Dog Park, Benches, Parking, Picnic Table, Restrooms, Water Fountains
Back Bay View Park 1900 Back Bay Drive	10.49	1.0	View of bay
<b>TOTAL</b>	<b>19.94 acres</b>		
<b>County of Orange</b>			
Newport Dunes Aquatic Park 1131 Back Bay Drive	100	1.0	Resort, RV Park, Waterpark, Swimming, Playground, Watersports Rentals, Volleyball Courts, Boat Launch

Source: Detweiler 2016.

Based on the 2010 population of the Newport Center (3,715 residents), the service area should provide 18.6 acres of parkland to meet the City’s parkland standard of 5 acres per 1,000 residents. Therefore, the Newport Center park service area exceeds the parkland requirement by 1.4 acres.

**Additional City Parks Near the Project Site**

Table 5.12-2 shows additional parks outside of the Newport Center Park Service Area but within a one-mile radius of the project site that would also likely serve residents of the Museum House project.

**Table 5.12-2 Additional City Parks near the Project Site**

Park	Acres	Distance to Project Site (miles)	Amenities
Harbor View Nature Park San Miguel Drive, east of Pacific View Drive	10.09	1.0	N/A
Irvine Terrace Park 721 Evita Drive	8.26	1.0	Athletic Field, Barbecues, Basketball Court, Picnic Tables, Play Equipment, Restrooms, Tennis Courts, Water Fountains
Big Canyon Park Back Bay Drive, north of San Joaquin Hills Road	39.16	0.6	View of bay

Source: Detweiler 2016.

**Other Recreational Areas**

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. Its offshore waters are designated an underwater park and offer scuba and snorkeling recreational activities. 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,

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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. The City provides approximately 619 acres of park and beach amenities (Detweiler 2016); therefore, the park-to-population ratio—based on the City's estimated 2015 population of 87,249 (DOF 2015)—is 7.09 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 to 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. Currently, the development impact fee is \$26,125 per unit (Detweiler 2016).

### 5.12.2 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:

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

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would either be less than significant or have no impact:

- Threshold R-2

This threshold will not be addressed in the following analysis.

### 5.12.3 Environmental Impacts

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 5.12-1: The proposed Museum House project would introduce approximately 224 additional residents who would increase the use of existing park and recreational facilities. [Threshold R-1]**

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**Impact Analysis:** Based on an average household size of 2.24, the proposed project would introduce 100 condominium units and approximately 224 residents into the Newport Center Park Service Area. Using the City's parkland standard of 5 acres per 1,000 residents, the proposed project would require 1.1 acres of public parkland. Given that the project site is only 2 acres, the dedication of 1.1 acres of public parkland on the site is not feasible, and in-lieu park fees would be more appropriate.

Additionally, the Museum House project would provide a number of small park and open space amenities within the two-acre site, including a podium garden, lawn, garden trellis, olive allee, fountain plaza, and sculpture garden, on the ground level in back of the hotel building to the north and northeastern portions of the site (see Figure 3-4, *Proposed Site Plan*). A dog run area is also provided on the ground level along the eastern site boundary. Additional amenities on the upper floors include a pool, cabana and dining area trellis, and outdoor living spaces. In total, the project would provide 52,523 square feet (1.2 acres) of open space (see Table 3-1) for residents. These private amenities for project residents and visitors are anticipated to alleviate some demands of future resident on City parkland. Section 19.52.080 (Credit for Private Recreational Facilities) allows the City to grant a maximum 20 percent credit for private recreational facilities included in the project site.

Further, as stated above, the Newport Center Park Service Area currently has an existing 1.4-acre surplus of parkland available for Newport Center residents, and additional City parks outside of the Newport Center Park Service Area but within a one-mile radius of the project site would be available for future project residents to enjoy. The project site is only one-half mile from Newport Bay and approximately two miles from the beach, which would provide additional recreational opportunities for the project residents. Therefore, existing City park and recreational facilities and proposed common and private open spaces implemented as part of the Museum House project would adequately serve future project residents.

Additional funding for the maintenance and construction of new parks and recreation facilities come primarily from the City's General Funds, including property tax collected from future project residents, and development impact fees collected from the project applicant. Thus, if the City determines that future parks and facilities are required, a funding mechanism is in place to pay for the maintenance and construction of such projects. Overall, project impacts to parks and recreational facilities would be less than significant.

#### 5.12.4 Cumulative Impacts

Cumulative impacts on recreation are assessed relative to City of Newport Beach standards and are based on impacts within the City's boundary. As stated above, the City's parkland standard is 5 acres per 1,000 residents. A number of the cumulative projects listed in Table 4-1 include residential development that would impact the City's parks and recreational facilities.

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### Newport Center Parks Service Area Cumulative Impacts

The following cumulative projects are within the Newport Center Parks Service Area: 150 Newport Center, Back Bay Landing, Villas at Fashion Island (formerly San Joaquin Plaza Apartments), and Meridian (Santa Barbara) Condominiums. These projects could cumulatively, with the proposed project, impact parks and recreational facilities.

Based on a household size of 2.24, consistent with the proposed project, these cumulative projects would introduce approximately 701 residential units and 1,570 residents into the Newport Center Parks Service Area and require 7.85 acres of parkland to meet the City's parkland standard. Similar to the proposed project, the 150 Newport Center project would provide common and private open space areas to help meet the recreation needs of its future residents, including common open space, a dog run, pool, common room, and private open space. The Back Bay Landing project would develop 61,534 square feet (1.41 acres) of visitor-serving retail and recreational marine facilities; the Villas at Fashion Island (formerly San Joaquin Plaza Apartments) would provide onsite common and private open space areas; and the Meridian Condominiums would provide approximately 79,140 square feet (1.82 acres) of open space and 21,300 square feet (0.49 acre) of recreational area. In total, the cumulative projects would provide about 3.72 acres of parkland, approximately 4.13 fewer acres than required by the parkland standard. However, the cumulative projects would pay in-lieu development impact fees in place of providing parkland onsite. As previously stated, there is also a 1.4-acre surplus of parkland in the Newport Center Parks Service Area.

Thus, the Museum House project and cumulative projects in the Newport Center Parks Service Area would not directly or indirectly result in the need for new or expanded recreational facilities offsite that could have an adverse physical effect on the environment. Impacts to the Newport Center Park Service Area would be less than significant.

### Citywide Cumulative Impacts

A number of remaining cumulative projects include a residential component that could cumulatively impact citywide parks and recreational facilities. In total, these projects would allow development of up to 3,411 residential units. Although the 3,411 units include a mix of single-family and multifamily residential homes, an average household size of 2.24 is used to be consistent with the estimated average household size used for the proposed project. Using the City's vacancy rate of 12.3 percent, the remaining cumulative projects would introduce approximately 2,991 households and 6,700 residents.

To comply with the City's parkland standard, the cumulative projects would be required to provide approximately 33.5 acres of parkland. The parkland standard would be met through a combination of recreational development proposed by the cumulative projects. For example, just the Newport Banning Ranch project would provide approximately 51.4 acres of parkland and 52.3 acres of open space. Other smaller residential projects would provide recreational amenities for future residents onsite (e.g., Koll Mixed-Use Development would include a one-acre park).. Also, the proposed project would introduce a minor percentage of the overall residential growth expected from the cumulative projects. Therefore, ample parkland would be provided by the projects, and citywide cumulative park impacts would be less than significant.



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### 5.12.5 Existing Regulations and Standard Conditions

#### Existing Regulations

##### *State*

- Quimby Act (California Government Code Section 66477)
- California Public Park Preservation Act of 1971 (Public Resource Code Sections 5400–5409)

##### *Local*

- City of Newport Beach Municipal Code
  - Chapter 19.52 (Park Dedications and Fees)
  - Chapter 11.04 (Parks, Park Facilities, and Beaches)

#### City of Newport Beach Standard Conditions of Approval

There are no specific City-adopted standard operating conditions of approval related to recreation that are applicable to the proposed project at this time; however, project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.) subsequent design, and/or construction process.

### 5.12.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.12-1.

### 5.12.7 Mitigation Measures

No mitigation measures are required.

### 5.12.8 Level of Significance After Mitigation

Impacts would be less than significant.

### 5.12.9 References

Department of Finance (DOF). 2015, May. E-1 Population Estimates for Cities, Counties, and the State, January 1, 2014 and 2015. <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>.

Detweiler, Laura (director). 2016, March 30. Questionnaire Response and E-mail Correspondence. City of Newport Beach Department of Recreation and Senior Services.

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